

**Testimony Regarding Enforcement of Booster Seat Laws
In Support of House Bill 320**

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by

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Good afternoon. My name is Mike Toth and I am a patrol officer with the Mentor Police Department and a member of the Greater Cleveland Safe Kids Coalition. I've been asked to speak to you today in support of House Bill 320 and to provide a law enforcement perspective on booster seat issues. I hope my comments will help to answer some of the Committee's questions on how a booster seat law would be enforced and to whom the law would apply.

You have already heard proponent testimony at three hearings. You know that the health care, law enforcement, and child advocacy communities are squarely behind this bill. As I understand it, concerns about how the law would be enforced revolve around how police would judge whether a child was below the 4'9"/8-year-old upper limit of the law. It's a good question. Anyone who has listened to witness descriptions of criminals knows that the general public can have some trouble distinguishing someone who is 5'8" tall from someone who is 6' or someone who is 20 years old from someone who is 30, but police officers are trained in the art of observing and assessing. It is what we do in a hundred different ways on a daily basis.

If the booster seat law goes into effect, police departments will begin with a roll call training that outlines the new law and its parameters—most likely including a video like the one prepared for law enforcement officers by the National Highway Traffic Safety Administration. Patrol officers already carry tape measures in their cruisers, which will aid them in assessing the height of children who may be at the upper edge of the height limit, but there are other cues that officers can use to prepare themselves for enforcing the law. Roll call training could include having officers stand next to a tape measure on the wall and seeing where 4'9" falls on them—a spot on the shoulder or chest, for example—which will provide a quick and easy frame of reference as to the height of the child. After over 20 years of experience on the road, I can also say that police officers are well practiced at distinguishing age range for children and adults. Many of us are parents or grandparents, we are actively involved in our communities, and we deal with children every day. The public counts on law enforcement officers for their good judgment, knowledge, training, and acute observational skills. It needs to be acknowledged that having the general public try to judge whether a child is under 4'9" or 8-years-old is vastly different from having police officers assess motor vehicle occupants. I might also add that if you just ask children their ages, they generally tend to tell the truth.

Worrying about whether parents of 4'10" children are going to be detained by the police presupposes that officers are only looking for excuses to hassle people or collect revenues for their cities by obsessively looking for every potential infraction. That is not what this is about. Police officers care about kids and they believe in the law; I cannot think of a single officer who

would stop a car just to hassle a parent. Officers will stop a car when they observe a child may be at risk or issue a citation when they observe an infraction of child passenger safety laws in a vehicle that has been stopped for some other reason. Fundamentally, this is less an issue of children at the upper edge of the law's requirements than about children who are clearly, visibly at risk. No officer is going to pull a car over because the child passenger looks like he may be 4'9" or 4'10"—if we pull a car over for a suspected infraction of the booster seat law, it will be because a child passenger is clearly at risk.

Under Ohio law, police officers may already stop a vehicle when they suspect a child under the age of 4 or under 40 pounds is at risk—which also requires some training and observational skills. House Bill 320 would simply extend that primary protection to children until age 8. The experience of the 40 states and District of Columbia that already have enacted booster seat laws indicates that if we do our jobs well as a safety community, use federal booster seat incentive funds to provide booster seats to low-income families, and educate parents, caregivers, and the public, then compliance will be high and kids will be protected. Parents normally want to do the right thing, but they look to the law for guidance. Ohio's current law not only lets parents down, it lets kids down too. The cost of compliance is not high—you can go to any Wal-Mart in the state and get a booster seat like this one for around \$14—but the cost of noncompliance can be tragic. Failing to put a child who needs one into a booster seat risks more than just a fine, it risks a child's life. I myself saw photographs of a 6-year-old child who had his intestines severed by a lap belt. If he had been in a booster seat, which keeps the seat belt across the lap and not across the abdomen, that child would have never had to suffer through the agonizing pain, and the many weeks of recuperation.

I am here today representing Ohio's law enforcement officers, but I am also representing the children of my community. Children who cannot enact laws themselves and cannot protect themselves. Ohio law says that children under the age of 4 or 40 pounds in weight must be protected in a child safety seat, because decades of research have unequivocally shown that's the safest way for them to travel. Is it more important to protect a 3-year-old than a 4-year-old? Is the life or health of a 7-year-old any less valuable to us as a community than the life of a 1-year-old? The provisions of House Bill 320 are common sense measures. In my opinion as a police officer, as a parent and grandparent, and as someone who cares about kids, this is the very least we can do to protect the children of our state.

Thank you.