Distracted Driving and the Police Officer

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As a police officer, I have seen my share of vehicle accidents. When I first started my career as a State Trooper, most of the vehicle accidents that I investigated were alcohol related. In the last 5 to 6 years, I have seen the causes of the accidents change due to the advances in technology. When I pick up the newspaper, I see many articles of accidents, some of which end in fatalities that were caused by texting or talking on the cell phone. These are classified as distracted driving accidents and they are becoming an issue among drivers today.

As a police officer, I have been involved in a vehicle accident and I have had many near misses. While thinking about this, I began to realize that distracted driving accidents are also an issue among police officers. This realization prompted me to do further research into the area of distracted driving and police officers, and I was surprised at the information that I found.

In the information that follows, we are going to take a look at the types and causes of distracted driving. We will also examine the laws that the Government has enacted and the policies that some law enforcement agencies have put into place to help decrease the distracted driving accidents among civilians. Do those laws also apply to police officers? Although distracted driving accidents often result in serious injuries and/or fatalities, there are also monetary damages that can occur. Do police officers also experience the same effects when involved in distracted driving accidents? The

evidence presented in this paper will prove that distracted driving is a just as serious and problematic among police officers as it is among civilians.

Distracted Driving: What is it?

Oxford Dictionaries.com defines distracted driving as the practice of driving a motor vehicle while engaging in another activity, typically one that involves the use of a cellular or other electronic device. According to Esurance.com, an Allstate Company (Triple Threat: The 3 Types of Distracted Driving, 2016), distracted driving comes in 3 different forms. These forms are:

- Cognitive distraction

- Visual distraction

- Manual distraction

Cognitive distraction is when a driver's mind isn't focused on driving (Essurance.com, 2016). Motorists often are more focused on things such as, "what am I going to have for dinner" or "will I arrive on time". While they don't realize it, thinking about things other than driving is distracted driving and can cause accidents.

The next type of distracted driving is visual. Visual distraction occurs when a driver looks at anything other than the road ahead (Esurance.com, 2016). Cell phones are the number one visual distraction that causes accidents today. We are so connected to our phones that we often have a hard time putting them down even when we are driving. We feel that we cannot afford to miss a call or a text. According to Distraction.gov, Official US Government Website for Distracted Driving, Facts &

Statistics, the percentage of drivers text-messaging or visibly manipulating handheld devices increased from 1.7 percent in 2013 to 2.2 percent in 2014 (NHTSA).

The final type of distracted driving is manual distraction. Manual distraction is when the driver takes one of both hands off the wheel for any reason (Esurance.com, 2016). Every driver is guilty of some type of manual distraction. With our busy and rushed lives, we oftentimes eat our breakfast or lunch while we are driving. Motorists are always taking one hand off of the steering wheel to adjust the radio or put in a CD. As minor as these acts seem, they can cause serious or fatal accidents.

Cognitive, Visual, & Manual Distractions and the Police Officer

Police officers have more cognitive distractions than civilian motorists. Due to the nature of their job, their minds are always on things other than driving. For instance, they have to be on alert at all times and constantly look for law violations.

In 2003, I was unfortunately involved in a single car accident. While doing research for this paper, I realized that my accident was a result of cognitive distraction. During normal patrol, I was concentrating on speed enforcement, when I struck a deer that had run onto the roadway. I did not see the deer until it was too late; not because I wasn't watching the roadway, but because my mind was more focused on catching a speeder. Although our eyes may be physically focused on the road, if our minds are on other things, we may not be able to see things that are directly in front of us.

Visual distractions for police officers consists of monitoring the on-board computer for information, monitoring the radar, checking and ensuring that the in car camera system is operating, and looking for suspects.

In the article, *License plate data not just for cops: Private Companies are tracking your car* (Aegerter, 2013), it shows a picture of an Arizona Department of Public Safety officer watching his dashboard computer as it reads passing car license plates from an infrared camera mounted on the front bumper of his police cruiser in 2007 in Phoenix. This picture is a good example of the many visual distractions that police officers have within their vehicles.

Ross D. Franklin / AP file

These visual distractions have resulted in several accidents involving police officers.

In May 2010, a vehicle driven by an Austin (TX) police officer ran a stop sign and struck [a civilian] on his motorcycle. The officer admitted he was using a dashboard computer when he rolled through the stop sign (Friedman, 2013).

I can also relate my 2003 accident to visual distraction. While my mind was focused on monitoring for speeders, I was also briefly looking at my radar. At the time, I felt that my split second glances at the radar was not an issue, but in actuality, I was visually distracted.

Police officers are not exempt from manual distractions. In fact, they fall into this category more than civilian motorists. In a normal office, employees have computers, printers, copiers, and telephones. All of these devices are necessary and vital to their jobs. Because the patrol vehicle is the police officer's office, they also need these important devices. Radios, on-board computers, radars, sirens, lights, and cell phones are some of the many devices that are in each officer's vehicle.

Of these devices, cell phones are often the most used manual devices in police vehicles. They are used not only to communicate with friends and family, but they are often used as a back-up for the radio. This is because officers sometimes have to relay or receive sensitive or confidential information that does not need to be broadcasted over the radio.

Cognitive, visual, and manual distractions exist every day for police officers. Kevin Nararro, a top driving instructor at the Dallas Police Department and a leader of ALERT International, a national organization of police trainers, said officers have more to deal with inside their vehicles than ever before. Officers sometimes forget the dangers because they've become so used to juggling radios, phones and computers that give important information and fast communication with dispatchers, he said (Friedman, 2013). The key is learning and finding ways to efficiently handle of these distractions.

The Government has enacted many laws to help combat this growing problem, but I have found through research that many police departments do not have distracted driving policies. Police officers enforce the distracted driving laws for civilians; however,

they are exempt from certain laws and the question many want to know is "who holds the police officer accountable?"

Distracted Driving Laws

Due to the increase in distracted driving accidents and fatalities, laws have been passed to address this problem. Distraction.Gov, Official US Government Website for Distracted Driving, lists the following laws:

- Currently, 46 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands ban text messaging for all drivers.

- 14 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands prohibit drivers of all ages from using handheld cell phones while driving.

- No state bans all cell phone use for all drivers, but 38 states and D.C. ban all cell phone use by novice drivers, and 20 states and D.C. prohibit it for school bus drivers.

Arkansas Distracted Driving Laws

Cell Phones and Texting						
Hand-held Ban	All Cell Phone Ban		Text Messaging Ban			Crash Data
	School Bus Drivers	Novice Drivers	All Drivers	School Bus Drivers	Novice Drivers	
18 - 20 years old (Primary)	Yes (Primary)	<18 (Secondary)	Yes (Primary)	Covered under all driver ban		Yes

Arkansas also bans the use of hand-held cell phones while driving in a school zone or in a highway construction zone. This law is secondarily enforced. (GHSA.org, 2016)

While doing research on distracted driving policies in the state of Arkansas for police officers, I was unable to find a definitive policy for the Arkansas

State Police or for the local police department in Camden, Arkansas. The Arkansas State

Police Manual states:

> Police vehicles should be operated in compliance with all Arkansas traffic
>
> laws. The officer driving an authorized emergency vehicle is only exempt
>
> from traffic laws when (1) responding "to an emergency call"; or (2) "in
>
> immediate pursuit of an actual or suspended violator of the law."
>
> (Arkansas Code Annotated § 27-49-109).

According to this policy, police officers are to adhere to the same laws that apply to

civilian motorists. However, as the policy states, the civilian laws can be broken in

emergency situations.

In 2009, President Barack Obama issued an executive order that essentially

prohibited federal employees from texting when using government-owned electronic

equipment while driving any vehicle (Ashton, 2010). It would seem that an executive

order that has been issued by the president would apply to everyone, but according to

Ashton, law enforcement officers are exempt for the executive order as well as the

sample texting while driving law. Ashton goes on to say that many police officers regard

themselves as invincible and engage in hypocritical behavior by enforcing the same

prohibitions against driving while texting or making handheld cell phone calls that they

appear to flout (2010). In my experience as a State Trooper, I have often heard many

civilians state that "it is not fair that officers get to text while driving, but if we do it, we

get a ticket for it."

In an effort to address the growing concerns from the public, as well as law enforcement leaders, many police agencies are changing their policies to include more definitive rules against distracted driving. For instance, the Florida Highway Patrol (FHP) mandated, as of October 4, 2010, hands-free voice communication for its troopers (Ashton, 2010). The FHP and the Illinois State Police (ISP) policies cover both agency and personally owned wireless voice/data communication devices either in agency owned vehicles or in privately owned vehicles when troopers are on duty of conducting official business (Ashton, 2010).

Consequences of Distracted Driving

Information on the consequences of distracted driving among police officers is very vague. This may be due to the fact that many officers that are involved in accidents will not admit that they were distracted in some form and that the distraction was the cause of the accident.

However, we all know that all accidents, whether police-involved or civilian involved come with consequences. These consequences range from injuries, minor and major damages to vehicles, to lawsuits and sadly, fatalities.

Some accidents resulted in injuries, not just to officers, but also members of the public. In Montgomery County, Washington, eight civilians have been injured since 2010 in police-involved accidents in which the office was classified as responsible (Sterman, 2014). In Washington, in 2012, an officer from the Manassas City Police Department crashed into a civilian's rental home and it cost the civilian $9,000 to fix

when the city invoked sovereign immunity (Sterman, 2014). When police officers are involved in distracted driving accidents, the taxpayers end up paying for the officer's mistake. In my opinion, in the state of Arkansas, if a police officer is involved in a distracted driving accident and the officer's vehicle is totaled it could end up costing the taxpayers anywhere from $20,000 to $40,000 for equipment replacement and could even run into the millions if lawsuits are filed. For example, in Arlington County, WA in 2012, an officer assisting with a foot chase drove his vehicle down a steep embankment, injuring himself and causing approximately more than $11,000 in damages to his cruiser (Sterman, 2014).

While cost is a common consequence of police involved accidents, a few areas are now holding the police officers accountable. Fairfax County, in Washington, has cited officers for causing crashes; not all write citations, instead they issue internal discipline ranging from reprimands to suspensions and even termination if warranted (Sterman, 2014).

While citing officers is a good solution to decreasing the number of police-involved distracted driving accidents, there are other actions that police officers and law enforcement agencies can take.

Possible Solutions for Officers

As advancements in technology are constantly being made, many of these changes can be applied to police vehicles. Most of all of the vehicles that are purchased today are equipped with hands-free technology. This technology can read and send a text

message, make and answer phone calls, change the climate, and even change the radio

station or form of entertainment, just by using your voice. Drivers never have to take

their hands off of the wheel in order to do any of these things. In fact, most vehicles have

a safety feature that will not allow you to watch videos, send directions to the navigation

system via your cell phone or manually send text messages while the vehicle is in motion.

Even though these features are becoming standard features on civilian vehicles, most

police vehicles are not equipped with these features. While it is possible to purchase

police vehicles with some of these features, many agencies' budgets will not allow for the

purchase of them. The equipment in police vehicles, such as the on-board computer,

radios, radars, and cameras, are already costly enough; however, there is a solution that

may be plausible and cost-efficient. This solution is called Project 54.

Project 54

According to the article on PoliceOne.com, *Project 54: New voice-recognition*

system helps officers run a patrol car, Project 54, is a promising voice-recognition

system, developed by the University of New Hampshire in conjunction with the New

Hampshire Department of Public Safety, and its name is from the old television show,

"Car 54, Where Are You?" (Stockton, 2005). It is very different from common speech-

to-text software in that it is extremely easy to learn and adaptable.

This amazing software is based on Microsoft Windows' Sappy 5- voice

recognition engine that is a component of most all Windows Operating Systems.

According to the article, a Project 54-equipped car can fully use in-car equipment via

voice command, on-screen touch commands, or manual controls (Stockton, 2005). The way that Project 54 works is as follows:

> A computer voice confirms the receipt of the spoken command, and a display screen give a visual indication when a command activates of terminates power to on-board equipment. By using the cruise-control button on the steering wheel as the Project 54 system-activation switch, engineers have installed an on/off button right on the steering wheel, eliminating a potentially expensive and labor-intensive effort to run wiring through the steering column. To issue a command through the Project 54 system, officers push the switch to tell the system to "listen up" (Stockton, 2005).

Project 54 has been tested by the New Hampshire State Police and the test has been successful. Trooper Tom Lencki has operated a car equipped with Project 54 for two years and he's said "the thing I like best about Project 54 is I can run plates and people on stops or while moving, I don't have to look down at the screen to type something in; my eyes are on whatever I'm running for officer safety" (Stockton, 2005).

We are all aware that new technology and software can be very expensive. And given the low budgets that most police agencies operate under, cost is very crucial. According to the article, UNH is an educational institution for which the greatest indicator of success is proliferation of the technology, not profit. It surprisingly states that $500 for a site license will cover an agency regardless of the number of vehicles

(Stockton, 2005). As I read this section, I was astonished at the low cost of this technology.

Project 54 is not only affordable, but it features a wide range of capabilities. According to the Project 54 article these include:

- Easy installation – the system is composed of five parts, the computer, microphone, interface boxes, Project 54 software, and the equipment it controls.
- Each piece of equipment has its own interface box that operates independently, but is still linked.
- The specialized microphone is very effective in noisy situations because it features an array of four microphones spread horizontally across the face of the unit.
- A vehicle already equipped with a computer running either Windows 2000 or XP can support Project 54 software, as long as the processor is at least a 500mHz Pentium II.
- Components and installation for vehicles that is already equipped with the necessary capabilities, runs between $1,000 and $1,500.

Software solutions, such as Project 54, can be very beneficial to police officers. It can mean the difference between a fatal accident, thousands of dollars of damages, and lawsuits. However, if an agency cannot afford to utilize software such as Project 54, then the simplest solution to decrease officer-involved distracted driving accidents is for the officer to pull over when using the electronic equipment. However, we have to ask ourselves, "Is this practical?" Given the circumstances of our jobs as police officers, we

don't always have time to pull over. For instance, if a burglary is in progress or a shooting has occurred with a fleeing suspect, an officer would not have time to pull over and read something that may come across the on-board computer or a text message regarding the situation. An officer has to be able to respond quickly to emergency situations because it could mean the difference between life and death. Because of this, it makes more sense to purchase voice-enabled software systems, because preventing an accident and saving one's life is worth the cost.

Conclusion

Distracted driving is a serious and dangerous problem no matter who is behind the wheel. For police officers, it is a serious and crucial problem that needs to be addressed. Multitasking is a normal part of a police officer's job and it has to be done behind the wheel of their vehicles. The electronic devices in their vehicles require a certain amount of physical, visual, and mental attention, all of which relate to distracted driving. While it will always be possible for police officers to be involved in vehicle accidents, due to high speed chases and responding to emergency calls, accidents caused by distracted driving can be greatly reduced. This can be done by seeking possible solutions such as voice-enabled software and by creating distracted driving policies throughout all law enforcement agencies. As police officers, we face dangers every time we put on our uniform and get into our vehicles, and being involved in an accident due to distracted driving is something that we can often control. We are public servants and if we are injured or our vehicles are not in working order, then we have failed to complete our

duties as police officers. Distracted driving is a subject that our agencies must take to heart and work together to fix the problem.

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