

*CITATION:*

Hartley, J. (2007). Driver distraction: A law enforcement perspective. In: I.J. Faulks, M. Regan, M. Stevenson, J. Brown, A. Porter & J.D. Irwin (Eds.). Distracted driving. Sydney, NSW: Australasian College of Road Safety. Pages 329-344.

# **Driver distraction: A law enforcement perspective**

**Chief Superintendent John Hartley  
Commander, Traffic Services, New South Wales Police**

This paper will address some of the issues pertaining to driver distraction from a law enforcement perspective. The role of the New South Wales Police will be discussed, including the multifaceted approach to road safety, operational police experience with driver distraction, and reference to current legislation that targets driver distraction.

## **Introduction**

There seems little doubt that driver distraction has the capacity to impact on the efficiency of our road networks and, more importantly, road trauma. With increasing traffic volumes and additional traffic signage, today's driver encounters many forms of distraction that compete for their attention.

Additionally, the driver now also has to contend with new or more affordable technologies in their driving environment, like mobile telephones and visual displays, which can act as a distraction or impose further cognitive demands on those drivers.

If we accept that the human brain has a limited capacity to process information, then it follows that continually increasing the amount of information being processed by the brain must, ultimately lead to the stage where it cannot all be processed in time to allow the driver to effectively and safely, carry out the driving task.

Given this likelihood, the New South Wales Police actively seeks to encourage good driver behaviours and to detect instances where driver distraction contravenes legislative provisions.

## **The multi-faceted approach to road safety**

It is generally recognised that a multi-agency approach is necessary to address the complex issue of road safety. There is no single solution to reducing the road toll and the New South Wales Police works closely with other government and non-government road safety stakeholders with a view to impacting on road trauma.

It must be said that, collectively, the efforts of these stakeholders has shown success and the number of persons killed on New South Wales roads each year is generally decreasing. In 1978 there were 1384 deaths attributed to road trauma in New South Wales (Roads and Traffic Authority, 2004)—this number has fallen to 524 in 2004 (New South Wales Police Computerised Operational Policing System data holdings).

These reductions occurred over time and there are some apparent correlations between road safety initiatives. For example, driver roadside breath testing was introduced in 1968

(Ewart, undated) and gave police the ability to accurately and economically establish the blood alcohol concentration of drivers, and to successfully prosecute offenders detected over the legislated limits. This capacity was enhanced in 1982 (Ewart, undated) when random breath testing was introduced with complimentary marketing designed to raise driver awareness of 'drink driving' and to increase the likelihood of offender detection.

It is widely accepted that these initiatives and technologies have acted to influence and change social perceptions to the point where drink driving is seen today as a serious anti-social behaviour, a marked contrast from the 60's where it was reportedly accepted to 'have a few beers' before driving home.

This has only been possible through the combined efforts of various stakeholders. In this example, the police, researchers, scientists, media agencies can all be said to have played a significant role in achieving these successes.

With the introduction of other enforcement technology such as radar and LIDAR speed detection devices, red light and speed cameras, significant reductions in road trauma have been achieved, but there is still much room for improvement

## **The role of the New South Wales Police**

Having acknowledged that road safety results must come from the joint efforts of different stakeholders performing their roles, let's quickly look at how the New South Wales Police identifies its role in relation to road safety and traffic law enforcement.

We have formally established our corporate position through documents such as the New South Wales Police Corporate Plan 2004–2007 (New South Wales Police, 2004). This plan requires for both generalist and specialist police to provide traffic and road safety policing functions such as;

- High visibility traffic patrolling;
- Enforcement of traffic laws;
- Crash attendance and investigation;
- Liaison with other government and non-government bodies (Roads and Traffic Authority, local councils, community groups) involved in road safety, traffic control, street lighting, road design, car design and public education;
- Speed related operations;
- Alcohol and drug detection (random breath testing—RBT, etc.);
- Traffic research, and;
- Traffic information management.

Additionally, the New South Wales Police Traffic Policy Statement was developed in conjunction with the Corporate Plan and establishes that road safety is the responsibility of all police and defines specific roles and responsibilities in the delivery of appropriate policing services to address road safety and traffic management, from the Deputy Commissioner down to the Highway Patrol or General Duties practitioner.

Importantly, our plans recognise the overall guidance provided by the New South Wales Police Road Safety 2010 Strategy, and support its strategies as part of the New South Wales Police Government 'whole of government' approach to improving road safety.

## **Police and driver distraction**

It is generally accepted that the task of driving a motor vehicle requires significant attention and focus from the driver.

With the increasing incidences of both internal and external distractions, it is easy for a driver to give insufficient attention to the driving task, instead diverting their attention to other matters separate to the driving function. It seems reasonable to suggest that under these circumstances, the risk of a collision occurring can increase.

This presents a problem for road safety stakeholders, including the New South Wales Police, as there is no feasible way to ensure that a driver's attention remains sufficiently devoted to the driving task.

That is not to say, however, that there is no way to reduce this risk, or no role for law enforcement in attempting to address this issue.

While we can't directly control the level of attention given by drivers to the driving task, we can discourage them from engaging in practices that can distract them from it.

Current law enforcement techniques such as high visibility policing, in conjunction with extensive advertising campaigns, can reinforce safer driving practices. For example, it is common knowledge that any police vehicle on the road has the potential to stop a driver for the purpose of Random Breath Test or could be conduct speed checks with radar or Lidar equipment can.

Recently the New South Wales Police has stepped up its focus on these high visibility activities and introduced initiatives to impact on road safety. One example is Operation Compliance, an on-going state wide high visibility operation that requires all police, regardless of duty type, to target specific traffic safety offences such as the use of mobile phones and the non-wearing of seatbelts as their duties permit.

Similarly, the NSW Police looks to utilise its resources in the most effective manner. An example of this is the use of motorcycle units to detect the use of hand held phones by drivers, where the elevated position of the rider allows for the interior of the vehicle to be more clearly observed and texting driver's detected.

As proof of the positive effect that high visibility policing has over driver behaviour, you only have to observe the reaction of drivers when a police vehicle is sighted on the side of the road. Almost invariably the drivers will check their speed and slow down, regardless of whether they are speeding or not.

We believe that this high visibility policing and the perceived risk of getting caught assists in realigning the driver's attention back to the road.

## **Existing legislative provisions**

As mentioned previously, it is not feasible to control the mind of a driver but we can discourage some behaviour's deemed to be inappropriate and specific legislation exists that allows police to target such behaviours.

The Australian Road Rules ARR 300 'Use of hand-held mobile phones' describes the restrictions of mobile phone usage. The rule states:

(1). The driver of a vehicle (except an emergency vehicle or police vehicle) must not use a hand-held mobile phone while the vehicle is moving, or is stationary but not parked, unless the driver is exempt from this rule by another law of this jurisdiction.

Recent case law has established that the use of a mobile telephone for text messaging is considered to be use of a hand held phone.

Over the last four years, there has been a steady increase in the detection of driving offences relating to the use of mobile phones. In 2001, 11,740 drivers were caught using mobile phones whilst driving. In 2004, this number increased to 17,903 (New South Wales Police Computerised Operational Policing data holdings).

Further to this, Australian Road Rules ARR 299 provides further restrictions on drivers with regards to television receivers and visual display units in motor vehicles. The rule states:

(1) a driver must not drive a motor vehicle that has a television receiver or visual display unit in or on the vehicle operating while the vehicle is moving, or is stationary but not parked, if any part of the image on the screen; is visible to the driver from the normal driving position, or is likely to distract another driver.

The rule goes on to provide certain exemptions for drivers, such as bus drivers where the device is used for displaying destinations or other bus signs. Visual display units that form part of a driver's aid is also exempt from this rule. Examples of driver's aids include navigational or intelligent highway and vehicle system equipment, dispatch systems or vehicle monitoring devices.

A similar review of the last four years has also shown an increase in contravention of ARR 299. In 2001, there were seven incidents of visual displays being seen from the normal driving position. In 2003, the number of detections rose to 34 with 29 recorded incidents last year. The offence of distracting another driver has also increased from 6 offences in 2001 to 10 in 2004 (New South Wales Police Computerised Operational Policing data holdings).

These detections however are not indicative of a wide spread problem that may impact on driver distraction. When compared to mobile phones, it appears to be relatively small. Nevertheless, the challenge for the New South Wales Police is to identify improved methods for detection of these offences that will further deter the use of this technology whilst driving.

## **Conclusion – the way forward**

As previously mentioned, the New South Wales Police has achieved many milestones in the area of road safety however we recognise that there is still much room for improvement. The on-going review of the Australian Road Rules is one such example that involves all jurisdictions. The New South Wales Police is committed to identifying and reviewing both current and future legislation to address the issues of driver distraction.

The New South Wales Police will continue to monitor the efforts of road safety researchers in an effort to identify areas of driver distraction where a policing intervention may provide

positive results that enhance road safety.

The Traffic Service Branch will continue to examine the potential of new technology solutions, with a view to identifying equipment that enhances traffic policing. Currently, there are 350 highway patrol vehicles fitted with the latest technology, including in car video devices that records police interaction with drivers. This advancement to policing practice has the potential to improve the capacity to detect and prosecute inappropriate driving behaviours. The introduction of the new generation Alcolizers, equipped with microprocessor and Global Positioning System technology, has an advantage over previous technology. The new Alcolizers permits real time data interrogation to drive intelligence based tasking and deployment within the area of road safety and enforcement.

In conclusion, the New South Wales Police will always remain committed to achieving our goals set out within our Traffic Policy Statement and Corporate Plan. We will endeavour to work closely with both government and non-government road safety stakeholders with a view to support initiatives that improves the safety on our roads.

## References

Ewart, M. (date unknown). Crucial dates in NSW road safety. Rosebery, NSW: Road Safety Bureau..

Roads and Traffic Authority (2004). Road Traffic Crashes in NSW—2003. Haymarket, NSW: Roads and Traffic Authority.

New South Wales Police (2004). The New South Wales Police Corporate Plan, People working together 2004-2007. Sydney, NSW: New South Wales Police.

# PRESENTATION SLIDES



The logo of the New South Wales Police is centered on a white background within a red border. It features a crown at the top, a central shield with a white eagle on a blue background, and a green laurel wreath. The text 'NEW SOUTH WALES' is arched above the shield, and 'POLICE' is written below it. A banner at the bottom contains the Latin motto 'CUJUS IN DOMINA REGNI'.

**Presenter: Chief Superintendent John Hartley**  
**Commander Traffic Services Branch**



## Driver Distraction



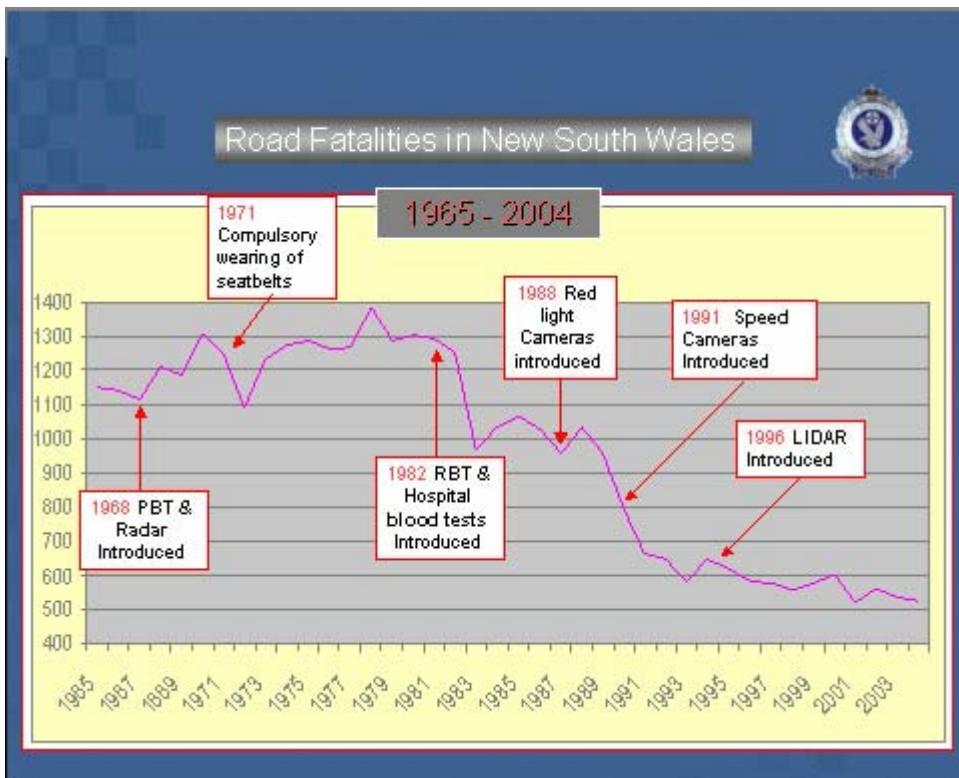
### A law enforcement perspective

- There seems little doubt that driver distraction has the capacity to impact on the efficiency of our road networks and, more importantly, road trauma.
- Given this likelihood, the New South Wales Police actively seeks to encourage good driver behaviours and to detect instances where driver distraction contravenes legislative provisions.

## The multi-faceted approach to road safety







## The role of the New South Wales Police

## The role of the New South Wales Police



### NSWP Corporate Plan 2004 - 2007

*Our traffic management and road safety activities are:*

- *High visibility traffic patrolling;*
- *Enforcement of traffic laws;*
- *Crash attendance and investigation;*
- *Liaison with other government and non-government bodies (RTA, local councils, community groups) involved in road safety, traffic control, street lighting, road design, car design and public education;*
- *Speed related operations;*
- *Alcohol and drug detection (RBT etc);*
- *Traffic research, and;*
- *Traffic information management.*

## The role of the New South Wales Police



### Traffic Policy Statement

#### Road Safety and the NSW Police

***Road safety is the responsibility of all police. The Traffic Services component of the NSW Police Corporate Plan focuses on and enhances the key program areas of the Road Safety 2010 Strategy.***



## Police and Driver Distraction



- It is generally accepted that the task of driving a motor vehicle requires significant attention and focus from the driver.
- While we cant directly control the level of attention given by drivers to the driving task, we can discourage them from engaging in practices that can distract them from it.

## Police and Driver Distraction



- Current law enforcement techniques such as high visibility policing, in conjunction with extensive advertising campaigns, can reinforce safer driving practices.
- **High Visibility Policing** and the perceived risk of getting caught assists in realigning the driver's attention back to the road.

## Existing legislative provisions



## Existing legislative provisions

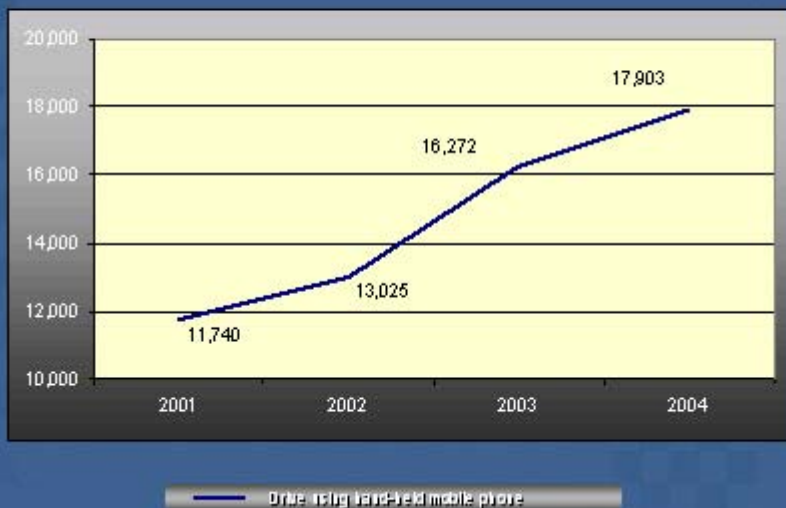


### Australian Road Rules

#### Rule 300 – Use of hand-held mobile phones

- (1) The driver of a vehicle (except an emergency vehicle or police vehicle or police vehicle) must not use a hand-held mobile phone while the vehicle is moving, or is stationary but not parked unless the driver is exempt from this rule under another law of this jurisdiction.
- (2) In this rule: *Mobile phone* does not include a CB radio or any other two-way radio

## Drive using hand held mobile phone offences



## Existing legislative provisions



### Australian Road Rules

#### Rule 299 – Television receiver and visual display units in motor vehicles

- (1) A driver must not drive a motor vehicle that has a television receiver or visual display unit in or on the vehicle operating while the vehicle is moving, or is stationary but not parked, if any part of the image on the screen:
- a) is visible to the driver from the normal driving position or,
  - b) is likely to distract another driver

## Existing legislative provisions



### Australian Road Rules

#### Rule 299 – Television receiver and visual display units in motor vehicles

- (2) This rule does not apply to the driver if
- a) The driver is driving a bus and the visual display unit is, or displays, a destination sign or other bus sign, or
  - b) The visual display unit is, or is part of, a driver's aid, or
  - c) The driver or vehicle is exempt from this rule under another law of this jurisdiction.

## Existing legislative provisions



### Australian Road Rules

#### Rule 299 – Television receiver and visual display units in motor vehicles

Examples of drivers aids include:

- Closed-circuit television security cameras
- Dispatch systems
- Navigational or intelligent highway and vehicle system equipment
- Rearview screens
- Ticket-issuing machines
- Vehicle monitoring devices

## Visual Display and television units offences



- Drive vehicle with TV/VDU image visible
- Drive vehicle with TV/VDU image likely to distract



## **The Way Forward**



**New South Wales Police are committed to sourcing, trialing and implementing the latest technology to enhance our traffic enforcement capability, thus improving road safety.**



## The Way Forward



### Current and future police initiatives:

- In Car Video technology for Highway Patrol Vehicle
- Automated Number Plate Recognition systems
- New generation breath analysis equipment
- New generation radar equipment with radar detector detection capabilities

## The Way Forward



### In conclusion, the New South Wales Police

- Will remain committed to achieving our corporate goals within road safety.
- Endeavour to work closely with both government and non-government road safety stakeholders in support of initiatives that improves safety on our roads.