



# Is the Textalyzer a good way to prevent texting while driving?

MOST STATES HAVE banned texting by drivers. Now, some lawmakers have introduced legislation that, if passed, would allow police to use a device called a Textalyzer to determine whether phones were illicitly used while drivers operated their vehicles. Supporters say that Textalyzers will discourage texting and other types of banned cellphone use while driving. Critics argue that Textalyzers are excessive, invasive and unnecessary.

What do you think?

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- The "Textalyzer" could help curb distracted driving in New York
- New "Textalyzer" could let police tell if you were using your phone during an accident
- Driving While Distracted: Is the Textalyzer the new Breathalyzer?
- The plan to "textalyze" distracted drivers' phones is dumb and doomed

## READER COMMENTS

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I say go for it. Too many people [are] out texting and driving. I hate when the light is green and the person in front is texting and delays everyone else by doing that. Pull over and text.

—Melaine Hansen Boday

I do not believe a Textalyzer can be implemented within the bounds of current technology or the Constitution. While a nice idea, it has the potential to cause far more problems than it solves.

—Daniel Pentecost

It will definitely cut back on the outrageous amount of texting while driving.

—Teresa Storey

Excessive and invasive; not every texter in a vehicle is also a driver.

—Mindy Chemacki

It's about time the usage of mobile phones is completely outlawed whilst driving.

—Ella Chu

Just as a Breathalyzer can be bypassed, so can a Textalyzer.

—lavila Avila

After nearly getting run off the road so many times by men and women using their phones, anything is an improvement. There should be dead zones for cell service on all major roads/freeways/highways that only allow 911 calls. Unless it is a life-or-death call, get off your phones.

—Christopher Luczak

What if someone pulls over to the shoulder of the road to text, then returns to traffic? Can this machine distinguish that subtle detail? If so, then sure, "textalyze" away. If not, it would be useless.

—Mary Goodson

Hands-free cellphone use is still legal, so this new gadget needs to determine if a person is performing hands-free texting or manual hands-on texting.

—Joe Powell

Keep your cellphone in your glove box if you can't control yourself.

—Jessica Marie Goodall

## YES FROM EXPERTS IN THE FIELD



**Ben Lieberman** is the co-founder of *Distracted Operators Risk Casualties* ([dorcs.org](http://dorcs.org)), an advocacy group that works to prevent dangerous mobile phone use while driving.

AFTER A TEXTING driver ended the life of my 19-year-old son, Evan, in a collision, I soon learned that police and the legal system are not prepared to deal with this issue properly. Phones and phone records are rarely investigated.

According to the National Highway Traffic Safety Administration, driving a vehicle while texting is six times more dangerous than driving while intoxicated. Despite this, the AAA Foundation for Traffic Safety reports that 67 percent of drivers still use their mobile phones while behind the wheel.

Police need the Textalyzer, a tool similar to the Breathalyzer, which tests blood alcohol levels and serves as a strong deterrent to those who engage in an equally deadly practice.

Opponents of the Textalyzer are promoting several myths, which encourage a dangerous false sense of security.

One myth is that the Textalyzer is unnecessary since police can always check phone records. The truth: Phone record logs merely report texting and phone calls. But email, web browsing and apps like Facebook are bundled as data usage and combined with things like weather alerts and ballgame scores. This renders phone records useless for determining if a driver was using those other popular distractive activities. Additionally, in most states, warrants are not easy to obtain and neither are mobile phone records.

Another myth is that the Textalyzer is an invasion of privacy. In fact, evaluating the crash can be done without accessing personal data. The technology does not reveal the content of the messages, phone numbers or any other private matter. Notably, the Textalyzer will distinguish between legal hands-free device use versus touching the screen. Also, if a passenger was using the driver's phone at the time of a crash, this would not be implicated as the cause.

I believe we have found a balance of interests by monitoring a device's usage instead of its content, via the Textalyzer. I don't want to be responsible for violating anyone's privacy rights, but I also don't want to get another call like the one I got about Evan—the call that every parent dreads. I don't want to bury another loved one. I'm sure you don't either. **C**

## NO FROM EXPERTS IN THE FIELD



**Marc Rotenberg** is executive director of the *Electronic Privacy Information Center* ([epic.org](http://epic.org)).

DRIVING WHILE TEXTING is a real public safety concern, and lawmakers are right to look for strategies that will maintain road safety. But the various bills, such as one pending in New York state, to permit police use of "Textalyzers," digital technology that checks a device's operating system for recent activity, are heading down the wrong road.

According to the manufacturer Cellebrite, a tech firm that also develops sophisticated devices for data extraction, Textalyzers could be deployed after a crash to determine if any of the drivers were using their cellphones. The New York bill would require all drivers to consent to the police search of their cellphones or face losing their driver's license.

As with the Breathalyzer, the goal of the Textalyzer is to determine whether a driver's impairment caused an accident. But unlike Breathalyzers, Textalyzers could provide the police with a lot more information about drivers than whether they had too much to drink. Cellebrite concedes that the device could gather detailed personal information from the phone but says that the enhanced feature would be deployed only if the police obtained a warrant.

The U.S. Supreme Court is rightly concerned about the privacy risks of turning over cellphones to the police. In a decision that included both the liberal and the conservative justices, the court said the police must obtain a warrant before searching a cellphone. As they explained in a ruling on cellphone privacy, one of the "most notable distinguishing features of modern cell phones is their immense storage capacity."

And it is easy to imagine the many ways that a Textalyzer might be used if it becomes part of police gear. Drivers who are stopped for traffic violations, such as speeding, could be asked to turn over their cellphones. Even pedestrians who are stopped might be subject to Textalyzers. The public safety value of these searches will be minimal, but the privacy risks are very real.

States should prosecute drivers who cause injury to others, but that does not mean a blank check to search cellphones. **C**

## WHAT DO YOU THINK? Is the Textalyzer a good way to prevent texting while driving?

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