

**The Bill Blackwood  
Law Enforcement Management Institute of Texas**

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**Telecommunication Devices:  
The Dangers While Operating a Motor Vehicle**

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**An Administrative Research Paper  
Submitted in Partial Fulfillment  
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## **ABSTRACT**

The dangers of using telecommunication devices while operating a motor vehicle is relevant to contemporary law enforcement because it is an ongoing issue that law enforcement officers face on a daily basis. In today's society, the public lives by way of telecommunication devices. Using these different types of devices has become a part of everyday life, not just for law enforcement but for the general public as well. The dangers of using these devices has become more problematic over the years and shows a trend of motorists not slowing down as the use of advancing technology increases.

The purpose of this research is to show how the dangers of using these devices affect the driver's ability to react to certain situations while driving. Another purpose of the research is to show the dangers the drivers can face while using these devices and driving. The researcher will show the statistical data related to accidents involving telecommunication devices, the fatality rate while using these devices, and what steps companies and law enforcement agencies have taken to try and reduce these statistics.

The method of inquiry used by the researcher included information retrieved from websites such as the National Transportation Safety Board (NTSB) and the Insurance Institute for Highway Safety as well as periodicals. The researcher also gathered information from several different major corporations and their policies regarding telecommunications devices and the operation of them while using company vehicles. A survey was conducted of 25 law enforcement agencies to determine what, if any, policy exists for their officers using telecommunication devices while operating patrol vehicles.

The researcher discovered through the research that the use of telecommunication devices has become an ongoing problem in the public and law enforcement field. The use of these devices while driving has resulted in an upward climb in automobile accidents (injuries and fatalities) and the implementation of policies from major corporations and law enforcement agencies. The use of telecommunication devices has become an everyday necessity for citizens, and the use of devices seems to only be increasing.

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## INTRODUCTION

The problem or issue to be examined considers whether or not telecommunication devices are a danger to operators of motor vehicles, whether it is in the public or law enforcement field. In today's society, the use of telecommunication devices (i.e. cell phones, Blackberry's, and text messaging devices) has become a trend. Most of society depends on them to conduct everyday business or just to keep in contact with friends, families, and co-workers. The problem is that while they are a great device, there are responsibilities that go along with using them.

The relevance of the dangers of telecommunication devices to law enforcement is simple: safety. Law enforcement officers' jobs consist of protecting the public from crimes, conducting traffic stops, and community policing. In the past few years, cell phones have become a safety concern and an issue that law enforcement has to cope with. Society does not realize the dangers related to using their telecommunication devices while operating a motor vehicle. The fact of the matter is that the driver's attention is more on the conversation or text messaging than it is on the roadway. Not only does this place the driver at risk but also the rest of the drivers sharing the roadway.

The purpose of this research is to examine the actual dangers related to using these telecommunication devices while operating a motor vehicle. A driver's attention becomes distracted when they are answering the phone, checking emails, or checking text messages. Many accidents are caused by drivers simultaneously using their telecommunication devices and driving. The research question to be examined focuses on whether or not telecommunication devices are an actual danger while driving. Also

examined will be how many law enforcement agencies in the state of Texas have a cell phone policy for their officers and if it is actually enforced.

The intended method of inquiry includes several articles retrieved from law enforcement journals. Internet sites will also be used to gather information on the topic being researched. A survey distributed to 20 law enforcement agencies will be used for research, along with statistics from the Texas Department of Public Safety and the National Highway Transportation Safety Administration. The intended outcome of the research is to prove that there are dangers involved with using telecommunication devices while operating a motor vehicle. Another outcome or finding is to show that the fatality rate is on the rise due to the use of telecommunication devices and the driver's inattentiveness.

The field of law enforcement will benefit from the research because it will help law enforcement agencies better understand the actual dangers of using telecommunication devices while driving. An additional benefit will be the implementation of policies in law enforcement agencies for the restricted use of these devices by their officers while operating a patrol vehicle.

## **REVIEW OF LITERATURE**

Cell phones were brought about in 1983. These devices are a great invention that allows families, friends, and co-workers to keep in contact with each other while traveling. It seems that, today, cell phones have taken over every aspect of life. Many people depend on them to conduct daily business, keep in contact with family, and to check their emails. While cell phones have great benefits, like peace of mind, ability to contact emergency personnel, being more productive at work, and checking on family,

there are some factors that outweigh the benefits of cell phones usage while traveling (Motorola, 1994).

Law enforcement officers deal with numerous, different calls on a daily basis. These calls can range from small incidents to crimes of a more serious nature. One call that officers respond to is that of traffic accidents. Officers have to arrive on the scene, assess the situation, and determine the cause of the accident. One factor that has contributed to accidents over the past decade is telecommunication devices. The use of these devices has resulted in accidents nationwide and has caused anything from minor injuries to fatalities. In fact, in the state of Texas, the Department of Transportation has now placed on the Crash Records Form an area to indicate if a contributing factor to an accident was cell phone/mobile phone usage.

There is a growing trend for using these devices. The National Highway Traffic Safety Administration (NHTSA) reported that at any time of the day, 6% of drivers on U.S. roads in 2005 were using hand-held phones – double the rate that was observed five years ago. The highest phone use rate in 2005 was among drivers from 16 to 24 years of age (Insurance Institute for Highway Safety, 2006). A study conducted by NHTSA showed that drivers who use cell phones had reaction times that were slower, and they were more likely to deviate from their lane of traffic (Insurance Institute for Highway Safety, 2006).

During the past few years, consumers, politicians, academics, and interest groups have expressed growing concern about the safety of using cell phones in cars and trucks (Hahn, Tetlock, & Burnett, 2006). This has lead to an increase in cities around the world conducting their own studies to determine if a cell phone ban should

be enacted. In 1999, Brooklynn, Ohio became the first city in the United States to institute a cell phone ordinance while operating a motor vehicle. The ordinance itself was written to ban drivers from using cell phones while driving unless they could place both hands on the wheel. The use of a wireless device was permitted for drivers. The city has been aggressively enforcing the ordinance, but the fine for this violation is only \$3.00 (Hahn, Tetlock, & Burnett, 2006). Many cities throughout the United States have followed suit, banning operators from using cell phones unless they are using a wireless device. In Texas, the only law that prohibits cell phone use while driving is aimed at bus drivers that have children under the age of 17 onboard. Texas legislators have been trying to pass a ban on cell phone usage while driving for years, but they never get the votes to pass it. This is a bill that is brought up every legislation session but has not gained the support needed to be placed into law. Cities throughout Texas have enacted city ordinances that fine drivers who use cell phones while driving through school zones. These cities include West University, Dallas, Irving, Highland Park, and Southlake, with Highland Park being the first city in Texas to enact the ordinance in 2007.

Police departments in Texas have taken a different approach to cell phone usage. Although the number is not high, 40% of agencies in Texas have cell phone policies in place, while another 10% are in the process of considering such policies (Sharp, 2006). Some police departments are issuing their officers cell phones to use when on duty. The logic behind this is that they are better able to monitor how much time an officer spends on the phone while on duty. The downside is that they are unable to determine if the cell phone usage is while the officer is driving or parked. These are issues that many agencies face.



Using telecommunication devices while driving is a problem that is not only faced by law enforcement agencies but by corporate America as well. Many large corporations have enacted cell phone bans for their employees while operating company owned vehicles. Halliburton was one of the first major corporations to come out with a cell phone ban. Halliburton's policy reads the following:

The use of cellular phones, including the usage of the hands free feature, is prohibited while operating a company owned, leased or rented vehicle, or while driving on company property. Employees are also prohibited from using company provided or personal cell phones to conduct Halliburton business while operating any motor vehicle. (Halliburton Company, 2005)

DuPont's personnel policy reads that safely operating a motor vehicle requires a driver's total attention behind the wheel. Praxair Gas Company has banned cell phone usage by their employees while operating a vehicle since 1999 (Associated Press, 2001). Many large corporations are joining together to ban cell phones or place restrictions on the use of cell phones while operating company provided vehicles. These companies have realized the liability that exists and how much they are actually liable for the actions taken by their employees.

In a case from New York, Attorney Jane Wagner was returning from a meeting and was making business calls on the way home at around 10 p.m. when she believed she struck a deer. Wagner continued home, and it was not until the next day that she realized she was the suspect in a hit and run accident that killed a 15-year-old girl. The father of the young girl that was killed filed a \$30 million dollar lawsuit against the law firm that Wagner was employed by, claiming that it was due to Wagner being on the

phone for business reasons that resulted in her not paying attention to the road and ultimately taking his daughter's life. The law firm was held liable under what is called vicarious liability because Wagner worked for them and was working for them at the time of the accident (Associated Press, 2001). Several lawsuits have claims brought about in the same manner. The trend with filed lawsuits seems to be increasing as technology advances with cell phone functions and capabilities.

A 2002 study conducted by Harvard University's Center for Risk Analysis estimated that the use of cell phones while driving causes 2,600 deaths, 570,000 injuries, and 1.5 million crashes in the United States every year (Halliburton Company, 2005). Studies are conducted yearly on cell phone usage while driving, and the number of studies seems to be increasing as the years go by. The more studies that are conducted, the more a priority is placed on banning cell phone usage while driving. The use of telecommunication devices while driving shows no signs of slowing down, and the nation is left trying to find a way to curb the use of cell phones while driving.

## **METHODOLOGY**

The research question to be examined considers whether or not telecommunication devices are a danger while operating a motor vehicle. It also examines whether or not there is a particular telecommunication device that presents more of a danger than any other one. The researcher will examine if the use of a wireless or hands-free device is less of a distraction when driving.

The researcher hypothesizes that all telecommunication devices are considered to be the same when speaking of the danger while using them in a motor vehicle. The researcher also hypothesizes that motor vehicle accidents increase when using these

telecommunication devices while operating a vehicle. Another hypothesis that the researcher has is that a vehicle operator's reaction time is greatly decreased when using these devices and driving.

The method of inquiry will include a review of literature from several books, internet sites, periodicals, and a survey distributed to 25 law enforcement agencies. Another method of inquiry will be statistics taken from motor vehicle accident scenes, which determine if a telecommunication device was being used at the time of the accident. This will help the researcher illustrate that accidents involving telecommunication devices are on the rise.

The instrument that will be used to measure the researcher's findings regarding the subject of telecommunication devices will include a survey that was filled out by law enforcement agencies. The size of the survey will consist of five questions, distributed to 25 survey participants from several agencies in the state of Texas. The response rate to the survey instrument resulted in all 25 surveys being returned from the participants in a timely manner. The information from the surveys will be used to put together a graph outlining the findings from the different law enforcement agencies.

The information obtained from the survey will be analyzed by the researcher to determine what other law enforcement agencies' policies are on the use of telecommunication devices while operating a patrol unit. It will be analyzed to determine if law enforcement agencies discipline their officers for violating a policy in place. If discipline is issued to an officer for violating this policy, the participants will be asked how they felt about the discipline and whether or not they believe a state law should be enacted to curb the use of telecommunication devices while driving.

## **FINDINGS**

A research survey was composed and submitted to 25 law enforcement agencies throughout the state of Texas relating to cell phones policies in their department. The first question was to determine how law enforcement officers were employed by each agency. The reasoning behind this was to try and determine, if a policy does exist, if it is simply for larger agencies or if smaller agencies enact policies as well. The survey revealed that out of the 25 law enforcement agencies surveyed, most law enforcement agencies fall into the category of employing 100-150 officers.

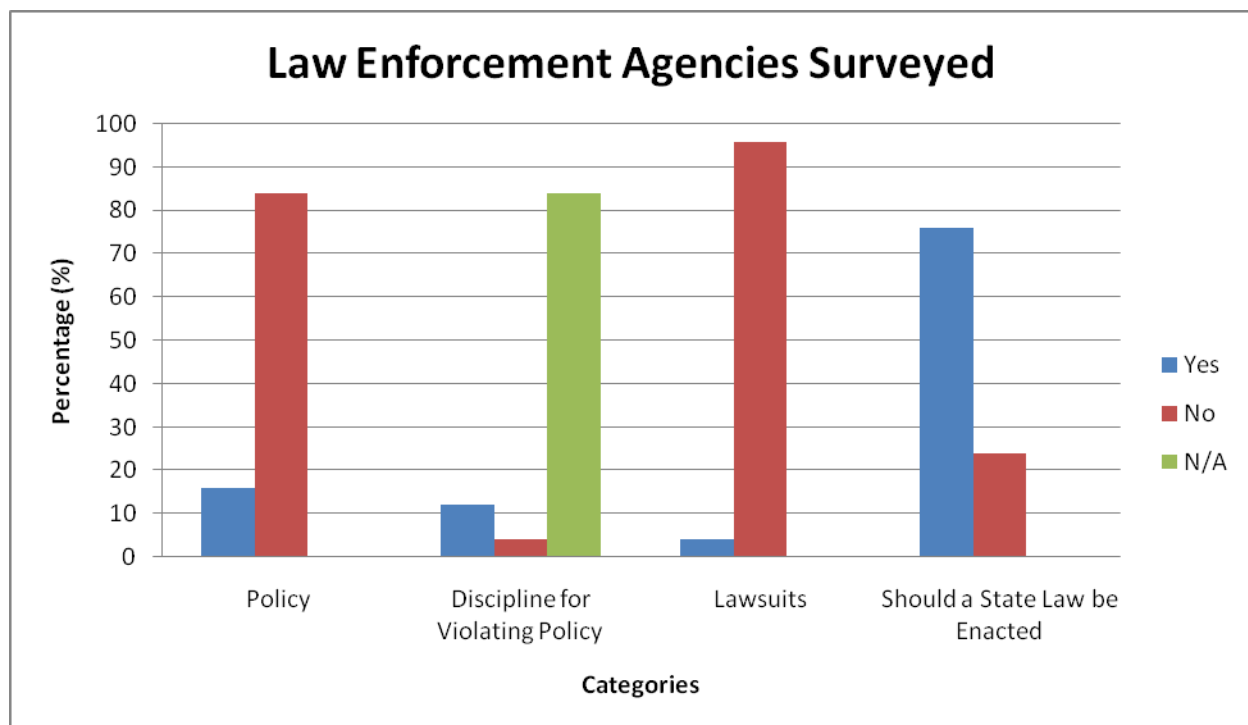
The survey then inquired into how many, out of the 25 law enforcement agencies surveyed, have a cell phone policy they currently follow. Out of the 25 law enforcement agencies surveyed, approximately 15% advised they have a cell phone policy. The other 85% advised that their department does not currently have a cell phone policy.

The next question on the survey was focused on the law enforcement agencies that have a cell phone policy. Out of the 15% that have a cell phone policy, 11% said they have discipline that is enforced if the officer is found to be in violation of the policy. The other 4% advised that even though there is a policy regarding cell phone use while driving, no discipline is handed out to those officers in violation of the policy.

The next question on the survey was regarding lawsuits against agencies that have officers involved in causing accidents while on cell phones. Out of the 25 law enforcement agencies surveyed, 95% stated they have not or are not currently involved in a lawsuit regarding an officer using a cell phone while driving. Five percent of those agencies surveyed stated that they have been involved in or are currently involved in a

lawsuit where the officer caused an accident while utilizing his cell phone, whether department issued or personal.

The last question on the survey was to determine the support from 25 law enforcement agencies for whether or not they believe a state law should be enacted regarding cell phone usage while driving. Out of the 25 law enforcement agencies surveyed, 75% believed that a cell phone law should be enacted to help contain the use of cell phones while driving. Twenty-five percent of those agencies surveyed believe that no cell phone policy should be enacted, and it is not an ongoing problem in Texas.



**Figure 1.** Law enforcement survey showing enacted policies, discipline, and lawsuits regarding cell phone usage while on duty and operating a motor vehicle.

## DISCUSSION/CONCLUSIONS

The problem or issue examined by the researcher considered whether or not telecommunication devices are a danger while operating a motor vehicle. The purpose

of this research was to increase the awareness of the public on how using these devices while operating a motor vehicle have become more of a problem over the past decade. It was also done to help law enforcement agencies look at the liability they have when officers use their cell phones while driving, regardless of if they are conducting business or not. The research question that was examined focused on the dangers and liabilities that not only law enforcement agencies face but the general public as well.

The researcher hypothesized that using telecommunication devices while operating a motor vehicle was a danger to not only the people using them but to the people around them. The researcher believed that a driver becomes distracted, which, in turn, shortens the driver's reaction time to an incident on the roadway. The researcher presumed that companies and law enforcement agencies are being held liable for the actions of their employees when they are involved in an accident while using cell phones.

The researcher concluded from the findings that operating a motor vehicle while using a telecommunication device does pose a danger to everyone on the roadway. It not only puts the public at risk but also the motor vehicle operator using the device. The researcher concluded that companies and law enforcement agencies are now being held liable under the "vicarious liability" clause when their employees cause an accident while using a cell phone.

The findings of the research did support the hypothesis. The reason why the findings supported the hypothesis is probably due to the fact that the general public, along with lawmakers, have noticed a growing trend in accidents when people are using

telecommunication devices. Studies have shown and supported the hypothesis that the use of telecommunication devices hinders a driver's ability to react and causes their attention to be diverted to other things. The research further proved that the use of telecommunication devices has increased over the past decade. The reason for this is that more companies and law enforcement agencies are conducting business on the road, which decreases the time needing to be spent in the office.

Limitations that might have hindered this study resulted because there were only 25 law enforcement agencies surveyed throughout Texas. The researcher believes that if all law enforcement agencies in the state of Texas were surveyed, the results would have been higher in some areas. Another limitation is that using cell phones while operating motor vehicles has just begun to come to the forefront. Even though it has been an issue for the past decade, the controversy has just begun on whether or not they are actually a danger.

The study of telecommunications devices and the dangers of using them while operating a motor vehicle is relevant to contemporary law enforcement because it brings awareness to law enforcement and to the public regarding the actual dangers of using these devices while driving. It helps law enforcement better understand that studies have shown cell phone usage while driving is an ongoing problem that is on the rise and shows no signs of slowing down. This will help law enforcement better deal with the community and provide evidence on how cell phone laws would benefit any state. Law enforcement agencies, the officers, and the general public stand to benefit by the results of this research because it opens the eyes of everyone on the epidemic that society is facing. By providing research and statistics to all involved, society can be

better educated on the actual dangers of using cell phones and other devices while operating a motor vehicle.



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## APPENDIX

### LEMIT Survey

#### *Telecommunication Devices: The Dangers While Operating a Motor Vehicle*

1. How many officers are in your law enforcement agency?

\_\_\_\_\_ 1-50      \_\_\_\_\_ 51-100      \_\_\_\_\_ 100-150      \_\_\_\_\_ 150 -250

\_\_\_\_\_ 250 +

2. Does your law enforcement agency have a policy regarding cell phone use while driving?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

3. Does your law enforcement agency discipline officers who violate this policy?

\_\_\_\_\_ Yes      \_\_\_\_\_ No      \_\_\_\_\_ N/A

4. Has your law enforcement agency handled any lawsuits involving cell phone related vehicle accidents?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

5. Do you believe a cell phone law should be enacted in the State of Texas?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

Please return completed surveys to:

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