

# FATIGUED AND DISTRACTED DRIVERS

Prepared by Judge C. Victor Lander  
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Presented by:

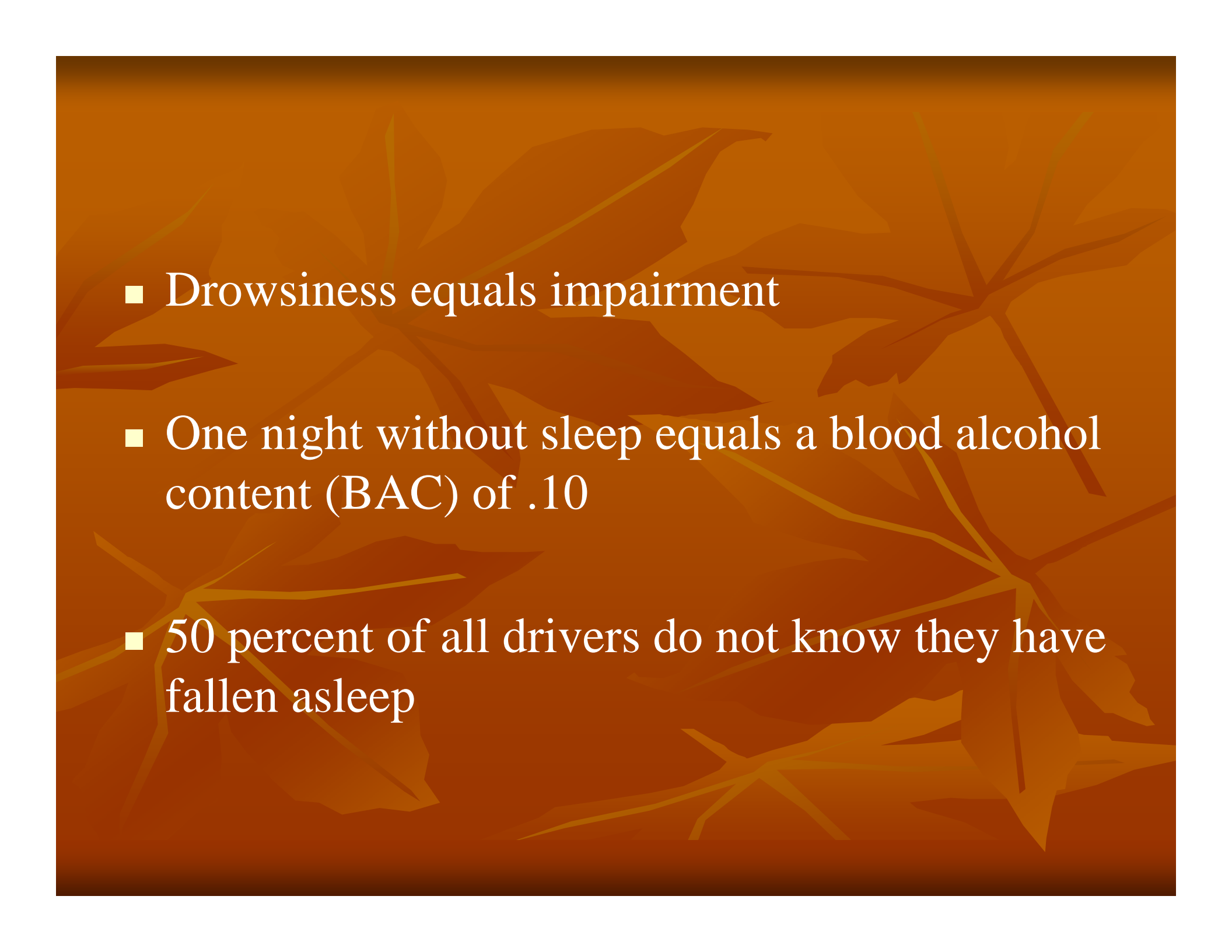
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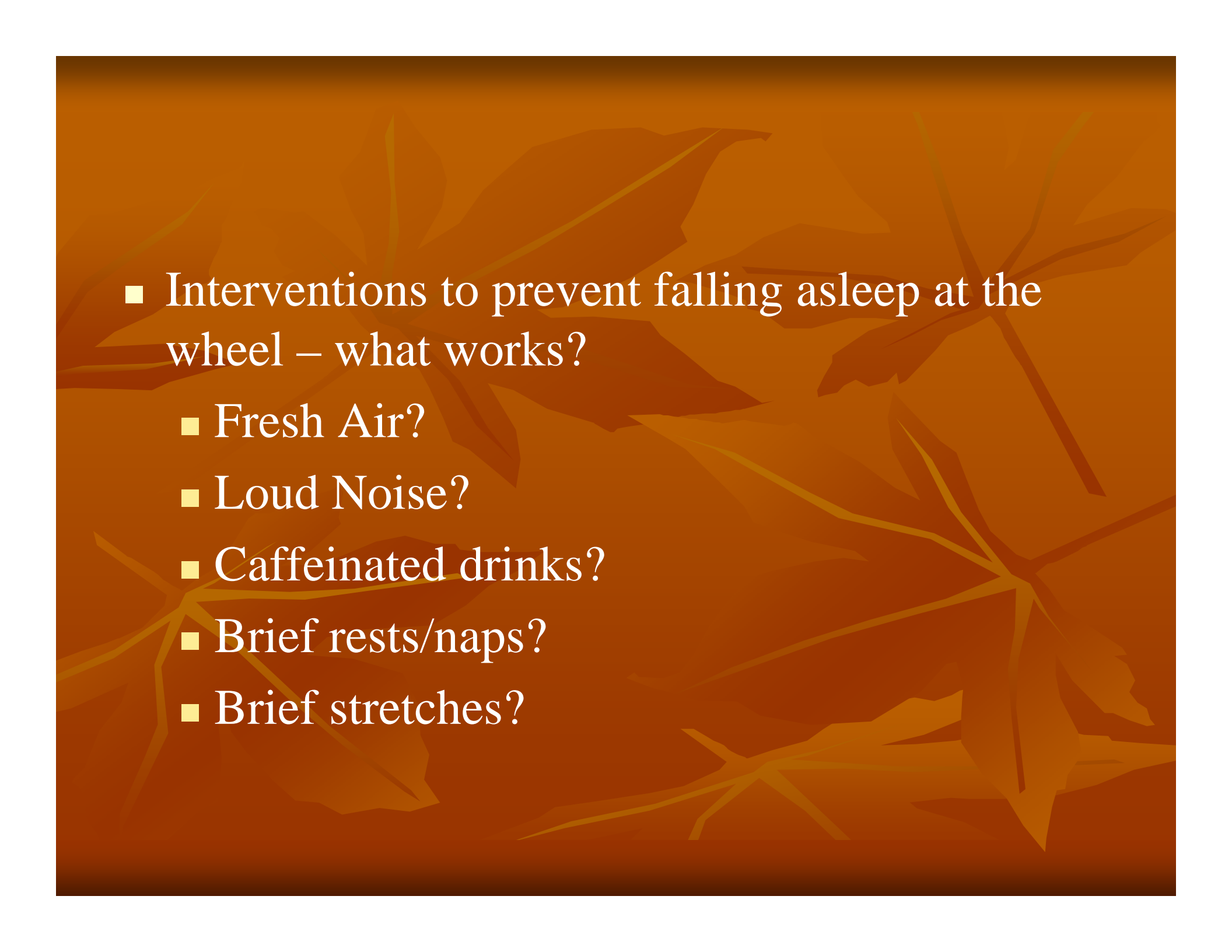
# After this Session, you will be able to:

- Appreciate the seriousness of the ongoing debate regarding fatigued and distracted driving, and the socio-economic impact of fatigued and distracted driving.
- Describe the way in which fatigue and distraction impair safe driving;
- Discuss different jurisdictional approaches to addressing these behaviors; and
- Discuss how prosecutors' awareness of these issues can help improve public safety.

# The Drowsy Driver

- Drowsiness increases a driver's risk of crashes and near-crashes by a factor of \_\_\_\_\_
- Crashes by drowsy drivers are unreported and underreported, according to \_\_\_\_\_
- What are the warning signs of drowsiness?

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- The background of the slide features a pattern of overlapping autumn leaves in various shades of brown and orange, set against a darker brown gradient background.
- Drowsiness equals impairment
  - One night without sleep equals a blood alcohol content (BAC) of .10
  - 50 percent of all drivers do not know they have fallen asleep

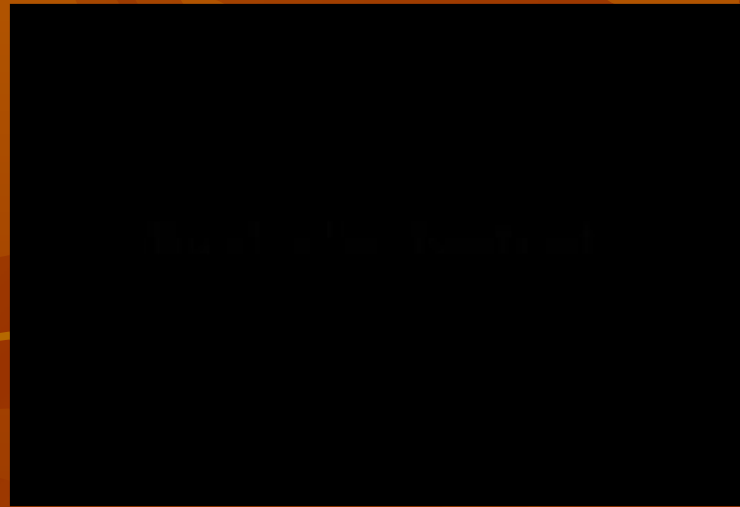
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- The background of the slide is a solid dark brown color with a faint, stylized pattern of autumn leaves in various shades of brown and orange. The leaves are scattered across the frame, some overlapping, creating a textured, seasonal aesthetic.
- Interventions to prevent falling asleep at the wheel – what works?
    - Fresh Air?
    - Loud Noise?
    - Caffeinated drinks?
    - Brief rests/naps?
    - Brief stretches?

- **NONE OF THE ABOVE WORKS**
- **SLEEP AND ONLY REAL SLEEP**  
will reduce drowsiness
- When tired, the brain will seize sleep in 1, 2, and 3 second intervals – even while you are driving (micro-sleeps)

# Discussion Questions

- Is a crash caused by alcohol-induced impairment a more serious crime than a crash caused by fatigue-related impairment?
- How should the law treat a sleep impaired driver?
- What are the commonalities between sleep and alcohol impairment?

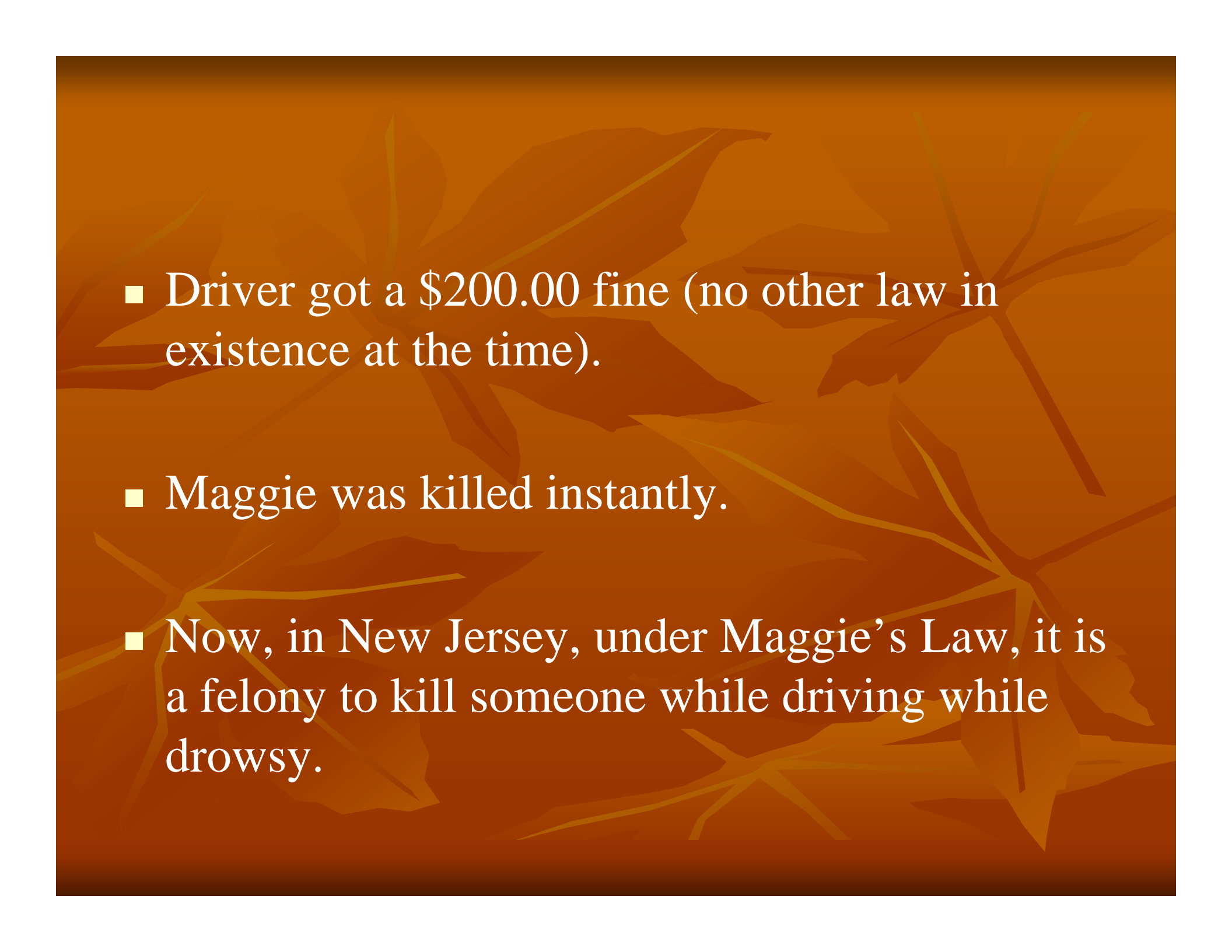
# Rusty's Regret





# Maggie's Law

- Maggie was 20 years old, in college, heading for work when she was killed.
- Driver swerved across a New Jersey state highway, crashed head on into Maggie.
- Driver had been awake for 30 hours, gambling at casinos, had a trace of crack in his system

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- The background of the slide is a solid dark brown color with a pattern of lighter brown, stylized autumn leaves scattered across it. The leaves have prominent veins and are in various orientations, some overlapping.
- Driver got a \$200.00 fine (no other law in existence at the time).
  - Maggie was killed instantly.
  - Now, in New Jersey, under Maggie's Law, it is a felony to kill someone while driving while drowsy.

# Tom and Jane



# Drowsy Shift Workers

- Drowsy driving is not limited to nighttime
- Night Shift and “Swing Shift” workers are always susceptible
- Statistics on drowsy shift workers literally nonexistent
- The law does not punish sleepy drivers
- How critical is this?

# Kevin's Dad



# The Distracted Driver

- Sources of Distraction
  - Change the radio station/Put in CD
  - Deal with the child in the back seat
  - Intense conversation (argument/discussion)

The background of the slide features a pattern of overlapping autumn leaves in various shades of brown and orange, creating a textured, naturalistic backdrop.

- Categories of Distraction

- Visual

- Auditory

- Biomechanical

- Cognitive

- The single most common distraction is:

- **THE CELL PHONE**



# Cellular Telephones and Cars

- People driving while on their cell phones are **4 times** as likely to be involved in a crash
- Talking or Listening on the cell while driving – the numbers are the same (**4 times greater**)
- Dialing Cell – much more dangerous, since it requires looking at the keys, but occurs less often than talking or listening

# Laws Limiting Cell Phone Use

- Driving w/ handheld cell banned entirely:
  - CA, CT, NY, NJ, UT, WA, DC
- Localities can ban cell phone use:
  - IL, MA, MI, NM, OH, PA
- Localities prohibited from banning cell use:
  - FL, KY, LA, MS, NV, OK, OR, UT

- Cell phone prohibited while driving school bus
  - AZ, AR, CA, CT, DE, IA, IL, KY
  - MA, ME, NJ, NC, RI, TN, TX, VA, DC
- Cell phone use restricted for teens
  - CA, CO, CT, DE, IL, MN, NE, ME, MD,
  - NJ, NC, OR, RI, TN, TX, VA, WV, DC
- Certain Local Jurisdictions Can Now Regulate Cell Phone Use
  - New Dallas Ordinances
  - Other Cities in Texas

- All but 4 states with cell phone bans or restrictions have primary enforcement laws
  - NJ, secondary for all but school bus drivers and learners permit holders
  - CO, MD, and WV secondary law (only enforced when driver stopped for something else)

# Your Awareness

- Why do prosecutors need to know these statistics?
- What should prosecutors do with this information?
- What is the prosecutorial responsibility for education of the public on this subject?
- What is your responsibility as a prosecutor, if any, regarding modification of the law as it is applied to those driving while drowsy?

# THANK YOU FOR YOUR ATTENTION

You may call or email me at any time:

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