

DISTRACTED DRIVING ENFORCEMENT TECHNIQUES

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WHAT IS DISTRACTED DRIVING?

National Highway Traffic and Safety Administration (NHTSA) definition:

- Any activity that diverts attention from driving



MINNESOTA STATUTE 169.475

169.475-Use of Wireless Communication Device

- Subdivision 1. Definition.
 - For purposes of this section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. An electronic message includes, but is not limited to, e-mail, a text message, an instant message, a command or request to access a World Wide Web page, or other data that uses a commonly recognized electronic communications protocol.



MINNESOTA STATUTE 169.475

- Statute Cont'd
 - An electronic message does not include voice or other data transmitted as a result of making a phone call, or data transmitted automatically by a wireless communications device without direct initiation by a person.



MINNESOTA STATUTE 169.475

- Subd. 2. Prohibition on use; penalty.

(a) No person may operate a motor vehicle while using a wireless communications device to compose, read, or send an electronic message, when the vehicle is in motion or a part of traffic.

(b) A person who violates paragraph (a) a second or subsequent time must pay a fine of \$225, plus the amount specified in the uniform fine schedule established by the Judicial Council.



MINNESOTA STATUTE 169.475

Subd. 3. Exceptions.

This section does not apply if a wireless communications device is used:

- (1) solely in a voice-activated or other hands-free mode;
- (2) for making a cellular phone call;
- (3) for obtaining emergency assistance to (i) report a traffic accident, medical emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;
- (4) in the reasonable belief that a person's life or safety is in immediate danger; or
- (5) in an authorized emergency vehicle while in the performance of official duties.



CAUSES OF DISTRACTED DRIVING

- A driver chooses to be distracted by:
 - Phones
 - Passengers
 - Radio
 - Food
 - Daydreaming
 - Kids
 - Others?
- Complacency while driving kills!



EXAMPLES OF DISTRACTED DRIVING

- Things we have found people doing on their phones
- Texting
 - Email
 - Doing payroll
 - Candy crush
 - Reddit
 - Snapchat
 - Surfing porn
 - Facebook
 - Taking selfies
 - Taking videos of themselves singing



EXAMPLES OF DISTRACTED DRIVING

Things drivers are doing on their phones cont'd

- Using phone for GPS
- Watching videos
- Reading books
- Reading news articles
- Facetime
- E-bay
- Setting fantasy football lineup
- Paying for previous tickets online
- Public defender doing too much work while driving
- Other examples?



DISTRACTED DRIVING ENFORCEMENT



DISTRACTED DRIVING ENFORCEMENT TIPS

- While in moving or stationary patrol, look for distraction. Cell phone in front of driver with them looking at it, or where is the driver looking. Read their body language (looking at their lap, to the side, etc.)
- If you suspect or think they might be distracted, follow them. The truly distracted driver does not see a FULLY MARKED SQUAD CAR!
- Look for driving conduct consistent with distracted driving
 - Over lines, varying speeds.



DISTRACTED DRIVING ENFORCEMENT TIPS

- Note the times that you are seeing the distraction so that you can use this to verify phone usage.
- Stop vehicle, and tell driver everything that you witnessed them doing (“I saw you with what looked like your phone up and you looking at it, I then followed you to watch your driving conduct. You crossed the fog line twice and the centerline once.)
- What were you doing?”



DISTRACTED DRIVING ENFORCEMENT TIPS

- I've found that about 80% of the time, the driver lies about what they were doing. (I was looking at the time on my phone, I was trying to call somebody, etc.). Does their excuse make sense?
- Ask them to show you the last thing they did on their phone. Have them "double-tap" the "home" button and see what were the last apps they had up and running. Some will try to hide what they are doing by holding the phone away from you, so watch closely.
- Departments that have body cameras could use this to record the movements of the driver and capture evidence of distraction.



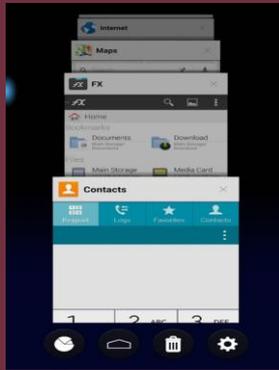
DISTRACTED DRIVING ENFORCEMENT TIPS

I-phones



DISTRACTED DRIVING ENFORCEMENT TIPS

Android phones



DISTRACTED DRIVING ENFORCEMENT TIPS

- The last app that was up is what they were most likely doing while driving.
- If this is a text message, you can check the time stamp to verify or disprove their story. I-phone text message screens can be “slid” to the left to expose the times.
- If I find a texting violation, for my ticket notes/report, I try to get the name of the person they were texting with, the time they read or texted that person, and a quote from the texting string. This is good stuff and will make your case more solid.



DISTRACTED DRIVING ENFORCEMENT TIPS

- Techniques for working 4-Lane road in stationary
 - Find a spot off of the roadway that has quick access back onto the road.
 - Be able to see both directions of travel
 - Preferably elevated to make it easier to see in to the cars.



DISTRACTED DRIVING ENFORCEMENT TIPS

- Technique for working 4-Lane while moving
 - Look for phone up, or see where driver is looking.
 - The wider the median the better.
 - Better angle to see what the driver is doing.



DISTRACTED DRIVING ENFORCEMENT TIPS

- Technique for working 2-Lane road stationary
 - Same as 4-Lane
 - Find a strategic spot to watch traffic that has easy and quick access back on to road.
 - Preferably elevated.



DISTRACTED DRIVING ENFORCEMENT TIPS

- Technique for working 2-Lane road in moving mode
 - Harder to see inside car.
 - Watch the driver's eyes to see where they are looking. Anywhere but road would be inattention.
 - Sometimes you will see phone held up on top of steering wheel.
 - Watch for swerving.



DISTRACTED DRIVING ENFORCEMENT TIPS

- How do we improve at enforcing this violation?
 - Don't always accept their excuse for distraction as truth
 - Don't forget about possible distractions when investigating crashes and/or driving complaints (swerve to miss a deer-yeah right!)
 - Practice, Practice, Practice



DISTRACTED DRIVING ENFORCEMENT

- The public wants us out there getting these unsafe drivers off of our roads!
- I feel there are a lot more distracted drivers out there than we realize.



DISTRACTED DRIVING ENFORCEMENT

If you can't prove distraction with phone, there are other options to cite them with:

- duty to drive with due care/inattentive driving,
- over lane lines
- careless driving
- etc.



DISTRACTED DRIVING ENFORCEMENT

Summary

- See distraction
- Follow and support what you saw with driving conduct
- Tell driver everything you saw
- Ask "what were you doing?"
- Prove/disprove their story



DISTRACTED DRIVING ENFORCEMENT

- Stay safe!
- Work hard!
- Save lives!



DISTRACTED DRIVING ENFORCEMENT

Thank you!!!



