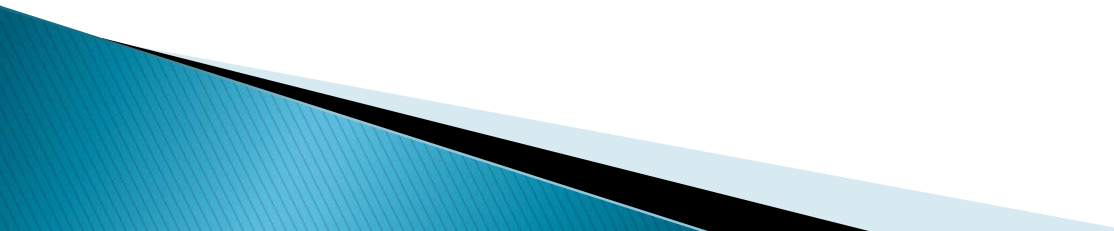


# Busted By The Bus

Lt. Deric Swenson  
Moorhead Police Department



# Background

- ▶ Moorhead experiences a high number of bus stop arm violations every year.
  - ▶ TZD Media wave was always being ignored for ND who were releasing their info ahead of us.
  - ▶ This was a way to attract media, draw attention to an issue, and use TZD funds and numbers for the enforcement.
- 

# Setup

- ▶ Plan what is acceptable with the Prosecutor's Office
- ▶ Communicate with partner agencies

## MEMO

TO: Lt. Swenson/Local agencies  
FROM: Mike Leiser ML  
DATE: 3/31/2015  
RE: Texting/Careless Driving

M.S. 169.475 (Use of Wireless Communications Device) has some unique challenges from a prosecution standpoint. At the TZD meeting we attended today, I offered some thoughts that might assist us in getting better results in the courtroom as law enforcement attempts to enforce this statute. The following is a summation of the ideas expressed at that meeting:

### 1. OBTAIN ADMISSIONS

Clearly, as with all traffic stops, one of the main goals should be to gain an admission from the suspect. I suggested going to suspects with leading questions such as "who were you texting?" or "what application were you just using back there?" or something to that effect. If the suspect identifies exactly what they were doing, that will assist us greatly in prosecuting tickets for violations of 169.475.

### 2. CONSIDER ALTERNATE CITATIONS

We also discussed the possibility of citing drivers with 169.13 (Careless Driving). If a suspect does not admit that they were texting, emailing, or otherwise using their device in a manner prohibited by statute, officers may consider issuing a ticket for Careless Driving. Careless Driving requires that the vehicle be operated in a manner that endangers (or is likely to endanger) people or property. Certainly, texting while driving, or otherwise using a handheld device while driving could be deemed to "likely endanger" others.

I would urge caution with this approach. As stated, we do not want an avalanche of Careless Driving tickets to be issued just because officers could not obtain admissions for Use of Wireless Device. I would urge officers to consider issuing Careless citations only for those drivers who's engagement with their device was substantial and clear (e.g., failing to go after a RED light turns GREEN, swerving, having to stop suddenly in the flow of traffic, etc.) Also, we do not want officers coercing drivers by saying anything to the effect of "you had better admit to texting or I will write you up for Careless." However, in situations where an admission is not obtained and the conduct is extreme, issuing a ticket for Careless Driving is certainly an option.

### 3. OTHER CONSIDERATIONS

Keep in mind that for tickets issued during the school bus spotter method, we will need both the officer who spotted the offender from the bus and the officer who wrote the citation at trial. It will be important to maintain constant observation of the vehicle from spotting to being pulled over (or close to constant observation). Detailed notes will be very helpful as will video evidence (especially if the ticket ends up being for Careless Driving).

### 4. CONCLUSION

Best of luck in your efforts with the TZD program. I appreciated the opportunity to meet with you all today. If I can be of any further assistance, please do not hesitate to contact me. As with everything, there will be many unique situations that you will encounter with circumstances that we have not thought of yet and the advice I have provided may not be on point in those situations. Of course, in those situations, officers must rely on their own discretion and training. Finally, officers in the field are free to agree with and follow these tactics/advice or to disregard them if they feel they are in error for any reason. Nothing I have said should be considered as a directive from the Clay County Attorney's Office.



# Setup

- ▶ Prepare School District
  - Availability of a bus
  - Arrange for trusted driver
  - Time and date that works
  - Route
  - Officers on the bus...shhhh...cameras!
  - Comments/Complaints
  - Media Spokesperson

# Setup

## ▶ Law Enforcement

- Numbers in bus vs Numbers of chase cars
- Discuss what spotters are looking for
  - Trust what they are reporting
- Stay on the route
- Traffic Safety
- Look for your own violations
- Don't tail the bus too close
- Prime locations
  - Easy Route for bus
  - Multiple lanes/Multiple Semaphore locations

# Setup



# Media

- ▶ Media Release with information of contact for “ride-along” opportunities
- ▶ Current Numbers/Situations
- ▶ TZD Promotions

**Steve Stark cartoon: Busted by the bus**

By Steve Stark on Apr 13, 2017 at 5:21 p.m.





# Media



"Busted by the bus" Moorhead officers ticket 20 people for texting



## 'Busted by the bus' aims to catch distracted drivers

By Forest Staff reports on Apr. 10, 2017 at 8:57 a.m.



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## Driving News

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### Busted by the bus; Moorhead, MN officers ticket 20 people for texting

April 10, 2017

Officers rode on a school bus provided by the Moorhead School District and had other officers stop drivers who were violating Minnesota distracted driving laws. They say the goal was to increase driver's awareness around school buses and to enforcement distracted driving laws which often leads to driver's committing school bus stop arm violations.

Officers stopped 73 vehicles during the enforcement wave. 20 citations for were issued to drivers for distracted driving. Officers also issued several citations for no seat belt use and drivers who did not have a valid license.



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## Plenty of citations during distracted driving crackdown in Moorhead

Thursday, April 13, 2017 7:56 a.m. EDT by Don Henry



# Social Media

## ▶ Lessons Learned from 2017



315,068 people reached

Boost Post

Like Comment Share

Sheila Reski, Faye Dicken and 748 others

Chronological

499 Shares

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**Michael Lawrence** You guys are pathetic. Go fight real crime you losers  
Like · Reply · Message · 1y 17

**Jennifer Sue Stofferahn** Didn't they need to take their phone out at the same light to picture the guy on his phone at the same light? I'm all about safety but I see some Hippocrates here.  
Like · Reply · Message · 1y 3

**Mike Alexander** I'm sure they'll treat celebrities, pro athletes and CEO's with the same level of enforcement.  
Like · Reply · Message · 1y 2

**Dylan Cole** pretty sure lookin at your phone while at a red light aint illegal  
Like · Reply · Message · 1y 9

**Isaac Montijo** They're out there doing this, yet they still can't figure out why Brad's wife got fired....  
Like · Reply · Message · 1y 4

**ReyRey Mendoza** Biggest gang in the Land. The only victims here are the people pulled over. They are harassed. This is cruel and unusual punishment. They hide behind their color and badge and steal from citizens who pay to be protected by them.  
Like · Reply · Message · 1y 15

**Thomas James Pruitt** You guys are pathetic....  
Like · Reply · Message · 52w 2

**Sam Schellhase** I never text while driving and only speak on the phone through speaker rather than place it up to my head. But while stopped, especially when it just turned red, I'll often look at my phone to see if anyone's called me or to change the music  
Like · Reply · Message · 52w

**Scott Barman** Where is this? If this is what their cops have time to do then it must be the safest community in the country!  
Like · Reply · Message · 52w 3

**Shane Rhodes** Legal street gang is all you all are. Extorting money to outfit your gang activities.  
Like · Reply · Message · 52w 1

**Keith Michael Rutledge** To all of these "morons" spewing drivel about how these are victimless crimes and whining about "so called quota's", chew on this.  
"General Cell Phone Statistics. The National Safety Council reports that cell phone use while driving leads to 1.6 million crashes each year. Nearly 330,000 injuries occur each year from accidents caused by texting while driving. 1 out of every 4 car accidents in the United States is caused by texting and driving."  
Now if just one of those who was effected by this ridiculously selfish practice happened to be someone you loved, I sincerely doubt you'd be referring to it as a so called "victimless crime".....  
Like · Reply · Message · 51w · Edited 1

# Social Media

## ▶ 2018 Improvements Pre-Enforcement Posts

**Moorhead Police Department**  
Published by Deric Swenson [?] · April 9 at 3:20pm · 🌐

Millennials nationwide are the biggest offenders when it comes to texting and driving, with more 16- to 24-year-olds handling phones while driving than any other age group.

Spread the message: If you're texting, you're not driving.

The Moorhead Police Department will be joining other agencies across the state to crack down on distracted driving April 9-22.

**Terrifying video shows how distracted teens can be while driving**  
It's a miracle that these people didn't lose their lives. Read...  
YOUTUBE.COM

8,051 people reached Boost Post

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Bre At Haven, Benster George and 37 others Chronological

27 Shares

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**Benster George** One week only? Should be every day.  
Like · Reply · Message · 5d

## Responses

**Jeanette McDonald Glaesman** While driving I see many people on their phones. They are not paying attention to their driving. Glad tickets are being given!!  
Like · Reply · Message · 4d

**Jeana Endersbe Krabbenhoft** Way to go!  
Like · Reply · Message · 4d

**Gary Mollrem** Love it go get more  
Like · Reply · Message · 4d

**Gerri Jones** Awesome job to all  
Like · Reply · Message · 4d

**Pete Fear** do it everyday..it would pay for it self in fines ..just 2 cops in 1 unmark car..give it a try,,lets Moorhead be the 1st 1 to do it  
Like · Reply · Message · 4d

**Daryl Anderson** Keep it going!!  
Like · Reply · Message · 4d

**Bill Schumacher** I feel Fargo should do this as well.  
Like · Reply · Message · 4d

**Pam Lien Wohlwend** Keep up the great work!!  
Like · Reply · Message · 4d

**Renee Lentz** Awesome.  
Like · Reply · Message · 4d

**Barbara Seaberg Buth** What are the fines for texting or talking on cell phones? I say fine them and confiscate their phones for a week. Too harsh?  
Like · Reply · Message · 4d



## Moorhead Police Department



Published by Deric Swenson [?] · April 11 at 4:47pm · 🌐

We just completed 4 hours of "Busted by the Bus." Our hope was to use our grant funds from the MN Office of Traffic Safety to increase safety and awareness when drivers are near a school bus. With assistance from our partners from the Clay County Sheriff's Office and the MN State Patrol those working conducted 75 traffic stops. That included 27 texting while driving, 25 drivers were not wearing their seatbelts, and 7 citations were issued for miscellaneous offenses. We will be on the bus again in the next couple of weeks. Let's change our driving behavior by putting those phones down and please buckle up.



👤 7,143 people reached

Boost Post

# Questions / Comments

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218.299.5202

