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**National Highway Traffic Safety  
Administration**

# Process Overview of the High-Visibility Enforcement Programs Targeting Handheld Device Users in California and Delaware



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16. Abstract  The National Highway Traffic Safety Administration, the California Office of Traffic Safety, and the Delaware Highway Safety Office demonstrated State high-visibility enforcement (HVE) programs to reduce handheld phone use while driving. HVE was conducted statewide in Delaware and across the Sacramento Valley region of California. Local law enforcement officers conducted three HVE waves between November 2012 and June 2013. Paid advertisements and news coverage supported the enforcement efforts. Messages conveyed the slogan, <i>Phone in One Hand, Ticket in the Other</i> . The information in this process report includes: (1) how to plan and implement a regional/statewide HVE program that targets phone use while driving; (2) distracted driving enforcement practices; and (3) lessons learned from the California and Delaware distracted driving demonstration programs.					
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## I. INTRODUCTION

In 2012, over 3,300 people in the United States died in crashes involving distracted drivers, and an estimated 421,000 people were injured (NHTSA, 2014). These figures may underestimate the problem of distraction due to the difficulty in obtaining evidence and a reluctance of drivers to admit to distracted driving.

High-visibility enforcement (HVE) is a proven effective strategy to make and sustain a behavior change. The evidence is clear that passing State primary traffic enforcement laws are effective countermeasures. But laws by themselves are only the beginning. Productive distracted-driving HVE programs require leadership, vigorous enforcement, and publicity focused on distracted-driving enforcement to maximize effectiveness and achieve the desired effects.

A core component of the HVE model is vigorous traffic enforcement. The public should be alerted and reminded that enforcement is taking place with the end goal of compliance. The principal idea is that a motorist's fear of being stopped for a violation will deter the behavior in the first place.

### **Hartford, Connecticut, and Syracuse, New York, Pilot Programs**

Between April 2010 and April 2011, the National Highway Traffic Safety Administration, the Connecticut Department of Transportation, and the New York Department of Motor Vehicles pilot-tested two community-level HVE demonstration projects in Hartford, Connecticut, and Syracuse, New York, that focused on drivers violating handheld cell phone bans. The purpose of these community programs was to assess how well the HVE approach contributed to changes in public awareness of enforcement and distracted driving laws and changes in observed electronic device use among drivers.

Police officers in Hartford and Syracuse carried out four waves of HVE. Paid and earned media featuring the tagline *Phone in One Hand, Ticket in the Other* were aired extensively.

#### **Lessons Learned**

##### **Hartford and Syracuse Pilot Projects**

- *HVE can be effectively applied to the distracted driving problem.*
- *A high citation rate for distracted driving violators can be achieved.*
- *Various law enforcement strategies can be used to cite violators.*
- *A high level of awareness can be achieved.*
  - *Message recognition*
  - *Awareness of enforcement*
  - *Perceived strictness of enforcement*
- *HVE can be used to reduce handheld cell phone use while driving.*

Traffic officers issued one to two citations per 100 residents during program enforcement periods and motorist surveys showed an increase in awareness that cell phone laws were being enforced. Roadside observations of handheld driver cell phone use indicated that usage dropped from 6.6 percent to 2.9 percent in Hartford and from 3.7 percent to 2.5 percent in Syracuse.

From this community level pilot project, we learned HVE can reduce the number of people operating a handheld phone device while driving (Chaudhary, Casanova-Powell, Cosgrove, & Williams, 2011).

### **Delaware and California State Demonstration Programs**

After demonstrating the success of distracted driving HVE in a community setting, the next logical step was to build upon the successes of these community level pilot programs by expanding HVE using more widespread enforcement and publicity.

The California Office of Traffic Safety and the Delaware Office of Highway Safety received federal support to test distracted driving programs in their respective States. In return, NHTSA requested that California and Delaware document the successes, challenges and barriers for implementing distracted driving HVE on a scale beyond the community level.

NHTSA, California, and Delaware developed and implemented thorough HVE programs, using balanced resources adequate for the size and population of the defined program areas. A statewide program was implemented in Delaware, covering nearly 900,000 residents. The Sacramento Valley region, with close to 4 million residents, was the intervention area in California. Each wave of publicity and enforcement lasted between 10 to 14 days and paid media helped alert the public about the enforcement activity taking place.

The California Office of Traffic Safety and the Delaware Office of Highway Safety organized the enforcement efforts in their respective states. The Highway Safety Offices recruited participating law enforcement agencies, formed agreements, developed enforcement plans, and put reporting systems in place to gather program related information. Enforcement in the Sacramento area was conducted by 37 local departments as well as by the California Highway Patrol. Nearly all (41 of 42 police departments) in Delaware participated, including the Delaware State Patrol. Each of the participating enforcement agencies agreed to conduct three HVE waves within an 18-month project period beginning November 2012.

NHTSA was responsible for the development of television and radio advertisement spots and the placement of all advertisement buys. NHTSA also assisted with the development of content for earned media material.

The creative materials used in this project were identical to those developed and tested for the Hartford and Syracuse demonstration projects. The paid media and earned media in

California and Delaware used the singular tagline, *Phone in One Hand, Ticket in the Other*, developed and tested for the Hartford and Syracuse pilot programs.

The Delaware and the Sacramento Valley region enforcement programs were evaluated to determine if a distracted driving program can be successfully implemented across multiple and widespread communities. NHTSA's independent evaluation contractor assisted the California Office of Traffic Safety and the Delaware Office of Highway Safety in measuring the inputs and outcomes of their program efforts.

**A comprehensive final evaluation report titled "Evaluation of the NHTSA Distracted Driving High-Visibility Enforcement Demonstration Projects in California and Delaware," is available at [www.nhtsa.gov](http://www.nhtsa.gov).**

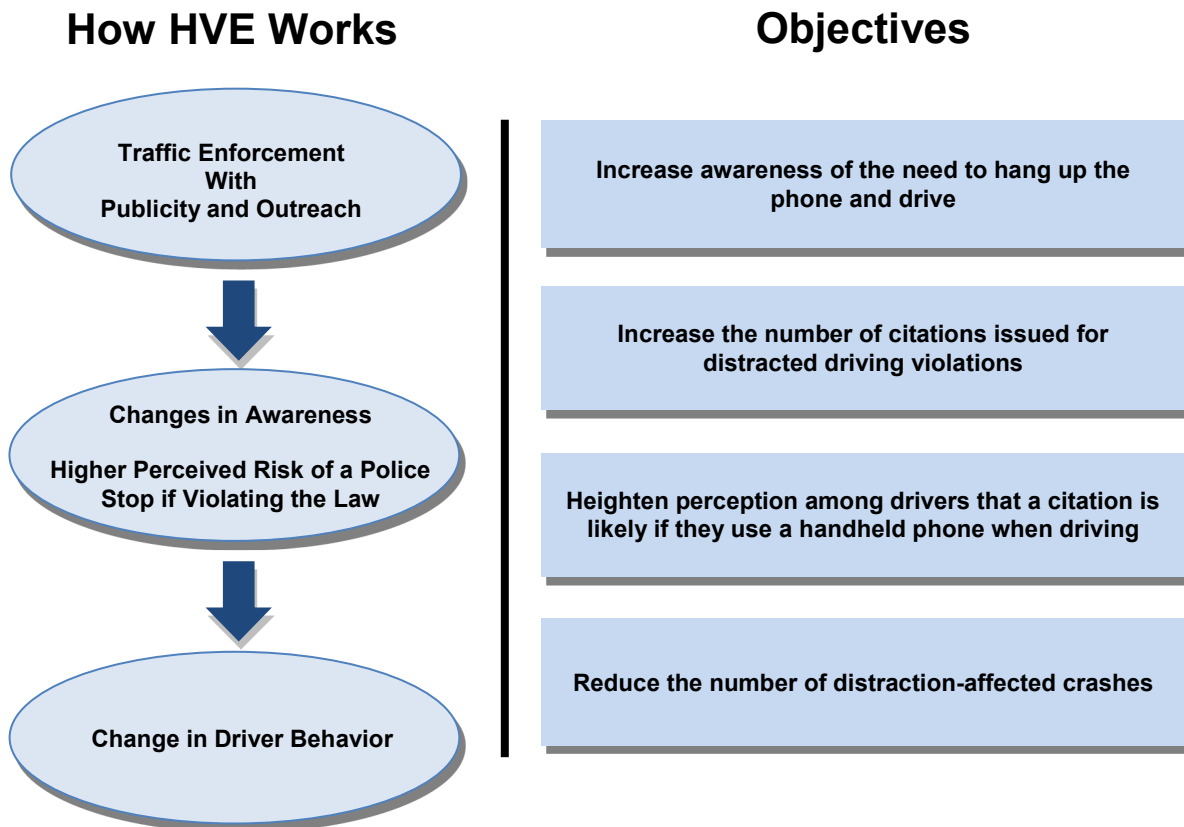
**Lessons Learned  
California and Delaware Demonstration  
Programs**

- *Distracted driving enforcement can be implemented over broad geographical areas involving a large number of law enforcement agencies.*
- *Coordinating HVE over a widespread area conveys a unified enforcement presence.*
- *Diverse law enforcement agencies can use a variety of enforcement strategies to enforce distracted driving laws.*

## II. PLANNING AND CONDUCTING A STATE-LEVEL HIGH-VISIBILITY ENFORCEMENT PROGRAM

The HVE model works through combining stepped up traffic enforcement with extensive publicity and outreach focused on the enforcement activity. The combination of aggressive traffic enforcement and publicity sends a clear message that the police are looking for violators. A well-crafted message with stepped up enforcement will not only inform motorists that police are looking for violators but can lead to higher perceived risk of a police stop which can change driver behavior.

The ultimate objective of a distracted driving HVE program is to reduce unsafe driving that is caused by drivers who continue to use a handheld phone while driving. That objective can be accomplished not only on the community level, but also on regional/statewide levels with proper planning, coordination and resources.





## HVE Program Development

California and Delaware highway safety officials met with NHTSA months in advance of implementing the HVE programs to lay the groundwork for the demonstration project. The meetings included NHTSA Headquarters and Regional staff, State and local representatives, and NHTSA media and evaluation contractors.<sup>1</sup>

All of the elements of the demonstration project were discussed during the meetings. Responsible parties and individual points of contact for each element were identified and initial action items were assigned, namely the development of a program action plan.

### Action Plan

The development of an action plan is a collaborative effort that includes input from everyone on the project team. The primary purpose of an action plan is to clarify what resources are required to reach the project goal. The action plan includes details for all of the planned program elements and identifies who is responsible for each element. The plan needs to include a program calendar and timelines for each element. Timelines make clear to everyone involved exactly when each element will take place.

The action plans developed in California and Delaware were considered “living documents” that could be amended as the project moved forward in time.

Throughout this demonstration project, teleconferences were held monthly to discuss the status of program elements, necessary changes in plans and action items.

#### **Action Plan Essentials**

- **Statement of project purpose**
- **Explanation of paid publicity**
  - *Publicity objective*
  - *Target markets*
  - *Planned media types*
  - *Dates for paid publicity*
- **Details for earned media and outreach**
  - *Communication tactics*
  - *Dates for earned media and outreach*
  - *Description of who is responsible for earned media and outreach*
- **Explanation of enforcement campaign**
  - *Dates for enforcement periods*
  - *Listing of participating agencies*
  - *Participation requirements*
  - *Reporting requirements*
- **Evaluation plans**
  - *Objective*
  - *Types of data collection*
  - *Methods of data collection*
  - *Timeline for evaluation activities*
- **Budget details for media and enforcement**

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<sup>1</sup> The NHTSA media/publicity contract firm was The Tombras Group; the NHTSA evaluation contract firm was Preusser Research Group, Inc.

The following elements should be included when organizing a distracted driving HVE program. Identify and explain everything listed below in the action plan.

## ***ORGANIZING A HIGH-VISIBILITY ENFORCEMENT PROGRAM FOR DISTRACTED DRIVING***

### **DETERMINE WILLINGNESS IN COMMUNITY**

- ❖ State leaders
- ❖ Highway safety office
- ❖ Law enforcement community
- ❖ Judicial community
- ❖ Public attitudes and opinions

### **DETERMINE FUNDING SOURCES FOR PROGRAM ELEMENTS**

- ❖ Enforcement
- ❖ Publicity/outreach/education
- ❖ Evaluation

### **ASSEMBLE A COALITION**

- ❖ For planning, coordination and implementation
- ❖ Designate people responsible for:
  - Overall planning, coordination and implementation
  - Enforcement planning and coordination
  - Publicity planning and coordination
  - Evaluation data collection planning and coordination
  - Public awareness material
  - Messaging (spokesperson/public information officer)

### **DEVELOP AN ACTION PLAN AND PROGRAM TIMELINE**

- ❖ Specify program objective
- ❖ Identify your coalition members
- ❖ Determine program locations
- ❖ Define target group
- ❖ Identify local partners
- ❖ Explain the program elements...publicity/enforcement/evaluation
- ❖ Show the program budget
- ❖ Establish important milestones for program development
- ❖ Determine exact dates for publicity/enforcement/development and distribution evaluation

## ***ORGANIZING A HIGH-VISIBILITY ENFORCEMENT PROGRAM FOR DISTRACTED DRIVING...continued***

### **DEVELOP THE MEDIA COMPONENTS**

- ❖ Define the main message and tagline
- ❖ Determine publicity elements
- ❖ Use paid advertisements
- ❖ Use earned media
- ❖ Develop system for capturing and reporting publicity data
- ❖ Determine the dates for publicity and reporting publicity data

### **MEET WITH LOCAL PROSECUTORS AND JUDGES**

- ❖ Make them aware of HVE effort
- ❖ Understand local court's perspective

### **DEVELOP THE ENFORCEMENT COMPONENT**

- ❖ Determine participating law enforcement agencies
- ❖ Develop enforcement incentive program
- ❖ Develop systems for reporting enforcement data
- ❖ Determine the dates for enforcement and reporting enforcement data

### **HOLD AN ENFORCEMENT CONFERENCE AND DISCUSS HVE PROGRAM**

- ❖ Distracted driving citation codes
- ❖ Enforcement strategies
- ❖ Communicating with local news outlets
- ❖ Consistency in message and taglines
- ❖ Requirements and remuneration for participation
- ❖ Reporting requirements
- ❖ Important program dates

### **EVALUATE PROGRAM**

- ❖ Determine the evaluation elements
  - Observational surveys
  - Awareness surveys
  - Program inputs (enforcement contacts and publicity)
  - Crash data
- ❖ Determine who is responsible for data collection and overall evaluation
- ❖ Establish schedule for data collection and reporting

### **MONTHLY CONFERENCE CALLS WITH COALITION MEMBERS**

- ❖ Continue to keep coalition members updated
- ❖ Make program adjustments as necessary
- ❖ Keep a log of everything that transpires

## Program Enforcement

The purpose of a distracted driving HVE program is to create the perception among drivers that they will receive a ticket if they are using their handheld phone while driving. Creating this perception requires a coordinated enforcement effort.

The demonstration programs in California and Delaware relied on their existing networks of law enforcement partners who had ample experience conducting HVE programs. Many traffic officers in California already had distracted driving program experience from an annual statewide program, *It's Not Worth It*.<sup>2</sup> Delaware traffic officers did not have prior distracted driving HVE program experience but many already had experience issuing citations to drivers for handheld phone violations.

During a distracted driving enforcement period, zero-tolerance enforcement targets any driver who refuses to voluntarily put down the phone while driving. Traffic officers have a number of enforcement tactics they can use to detect violators. Tactics used in California and Delaware included checkpoints, saturation patrols, routine patrols, and use of spotters. Whatever enforcement tactics are used, keeping traffic enforcement visibly present over the entire enforcement period is a key component of the distracted driving HVE.

Officers must operate within the law when using preferred enforcement tactics like unmarked vehicles, using spotters or splitting lanes.<sup>3</sup> For example, unmarked cars can be used for traffic enforcement in Delaware but unmarked vehicles cannot make traffic stops in California. Another example is spotters that can be used to identify violators in both California and Delaware; however, in both States, the officers who spot the violations must also issue the citations.

The preferred method for detecting unsuspecting violators among Delaware officers was using unmarked and low profile police vehicles. California officers preferred splitting lanes at traffic controlled intersections using motorcycle patrols. Using spotters received attention from local news affiliates, but roving patrols at high-traffic times in high-volume locations appeared to be the preferred way among law enforcement to find violators in both States.

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<sup>2</sup> California Office of Traffic Safety coordinates a statewide high-visibility enforcement campaign during April (2012 and 2013). The program's tagline is *It's Not Worth It*.

<sup>3</sup> Lane-splitting refers to a two-wheeled vehicle (motorcycle) moving between roadway lanes of vehicles that are proceeding in the same direction.

The number and types of enforcement activities will vary according to individual community size and type (urban, rural, suburban), but any enforcement plan should be designed to increase the odds that drivers will encounter stepped up distracted driving enforcement, wherever they travel in the program area. The goal is not only to increase enforcement for a period of time, but to also enhance the public's perception that local enforcement officers everywhere are conducting intensive efforts to find violators.

Planning enforcement is crucial. The typical stepped up enforcement period lasts from one to two weeks. An enforcement plan will specify special enforcement activities by day of week and time of day. Days, locations and times of day should be staggered, insofar as possible. Coordinating law enforcement activities over a broad area (e.g., region or statewide) conveys a unified enforcement presence which strengthens message delivery.

### **Program Publicity**

The publicity surrounding an HVE wave is just as important as the actual enforcement; it is unlikely that enforcement alone will generate the level of public exposure and perception of risk needed to make a significant impact on the community. Because the goal of a distracted driving HVE program is to have drivers not use their handheld phones while driving, the more visibility the enforcement program receives the better.

HVE often makes use of highly visible enforcement tactics like checkpoints and saturation patrols and includes elements that help draw attention to the enforcement. Using a wide variety of methods to get the message out can benefit communication programs.

Program publicity should begin one or two days before the enforcement to forewarn motorists. Program publicity typically continues throughout most or all of the enforcement period, in order to reach those who have yet to hear the message and to reiterate the warning to those who have already heard the message. The objective of the HVE publicity component is to inform drivers that heightened traffic enforcement efforts are in place and that the

#### **Delaware Paid Media**

- *The two main designated market areas (DMAs) serving Delaware are Philadelphia and Baltimore. Because of the uniqueness of the Delaware media landscape, only cable television outlets serving Delaware residents was purchased.*
- *Radio was used to help build reach and increase frequency.*
- *Online advertisements were used to generate impressions, build awareness, and drive traffic to [www.Distracted.gov](http://www.Distracted.gov).*

#### **Sacramento Paid Media**

- *The media buy in California averaged 300 gross rating points (GRPs) for television, 200 points for radio, and was said to generate a million impressions online daily over the 10 day publicity period.*

enforcement is focused on reducing handheld phone use while driving, by frequently sharing the message, *Phone in One Hand, Ticket in the Other*.

The communications program benefits greatly when it uses both paid media and earned media. Paid media generally refers to paying for advertisements that receive airplay on television, radio and the internet. One may also pay to put advertisements on billboards, in newspapers, slides in movie theaters, etc. The biggest advantage of paying for advertisement placement is that you can control when and where your message is encountered. This is valuable if you have a specific target group in mind that you need to reach. Precise advertising placement is the best means to get the attention of the target audience in support of the actual enforcement efforts.

Earned media is another powerful tool for changing community attitudes and norms about the problems of distracted driving. Earned media is the media coverage a program earns whenever it makes the news on television or radio, internet or in the newspapers. Earned media, like paid media, should stick to the enforcement message designed to make the local public aware that law enforcement officers serving their own community are aggressively looking for violators.

### **Program Evaluation**

A well-designed program evaluation<sup>4</sup> will determine if the program worked or did not work. Program evaluation can also be used for program monitoring and maintenance by providing process and outcome information to inform program adjustments along the way. The data collected can provide insight into the direction and possible recalibration of the program and the possible outcomes. An HVE program evaluation focused on distracted driving should track at least four areas: (1) driver handheld phone use, (2) enforcement activity, (3) publicity, and (4) community attitudes and perceptions.

#### *Track Observed Cell Phone Use*

Observational surveys of phone use are integral to the evaluation of distracted driving programs. Observational surveys are used to determine the handheld phone use rate before the program starts and when it is completed. Results from observational surveys will answer the question -- *Was the program effective in decreasing observed hand-held phone use while driving?*

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<sup>4</sup> See Nancy C. Pullen-Seufert & William L. Hall (Eds.) (2008, December). *The art of appropriate evaluation - A guide for highway safety program managers*. (Report No. DOT HS 811 061). Washington, DC: National Highway Traffic Safety Administration. Available at: [www.nhtsa.gov/people/injury/research/ArtofAppEvWeb/index.htm](http://www.nhtsa.gov/people/injury/research/ArtofAppEvWeb/index.htm)

Surveys conducted both before and after HVE waves can verify if a program is making a difference or not. Routine periodic surveys can track trends in phone use, and signal the need for another wave of HVE.

How, when and where to conduct surveys depends on the size and scope of the program, what questions will be answered, and the amount of resources available for the survey effort. In California and Delaware, one research objective was to estimate if handheld phone usage could be reduced across a broad geographical area.

### *Track Enforcement Activity*

It is useful to track and report enforcement results such as citations for distracted driving violations, citations for other motor vehicle offenses and criminal arrests. The number of checkpoints, dedicated patrol hours and number of officers participating also help to document and understand the level of enforcement effort put into the program. Two important questions are answered with enforcement activity data: (1) *did law enforcement officers enforce the law*; and (2) *how vigorously did officers enforce the law (e.g., number of citations issued and proportion of time devoted to distracted driving when compared to overall enforcement activity)?*

### *Track Publicity*

Tracking publicity will indicate the resources put towards disseminating the message and how widely the HVE program reached its target audience. Advertising professionals can provide post-wave information on the success of paid media (e.g., television, radio and Internet). Community partners can collect newspaper clippings and track the number of television and radio mentions on the local level. Clipping services can be used to search for news stories appearing in more widely circulated news sources.

### **Planning and Designing an Evaluation Plan**

- *What are the evaluation objectives?*
- *Who is responsible for overseeing the evaluation?*
- *What data are necessary to be captured and analyzed to meet the evaluation objectives?*
- *What research methodologies will the evaluation use?*
- *What research methodology will the team use to track awareness and attitudes?*
- *How will data on awareness and attitudes be collected?*
- *How often will awareness data be collected?*
- *What type of citation data will be collected and analyzed?*
- *How will the project team track the paid media campaign?*
- *How will the project team track earned media?*
- *How will the team document and monitor*

### *Track Attitudes and Perceptions*

Awareness surveys can identify the mode of communication that was most effective in reaching the public and can measure the level of community support for enforcement.

Awareness surveys can answer important questions such as: (1) *did drivers see and/or hear the HVE message*; (2) *what were the sources of information seen and/or heard*; and (3) *did perceived risk of a ticket change*?

### *Post-Enforcement Publicity*

A press event at the end of an HVE program wave is an ideal way to announce the successes of your program effort. Make sure to recognize members of the law enforcement community and supporters in your community.

#### **Put Your Evaluation to Work**

- *Adjust enforcement strategy, including location, time of day, day of week*
- *Adjust marketing and publicity to better reach the target audience*
- *Determine the need for retraining*
- *Reallocate budget and resources*
- *Announce the success of the HVE program and thank the community for its support*



### III. Insights From Participating Law Enforcement

#### Detecting a Violation

Enforcement officers described a number of signs to look for when detecting a distracted driving violation. Oftentimes, traffic officers first spot a distracted driver from afar. Weaving in and out of the designated travel lane is often the giveaway that a driver may not be focused on the road ahead, but rather, on another task, such as using a phone.

#### Signs of a Distracted Driving Violation

- *Hand to ear*
- *Phone on knee*
- *Nodding and looking down*
- *Delayed/slow starts*
- *Weaving*
- *Inability to stay in marked lane*
- *Inconsistent speed*
- *Typical signs of a DUI*

Inconsistent speed is another sign that a driver is not fully focused on the task of driving. Similarly, drivers who don't pay full attention at traffic controlled intersections oftentimes exhibit delayed reaction time. For example, a driver who is focused on typing and sending a text message is far less likely to see and respond to the traffic light change.

Many drivers try to disguise the fact that they are engaged with a device. This is particularly the case when drivers are aware that there is a law precluding device usage and/or when drivers know that enforcement officers in the area are serious about citing violators. Many times a driver will attempt to use a device from a lower position to avoid detection. A driver, for example, may hold the device below the steering wheel, hold it on an armrest or use it near their lap. This is troubling due to the fact that the driver intentionally lowers his/her field vision from the roadway to use the device, resulting in a nodding motion noticeable to the observant traffic officer.

Direct observable evidence is an important factor in successful prosecution. For example, observing a device pressed against the ear or seeing actual manipulation in the hand is necessary for prosecuting the violation.

#### Documenting a Violation

Enforcement officers from these demonstration programs explained that only a relative few distracted driving violations end up in court. A citing officer must be present and prepared when a violating offender does present their case to the court to document the details of the violation. This is paramount for the successful prosecution among cases that appear before a judge. Officers must present appropriate evidence to the court that the driver was in clear violation of the law.

Officers should document all of the relevant details regarding the detection of the violation. Relevant details should include the location of the violation, any dangerous behavior the driver exhibited, what the driver said about their actions, and most importantly, the direct observable evidence regarding the use of the device. As with any traffic violation, the officer needs to record the street, the traffic lane(s), and any other relevant information regarding the location and the time of the violation. Regarding a distracted driving violation, the citing officer should detail any hazardous behavior that can be attributed to the driver (weaving, failure to obey traffic control, inappropriate speed, reaction time, etc.). If an officer can point to unsafe actions, it will help in the courtroom.

The citing officer must directly observe the usage of a device and include details of what they witnessed. To that end, the officer should explain the position of the phone (lap, arm rest, on ear, etc.) and which hand the driver was using to manipulate the device and the vehicle. More specific details might include the shape and color of the device and what the driver did with the device when pulled over by the officer. It may be useful for the officer to ask the driver what exactly he/she was doing with the device and why, and document the response.

Directly observing a violation may be hampered by things such as glare, tinted windows and evasive actions by offending drivers. Effective enforcement tactics help the traffic officer overcome obstacles for detecting and directly observing violations.

### **Effective Enforcement Tactics**

How traffic officers go about detecting violations depends on a number of elements. Staffing, physical resources and budget should always be taken into consideration before enforcement operations are implemented. Another factor to consider is which enforcement tactics are permissible in the state.

Among Delaware officers, the preferred method for detecting unsuspecting violators was to use unmarked police vehicles. Violators are typically aware of local distracted driving laws and they will oftentimes attempt to hide their phone use in lieu of detection. That means a traffic officer must detect the offending driver before the driver sees him/her and hides the phone. While this can be accomplished using any of a number of enforcement techniques, the ability to use unmarked vehicles for distracted driving enforcement provided Delaware officers an advantage in finding violators before the violators spot them.<sup>5</sup> When unmarked vehicles aren't available, a semi-marked vehicle or lower profile police vehicle may prove useful.

Another technique used by officers in both marked and unmarked vehicles is to use existing cover, such as alleyways, bushes, bridge abutments, and other places where officers can see the violator before the violator spots the officer. Officers explained that they can position themselves where violators have less than a second to hide their phones so that they see the drivers before the drivers can react. This method is handy for all types of police

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<sup>5</sup> Unmarked vehicle cannot be used for traffic enforcement in California.

vehicles, but officers explained motorcycles and unmarked vehicles make this technique more useful for catching violators.

Officers in both Delaware and California described the benefits of using motorcycle enforcement. A motorcycle provides several advantages to the detection of violators. First and foremost, an officer atop a motorcycle has a higher vantage point offering a better view down into a passenger vehicle. This is useful for directly observing a driver who uses a phone below the window frame.

Another advantage is an officer's maneuverability on a motorcycle. An officer on a motorcycle can do things that officers in full-size passenger vehicles cannot. Motorcycle officers, for example, can drive right up beside an offender, oftentimes unnoticed, and look down into the vehicle and more easily observe violators "red-handed." Motorcycle officers in California explained that they have the authority to "split lanes" in traffic. Splitting lanes is when a motor officer drives between lanes at traffic-light-controlled intersections. This technique was quite useful for citing violators during the HVE waves in California.

Spotters are also useful because violators often hide their device as so not to be detected. Officers standing at street-side can look into passing vehicles, mostly unnoticed by the passing phone users. In California, the officer acting as the spotter can be plainclothed, as long as the stopping officer is in a marked vehicle/uniform. The spotting officer is the one who issues the citation. Typically one officer sat on a park bench or stood on the corner. Spotting officers radioed other officers who pulled over the violators.

The spotter tactic yielded a high number of citations when used in high traffic locations. The downside to this technique is more than one officer is required to spot, pull over, and cite a violator. However, officers explained that this enforcement technique worked well as a local media hook. Local law enforcement needs to ensure that using a spotter is a legal enforcement technique in that specific jurisdiction. Logistics should be pre-determined, including how violators will be spotted, pulled over, as well as who will write the ticket.

Officers in Delaware and California also mentioned using routine patrol, saturation patrols, and checkpoints. Officers agreed that all three methods were useful. Routine patrol was typical in law enforcement agencies of all sizes. Law enforcement agencies servicing larger populations tend to have more traffic officers available to work HVE checkpoints and saturation patrols. Saturation patrols and checkpoints worked best to generate news coverage for the distracted driving demonstration, but both required multiple officers working together. Smaller agencies often partner with bordering agencies to conduct checkpoints and saturation patrols. Checkpoints, more often than not, resulted in various violations being cited in addition to any distracted driving violations. Saturation patrols were capable of producing higher numbers of distracted driving violations compared to both routine patrols and checkpoints.

## **Where to Enforce**

Officers in both Delaware and California felt that high-traffic locations increase the likelihood of garnering higher numbers of citations. Officers also suggested moving enforcement operations around often to different locations because social media and word of mouth can identify where traffic enforcement operations are taking place.

Busy intersections provide officers a place to look at a “pool” of slow moving and stopped vehicles. Slower vehicle speeds make it easier for an officer to check more vehicles for handheld phone violations and provides more time for gathering information on the violation. Officers who choose to look for offenders “mid-block” or on the side of the road would do best to find locations to camouflage the enforcement vehicle.

Officers explained that focusing enforcement on high traffic locations and high crash locations can also generate positive media attention.

## **When to Enforce**

Officers participating in the Delaware and California distracted driving demonstration programs did so exclusively at daytime. A number of officers indicated an interest to issue large numbers of distracted driving citations during the demonstration program. Officers pointed out that one way to do that was to conduct enforcement during the times of day when more people are traveling on the roadway. The morning commute proved to be a good time to spot violators, as people are organizing their day and are likely phone users.

Many officers mentioned sun glare and the problems it creates for seeing inside vehicles. Early morning and late day sun may require an officer to focus on a particular direction of travel while ignoring others. Mid-day sun can also make seeing inside vehicles difficult. Officers in both Delaware and California explained it was easiest to see eastbound traffic during the early morning and westbound traffic during the late afternoon.

## **Organizing an Enforcement Agency for a Distracted Driving HVE Program**

Before implementing a distracted driving HVE program, a number of steps should be considered to ensure enforcement efforts will be productive. Traffic officers need to become familiar with the specific violation codes that are the focus of the HVE program. The specific interpretation of these violations by the court judiciary should be understood beforehand and shared with the officers who will be issuing these citations. It may be worthwhile to educate officers about current trends in the court. What do the prosecutors and judges want the officer to present when prosecuting a violator? It also may be a good idea to meet judges before kicking off an HVE effort to get them on board and to find out what the judges consider a distracted driving violation and what the prosecutors are willing to prosecute.

Officers need to be informed of the HVE program calendar. Program elements are usually rolled out in a sequence; first there is publicity to announce that stepped up enforcement is taking place; then the actual enforcement takes place. Officers need to know when the publicity is scheduled to begin and when it is scheduled to end; they also need to know the specific dates of enforcement.

Officers should be informed and trained on any other program requirements regarding enforcement and/or publicity. Officers should be briefed on reporting requirements for grant funding, incentive programs, or for the program evaluation (i.e., citation data after each activity period).

## IV. TAKEWAYS

### PLANNING - *Lessons Learned*

- Meeting with traffic officers before kicking off the HVE program is useful. This doesn't need to be referred to as "officer training" but rather something broader for the overall program. Officers must be made aware of: (1) target infraction codes; (2) enforcement tactics they can use to spot and cite violators; (3) prosecutorial trends in the court system; (4) messaging and the program slogan; (5) incentives for participation; (5) data requirements; (6) reporting requirements; and (7) program timeline.
- Clearly define what is enforceable under the law. Distracted driving laws can be very specific or they may include some level of vagueness. If distracted driving enforcement is new to the enforcement community, officers need to be made aware of the violation codes in focus. Then officers need to know exactly what the distracted driving laws prohibit. In Delaware, for example, a driver can legally pick up and use a cell phone when not in motion, e.g., at a stop light. In California, a driver cannot drive and write, send, or read a text message, but can read, select, or enter a telephone number for the purpose of making a call.
- Officers in California found it useful to find out the local judiciary's view on distracted driving violations. What documentation works favorably when prosecuting the violation? What evidence do judges want to see presented to make the citation stick?
- Officers need to fully understand the law enforcement tactics they choose to detect and cite violators. Officers must operate within the law when using enforcement tactics like using unmarked vehicles, using spotters or splitting lanes. For example, unmarked cars can be used for traffic enforcement in Delaware but an unmarked vehicle cannot make a traffic stop in California. Another example, spotters can be used to identify violators in both California and Delaware; however, the officer that spots the violation must also issue the citation.
- Lengthy HVE waves may fatigue officers, especially the smaller agencies with limited resources. In California, the initial enforcement wave included 14 days of enforcement with 10 days of publicity; waves 2 and 3 consisted of 10 days of enforcement coupled with 10 days of paid publicity. In Delaware, the initial enforcement wave included 10 days of enforcement coupled with 7 days of publicity; waves 2 and 3 consisted of 11 days of enforcement coupled with 7 days of paid publicity.
- Share the program message with participating law enforcement and stress the importance of the message in program implementation. Law enforcement officers play an important role in publicizing the program message. Keeping everyone on message is important. Inform and stress the program message and the program slogan to participating officers. This is especially important when competing programs and slogans abound.

## **ENFORCEMENT - *Lessons Learned***

- Coordinating law enforcement over a broad area (e.g., region or statewide) conveys a unified enforcement presence and strengthens program message delivery.
- Diverse law enforcement agencies can use a variety of enforcement strategies/tactics to carry out HVE focused on distracted driving.
- Officers in California and Delaware explained that spotting and citing a violator during the daytime was not hard to do aside from problems with glare, tinted windows, and inclement weather. While nighttime enforcement was not part of the California and Delaware programs, officers believed enforcing distracted driving laws at night would be very difficult.
- The preferred method for detecting unsuspecting violators among Delaware officers was unmarked and low profile police vehicles. California officers preferred splitting lanes at traffic controlled intersections using motorcycle patrols. Using spotters received local news media attention but roving patrols at high traffic times, in high volume locations, appeared to be the preferred way to find violators in both states.
- Law enforcement officers believe that when drivers are stopped they are well aware they are breaking the law. Often times, motorists are using their phone from a lower position in an attempt to avoid detection. Officers situated in elevated positions (motorcycle, SUV, higher elevation at roadside) can provide a better view inside the violator's vehicle.
- Officers in both states appreciated assistance with earned media materials provided by NHTSA and the Highway Safety Offices.
- Some smaller law enforcement agencies in California had a difficult time providing staff for HVE waves. Traffic officers are often busy with traffic control (e.g., school zones) in the early morning and then as the day progresses, have competing priorities by afternoon rush. Some smaller agencies in California dealt with this problem by teaming up in multi-jurisdictional efforts. Multi-jurisdictional efforts helped increase staffing and expanded media opportunities and exposure. HVE programs that advocate multi-jurisdictional efforts reinforce cooperation among law enforcement that can extend beyond the specific activity period.

## **PUBLICITY - *Lessons Learned***

- Publicity surrounding an HVE wave is just as important as the actual enforcement. The communications programs in California and Delaware benefited from using both earned and paid media.
- Local enforcement agencies made use of highly visible enforcement tactics to capture local news media attention. Checkpoints, spotters, and saturation patrols helped demonstrate the enforcement presence using local media. Electronic message boards on interstate roadways were used in the Sacramento Valley region to inform the motoring public that enforcement was taking place.
- Kickoff media events were organized in the Sacramento Valley region to announce the beginning of the campaign and that promoted recognition of a widespread effort.
- Campaign messaging must be clear and consistent. Program messaging should not overlap with other programs (e.g., *Click It or Ticket*). Overlapping programs can blur the message and the intent of enforcement.
- Publicity must be in-sync with the law. Earned media content needs to accurately reflect specific laws. Similarly, the campaign slogan must accurately reflect the law.
- The two main designated media market areas serving Delaware are Philadelphia and Baltimore. Because of the uniqueness of the Delaware media landscape, only cable television targeting Delaware residents was purchased. Radio helped build reach and increased the frequency of the message. Online ads generated impressions, built awareness, and drove internet traffic towards NHTSA's Web site, [www.distraction.gov/](http://www.distraction.gov/). The television buy for the Sacramento Valley region was much stronger; radio and Internet reach were both strong.
- Distributing multiple press releases may cause the media to become disinterested. Be careful not to wear out the media with too many press releases. This was a potential issue in California where a variety of distracted driving efforts were circulating.
- Media ride-alongs with the police were offered in Delaware. However, a large number of requests from the media proved to be too hectic for police officers to handle during the implementation of the HVE wave, so media ride-alongs were not offered after the first HVE wave.



## **EVALUATION - *Lessons Learned***

- Evaluating the HVE program is necessary to know if the program is working.
- Timing of messaging and enforcement is important to the evaluation design. Media and HVE should not overlap with evaluation data collection. This might influence what type of media is used (e.g., billboards typically run for a long period of time and may run concurrent with evaluation).
- Make sure the evaluation data that you want collected can be collected. Clearly explain the data elements that law enforcement agencies are responsible for collecting and reporting. Provide your local points of contact with clear directions and a convenient system for reporting the data. Discuss the details of enforcement data collection with law enforcement in advance of the enforcement periods.
- Continue evaluating as the program moves forward and make adjustments as needed.
- Plan monthly phone calls to discuss progress and address problems. Summarize phone calls and distribute a brief call summary to program participants to help keep everyone informed. Include action items to help keep participants on task.
- Incorporate time into the overall program timeline to obtain appropriate approvals and clearness for data collection (e.g., Institutional Review Board approval and Office of Management and Budget clearance), as well as complete baseline data collection.

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