

# South Dakota Texting Ban Has Seen A Quiet First Year

BY RANDY DOCKENDORF

randy.dockendorf@yankton.net

A year after the law went into effect, Vermillion authorities still aren't enforcing the South Dakota ban on texting while driving.

That's because the Vermillion police department is following the tougher city ordinance, explained Police Chief Matt Betzen.

"Vermillion instituted a texting ban in May of 2013, following several other cities," he said. "We still enforce under the city ordinance because it is a primary offense unlike the state statute, which is a secondary offense."

The Vermillion ban, enacted in 2013, carries a \$54 fine and court costs. As a primary offense, law enforcement officers can stop a motorist for a texting violation. At the time of its implementation, Betzen said he supported Vermillion enacting the primary offense.

Besides Vermillion, other government entities with their own texting ordinances included Sioux Falls, Huron, Aberdeen, Watertown, Brookings, Mitchell and Pennington County.

A year later, South Dakota became the 43rd state in the country to prohibit texting while driving. Gov. Dennis Daugaard signed HB 1177 into law in late March 2014. The law went on the books July 1, 2014.

The statewide ban – which marks its first anniversary Wednesday – makes texting while driving a secondary offense with a \$100 fine. The secondary offense means law enforcement must first stop the motorist for another violation and cannot stop the driver strictly for texting while driving.

According to the state law, no person may operate a motor vehicle on a highway while using a hand-held electronic communication device to write, send or read a text-based communication. The law provides certain exceptions such as texting in a parked car, contacting emergency personnel or using hands-free technology.

Betzen believes the state legislation, as written, recognizes local traffic laws already in place.

After the Vermillion ban went into effect, Betzen launched an awareness campaign informing people of the new law before focusing enforcement efforts in January 2014. His department had issued 10 tickets through late March 2014.

More recent figures were not immediately available Monday.

In contrast, Lt. Mike Burgeson said the Yankton Police Department has written only two citations during the past year.

"One citation was written after the driver was pulled over for swerving on the roadway, and the other was a result of a crash investigation," he said.

The statewide texting ban is actually considered a petty offense, Burgeson said. Officers cannot stop a vehicle strictly for a suspected texting violation, he said.

Burgeson hasn't received any indication of the number of tickets and warnings issued around South Dakota during the first year of the statewide texting ban. However, a couple of sources seem to indicate a relatively quiet year, he said.

"I have not received any feedback from other (police) departments," he said. "I contacted the South Dakota Municipal League, and they haven't received any feed on this issue for a

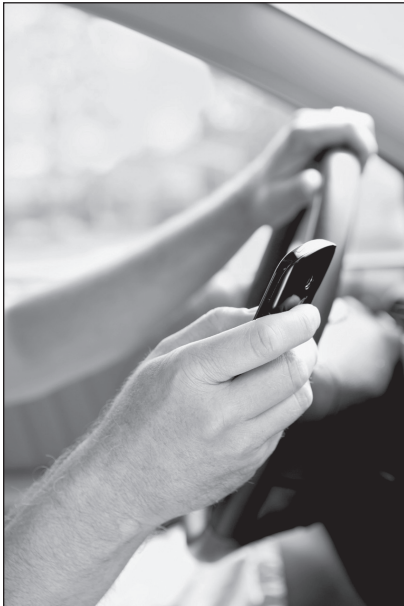


IMAGE: METRO GRAPHICS

long time."

Even if few tickets are issued, the law sends a powerful message as part of the campaign against distracted driving, Burgeson said. Besides texting, the driver distractions include eating, child care and changing the radio channels. He said.

However, texting requires even more driver attention than other distractions, Burgeson said.

"I believe – and this is my opinion – that texting takes more time than other forms of distracted driving," he said. "The keys are small, and you are trying to read what you are typing."

Even alternative forms of texting carry distractions, Burgeson said.

"Some people use the voice option, but you are taking your eyes off the road and looking for the little microphone button," he said. "Then, (you) usually read the text message before sending it to ensure that there are no errors."

The length of distraction will vary, depending on the driver and situation, Burgeson said.

"Each person is different, and some people can multi-task better than others," he said. "The amount of time you have your eyes off the road will vary."

## CRACKING DOWN

At the state level, figures on texting offenses can be difficult to determine for different reasons, according to Department of Public Safety spokesman Tony Mangan.

"At this point, it's difficult to track texting offenses because a lot of people won't admit they were texting and driving in a car crash," he said.

In addition, authorities can find it challenging to enforce the law depending on the circumstances, Mangan said.

"It's one of those things where they are more focused on what they can see, and it's hard to see texting much of the time," he said. "It's not like a DUI (driving under the influence) where they can do a breathalyzer."

Even when tickets are issued for a violation, texting isn't listed as a stand-alone cause for a crash, Mangan said.

"I have only seen two Highway Patrol (tickets), and it wasn't even the official reason for it," he said. "It was just an aside as a contributing factor. The reason is that it's difficult to get people to admit they are texting and driving."

Vermillion uses standard procedures for enforcing its texting ban, Betzen said.

"Officers who witness an offense take action to address the issue," he

said. "We also assign small groups of officers to watch a location from a stationary position and call violations out to an officer in a patrol vehicle. The driver is then contacted and appropriate enforcement action taken."

The Vermillion City Council has not changed the ordinance since its implementation, according to City Manager John Prescott. The fine remains \$54, although the court costs are not set by the city and can vary over time, he said.

In addition, city officials haven't shown any indication of taking the stricter municipal texting ban off the books, Prescott said.

"The council has not requested the ordinance come back on their agenda for revisiting," the city manager said.

## SENDING A MESSAGE

The South Dakota texting ban has helped created awareness of the dangers associated with the practice, even if it is popular, authorities say.

The Yankton Police Department uses various outlets to send the message to the public, Burgeson said.

"There is little impact in general with the texting ban," he said. "It is an issue that we are dealing with and educating the public through PSAs (public service announcements), school talks, and active enforcement such as participating in the national mobilizations on 'distracted awareness.'"

After implementing its city texting ban, Vermillion officials conducted an awareness campaign prior to issuing tickets and warnings. They used newspaper articles, paid advertisements and speaking opportunities.

At the time, Vermillion officials said the city benefited from a large number of University of South Dakota students who were already familiar texting bans in their home states.

In addition, the Vermillion Police Department continued its distracted driver education program, Betzen said at the time. Under the program, trained police officers set up simulators at various public events allowing participants to text and drive – with possible hazards thrown at the "driver" in the simulation.

The city also put up signs at entrances to the community informing motorists of the texting ban, Prescott said. "We are letting drivers know this is behavior we do not like to see in the community," he said at the time.

At the state level, the outreach efforts on the texting ban fall mainly on the Highway Patrol and the Office of Highway Safety, both part of the Department of Public Safety, Mangan said.

"(They) are highly involved in educational efforts regarding all aspects of distracted driving," he said. "Both agencies do numerous public service announcements and other campaigns urging people to pay attention while driving."

Prior to the statewide ban, Betzen had pointed out the inconsistencies from one community to another. He noted, for example, travelers would find Vermillion with an ordinance for a primary offense and Yankton with no texting ban at all.

Now, the state law means a texting ban of some sort is found across South Dakota, he said.

"I am not sure it really had any change on how Vermillion enforces this law, except that people should know that texting and driving is against the law everywhere in South Dakota," he said.

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SHAUNA MARLETTE/FOR THE PLAIN TALK

**Vermillion Police have begun using social media to help identify unknown suspects. Recently several posts were made to its Facebook page, which saw success identifying the person suspected of committing a crime.**

# VPD Using Social Media To Identify Suspects

BY SHAUNA MARLETTE

shauna.marlette@plaintalk.net

A growing trend in the police forces across the country is to use social media and crowd sourcing to help identify suspects in ongoing cases.

With several recent successes using the platform, the Vermillion Police Department (VPD) is looking to expand their use of social media, said Chad Passick, Vermillion Police Captain

"As you can see by looking at our Facebook page, we have had some success using social media to crowd source some of those photos and videos to put a name with a picture," Passick said. "Honestly, it is all part of a greater strategy for the use of social media. We need to work with the community in ways that help us to better provide and keep the safety of the community. Social media has offered us something, that while it can be scary and does have pitfalls, it is a great way for us to engage the community, both in positive light informational ways, as well as getting information out during an emergency or while asking for the community's assistance."

Passick noted that VPD is in the development stages of their social media strategy.

"We do some different things in terms of Twitter, Facebook and Nixel," he said. "We try to do the best that we can to build up our followership with some of the light engaging type of posts, so we have the followers when we need them. If we only have 100 likes on the Facebook page, it wouldn't do us nearly as much good to post that. When you have a reach of a couple of thousand people who it falls in front of to begin with, exponentially you can put it in front of a large number of people. I think one of those recent posts reached 45,000 people with surveillance photos. That dramatically increases your odds of putting a name with that picture, and we have the results that show it."

Saying that the resource wasn't available even five years ago, the VPD has really just started the platform.

"To be honest, we are just getting our feet wet," said Passick. "It is not something we are experts at. There are issues, pitfalls and concerns that we have to be careful with in regard to privacy issues and evidentiary issues. We have to be cautious of ongoing investigations and just how much information we put out. Identifying how we can do that in a way that will be beneficial to a case without being damaging to the potential prosecution. There are hoops to jump through but the benefits are certainly there and we have seen that with our results."

Passick said that the VPD is being very cautious identifying which photos to crowd source.

"Maybe the quality of the photo is not very good," he said. "If it doesn't appear as though someone could use it to identify, we may not release it. We continue to mold our approach to where we have successes rather than some of the things that might not go so well. Hopefully, overtime we will compile a strategy that helps us serve the community a little bit better."

He noted that part of the issue is demonstrating success to people within the police department in order to increase the use of the platform.

"We have to demonstrate successes to our own people so they realize this is a potentially valuable mechanism for aiding them in their investigation," Passick said. "We are starting to see more officers coming up with the idea on their own that maybe crowd sourcing a photo and getting the information out to the public would be a good way for us to gather more information. The more that starts happening and the more successes we have the greater use of that we will have."

He said that the department has only used social media a hand full of times in the last six months.

"But those are successes that maybe otherwise we wouldn't have had them," Passick said. "The more we demonstrate those successes, the more people are looking for those kinds of posts from us, the more widely they will be shared and the more our own staff will look at it as an alternative. As we move forward I think you will see it more and more."

Passick said that the great thing about social media is that the post goes beyond Vermillion.

"One of the suspects who was recently identified was

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# Filling The Need: USD, Sanford Health To Offer Paramedic Training Program

BY EMILY VANGERPEN

University Relations

A new paramedic training program should help fill the need for certified emergency responders in South Dakota, which has roughly 3,000 such personnel serving the state's 850,000 residents.

The University of South Dakota and Sanford Health in Sioux Falls are offering the instruction that will allow a Health Sciences major to be certified as a paramedic while earning a bachelor's degree. Organizers said the effort should especially help rural areas of the region that often suffer from a shortage of health care workers.

"If you're getting a four-year degree anyway, you can pursue this and come away from it with paramedic certification," said Jon Bohlen, EMS outreach coordinator at Sanford Health and course director of the collaborative paramedic program.

The state of South Dakota mandates that at least two rescuers be present when responding to an emergency, a requirement that nearly all rural areas are struggling to meet, according to the South Dakota Department of Safety's



JUNE LARSON

basics of either operating an ambulance or administering care to patients.

Without qualified paramedics, rescue teams must pull nurses from hospital shifts to provide care during an emergency. The nurses, though capable of saving lives, are restricted in what care they can provide outside the hospital.

Travis Spier, R.N., director of simulation and the center for pre-hospital care

at Sanford Health in Sioux Falls, often serves in a dual nurse-paramedic role.

"Of the advanced life support inter-facility transfers we receive on a daily basis, I would roughly say that about 70 percent have nurses instead of paramedics," Spier said.

Open for enrollment this fall, class sessions and clinical lab simulations will take place in Sioux Falls on Tuesdays, Thursdays and select Saturdays. Bohlen and his colleagues will begin with a small cohort of EMT-certified students who are enrolled in the Health Sciences Major at the University of South Dakota. The paramedic education is an area of specialization within the major.

"We are excited here because it is an area that students have expressed interest in pursuing," said June Larson, who is an

associate dean and professor in the USD School of Health Sciences. "Being able to offer this in collaboration with Sanford is a great opportunity for students."



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