

11840 SENATE JUDICIARY

## Alaska Seat Belt Cost Analysis EXECUTIVE SUMMARY

### OBJECTIVES

An average of more than 39,000 Alaskans are involved in motor vehicle crashes every year. It is an expensive and painful problem with no single cause. For the citizens of Alaska, the medical costs alone are estimated to be over \$14.5 million per year, while property damage and long-term disabilities add millions more to this figure. Alaskans pay a significant portion of these costs through publicly funded programs.

It is well documented that wearing a seat belt significantly reduces the severity of injury and decreases the risk of death in a motor vehicle crash. The *Alaska Seat Belt Cost Analysis* attempted to quantify the medical costs associated with restrained and unrestrained occupants involved in motor vehicle crashes and the sources of payment for these hospitalizations.

### RESULTS

With data supplied by the Alaska Department of Transportation and Public Facilities and the Alaska Trauma Registry (ATR), a thorough analysis of the health care costs to treat restrained and unrestrained vehicle occupants was undertaken. The data covered the years 1996 through 1999.

The study revealed that the decision not to wear a seat belt has economic consequences for everyone:

- ✓ During the time period analyzed, medical costs for those who were not wearing a seat belt at the time of the crash totaled \$13 million. Of this amount, 50% was paid with public funds.
- ✓ Victims of crashes in Alaska spent a cumulative average of 2,672 days in the hospital each year. The majority of these individuals - 58% - were unrestrained at the time of the crash.
- ✓ Medicaid costs to treat 83 crash victims under the age of 20 totaled \$1.6 million.
- ✓ Post-hospitalization care for victims of motor vehicle crashes is also expensive. Nineteen crash survivors were placed in "skilled nursing facilities" at a cost of \$1 million, of which 77% was paid by public sources. Of those 19 individuals, 13 were not wearing a seat belt at the time of their crash.

More than \$2.6 million in public funds is spent each year to care for unbuckled victims of motor vehicle crashes, and these are just the documented economic costs. Death and long-term disabilities involving the brain or spinal cord take their own toll on individuals and families and are very difficult to quantify.

### CONCLUSIONS AND RECOMMENDATIONS

The *Alaska Seat Belt Cost Analysis* makes a compelling economic case for the use of seat belts. The most recent observational survey of seat belt use conducted in July 2003 showed that Alaskans are buckling up at a rate of 78.9%. While higher than previous years, there is a substantial segment of the population who is still not wearing a seat belt. Introduction and implementation of programs and public policies to encourage seat belt use will result in fewer injuries and deaths, ultimately reducing the financial burden on the taxpayers of Alaska.

# Alaska Seat Belt Cost Analysis

Alaska Injury  
Prevention Center



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## Introduction

Motor vehicle crashes are the leading cause of death for Americans between the ages of 2 to 33 years.<sup>1</sup> Every 13 minutes, someone in America dies in a traffic crash, and every 10 seconds, someone is injured.<sup>2</sup> Each year in the U.S., traffic crashes claim about 42,000 lives and result in approximately three million injuries. These crashes cost every person in the U.S. an average of \$820 each.<sup>3</sup> The financial costs are minor compared with the pain and suffering of the victims or the loss of a loved one.

According to the National Highway Traffic Safety Administration (NHTSA), in the year 2002, 42,815 people were killed in motor vehicle-related crashes and 2.92 million were injured. The total cost was \$230.6 billion.<sup>4</sup> NHTSA also reported that failure to wear seat belts led to approximately 9,200 deaths and 143,000 injuries, costing the U.S. economy \$26 billion.

In 1999, Alaska had the highest unintentional injury death rate of all the 50 states. Of these deaths, motor vehicle-related fatalities were over twice as high as the next leading cause.<sup>5</sup> Seat belts are the single most effective safety device in preventing serious injuries and reducing fatalities in motor vehicle crashes. Research has shown that lap and shoulder safety belts, when used properly, reduce the risk of fatal injury to front-seat occupants by 45% and the risk of moderate to-critical injury by 50%. Child safety seats, when used properly, reduced infant fatalities in passenger cars by 71%.<sup>6</sup>

A 1995 NHTSA study, *Safety Belt Use Laws: An Evaluation of Primary Enforcement and Other Provisions*, showed that states with primary enforcement laws have significantly higher safety belt usage than states with secondary laws. Belt use was about 15% higher in the states with primary enforcement laws. Primary enforcement allows a police officer to stop a vehicle when occupants are unrestrained, while secondary enforcement allows for citing the unbelted motorist only if another infraction resulted in the stop.

Given the documented effectiveness of seat belts in reducing fatalities, the severity of injuries in traffic crashes and, therefore, medical costs associated with those injuries, the Alaska Injury Prevention Center decided to investigate the economic implications of unrestrained vehicle occupants involved in crashes.

This report attempts to quantify the hospital costs associated with seat belt use and non-use in Alaska, as well as to determine what portions of those costs are borne by taxpayers. The research was conducted by the Alaska Injury Prevention Center with funding support from the Automotive Coalition for Traffic Safety, Inc.

hospitalized for motor vehicle-related injuries was calculated to be \$43,409.<sup>7</sup> Several studies have estimated the loss of productivity or quality of life costs for various types of injury, but for this analysis only the quantifiable hospital related costs were examined.

Costs attributed to the "general public" included payments from programs such as Medicaid, Medicare, Indian Health Service, military, CHAMPUS (military dependents), and no-pay patients. We could not adequately define uninsured motorists' costs which could also be attributed to public costs.

## Results

Observational surveys completed by the University of Alaska's Institute for Social and Economic Research showed that in the Year 2000, 62% of the front seat occupants of motor vehicles were wearing seat belts. In the Year 2001, 63% of the front seat occupants of motor vehicles were wearing seat belts. These statistically valid surveys represent the driving population of the state and are important when examining seat belt use percentages among motor vehicle crash victims who are injured, hospitalized, or merely involved in a crash.

According to Alaska DOT&PF data from 1998 through 2000, an annual average of 39,613 motor vehicle occupants were involved in traffic crashes, and approximately 62 of these occupants lost their lives each year.<sup>8</sup> Of all the motor vehicle occupants involved in a crash, only 6% reported not wearing a restraint, 66% were wearing a restraint, and 28% had unknown restraint use (see Table 1). When all of the cases with documented restraint use were analyzed separately, 9% were reportedly not wearing a seat belt, while 60% of the fatalities were unrestrained.

**Table 1**  
**Alaska Seat Belt Use (DOT&PF Data)**  
1998, 1999, 2000 Combined and Averaged

	All Motor Vehicle Occupants	All Occupants Where Seat Belt use Documented	All Fatalities	Fatals Where Seat Belt use Documented	Major Injuries	Minor Injuries	No Injuries
No Restraint	6% (7,641)	9%	54% (34)	60%	37%	15%	5%
Restraint Used	66% (77,936)	91%	37% (23)	40%	49%	74%	65%
Unknown Use	28% (33,263)		9% (5)		12%	11%	31%
<i>Annual Average</i>	39,613		62				

<u>Severity</u>	<u>Descriptor</u>	<u>Cost per Injury</u>
AIS 1	Minor	\$ 5,000
AIS 2	Moderate	\$ 40,000
AIS 3	Serious	\$ 150,000
AIS 4	Severe	\$ 490,000
AIS 5	Critical	\$1,980,000
AIS 6	Fatal	\$2,600,000

When correlating the AIS scores with seat belt use in Alaska, 60% of the patients with the lowest score of AIS 1, were wearing restraints at the time of their crash. The most severely injured patients, having scores of AIS 5, had the lowest percentage of restraint use at 45%.

Post-hospitalization costs are substantial, but difficult to measure. The most severe non-fatal cases are discharged to "skilled nursing" facilities which typically require round-the-clock monitoring. Of the patients discharged to skilled nursing, 13 had been unrestrained and 6 were restrained during the motor vehicle crash. The hospital costs for these 19 patients before they were discharged were nearly \$1 million, of which 77% was derived from public sources. Unfortunately, it was impossible to track post-hospitalization costs.

### Costs

The costs for hospitalized motor vehicle occupants in Alaska were analyzed by the source of payment data in the ATR. These costs are not considered to be complete, since some of the costs are billed by sources outside of the hospital, such as medical specialists, chronic care facilities, pharmacies, medical and prosthetic equipment companies, etc. Generally, costs were paid by one or more of the following sources: motor vehicle property and casualty insurance, private health and medical insurance, CHAMPUS insurance for military dependents, military branches, Medicaid, Medicare, IHS for Alaska Native beneficiaries, and workers compensation insurance.

The Alaska Department of Health and Social Services, Section of Community Health and EMS recently completed a research project that analyzed injuries among Medicaid-eligible youth ages 0-20.<sup>9</sup> The report compiled hospital costs for various types of injuries for the years 1995-1999.

Motor vehicle occupant injuries are the most expensive injury category for Medicaid. During the four-year period, there were 83 Medicaid-eligible Alaskans who were 0-20 years old and involved in motor vehicle crashes.

**Table 5**

**Public Costs for Alaska MV Hospitalizations**

1996 - 1999

	Total Costs	Total Cases	Average Costs per Case	% of Total
No Restraint Used	\$6,514,907	181	\$35,994	69%
Restraint Used	\$3,226,035	263	\$12,266	31%

There is well over \$2.6 million dollars spent each year on beneficiaries of public programs who are hospitalized for motor vehicle-related injuries. This number excludes the very costly pedestrian and bicycle victims injured by motor vehicles.

**Conclusions**

A substantial body of research demonstrates that seat belt use greatly reduces the number of traffic crash-related fatalities and the severity of injuries. In general, the more severe the injury, the less likely it will be that the individual was buckled up. The *Alaska Seat Belt Cost Analysis* shows that restraint use or non-use also affects the number of hospitalizations, length of stay in the hospital, and the overall cost of hospitalizations for motor vehicle occupants involved in crashes.

The analysis also shows that 44% of motor vehicle crash-related hospital costs are borne by the citizens of Alaska. Close to 40,000 vehicle occupants are involved in traffic crashes each year in Alaska. More than \$2.6 million dollars is spent each year for beneficiaries of public programs who are hospitalized for motor vehicle related injuries. Thus, the decision to wear or not wear a seat belt is not just a matter of personal choice, but a decision that has economic implications for all Alaskans.

This study only analyzed hospitalization costs of vehicle occupants involved in crashes. For those suffering some types of injuries, including those to the brain and spinal cord, long-term care and rehabilitation costs vastly exceed the initial hospitalization costs. Thus, the total cost to the public is significantly higher than those documented in this study.

Fortunately, seat belt use in Alaska is on the rise. The most recent observed seat belt use survey found that belt use was 78.9% in 2003 up from 66% in 2002. Still, experience from other states and Canada suggests that the largest reductions in

Sixth Report to Congress  
Fourth Report to the President

**The National Initiative for Increasing  
Safety Belt Use**

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Prepared By

The National Highway Traffic Safety Administration — U.S. Department of Transportation

## **Overview of the *Buckle Up America* Campaign**

### **National Goals**

- To increase the national safety belt use rate to 78 percent by the end of 2003.
- To reduce the number of child occupant (from birth to age 4) fatalities by 25 percent by the end of 2005 (using the 653 fatalities in 1996 as a baseline).

### **Four-point Plan**

- Enact strong legislation.
- Maintain active, high-visibility law enforcement.
- Build public-private partnerships.
- Conduct well-coordinated, effective public education.

### **This Report**

The following report is submitted in response to Executive Order 13043 and the House and Senate Appropriations Committees' directive to the Secretary of Transportation and the Administrator of the National Highway Traffic Safety Administration (NHTSA) to keep the President and the Committees apprised of the activities of the national *Buckle Up America* campaign. This report highlights the activities of the campaign from January 1, 2002, through December 31, 2002.

## The Status Of Occupant Protection In America

**V**ehicle occupants account for 87 percent of all traffic deaths. When used properly, safety belts help prevent deaths and reduce injuries. In 2002, safety belts prevented an estimated 14,164 fatalities, saving more than \$50 billion in medical care, lost productivity, and other injury-related costs. If ALL passenger vehicle occupants over age 4 were restrained in safety belts, an additional 7,153 lives could have been saved in 2002.

### Motor Vehicle Crashes— The Scope of the Problem

In 2001, deaths and injuries resulting from motor vehicle crashes were the leading cause of death for persons of every age from 4 through 33-years-old. On average, every 13 minutes, someone in America dies in a motor-vehicle-related crash, and every 10 seconds, someone is injured. In 2002, traffic crashes claimed 42,815 lives and resulted in nearly 3 million injuries. Each year, crashes lead to about 4 million emergency department visits and 500,000 hospitalizations. Approximately 2 million Americans are disabled by crashes each year.

### Potential Benefits of Safety Belt Use

Increasing the national safety belt use rate from 75 percent (the rate observed in 2002) to 90 percent would:

- Prevent an estimated 4,100 fatalities annually.
- Prevent an estimated 60,000 serious injuries annually.
- Prevent an estimated 50,000 minor injuries annually.
- Save our economy approximately \$11.6 billion annually.

The economic cost-savings cited above are derived from reduced productivity losses, property damage, medical costs, rehabilitation costs, legal and court costs, emergency services costs, insurance administration costs, traffic delay, and reduced costs to employers.

### The Effectiveness of Safety Belts

From 1975 through 2002, safety belts are estimated to have saved 164,753 lives. Research has shown that lap/shoulder belts, when used properly, reduce the risk of fatal injury to front-seat passenger car occupants by 45 percent and the risk of moderate to critical injury by 50 percent. For light-truck occupants, safety belts reduce the risk of fatal injury by 60 percent and moderate-to-critical injury by 65 percent.

Safety belts are 80-percent effective in reducing fatalities in light trucks (including sport utility vehicles [SUVs]) during rollover crashes. They also help prevent individuals from being totally ejected during a crash, thus reducing the risk of a fatal injury. Despite the effectiveness of safety belts in preventing injuries and fatalities, 59 percent of passenger vehicle occupants killed in 2002 were unrestrained.

### The Effectiveness of Child Safety Seats

Child safety seats, when used correctly, are extremely effective in preventing injuries and deaths during crashes. From 1975 through 2002, an estimated 6,567 young lives were saved by child restraint systems. An estimated 376 lives of children under age 5 were saved in 2002 alone. If 100 percent of children younger than 5 years of age were properly placed in child safety seats, an estimated 485 lives (that is, an additional 109 lives) could have been saved in 2002.

Research on the effectiveness of child safety seats has found them to reduce fatal injury in passenger cars by 71 percent for infants and 54 percent for toddlers. For infants and toddlers in light trucks, the corresponding reductions are 58 percent and 59 percent, respectively. In 2002, 459 children younger than 4 years of age were killed in passenger vehicle crashes. Of these fatalities, 185 children (or 40 percent) were totally unrestrained.

infants (1- to 12 months of age) was 85 percent and only about 60 percent of toddlers (1- to 4-years-old) were restrained while riding in vehicles.

In spite of the strides that have been made, the need for ongoing outreach and education remains. NHTSA's 2002 NOPUS surveys also showed that too many young children—15 percent of infants, 10 percent of 1-3-year-olds, and 29 percent of 4- to 7-year-olds continue to be placed in the front seat, which is the most dangerous seating position.

### **Restraint Use Among Older Children**

The odds of injury for children riding in booster seats were 59 percent lower than the risks children face when using safety belts alone, according to a study published in the June 4, 2003, edition of the *Journal of the American Medical Association*. The study, conducted by Partners for Child Passenger Safety (PCPS), a research project at The Children's Hospital of Philadelphia, and supported by State Farm Mutual Automobile Insurance Company, examined insurance claim data from December 1998 through May 2002 concerning 3,616 crashes in 15 States involving 4,243 children. The study also found that none of the 4- to 7-year-olds who were in belt-positioning booster seats had any injuries to the abdomen, neck, spine, and back. Such injuries did occur, however, in children who used safety belts alone.

The PCPS study also found that only 16 percent of 4-year-olds, 13 percent of 5-year-olds, and 4 percent of 6- and 7-year-olds were using booster seats. NHTSA recommends that children who have outgrown child safety seats be properly restrained in booster seats from about age 4 and 40 pounds to at least age 8, unless they are 4 feet 9 inches tall.

### **National Strategy to Increase Booster Seat Use**

In 2002, NHTSA published *National Strategy to Promote Booster Seat Use*, modeled after the four elements of the BUA campaign. That document called for the expansion of current occupant restraint initiatives to: 1) promote the use of booster seats for 4- to 8-year-old children and 2) increase the use of occupant restraints for all children. A major focus of

the strategy is the need to inform the public that the safest occupant restraint for 4- to 8-year-old children is an age/size-appropriate, belt-positioning booster seat.

To obtain national input for developing the strategy, on June 6, 2001, NHTSA announced a public meeting and request for comments in the *Federal Register*. Many of the tools and tactics that shaped the development of the document came from docket comments, along with recommendations obtained during the public meeting.

### **New Rule for the Annual Rating of Child Safety Seats**

During 2002, NHTSA announced issuance of a final rule to begin a program for the annual rating of child safety seats based on their ease of use by consumers. (In early 2003, NHTSA began posting ease-of-use ratings for child safety seats on the agency's Web site.) NHTSA also will publish a brochure listing all of its ease-of-use ratings. Under the new rating system, child safety seats, including booster seats, will each be given an overall "A," "B," or "C" ease-of-use rating. Such letter grades will also be used to rate seats in each of five categories:

- Whether the seat is pre-assembled or requires assembly after purchase.
- Clarity of labeling attached to the seat.
- Clarity of written instructions on the seat's proper use.
- Ease of installation of the seat in a vehicle.
- Ease of securing a child correctly in the seat.

### **Full Implementation of LATCH**

Lower Anchors and Tethers for Children (LATCH) is a restraint system designed to work independently of the vehicle safety belt system and to make it easier to install a child safety seat correctly. Once it has been fully phased in, NHTSA estimates that the LATCH system will eliminate as much as half of the misuse associated with the incorrect installation of child safety seats.

## Strong Legislation—the Key To Saving Lives

**H**aving a strong, well-written safety belt law is crucial to increasing safety belt use. Current recommendations for safety belt laws include the following:

- Provisions for primary enforcement.
- Coverage of all occupants in all seating positions while the vehicle is in motion (unless there is documentation from a physician for physical disability).
- Coverage of all passenger vehicle types, including taxicabs, pickup trucks, vans, SUVs, and cars.
- Penalties of not less than \$50.
- Assignment of points on the driver's license in those States with point systems. (In those States without point systems, not wearing safety belts should be considered a minor moving offense for the purpose of driver's license records).

### The Importance of Primary Occupant Protection Laws

Primary enforcement allows a law enforcement officer to stop a vehicle and issue a citation when the officer observes an unbelted driver or passenger. Secondary enforcement means a citation can be written only after the officer stops the vehicle or cites the offender for another infraction.

Virtually all traffic safety laws—and other laws, for that matter—are primary, except secondary enforcement safety belt use laws. In States with secondary laws, a law enforcement officer can stop a motorist for a burnt-out taillight or an expired license tag, for example, but he cannot stop a motorist for violating the State's safety belt law unless the officer observes another infraction.

Under the *Buckle Up America* campaign, NHTSA provides technical assistance and, upon request, expert testimony to States and national organizations on the benefits of primary occupant restraint laws. These benefits are well documented, as evidenced below.

In June 2002, for the first time, the average safety belt use rate in States with primary safety belt laws was 80 percent, compared with 69 percent in States without primary enforcement laws. Forty-nine States, Puerto Rico, and the District of Columbia have had safety belt use laws since December 31, 2001, but only a third provided for primary enforcement. Increases in safety belt use have been made without a primary safety belt use law, but the greatest gains are possible when a primary law works in conjunction with enforcement, education, and partnership efforts.

An upgrade in a State's safety belt law to primary enforcement will significantly raise safety belt and child safety seat use because increasing adult safety belt use has a significant impact on whether children are appropriately restrained. Observational surveys show that when drivers wear safety belts, children are restrained significantly more often than when drivers are unbuckled.

In 2002, NOPUS found that fully 92 percent of the time when a driver is belted his or her child passengers are restrained. In contrast, when the driver is not wearing a safety belt, children are restrained only 72 percent of the time.

### The National Status of Safety Belt Laws

All States except New Hampshire have an adult safety belt law. (Only children younger than 18 are required to wear a safety belt in New Hampshire.) In 2002, Washington was the only State to pass a primary enforcement law. Primary enforcement legislation was considered by legislatures in Idaho, Illinois, Minnesota, Ohio, Wisconsin, Rhode Island, Vermont, and Maine.

With the passage of its primary law, Washington became the 18<sup>th</sup> State to enact a primary safety belt law by December 31, 2002. The other States with primary laws in effect include Alabama, California, Connecticut, Georgia, Hawaii, Indiana, Iowa, Louisiana, Maryland, Michigan, New Jersey, New Mexico, New York, North Carolina, Oklahoma,

8. Eliminate exemptions and medical waivers because today's child restraint systems can accommodate children with almost any type of physical impairment.

### **States That Amended Their Child Restraint Laws in 2002**

**Illinois:** Illinois's amended child restraint law now requires that a person transporting a child under age 4 secure the child in a federally approved child restraint system.

**Rhode Island:** Penalties were increased for all primary and secondary violations from \$50 to \$75. All references to the back seat were changed to "rear seating position." The exemptions from the rear-seating-position requirement were clarified.

**Maine:** Requires children 4-8 and under 80 pounds to be in a federally approved booster seat (see page 13).

### **Booster Seat Laws**

Colorado, Maine, and Maryland passed booster seat laws in 2002. Colorado's law, which was passed

in June 2002, requires that children who are 4- or 5-years old and less than 55 inches tall be properly restrained in a booster seat or with a child safety-belt-positioning device. Under the new law, children ages 6 through 15 must be properly restrained in a safety belt. The law took effect on August 1, 2003. This effective date was preceded by a year of education before enforcement began. When enforcement began, officers gave warnings, not tickets, to drivers for one year.

Maine made considerable upgrades to its child passenger safety law, including a new booster seat requirement. The new law was passed in April 2002 and took effect January 1, 2003. The law requires that a child who weighs less than 40 pounds be secured in a child safety seat. The new law also requires that a child who weighs 40 pounds to 80 pounds and is under 8-years-old be placed in a booster seat.

Maryland adopted a law requiring that children under age 6 be properly restrained in child safety seats while riding in a vehicle, an upgrade of the State's previous law that includes booster seats. Prior to passage, Maryland law only required children under 4 to use child safety seats. The law passed the Maryland Legislature in April 2002 and was signed into law by the governor in May 2002. The law took effect in October 2003.

### **Support for Primary Laws Among Organizations Representing Diverse Populations**

The Congressional Black Caucus has stated that increasing safety belt use among African Americans is an "urgent national health priority," and the National Urban League has expressed its support for primary safety belt laws. The National Black Caucus of State Legislators and the National Conference of Black Mayors have also expressed support for strong laws that increase safety belt use and include safeguards for uniform enforcement.

Recognizing the contribution that primary laws make to safety belt use among all groups, many minority group legislators have supported primary

law upgrades in their States. Some of these legislators have testified publicly that following their upgrades to primary safety belt laws, they have seen neither backlash in their communities nor evidence of differential enforcement of the new laws.

ASPIRA, a national organization dedicated to the education and leadership development of Hispanic youth, also has expressed its support for primary safety belt legislation. ASPIRA passed a resolution supporting primary enforcement of State safety belt and child safety seat use laws and efforts to promote compliance with such laws.

States and Michigan, who had seen and heard the message during the 2001 mobilizations. Safety belt use among those newly exposed citizens increased by 3.9 percentage points – more than 4.5 million Americans who buckled up in 2002! In contrast, safety belt use in the other 28 States and Puerto Rico rose by less than 1 percentage point.

Ten *Click It or Ticket* States achieved belt use gains in 2002 that were at least 5 percentage points above their 2001 rates. Leading the group were West Virginia (up 19.3 points), Vermont (17.5 points) and Washington (10.0 points). Among States that did not deliver the *Click It or Ticket* message, only Puerto Rico (up 7.4 points) and Minnesota (6.2 points) exceeded gains of 5 percentage points. The three States with the largest losses in belt use from 2001 to 2002 were all non-*Click It or Ticket* messages in the May mobilization. They included Massachusetts

(down 5.0 points), with the message "Please Buckle, It's the Law"; South Carolina (down 3.3 points), with the message "Fasten for Life"; and Wisconsin (down 2.6 points), with the message "Click It, Why Risk It."

In 2002, the data were very clear: when fully implemented, *Click It or Ticket* works! Other messages don't work nearly as well.

### Contrasting the Gains and Losses

As Table 1 shows, heavy enforcement, a clear message, and significant publicity proved to be a winning combination in 2002.

In Table 2, it is clear that an unfocused message, little or no paid media and/or low levels of enforcement may result in safety belt use decreases.

Table 1

State	Gain '01-'02	Message	Citations*	Paid Media*
West Virginia	19.3 percent	Click It or Ticket	1.7	\$135.80
Vermont	17.5 percent	Click It or Ticket	2.1	\$324.15
Washington**	10.0 percent	Click It or Ticket	0.7	\$85.35
Arkansas	9.2 percent	Click It or Ticket	1.2	\$128.70
Hawaii	7.9 percent	Click It or Ticket	3.6	\$95.47
Rhode Island	7.6 percent	Click It or Ticket	0.9	\$27.56
Puerto Rico***	7.4 percent	Si Lo No Usas, No Hay Escusas	10.9	\$9.19

### **An Additional Benefit of Safety Belt Enforcement**

According to the *San Antonio Express-News*, Texas State Trooper Joe Hogue thought he had just another routine *Click It or Ticket* stop underway when he spotted the unbuckled driver of a 2002 Nissan Altima on Interstate 35. Instead, he ended up seizing more than a million dollars. The 59-year-old driver consented to a search of her vehicle, which resulted in Trooper Hogue's discovery of three duffel bags containing \$1,440,000.

### **Indiana's Enforcement Zones—A New Way to Ticket Unbuckled Drivers**

Indiana has successfully used enforcement zones to convince unbuckled drivers that they *will* get a ticket. They are a practical alternative for high visibility enforcement in jurisdictions that don't allow safety belt checkpoints. The concept is as follows:

- Pick a stretch of roadway that has a history of crashes involving unbuckled operators.
- Locate a controlled intersection that has a stop sign or traffic light.
- Station officers, deputies, and troopers at the intersection, and place roadside signage upstream, proclaiming "Enforcement Zone Ahead, *Click It or Ticket*."
- Watch carefully as cars pull up to the intersection, and ticket the unbuckled.

Marion County, Indiana, began pilot-testing Enforcement Zones in 2000. In 2002, they went statewide, with 250 participating law enforcement agencies. Indiana's belt use increased 5 percent over the 2001 level. Enforcement Zones will work anywhere, but Indiana officials strongly recommend that strict guidelines be followed to ensure continuing, maximum effectiveness. These guidelines include:

- Conducting the zones at high-crash and / or low-belt-usage locations.
- Implementing a strong public information and education program.

- Inviting the media to visit the zones to fully inform them why, when, and where the zones are being conducted.
- Stopping only those vehicles in which an officer observes a violation.

### **Buckle Up New York (BUNY)**

Another successful BUNY enforcement wave took place during the *Click It Or Ticket* mobilization in May. All of New York's 572 enforcement agencies committed to participate in the campaign; of the 367 reporting agencies, 275 received funding from the Governor's Traffic Safety Committee and 92 agencies participated and reported even though they received no special funding.

Informal surveys conducted by the New York State Police showed an increase in belt use from a pre-mobilization rate of 85.9 percent to 91.4 percent—the highest use rate ever recorded by the State Police. The State's statewide observation survey (fully compliant with NHTSA's Uniform National Criteria and the Section 157 program) showed belt use increasing from 80 percent to 84.6 percent. In all, 763 checkpoints were conducted statewide, with 3,049 officers working 3,963 hours to support this effort, and 56,554 occupant restraint summonses were issued.

The BUNY campaign used a variety of public information program activities to raise the level of awareness among New Yorkers and increase the perception among motorists that unbelted drivers will be ticketed. These included the influential New York State Broadcasters Association's non-commercial sustaining advertisement (NCSA) program and a limited paid media buy directed at Hispanic cable stations. Another important part of the State's public information outreach was an aggressive earned media campaign that included a press release from the Governor and a tri-State kickoff event at the Empire State Building.

As in the past, in 2002, BUNY promoted safety belt messages to all communities. The campaign was featured at the *African American Family Day* celebration in the capital region, the Hispanic legislators' *Somos El Futuro* conference, and at the many bilingual child safety seat clinics in the State.

**Other Implementation States** - Four States: Colorado, Michigan, Ohio, and Rhode Island conducted campaigns similar to the full implementation States; however, they had limited paid advertisement placement. Among these States, the amount spent on paid advertising ranged from a low of \$27,000 in Rhode Island to a high of \$650,000 in Michigan.

**Comparison States** - Four States: Iowa, New York, Oregon, and western Massachusetts. These States conducted campaigns similar to the full implementation States; however, they did not purchase any advertising.

Safety belt use increased 8.6 percentage points averaged across the 10 *Click It or Ticket* model States. There was a 2.7 point increase averaged across the limited paid media States and only 0.5 point safety belt use increase averaged across the States not using direct advertisement placement. Among the Full Implementation group, increases in safety belt use occurred in all 10 States (both primary and secondary with either high- or low-safety-belt-use baselines). Safety belt use increased in three of the four States that had limited paid media and in two of the four comparison States.

<sup>1</sup> The Texas program centered around the 10 largest cities in the state. An estimated 80 percent of the state's population was covered.

Among the 18 study States, approximately 250,000 safety belt citations were reported during the enforcement period. As Table 4 indicates, the rate of ticketing per resident ranged widely in all three study groups: 9 to 40 per 10,000 residents in Full-implementation States; 5 to 19 in Other-implementation States; and 10 to 36 in Comparison States. Generally, the States with primary safety belt

use laws (AL, IA IN, MI, NY, OR, TX) issued tickets at a greater per-resident rate. Highest ticketing rates included Alabama (31), Indiana (40), and Texas (40) among the Full-implementation States; in Comparison States, New York (36) had the highest ticketing rate.

**Table 4 — sTEP Wave Enforcement Summary**

	Safety Belt Citations	Tickets per 10,000 Residents
<b>Full Implementation</b>		
AL	13,664	31
FL	37,063	23
IL	22,073	18
IN	24,697	40
MS	2,486	9
NV	3,570	17
TX (Ten Largest Cities)	27,260	40
VT	1,304	21
WA	5,505	9
WV	3,104	17
<b>Other Implementation</b>		
CO	3,026	7
MI	5,463	5
OH	21,790	19
RI	1,301	12
<b>Comparison</b>		
IA	3,033	10
NY	9,034	36
OR	5,745	17
West MA	818	24

**Additional Federal Agencies  
Supporting the *Buckle Up America*  
Campaign**

NHTSA continues to work with Federal agencies in addition to the Department of Transportation to promote the *Buckle Up America* campaign. The following agencies continued to support the campaign during 2002:

**Department of Defense (DOD)**—DCD continues to work with NHTSA on all aspects of motor vehicle safety. DOD safety office distributed information about BUA Week and *Click It or Ticket* to the safety offices of each branch of the military.

**Department of Labor (DOL)**—DOL set up a BUA Week display in its Headquarters lobby.

**Department of Housing and Urban Development (HUD)**—At the request of HUD Secretary Martinez, NHTSA staff conducted a child passenger safety presentation and exhibited materials at HUD's 4th National Conference on Resident Involvement in Crime Prevention in San Francisco, California. (This request stemmed from the need to educate residents in public housing about child passenger safety.)

**Occupational Safety and Health Administration (OSHA)**—OSHA began working with NHTSA on the development of a model safety belt program for businesses. NHTSA provided OSHA staff with an overview of CIOT, a safety belt fact sheet, sample safety belt policy, employer checklist for traffic safety, sample employer materials, and information about NETS. As part of the program, OSHA plans to establish a link to the NHTSA web site, co-publish employer traffic safety materials, and post these materials and other information about key traffic safety initiatives on the OSHA web site.

Also participating:

- Centers for Disease Control and Prevention
- Central Intelligence Agency
- Department of Health and Human Services
- Department of the Air Force
- Department of the Army
- Department of Labor
- Department of the Navy
- Department of State
- Department of Veterans Affairs
- Export-Import Bank
- Indian Health Service
- National Aeronautics and Space Administration
- Nuclear Regulatory Commission
- Office of Personnel Management
- Smithsonian Institution
- Social Security Administration
- Tennessee Valley Authority
- The Undersecretary of Defense
- United States Marine Corps
- United States Soldiers' and Airmen's Home
- United States Agency for International Development

## Activities Of Health-Related Organizations

### Ongoing Child Passenger Safety Inspections

Members of the Air Surface Transport Nurses Association (ASTNA) in Charlottesville, VA - partnering with local police, firefighters, EMS workers and the University of Virginia Health System - established an on-going program to conduct monthly child passenger safety inspections. Funds from a NHTSA mini-grant, along with private funding, allowed the nurses to purchase a trailer to store the supplies and materials necessary for conducting the checkpoints. At their first checkpoint event on February 16, 2002, during National Child Passenger Safety Week, they installed 164 seats, noted an 85 percent misuse rate of child safety seats, and gave away 22 new seats.

### Healthy Mothers and Babies Buckle Up

In 2002, the National Healthy Mothers Healthy Babies Coalition adopted child passenger safety as one of its core focus areas for the next five years.

### Permanent Inspection Stations at Hospitals

The American Hospital Association's Society for Hospital Strategy and Market Development received over 50 applications for 10-15 mini-grants to establish CPS fitting stations at hospitals. Awardees were announced during CPS week. Grant recipients include the following organizations: Adirondack Medical Center, Saranac Lake, NY; Baystate Medical Center, Springfield, MA; Grinnell Regional Medical Center, Grinnell, IA; Hennepin County Medical Center, Minneapolis, MN; Jefferson Regional Medical Center, Pine Bluff, AR; Lutheran Children's Hospital, Fort Wayne, IN; Mercy San Juan Medical Center / Catholic Health Care West, Carmichael, CA; Mount Clemens General Hospital, Mt. Clemens, MI; Northeast Alabama Regional

Medical Center, Anniston, AL; Peninsula Regional Medical Center, Salisbury, MD; Pleasant Valley Hospital, Point Pleasant, WV; St. Vincent Hospital, Center for Childhood Safety, Green Bay, WI; Vanderbilt Children's Hospital, Nashville, TN; Wake Forest University Baptist Medical Center, Winston-Salem, NC; and Watertown Area Health Services, Watertown, WI. The total amount to be awarded - \$37,795. Individual grants range from \$500 to \$3,500.

### Emergency Nurse Association (ENA) and Emergency Nurses CARE, Inc. (ENCARE) Support ABC Mobilizations

ENA/ENCARE nurses helped conduct car seat checkpoints and educated parents about the use of child safety restraints during both ABC mobilizations. They also presented information in schools and partnered with law enforcement to educate communities on the dangers of drinking and driving.

### Spanish-Speaking Spokespersons for Child Passenger Safety Week

During CPs Week, the National Hispanic Medical Association (NHMA) provided media-markets for Spanish-speaking audiences.

### Outreach to African American Communities

The National Medical Association developed and distributed community outreach kits on safety belts and child passenger safety to its members. The Association also continued its work with the International Center for Injury Prevention, Heart to Heart, and the National Football League by providing speakers at events directed at African American youth.

## Outreach To Diverse Populations

### Give Kids a Head Start

Meharry Medical College pilot-tested its occupant protection project with the Head Start Program in Nashville, TN. The purpose of the project is to measure the effectiveness of an occupant protection educational intervention designed for parents of Head Start children. The educational intervention includes workshops on the proper use of child passenger and adult occupant restraints. Based on the success of the pilot program, Meharry plans to expand the project nationally with the National Head Start Association.

### Continued Council Support for BUA

At its national convention, the National Council of Negro Women (NCNW) passed a resolution supporting the *Buckle Up America* and Impaired Driving Prevention campaigns. The resolution asked all NCNW sections and chapters of its national affiliates to become involved in safety belt and child safety seat activities in their local communities. After attending the Buckle Up workshop during the convention, representatives from California, New Jersey, Mississippi, and other affiliates expressed interest in working with NHTSA to improve safety belt and child safety seat use within the African American community.

### BUA at the Local Level

The Alpha Kappa Alpha Sorority (AKA) received a \$50,000 grant to continue the promotion of safety belt use in the African American community. The sorority will use most of the grant monies to provide \$200 mini-grants to its 200 chapters. The purpose of the mini-grants is to generate enthusiasm and creativity in customizing BUA campaign materials and activities for local community outreach programs.

### Strap It On!

Black Entertainment Television (BET) and Jack & Jill of America (JJA), with support from NHTSA, conducted a series of high school and college traffic safety forums across the country. The forums were aired live on BET's *Teen Summit* program before an estimated 6 million teen viewers. BET's celebrity talk show hosts, along with youth leaders, facilitated the forums, which included special panels of experts from the fields of law enforcement and emergency medicine. The forums were taped and an educational video, titled *Strap It On*, was developed.

### Community Coalitions for BUA

The National Conference of Black Mayors (NCBM), with support from NHTSA, launched a new initiative—the Community Involvement Project to Increase Safety Belt Use in High-Risk Populations. The purpose of the initiative is to develop community coalitions that will reach high-risk populations with effective measures to increase safety belt use. The initiative was implemented through the provision of mini-grants to local organizations in selected cities.

### More Support for CPS

The National Black Child Development Institute (NBCDI) became a new BUA partner in 2002. To support its emphasis on young children, it implemented a community-based Child Passenger Safety Training Initiative. The initiative provided training and awareness activities on occupant protection to daycare providers, elementary school educators, physicians, and parents in 23 States, as part of November's *Buckle Up America* mobilization.

## Funds Supporting The *Buckle Up America* Campaign

**T**he Transportation Equity Act for the 21st Century (TEA-21) (Public Law 105-178) was signed into law on June 9, 1998. In addition to providing funding for improving America's roadways, bridges, and transit systems, this comprehensive legislation provides funding for increasing safety belt and child safety seat use.

**SECTION 402:** Section 402 of TEA-21 provides funds to States and communities to reduce traffic crashes and resulting deaths, injuries, and property damage. A State may use these grant funds only for highway safety purposes; at least 40 percent of these funds must be used to address local traffic safety problems, including restraint use.

A State is eligible for Section 402 grants by submitting a Performance Plan, which establishes goals and performance measures to improve highway safety in the State, and a Highway Safety Plan, which describes activities to achieve those goals. Section 402 grants are calculated by using the following formula:

1. Seventy-five percent of the grant amount is based on the ratio of the State's population in the latest Federal census to the total population in all States.
2. Twenty-five percent of the grant amount is based on the ratio of the public road miles in the State to the total public road miles in all States.

**SECTION 403:** Section 403 under 23 U.S.C. funds demonstration grants (in addition to other programs) to develop new approaches and strategies to reduce motor-vehicle-related deaths and injuries (see Table 5).

Under Section 403 during FY 2002, NHTSA provided continued funding for a variety of ongoing, previously-awarded grant programs to reach high-risk groups who continue to ride unbuckled, including young drivers, rural residents, sport utility vehicle (SUV) drivers, pickup truck drivers, and ethnically diverse populations. Section 403 funds were also used to target occupant protection

messages and activities to teens, rural populations, diverse populations, children, parents, and caregivers.

**SECTION 405:** Section 405 of TEA-21 created a new incentive grant program to increase the use of safety belts and child safety seats by encouraging States to adopt more effective laws, stronger penalties, and highly visible enforcement and education programs. To qualify for a Section 405 occupant protection incentive grant, a State must demonstrate that it has implemented at least four of the following six criteria:

1. A safety belt law that applies to:
  - a. All front-seat passengers in all passenger motor vehicles (including cars, pickups, vans, minivans, and SUVs) in FYs 1999 and 2000.
  - b. All passengers in all passenger motor vehicles beginning in FY 2001.
2. A standard safety belt law, which allows police to stop vehicles and issue citations based solely on noncompliance with the State's safety belt use law.
3. A minimum fine of \$25 or one or more penalty points on the driver's license of an individual for a violation of the State's safety belt use and child passenger protection laws.
4. A Selective Traffic Enforcement Program (STEP) that covers at least 70 percent of the State's population and combines intensified enforcement, public education, and publicity efforts to increase safety belt and child safety seat use.
5. A comprehensive statewide child passenger protection education program that includes:
  - a. Public information efforts about seating children correctly in airbag-equipped vehicles, the importance of restraint use, and instruction on how to reduce the improper use of child restraint systems. These efforts must reach at least 70 percent of the State's population.

Table 5 — TEA-21 Highway Safety Funding, FY 2002

State	Section 402 Formula	Section 157 Seat Belt Use Incentive	Section 157 Seat Belt Use Innovative	Section 2003b Child OP Education	Section 405 Occupant Protection	TOTAL FY 2002
Alabama	2,585,517	1,346,400	752,147	129,120	363,822	5,177,005
Alaska	760,000	6,000	365,250	37,954	104,725	1,273,929
Arizona	2,490,055	402,300	534,178	124,353	0	3,550,886
Arkansas	1,930,364	0	488,522	96,402	0	2,515,288
California	14,634,213	14,855,900	3,918,588	730,829	2,017,390	36,156,920
Colorado	2,447,411	0	566,137	122,223	0	3,135,771
Connecticut	1,507,648	616,200	410,906	75,292	224,982	2,835,028
Delaware	760,000	42,500	365,250	37,954	0	1,205,704
D.C.	760,000	182,000	365,250	37,954	104,723	1,449,927
Florida	7,248,495	1,255,600	2,832,544	361,988	928,064	12,626,691
Georgia	4,218,235	344,200	986,175	210,658	534,203	6,293,471
Hawaii	760,000	257,800	365,250	37,954	104,723	1,525,727
Idaho	927,137	24,200	365,250	46,301	0	1,362,888
Illinois	6,071,318	2,023,700	1,713,403	303,200	867,072	10,978,693
Indiana	3,210,260	58,300	1,550,509	160,320	454,036	5,433,425
Iowa	2,173,149	571,600	570,703	108,527	312,266	3,736,245
Kansas	2,276,174	0	588,966	113,672	0	2,978,812
Kentucky	2,290,596	174,500	584,400	114,392	316,317	3,480,205
Louisiana	2,286,059	238,400	611,794	114,165	332,124	3,582,542
Maine	760,000	0	0	37,954	104,723	902,677
Maryland	2,327,082	2,754,400	602,662	116,214	327,080	6,127,438
Massachusetts	2,778,109	0	748,762	138,738	403,116	4,068,725
Michigan	4,961,927	5,205,900	1,514,900	247,798	712,627	12,643,152
Minnesota	3,116,900	113,600	794,419	155,657	0	4,180,576
Mississippi	1,774,969	0	456,562	88,642	0	2,320,173
Missouri	3,293,322	1,320,700	858,337	164,468	0	5,636,827
Montana	988,214	89,400	365,250	49,351	137,405	1,629,620
Nebraska	1,514,189	205,800	392,644	75,618	214,263	2,402,514
Nevada	1,120,667	440,800	630,250	55,966	0	2,247,683
New Hampshire	760,000	0	365,250	37,954	0	1,163,204
New Jersey	3,582,701	4,237,200	940,519	178,919	512,985	9,452,324
New Mexico	1,253,867	977,900	365,250	62,618	170,119	2,829,754
New York	8,369,932	2,929,800	2,259,984	417,993	1,231,333	15,209,042
North Carolina	4,027,888	3,198,600	967,912	201,152	524,760	8,920,312
North Dakota	1,044,422	0	365,250	52,158	0	1,461,830
Ohio	5,462,510	256,100	1,629,262	272,797	0	7,620,669

Table 7 — FY 2000 Section 403 Occupant Protection Budget

Site Location by NHISA Region	Award Amounts	Site Location by NHISA Region	Award Amounts
Region 1 Rutland, VT	\$50,000	Region 6 Lake Charles, LA	\$50,000
Region 2 Atlantic, NJ	\$50,000	Region 7 Overland Park, KS	\$50,000
Region 3 Allentown, PA	\$50,000	Region 8 Pueblo, CO Greeley, CO (continuation) Minot, ND Aberdeen, SD	\$49,666 \$25,000 \$49,932 \$50,000
Region 4 Albany, GA	\$50,000	Region 9 Wailuku, HI Hilo, HI	\$50,000 \$50,000
Region 5 Chicago Heights, IL Bellwood, IL Moorhead, MI	\$50,000 \$50,000 \$50,000	Region 10 Twin Falls, ID	\$50,000





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For Immediate Release, November 17, 2003  
 Contact: John Chambers at 202.338.8700 or 202.285.0448 (cell)

## AS NATIONWIDE SEAT BELT CRACKDOWN BEGINS, NEW DATA UNDERSCORES DEADLY IMPACT OF FAILURE TO ADOPT PRIMARY SEAT BELT LAWS

*More than 12,000 Deaths Since 1995 Because States Have Failed To Enact Primary Enforcement Seat Belt Laws Proven To Increase Belt Use*

Washington, D.C. - As more than 12,000 law enforcement agencies begin a nationwide crackdown to enforce seat belt and child passenger safety laws this Thanksgiving holiday, a new study shows that more than 12,000 people have needlessly died due to the failure of states to follow a 1995 National Transportation Safety Board recommendation to enact primary enforcement seat belt use laws. Today, the NTSB reissued that call to states.

"A primary seat belt law is likely to save more lives than possibly any single piece of legislation a state will consider," said NTSB Chairman Ellen G. Engleman. "It is why the Safety Board recommended states adopt these laws in 1995, and why we continue to urge enactment of these laws as a safety priority. It is tragic that 30 states have failed to act to implement this safety countermeasure that costs nothing, but could save so many."

### Also see:

- [Lost Lives by States'](#)  
(pdf; 182kb)
- [Participating Law Enforcement Agencies](#)  
(MS Word; 135kb)

Primary seat belt laws enable law enforcement officers to ticket motorists based solely on an observed seat belt violation, just as they do any other motor vehicle law. Primary laws cover 60 percent of the U.S. population. Currently, 29 states have secondary laws (New Hampshire does not have an adult seat belt law), which means officers can only enforce the seat belt law if the motorist is first stopped for some other violation such as speeding.

According to the study released today by the National Safety Council, states that have enacted primary laws since 1995 on average experienced a 15-percentage point increase in belt use. Seat belts are proven to reduce the risk of serious injury or death in a crash by 45 percent, and the study shows 12,177 lives have been lost since 1995 because 30 states have failed to enact the stronger laws.

"We have a vaccine for the leading cause of death for Americans from ages two through 33 - safety belts. Primary safety belt laws are our most effective public policy tool," said Jeffrey W. Runge, M.D., Administrator for the National Highway Traffic Safety Administration. "If all states moved right now to enact them, 1,400 more lives could be saved next year alone in preventable traffic injury."

On November 13, 2003, Chairman Engleman on behalf of the NTSB sent a letter to the governors and legislative leadership of the 29 states with secondary laws and New Hampshire, reminding them of the Safety Board's recommendation and encouraging them to step-up their efforts to enact a primary law in their state.

The national Click It or Ticket Mobilization, which runs from November 17 - 30, is based on a public health model proven to increase belt use, and places specific emphasis on teens and young adults who are least likely to buckle up and most likely to die in a traffic crash.

According to NHTSA, nearly 4,530 teens and young adults, ages 16-19, died in traffic crashes last year and thousands more were injured. Of the 32,519 people killed in crashes in 2002, nearly 60 percent were not wearing a safety belt.

in transportation and in homes and communities.

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**National Safety Council**  
*A Membership Organization Dedicated to Protecting Life and Promoting Health*  
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November 25, 2003

# LEGISLATIVE RESEARCH REPORT

FEBRUARY 11, 2005



REPORT NUMBER 05.145

## VEHICLE ACCIDENT STATISTICS AND SAFETY BELT USE

PREPARED FOR SENATOR CON BUNDE

BY CHERIE NIENHUIS, LEGISLATIVE ANALYST

ALASKA VEHICLE ACCIDENT STATISTICS AND SAFETY BELT USE ..... 1

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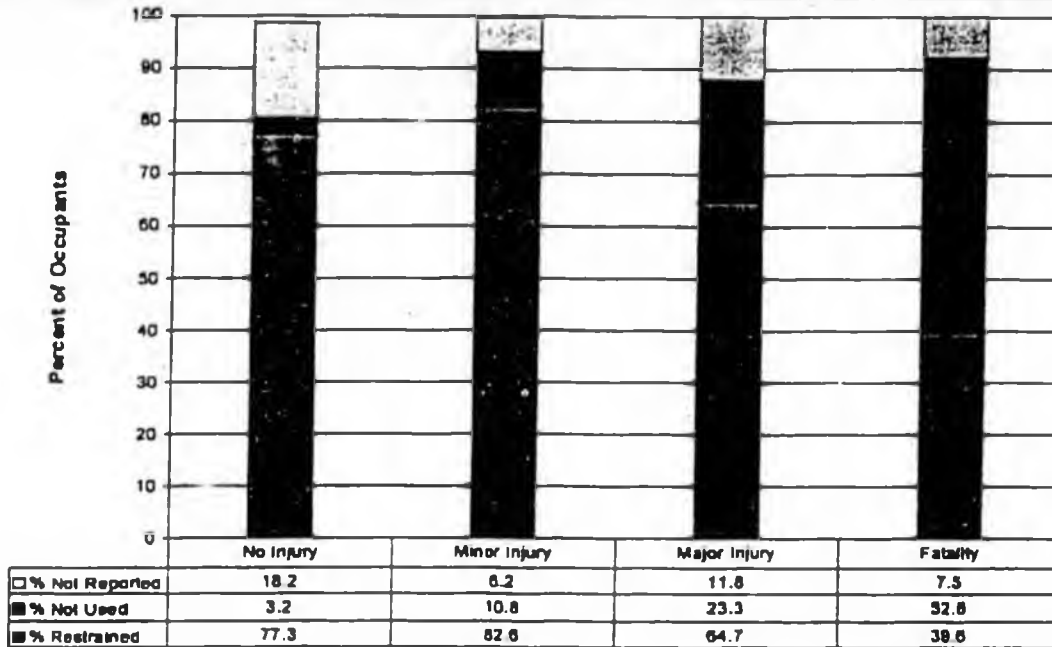
You asked for information about accident statistics and safety belt use. Specifically, you asked for data on vehicle crashes in Alaska and nationwide, and information linking safety belt use to highway fatality rates. You also requested information about primary safety belt laws in other states. A safety belt law is considered a primary law when it allows law enforcement officers to stop vehicles solely for safety belt violations. These laws contrast with secondary safety belt laws, which allow officers to cite safety belt violations only after stopping vehicles for other infractions.

## ALASKA VEHICLE ACCIDENT STATISTICS AND SAFETY BELT USE

The Department of Transportation and Public Facilities (DOTPF) collects and compiles data on highway and roadway accidents in Alaska. The department provides annual reports on traffic collisions, including the incidence of injury or fatality, and the use of safety belts. The DOTPF's latest report, which covers vehicle crashes in 2002, shows that of those crashes in which safety belt use or non-use was determined, restraint use did not necessarily prevent major injury, but it could have been a factor in preventing fatalities. According to the DOTPF, 65% of vehicle occupants that were wearing safety belts sustained major injuries, while only 23% of those unrestrained suffered major injuries. With regard to fatalities, however, 40% of fatalities occurred

among those reported to be wearing safety restraints, whereas 53% of unbelted occupants were fatally injured. Although it is difficult to draw any conclusions based on these data, we note that the majority of accidents in which there was no injury or only minor injury involved occupants who were using some type of safety restraint. We include the DOTPF's graphic illustration of these statistics below.

**Figure 1: Safety Restraint Use by Occupants in Alaska Vehicle\* Crashes, 2002**



\*Includes occupants of automobiles, trucks, and buses only.

Source: Figure 19, 2002 Alaska Traffic Collisions, Alaska Department of Transportation and Public Facilities

The Alaska Highway Safety Office has more up-to-date information regarding traffic-related fatalities and safety belt use. Documentation maintained by the office shows that while the number of fatalities in the state has fluctuated over recent years, the number of deaths attributable to vehicle crashes in which people are not using safety belts has decreased slightly. The Alaska Highway Safety Office reports the following with regard to vehicle crashes and fatalities.

**Table 1: Number of Fatalities and Safety Belt Use in Alaska Vehicle Crashes, 2000-2004**

Year	Fatalities in Highway Accidents	Fatally-Injured Occupants Not Using Restraints	Percent of Fatally-Injured Occupants Not Using Restraints
2000	106	63	59%
2001	89	55	62%
2002	89	54	61%
2003	100	52	52%
2004	93	53	57%

Notes: The above information reflects the number of fatalities occurring on public roads within the state, including those involving snow machines, bicycles, pedestrians, etc.

Source: Don Smith, Administrator, Alaska Highway Safety Office, Department of Transportation and Public Facilities, 465-4374.

The Highway Safety Office also tracks safety belt use, independent of crashes, on Alaska's highways. According to Don Smith, Administrator, the "Click It or Ticket" campaign that his office has been involved with has been very successful in getting people to buckle up. Mr. Smith told us that observed safety belt usage more than doubled between 2000 and 2004, with usage rates increasing from 38% in 2000, to 77% in 2004.

The National Highway Traffic Safety Administration also reports that the number of fatalities occurring as a result of vehicle crashes in Alaska has decreased significantly since 1985. A publication produced annually by NHTSA, *Traffic Safety Facts* (2003) shows that the state had 127 fatalities in 1985, and 95 in 2003, a 25% reduction over the 18-year period.<sup>1</sup>

## NATIONWIDE VEHICLE ACCIDENT STATISTICS AND SAFETY BELT USE

The National Highway Traffic Safety Administration (NHTSA), a division of the U.S. Department of Transportation, has a mission to "save lives, prevent injuries and reduce traffic-related health care and other economic costs."<sup>2</sup> The agency is also responsible for collecting and analyzing motor vehicle crash data nationwide, including the effects of safety belt usage. Since project magnitudes often cause the organization to be one or more years behind in its reports, information provided by the NHTSA may not be current. The NHTSA, however, is an internationally recognized organization known for providing thorough research and well-documented reports on traffic-related issues. As such, recommendations provided by the NHTSA to the Department of Transportation and to Congress in the context of vehicle safety are often adopted.

The NHTSA fully supports legislation changing safety belt laws from secondary to primary. As the agency's "Initiatives to Address Safety Belt Use," unequivocally states,

Safety belt use is the single most effective strategy a person can employ to prevent deaths and injuries and reduce the costs associated with motor vehicle crashes.<sup>3</sup>

The same publication cites data gathered from the Fatality Analysis Reporting System—vehicle crash information as contained in police reports, also the system used by Alaska's DOTPF and other states—to make its point. These data suggest that the largest demographic group to lose lives from not using safety belts is that of males (no age demographic was mentioned). According to the NHTSA, approximately 5,700 males lose their lives each year because they are not wearing safety belts. Second to males in traffic-related fatalities are vehicle occupants in states where secondary laws are in effect. The NHTSA reports that about 4,600 people die each year in traffic accidents in states where a secondary law is in place.

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<sup>1</sup> The number of fatalities reported by the NHTSA does not exactly coincide with the numbers reported by the Alaska Office of Highway Safety because the NHTSA excludes some types of vehicles from its analysis.

<sup>2</sup> NHTSA website, <http://www.nhtsa.dot.gov/>.

<sup>3</sup> National Highway Traffic Safety Administration, "Initiatives to Address Safety Belt Use," July 2003; we include a copy of this report as Attachment A.

In the area of vehicle restraint use, recent documentation by the NHTSA shows that safety belt use is on the rise in most states. In November 2004, U.S. Transportation Secretary Norman Mineta announced that two states, Arizona and Hawaii, had for the first time broken the "95 percent belt use barrier."<sup>4</sup> Nationwide, safety belt use rates have hit a department milestone of 80 percent, Secretary Mineta added. Dr. Jeffrey Runge, head of the NHTSA, credits national organizations and their high visibility "Click It or Ticket" campaigns for much of the recent success.

The Insurance Institute for Highway Safety (IIHS), a non-profit research and communications organization funded by automobile insurance agencies, studies and prepares reports on the effectiveness of safety devices, including safety belts, in vehicle accidents. In January 2005, the IIHS released the results of a study that examined the driver fatality data of nine states and the District of Columbia from 1989 through 2003, during which secondary safety belt laws were replaced by primary laws. These data were compared with the data of 14 states where the laws remained secondary over the same time period.

Published accounts of this study indicate that, although the annual rate of vehicle driver deaths per mile of travel declined in both groups, it declined more in the states that changed to primary enforcement. The IIHS goes on to conclude that after taking into account the timing of the change in each state, as well as other factors that could have affected crash rates, primary laws were associated with a 7 percent reduction in death rates. Applying this conclusion to the actual passenger driver death count of 77,084 in the 28 states that had secondary safety belt laws from 1996 to 2003, the IIHS estimates that 5,390 lives could have been saved. In Alaska alone, where 326 fatalities occurred between 1996 and 2003, the IIHS estimates that 23 lives could have been saved, had Alaska had a primary safety belt law in place.<sup>5</sup>

In another report, released in November 2003, the Preusser Research Group, Inc., commissioned by the National Safety Council, estimates the number of lives lost in states that had a secondary safety belt law instead of a primary one. To arrive at their estimates, the researchers used a methodology that included three data elements: observed safety belt use in states that have primary versus secondary laws; NHTSA's estimate that safety belts are 45 percent effective in reducing fatalities in passenger cars and 60 percent effect for light pickup trucks; and a comparison of safety belt use rates in states before and after the laws changed from secondary to primary. Based on this analysis, the group concluded that since 1995, an estimated 12,177 motorists died because of their state's "failure to implement a primary safety belt law." In Alaska, it was estimated that 43 lives were lost over the seven-year period in which a secondary law was in place.<sup>6</sup>

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<sup>4</sup> "New Data Show Rising Safety Belt Use Rates in Most States," *Regulatory Intelligence Data*, 11/23/2004.

<sup>5</sup> Stephen L. Oesch, "Statement before the Virginia Senate Transportation Committee: Effectiveness of Primary Belt Laws," Insurance Institute for Highway Safety, January 27, 2005; we include a copy of this document, as well as the press release summarizing the study's results, as Attachment B.

<sup>6</sup> Neil K. Chaudhary, PhD, David F. Preusser, PhD, and the Preusser Research Group, Inc., "Lives Lost by States' Failure to Implement Primary Safety Belt Laws," for the National Safety Council, November 5, 2003. We include a copy of this report as Attachment C.

## PRIMARY AND SECONDARY SAFETY BELT LAWS

Alaska is one of 28 states whose safety belt laws are secondary. In 2004, Tennessee became the 21<sup>st</sup> state to change its safety belt law from secondary to primary. Primary laws are in place in the following states: Alabama, California, Connecticut, Delaware, Georgia, Hawaii, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Tennessee, Texas, and Washington. The District of Columbia, and Puerto Rico also have primary safety belt laws. New Hampshire is the only state with no mandatory safety belt law in place. We include details about these laws and penalties for violating them as Attachment D.

Information reported by the National Conference of State Legislatures (NCSL) indicates that lawmakers in most states with secondary safety belt laws have considered legislation to change their laws to primary. In 2004, NCSL documents show that 19 states—Alaska, Arizona, Florida, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming considered legislation to change their laws to primary (the measure passed in Tennessee). In 2005, the NCSL lists nine states as having already introduced legislation to change secondary safety belt laws to primary laws.<sup>7</sup>

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I hope you find this information useful. Please do not hesitate to contact us if you have questions or need additional information.

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<sup>7</sup> The NCSL Legislative Tracking Database does not include Alaska in its list of states having introduced such legislation in 2005, which leads us to conclude that there may be other states that have not yet been added to the list. We include the NCSL legislative tracking database results pertaining to safety belts for 2004 and 2005 as Attachment E.

**Brian Hove**

---

**From:** Sen. Con Bunde  
**Sent:** Wednesday, February 23, 2005 12:15 PM  
**To:** Brian Hove  
**Cc:** Lauren Wickersham  
**Subject:** FW: Seat Belts

Brian,

I am forwarding this to you to include in the bill packet for SB 87.

Thanks,  
Suzanne Mullen, Staff for Senator Bunde

---

**From:** Alan C. Trawver [mailto:tlsak@gci.net]  
**Sent:** Tuesday, February 22, 2005 2:58 AM  
**To:** Sen. Con Bunde  
**Subject:** Re: Seat Belts

When the current seat belt law was approved, as a part of the selling argument to pass it was that the police would not actively stop people for not having a seat belt on. I know that seat belts save lives in most cases (not all) but an adult should be able to make that decision and not have government force it on them. It is like the helmet law for motorcycles. The driver doesn't have to wear one but passengers do.

In this day and age especially after 911 using the police to spend their time to stop law abiding good citizens that you represent because they don't have a seat belt on is a terrible terrible waste of police time and un-necessary. I understand that passengers and children should have a seat belt but I object to your bill to force it on the public.

Even though the police committed to not actively stop people for not wearing seat belts, last fall there was a big campaign on TV that police would stop you for not having a seat belt on. No matter what they may say this time around, if it is passed, Police will spend time to just ticket those without seat belts rather than spending that time on crime. It will be looked at as a revenue source as well. Again I think it is a terrible waste of police staff and a further invasion of government trying to save us all and think for us. Please reconsider requiring drivers to wear seat belts.

Let the public make their own decisions when they get in a vehicle. It's not that I am against wearing a seat belt, it is just excess un-needed legislation, and a waste of the police to enforce it. Think of the law abiding citizens that will be stopped and ticketed because they forgot to wear a seatbelt. Please see that my comments are provided the the committee that is considering this bill and I hope you will rethink the issue.

Sincerely,

Alan Trawver  
7900 Upper OMalley Road  
Anchorage, AK 99507  
346-2433

35 year resident of Anchorage & a Super Voter

# February 2005 ALASKA HIGHWAY FATALITIES

#1 CRASH DETAIL TO BE ENTERED LATER.....

NS = Not Wearing Seat Belt A = Alcohol Involved

## 6 YEAR STATISTICS as of 2/10/05

Month	38% 59% / 63		42% 62% / 55		50% 61% / 54		79% 52% / 52		77% 54% / 53		Overall Seat Belt Use % of deaths not using SB/Deaths
	2000	2001	2002	2003	2004	2005					
Total Injury Crashes	4,245	4,570	4,249								
January	12	11	9	9	8	2					
February	7	6	2	5	3	2					
March	3	12	6	8	3						
April	6	4	3	5	7						
May	7	3	6	6	9						
June	13	11	7	8	12						
July	14	11	8	14	10						
August	10	7	6	12	12						
September	8	6	6	8	14						
October	8	5	11	8	5						
November	5	6	14	9	6						
December	13	7	11	8	10						
<b>TOTAL</b>	<b>106</b>	<b>89</b>	<b>89</b>	<b>100</b>	<b>99</b>	<b>4</b>					
% alcohol	53%	53%	41%	33%	% not calculated yet						

\* The reported numbers do change from month to month due to late accident reports....

***Seat Belts Save Lives.....***

**Since 1964 – 3,791 Alaskans Have Lost Their Lives in Highway Accidents**

Alaska Highway Safety Office – 3132 Channel Drive #145 – Juneau, Alaska 99801  
 Phone 907-465-4374 Fax 907-465-4030 Email Don\_Smith@dot.state.ak.us  
 Don Smith - Administrator

# ALASKA HIGHWAY STATISTICS

AS OF 2/10/2005

Year	Population	Drivers Lic	Reg. Veh.	Million Miles Traveled	Accidents	Injuries	Fatalities	Fatality Rate	% Alcohol	Total Belt Use
1964	255,607	113,400	93,525	7.50			42	5.60		
1965	262,253	119,021	101,249	8.17			51	6.20		
1966	271,505	116,981	107,600	8.55			68	8.00		
1967	277,806	124,266	112,055	9.13			46	5.00		
1968	284,880	128,080	119,327	10.28			78	7.60		
1969	294,560	135,169	134,914	11.52			72	6.30		
1970	302,173	149,957	143,100	13.87			101	7.30		
1971	313,000	165,118	153,500	14.70			60	4.10		
1972	324,000	153,631	153,500	15.28			59	3.90		
1973	330,365	185,704	162,000	16.28		2,752	74	4.60		
1974	351,159	192,906	220,866	20.95		3,108	85	4.10		
1975	404,634	222,471	235,749	25.60		3,918	119	4.60		
1976	413,289	216,079	259,615	30.67	18,154	5,765	124	4.10	60.4%	
1977	411,211	194,926	283,793	30.34	15,086	5,085	136	4.50	49.2%	
1978	411,600	283,733	276,918	27.50	12,971	4,695	127	4.68	46.5%	
1979	413,700	299,818	262,549	26.40	13,519	4,560	91	3.61	75.8%	
1980	419,800	272,427	257,491	28.10	13,162	4,992	88	3.23	72.7%	
1981	433,800	293,733	299,700	29.11	14,100	5,783	100	3.76	76.0%	
1982	463,400	316,797	359,792	34.67	16,743	6,047	107	3.21	50.5%	
1983	497,600	349,703	418,241	33.58	18,120	6,705	150	3.67	42.7%	
1984	522,000	394,530	455,388	38.50	19,365	6,852	137	3.69	51.1%	
1985	541,300	385,401	464,184	40.10	17,700	6,038	127	3.69	54.3%	22.7%
1986	547,600	385,186	470,735	40.08	14,358	5,424	101	3.07	49.5%	30.3%
1987	537,800	376,873	455,440	39.00	13,290	4,984	76	2.55	57.9%	35.1%
1988	531,000	372,419	452,327	38.41	13,300	5,215	97	2.33	49.5%	37.9%
1989	534,400	364,989	465,035	38.87	14,364	5,550	84	2.21	54.8%	39.2%
1990	553,600	365,000	486,443	39.11	16,290	5,859	98	2.40	49.0%	46.4%
1991	570,300	391,672	494,477	40.21	15,890	5,669	101	2.39	49.5%	54.1%
1992	586,900	393,821	512,661	38.31	15,601	5,561	108	2.61	56.5%	52.8%
1993	599,200	393,931	523,158	39.19	14,509	5,706	118	2.78	41.5%	53.0%
1994	600,622	436,000	545,000	41.48	15,395		85	2.05		
1995	601,581	435,000	630,000	44.03	15,244	6,059	87	2.10	54.0%	52.0%
1996	605,212	430,000	629,000	42.20	14,962	5,851	81	1.87	53.1%	56.0%
1997	609,655	464,000	652,000	41.20	13,804	6,257	77	1.86	53.2%	59.6%
1998	617,082	474,000	676,000	45.15	13,499	6,163	70	1.58	44.3%	61.0%
1999	622,000	478,000	712,000	45.46	14,691	6,081	79	1.69	50.6%	60.6%
2000	627,571	477,787	737,377		14,127	6,120	106	2.20	52.8%	61.3%
2001	632,643	483,385	747,822			6,543	89	1.80	52.8%	62.6%
2002	641,482	490,586	775,223				89	1.82	40.2%	65.8%
2003	648,818	497,842	801,339				100		33%	78.9%
2004		500,153					99			77.0%
2005							4			

3,791

ALASKA PUBLIC OPINION RESEARCH SURVEY

February 5th to 23rd, 2005

Sample size = 586; margin of error  $\pm$  4.05%

HELLENTHAL AND ASSOCIATES  
2200 Vanderbilt Circle  
Anchorage, Alaska 99508  
(907) 276-1001 or  
277-2315 (fax)  
hellenthal@gci.net (e-mail)

Hello, I am \_\_\_\_\_ from Hellenthal and Associates. We are conducting a public opinion research survey of Alaskans. Your telephone number was randomly selected. The questions I need to ask will only take a couple of minutes. All of your responses will be completely confidential.

- S1. Is this telephone number \_\_\_\_\_ ?  
S2. Is this a residential telephone?  
S3. Are you registered to vote in the State of Alaska?

IF YES, THEN PROCEED TO QUESTION #1

IF NO, THEN ASK...

Is there anyone home who is registered to vote in the State of Alaska?

IF YES THEN ASK...

May I speak with them?

IF NO, THEN ASK...

When will someone be home who is registered to vote?

THE FOLLOWING VARIABLE IS CALCULATED USING THE TELEPHONE PREFIX

AREAS OF ALASKA	UNWEIGHTED FREQUENCY	WEIGHTED PERCENT	MARGIN OF ERROR
Southeast.....	55.....	15.3%.....	$\pm$ 13.2%
Kenai Peninsula..	101.....	6.9%.....	$\pm$ 9.8%
Anchorage.....	169.....	43.0%.....	$\pm$ 7.5%
Matsu.....	102.....	9.1%.....	$\pm$ 9.7%
Greater Fairbanks....	108.....	13.6%.....	$\pm$ 9.4%
Rural/Bush.....	51.....	12.1%.....	$\pm$ 13.7%
TOTALS.....	586.....	100.0%.....	$\pm$ 4.05%

1. Do you wear your seat belt all of the time, some of the time, not often, or never?

WEAR SEAT BELT	FREQUENCY	PERCENT
All of the time.....	492.....	84.0%
Some of the time.....	66.....	11.3%
Not often.....	22.....	3.7%
Never.....	6.....	0.9%

2. Why don't you wear a seat belt all of the time?

WHY DON'T WEAR SEAT BELT	FREQUENCY	PERCENT
000 Wear seat belt all of the time.....	492.....	84.0%
003 Forgetful.....	17.....	3.0%
002 Freedom of choice.....	16.....	2.8%
006 Short Trips.....	16.....	2.8%
009 Live in a rural area.....	14.....	2.5%
005 Get in a hurry.....	4.....	0.7%
018 Uncomfortable.....	4.....	0.6%
008 Just a bad habit.....	3.....	0.6%
015 Superstitious.....	3.....	0.5%
010 Not required in Barrow.....	2.....	0.3%
013 My dogs are always jumping around.....	2.....	0.4%
001 Does not like Govn't forcing their hand.....	1.....	0.2%
004 Hurts my back, doctor says not to wear it.....	1.....	0.1%
011 The village speed limit is 10 mph.....	1.....	0.2%
012 Truck driver, jinxing himself.....	1.....	0.1%
014 It is nobody's business.....	1.....	0.1%
016 Knows a person who died because they had their seatbelt on.....	1.....	0.2%
017 Faulty seatbelt.....	1.....	0.2%
007 Social Protest.....	0.....	0.1%
019 Been in an accident involving a seat belt.....	0.....	0.1%
998 Don't Know.....	4.....	0.7%

3. Do you favor or oppose laws requiring seat belt use?

LAWS REQUIRING SEAT BELT USE	FREQUENCY	PERCENT
Favor.....	467.....	79.6%
Oppose.....	111.....	18.9%
Don't know.....	9.....	1.5%

4. Have you ever received a ticket for driving while not wearing a seat belt?

TICKET NOT WEARING SEAT BELT	FREQUENCY	PERCENT
Yes.....	32.....	5.4%
No.....	554.....	94.6%

5. Have you seen or watched the "Click it or Ticket" media campaign on Alaska TV "educating people about the seat belt law"?

SEEN "CLICK IT OR TICKET"	FREQUENCY	PERCENT
Yes.....	475.....	81.1%
No.....	111.....	18.9%

6. Do you think the "Click it or Ticket" media campaign has helped or hurt in getting Alaska Drivers to buckle up their seat belts?

"CLICK IT OR TICKET" HELPED/HURT	FREQUENCY	PERCENT
Have not seen ads.....	111.....	18.9%
Helped.....	367.....	62.7%
Hurt.....	26.....	4.4%
Don't know.....	82.....	14.0%

7. Has anyone in your family or one of your close friends ever been hurt, injured or killed in a motor vehicle accident (wreck)?

ANYONE HURT, INJURED, KILLED	FREQUENCY	PERCENT
Yes.....	356.....	60.8%
No.....	230.....	39.2%

The last few questions are being collected purely for statistical purposes

8. What is your political party affiliation? ("What are you registered as?")

PARTY AFFILIATION	FREQUENCY	PERCENT
Republican Party.....	201.....	34.3%
Democratic Party.....	98.....	16.8%
Green Party.....	5.....	0.8%
Alaska Independent Party.....	2.....	0.3%
Libertarian Party.....	4.....	0.7%
No Party Affiliation/Independent...	276.....	47.1%

9. When it comes to politics, do you consider yourself to be very liberal, somewhat liberal, somewhat conservative or very conservative?

IDEOLOGY OF RESPONDENT	FREQUENCY	PERCENT
1. Very liberal.....	34.....	5.8%
2. Somewhat liberal.....	151.....	25.7%
3. Moderate.....	100.....	17.0%
4. Somewhat conservative.....	238.....	40.6%
5. Very conservative.....	64.....	10.9%

(Mean = 3.250)

10. Does anyone in your household work for the State government? Federal government? City government?

HOUSEHOLD TYPE	YES
Federal government.....	13.4%
State government.....	13.1%
City government.....	9.6%

11. Are you, or any person presently living in your household, a veteran?

VETERAN HOUSEHOLD	FREQUENCY	PERCENT
Yes.....	180.....	30.7%
No.....	406.....	69.3%

12. Are you, or any person presently living in your household, a member of a labor union?

LABOR UNION HOUSEHOLD	FREQUENCY	PERCENT
Yes.....	164.....	28.0%
No.....	422.....	72.0%

13. Of the people living in your household, how many are children or adolescents under 18 years old?

CHILDREN	FREQUENCY	PERCENT
None.....	318.....	54.2%
One.....	111.....	19.0%
Two.....	100.....	17.1%
Three or more.....	57.....	9.7%
(Households with children mean = 1.911)		
(All households mean = 0.875)		

14. In what year were you born? (COMPUTED TO AGE BY SUBTRACTING FROM 105)

AGE OF RESPONDENT	FREQUENCY	PERCENT
18 to 30.....	58.....	9.9%
31 to 40.....	98.....	16.7%
41 to 50.....	163.....	27.8%
51 to 60.....	145.....	24.7%
61 or older.....	123.....	20.9%
(Mean = 49.191 years)		

15. Are you married or single?

MARITAL STATUS	FREQUENCY	PERCENT
Married.....	382.....	65.3%
Single.....	204.....	34.7%

16. GENDER (USUALLY DO NOT NEED TO ASK).....

GENDER	FREQUENCY	PERCENT
Male.....	293.....	50.0%
Female.....	293.....	50.0%

THE FOLLOWING VARIABLES ARE CALCULATED USING THE CHILDREN,  
YEAR BORN, MARITAL AND GENDER VARIABLES

MARITAL BY GENDER	FREQUENCY	PERCENT
Married Males.....	191.....	32.6%
Married Females.....	191.....	32.6%
Single Males.....	102.....	17.4%
Single Females.....	102.....	17.4%

FAMILY STATUS	FREQUENCY	PERCENT
Young Single (18-44).....	35.....	5.9%
Adult Single (45+).....	100.....	17.0%
Single Parent.....	69.....	11.8%
Young Couple (18-44).....	34.....	5.7%
Mature Couple (45+).....	150.....	25.6%
Young Family (18-44).....	105.....	17.9%
Mature Family (45+).....	94.....	16.1%

THIS COMPLETES THE SURVEY, THANK YOU FOR HELPING US -- GOODBYE

AREAS OF ALASKA AMONG REGISTERED VOTERS  
BY  
POLITICAL AND GENERAL DEMOGRAPHICS, BEHAVIORS AND PERCEPTIONS

CCLUMN PERCENTS

FEBRUARY 5TH THROUGH 23RD, 2005  
SAMPLE SIZE = 586; MARGIN OF ERROR = + OR - 4.05%

	AREAS OF ALASKA:						TOTAL COL %
	South-east + or - 13.2%	Kenai Penin- sula + or - 9.8%	Anchor- age + or - 7.5%	MatSu + or - 9.7%	Fair- banks Area + or - 9.4%	Rural Alaska + or - 13.7%	
<b>WEAR SEAT BELTS -- HOW OFTEN:</b>							
All of the time.....	85.0%	76.1%	87.0%	84.7%	82.0%	78.5%	84.0%
Some of the time.....	11.8%	17.6%	10.1%	15.3%	15.3%	4.0%	11.3%
Not often.....	3.2%	1.3%	2.9%		2.7%	12.7%	3.7%
Never.....		5.0%				4.9%	.9%
<b>WHY DON'T YOU WEAR A SEAT BELT ALL OF THE TIME:</b>							
Wear seat belts all of the time.....	85.0%	76.1%	87.0%	84.7%	82.0%	78.5%	84.0%
Forgetful.....	1.7%	2.1%	4.1%	5.1%	.8%	2.2%	3.0%
Just don't want to, freedom of choice.....		3.8%	4.0%	2.0%	3.0%	1.8%	2.8%
Short trips.....	3.4%	5.7%	1.7%	.8%	3.7%	4.6%	2.8%
Live in rural area.....	6.6%	1.6%			1.6%	9.1%	2.5%
Get in a hurry.....	1.7%			.8%	2.7%		.7%
A bad habit.....			.5%	2.5%	.8%		.6%
Uncomfortable.....		2.5%		2.1%	1.9%		.6%
Superstitious, it can be dangerous.....			.8%	1.3%			.5%
My dogs and children are always hopping around....			.8%	.7%			.4%
Not required in Barrow.....						2.2%	.3%
The village speed limit is 10 mph.....						1.6%	.2%
Know person who died because they had seat belt on Faulty seatbelt.....	1.5%		.5%				.2%
Don't like the gov'n't forcing my hand.....		.8%			.8%		.2%
Hurts my back, doctor says not to wear it.....					.8%		.1%
Social protest.....		1.1%					.1%
Truck driver, jinxing himself.....		1.3%					.1%
It is none of their business.....		1.3%					.1%
Been in an accident involving a seatbelt.....		.8%					.1%
Don't know.....		2.9%	.7%		1.9%		.7%
<b>LAWS REQUIRING SEAT BELT USE:</b>							
Favor.....	88.1%	73.0%	75.0%	75.2%	83.3%	88.4%	79.6%
Oppose.....	11.9%	22.3%	23.7%	21.5%	14.8%	11.6%	18.9%
Don't know.....		4.7%	1.4%	3.3%	1.9%		1.5%
<b>RECEIVED TICKET FOR NOT WEARING SEAT BELT?</b>							
Yes.....	5.4%	10.7%	4.1%	7.0%	7.0%	4.1%	5.4%
No.....	94.6%	83.3%	95.9%	93.0%	93.0%	95.9%	94.6%
<b>SEEN CLICK IT OR TICKET?</b>							
Yes.....	71.1%	83.5%	86.7%	83.3%	70.5%	78.9%	81.1%
No.....	25.9%	16.5%	13.3%	16.7%	29.5%	21.1%	18.9%
<b>CLICK IT OR TICKET HELPED OR HURT:</b>							
Have not seen ads.....	25.9%	16.5%	13.3%	16.7%	29.5%	21.1%	18.9%
Helped.....	58.9%	61.1%	67.7%	61.0%	51.1%	64.9%	62.7%
Hurt.....		6.3%	5.2%	.8%	8.6%	4.3%	4.4%
Don't know.....	15.2%	16.1%	13.8%	21.6%	10.8%	9.7%	14.0%
<b>FAMILY/CLOSE FRIEND HURT IN MOTOR VEHICLE ACCIDENT</b>							
Yes.....	57.0%	55.9%	67.1%	60.6%	54.9%	52.5%	60.8%
No.....	43.0%	44.1%	32.9%	39.4%	45.1%	47.5%	39.2%
TOTAL ROW PERCENT.....	15.3%	6.9%	43.0%	9.1%	13.6%	12.1%	100.0%

AREAS OF ALASKA AMONG REGISTERED VOTERS

BY

POLITICAL AND GENERAL DEMOGRAPHICS, BEHAVIORS AND PERCEPTIONS

COLUMN PERCENTS

VERY LIBERAL=1; VERY CONSERVATIVE=5

FEBRUARY 5TH THROUGH 23RD, 2005

SAMPLE SIZE = 586; MARGIN OF ERROR = + OR - 4.05%

	AREAS OF ALASKA:						TOTAL COL %
	South- east + or - 13.2%	Kenai Penin- sula + or - 9.8%	Anchor- age + or - 7.5%	MatSu + or - 9.7%	Fair- banks Area + or - 9.4%	Rural Alaska + or - 13.7%	
<b>PARTY AFFILIATION:</b>							
Republican Party.....	39.3%	32.7%	34.7%	41.2%	32.4%	24.5%	34.3%
Democratic Party.....	20.9%	9.4%	15.3%	7.3%	16.3%	28.6%	16.8%
Green Party.....		1.6%		3.7%	2.7%		.8%
Alaska Independent Party.....		1.3%			1.6%		.3%
Libertarian Party.....		1.3%	.7%		2.2%		.7%
No Party Affiliation/Independent.....	39.8%	53.8%	49.4%	47.7%	44.9%	46.9%	47.1%
<b>IDEOLOGY OF RESPONDENT:</b>							
Liberal.....	38.9%	29.3%	31.6%	20.9%	36.1%	26.1%	31.5%
Moderate.....	13.7%	11.9%	18.2%	25.9%	14.9%	15.6%	17.0%
Conservative.....	47.5%	58.9%	50.2%	53.2%	49.0%	58.3%	51.5%
<b>Ideology of respondent mean</b>							
Very liberal.....	1.7	8.2%	5.5%	4.5%	11.1%	5.6%	5.8%
Somewhat liberal.....	37.1	21.0%	26.1%	16.4%	25.0%	20.5%	25.7%
Moderate.....	13.7%	11.9%	18.2%	25.9%	14.9%	15.6%	17.0%
Somewhat conservative.....	41.5%	39.7%	41.2%	38.7%	37.1%	43.1%	40.6%
Very conservative.....	6.0%	19.2%	9.0%	14.5%	11.9%	15.2%	10.9%
Ideology of respondent mean.....	3.13	3.41	3.22	3.42	3.14	3.42	3.25
<b>STATE GOVERNMENT HOUSEHOLD:</b>							
Yes.....	19.2%	13.2%	10.3%	7.3%	14.0%	20.7%	13.4%
No.....	80.8%	86.8%	89.7%	92.7%	86.0%	79.3%	86.6%
<b>FEDERAL GOVERNMENT HOUSEHOLD:</b>							
Yes.....	16.9%	5.8%	12.7%	10.5%	13.8%	15.3%	13.1%
No.....	83.1%	94.2%	87.3%	89.5%	86.2%	84.7%	86.9%
<b>CITY GOVERNMENT HOUSEHOLD:</b>							
Yes.....	13.5%	7.2%	7.2%	5.6%	9.7%	17.6%	9.6%
No.....	86.5%	92.8%	92.8%	94.4%	90.3%	82.4%	90.4%
<b>VETERAN HOUSEHOLD:</b>							
Yes.....	18.2%	34.1%	34.2%	40.6%	40.7%	13.6%	30.7%
No.....	81.8%	65.9%	65.8%	59.4%	59.3%	86.4%	69.3%
<b>LABOR UNION HOUSEHOLD:</b>							
Yes.....	2.8%	23.9%	29.4%	22.2%	31.3%	31.5%	28.0%
No.....	76.2%	76.1%	70.6%	77.8%	68.7%	68.5%	72.0%
TOTAL ROW PERCENT.....	15.3%	6.9%	43.0%	9.1%	13.6%	12.1%	100.0%

AREAS OF ALASKA AMONG REGISTERED VOTERS

BY

POLITICAL AND GENERAL DEMOGRAPHICS, BEHAVIORS AND PERCEPTIONS

COLUMN PERCENTS

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	South- east + or - 13.2%	Kenai Penin- sula + or - 9.8%	Anchor- age + or - 7.5%	MatSu + or - 9.7%	Fair- banks Area + or - 9.4%	Rural Alaska + or - 13.7%	
<b>CHILDREN IN HOUSEHOLD:</b>							
None.....	59.8%	52.4%	56.0%	44.8%	49.2%	54.7%	54.2%
One.....	10.5%	19.0%	19.8%	21.2%	25.4%	18.0%	19.0%
Two.....	14.3%	19.5%	15.5%	25.0%	17.8%	17.9%	17.1%
Three or more.....	15.4%	9.1%	8.7%	9.0%	7.6%	9.4%	9.7%
Number of children in households with children mean.....	2.22	1.98	1.82	1.83	1.82	2.03	1.91
Children under 18 mean.....	.89	.95	.80	1.01	.92	.92	.87
<b>AGE OF RESPONDENT:</b>							
18 to 30.....	7.9%	11.8%	8.0%	13.6%	10.3%	14.4%	9.9%
31 to 40.....	12.6%	9.1%	18.7%	16.8%	18.1%	17.4%	16.7%
41 to 50.....	28.8%	29.3%	28.3%	22.1%	26.2%	30.3%	27.8%
51 to 60.....	22.5%	27.4%	22.7%	29.1%	32.1%	21.3%	24.7%
61 or older.....	28.2%	22.4%	22.3%	18.5%	13.3%	16.5%	20.9%
Age of respondent mean.....	51.07	50.04	49.46	48.30	48.87	46.40	49.19
<b>MARITAL STATUS:</b>							
Married.....	58.2%	75.2%	66.3%	68.6%	66.7%	60.8%	65.3%
Single.....	41.8%	24.8%	33.7%	31.4%	33.3%	39.2%	34.7%
<b>GENDER:</b>							
Male.....	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
Female.....	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
<b>MARITAL STATUS BY GENDER (COMPUTED):</b>							
Married Males.....	29.1%	37.6%	33.1%	34.3%	33.3%	30.4%	32.6%
Married Females.....	29.1%	37.6%	33.1%	34.3%	33.3%	30.4%	32.6%
Single Males.....	20.9%	12.4%	16.9%	15.7%	16.7%	19.6%	17.4%
Single Females.....	20.9%	12.4%	16.9%	15.7%	16.7%	19.6%	17.4%
<b>FAMILY STATUS (COMPUTED):</b>							
Young Single (18-44).....	8.3%	4.3%	5.4%	2.0%	7.6%	6.5%	5.9%
Adult Single (45 +).....	20.6%	12.9%	18.3%	17.3%	12.7%	14.7%	17.0%
Single Parent.....	12.9%	7.6%	10.0%	12.0%	13.0%	18.0%	11.8%
Young Couple (18-44).....	9.0%	3.7%	4.5%	5.0%	5.1%	8.3%	5.7%
Mature Couple (45 +).....	21.9%	31.5%	27.7%	20.5%	23.8%	25.2%	25.6%
Young Family (18-44).....	11.0%	19.8%	20.0%	26.2%	17.8%	11.9%	17.9%
Mature Family (45 +).....	16.3%	20.3%	14.1%	17.0%	20.0%	15.5%	16.1%
TOTAL ROW PERCENT.....	15.3%	6.9%	43.0%	9.1%	13.6%	12.1%	100.0%

AREAS OF ALASKA AMONG REGISTERED VOTERS

BY

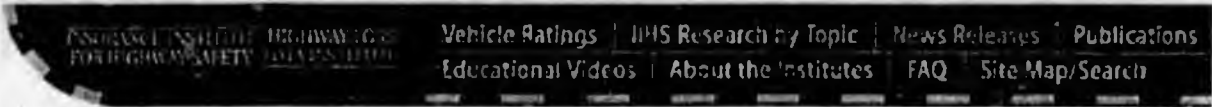
POLITICAL AND GENERAL DEMOGRAPHICS, BEHAVIORS AND PERCEPTIONS

VERY LIBERAL=1; VERY CONSERVATIVE=5

FEBRUARY 5TH THROUGH 23RD, 2005

ANALYSES OF VARIANCES BETWEEN ARITHMETIC MEANS; SAMPLE = 586

	AREAS OF ALASKA:						TOTAL MEAN
	South- east + or - 13.2%	Kenai Penin- sula + or - 9.8%	Anchor- age + or - 7.5%	MatSu + or - 9.7%	Fair- banks Area + or - 9.4%	Rural Alaska + or - 13.7%	
Ideology of respondent mean.....	3.13	3.41	3.22	3.42	3.14	3.42	3.25
Children under 18 mean.....	.89	.95	.80	1.01	.92	.92	.87
Number of children in households with children mean.....	2.22	1.98	1.82	1.83	1.82	2.03	1.91
Age of respondent mean.....	51.07	50.04	49.46	48.30	48.87	46.40	49.19



**INSURANCE INSTITUTE  
FOR HIGHWAY SAFETY**

**NEWS RELEASE**

January 13, 2005

**PRIMARY SAFETY BELT LAWS WOULD SAVE 700 LIVES PER YEAR  
28 STATES STILL ALLOW TICKET ONLY IF DRIVER IS STOPPED FOR ANOTHER REASON**

ARLINGTON, VA — Safety belt use laws in only 21 states and the District of Columbia are primary, meaning police may stop vehicles solely for belt law violations. But in most states belt use law enforcement is secondary, so police cannot stop vehicles for this infraction alone (New Hampshire is the only state without a belt use law.) In a new study the Insurance Institute for Highway Safety found that when states strengthen their laws from secondary enforcement to primary, driver death rates decline by an estimated 7 percent.

"In states with primary laws, safety belt use rates are higher. The result is that crash deaths are reduced," says Institute senior vice president Susan Ferguson. "Where primary laws are in effect, drivers are more likely to buckle up because the perception is that they're going to be pulled over if they don't."

The most recent national observational survey conducted in 2004 by the National Highway Traffic Safety Administration shows that belt use rates averaged 84 percent in primary states compared with 73 percent in secondary states. A number of observational studies have shown that shifting from secondary to primary laws boosts safety belt use, but the Institute's is the first study to evaluate the effect of this shift on traffic deaths.

The Institute examined driver fatality data during 1989-2003 in 10 jurisdictions — California, the District of Columbia, Georgia, Indiana, Louisiana, Maryland, Michigan, New Jersey, Oklahoma, and Washington — where secondary laws were amended to primary. Researchers compared these data with data in states where the laws remained secondary.

One indication that the primary laws led to higher belt use comes from rates among fatally injured drivers. In 1989 before any of the laws were changed, belt use rates among fatally injured drivers were similar — about 20 percent — in both groups of states. By 2003 the rates had risen to 47 percent in states that switched to primary laws, compared with 36 percent in the secondary states.

The annual rate of passenger vehicle driver deaths per mile of travel declined in both groups of states, but it declined more in the states that changed to primary enforcement. Taking into account the timing of the change in each state and other factors that could have affected crash rates, primary laws were associated with a 7 percent reduction in death rates.

Ferguson points out that during the study period "many states participated in special 'Click It or Ticket' safety belt enforcement campaigns. The enhanced enforcement began earlier in the primary states so it's important to note that changes in belt use laws along with the increased enforcement led to the decrease in fatalities."

Based on the reduction in driver death rates, it's estimated that 2,990 lives have been saved in the study states because of the tougher safety belt laws.

"If the 28 states that still have secondary laws were to switch to primary enforcement, about 700 lives would be saved each year. And if legislators in these states had enacted primary laws to begin with, more than 5,000 lives could have been saved since 1996," Ferguson says.

**Effects of strengthening safety belt laws:  
Lives that could have been saved in secondary  
states if belt laws had been primary**

Passenger Lives that

*over →*

State	vehicle driver deaths 1996-2003	could have been saved since 1996
Alaska	326	23
Arizona	3,347	234
Arkansas	2,914	204
Colorado	2,646	185
Florida	10,889	761
Idaho	1,158	81
Kansas	2,373	166
Kentucky	4,027	282
Maine	838	59
Massachusetts	1,776	124
Minnesota	2,771	194
Mississippi	4,314	302
Missouri	5,459	382
Montana	1,070	75
Nebraska	1,345	94
Nevada	1,226	89
North Dakota	465	33
Ohio	6,309	441
Pennsylvania	6,644	465
Rhode Island	336	23
South Carolina	4,436	310
South Dakota	699	49
Utah	1,216	85
Vermont	372	26
Virginia	4,200	294
West Virginia	1,759	123
Wisconsin	3,454	242
Wyoming	675	47
<b>Total</b>	<b>77,084</b>	<b>5,390</b>

Note: States listed are all those with secondary safety belt use laws.

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 Last modified: 11-Jan-2005

**SB**

**95**

# SENATE COMMITTEE REPORT

DATE: 2/28/05

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Judiciary Committee considered

SENATE BILL NO. 95

## SB 95 COLLECTION OF DNA/USE OF FORCE

"An Act relating to the collection of, and the use of reasonable force to collect, a deoxyribonucleic acid sample from persons convicted of or adjudicated delinquent for certain crimes."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**  
 Same Title  
 New Title

**House Bill:**  
 Same Title  
 Technical Title Charge  
 New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	NO REC	AMEND
<i>[Signature]</i>	X			
<i>[Signature]</i>	X			
<i>[Signature]</i>	X			
<i>[Signature]</i>	X			
CHAIR: <i>Ralph Perkins</i>	✓			



Alaska State Legislature

Senator Con Bunde  
Senate District P

Vice Chair: Senate Finance Committee  
Chair: Senate Labor & Commerce Committee

## Sponsor Statement

### Senate Bill 95

"An Act relating to the collection of, and the use of reasonable force to collect, a deoxyribonucleic acid sample from persons convicted of or adjudicated delinquent for certain crimes."

Alaska's DNA database is a tool used by law enforcement to identify perpetrators by matching DNA profiles from individuals convicted of certain offenses to DNA profiles collected from unsolved crime scenes. This bill authorizes the use of reasonable force to collect DNA from those offenders who refuse to provide samples as required by law, and also closes a loophole in the current law that allows individuals convicted of crimes charged under municipal ordinances to escape DNA collection.

Under current state law, it is felony for an offender with a qualifying conviction to refuse to provide a DNA sample. Some of Alaska's most notorious criminals who are serving life sentences are refusing to provide DNA samples, and the threat of being charged with another felony does not matter to them because their sentences will not increase. Law enforcement believes that many of these individuals were involved in criminal activity prior to their convictions, and that entering their DNA profiles could possibly solve additional crimes. Alaska's DNA database currently includes DNA profiles from unsolved crimes that date back to the 1970's.

The current law requires a defendant who is convicted of a crime against a person, or a felony under AS 11 or AS 28.35, to provide a DNA sample. However, if a defendant is convicted of a crime against a person that is charged under a municipal ordinance, the defendant is not required to provide a DNA sample. Eliminating this loophole will treat offenders convicted of crimes against persons equally and will provide additional samples for the database. This will make the database more effective in solving crimes.

I urge your support of Senate Bill 95.

24-LS0528/F  
Luckhaupt  
2/28/05

CS FOR SENATE BILL NO. 95( )

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATOR BUNDE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the collection of, and the use of reasonable force to collect, a  
2 deoxyribonucleic acid sample from persons convicted of or adjudicated delinquent for  
3 certain crimes."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 \* Section 1. AS 44.41.035(b) is amended to read:

6 (b) The Department of Public Safety shall collect for inclusion into the DNA  
7 registration system a blood sample, oral sample, or both, from (1) a person convicted  
8 in this state of a crime against a person or a felony under AS 11 or AS 28.35 or a law  
9 or ordinance with elements similar to a crime against a person or a felony under  
10 AS 11 or AS 28.35, (2) a minor 16 years of age or older, adjudicated as a delinquent  
11 in this state for an act that would be a crime against a person or a felony under AS 11  
12 or AS 28.35 [,] if committed by an adult or for an act that would violate a law or  
13 ordinance with elements similar to a crime against a person or a felony under  
14 AS 11 or AS 28.35 if committed by an adult, (3) a voluntary donor, (4) an

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anonymous DNA donor for use in forensic validation, forensic protocol development, quality control, or population or statistical data bases, and (5) a person required to register as a sex offender or child kidnapper under AS 12.63. The department also may collect for inclusion into the DNA registration system a blood sample, oral sample, or tissue sample from crime scene evidence or from unidentified human remains. The DNA identification registration system consists of the blood, oral, or tissue samples drawn under this section, any DNA or other blood grouping tests done on those samples, and the identification data related to the samples or tests. Blood samples, oral samples, and tissue samples not subject to testing under this section, and test or identification data related to those samples, may not be entered into, or made a part of, the DNA identification registration system.

\* Sec. 2. AS 44.41.035 is amended by adding new subsections to read:

(o) A juvenile or adult correctional, probation, or parole officer or a peace officer may use reasonable force to collect an oral sample for inclusion into the DNA registration system from a person required to submit to collection of a sample under this section, AS 12.55.015(h), 12.55.100(d), AS 33.16.150(a), or another law.

(p) A person may not bring a civil action against the state or a municipality, or their employees or agents, for actions arising out of DNA collection in conformity with this section.

\* Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. The changes made by this Act apply to all convictions or adjudications of delinquency included under AS 44.41.035(b), as amended by sec. 1 of this Act, that

- (1) occur on or after the effective date of sec. 1 of this Act;
- (2) occurred before the effective date of sec. 1 of this Act if the person is incarcerated or is on probation or parole for the offense on or after the effective date of sec. 1 of this Act.

*Amend #1*  
*Immediate effective date.*

## SENATE BILL NO. 95

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATOR BUNDE

Introduced: 2/7/05

Referred: State Affairs, Judiciary

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to the collection of, and the use of reasonable force to collect, a  
2 deoxyribonucleic acid sample from persons convicted of or adjudicated delinquent for  
3 certain crimes."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 \* Section 1. AS 44.41.035(b) is amended to read:

6 (b) The Department of Public Safety shall collect for inclusion into the DNA  
7 registration system a blood sample, oral sample, or both, from (1) a person convicted  
8 in this state of a crime against a person or a felony under AS 11 or AS 28.35 or a law  
9 or ordinance with elements similar to a crime against a person or a felony under  
10 AS 11 or AS 28.35, (2) a minor 16 years of age or older, adjudicated as a delinquent  
11 in this state for an act that would be a crime against a person or a felony under AS 11  
12 or AS 28.35 [,] if committed by an adult or for an act that would violate a law or  
13 ordinance with elements similar to a crime against a person or a felony under  
14 AS 11 or AS 28.35 if committed by an adult, (3) a voluntary donor, (4) an

1 anonymous DNA donor for use in forensic validation, forensic protocol development,  
 2 quality control, or population or statistical data bases, and (5) a person required to  
 3 register as a sex offender or child kidnapper under AS 12.63. The department also  
 4 may collect for inclusion into the DNA registration system a blood sample, oral  
 5 sample, or tissue sample from crime scene evidence or from unidentified human  
 6 remains. The DNA identification registration system consists of the blood, oral, or  
 7 tissue samples drawn under this section, any DNA or other blood grouping tests done  
 8 on those samples, and the identification data related to the samples or tests. Blood  
 9 samples, oral samples, and tissue samples not subject to testing under this section, and  
 10 test or identification data related to those samples, may not be entered into, or made a  
 11 part of, the DNA identification registration system.

12 Sec. 2. AS 44.41.035 is amended by adding a new subsection to read:

13 (o) A juvenile or adult correctional, probation, or parole officer or a peace  
 14 officer may use reasonable force to collect an oral sample for inclusion into the DNA  
 15 registration system from a person required to submit to collection of a sample under  
 16 this section, AS 12.55.015(h), 12.55.100(d), AS 33.16.150(a), or another law. The  
 17 state, a municipality, a juvenile or adult correctional, probation, or parole officer, or a  
 18 peace officer is immune from civil or criminal liability for using reasonable force to  
 19 collect an oral sample from a person required to submit to collection of a sample for  
 20 inclusion into the DNA registration system.

*Dep.  
 of Law's  
 language  
 to avoid frivolous  
 lawsuits*

# FISCAL NOTE

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: SB 95  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Corrections  
Title "An act relating to the collection of, and the use RDU Institutional Facilities  
of reasonable force to collect, a deoxyribonucleic acid sample" Component Institution Director's Office  
Sponsor Senator Bunde  
Requester State Affairs, Judiciary Component No. 524

## Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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## FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

## POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

## ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation will not have a measurable fiscal impact on the Department of Corrections.

Prepared by: Sharleen Griffin, Acting Director Phone 465-4641  
Division Administrative Services Date/Time 2/18/05 9:48 AM  
Approved by: Portia Parker, Deputy Commissioner Date 2/18/2005  
Agency Department of Corrections

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: SB 95  
 (S) Publish Date: 2/28/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
 Title "An Act relating to the collection of, and the use RDU CRIMINAL  
of reasonable force to collect, a deoxyribonucleic acid..." Component CDCO  
 Sponsor Senator Bunde  
 Requester Senate State Affairs Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill amends AS 44.41.035(b) (DNA identification system) by both narrowing the statute to apply to convictions that occur in Alaska, and widening to apply to violations of law or ordinances with elements similar to AS 11 (Criminal Law) or AS 28.35 (Motor Vehicle Offenses and Accidents). A new subsection to AS 44.41.035 is added that allows certain officials to use reasonable force in collection of DNA.

Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn Daughettee, Director Phone 465-3673  
 Division: Administrative Services Division Date/Time 2/22/05 10:35 AM  
 Approved by: K. Daughettee for Scott Nordstrand, Acting Attorney General Date 2/22/2005  
 Agency: Department of Law

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 3  
 Bill Version: SB 95  
 (S) Publish Date: 2/28/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: An Act relating to collection of RDU: Legal and Advocacy Services  
DNA by force... Component: Public Defender Agency  
 Sponsor: Sen. Bunde  
 Requester: Senate State Affairs Component No.: 1631

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill allows public safety employees, including juvenile and adult probation and parole officers to use reasonable force to collect authorized DNA samples, and grants them immunity from any civil or criminal liability. This bill, if enacted, is not expected to have a significant fiscal impact on the operations of the Agency.

Prepared by: Linda K. Wilson, Deputy Director Phone: (907)334-4416  
 Division: Public Defender Agency Date/Time: 2/22/05 9:54 AM  
 Approved by: Michael Tibbles, Deputy Commissioner Date: 2/22/2005  
 Agency: Department of Administration

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 4  
 Bill Version: SB 95  
 (S) Publish Date: 2/28/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title Use of Force for DNA Collection RDU Statewide Support  
 Component Criminal Records & ID  
 Sponsor Senator Bunde  
 Requester Senate State Affairs Component No. 1190

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:**

Section 1 amends AS 44.41.035(b) by expanding the types of convictions that require deoxyribonucleic acid (DNA) registration. Under this bill, upon conviction in this state of crimes similar to crimes against persons, or felonies under AS 11 or AS 28.35, DNA must be collected. "Similar crimes" will include municipal misdemeanors, and preliminary estimates, based on the Uniform Offense Citation Table, are that this would include convictions under approximately 35 municipal misdemeanors from six municipalities - Anchorage, Juneau, Fairbanks, Ketchikan, Sitka, and Petersburg. In FY 2004 there were 680 persons with convictions under those municipal offenses. This number excludes duplicates (persons who were convicted of more than one qualifying municipal offense) and persons for whom DNA has already been collected for prior convictions (for whom subsequent collections will not be necessary).

continued on page 2

Prepared by: Director David Schade Phone 269-0202  
 Division: Statewide Services Date/Time 2/22/05 3:00 PM  
 Approved by: Commissioner William Tandeske Date 2/22/2005  
 Agency: Department of Public Safety

FISCAL NOTE # 4

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

BILL NO. SB 95

**ANALYSIS CONTINUATION**

Collecting DNA for municipal misdemeanors will mean that when some defendants are subsequently convicted of other qualifying offenses, their DNA will already be on file, so this does not mean the numbers are absolute additions to the DNA database overall. Basically, this bill will shift the collection of DNA to earlier in a defendant's criminal career. "Similar crimes" will also include federal or military convictions, for which no preliminary numbers are available. Adding "similar crimes" will have an impact on Statewide Services Records & Identification and Information Services due to the increase in clerical and technical tasks, such as confirming fingerprints and modifying tables in the Alaska Public Safety Information Network (APSIN). This increase in the workload can be absorbed at present, although there is a cumulative impact on the APSIN staff workload. Similarly, the crime lab can absorb the increase in DNA submissions, although there is a cumulative impact on the crime lab workload as well.

Section 2 provides that reasonable force may be used in the collection of oral DNA samples. This section will have no impact on the workload of Statewide Services.

Sec. 44.41.035. DNA identification system.

(a) To support criminal justice services in this state, the Department of Public Safety shall establish a deoxyribonucleic acid (DNA) identification registration system.

(b) The Department of Public Safety shall collect for inclusion into the DNA registration system a blood sample, oral sample, or both, from (1) a person convicted of a crime against a person or a felony under AS 11 or AS 28.35, (2) a minor 16 years of age or older, adjudicated as a delinquent for an act that would be a crime against a person or a felony under AS 11 or AS 28.35, if committed by an adult, (3) a voluntary donor, (4) an anonymous DNA donor for use in forensic validation, forensic protocol development, quality control, or population or statistical data bases, and (5) a person required to register as a sex offender or child kidnapper under AS 12.63. The department also may collect for inclusion into the DNA registration system a blood sample, oral sample, or tissue sample from crime scene evidence or from unidentified human remains. The DNA identification registration system consists of the blood, oral, or tissue samples drawn under this section, any DNA or other blood grouping tests done on those samples, and the identification data related to the samples or tests. Blood samples, oral samples, and tissue samples not subject to testing under this section, and test or identification data related to those samples, may not be entered into, or made a part of, the DNA identification registration system.

(c) The Department of Public Safety may

(1) analyze DNA for law enforcement agencies; and

(2) assist law enforcement officials and prosecutors in the preparation and use of DNA evidence for presentation in court.

(d) Except as provided in (e) of this section, a local law enforcement agency may not establish or operate a DNA identification registration system unless

(1) the equipment and the DNA typing method of the local system are compatible with that of the state system under (a) of this section;

(2) the local system is equipped to receive and answer inquiries from the department's DNA identification registration system and transmit data to the department's DNA identification registration system; and

(3) procedure and rules for the collection, analysis, storage, expungement, and use of DNA identification data do not conflict with this section and procedures and rules applicable to the department's DNA identification registration system.

(e) Nothing in (d) of this section prohibits a local law enforcement agency from performing DNA identification analysis in individual cases to assist law enforcement officials and prosecutors in the preparation and use of DNA evidence for presentation in court.

(f) The DNA identification registration system is confidential, is not a public record under AS 40.25.110 - 40.25.140, and may be used only for

- (1) providing DNA or other blood grouping tests for identification analysis;
- (2) criminal investigations, prosecutions, and identification of human remains;
- (3) statistical blind analysis;
- (4) improving the operation of the system; or
- (5) exoneration of the innocent.

(g) A person from whom a sample has been collected under this section may inspect and obtain a copy of the identification data regarding the person contained within the DNA identification registration system.

(h) The Department of Public Safety shall adopt reasonable procedures

(1) for the collection, analysis, storage, expungement, and use of the DNA identification registration system; and

(2) to protect the DNA identification registration system established under this section from unauthorized access and from accidental or deliberate damage by theft, sabotage, fire, flood, wind, or power failure.

(i) The Department of Public Safety shall, upon receipt of a court order, destroy the material in the system relating to a person. The court shall issue the order if it determines that

(1) the conviction or adjudication that subjected the person to having a sample taken under this section is reversed; and

(2) the person

(A) is not retried or readjudicated for the crime; or

(B) after retrial, is acquitted of the crime or after readjudication for the crime is not found to be a delinquent.

(j) The Department of Public Safety may adopt regulations to carry out the purposes of this section.

(k) The provisions of this section apply to a person from another state that this state has accepted under any interstate corrections or probation agreement or compact, regardless of whether the person is confined or released, if the person was convicted of an offense that is similar to an offense described in (b) of this section.

(l) The Department of Public Safety may not include in the DNA registration system a blood sample, oral sample, or tissue sample of the victim of a crime, unless that person would otherwise be included under (b)(1) - (5) of this section.

(m) The commissioner of public safety shall notify the president of the senate and the speaker of the house of representatives if, at any time after July 1, 2003, the federal government fails to pay the costs of the DNA identification registration system.



## Alaska State Legislature

Senate Majority Web: [www.akrepublicans.org](http://www.akrepublicans.org)

Sponsor: Senator Con Bunde  
Current Version: SB 95  
Contact: Lauren Wickersham, 465-3881

### Fact Sheet for: Senate Bill 95

**Short Title:** COLLECTION OF DNA/USE OF FORCE

**Summary:**

- Allows a peace officer, correctional, probation or parole officer to use reasonable force to collect an oral sample for inclusion into the deoxyribonucleic acid (DNA) registration system from a person required to submit a sample under current state law.
- Provides immunity for those officers from civil or criminal liability for using reasonable force to collect the sample.
- Requires the collection of DNA from a person convicted of a municipal ordinance that is similar to a state law requiring collection of DNA.

**Benefits:**

- Adds misdemeanors for crimes against a person such as assault, kidnapping or reckless endangerment to the offenses for which the state can collect DNA samples.
- Gives the state a valuable tool for solving unsettled crimes.
- Allows the state to collect DNA from persons serving long prison sentences who otherwise have no incentive to submit DNA samples.

**Background:**

- Under current law, refusal to submit a DNA sample constitutes a Class C felony. For prisoners already serving long sentences, the punishment for a Class C felony is of such little consequence it provides no incentive to comply. Statistics show that many perpetrators of crimes against a person are repeat offenders. Giving the state the ability to collect DNA samples from people who are otherwise unwilling to submit them could greatly improve the chances of solving past crimes.



# LAWS OF ALASKA

2003

**Source**  
SCS CSHB 49(JUD)

**Chapter No.**  
\_\_\_\_\_

## AN ACT

Relating to the deoxyribonucleic acid (DNA) identification registration system and testing; and providing for an effective date.

---

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1

Enrolled HB 49

**AN ACT**

1 Relating to the deoxyribonucleic acid (DNA) identification registration system and testing;  
2 and providing for an effective date.

3

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 **FINDINGS.** The legislature finds that

7 (1) the deoxyribonucleic acid (DNA) identification registration system is an  
8 important tool in the investigation of crime, both in excluding innocent persons and in  
9 detecting repeat offenders;

10 (2) the inclusion of DNA samples from all persons who are convicted of a  
11 crime against another person or of any felony under AS 11 or AS 28.35 will greatly assist law  
12 enforcement agencies in solving crimes and detecting repeat offenders;

13 (3) cooperation between the state and other criminal justice agencies improves  
14 the detection of repeat offenders, the exoneration of innocent persons, the location of missing

1 persons, and the identification of unknown human remains; and

2 (4) the federal government is paying the costs of the DNA identification  
3 registration system.

4 \* Sec. 2. AS 11.56.760(a) is amended to read:

5 (a) A person commits the crime of violating an order to submit to DNA testing  
6 if, when requested by a health care professional acting on behalf of the state to provide  
7 a blood sample, oral sample, or both, or when requested by a juvenile or adult  
8 correctional, probation, or parole officer or a peace officer to provide an oral sample,  
9 the person refuses to provide the sample or samples and the person [HAS BEEN]

10 (1) **has been** ordered to submit to DNA testing as part of a sentence  
11 imposed under AS 12.55.015; [OR]

12 (2) **has been** convicted of an offense that requires DNA testing under  
13 the provisions of AS 44.41.035; or

14 (3) **is required to register as a sex offender or child kidnapper**  
15 **under AS 12.63.**

16 \* Sec. 3. AS 11.56.760(c) is amended to read:

17 (c) Violating an order to submit to DNA testing is a class **C felony** [A  
18 MISDEMEANOR].

19 \* Sec. 4. AS 11.56 is amended by adding a new section to read:

20 **Sec. 11.56.762. Unlawful use of DNA samples.** (a) A person commits the  
21 crime of unlawful use of DNA samples if the person knowingly, without authorization  
22 under AS 44.41.035, possesses or allows another person access to (1) a blood, oral, or  
23 tissue sample collected for inclusion in the deoxyribonucleic identification registration  
24 system under AS 44.41.035, or (2) identification data or records derived from those  
25 samples.

26 (b) Unlawful use of DNA samples is a class C felony.

27 \* Sec. 5. AS 44.41.035(b) is amended to read:

28 (b) The Department of Public Safety shall collect for inclusion into the DNA  
29 registration system a blood sample, oral sample, or both, from (1) a person convicted  
30 of a crime against a person [, (2) A PERSON CONVICTED OF BURGLARY] or a  
31 felony **under AS 11 or AS 28.35, (2) [ATTEMPT TO COMMIT BURGLARY, AND**

1 (3)] a minor 16 years of age or older, adjudicated as a delinquent for an act that would  
2 be a crime against a person [, A BURGLARY,] or a felony under AS 11 or AS 28.35  
3 [ATTEMPT TO COMMIT BURGLARY], if committed by an adult, (3) a voluntary  
4 donor, (4) an anonymous DNA donor for use in forensic validation, forensic  
5 protocol development, quality control, or population or statistical data bases, and  
6 (5) a person required to register as a sex offender or child kidnapper under  
7 AS 12.63. The department also may collect for inclusion into the DNA  
8 registration system a blood sample, oral sample, or tissue sample from crime  
9 scene evidence or from unidentified human remains. The DNA identification  
10 registration system consists of the blood, [OR] oral, or tissue samples drawn under  
11 this section, any DNA or other blood grouping tests done on those samples, and the  
12 identification data related to the samples or tests. Blood samples, [AND] oral  
13 samples, and tissue samples [FROM PERSONS] not subject to testing under this  
14 section, and test or identification data related to those samples, may not be entered  
15 into, or made a part of, the DNA identification registration system.

16 \* Sec. 6. AS 44.41.035(c) is amended to read:

17 (c) The Department of Public Safety may [PROVIDE]

18 (1) analyze DNA for [ANALYSIS SERVICES TO] law enforcement  
19 agencies [THROUGHOUT THE STATE]; and

20 (2) assist [ASSISTANCE TO] law enforcement officials and  
21 prosecutors in the preparation and use [UTILIZATION] of DNA evidence for  
22 presentation in court.

23 \* Sec. 7. AS 44.41.035(f) is amended to read:

24 (f) The DNA identification registration system is confidential, is not a public  
25 record under AS 40.25.110 - 40.25.140, and may be used only for

26 (1) providing DNA or other blood grouping tests for identification  
27 analysis;

28 (2) [LAW ENFORCEMENT PURPOSES INCLUDING] criminal  
29 investigations, [AND] [PROSECUTIONS], and identification of human remains;

30 (3) statistical blind analysis; [OR]

31 (4) improving the operation of the system; or

1 (5) exoneration of the innocent.

2 \* Sec. 8. AS 44.41.035(j)(1) is amended to read:

3 (1) "crime against a person" means an [A FELONY] offense, or an [A  
4 FELONY] attempt or solicitation to commit an offense, under AS 11.41 [, OTHER  
5 THAN AS 11.41.320, OR UNDER AS 11.46.400];

6 \* Sec. 9. AS 44.41.035(j) is amended by adding a new paragraph to read:

7 (3) "convicted" means that an adult, or a juvenile charged as an adult  
8 under AS 47.12 or a similar procedure in another jurisdiction, has entered a plea of  
9 guilty, guilty but mentally ill, or nolo contendere, or has been found guilty, or guilty  
10 but mentally ill, by a court or jury, regardless of whether the judgment was set aside  
11 under AS 12.55.085 or a similar procedure in another jurisdiction or was the subject of  
12 a pardon or other executive clemency; a person is not "convicted" if the judgment  
13 against the person was reversed or vacated by a court.

14 \* Sec. 10. AS 44.41.035 is amended by adding a new subsection to read:

15 (k) The Department of Public Safety may adopt regulations to carry out the  
16 purposes of this section.

17 \* Sec. 11. AS 44.41.035 is amended by adding new subsections to read:

18 (l) The provisions of this section apply to a person from another state that this  
19 state has accepted under any interstate corrections or probation agreement or compact,  
20 regardless of whether the person is confined or released, if the person was convicted of  
21 an offense that is similar to an offense described in (b) of this section.

22 (m) The Department of Public Safety may not include in the DNA registration  
23 system a blood sample, oral sample, or tissue sample of the victim of a crime, unless  
24 that person would otherwise be included under (b)(1) - (5) of this section.

25 \* Sec. 12. The uncodified law of the State of Alaska is amended by adding a new section to  
26 read:

27 **APPLICABILITY.** The changes made by this Act apply to

28 (1) all convictions or adjudications of delinquency included under  
29 AS 44.41.035(b), as amended by sec. 5 of this Act, that

30 (A) occur on or after the effective date of sec. 5 of this Act,

31 (B) occurred before the effective date of sec. 5 of this Act if the person

1 is incarcerated or is under supervised probation or parole for the offense on or after the  
2 effective date of sec. 5 of the Act; and

3 (2) all persons required to register as a sex offender or child kidnapper under  
4 AS 12.63 before, on, or after the effective date of sec. 5 of this Act.

5 \* Sec. 13. The uncodified law of the State of Alaska is amended by adding a new section to  
6 read.

7 TRANSITION: REGULATIONS. The Department of Public Safety may proceed to  
8 adopt regulations necessary to carry out the changes made by secs. 5 - 9 and 11 of this Act.  
9 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the  
10 effective date of the statutory changes.

11 \* Sec. 14. The uncodified law of the State of Alaska is amended by adding a new section to  
12 read:

13 INSTRUCTION TO COMMISSIONER OF PUBLIC SAFETY. The commissioner of  
14 public safety shall notify the president of the senate and the speaker of the house of  
15 representatives if, at any time after the effective date of sec. 1 of this Act, the federal  
16 government fails to pay the costs of the DNA identification registration system.

17 \* Sec. 15. Sections 10 and 13 of this Act take effect immediately under AS 01.10.070(c).

18 \* Sec. 16. Except as provided in sec. 15 of this Act, this Act takes effect July 1, 2003.



# Municipality of Anchorage



4801 Prudhoe Street • Anchorage, Alaska 99507-1800 • Telephone (907) 786-4600 • <http://www.municipalityofanchorage.org>

Mayor Mark Begich

## Anchorage Police Department

February 15, 2005

Senator Con Bunde  
State Capitol, Room 506  
Juneau, AK 99801-1182

Senator:

I support the idea of SB 95, Reasonable Force DNA Collection, to better equip law enforcement in the identification, apprehension and conviction of those who commit serious crimes against the citizens of our state.

DNA forensic evidence has helped resolve such crimes as sexual assault and homicide, and the conviction of those responsible not only promotes a feeling of safety in the community but also provides closure to the victims and families of victims.

I have two pending cases, one of which is a homicide and the other a sexual assault which, I am told by the State Crime Lab, were committed by the same suspect. Unfortunately, CODIS, the DNA data bank, does not have the available match to provide us with a name yet. Experience tells me that this rapist and murderer, more than likely, committed other crimes. The enhancement of this statute, the Reasonable Force DNA Collection, would more rapidly develop the database and with our diligence, we'd be in a better position to stop that suspect before he victimizes yet again. This is just one example, and undoubtedly, other Alaskan law enforcement agencies would have similar examples of crimes that could be more easily and quickly solved with the passage of the Reasonable Force DNA Collection bill.

Sincerely,

Walt Monegan  
Chief of Police

WM/ta

*Community, Security, Prosperity*



The Empire State

# New York State Division of Criminal Justice Services

Governor  
Pataki

map-NYS

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George E. Pataki, Governor  
Chauncey G. Parker, Director

Reducing crime and improving the effectiveness of c

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## DNA Case Highlights

**Preventable Crimes :** case studies on the potential of DNA technology to reduce crime

## Chautauqua County

On the morning of November 25, 1998, a woman was confronted by a rapist in her home in Jamestown, Chautauqua County. In June 2001, a Chautauqua County Probation officer secured a DNA sample from Andrew Tehoke who was serving a probation term for a 2000 Burglary 3rd conviction. Tehoke's DNA profile hit against the DNA profile developed from forensic evidence recovered in connection with the 1998 sexual assault and he was subsequently convicted of the offense.

## Erie County

A DNA Databank hit linked Lamont Coleman, a man with a history of sex offenses, with the sexual assault of a female professor which took place on March 31, 2000. The attack occurred in the same building on the campus where, in 1987 another female professor had been assaulted. Coleman was convicted of the attack and his DNA profile was entered in the State's DNA Databank. It matched with the profile recovered at the scene of the 2000 assault. Coleman was a national fugitive for two years and on the FBI's Most-Wanted list prior to his capture in July, 2002.

Following a DNA Databank hit in April 2000, Ishmael Saladeen was indicted for the 1982 murder of an elderly male and an 84 year-old female who were killed during a robbery in a photography studio in the commission of this crime, the owner of the studio and five other victims who entered the store and robbed. The elderly female was strangled to death and the male victim fatally shot. One of the victims was also raped and sodomized. The surviving victims all had a caustic solution splashed on them, apparently in an effort to blind them and prevent identification of the perpetrator. With the advent of the DNA Databank, the Erie County Department of Central Police Services Forensic Science Laboratory identified the perpetrator's DNA profile from evidence recovered from the victim who was sexually assaulted in the 1982 attacks. Within a year of these crimes, Saladeen was convicted for a separate incident of Attempted Murder in the Second Degree and sentenced to a lengthy prison term. Pursuant to the amendments to the DNA database law, a DNA specimen was collected from Saladeen and his DNA profile was found to match the DNA profile of the perpetrator of the sexual assault. The Statute of Limitations for the indictment of the defendant on the rape and sodomy charges; however, as a result of him being identified at the photography studio scene through the sexual assault evidence, Saladeen was convicted in a December 11, 2001 for Murder in the Second Degree.

## Madison County

In 1992, the small village of Cazenovia (20 miles east of Syracuse) was celebrating the Fourth of July carnival. A 15 year old boy left the restaurant where he worked to meet his parents for the festive five minute walk along a wooded footpath to meet his parents, the boy was abducted, sexually assaulted and murdered. His body was discovered in Cazenovia Lake the next day. Thousands of leads were put out in the country (given the fact there were so many transient people in town that weekend of the carnival). In February 2001, the case was solved when forensic evidence recovered from the victim was found to match the DNA profile sample of Jeffrey Clark. Clark's DNA specimen had been collected for inclusion in the State's DNA Databank based on his conviction for Sodomy 1st in 2000. Clark subsequently entered a plea of guilty to the murder.

## Monroe County

In November 2002 a man was killed during a failed burglary when he woke up to the sounds of a burglar at his home. The victim approached the intruder and during the ensuing struggle managed to call police. The burglar was mortally wounded. Police arrived to find the victim but no suspect in the house. Crime scene technicians collected 10 blood samples from the Gates, NY home, 9 of which matched the victim, but the burglar's DNA was not loaded into the State DNA Databank in January 2003. This sample returned a hit on Bryan P

## Forensic

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had been required to submit a sample for inclusion in the databank for a previous Burglary conviction. As a result of the 1999 amendments to the DNA Databank law. Armed with this information police contacted Hawkins, who denied involvement in the murder, to request that he submit a sample for confirmation. Hawkins agreed and upon testing, the sample matched the DNA found at the scene. Subsequent police were able to find two witnesses that remembered seeing Hawkins with a cut finger on the night the Homicide occurred. Hawkins is now serving a term of 25 years to life for the 2nd degree murder.

Because of the variation in the ages of the victims and the modus operandi, investigators were unable to find a connection between three sexual assaults that occurred between 1997 and 1999 in Rochester, New York. In 2000, DNA testing of physical evidence recovered at the scenes of these assaults indicated that one suspect had committed the three crimes. In one of the cases, a 4 year old girl was molested and left on a residential street miles from her home. In another case, a 10 year old girl was beaten and raped by an intruder in her home. In the third case, a 67 year old woman was raped, beaten and robbed in the parking lot of her apartment building. In March 2000, a DNA sample from Robert Griffin was taken as a result of his recent conviction for Attempted Burglary 1st and entered into the State DNA Databank. Griffin's DNA profile matched the DNA profiles developed from the sexual assaults. Griffin was convicted of these assaults following a jury trial.

#### New York City

On January 5th 2004 a serial rapist was sentenced to 35 years in prison for a series of robberies and sexual assaults covering 5 months and 3 boroughs. The attacker, Tyrone Williams, started his crime spree in 2003 by following a woman into an apartment complex in Chelsea where he robbed and sodomized her. Days later he then followed three more women into an apartment building in the Bronx raping two and sexually assaulting the third. The following week Williams returned to Chelsea where he followed two women into an apartment, raping one victim and robbing victims number five and six. Williams then traveled to Manhattan raping one victim in a stairwell in Mid-April 2003 followed by a second Manhattan rape in the early part of May 2003. The evidence collected at the scenes of these vicious attacks was quickly analyzed by the New York City Office of the Chief Medical Examiner and submitted for a search early in 2003. Williams was arrested by the New York City Police Department the day they were notified of his DNA hit. Williams was required to provide a DNA sample for the NYS DNA Databank following a 2000 conviction for an attempted burglary.

One early morning in October 2000, a young financial analyst on her way to work in midtown Manhattan was pulled into a freight elevator and viciously choked, raped and beaten. The victim bit her assailant to bleed onto her jacket. A DNA profile was developed from the blood stain by the New York City Medical Examiner Forensic Biology Laboratory and entered into CODIS. The profile from the crime scene matched the DNA profile of Richard Navas. He was subsequently arrested and convicted for Rape 1st Degree Assault.

In the early morning hours of December 21, 1999, as an NBC Producer walked home from her job in Manhattan, she was confronted by a man who threatened to kill her. He pulled her into an open area and raped her. She lured him to an ATM machine by offering him money, hoping to capture his picture on a security camera. Unfortunately, the perpetrator could not be identified in the ATM photo. Two months after the attack, a DNA specimen was collected from Lashange Legrand who was on parole for Attempted Robbery 1st. His DNA specimen had been collected under the 1999 amendments to the DNA database law. When his DNA profile was entered into the state DNA Databank, it matched with the profile recovered from forensic evidence collected from the scene of the 1999 attack. Legrand subsequently was convicted for Rape 1st.

In 1998, a female employee of a major department store had gone into the stock room of the store to change a robe. The assailant choked her and proceeded to rape her. Using the pin of her employee badge, she stabbed him which caused him to bleed onto the robe and cardboard that covered the floor. Subsequent to the rape, the rapist fled the stock room covering his face so that he could not be identified on a security camera. In April 2002, the DNA profile developed from the blood stain hit against the DNA profile of Joe Felder. Felder provided a DNA sample for inclusion in the Databank in February 2002 when he was committed to the Department of Correctional Services for Burglary 3rd. On April 15, 2003, Felder was convicted of Rape 1st.

In November 1995, a woman was abducted, raped and terrorized in an apparent attempt to get information about drug dealers that the perpetrators viewed as competition. She was unable to identify her assailant. A DNA profile was developed from forensic evidence recovered from the scene and, when entered into the state DNA database, was found to match the DNA profile of Kyle Hardison. Hardison's DNA specimen had been collected under the amendments to the state DNA database law as a result of a Robbery conviction. He was subsequently convicted of First Degree Rape and First Degree Sodomy.

In 1991, a 17-year-old girl Harlem girl was sodomized, raped and robbed in New York City. Due to the limitations of DNA science at the time of trial, DNA could not be extracted from the rape kit evidence. At his arrest and subsequent prosecution for these crimes, a Manhattan man was convicted and sentenced to 20 to 40 years incarceration. Recently, advances in DNA science enabled law enforcement

authorities to conduct a new test on the evidence in the case, and a DNA profile from that evidence to the databank in April of this year. A subsequent comparison of the crime DNA to the DNA of a Manhattan man proved that, in fact, he had not committed the crime for which he was incarcerated. DNA was then searched against the DNA databank, and matched to another incarcerated felon whose sample was added to the databank as a result of the 1999 expansion. Sadly, the existing statute has expired for these crimes, thereby hindering the prosecution of the true perpetrator. However, the databank to exonerate the innocent, as well as implicate the guilty, is made abundantly clear and the need to eliminate the statute of limitations for such violent crimes is reaffirmed.

#### **Onondaga County**

In November 1975 a woman was found murdered on the shores of Otisco Lake just outside Syracuse. Her body police found the business card of a Madison, NY cabinetmaker, Donald Sigsbee. Sigsbee was a prime suspect for a number of years in the rape and stabbing death of the victim but police were unable to positively connect him to the crime. In 1975 the use of DNA evidence had yet to be conceived, but through the diligence of a single State Police forensic scientist, a sample of the semen from the crime scene was preserved on a microscope slide. That thoughtfulness led to the DNA profile that matched the DNA of Sigsbee on a discarded drinking straw. Now 28 years later the family of the victim has their justice and a final resting place for the death of a loved one. Sigsbee now faces a mandatory minimum of 15 years to life in prison.

In December, 1999, an individual broke into Onondaga County home of an 80 year old woman and sodomized her. She was unable to identify her assailant. Forensic evidence recovered at the scene was analyzed and the resulting DNA profile entered into the DNA Databank. The profile was found to be a match to the DNA profile of Sean Coyne who was on probation for an Attempted Robbery 2nd conviction. He is now required to provide a DNA specimen as a result of the 1999 amendments to the DNA database law.

#### **Sullivan County**

Nearly 18 years of mystery ended when Rommal Bennett pleaded guilty in August of 2004 to the murder of the owner of a diner in Monticello. A cold hit in CODIS, the national DNA Database system, linked the DNA profile recovered from a cigarette butt found in a beer bottle at the victim's residence. The cigarette butt was analyzed by the New York State Police Forensic Investigation Center in Albany. Bennett was put into the national database by the forensic laboratory in Minnesota based on a 1994 conviction for murder.

#### **Westchester County**

Thirsty? Apparently Angelo Powell was following an October 2003 burglary where he thought it would help himself to a soda from the victim's home. That thirst was the final straw in a string of burglaries that Powell had committed during his 25 year career as a criminal. The DNA that he left on the rim of a soda bottle was compared to the NYS DNA Databank and hit against a sample Powell provided in 2000 for a conviction for Burglary in the Second Degree. Based upon the DNA evidence left behind and the fact that he had no legitimate reason to be in the home of the victim, Powell pleaded guilty and was sentenced to life as a persistent violent felony offender.

The first match against the State DNA Databank solved a 21-year-old murder in Westchester County. In 1979, a 22-year-old woman was brutally stabbed to death in her Mt. Vernon apartment. The suspect was apparently cut himself in the commission of this offense. Bloodstains found at the scene of the crime were preserved and DNA analysis was performed in 2000 by the Westchester County Forensic Science Laboratory. The resulting DNA profile was uploaded to the State's DNA Databank and found to match the DNA profile of Walter Gill. Mr. Gill was serving time in State prison for robbery, an offense that did not require a DNA sample until the 1999 amendment to the DNA database law. Gill was convicted of First Degree Manslaughter.

## Alaska's Crime Fighting Databases A Big Hit

By CHRIS BEHEIM AND LESLEY HAMMER

The Department of Public Safety maintains two databases that are powerful weapons in the war on crime; WIN/AAFIS, the Western Identification Network / Alaska Automated Fingerprint Information System and CODIS, the Combined DNA Index System. Unidentified latent fingerprints may be searched in AAFIS and unidentified DNA evidence may be searched in CODIS. Both of these databases have proven to be extremely effective crime fighting tools, as crime lab personnel have utilized them to generate hits on latent prints and DNA that otherwise would remain unidentified. The Scientific Crime Detection Laboratory has made the utilization of these databases a priority.

Latent fingerprints associated with a crime are first compared to suspects and persons for elimination. Remaining unidentified latent prints of sufficient quality are searched in the WIN/AAFIS system. From 1997 to 2001, the crime lab Latent Fingerprint Section averaged 24 AAFIS hits per year. The number of hits generated in 2002 went up 229% to a total of 55. Many of these hits provided investigative information, leading to the resolution of crimes, which would have otherwise re-

mained unsolved. For example, a suspect was recently generated in an unsolved homicide because one of our latent examiners decided to search the print in WIN/AAFIS in addition to comparing it to the suspects provided on the laboratory submittal. The latent print hit on a person that was not listed on the suspect list, providing a new investigative lead in the case. The trend of hits continues into 2003 with 21 hits so far this year. In the month of April alone there have been seven latent print hits; three from drug cases, two from burglary cases, and two associated with homicide cases. Later this year the crime lab will also have the capability to search latent palm impressions with the acquisition of a Palm Print Database System which is now being researched for purchase.

DNA evidence is searched in the CODIS database. CODIS blends forensic science and computer technology into an effective tool for solving a variety of different crimes. Alaska's DNA Identification System currently contains profiles from 3200 convicted offenders along with 300 forensic or crime scene DNA profiles. Over half of the forensic profiles are from "no-suspect" cases. As

DNA profiles are entered, they are searched against both the convicted offender index and the forensic index which contain profiles from crime scene evidence. The results produced by CODIS have been spectacular. In the past 16 months, the DNA database has generated 30 hits and aided 38 different investigations, making Alaska's CODIS program one of the most successful in the country on a per capita basis. Fifteen of the hits linked crime scene evidence to a convicted offender, and fifteen of the hits linked two or more cases together, indicating that the same perpetrator was involved. DNA profiles from Alaska are regularly uploaded into the National DNA Index System. NDIS enables federal, state, and local crime labs to exchange and compare DNA profiles electronically, thereby linking crimes to each other and to convicted offenders from other states. The National DNA Index System now contains over 1,200,000 DNA profiles.

Both WIN/AAFIS and CODIS are invaluable resources to crime lab personnel. Evidence that may have remained unidentified a few years ago is now being searched in these systems and leading to

(Alaska's Crime, continued on page 6)

### Alaska Crime, continued from page 5

the resolution of many serious crimes. As technology advances and Public Safety personnel become more aware of the operation and potential of these powerful crime-fighting tools, we will see even more crimes solved in the future as direct results of these database searches. If you have any questions, or if you have evidence in no-suspect cases that you would like searched, please contact the Crime Laboratory. For latent print evidence contact Lesley Hammer at 269-5760, and for questions regarding CODIS contact Chris Beheim at 269-5743. ■



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TOWARD CRIMINAL JUSTICE SOLUTIONS

NOV. 04

## DNA in "Minor" Crimes Yields Major Benefits in Public Safety

### THE ISSUE

Property crime offenders have high recidivism rates, their crime and violence can escalate, and property crime cases often go unsolved.<sup>1</sup> It has been estimated that each burglar in the top 10 percent of burglars commits more than 232 burglaries per year.<sup>2</sup> Several police departments in the United States are finding that they may be able to change these trends. When they analyze DNA from a burglary, they get evidence that often solves several other cases as well. And they are finding that biological evidence collected from property crime scenes can prevent future property crimes and more serious offenses.

The Miami-Dade Police Department (MDPD), Palm Beach County Sheriff's Office, and New York City Police Department (NYPD) are solving high-volume property crimes (like burglary and auto theft) and violent crimes (like sexual assault and murder) using DNA funds they received from the National Institute of Justice (NIJ). They are discovering that analyzing DNA from property crimes can have major public safety benefits.

### BACKGROUND

Biological evidence *can* be retrieved from property crime scenes. Burglars often cut themselves on broken glass as they enter a property—and blood is an obvious source of DNA evidence. Plus crime labs can get a profile from "invisible" DNA evidence police retrieve from the sweatband inside a cap, from the inside of a mask, on a cigarette butt, in chewing gum, on a drinking glass, or from a half-eaten sandwich. In New York, analysts have had great success processing this "invisible" burglary evidence from the skin cells deposited from perspiration or saliva.

Mark Dale, crime lab director at the NYPD, said that in his experience, when DNA from a no-suspect murder scene is checked against records in the Combined DNA Index System (CODIS)<sup>3</sup>, it often matches DNA from a no-suspect burglary. Review of the State's first 1,000 hits showed that the vast majority were linked to crimes like homicide and rape, but of these, 82 percent of the offenders were already in the databank as a result of a prior conviction for a "lesser" crime such as burglary or drugs.<sup>4</sup> According to a Florida State study, 52 percent of database hits against murder and sexual assault cases matched individuals who had prior convictions for burglary.<sup>5</sup>

With NIJ support, the crime labs in Miami-Dade, Palm Beach, and New York City have achieved dramatic results by analyzing biological evidence collected from property crime scenes.

**The Numbers.** In New York, biological evidence from 201 burglaries yielded 86 CODIS-acceptable DNA profiles. On the basis of these numbers, the lab has thus far been able to identify several "pattern" burglaries. One profile uncovered a five-burglary serial offender. Most of New York's DNA profiles resulted in forensic hits to multiple unsolved cases. Three were linked to more serious, violent crimes such as sexual assault and robbery. In all, 37 burglary profiles have been linked through CODIS to other unsolved cases; 31 of the newly analyzed cases were matched through CODIS to convicted offenders and are now being investigated; arrests are pending.

DNA in blood stains collected at the scenes of four household burglaries in Miami-Dade linked all cases to the same offender, who turned out to be a previously convicted burglar. DNA evidence also linked three different no-suspect vehicle and residential burglaries and identified the perpetrator—he, too, turned out to be a previously convicted burglar.

Overall, in Miami-Dade, 526 no-suspect DNA profiles produced 271 hits; in Palm Beach, 229 profiles produced 91 hits. Of the 362 CODIS hits, 56 percent came from evidence collected at burglary scenes.

**The Cost.** The cost of DNA testing depends on several factors: the number of samples tested per case, the type of DNA testing needed (nuclear or mitochondrial), and the cost to have police collect biological evidence at property crime scenes and pursue investigative leads generated by CODIS hits.

But the cost of DNA analysis must be weighed against the losses from crime incurred by the public. The Bureau of Justice Statistics estimates the average property loss from burglary is \$1,500.<sup>6</sup> Bud Stuver, who heads the DNA testing program at the MDPD, looks at affordability from the broad perspective of the costs to the justice system as a whole. "It is much more expeditious to employ DNA testing than to pay investigators."

## THE BOTTOM LINE

"We move quickly when profiles are needed for the high-priority crimes of murder and rape," says Cecilia Crouse, who supervises the DNA section of the Palm Beach County Sheriff's Office crime lab. The crime labs in New York City, Miami-Dade, and Palm Beach have shown that DNA can go a long way toward solving property crimes as well as violent crimes. Law enforcement agencies can clear even more cases when they collect biological evidence not just from the scenes of major crimes, but also from high-volume crimes, such as burglary.

Bud Stuver, who has trained many officers in the MDPD to collect DNA at property crimes, shows them "it's worth the time and effort."

Mark Dale, in the NYPD, noted his lab is "now gathering data to investigate the links between recidivism, lesser offenses, and more serious crimes." If forthcoming data can show the links, then it may be possible in some instances to prevent murder by solving burglaries.

## FOR MORE INFORMATION

Visit <http://www.dna.gov>.

## NOTES

1. Langan, P.A., and D.J. Levin, *Recidivism of Prisoners Released in 1994*, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2002 (NCJ 193427): 1, 8; *Crime in the United States 2002*: 221, 223. Burglary had the lowest clearance rate of any Index crime. (Violent crimes are often more rigorously investigated, which explains why their clearance rate is higher than for property crimes.)
2. Chaiken, J.M. and M.R. Chaiken, *Varieties of Criminal Behavior*, Washington, DC: U.S. Department of Justice, National Institute of Justice, 1982 (NCJ 87680): 44.
3. CODIS is an FBI-distributed database that allows Federal, State, and local crime labs to exchange and compare DNA profiles.
4. Source: <http://criminaljustice.state.ny.us/forensic/dnabrochure.htm>.
5. Source: Florida Department of Law Enforcement State DNA Database Statistics, Tallahassee, Florida.
6. Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics, 2000*, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2001 (NCJ 190251): 304.

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**REPORT**



Using DNA to Solve Cold Cases



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