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Distracted Driving Enforcement Demonstrations: Lessons Learned

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16. Abstract <p>At any given daylight moment in America in 2017, some 481,000 drivers were using cell phones while driving. In that year 3,166 people died in crashes involving distracted drivers. In 2015 there were 391,000 people injured in distraction-affected crashes. In 2016 there were 457 fatal crashes that involved drivers with cell phones. Police crash reports said that in all these fatal crashes the drivers were talking on, listening to, or manipulating cell phones. The strategies and approaches in this guide focus on the complexity of the problem and enforcement strategies to combat texting while driving and cell phone use. "Distraction" includes several serious types of driver inattention such as eating, grooming, or talking to other passengers, among other causes. Two of the most common are texting and talking on a cell phone while driving. In 2016 more than 1.939 <u>trillion</u> text messages (SMS and MMS kinds) were sent in the United States. This guide describes three NHTSA-funded enforcement demonstration programs held at six sites, Hartford, Connecticut, Syracuse, New York, Sacramento Valley, California, Delaware, the southwest area surrounding Danbury, Connecticut, and a suburban area north of Boston, Massachusetts. Key lessons learned describe insights and ideas for law enforcement and State highway safety offices to consider as tactics to combat distracted driving. These include spotters on overpasses and elevated roadways and using taller SUVs and trucks to get better elevated observation angles. Police know texting offenders frequently commit traffic violations such as lane departure, traveling too slowly, or weaving on high-speed highways. Targeted enforcement using stationary patrols, spotters, and roving patrols also result in high levels of observed violations.</p>					
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Glossary of Terms

Checkpoints: A law enforcement strategy involving the stopping of vehicles, or a specific sequence of vehicles such as every fifth vehicle, at a predetermined, fixed location to detect illegal driver activity (e.g., impaired by alcohol or other drugs).

Demonstration project: A Federally funded program or evaluation project that develops, implements, and/or evaluates countermeasures, with results being replicated across the Nation as appropriate.

Enforcement strategies: Tactics and methods police use to enforce their jurisdictional laws.

Handheld versus hands-free: A distinction sometimes necessary because some jurisdictions allow hands-free use in circumstances where physically holding (and using) the cell phone might not be allowed. In other words, Bluetooth use might be permitted.

High-visibility enforcement (HVE): Strategy combining strong laws; vigorous, highly visible law enforcement; focused advertising emphasizing the enforcement; paid and earned media; and evaluation.

Intersection enforcement: Location technique to observe violations at intersections because traffic moves more slowly there.

Lane-splitting: A two-wheeled vehicle, normally a motorcycle, moving between lanes of vehicles going in the same direction. Specifically, it may apply to motorcycle police being allowed to do this to observe cell phone use.

Mobile phone ban: A law generally prohibiting driver cell phone use—talking, dialing, browsing, texting—while driving. Provisions vary from State to State.

Primary enforcement: A State law that allows a police officer to stop a vehicle for no other reason than the driver was texting or talking on a cell phone while driving, or not using a seat belt. Compare to secondary enforcement, below.

Roving patrol: An officer in a marked or unmarked vehicle looking for cell phone/texting violations, sometimes from a taller vehicle such as an SUV or pickup truck, often with tinted windows.

Saturation patrol: Also called a blanket patrol, “wolf pack,” or a “dedicated” patrol. Groups of police officers patrolling a specific area for a set time to increase visibility and identify texting and driving violations.

Secondary enforcement: A State law that prohibits a police officer from stopping a vehicle for a cell phone or seat belt violation without first having a “primary” offense such as speeding.

Self-initiated enforcement: An enforcement police officer observes vehicles from a patrol vehicle and stops drivers observed violating texting laws. Self-initiated law enforcement strategies include stationary patrols, roving patrols, and motorcycle enforcement.

Spotter technique: A uniformed or plain-clothes officer observing passing vehicles from a fixed roadside or elevated position, who radios a description of observed violators to patrol officers located downstream, who then stop the vehicles for violations.

Stationary enforcement: An officer parked in a marked or unmarked vehicle looking for cell phone/texting violations on highway ramps, limited access highways, secondary roads at intersections, parking lots, or rotaries (roundabouts or circles), often in a taller vehicle such as an SUV or pickup truck, often with tinted windows.

Texting: Reading from or manually entering data into a personal wireless communications device, including doing so for the purpose of SMS texting, e-mailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication (23 U.S.C. 405(e)(9)(E)). In other words, using a cell phone to read or type a message, rather than talk, whether by some sort of messaging or e-mail system.

Introduction and Background

Distracted driving is epidemic on America's roadways. In 2017 there were 3,166 people killed in crashes involving distracted drivers; 434 of those who died were in vehicles with cell-phone-related distractions. In 2015 there were 391,000 people injured in distraction-affected crashes. In all these fatal crashes the drivers were talking on, listening to, or manipulating cell phones, according to police crash reports (NCSA, 2017).

Distracted driving occurs when drivers divert attention from the driving task to focus on something else. NHTSA's *Overview of the National Highway Traffic Safety Administration's Driver Distraction Program* (2010) describes distraction as a subset of "inattention," which also encompasses fatigue or physical and emotional conditions of the driver. It can include eating, grooming, tuning the radio, manipulating a GPS, talking, or being distracted by other people in the car, including infants, young children, and pets. That said, while NHTSA may define the terms in this manner, inattention and distraction are often interchangeably used in other material, including police crash reports. It is important that people are aware of the differences in the definitions. It is also important to acknowledge this is just one of the limitations in data collection for distraction-affected crashes that result in injuries and fatalities. As the Insurance Institute for Highway Safety (IIHS) points out, distractions increase driver crash risk (IIHS, 2014). IIHS cites that talking on a cell phone, texting, or manipulating the phone in any way can increase driver risk of being in a crash or a near-miss (IIHS, 2014). According to IIHS, legislation banning cell phone use and texting have successfully reduced cell phone use behind the wheel; however, it has not yet been shown to reduce the number of crashes (IIHS, 2014). Drivers are distracted by many things other than cell phones, so prohibiting cell phone use will not eliminate *all* distracted driving. Broader countermeasures that prevent or at least mitigate distracted driving consequences, such as crash avoidance technology, may be more effective than cell phone bans. Awareness coupled with distracted driving enforcement are important in moving the needle, IIHS says (IIHS, 2014).

According to researchers at the University of Arkansas, "Talking or texting on a cell phone while driving is not an addiction; it's a compulsion. That's what new research suggests following a study of why drivers engage in the risky practice of using their cell phones while behind the wheel" (Walter, 2011). NHTSA's 2012 National Survey on Distracted Driving Attitudes and Behaviors found the "respondents perceived distracted driving behaviors like talking on a cell phone while driving to be fairly prevalent, with 70 percent of respondents estimating that more than half of drivers talk on the cell phone at least occasionally" (Schroeder et al., 2013). Despite being perceived as prevalent, the survey indicates the overwhelming majority of respondents viewed driving while distracted to be unsafe. Some 86 percent of respondents reported they would feel very unsafe if their drivers were sending e-mails or text messages, and 85 percent said they would feel very unsafe if their drivers were reading e-mails or text messages (Schroeder et al., 2013). Almost all respondents who were classified as distraction-averse drivers (95%) reported they would feel very unsafe as passengers if their drivers were reading or sending text messages, compared to 67 percent of respondents classified as distraction-prone drivers (Schroeder et al., 2013).

Finally, almost three-quarters of respondents (74%) supported bans on cell phone use while driving and 94 percent supported laws banning texting or e-mailing while driving (Schroeder et al., 2013).

This guide describes strategies, approaches, and concepts addressing this complex problem, focusing primarily on texting and phone use, which does not diminish the fact that distraction includes those other serious causes of inattention such as passenger distractions, eating, grooming, etc.

Two of the most common distractions are texting or talking on cell phones while driving. In 2016 there were 1.939 trillion text messages sent in the United States (CTIA, 2018). At any given daylight moment across America in 2015, some 481,000 drivers were also using cell phones or manipulating radios, music players, or GPS devices (Pickrell et al., 2016).

To combat distracted driving, legislation and policies that address enforcement, communication, education, and evaluation are needed to achieve significant reductions in distracted-driving-related crash injuries and fatalities. This guide describes three NHTSA-funded enforcement demonstration programs conducted at six sites: Hartford, Connecticut; Syracuse, New York; Sacramento Valley, California; Delaware; the southwest area surrounding Danbury, Connecticut; and the suburban area north of Boston, Massachusetts. Key lessons learned include challenges and solutions and provide insights and ideas for police and State Highway Safety Offices to consider as tactics for combating distracted driving.

People should not lose their lives or the lives of their loved ones, or suffer debilitating injuries because someone chose to drive distracted. Sharing the diverse approaches used at these six cell phone or texting enforcement demonstration sites may be an impetus for combating distracted driving one community at a time.

Cell Phone and Texting Risks

According to the Virginia Tech Transportation Institute (VTTI), engaging in “visual-manual subtasks,” including reaching for a phone, dialing, and texting, increases the risk of a crash by three times (Fitch et al., 2013). Five seconds is the average time a driver’s eyes are off the road while texting. When traveling at 55 mph, that’s enough time to drive the entire length of a football field blindfolded (Olson et al., 2009). Distracted driving caused by secondary tasks is a major cause of crashes among drivers ranging in experience from novice teenage drivers to experienced adult drivers (Klauer et al., 2014). According to a 2009 Pew Research Center survey, 40 percent of American teens 12 to 17 years old say they have ridden in a car when the driver used a cell phone in a way that put them in danger (Madden & Lenhart, 2009). In 2012 Federal Communications Commission Chairman Julius Genachowski said that about 11 percent of drivers 18 to 20 who survived automobile crashes admitted they were texting when they crashed (FCC, 2012).

IIHS-sponsored research conducted at VTTI showed that a driver's near-crash/crash rate nearly tripled when reaching for, answering, or dialing a cell phone. Data from the Strategic Highway Research Program’s naturalistic driving study found that overall crash risk of interacting with a handheld cell phone while driving was 3.6 times that of “model” driving (Dingus et al., 2016). Bottom line: Distracted driving involving a cell phone comes with high risks, endangers life and property, and causes unacceptable levels of injury and loss.

State Laws Addressing Texting and Cell Phone Use While Driving

Enacting and enforcing laws is one way to approach the problem. According to the Governors Highway Safety Association (GHSA), as of July 2019 there were 48 States, the District of

Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands that ban text messaging for all drivers. All but five States have primary enforcement. Montana, Arizona, and Missouri do not have all-driver texting bans; however, all three prohibit texting by novice drivers, and two prohibit school bus drivers from texting. According to GHSA, as of July 15, 2019 there were 20 States, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands that prohibit drivers of all ages from using handheld cell phones while driving. Visit the Governors Highway Safety Association website at www.ghsa.org/state-laws/issues/distracted%20driving for a list of laws by State.

The enforcement approaches described in this guide are examples of creative and feasible enforcement tactics, can raise community awareness about the seriousness of the problem, and give viable enforcement strategies that can ultimately drive down distracted driving crashes, injuries, and fatalities.

Distracted Driving Demonstration Projects: Summary of Strategies and Lessons Learned

From 2010 to 2014 NHTSA supported six demonstration projects to determine the feasibility of using HVE to reduce distracted driving, specifically handheld cell phone use while driving and texting while driving. Lessons learned and insights from these efforts are discussed below. Table 1 lists the three demonstration projects and the six sites that participated.

Table 1. Three Demonstration Efforts

Demonstration Projects 1, 2, and 3, and Sites	Enforcement Focus: Handheld Cell Phone Law	Enforcement Focus: Texting Ban
DEMONSTRATION PROJECT 1 – High-Visibility Enforcement of Distracted Driving Laws: Strategies Tested in CT and NY		
Hartford, Connecticut	✓	✓
Syracuse, New York	✓	✓
DEMONSTRATION PROJECT 2 – High-Visibility Enforcement of Distracting Driving Law- Expansion to Larger Areas: Strategies Tested in CA and DE		
Sacramento Valley, California	✓	✓
Delaware	✓	✓

Demonstration Projects 1, 2, and 3, and Sites	Enforcement Focus: Handheld Cell Phone Law	Enforcement Focus: Texting Ban
DEMONSTRATION PROJECT 3 - Evaluating the Enforceability of Texting Laws: Strategies Tested in CT and MA		
Connecticut	✓	✓
Massachusetts		✓

High-Visibility Enforcement of Distracted Driving Laws: Hartford and Syracuse

In 2010 NHTSA undertook a demonstration effort to test whether the high-visibility enforcement model could be applied to reduce distracted driving, specifically driving while talking on handheld cell phones. The HVE model applies strong laws, vigorous targeted law enforcement, extensive earned and paid media emphasizing enforcement, and evaluation. Two sites were picked – Hartford and Syracuse. Each conducted four enforcement waves from April 2010 to April 2011. NHTSA developed and bought TV and radio spots featuring the tag line, “*Phone in One Hand, Ticket in the Other.*” Both sites generated ample earned media.



Generally, police wrote 100 to 200 citations per 10,000 population for each wave in each site. Driver surveys conducted at local DMVs/MVAs indicated increased awareness that cell phone laws were being enforced and recognition of the new slogan. Results were clear: Drivers observed using handheld cell phones dropped 57 percent in Hartford (from 6.8% to 2.9%) and 32 percent in Syracuse (from 3.7% to 2.5%). The percentage of drivers observed texting declined 72 percent in Hartford (from 3.9% to 1.1%) and 32 percent in Syracuse (from 2.8% to 1.9%) (Cosgrove et al., 2011). The bottom line is that results showed HVE campaigns can reduce the number of people who use handheld cell phones while driving (Chaudhary et al., 2014). Implementation details for each site are described below.

Hartford High-Visibility Distracted Driving Demonstration, 2010

Beginning in 2010 the East Hartford, Hartford, and West Hartford communities implemented a joint year-long campaign to test whether NHTSA’s HVE model could be applied to distracted driving – namely driving while talking on handheld cell phones. The HVE model makes people more aware of distracted driving enforcement and creates deterrence. It increases the perceived risk of getting caught for an infraction. When perceived risk of getting caught goes up, the likelihood that people will engage in unsafe driving behaviors goes down. Connecticut chose enforcement strategies tailored to its communities compliant with its handheld cell phone ban.

The Hartford demonstration project enlisted the Connecticut State Police and local police in robust enforcement, extensive media outreach emphasizing that enforcement, and evaluation measures in four enforcement waves from April 2010 to April 2011. NHTSA's "*Phone in One Hand, Ticket in the Other*" radio spots supported the enforcement operations, and got ample earned media. Results indicated that local driver awareness of enhanced police enforcement and of the tag line increased from 31 percent baseline to 71 percent after the last wave was conducted (Chaudhary et al., 2014).

Observed handheld driver cell phone use dropped from 6.6 percent to 2.9 percent in the Hartford area. Bridgeport and Stamford were noncontiguous control areas matching demographics of the three Hartford cities and also showed a decrease in use (from 6.6% to 5.6%) but not as much as Hartford. The results showed that HVE campaigns can reduce the number of people who use handheld cell phones while driving. On average 103 citations per 10,000 population were written for each wave. Many more citations were issued for handheld cell phone use compared to texting citations. On average each enforcement wave yielded 2,359 citations for handheld cell phone use while driving and 56 citations for texting while driving. Note that the Hartford project was originally intended to enforce only handheld cell phone violations. However, after the first enforcement wave the project was adjusted to add texting violations (Chaudhary et al., 2014).

The Law

Connecticut legislation prohibits drivers from using handheld cell phones while driving, and novice drivers 16 or 17 years old are prohibited from *all* cell phone use, whether handheld or hands-free. The State law presumes that a driver is making a call if the cell phone is near the driver's ear. All Connecticut drivers are prohibited from texting—typing, sending, or reading a text message. However, Connecticut law makes exception for emergency calls using either handheld or hands-free cell phones (Chaudhary et al., 2014).

Strategies Used

- **Spotter Technique:** While a range of distracted driving enforcement strategies were used, Hartford police departments spent most of their time using the spotter technique where an officer, usually standing on the side of the road, radioed ahead to another officer when a driver using a handheld cell phone was observed. The second officer down the road in a police vehicle made the stop and issued the citation.
- **Roving Patrols:** Hartford patrols moved between locations to take advantage of traffic patterns and known high-risk areas during the intense 7-day morning and afternoon schedules.

Location

Enforcement sites were based on analysis of high-volume traffic patterns, crashes, and associated crash risks.

Key Lessons Learned

- The law enforcement agencies believed support from the Connecticut Highway Safety Office was invaluable to the effort.
- The Highway Safety Office prepared a citation holder pamphlet (see Appendix C) where officers placed tickets issued to violators, specific information about Connecticut's cell

phone laws, amount of the fine, and risks associated with distraction. Police said this simple complement not only helped educate the public about the law and consequences of driving distracted, but also helped raise community awareness of the HVE.

- Roll call training videos for participating officers help describe specific enforcement techniques and timelines, discuss coordination with neighboring law enforcement agencies, and describe media support.
- Roll call training before each enforcement wave and debriefing after each wave, discussing operational issues and possible solutions, add to successful enforcement.
- Spotters on overpasses and elevated roadways and taller SUVs and trucks gave better observation angles of drivers using cell phones and other devices.
- Officers were more likely to cite drivers for talking on handheld phones than for texting, given the higher difficulty in observing texting while driving.
- Officers observed that texting drivers frequently committed other traffic violations such as lane departure, traveling too slowly, or weaving on high-speed highways, providing additional cues.
- Public awareness of ticketing for cell phone and texting can be raised in a short time. Some Hartford motorists in later waves commented to officers that they “should have known better” given all the campaign publicity.
- Flexible scheduling of overtime shifts as needed was critical to successful enforcement waves.

Syracuse High-Visibility Distracted Driving Demonstration, 2010

NHTSA entered an agreement with the State of New York to see if the *Click It or Ticket* HVE model could be applied to distracted driving enforcement, successfully reducing distracted driving associated with cell phone use. The enforcement project was conducted in Syracuse from April 2010 to April 2011. Located in Onondaga County in central New York, Syracuse is the region’s major metropolitan center. The multi-faceted project incorporated vigorous HVE, targeted advertising, and community outreach. The New York State Police, Syracuse Police Department, and Onondaga Sheriff’s Office conducted four waves of enforcement over one year, focused on handheld cell phone violations. NHTSA’s TV and radio spots featuring the *Phone in One Hand, Ticket in the Other* tagline generated considerable earned media. In addition, the State DMV conducted an independent awareness survey of its customers to measure public awareness of enhanced cell phone and distracted driving police enforcement. Baseline data indicated that 41 percent of drivers were aware of the issue and local enforcement. The post-survey results showed that 76 percent of drivers were aware that cell phone laws were being enforced and recognized the new slogan.

Syracuse police issued an average of 2,214 citations for handheld use and 183 texting citations per wave. Officers issued five times the number of citations per 10,000 population (174 per 10,000 population) during the distracted driving enforcement waves than in other HVE mobilizations such as the *Click it or Ticket* mobilization. Syracuse’s initial observed cell phone use rate was 3.7 percent before enforcement project began and 2.5 percent after the final wave. Texting while driving declined from 2.8 percent to 1.6 percent. Ultimately, the project

demonstrated that HVE and complimentary media/outreach did increase local awareness of slogan, enforcement efforts, and reduced the number of people using handheld cell phones while driving (Chaudhary et al., 2014).

The Law

New York's primary handheld law went into effect December 1, 2001, and prohibits use of a handheld cell phone to engage in a call while driving. A violator may be issued a ticket for a traffic infraction, resulting in a fine of up to \$100. The law was enhanced in February 2011, adding two driver penalty points to the fine.

During the demonstration project, the State's texting ban only allowed secondary enforcement, making texting enforcement more challenging. New York's anti-texting law, which went into effect on November 1, 2009, prohibits all drivers from using portable cell phones to compose, send, read, access, browse, transmit, save, or retrieve text messages or e-mails while driving. The penalty is a fine of up to \$150. The secondary enforcement provision required other probable cause to initiate a stop during the demonstration project. However, in July 2011 New York's legislature strengthened the State's texting law and made texting while driving a primary offense. As a result, the project's primary enforcement focus was cell phone use while driving. Since then New York's texting/cell phone use law has increased its penalties (Governor's Traffic Safety Committee, n.d.).

Strategies Used

- **Roving Patrols:** Police in the Syracuse area preferred deployment of roving patrols actively seeking drivers using cell phones or texting while driving.
- **Stationary Enforcement:** Another preferred tactic used strategically placed patrol vehicles where officers could observe drivers discretely while actively seeking out drivers using cell phones or texting. Syracuse officers reported that the use of higher vantage points, SUVs, and unmarked vehicles were particularly effective.
- **Roll Call and Data-Driven Enforcement:** Syracuse picked enforcement sites based on high-volume traffic patterns and associated crash risks. Officers found that flexibility in scheduling overtime as needed was critical to success of the enforcement waves. Roll call training before the enforcement operations and debriefings after each wave addressed operational issues as they arose.
- **Enforcement and Awareness:** The Highway Safety office prepared citation holders that officers used to hold the tickets issued to violators, and which contained specific information about the State's cell phone law, the amount of the fine, and the risks associated with handheld cell phone use and texting while driving.

Location

Patrols were conducted on local roads and highways depending on the strategy used and jurisdiction. Local roads during peak morning and afternoon commuting were prioritized, and elevated roadways and overpasses were considered good observation sites.

Key Lessons Learned

- Targeted enforcement using stationary patrols, spotters, and roving patrols can result in high levels of observed violations.
- Stationary checkpoints and marked cruisers with uniformed officers were effective in Syracuse.
- Syracuse found roving patrols targeted in high-risk and high-traffic-volume areas were successful.
- Texting offenders frequently committed other traffic violations such as lane departure, traveling too slowly, or weaving on high-speed highways, providing additional cues to officers during roving patrols.
- Spotters on overpasses and elevated roadways and taller SUVs and trucks were effective in identifying drivers manipulating electronic devices because elevated observation angles.
- Unmarked vehicles may be an advantage during roving patrols if permitted by State law.
- Roll call training for participating officers help describe specific enforcement techniques and timelines, discuss coordination with neighboring law enforcement agencies, and describe media support for enforcement activities.
- Citation holders with information about the State's law help officers educate drivers even when they contain tickets.
- Extensive community outreach and public education between enforcement waves create and reinforce social norms that using cell phones or texting while driving is unacceptable.
- Police were pleased with the media coverage throughout the campaign and became effective spokespersons for the problem.

High-Visibility Enforcement of Distracted Driving Laws – Expansion to Larger Areas: Sacramento Valley and State of Delaware

Demonstration programs in Hartford and Syracuse found that implementation of HVE that focuses on handheld cell phone use could reduce observed cell phone use rates (Chaudhary et al., 2014). These findings led NHTSA to expand the strategy to see if these results could be implemented on a larger scale, covering larger geographic and demographic areas. Two sites were selected for this project, Sacramento Valley and the entire State of Delaware.

This distracted driving demonstration project conducted three waves of enforcement from November 2012 to June 2013. Paid and earned media were featured components, using NHTSA's *Phone in One Hand, Ticket in the Other* tagline. Program evaluation included analyzing media and enforcement data, an awareness survey, roadside observations of driver electronic device use, and analyzing crash data. Portland, Oregon, was identified as the comparison control site for the Sacramento Valley Region. Atlantic County, New Jersey, and New Haven County, Connecticut, were Delaware's control areas.

Results were promising. Observed handheld driver cell phone use dropped by one-third from 4.1 percent to 2.7 percent in California (a 34% reduction), and from 4.5 percent to 3.0 percent in

Delaware (a 33% reduction). While reductions were also observed in the comparison communities, they were attributable to other factors or were less than the declines in the program site. Overall the results showed that HVE can be implemented over widespread, multi-jurisdictional areas and may reduce the number of people who use handheld cell phones while driving. Target behaviors were reduced to a point below the baseline level by the end of the program for both California and Delaware. Survey data indicated that motorists showed support for cell phone and texting enforcement (Chaudhary et al., 2015).

In addition to the evaluation report, this project produced a NHTSA report, *Process Overview of the High-Visibility Enforcement Programs Targeting Handheld Device Users in California and Delaware* (Preusser Research Group, 2015). This report listed takeaways on the planning, publicity, enforcement, and evaluation of a distracted-driving HVE initiative. It outlines key steps in planning an HVE program, and provides insight from law enforcement on detecting and documenting violations, effective enforcement strategies, and where and when to enforce.

California High-Visibility Enforcement Demonstration Program to Reduce Distracted Driving Violations, 2012-2013

Syracuse and Hartford found that implementation of HVE efforts that focus on handheld cell phone use could actually reduce observed cell phone use rates. Such programs in Connecticut and New York spurred large reductions in handheld phone use and texting while driving (Chaudhary et al., 2014). Following a similar methodology, the Sacramento Valley region took steps to replicate Connecticut and New York's methods and measure the impact of three specific waves of highly visible distracted driving enforcement.

California's Office of Traffic Safety coordinated the three HVE distracted driving waves, Wave 1 in November/December 2012, Wave 2 in February/March 2013, and Wave 3 in June 2013. The waves were conducted in nine counties in the Sacramento Valley region, encompassing almost four million residents, roughly 10% of California's population, in El Dorado, Sacramento, San Joaquin, Stanislaus, Solano, Sutter, Placer, Yuba, and Yolo counties. Enforcement was conducted by 37 local departments, 93 percent of the 40 departments that were invited to participate, as well as by the California Highway Patrol.

The first wave was 14 days of enforcement with 10 days of publicity, whereas Waves 2 and 3 were 10 days of enforcement coupled with 10 days of paid publicity.

The Law

Three California laws govern use of cell phone communications while driving. Since taking effect on July 1, 2008, California drivers are prohibited from talking on cell phones without hands-free devices while driving. (A "sunset" clause for the use of two-way "push-to-talk" phones while driving ended on July 1, 2011). An anti-texting statute went into effect in 2009 and prohibits drivers from sending, reading, or writing text messages while driving. Drivers 16 or 17 years old are banned from using *any* "mobile service" technology while driving, even with hands-free devices. First offenses incur \$20 fines, with subsequent violations incurring \$50 fines. Administrative and court fees raise the costs substantially to about \$160 and \$285 (California Vehicle Code, Section 23123).

Strategies Used

The approaches used in California included checkpoints, saturation patrols, routine patrols, and spotters. Regardless of the tactics, keeping traffic enforcement visibly present over the entire enforcement period was a key component of the distracted driving HVE program. The program benefited from existing networks of law enforcement partners who had ample experience conducting HVE programs; in fact, many officers in California already had distracted driving program experience from their participation in annual statewide programs called *It's Not Worth It*.

- **Spotter Technique:** The spotter tactic yielded many citations when used in high-traffic locations. The downside was that it took two officers to spot, pull over, and cite violators. Police need to ensure that using the spotter technique is legal in that specific jurisdiction. Logistics should be pre-determined, including how violators will be spotted and pulled over, as well as who will write the ticket.

Use of spotters received attention from local news affiliates, but roving patrols at high-traffic times in high-volume locations were found to be the preferred way to find violators.

- **Motorcycle-Based Enforcement Offers Advantages:** California officers described the benefits of using motorcycle enforcement, which has several advantages in detecting violators. First and foremost, an officer on a motorcycle has a higher vantage point offering a better view into a passenger vehicle than from a typical patrol vehicle. This is useful for directly observing a driver who uses a phone below the window frame.

Another advantage is officer maneuverability on a motorcycle, doing things that officers in full-size passenger vehicles cannot. For example, a motorcycle officer can drive right up beside an offender, often unnoticed, and look down into the vehicle, more easily observing violations.

Motorcycle officers explained they have the authority to “split lanes” in traffic. Lane-splitting describes a motorcycle moving between lanes of vehicles moving in the same direction. The officer can observe violations, especially at controlled intersections. This technique was quite useful for citing violators during the HVE waves in California, but may not be legal in other States.

- **Routine Patrols and Checkpoints:** Officers mentioned using routine patrols, saturation patrols, and checkpoints. They agreed all three methods were useful. Routine patrol is 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 groups of officers working together.

Checkpoints frequently resulted in various additional violations being cited beside distracted driving. Saturation patrols were more capable of producing higher numbers of distracted driving violations compared to routine patrols and checkpoints.

Some smaller police forces in California had difficulty providing staff for HVE waves. They dealt with this problem by teaming up in multi-jurisdictional efforts that helped increase staffing and expanded media opportunities and exposure. HVE programs that

advocate multi-jurisdictional efforts reinforce cooperation among law enforcement and can extend beyond the specific activity.

Location

California officers found that high-traffic locations increased likelihood of higher numbers of citations. In addition, officers also were in favor of moving the enforcement operations around to different locations to stay ahead of social media and word-of-mouth that identified where traffic enforcement operations were taking place.

Busy intersections let officers observe slow-moving and stopped vehicles. Slower speed made it easier for officers to watch more vehicles for handheld phone violations and gave more time to gather information about the violation. Officers who looked for offenders “mid-block” or on the side of the road did best in locations that allowed the police vehicle to be camouflaged or obscured from view.

Overall, conducting distracted driving enforcement operations at high-traffic-volume and high-crash locations generated positive media attention and proved to be a solid approach.

Key Lessons Learned

- Officers need to be thoroughly briefed and knowledgeable, and have adequate understanding of the provisions of their State laws. This lets officers use acceptable tactics such as unmarked vehicles, spotters, or lane-splitting.
- Distracted driving enforcement campaigns must use trainings or briefings to clearly define what is enforceable under the law, which can be very specific or may include some level of vagueness. In California, for example, drivers cannot drive and write, send, or read text messages, but can read, select, or enter telephone numbers to make calls.
- Officers in California found it useful to explore the local judiciary’s views on distracted driving violations, especially what documentation worked most favorably when prosecuting violations. What evidence do judges want to see presented?
- Distracted driving enforcement can be implemented over large geographical areas involving many 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.

Delaware High-Visibility Enforcement Demonstration Programs to Reduce Distracted Driving Violations, 2012-2013

Delaware’s Office of Highway Safety agreed to serve as a demonstration site for NHTSA’s HVE demonstration program, its first HVE effort to reduce distracted driving in the State. Like California, Delaware implemented three waves of high-visibility distracted driving enforcement during the same time as California’s program: Wave 1 in November/December 2012, Wave 2 in February/March 2013, and Wave 3 in June 2013. Forty-one of Delaware’s 42 local law enforcement agencies participated, along with the Delaware State Police. The statewide program had the potential to reach nearly all of Delaware’s 900,000.

The first wave included 10 days of enforcement coupled with 7 days of paid publicity. Waves 2 and 3 consisted of 11 days of enforcement and 7 days of paid publicity. Delaware issued 6,291 distracted driving citations, with an average of 23.4 tickets per 10,000 population.

The Law

In 2011 the Delaware legislature enacted a law prohibiting drivers from texting or using handheld cell phones while in motion unless using hands-free devices. The phrase “in motion” means that vehicles stopped at intersections are excluded from ticketing. A first offense is subject to a fine of \$50. Subsequent offenses are \$100 to \$200. Administrative and court fees raise the costs to about \$106 for first offenses and up to about \$350 for subsequent offenses (Title 21 § 4176C. Electronic communication devices; penalties).

Strategies Used

Most Delaware traffic officers did not have prior HVE program experience with distracted driving, but many had some prior experience issuing citations to drivers for handheld phone violations. Officers carried out several types of enforcement that yielded positive results, and the program documented a significant decrease in handheld use from the baseline to the end of enforcement period. The operations include these.

- **Spotter technique:** During the first wave, spotter enforcement was conducted. However, the phrasing of a Delaware statute led law enforcement to question whether this form of enforcement was permissible. Subsequent waves did not use spotters (Title 21 § 4176C. Electronic communication devices; penalties).
- **Unmarked vehicles:** Under Delaware law, unmarked cars can be used for traffic enforcement and were used for this program. Unmarked vehicles, semi-marked vehicles, and low-profile police vehicles were useful and became the preferred methods for detecting unsuspecting drivers (Title 21 § 4176C Electronic communication devices; penalties).
- **Stationary and Roving Patrols:** Stationary and roving patrols identified violators. Roving patrols at high-traffic times in high-volume locations were preferred.

Location

Delaware police used data-driven approaches to select enforcement sites. High-traffic-volume areas were used to conduct enforcement waves at peak traffic times. Likewise, distracted driving citation and crash data supported site selection decisions.

Key Lessons Learned

Some key takeaways for Delaware included the importance of:

- Keeping the distracted driving enforcement visibly present over a specific time period.
- Enforcement operations should be well-planned, and enforcement sites, when possible, should be strategically selected using crash and citation data.
- Officers must operate within the law when using preferred enforcement tactics like the use of unmarked vehicles, spotters, or splitting lanes. For example, unmarked vehicles are allowed in Delaware but are not allowed to make traffic stops in California.

- While the number and types of enforcement vary across geographical areas, distracted driving enforcement plans should be designed to boost driver compliance through increased exposure to stepped-up distracted driving enforcement.
- Increasing public perception of stepped-up distracted driving enforcement activities is key to an effective enforcement program.
- An HVE program typically lasts one to two weeks and should be carried out several times a year. The day of week, time of day, and location should be staggered, if possible.
- Coordinating law enforcement activities over broad regions or statewide conveys a unified enforcement presence that strengthens message delivery.

Evaluating the Enforceability of Texting Laws: Strategies Tested in Connecticut and Massachusetts

Results from the Hartford, Syracuse, California, and Delaware demonstration projects indicated relatively few citations were issued for texting while driving. Feedback from police officers suggested enforcing texting laws was difficult. In 2012 NHTSA undertook a third demonstration program to determine enforceability of texting laws and to test methods for enforcing them. Connecticut, which had both handheld cell phone and texting-while-driving bans, and Massachusetts, which only banned texting while driving, participated.

Four waves were conducted in 2013 and 2014, with debriefs discussing and documenting lessons learned from each wave. Valuable items noted included officer training, roll call briefings focused on distracted driving/texting enforcement, investing time in pre-planning to get smooth operation of each wave, partnerships with local and State enforcement agencies to multiply forces and maximize resources, and establishing leadership priority for conducting distracted driving enforcement. Evaluations suggested that a strong set of distracted driving laws helps with enforcement of those laws (Retting et al., 2017). To address this challenge, police agencies in both States chose to enforce other applicable laws. For example, Connecticut used its handheld cell phone law and Massachusetts used its impeded operations law when officers could not prove drivers engaged in the specific behavior -- reading, writing, or sending a text message -- prohibited by the texting statute. The project final report lists lessons learned based on post-wave debriefings (see Retting et al., 2017; pp. 15-23).

Texting Enforcement Project, Connecticut, 2012-2014

Connecticut used seven Fairfield County towns, Bethel, Brookfield, Danbury, Monroe, Newtown, Redding, and Ridgefield. Police from each town as well as Connecticut State Police conducted four enforcement waves. The first wave kicked off in June 2013, followed by an October 2013 wave. The third wave was held in late March and early April 2014. The last wave occurred in June 2014. Over the four waves, 3,432 citations were issued for cell phone use and 1,091 for texting. This averages 45.8 cell phone citations per 10,000 population per wave and 14.1 texting citations per 10,000 population per wave (Retting et al., 2017).

Connecticut's participation, while focused predominantly on "spotter enforcement strategies," coordinated several techniques with neighboring police departments of differing size and location and during different times of day. This yielded a rich learning opportunity for them. They ranged from a bureau/town-based police department to the Connecticut State Police. Most

used the spotter technique for detecting and citing cell phone and texting-while-driving violations, in accordance with current cell phone and texting bans.

The Law

When this project started in November 2012, Connecticut law prohibited driver use of telephones or mobile electronic devices to type, send, or read text messages while in motion. It also prohibited drivers from talking on handheld cell phones. (The law presumes that you are making a call if you have the cell phone near your ear.) Novice drivers 16 or 17 years old in Connecticut are prohibited from all cell phone use, handheld or hands-free. All Connecticut drivers are prohibited from texting – typing, sending, or reading – with a handheld cell phone. The only exceptions to the law allow for emergency calls and calls made using hands-free devices (CGS § 14-296aa).

Strategies Used

The spotter strategy was the most popular. This tactic used an officer as the primary spotter in a concealed or inconspicuous location, and two to eight officers serving as chasers, depending on the department. There are several ways to employ this strategy and Connecticut tested several variations.

- **Unmarked Vehicle Technique:** The spotter was in an unmarked vehicle in an obscure position in a parking lot driveway to avoid being in plain view of motorists. Six to eight “chaser” officers waited in line in an adjacent driveway for instructions from the spotter. When the spotter observed a violation, the chaser was notified and then stopped the vehicle to issue the citation. About halfway through the operation, the team moved locations to work the opposing stream of traffic. Neither driveway was elevated, which would have given the officer a better vantage point to observe drivers. The mid-morning operation mainly yielded cell phone violations versus texting. The technique often works better if the spotter is in an elevated position to allow better observation.
- **Foot Patrol Technique:** In good weather, one Connecticut location used a foot patrol spotter in a downtown area with slow-moving traffic. The officer observed traffic from a slightly elevated berm next to a tree along a city street. Although the spotter was uniformed, he was well concealed from approaching motorists by standing next to the tree. Other uniformed officers were positioned on foot less than half a block down from the spotter's position. The traffic flow was slow in this downtown commercial area and officers on foot could wave over violators for ticketing.
- **Individual Versus Team Enforcement:** Enforcement could be conducted individually or by a team. Officers were positioned in a parking lot, on the side of the road behind brush, a tree, or other barrier, in an elevated area either inside or outside their vehicles. Several officers stood in position observing motorists. The area was typically a low-volume, slow-moving traffic area where the uniformed officer would motion the violator over for enforcement. Most violations were for cell phone use. In addition, officers in marked vehicles were partially obscured from view, giving them enough space to observe driver behavior and adequately determine that a cell phone or texting violation had occurred. Adjacent buildings or landscaping were used to obscure police vehicles from motorists. Once a violation was detected, officers used sirens and lights to make traffic

stops and issue citations. Officers were instructed to focus on identifying and issuing cell phone or texting-while-driving citations. This approach was so successful the department ran out of citation books and had to find more.

- **Focused Patrols:** In addition to spotters, departments started focused patrols and “self-initiated enforcement,” which meant officers conducted cell phone and texting enforcement on their own during their shifts. The Connecticut State Police conducted special shift briefings for several troopers who were told to focus on specific areas in the city rather than their regular highway areas, and to concentrate on cell/mobile phone and texting violations. Patrol officers used their own observation techniques, looking for violators while they patrolled, while others parked in elevated driveways to observe traffic flow. Once a violation was observed, the officer would initiate the stop.

Location

Intersections were reported to be the best enforcement sites, giving spotters clear and stable vantage points for detecting violations. Multi-lane roadways also presented some advantages for this type of enforcement. Officers found it beneficial to stand outside of their vehicles in elevated areas. However, there were some challenges associated with these operations, especially the ability to detect violations. The vantage point of the observing officer/spotter played a large role in how well the distracted driving operation went, and high-speed roadways made it more difficult to observe drivers talking on cell phones or texting while driving. A key takeaway for law enforcement was being flexible and willing to move locations if necessary.

Key Lessons Learned

- Most enforcement was held during the daytime, although there were some evening shifts where it was still light enough outside to make proper observations; morning and lunchtime hours were the most productive.
- Using unmarked vehicles and plain-clothes spotters worked well, although marked vehicles create visibility of enforcement and may discourage drivers from violating laws when enforcement is present.
- Officers noted it was easier to conduct enforcement in downtown areas. Enforcing in rural areas or on high-speed roads was more difficult and required creativity.
- The spotter strategy needs sufficient officers available to stop the vehicles identified by the spotter. In some cases, officers were occupied with offenders and were unable to respond to new information provided by the spotter.
- Some Connecticut jurisdictions found officers on motorcycles helpful with detecting violations, due in part to the height of the motorcycle relative to the vehicle height and maneuverability roving in traffic.
- Some jurisdictions noted that enforcement often became part of social media. Motorists would take pictures of officers’ enforcement efforts and locations and post them on social media pages. The officers’ response was to adapt and move their spotter operation. Such police operations need to be aware of this possibility and be flexible and ready to adapt, if necessary.

- Using pre- and post-campaign press releases and extensive social media to create awareness was an important part of the project.
- Officers noted some definite indicators of distracted driving, such as drivers leaving large following gaps, failure to stay in lane, and drivers looking down at their laps. These indicators were not necessarily specific to texting or cell phone use, but rather were general indicators of distracted driving.
- Officers noted that the glow emitted from electronic devices when conducting nighttime enforcement was an indicator of cell phone use.
- Officers suggested that shorter shifts were better for maintaining focus on texting enforcement.
- Law enforcement officers also recommended conducting texting enforcement on weekdays, as they experienced less texting activity on weekends.
- An officer should be as detailed as possible in documenting the infraction to ensure a strong case in court. Details include which hand the driver was holding the phone with, how the driver was manipulating the device, description of the phone, how long the driver was observed engaging in the behavior prior to the stop, etc.
- Training on the issue of distraction, the law, and support from supervisors for distracted driving enforcement should be a primary part of implementing a distracted driving enforcement program.

Texting Enforcement Project, Massachusetts, 2012-2014

The Massachusetts State Police (MSP) Distracted Driving Enforcement Project focused completely on texting-while-driving violations using the State law applies to all drivers. The project area were 12 cities and towns of the MSP's Station A-1 (Andover) of Troop A: Andover, Dracut, Dunstable, Lawrence, Lowell, Methuen, North Andover, North Reading, Reading, Tewksbury, Tyngsborough, and Wilmington.

The MSP conducted four waves focused on texting violations and impeded-vehicle operations (see "The Law," below). The first two waves were held in June and October 2013 and the last two waves in June and October 2014. Each wave averaged 20 days. Officers logged 3,004 patrol hours and issued 4,195 violations for texting, impeded operation, or "junior operator" cell phone use. The total number of texting-while-driving or associated citations represented about 72 percent of the violations issued during the enforcement period; the remaining 28 percent of citations were issued for other traffic offenses, unrelated civil violations, or warnings (Retting et al., 2017). During the demonstration project, several texting ban strategies were used ranging from individual patrols to multi-officer patrols and the use of spotters.

The Law

The Massachusetts texting ban prohibits driver use of mobile telephones or any handheld devices capable of accessing the internet, to manually compose, send, or read electronic messages while operating motor vehicles, regardless of whether the vehicles were in motion or stopped (with the exception of being stopped outside of the public way intended for travel). The anti-texting law states that a person "shall not read, manually type, or send a text message on a wireless 2-way communication device that is located in the person's hand or in the person's lap, including a

wireless telephone used in cellular telephone service or personal communication service, while operating a motor vehicle that is moving on a highway or street.”

The Massachusetts law did not prohibit drivers from talking on handheld cell phones, except for “junior operators” (drivers 16 or 17 years old). In addition to the texting law, MSP enforced an “impeded operation law,” defined as a driver involved in any action that may “interfere with or impede the proper operation of the vehicle or any equipment by which the vehicle is operated or controlled” (General Law - Part I, Title XIV, Chapter 90, Section 13B).

Strategies Used

The most popular MSP strategy was the roving patrol in an unmarked vehicle, preferably an SUV. This involved a single officer driving an unmarked police vehicle on a limited-access highway during peak driving hours when the roadway was congested. The officer drove slower than the flow of traffic, serving as the only observer. The officer would observe a driver either holding a phone in one hand and texting or reading the screen, or operating the mobile device with both hands. Motorists were typically unaware of the unmarked car and the officer’s activity. Officers preferred unmarked SUVs due to the higher vantage point.

Officers noted other cues, such as the driver not accelerating at appropriate times or failing to stay in lane. The MSP explored approaches to this technique and documented valuable lessons learned. The combination of techniques used included these variations.

- **Single-officer roving patrol:** A single officer was assigned to patrol a limited access roadway in an unmarked vehicle, driving at a slower speed than traffic. The officer observed drivers violating the texting law either by holding the phone in one hand and texting or reading the screen, or holding the phone with both hands. Often, the driver would affect traffic by driving outside the lane, slowing down, or not accelerating at appropriate times. Noting these infractions, the officer would initiate a stop and issue a citation. The operation was conducted during peak morning or afternoon drive times when roads were congested. The same technique was used with unmarked pickup trucks or unmarked SUVs, both with tinted glass and a higher vantage point for officers in the center lane to observe driver behavior on either side.
- **Two-officer roving patrol:** The same roving patrol used a slight difference: Two officers were assigned to one vehicle. The passenger would observe and call out the violation, followed by the driver initiating the stop. The advantage was safety, allowing the driver to focus on driving.
- **Stationary enforcement:** Officers conducted stationary enforcement operations with an officer in an unmarked vehicle sitting on the shoulder or breakdown lane of a limited access highway watching for violations. Seeing one, the officer would pull out and follow the violator for a short distance prior to initiating the stop and issue a citation. This strategy was conducted with either one or two officers.
- **Stationary enforcement on secondary roads at intersections, parking lots, or rotaries:** At intersections, an unmarked vehicle was parked perpendicular to traffic in a location that provided the officer an unobstructed view of traffic. Officers would watch mainly for texting violations in addition to other obvious traffic violations. This strategy was particularly appealing to officers, who found it easy to observe and enforce the law.

- **Spotter strategy:** This strategy was not used much in Massachusetts. The spotter stood at a slightly elevated roadside location to improve the spotter's view of motorists. The spotter was in plain clothes to remain inconspicuous to motorists, and upon observing a violation would radio the details of the offender to the officer located down the road in a marked car. The officer in the marked car would identify the offender, initiate the stop, and issue the citation. While this strategy proved to be easiest and most effective, there were coordination, manpower, and public acceptance issues that ultimately discouraged its use. Because of the large number of violations observed, officers were quickly tied up with issuing citations and were not always able to respond immediately to new violations radioed by the spotter. To respond quickly, more officers would need to be assigned, resulting in a large-scale, resource-intensive operation.

Most enforcement activities implemented by MSP were held during daytime, although there were some evening shifts where officers indicated the glow emitted by smartphones helped them more accurately identify violations.

Location

Enforcement operations were deployed during morning and evening peak-drive-time commuting hours. Nighttime hours were not found to be conducive to these operations given the difficulty in identifying violations. Locations extended from limited access highways and breakdown lanes to intersections of varying speeds.

Key Lessons Learned

- Unmarked vehicles, especially SUVs with tinted glass, proved to be effective, especially in cities and towns.
- Two officers per vehicle for dedicated roving patrols may be especially effective and the safest strategy.
- The MSP developed and distributed a "cheat sheet" of laws for officers that described specific details and sections of Massachusetts' distracted driving law. This was welcomed by officers in situations where there was confusion about sections of the law.
- MSP felt that the spotter strategy, while effective, would be more suitable for local police departments given their jurisdiction on roadways other than highways and freeways. MSP found that the spotter strategy involved more planning, was more labor intensive, and engendered more public resentment from offenders.

Conclusion

Distracted driving is a serious traffic safety matter that leads to tragic yet preventable consequences. Curbing distracted driving behaviors requires long-term, practical, and multi-faceted solutions.

Law enforcement and traffic safety professionals are faced with considerable challenges in persuading drivers to focus on the task at hand. To stay focused, drivers must disengage from their cell phones altogether, ignore incoming phone calls, text messages, e-mail messages, and social media temptations as their phones ring, ping, hum, buzz, vibrate, and play all sorts of notification tones that divert their attention from driving.

Law enforcement officials from California, Connecticut, Delaware, Massachusetts, and New York implemented distracted driving enforcement operations in tandem with education, community outreach, and paid- and earned-media approaches. To varying degrees, their efforts bore fruit in demonstrating changes in behavior on local and statewide scales.

These demonstration efforts showed that enforcement of distracted driving laws, specifically cell phone and texting bans, can be enforced and will reduce mobile device use and texting while driving violations. While distracted driving data collection around the country is improving, thanks in part to national efforts to provide direction regarding such topics as coding distraction and standardizing data elements, challenges remain.

Taking action against distracted driving, specifically cell phone use and texting while driving, is a critical part of elevating the seriousness of the problem and raising awareness. Action in the form of enforcement, education, and public awareness is exactly what the demonstration sites were able to accomplish.

The demonstration projects showed that the HVE model can be effectively applied to distracted driving across various geographic areas, ranging from local towns, multiple jurisdictions, and even statewide. Likewise, the demonstration projects showed that no single enforcement tactic can serve as the only solution when enforcing cell phone and/or texting laws. Several enforcement approaches are viable: roving patrols, spotter techniques, elevated vehicles, unmarked police vehicles, motorcycle patrols, and other creative details were used to enforce cell phone and texting bans in New York, Delaware, California, Connecticut and Massachusetts. Table 2 summarizes the enforcement strategies used in each demonstration site.

This guide is a summary of enforcement methods used by each the demonstration site and is intended for law enforcement agencies, highway safety offices, and key stakeholders seeking new ideas and approaches for conducting distracted driving enforcement in their communities. Another resource is law enforcement training designed specifically for distracted driving enforcement. In collaboration with the Transportation Safety Institute in Oklahoma City, NHTSA developed a free “virtual live” curriculum offered by the Transportation Safety Institute. For more details visit https://tsi-dot.csod.com/LMS/LoDetails/DetailsLo.aspx?loid=b2a87b9d-a4b3-4c5d-8c77-a85f5945b3bd&query=%3Fs%3D1%26q%3D&back_key=1#t=3.

For a comprehensive review of the additional elements of each project – education, media, data collection methods – refer to the respective evaluation reports posted on NHTSA’s website at www.nhtsa.gov/risky-driving/distracted-driving. Many thanks to the six demonstration sites across the country that participated in the distracted driving demonstration projects, in particular the dedicated men and women in uniform who devoted their time and insights to these projects. Appendix A summarizes feedback from law enforcement officers in Massachusetts and Connecticut and provides a snapshot of the overall lessons learned from these two project sites.

Table 2: Enforcement Techniques Used by Project Sites

ENFORCEMENT TECHNIQUES BY DEMONSTRATION PROJECTS AND SITES						
3 ENFORCEMENT PROJECTS	1. High-Visibility Enforcement of Distracted Driving Laws		2. High-Visibility Enforcement of Distracting Driving Law - Expansion to Larger Areas		3. Evaluating the Enforceability of Texting Laws: Strategies Tested in CT and MA	
DEMONSTRATION PROJECT SITES	Hartford, Connecticut	Syracuse, New York	California	Delaware	Connecticut	Massachusetts
ENFORCEMENT TECHNIQUES USED						
Spotter Technique	✓		✓	✓	✓	✓
Roving Patrols	✓	✓	✓	✓	✓	✓
Unmarked Vehicles	✓	✓		✓	✓	✓
Motorcycle Patrols			✓	✓	✓	
Intersection enforcement			✓	✓	✓	✓
Stationary/Covert Enforcement	✓	✓		✓	✓	✓
Lane Splitting			✓		✓	
Saturation Patrols		✓	✓	✓		
Checkpoints		✓	✓	✓		

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Legislation

Connecticut Distracted Driving Law: [CGS § 14-296aa](#)

Delaware Distracted Driving Law: [Title 21 § 4176C Electronic communication devices; penalties](#)

Massachusetts Distracted Driving Law: General Law - Part I, Title XIV, Chapter 90, Section 13B

California Distracted Driving Law: California Vehicle Code, Section 23123

Appendix A: Law Enforcement Recap Discussions: Connecticut and Massachusetts Demonstration Project¹

¹ This information is taken directly from the final evaluation report (pp. 15-17). See Retting, R., Sprattler, K., Rothenberg, H., & Sexton, T. (2017, March). *Evaluating the enforceability of texting laws: Strategies tested in Connecticut and Massachusetts* (Report No. DOT HS 812 367). National Highway Traffic Safety Administration. Available at www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812367-textenforce_ctandma.pdf

The participating law enforcement agencies held recap discussions after Waves 1, 2, and 4 to discuss experiences and possible adjustments in activity for future activity periods. The following observations from the recap discussions are relevant to law enforcement agencies conducting or planning to conduct texting enforcement:

Officer Safety

Officer safety is essential, especially when enforcement requires searching for specific driver behaviors in other vehicles. Officers tested two-officer roving patrols, with one officer driving and one searching for violations. While single-officer roving patrols were feasible, some officers indicated two-officer patrols helped by allowing the officer driving the vehicle to maintain situational awareness and attention on the roadway, and by providing an additional set of eyes to concentrate on locating violators and collecting sufficient detail on the violation. On freeways and other limited access highways, stationary patrols may be safer on ramps versus main sections of the highway. Massachusetts noted safety concerns associated with parking patrol vehicles on shoulders and other highway locations.

Training

Training was an essential component of distracted driving enforcement in this demonstration program. Officers noted benefits associated with the use of law sheets or law cards for officer reference, involving the State's attorney to discuss the law and evidence that should be collected, discussing enforcement strategy logistics with illustrations, and providing live-speaker roll calls to enhance interest and motivation (rather than using video-based messages). Officers also suggested that setting distracted driving enforcement as a leadership priority and giving line officers ownership by soliciting input may increase motivation and involvement.

Balance of Marked and Unmarked Vehicles

Finding a balance of marked and unmarked patrol vehicles may be helpful. Marked vehicles create visibility of enforcement and discourage drivers from violating laws when law enforcement is present. Officers in marked vehicles observed some drivers putting down their phones when enforcement presence became evident, limiting the amount of information the officer could collect on the violation. While being visible is important in some cases, officers found covert enforcement with unmarked vehicles to aid the detection of texting law violations and to help with issuing citations.

Pre-Plan for Smooth Operation

Using spotters helped officers detect violations, especially when the spotter was at elevated relative to traffic. One supervisor said the key is getting out of the car, with the spotter preferably in an elevated position. Officers found this required a great deal of pre-planning and coordination, and to be resource-intensive. Some officers experienced timing issues where violating drivers passed the ticketing officers before the spotter could relay violation details. Some officers noted that using more officers in high-volume traffic conditions may help with this issue.

Law Enforcement Partnerships

State Police and local police have emphasized the importance of working together through partnerships such as regional enforcement teams and the pairing of State and local police. Such

partnerships are force multipliers maximizing resources and personnel, and should be encouraged. For example, officers found spotters and stationary patrols better in urban environments with slower traffic and intersections, allowing them to observe drivers more clearly.

Challenges With Novice Driver Distracted Driving Laws

Challenges were noted with enforcement specific to novice drivers. Massachusetts conducted patrols near high schools, and noted a possible benefit of using school resource officers to educate high school students on distracted driving laws before the enforcement begins, to increase student awareness of the laws and consequences of violating them. Texting enforcement in school zones was challenging because most students leave school all at once after one or two citations were issued, most students had left the area. Troopers also had difficulty discerning age of violators, making specific juvenile enforcement problematic.

Indicators of Violations

Officers noticed some driver behaviors such as leaving a large following gap, failure to stay in lane, and drivers looking down at their laps. It was also noted that officers looked for the glow emitted from electronic devices when conducting nighttime enforcement. These are possible indicators to search for when conducting distracted driving enforcement.

Detailed Reporting

Officers noted detailed reporting of infractions may help with adjudication rates. Some texting and distracted driving laws ban very specific behavior such as reading, writing, or sending a text message), which may be challenging to prove. Collecting specific details about a violation helps provide evidence. Such details collected by officers include how the driver was manipulating the device, how many seconds the driver was observed engaging in the illegal behavior prior to the traffic stop, if the device was held with the left or right hand, and a description of the device (color, for example).

Education Opportunity

Police can use traffic stops as opportunities to educate the public about the dangers of distracted driving. Enforcement officers noted they were more inclined to provide educational material to drivers when issuing warnings than when issuing citations.

Additional Citation Categories

Despite texting enforcement being the specific focus of this project, many distracted driving citations were reported for cell phone use or alternative violations closely related to texting violations, such as impeded operation. Police said cell phone and impeded-operation citations were often issued in lieu of texting citations when driving behavior could not definitively be determined to be a texting violation (e.g., the officer may not have observed the violation long enough, the officer's view may have been less than optimal, or when a driver claimed to be dialing a phone).

Benefits of Motorcycle Enforcement

Officers found motorcycle enforcement helpful with detecting violations, partially due to the height and maneuverability of the motorcycle roving in traffic. Motorcycle enforcement allows for quicker turnaround with fast mount and dismount compared to using full-size patrol vehicles.

Shorter Shifts

Connecticut police recommended texting enforcement during the week, noting less texting on weekends.

Spotter Strategy Challenges

Massachusetts officers noted some pushback from motorists due to the fact the ticketing officer did not observe the violation, only the spotter did. They suggested making a note of this on the citation. They also mentioned cost of sending two officers to court, and the consideration of doing a cost/benefit analysis that takes into account how much it costs to send officers to court and how much money the ticket generates. They mentioned it may be better to use a line officer as the spotter, rather than a lieutenant. By comparison, Connecticut indicated no problem with spotter citations holding up in court, noting that the ticket writer testifies.

Texting Enforcement Priority

Police perform many activities, traffic enforcement being just one. Sharing pertinent research and statistics with officers about the dangers of texting and driving may encourage more positive attitudes toward texting enforcement. In addition, giving officers a say in how to conduct enforcement increases officer buy-in.

Officer Supervision and Motivation

The relationship between officers and their supervisors is crucial to agency morale and the success of all assigned duties. Supervisors not only manage the day-to-day activities of line staff but also provide guidance and encouragement to support agency public safety missions and goals. Officers who receive clear and consistent guidance and positive feedback regarding the enforcement of texting laws are more motivated and committed to this important traffic safety effort.

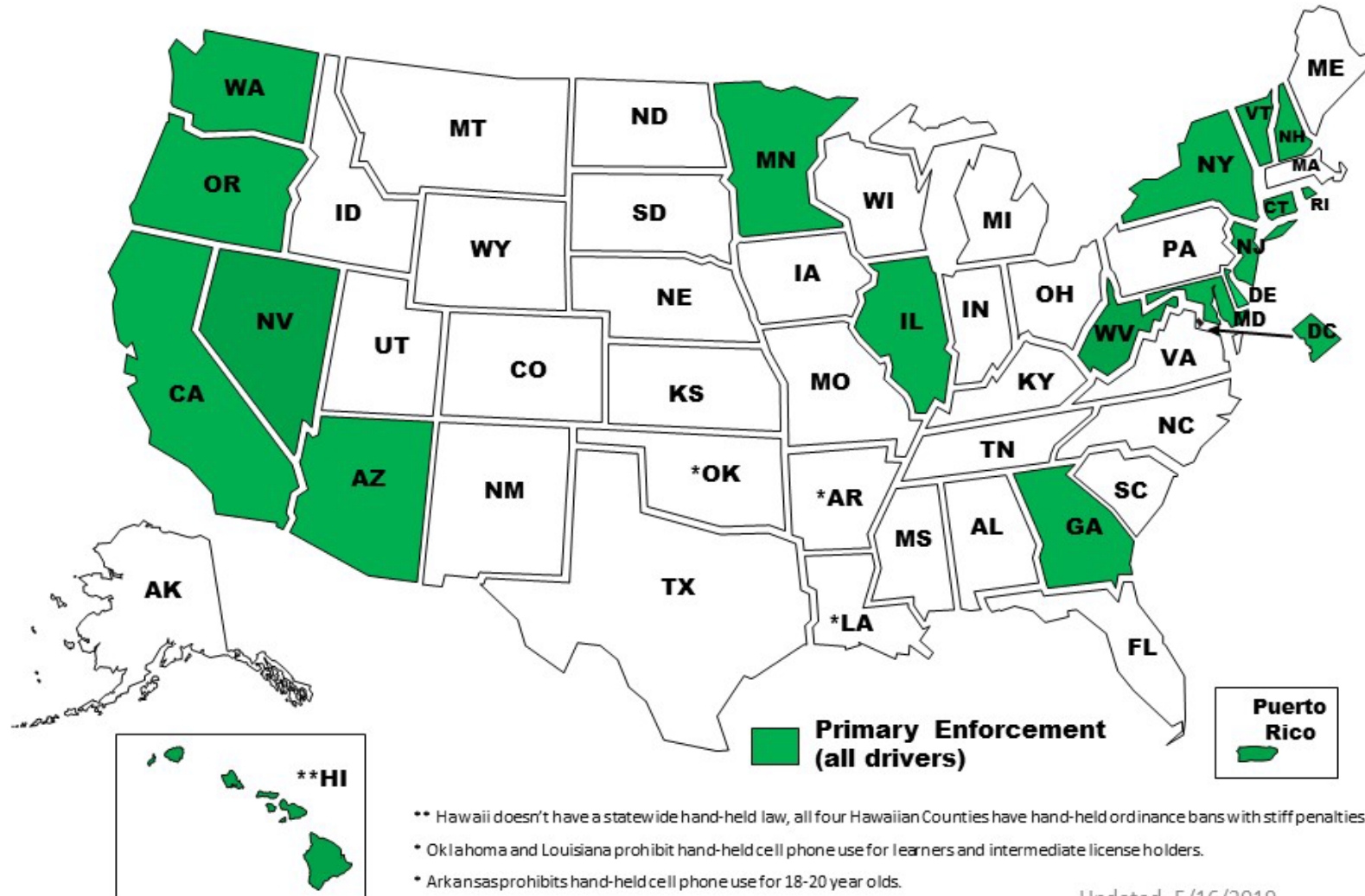
Officer Coaching

The benefits of supervision extend beyond junior or rookie officers. State and local police who participated in texting enforcement demonstration programs found that coaching even seasoned traffic officers helped increase their commitment to texting enforcement.

**Appendix B: State Handheld Phone Bans and Text Messaging Bans
as of October 2017**

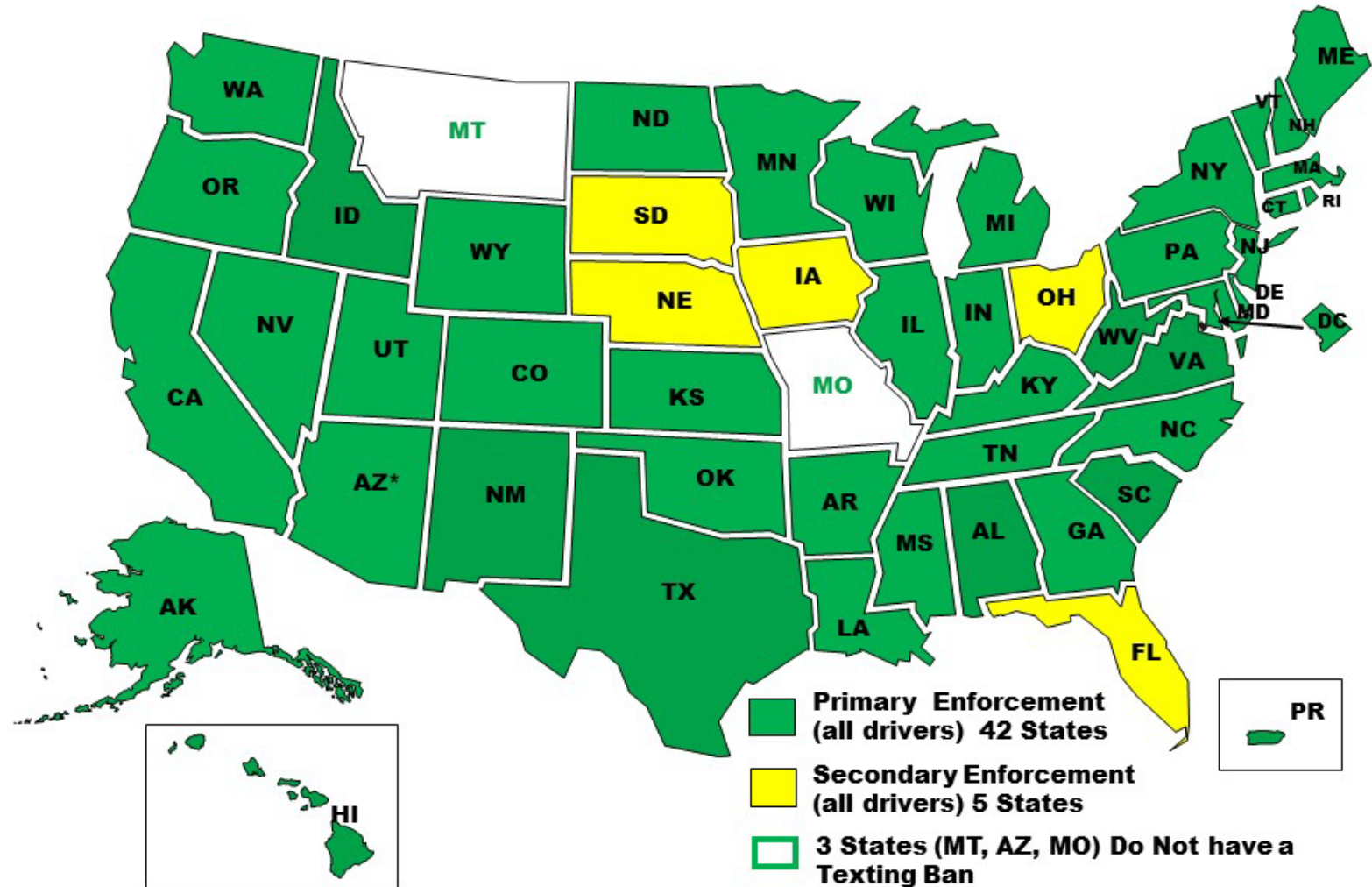
All Driver Handheld Cell Phone Bans in the United States

18 States and DC, Guam, Puerto Rico, and the Virgin Islands have handheld cell phone bans for all drivers (GHSA, 2017)



State Text Messaging Bans for All Drivers

48 States and DC, PR, Guam, Virgin Islands have texting bans, all but 3 States have texting bans (GHSA, 2017)



Appendix C: Sample Ticket Holder – Connecticut

Front and Back Cover of Ticket Holder

DISTRACTED DRIVING FACTS

- Distracted driving is any non-driving activity a person engages in while operating a motor vehicle.
- Three types of distraction: **Visual:** taking your eyes off the road; **Manual:** taking your hands off the wheel and **Cognitive:** taking your attention away from driving.
- Insurance Institute for Highway Safety reports drivers who use hand-held devices are four times more likely to be involved in a serious crash.
- NHTSA reports approximately 25% of all crashes nationally involve some form of distracted driving.
- National Highway Traffic Safety Administration (NHTSA) estimates 6,000 motor vehicle fatalities were related to distracted driving nationwide during 2008.
- More than 500,000 people were injured in distracted driving related crashes in this country during 2008.
- Fatal traffic crashes cost Connecticut over \$300 Million annually (e.g. healthcare, rehabilitation and lost work time).
- Drivers 16 or 17 years of age are strictly prohibited from using a cell phone or any other mobile electronic device while operating a motor vehicle - even with a hands-free accessory.

WWW.DISTRACTION.GOV/HARTFORD



ZERO TOLERANCE!

Inside of Ticket Holder

THE LAW

CONNECTICUT CELL-PHONE LAW GENERAL STATUTE 14-296aa (b)

- No person shall use any hand-held mobile electronic device while operating a motor vehicle.

Connecticut Cell-Phone Law General Statute 14-296aa (c) School Bus Drivers

- No person shall use any hand-held mobile electronic device OR hands free mobile electronic device while operating a school bus that is carrying passengers, except to place an emergency call

Connecticut Cell-Phone Law General Statute 14-296aa (d) Use by a person under the age of 18

- No person under the age of eighteen (18) years shall use any hand-held mobile electronic device OR hands-free electronic device while operating a motor vehicle.

Connecticut Distracted Driving Law General Statute 14-296aa (i)

- An operator of a motor vehicle who commits a moving violation while engaged in any activity prohibited by the Connecticut Cell Phone law shall be fined one Hundred Dollars (\$100) in addition to the fine of the moving violation.

NOTE: Fine may be suspended for the *first time violator* by pleading not guilty as directed on ticket and providing proof of acquisition of a hands free mobile electronic device subsequent to violation, but prior to imposition of a fine.

Your Safety is Our Concern!

SAFE DRIVING REQUIRES YOUR FULL AND UNDIVIDED ATTENTION

- Connecticut law prohibits the use of any hand-held mobile electronic device while operating a motor vehicle.
- Any distraction increases your chances of crashing.
- Distracted driving puts all motorists at risk.

TO RESPOND TO THIS TICKET, PLEASE
FOLLOW THE INSTRUCTIONS PRINTED
ON THE TICKET.

CHILDREN LEARN BY EXAMPLE.

DOT HS 812 505
December 2020



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

