

Protecting the Most Vulnerable:

Linking Research and Action for Occupant Protection: Kids with Impaired Drivers

Lifesavers Conference, March 14, 2022

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SafetyBeltSafe U.S.A.

www.carseat.org 800/745-SAFE



Under the Radar

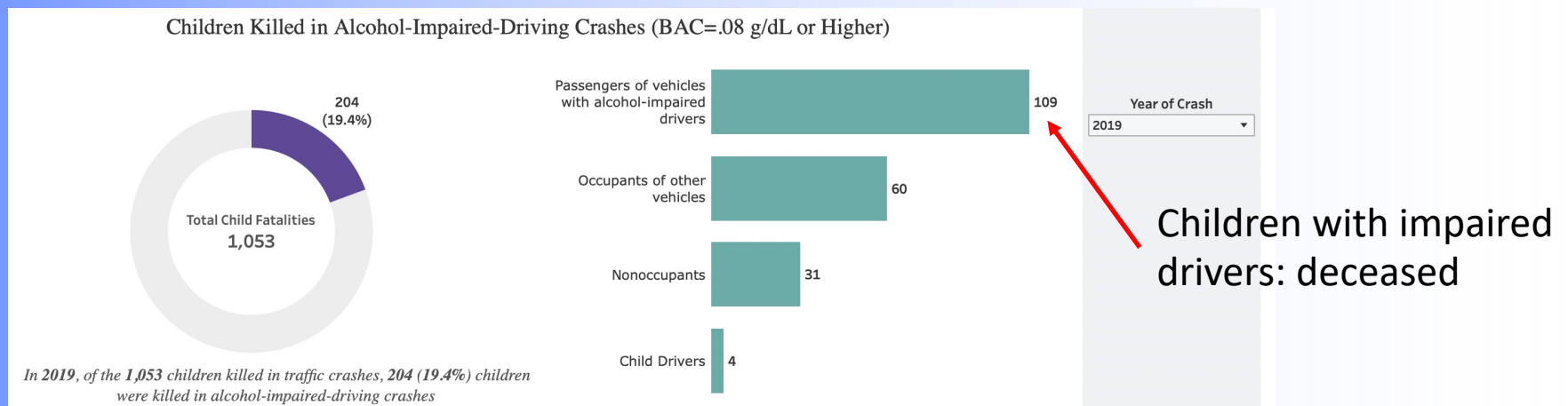
Kids with Impaired Drivers: Unprotected Occupants

1. The Problem: Statistics and Risks
2. Original research by pediatrician Kyran Quinlan in 2000.
3. Approaches to Resolution:
 - Educating professionals, especially CPS Technicians
 - Engaging the public
 - Looking at laws

DUI and Children: What do we know?

Latest statistics on child deaths from impaired-driver crashes (NHTSA, 2019):

- Of 1053 children who died, 19.4% (204) died in an impaired-driver crash.
- Of 204 children 15 and under, 53% (109) were riding **with the impaired driver**. 2% were driving.

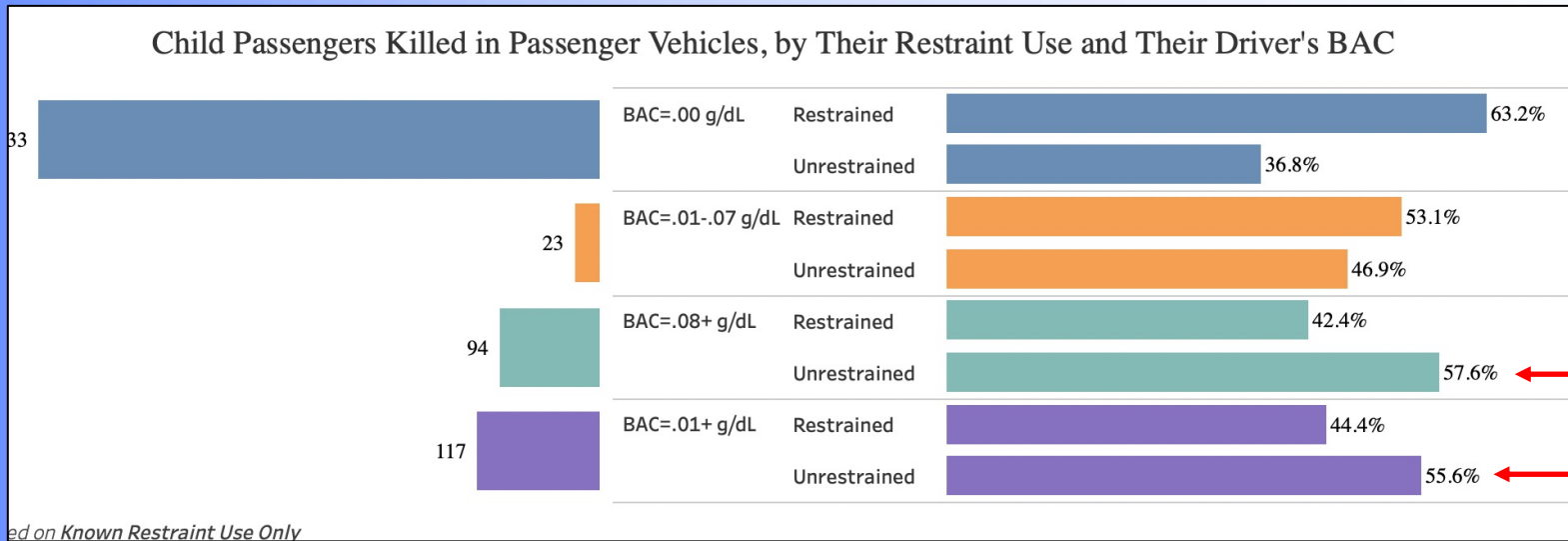


https://explore.dot.gov/views/DV_FARS_CD/Alcohol

DUI and Children: What do we know?

Latest statistics on child deaths from impaired-driver crashes (NHTSA, 2019):

Restraint non-use: when driver not impaired: 37%; when driver impaired: 58%.



Unrestrained:
child
deceased
with driver
BAC above
legal limit

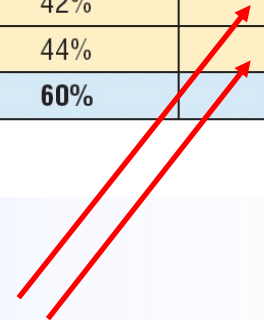
DUI and Children: What do we know?

Child Passengers Killed in Passenger Vehicles, by Their Restraint Use and Their Driver's BAC, 2019

Driver's BAC	Child Restraint Use						Total		Percent Based on Known Child Restraint Use	
	Restrained		Unrestrained		Unknown				Restrained	Unrestrained
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Restrained	Unrestrained
BAC=.00 g/dL	337	57%	196	33%	60	10%	593	100%	63%	37%
BAC=.01-.07 g/dL	12	49%	11	43%	2	7%	24	100%	53%	47%
BAC=.08+ g/dL	40	38%	54	51%	11	11%	106	100%	42%	58%
BAC=.01+ g/dL	52	40%	65	50%	13	10%	130	100%	44%	56%
Total	389	54%	261	36%	73	10%	723	100%	60%	40%

Source: FARS 2019 ARF

Note: Percentages are computed based on unrounded estimates.



Children in a vehicle with an impaired driver are more likely to be unrestrained.

This is an occupant protection issue.

Under the Radar: DUI & Children

A Striking Example

- San Bernardino County Deputy in CA sees woman driver strike parked car at 8 pm.
- Kids, ages 7, 2, & 1 plus second adult, were in car.
- Driver, arrested for DUI, will be charged with child endangerment.



Striking facts:

- Another adult let her drive.
- Her faculties were impaired enough to strike another vehicle in a parking lot.

DUI and Children: What do we know?

- Estimated 46 – 102 million drunk driving trips with child passengers every year (MADD).
- 50% – 75% convicted DUI drivers continue to drive on suspended license.
- Significant reduction 1982 – 1997; progress since stalled.
- **KIDS CANNOT SAY, FRIENDS ASK FRIENDS NOT TO DRIVE DRUNK, NOR GET OUT OF THE CAR.**

Focus: DUI & Children

Child Passenger Deaths Involving Alcohol-Impaired Drivers

K. Quinlan, R. A. Shults & R. A. Rudd

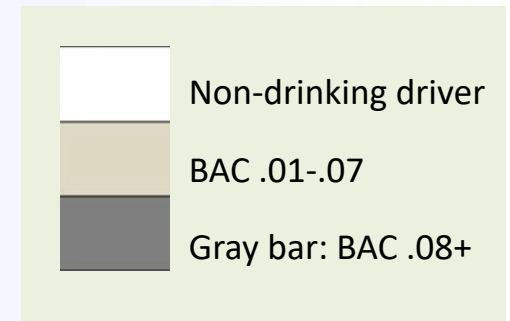
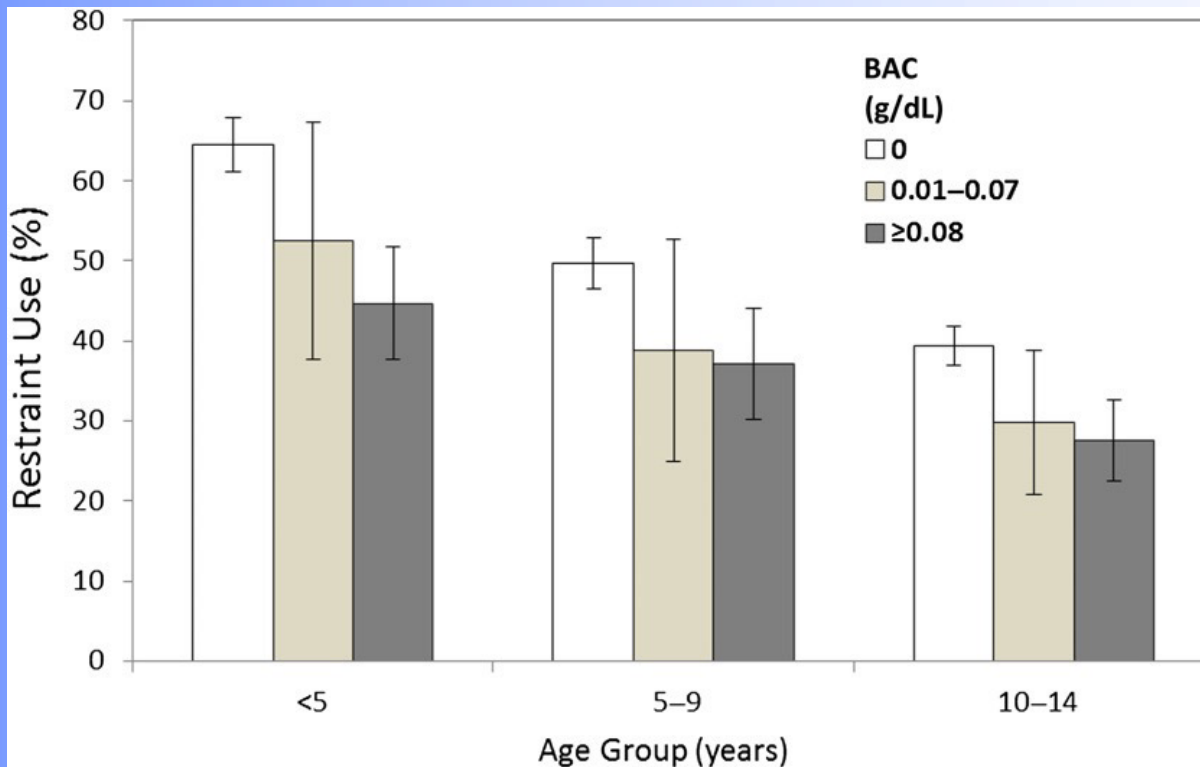
Pediatrics 2014;133; 966

- **In the cars in which children died, 71% of drivers lived** – the majority of these crashes were survivable.
- **BAC** ranged from .08 to .59, with a median of .15.
- **Driver characteristics** (compared with non-drinking drivers in fatal crashes): male, with DUI conviction within 3 years, no valid driver's license, & unrestrained themselves... **BUT women comprise over 1/3 of impaired drivers in crashes killing children.** Abuse of prescription medications also much higher in young women than young men.
- **Crash characteristics:** typically evening/night, single-vehicle.

Focus: DUI & Children

Child Passenger Deaths Involving Alcohol-Impaired Drivers

Restraint use by age group and drivers' BAC level.



Focus: DUI & Children

Good news – tempered:

- Over the 10-year period, overall child passenger deaths and alcohol-related child-passenger deaths declined 44% and 41% respectively but since 2020, deaths are going up.
- Motor vehicle occupant deaths: down 30% but now up 18%.

Focus: DUI & Children

Ongoing, sad news:

- However... DUI remains a significant cause of child fatalities.... and the effect of legalizing cannabis use is not yet known.

Lancaster: 4-year-old ejected & killed at 3 a.m.

Father had cannabis, meth pipe, alcohol in car. Crossed to wrong side, hit ambulance.

Common features: child unrestrained; father survived.



Focus: DUI & Children

What is being done now?

- Interlocks – but only 28% of drinking drivers have them, & long-term effectiveness not demonstrated.
- Here is a photograph of an interlock device, usually required by a judicial agency.



Focus: DUI & Children

What is being done now?

- 42 of 51 jurisdictions specifically address DUI-child endangerment in statutes (enhanced penalties or separate offenses) – but:
 - ✧ penalties are often reduced in plea deals.*
 - ✧ no significant relationship in strength of DUI-child endangerment laws and number of child fatalities in DUI crashes (Thomas et al, 2014).
 - ✧ 50 – 75% of convicted drunk drivers continue to drive on a suspended license (Peck et al, 1995).

* 2021 study shows only 10% charged with DUI felony & 11% with DUI misdemeanor ALSO got child endangerment charge.

DUI & Children: what is being done?

New York's Leandra's Law: a national model for DUI Child Endangerment Law?

- Comprehensive DUI child endangerment law enacted in N.Y. in 2009.
- Felony to drive drunk with child passenger in vehicle.
- Key provisions:
 - ✧ 1st time offenders: may be charged with class E felony (up to 4 yrs in prison).
 - ✧ BAC .08 or greater – automatic suspension of license pending prosecution.
 - ✧ All drivers convicted of misdemeanor or felony DWI (regardless of whether child in vehicle) must install and maintain ignition interlock for at least 6 months in addition to any prison term.
 - ✧ Causing death of a child through DUI – Class B felony (up to 25 yrs in prison).
Causing injury – Class C felony (up to 15 yrs in prison).

DUI & Children: What more can be done?

- Strengthen DUI laws to similar standard as New York.
- Enforce robustly, charge properly, and prosecute effectively.
- Education programs (incl. judicial education programs) bringing the attention of families and professionals to this ongoing problem.
- Many professionals working with families do not know that adults the age of parents cause child deaths by driving impaired with child in vehicle.

DUI & Children: what more can be done?

- Refer to child protective services; investigate thoroughly.
- Courts to support divorced and separated parents in making safe transport arrangements and protect children when parents are driving impaired.
- Establish a habit in the child of buckling up from the beginning; teach children to buckle themselves up as early as possible.
- Encourage local media to report cases and highlight the general issue.

DUI & Children: What can be Done

On December 31st, Jonathon Apricio, 8, died when his mother, impaired, ran through a STOP sign and hit a large power pole. His father Jose is devastated by the action of his ex-wife but was quoted.

"Have fun, but don't drink and drive," he said. "There are consequences to that. Unfortunately, we paid the ultimate price right here."

A newly visible champion: California Highway Patrol Sgt. John Tyler of Visalia, CA, who investigated:

"Be courageous. Don't be afraid to say something before your loved one gets behind the wheel and drives under the influence of any substance for that matter," said Sgt. Tyler.

The effort is just beginning; we'll keep you posted.

DUI & Children: What can be Done

National Passenger Safety Week: inaugurated January 2022. We Save Lives is major force.

Founder: Candy Lightner

Focus: Courage to Intervene to empower passengers to share a message of caring to prevent the impaired from driving is their thrust.



"Courage to Intervene Promise"

I will stop my friends and loved ones from driving drugged, drunk or distracted whenever possible.

I will not ride with anyone who is drugged, drunk or distracted,

I will encourage others to do the same.

I will have the Courage to Intervene

Because I care . . .

DUI & Children: what is SBS USA doing?

California Strategic Highway Safety Plan, Alcohol and Drug Impaired Driving Challenge:

In fall 2021, the California SHSP adopted an Action Item:

Phase I: Development of messaging for the general motoring public to raise awareness regarding the presence of children in vehicles with impaired drivers. The Action Lead will work with Idea Engineering to develop and focus-group test the public messaging. Messaging will be provided in a digital format for display in DMV

We invite CPS Technicians and Instructors to join us in outreach to professionals and the public to sound the alert and stimulate appropriate intervention.

Focus: DUI & Children

From a 2011 report on community locations related to alcohol risk by Fried Wittman, PhD

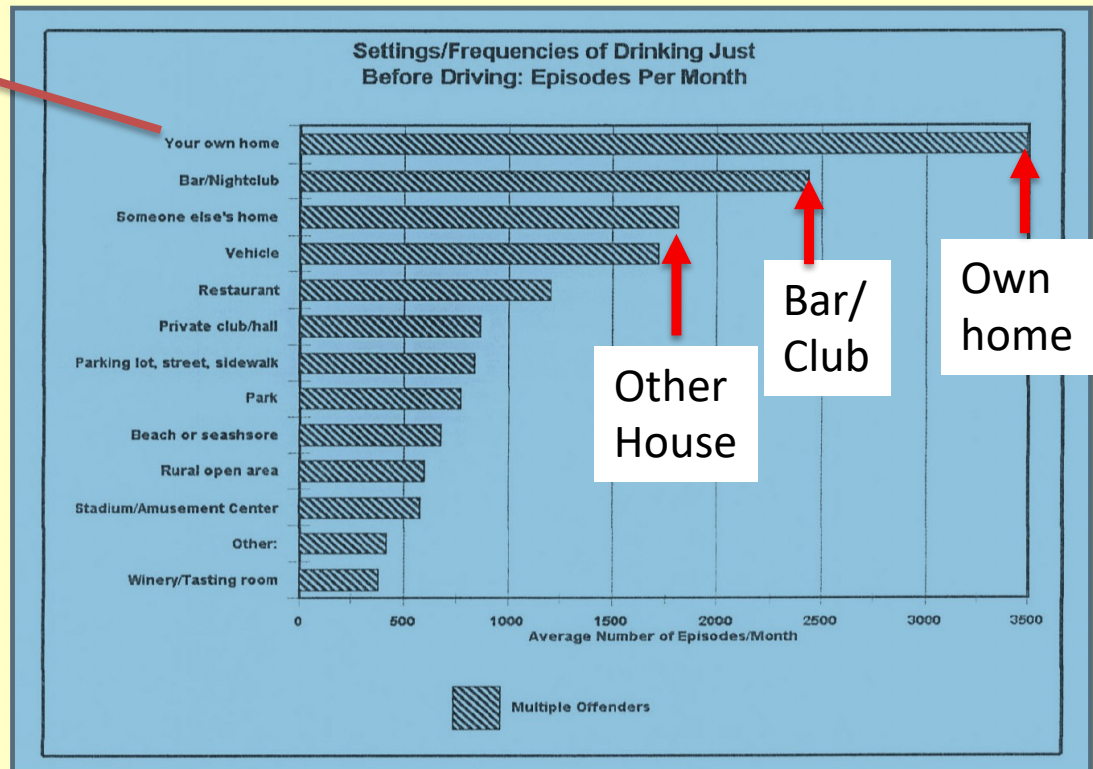
Reported to SHSP Committee.

Note most common location where had final drink before driving under the influence (DUI): **home**.

Where are children based?
HOME.

Responsible Beverage Service Training Documentation of DUI Risk - V

Santa Clara County Place of Last Drink (POLDD) Study
(CLEW Associates, 2002)

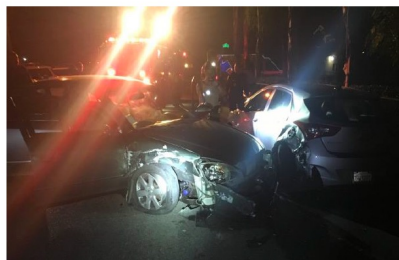


DUI & Children: what is SBS USA doing?

Consider using our flyer: Under the Radar: #1 is on our list of Resources at [www.carseat.org/SBS Handouts & Resources](http://www.carseat.org/SBS%20Handouts%20&%20Resources).

Under the Radar: A Few Facts About Child Passengers and Impaired Drivers

- 22% of child passengers killed are caught up in crashes that involve impaired drivers.
- Of these children, most are riding **with the impaired driver** (between 51% and 68% depending on the data source and year).
- Of those for whom restraint data were available, 48% were unrestrained.
- Effective strategies are urgently needed to protect children at risk.



Link to www.carseat.org YouTube to add this 3-minute video to your Website.



SafetyBeltSafe U.S.A.

www.carseat.org

Further Information

SafetyBeltSafe U.S.A.
27943 Seco Canyon Road, #301
Santa Clarita, CA 91350
800/745-SAFE ♦ 800/747-SANO
www.carseat.org

Founded in 1980

The national non-profit solely focused on child passenger safety.



Focus: DUI & Children

- January 9, 2022: Another typical case.
- Heavily intoxicated woman driving wrong way on Utah interstate at 2 am. Strikes large truck.
- 11-year-old daughter dead; 9-year-old ejected and critically injured. Both restrained in safety belts.



- Driver: barely injured. Reflects data described in scientific literature.
- Woman driver much more common in impaired driver crashes with children in the car than in other impaired driver crashes.
- Driver lives, child dies: like 71% of cases.
- Example of both kids with impaired driver and lack of booster to position belt correctly on 9- and 11-year-olds.

CPS News: DUI crashes

A Day of Headlines

Woman sentenced to prison for DUI crash that killed her 12-year-old son

BREAKING
Lompoc man sentenced to 4 years of probation in DUI-related death of 1-year-old son

Dec 15, 2021 Updated Dec 21, 2021

Dad Abandons 10-year-old with Broken Leg After Fleeing From Grisly DUI Crash: Police

Police: drunk driver crashed, dropped injured son off at store

CPS News: DUI is DEADLY for Children

- 2 children, 3 adults killed in 3/12/21 crash in San Joaquin County.
- CHP Stockton Officer Ruben Jones said impaired driving is likely a factor, tragedy was completely preventable.
- Children and one adult in the back seat were not wearing safety belts; 10-year-old, not in car, is now orphaned.



- Rachel Zerbo, Safe Kids Coordinator, San Joaquin County: 65 injured, 3 dead, under 8 with no restraints in 5 years.

Focus: DUI & Children

Example of Restraint Effect

Intoxicated driver and 8-month-old survived **unscathed**.

Both woman and child passenger lost in the river.

Probably 8-month-old in seat; older child probably unrestrained.

Woman and boy missing in river after crash; driver arrested

Seattle Times staff

Search and rescue crews scoured the Snoqualmie River near Fall City on Sunday for a woman and an 8-year-old boy, both of Carnation, missing and presumed dead after the driver of the vehicle they were in lost control during a turn. The vehicle left Southeast Fall City-Snoqualmie Road and rolled into the water shortly before 2 a.m.

The driver, a 35-year-old Carnation man, was arrested on suspicion of driving under the influence of drugs or alcohol and could face charges of vehicular homicide, according to Washington State Patrol Trooper Rick Johnson.

The driver was able to rescue another passenger, an 8-month-old girl. Neither the infant nor the driver were physically injured, according to a State Patrol incident report.

Water rescue teams from the Fall City Fire Department, Eastside Fire & Rescue and the King County Sheriff's Office had boats in the river within 20 minutes of the early morning crash, according to sheriff's spokesman Sgt. Tim Meyer. The search area, near Fish Hatchery Road east of Fall City, includes water depths up to 20 feet, Meyer said.

Crews expected to search until just after sunset Sunday and resume searching Monday morning in what is now considered a recovery mission, Meyer said.