



'Textalyzer' Aims To Curb Distracted Driving, But What About Privacy?

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If you're one of the many who text, read email or view Facebook on your phone while driving, be warned: Police in your community may soon have a tool for catching you red-handed.

The new "textalyzer" technology is modeled after the Breathalyzer, and would determine if you had been using your phone illegally on the road.

Lawmakers in New York and a handful of other cities and states are considering allowing police to use the device to crack into phones because, they say, too many people get away with texting and driving and causing crashes.

"Phone records — as I found out the hard way — they're tough to get [and] it's an agonizing process," says Ben Lieberman of New Castle, N.Y., whose 19-year-old son was killed in a car crash in the Hudson Valley, north of New York City, in 2011.

The driver of the car his son Evan was in drifted over the center line and hit another vehicle head-on. Evan, who was sitting in the back seat with his seat belt on, suffered massive internal injuries and died a month later.

The driver initially told police he dozed off while driving, but in reality he had been texting behind the wheel. It took Lieberman six months to figure that out.

"Astonishingly, the phone was in the car, wrecked in the car, and it was at a tow yard," he says. "It was there for weeks — it was just sitting there."

Lieberman says police couldn't check the driver's phone to see if he was lying because they needed probable cause to get a warrant.

"We often hear, 'just get a warrant' or 'just get the phone records.' ... The implication is that the warrant is like filling out some minor form," he says. "It's not. In New York, it involves a D.A. and a judge. Imagine getting a D.A. and a judge involved in every breathalyzer that's administered, every sobriety test that's administered."

Lieberman filed a civil lawsuit to subpoena the phone records, which showed the driver had been texting before the crash. But even getting the phone records won't tell you much, he says. "It doesn't detect any of the important distractions, like email, social media or Web browsing."

So even though New York and most other states ban texting and other kinds of cellphone use while driving, Lieberman says those laws are difficult to enforce.

"The takeaway is, our current law is a joke," he says.

Lieberman — [along with the advocacy group he co-founded](#) — has been working with a company called [Cellebrite](#) to develop a "textalyzer." It would be able to determine whether a driver illegally was using a phone in the moments before a crash.

Cellebrite engineer Lee Papathanasiou demonstrated the device for lawmakers and reporters at the New York State Capitol in Albany earlier this week.

He says a police officer just goes to the driver and attaches a cord to connect the device to the phone. The driver doesn't even have to let go of the device.

"They can simply just tap one button ... and it will process, about 90 seconds or so, and it will show what the last activities were — again that could be a text message and so on — with a time stamp," Papathanasiou says.

The device would display a summary of what apps on the phone were open and in use, he says, as well as screen taps and swipes. "For example, if it was a WhatsApp message, or a call, it will indicate what the source was, the time stamp, and then what the direction of the communication was — so if it was an outgoing call versus an incoming call."

Papathanasiou says the technology still isn't fully developed, but would be tailored to what's legal in each jurisdiction that approves its use. And he insists that the textalyzer would only capture taps and swipes to determine if a driver was using the phone — that it would *not* download content — and that it would be able to tell if the driver was using a phone legally, hands-free.

But some privacy advocates and civil libertarians are wary.

"Distracted driving is a serious concern, but this bill gives police power to take and search our phones after almost every fender-bender," says Rashida Richardson, legislative counsel for the [New York Civil Liberties Union](#). "This is a concern because our phones have some of our most personal and private information — so we're certain that if this law is enforced as it is proposed, it will not only violate people's privacy rights, but also civil liberties."

Traffic fatalities nationwide are on the rise, with [close to 40,000](#) across the country last year, an increase of 6 percent. With a significant number of those fatalities attributed in part to distractions from phones, safety advocates — including Debbie Hersman, who heads the [National Safety Council](#) — say this could be big.

"The textalyzer is going to be a game-changer when it comes to handheld devices and potentially even in-vehicle systems," Hersman says. "It will be the Breathalyzer of our electronics."

In New York, [the bill authorizing police to use the textalyzer](#) has passed out of one committee and is pending in another. Lawmakers are interested in the device in New Jersey and Tennessee, and in Chicago and other cities, too, as they consider ways to get drivers to focus on the road instead of their phones.

<http://www.npr.org/sections/alltechconsidered/2017/04/27/525729013/textalyzer-aims-to-curb-distracted-driving-but-what-about-privacy>