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Taking the right course: The possibilities and challenges of offering alternatives to prosecution for drivers detected using mobile phones while driving

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ABSTRACT

There is a considerable body of literature that outlines the dangers of mobile phone use by drivers. However, there is very little research that explores the role and effectiveness of attempts to tackle this specific road user problem. Generally, normative motives are more likely to generate compliance with traffic law, and are more likely to be developed through approaches which focus on engagement and education. There would seem to be little potential for them to be developed through the use of penalty points and fines, which rely on more instrumental logic. Nonetheless, the decision was made in the UK in recent years to cease offering 'courses' (inputs to detected phone-using drivers offered as an alternative to prosecution) for mobile phone offences. This decision was made despite a lack of evidence one way or another about their effectiveness in tackling both handheld mobile phone use and handsfree mobile phone distraction – a form of distraction not explicitly covered in law. This research project aimed to explore driver education as an alternative to prosecution for mobile phone use while driving offences, focusing on perceptions and experiences of one particular educational intervention. This paper draws on 46 semi-structured interviews with those involved in delivering a specific intervention aimed at reducing handheld mobile phone use by drivers that was previously offered as an alternative to prosecution in the UK; the police officers identifying offenders for referral to such courses, those delivering the intervention, drivers attending the course as an alternative to prosecution and members of the public attending the course as general education. Four key themes, with underpinning subthemes, emerged; 1) Police officer discretion and control over entry into the criminal justice system 2) Police-public interactions, 3) Course experiences, and 4) Post-course considerations.

Firstly, police officer discretion is an important determinant of criminal justice system outcome, based on subjective rather than legal decisions about whether or not to report drivers for an offence. Secondly, police officers negotiate encounters with road users using the avoidance of prosecution as a way of diffusing difficult conversations, sometimes by offering a course as a preferable alternative to prosecution, sometimes by encouraging handsfree phone use. Thirdly, course attendance provides an opportunity to develop both normative alignment through increased understanding of police work, and to appreciate a range of instrumental consequences associated with mobile phone use. Both self-reportedly impacted upon mobile phone use while driving. Finally, post-course considerations emphasised a focus on *who* should be offered courses as an alternative to prosecution, focusing upon desires for both punitive and rehabilitative responses to mobile phone using drivers.

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1. Introduction

1.1. The problem of mobile phone use by drivers

There is a wealth of literature outlining the dangers associated with handheld mobile phone use while driving; drivers notice far fewer hazards (Caird et al., 2018), take longer to respond to any hazards they do notice (Briggs et al., 2016; Strayer et al., 2003; Fisher & Strayer, 2014), and have a greater crash risk (Atwood et al., 2018; Shaaban et al., 2020). Drivers engaging in subtasks associated with handheld phone use increase their safety–critical-event risk; that is, crashes, near crashes and crash-relevant conflicts (Fitch et al., 2013; Dingus et al., 2016; Bakhit et al., 2018). Some forms of handheld mobile phone use, such as texting and looking away from the road, have been found to be associated with particularly high crash risk (Simmons et al., 2016). It logically follows that most jurisdictions have banned handheld mobile phone use while driving, albeit with laws taking different forms between, and even within, countries (see for example Rudisill and Zhu, 2021 on the U.S. case). Many jurisdictions have already had to adapt and amend their laws to reflect the perpetual development of the technology at which they are aimed. For example, the recent change to UK legislation specifically prohibits taking photos and scrolling through playlists, amongst other actions, rather than the less-specific concept of 'interactive communication functions' covered by the law since 2003 (DfT, 2021). Similarly, the US State of Iowa currently has a ban on writing, sending or viewing electronic messages while driving but allows a device to be held for other functions. This is being reconsidered to prohibit all use of such devices to align with some other US states (Bolkcom et al., 2021).

Despite specific legislation, significant numbers of drivers continue to use their phones behind the wheel. In the UK, around 25% of drivers admit to regular, illegal phone use (RAC, 2020; 2021) despite evidence of widespread support for legal sanctions for this behaviour (Direct Line and Brake, 2020). A similar pattern is evident in the US, with around 37% of drivers admitting to handheld phone use (The AAA Foundation, 2020). While there are different motivations and explanations provided by mobile phone offenders (see Wells et al., 2021) it appears that the presence of legislation is not enough of a deterrent: drivers acknowledge the potential dangers, but believe that other, less competent, drivers should change *their* behaviour (Sanbonmatsu et al., 2016; RAC, 2021). In this way, phone-using drivers often compare their illegal behaviour with other offenders who they consider to be more dangerous and therefore more deserving of punishment (Kaviani et al., 2021).

In addition to the documented dangers of handheld phone use, there is an established body of literature demonstrating the distraction imposed by handsfree use. Handsfree phone use does not necessarily improve hazard detection (Atchley et al., 2017) or offer crash risk benefit over handheld phone use (Dingus et al., 2016; Caird et al., 2018)[1]. *Cognitive*, as opposed to the more intuitively obvious *physical*, distraction is a source of danger as both driving and phone use draw on common attentional resources (Briggs et al., 2016). The visual attention of a phone using driver (either handheld or handsfree) tends to be predominantly focused on the immediate forward-facing view rather than the peripheral areas (Recarte & Nunes, 2000; Desmet & Diependaele, 2019). Even when looking immediately at a hazard, phone using drivers can 'look but fail to see' that hazard (Strayer et al., 2003; Briggs et al., 2016) and exhibit limited situational awareness (Ebadi et al., 2019; Briggs et al., 2018) contributing to further deteriorated driving performance.

Not only does handheld and handsfree mobile phone use have a direct impact upon driver safety in these ways, it also impacts on driver behaviour and awareness in other forms. Drivers who use a mobile phone tend to engage in compensatory behaviours such as lowering speeds and increasing distances from lead vehicles (Oviedo-Trespalacios et al., 2016; 2017), or deciding to use a phone only in perceived 'safe' circumstances, such as on slower roads or when there is less traffic present (Savigar, 2019; Christoph et al., 2019). Accordingly, despite handsfree use having a demonstrable impact on hazard awareness and detection, in the absence of any safety critical event, drivers feel these mitigations are effective. These compensatory behaviours are also conflated with the 'illusion of awareness' experienced by distracted drivers who are largely unaware of their reduced driving performance. A US study conducted by Sanbonmatsu et al. (2016) found handsfree mobile phone use not only led to more serious driving errors but also diminished drivers' ability to accurately self-assess the safeness of their driving. Using a mobile phone while driving, whether handheld or handsfree, may therefore lead drivers to inaccurately perceive safety and produce an overconfidence in one's multitasking ability.

In contrast to handheld mobile phone use, however, most countries have not banned handsfree phone use while driving. For some US states and in Australia, young/novice drivers are banned from using a handsfree device, but other driver demographics are not. In the UK, it is legal for drivers to use a handsfree device but, 'careless driving', otherwise known as 'driving without due care and attention', can be charged where the driving standard is considered to fall below that of a competent and careful driver; crossing solid white lines as a result of inattention from handsfree phone use could be considered as driving without due care and attention, for example. As such, the handsfree aspect is irrelevant, but it may be the cause of a driver committing other offences, which may be prosecuted. Legislation that restricts only handheld mobile phone use misses the consequential impacts that handsfree phone use has on drivers. Indeed, banning handheld mobile phone use is unlikely to improve road safety in terms of number of crashes as effectively as a blanket ban on all phone use could (Liu et al., 2019). Rather, one illegal dangerous distraction (handheld mobile phone use) can simply be replaced with another, legal, one (handsfree mobile phone use). As such, mobile phone use continues to pose a significant danger to roads globally and there is a need to further understand effective responses to tackling the issue.

This paper considers various strategies currently and/or historically adopted in response to mobile phone use while driving, progressing in the next section to consider the use of instrumental penalty points and fines before moving on to normative approaches that may include courses[2] targeted at road users. Here we consider the role of courses used as an alternative to prosecution for mobile phone offences before moving on to the findings of this paper that relate to one particular course.

1.2. Responding to mobile phone use by drivers

Setting aside, for a moment, the question of the appropriateness (or otherwise) of current laws relating to the use of a mobile phone while driving, the question of the appropriate response to those that break the law (whatever that law may be) is also pertinent. By putting faith in the law, and in a 'ban' on certain behaviours, leading to certain consequences, policy-makers make certain assumptions about human behaviour and how it can be influenced.

1.2.1. Instrumental approaches

The penalties associated with handheld mobile phone use vary

[1] It is important to note that some research has found a lower crash risk for certain forms of handsfree phone use, such as talking or listening to a call, compared to handheld phone use (e.g., Young, 2017; Dingus et al., 2019), however, handsfree mobile phone use actions and their implications exist beyond this scope.

[2] We have used the term 'courses' deliberately, given that we wish to explore the purpose of these events. To label them as 'diversionary schemes' or 'alternatives to prosecution' or 'educational interventions' does, we believe, send out its own message about what purpose they serve, what a 'normal' approach is, and where they sit in a conceptual punishment/education matrix.

considerably across countries but often include some financial penalty and/or a driving license action. Both are true of the UK context where the penalty associated with mobile phone use is currently six license penalty points and a £200 fine. For drivers who have passed their driving test within the last 2 years, this means that with a single offence their license can be revoked and they would be required to retake their driving test. This type of penalty relies on an instrumental deterrence approach, with specific deterrence being achieved through the punishment of individual drivers, and general deterrence being achieved via a general awareness that others have been punished for this behaviour. Such an approach assumes a rational thinker will opt for behaviour that maximises gain and minimises loss (Tyler, 1990). Accordingly, such a route to compliance assumes that when there is a credible risk of sanction for noncompliance, compliance is more likely to result (Bradford et al., 2015).

One of the limitations to this instrumental approach to tackling offending is that it relies on a perceived credible threat of risk/sanction. Firstly, this requires a *knowledge of the law* and the associated penalties that form the financial and license risk (if a law is not known or understood, or the sanction is not known or understood, it cannot accurately steer behaviour). However, there is limited evidence that this knowledge exists (RAC, 2018). Truelove et al. (2021) found that young drivers were often unaware of the severity of sanctions for various types of mobile phone use while driving, and potentially used this flawed perception as a guide to behaviour. Most drivers underestimated the number of points and value of fines for different types of phone use. If level of danger is associated with perceived level of punishment, this has the potential to negatively affect the deterrent effect of sanctions. Savigar (2019) also found that both drivers *and* police officers sometimes misunderstood or struggled to define what was legally meant by the term 'use' of a mobile phone. When asked whether certain actions, such as using a watch as a phone, constituted an offence under current law, some were unable to answer and others provided contradictory responses. In other research, officers reported that they found it difficult to distinguish whether or not what a driver was doing was actually illegal, discouraging them from intervening (Rudisill and Zhu, 2021). Additionally, given that the law does not cover actions that are known to be dangerous to road safety, such as handsfree phone use, a focus on instrumental sanction and penalty risk is unable to tackle those risky road user actions. It may simply displace the problem by encouraging drivers - performing a relative risk/reward assessment - to opt for the legal version of distracted driving.

Furthermore, in order to achieve deterrence, a sanction must be perceived to be severe, certain and swift (Zimring and Hawkins, 1973). Although *severity* is escalated with increasing penalties (as occurred in the UK in 2017), the *certainty* of detection is not. The policing of these offences generally relies on the presence of a human officer as, unlike (for example) speeding, automated technology to detect this offence is not mainstream[3]. Reliance on police time in this way is resource-intensive and costly and, in the UK at least, the evidence suggests that such resource is in short supply (HMICFRS, 2020; PACTS, 2020) and many drivers think they will not get caught for breaking the law while driving (AA, 2017). Similarly, evidence points to direct strategies used by drivers to evade detection when enforcement does seem likely. Drivers report concealing their phone use, which in turn reduces their perception of the likelihood of them being caught, which in turn reduces the deterrence effect of enforcement (Gauld et al., 2014; Rudisill and Zhu, 2021; Truelove et al., 2021).

Historically, increasing the penalties for handheld mobile phone use by drivers in the UK has produced a reduction in observed offending, but one that is followed by an increase again shortly afterwards (DfT, 2019). Of course, we cannot assume that this reduction in observed offending was caused simply by the fear of increased sanctions, if indeed that increase was even acknowledged by drivers, as changes in law are usually accompanied by campaigns that explain the changes. Furthermore, despite self-reported mobile phone use by drivers increasing (RAC, 2020; DfT, 2020), this is coinciding with fewer prosecutions for offences (Home Office, 2021) and a significant number of repeat offenders (DVSA, 2021). A credible threat of enforcement risk in relation to mobile phone use while driving is evidently difficult to generate through penalty points and fines alone, and these instrumental deterrence-based penalties may be insufficient to tackle offending of this nature. After all, the level of sanction is irrelevant if nobody believes they are ever going to experience it.

Instrumental approaches that focus upon the law are therefore only able to tackle a subsection of the distracted driver population who a) understand the law enough to know what is being covered by it, b) deem the penalties severe enough to generate a risk worth avoiding, c) perceive a credible and likely risk of being caught by a police officer for the offence, d) happen to be caught and e) are not simply replacing the illegal behaviour with a legal version (handsfree use).

1.2.2. Normative approaches

A different approach to tackling mobile phone use by drivers would be to focus on the reasons why the behaviour poses a safety risk and therefore why it should be avoided. Whilst there are few opportunities for such explanation when fines and points are used as a response[4] (largely being dispensed through partly automated fixed penalty systems), other approaches have focused on educating road users about the safety consequences of mobile phone use. As a method, education could mean a variety of things – to provide information, to change attitudes, even teach methods of avoiding detection. Here we assume that education is a way of teaching road users the safety reasons why they should avoid distractions while driving. Viewed in this way, and in contrast to the simply instrumental focus of penalties, education leans towards a normative (or combined normative/instrumental) approach to deterrence. Tyler (1990) explains that normative compliance is generated where individuals feel a moral obligation to behave in a certain way (for example, to obey the law), not because of any associated penalties but because it is the *right* thing to do.

Specifically in relation to the roads context, normative motives are considered stronger motives for explaining compliance with the law than instrumental ones (Yagil, 1998; Bradford et al., 2015). However, in the context of mobile phone using drivers, normative commitment to *the law* relating to mobile phone use by drivers is an imperfect solution, as the law only relates to one type of problematic distracted driving behaviour. For those who perceive a moral obligation, and therefore normative commitment, to obey *the law*, this is likely to mean refraining from handheld but not necessarily handsfree phone use. Jackson et al. (2012) however, proposed an additional pathway to compliance with the law that is aligned specifically to personally perceived morality of an act, rather than any moral alignment with the act simply because it is 'the law'. Here compliance is motivated by personal moral principles rather than legal ones. As such, individuals may cease to behave in a *problematic* way, even where that behaviour is legal, if they perceive it to be the morally right thing to do. Therefore, via the personal morality pathway to 'compliance', it is possible to link normative commitment to legal but harmful behaviours such as handsfree mobile phone use through education that encourages a normative commitment to refraining from them.

Prosecution and punishment via fines and points does not have designed-in opportunities for this kind of normative engagement. 'Education' seems intuitively better fitted to achieving these aims, but education is not a universal strategy, and is itself a multifaceted and

[3] Although an artificial intelligence camera has been used to identify offending mobile phone use in Australia.

[4] Though being 'pulled over' does offer some potential for discussion of the reasons for the law, and is discussed further below.

diverse set of interventions offered in different ways and using different approaches. For example, road safety education has often taken the form of a 'fear appeal' which presents information that is intended to evoke fear in an audience in order to achieve a change in behaviours through fear of the consequences of the problematic behaviour. It is often seen through the displaying of images or video clips portraying the most serious consequences associated with risky road user behaviours. Generally, the fear appeal has been criticised for creating unnecessary upset and adverse impacts upon the audience (Elliott, 2003) and has been found to worsen rather than improve driver behaviour (Guttman, 2015; Pedruzzi et al., 2017). Other research has suggested a gender difference, with fear appeals being beneficial to improving intended driver behaviours for females but not for males (Goldenbeld et al., 2008). Other approaches have also been used to generate emotions other than fear, often including happiness, in an attempt to focus on positive emotions and therefore generate positive behaviours (Lewis et al., 2007). As such, education does not necessarily always adopt a normative approach that intends to generate moral alignment with safer (whether legal or not) road user behaviours, but it *can* offer that opportunity by focusing on both forms of phone use and a personal moral commitment to safe road use – offering benefits over instrumental approaches that 'work' only when a threat of enforcement is credible.

1.3. What is the role of 'courses' in addressing mobile phone distraction?

Although only offered to those identified as breaking the law and therefore aligned specifically to illegal handheld mobile phone use, classroom-based courses were previously used as an alternative to prosecution for those caught using their mobile phone while driving in the UK[5][6]. This has been the case since the most recent increase in penalties in 2017 which occurred following a multiple-fatality collision caused by a phone-using HGV driver (Thames Valley Police, 2016) and subsequently where courses were deemed to be "insufficient or inappropriate to the seriousness of the offence" (DfT, 2016b:20). This suggests a government concern with sanction severity, and a prioritisation of an instrumental approach to compliance. It also suggests a belief in the symbolic importance of a punitive sanction in sending out a message about acceptable and unacceptable behaviour. Indeed, the DfT argued that removing the option of a diversionary course would act as a "strong deterrent" (2016b: 20), as those drivers would instead be required to pay the fine and receive the penalty points (DfT, 2016a). This position clearly ignores the normative principles highlighted above and suggests a lack of evidence-based argument supported by academic literature. The 'seriousness of the offence' is used as a rationale for more serious *condemnation* of the behaviour, rather than as a rationale for the seriousness of the need to *prevent* the behaviour. Interestingly, at no point was a combination of sanctions and education considered, despite some evidence supporting the effectiveness of this approach for other offences (Watson, 1998, see below).

This decision was made despite courses offering potential opportunities to also provide an instrumental input, focusing on financial and license consequences, as well as a normative input concerning the impact of *both* handheld and handsfree phone use on drivers and the reasons underpinning efforts to tackle the behaviours. It also ignores feedback from the National Police Chiefs' Council (NPCC, 2016) who pushed back on the suggestion that courses should be removed, stating that:

> '…our approach is a blend of enforcement and education. We measure success not only in terms of the number of offenders caught, but also by driving behaviours changed. 68 per cent of drivers who attended a driver alertness course subsequently stated that their driving habits had changed a great deal or quite a lot as a result. This problem cannot be solved by enforcement alone – we need to build awareness and make it socially unacceptable to use a mobile phone while driving.' (CC Suzette Davenport, Lead for Roads policing, NPCC, 2016: para. 2).

Nevertheless, in the same way that there are few data on the effectiveness of financial and license-based penalties in reducing mobile phone use, there are also few data on the effectiveness of mobile phone courses. Considering the effectiveness of one such course for tackling mobile phone use while driving in the UK, Savigar (2019) found attitudes towards phone-related road risk and intended self-reported phone-using behaviours to be improved following course attendance. This was found of both those attending the course as an alternative to prosecution and those attending as part of their employment, emphasising a benefit of such courses to various audiences. Drawing on retraining offered in relation to speeding offences, the most extensive review of data in this area comes from the Ipsos MORI et al. (2018) evaluation of UK NDORS speed awareness courses, which analysed data from 2.2 million drivers. This evaluation compared drivers who had attended a course with both those who had declined a course, and those who were ineligible for one (due to their speed being higher than the upper threshold for course recommendation). Analyses revealed that the course was more effective than a fixed penalty notice and license points in reducing self-reported reoffending, an effect which was strengthened with greater driving experience (for every additional year on a participant's license, there was a 0.1% reduction in the likelihood of reoffending). Tentative links were also made in relation to course attendees being less likely to be involved in a collision in the 3-year period. Whilst the research does not relate to mobile phone using drivers specifically, and the content of the respective 'courses' will have differed, this evaluation does suggest that courses have potential for changing behaviour - the ultimate desired outcome of any intervention.

Looking further into the literature on offender education for other road offences (e.g. drink driving), there is some evidence to support the value of rehabilitative education. In Australia, Watson (1998) compared various sanctions for drink-driving, including licence actions, remedial programs and vehicle-based actions, finding that while licence actions were the most effective approach in terms of general deterrence, education programs were effective in specific deterrence among alcohol offenders. Importantly, it emerged that a combination of licence actions (instrumental sanctions) and remedial education offered the most positive outcome. Deyoung's (1997) US-based study on drink-drivers similarly found support for a combined approach (which echos the NPCC's contention that a balance between enforcement and education is preferable). Using a quasi-experimental method, they identified that a combination of 'alcohol treatment' (including education) and licence actions contributed to reduced drink-driving recidivism, when other pre-existing differences between groups were controlled for.

Wells-Parker et al.'s (1995) *meta*-analysis on remedial interventions for drink-drive offenders found that interventions (comprising of education, counselling and follow-up contact) reduced recidivism by 8–9% compared with no intervention. While these findings lend some support to the value of educational interventions, it is clear that the underlying motivations and subsequent behaviour of drink-drive offenders are likely very different from those of mobile phone offenders, and the lack of research relating specifically to mobile phone interventions makes comparisons challenging. Wells-Parker et al.'s research also noted that many evaluations were based on recidivism data (in turn understood in

[5] Currently, retraining opportunities are offered as an alternative to prosecution for other 'Fatal 4' offences through the National Driver Offender Retraining Scheme (NDORS), but there is no course *specifically* aimed at mobile phone offenders.

[6] Course provision as an alternative to prosecution, and therefore form of specific deterrence, is distinct to general educational provision that can be seen through, for example, television adverts or social media campaigns. See White, Hyde, Walsh & Watson (2010) for work considering factors likely to influence responses to education as a general deterrent, or Angle et al. (2009a; 2009b) for evaluation of drink/drug drive campaigns.

terms of detection) – something that is unlikely to capture the real extent of reoffending. Indeed, research considering the role of such courses has thus far also largely focused on quantitative measures such as 'reoffending'[7] and has produced inconsistent findings (Adams-Guppy & Guppy, 2021), limiting our understanding of effectiveness and experiences beyond what is measurable in this way.

The question, therefore, remains as to what it is that 'courses' can contribute in this particular space. Using the instrumental logic offered in consultation documents by the DfT, it appears that the government's conclusion was that any response to an offence *should* be a form of punishment, and that courses were not punishment 'enough' regardless of whether or not they produced a reduction in offending behaviour (something not known at the time). Seemingly, the possibility of 'only' being sent on a course was considered an insufficient general deterrent for initial offending, which outweighed the possible benefits of subsequent specific deterrence offered by attendance on a course. Faith was placed in the instrumental deterrent potential of a threat of severe sanction, rather than in the potential for drivers to be normatively influenced by a more educational intervention. To return to the elephant in the room of handsfree mobile phone use once more, this choice also limits any intervention to those using a handheld phone and in doing so further undermines the potential for enforcement to reduce incidents caused by distracted driving. This confused picture illustrates the need for greater understanding of the potential benefits of 'courses' to help inform decisions around the role of their use as an alternative to prosecution.

1.4. The current study

This research explores the role of an education course as a type of intervention within a particular legislative and practice context, considering what such a course can or cannot deliver within those legal and practical confines. In particular, we consider how and why a course may act as a credible alternative to more instrumentally based approaches for tackling mobile phone related distracted driving. This research focuses upon a specific driver education course that was being delivered in a single County in England as a diversion from prosecution for the offence of using a handheld mobile phone while driving and/or not wearing seatbelts. This course was separate and different to the nationally delivered course for mobile phone offences offered in other geographical locations throughout the UK at the time. The course was available to both detected offenders[8] (who had been detected within the relevant County and who had not attended the course within the previous three years, irrespective of previous offences) and individuals whose employers requested their attendance as part of their professional development (i.e. non-offenders).

Currently available literature has overlooked the range of voices of people involved in the course-provision process, especially in relation to the role of courses in tackling mobile phone use by drivers. This is problematic given that courses have been, and indeed are now solely (in the UK), offered to and experienced by groups of drivers other than as a result of being detected committing an offence of using a mobile phone while driving. Indeed, the views of public audiences are cited within governmental documentation relating to instrumental decision-making (e.g., see DfT, 2021). It therefore seems logical that such a perspective is considered for educational courses also. As noted elsewhere, the label of 'course' or 'education' obscures a diverse range of possible formats and delivery approaches that may operate in reality, suggesting a need to study actual interventions in more depth. As such, this study considers the voices of a range of stakeholders involved in offering, delivering and attending a driver education course.

1.4.1. Course content and coverage

The course included both instrumental and normative based education that predominantly focused upon mobile phone use distractions and not wearing a seatbelt but also considered other road safety issues such as inappropriate speed and poor maintenance of vehicles. From an instrumental perspective, drivers were informed of the costs associated with offending (financial and license penalties as well as costs of injury). From a normative perspective, the course emphasised the moral obligation drivers have to keep themselves and others safe on the roads by outlining several incidents and outcomes resulting from handheld and handsfree phone use, amongst others such as exceeding the speed limit. This was delivered through emotive as well as informative presentation, video footage and images (Hoggarth et al., 2009). The course and multi-agency delivery team were unique to any nationally offered course in that they consisted of current or former employees of the Fire and Rescue Services, Police, Victim Support and Youth Services, all of whom had working and/or personal experience of injury or loss resulting from road collisions[9].

2. Methodology

2.1. Research design

To explore both experiences with, and perceptions of, a particular course as a tool for tackling mobile phone use while driving, an exploratory qualitative approach was adopted. This formed part of a larger longitudinal research project that also considered self-reported offending behaviours before and after course attendance (Savigar, 2019). Participants were invited to take part in a semi-structured interview, either face-to-face or via telephone at their preference. These individual interviews allowed participants to reflect on their personal driver experiences and/or involvement with tackling mobile phone use by drivers, and perceptions of different approaches for tackling mobile phone use while driving.

2.2. Procedure and participants

Participants (N = 46) were recruited from different populations of people involved in some way with the driver course. Specifically, there were four different population groups: (1) those receiving the driver course as an alternative to prosecution - 'detected drivers'; (2) those receiving the course as part of their employee training provision - 'employees'; (3) those delivering the course - 'presenters', and (4) those policing the roads - 'police officers'. Detected drivers and employees were recruited via an mail invitation sent to those who had left contact details to a previous element of the research study. This invitation included an information sheet. Presenters were recruited via an mail invitation including an information sheet that was sent to all course presenters. Police officers were recruited via verbal invitation followed by a written information sheet and were invited to attend an interview slot during one of three days that the researcher was present at police premises to undertake interviews. No incentive was offered for participation.

Nine individual telephone interviews were conducted with detected drivers (5 male, 4 female). Nineteen interviews were conducted with employees (11 male, 8 female). Interviews were conducted between four and six-weeks after attendance at that course. No change in outcome in terms of the charged offence resulted from participating in an interview.

Thirteen further face-to-face interviews were conducted with police officers who had some experience of stopping drivers for mobile phone

[7] Reoffending is a problematic term given that most road traffic offences are undetected. Reconviction is a more accurate term for what is often measured, although reoffending is more relevant to safety research (if it could be known).

[8] Offenders who chose to attend the course avoided the sanction of 3 penalty points and £100 fine.

[9] See Hoggarth et al. (2009) and/or Savigar (2019) for more information.

offences in that County (12 male, 1 female). All police officers currently held a role within the police where they were responsible for roads policing as their primary function or as a proportion of their working time. Interviews took place at their Police Headquarters or Roads Policing Unit building.

Finally, five face-to-face interviews were conducted with all the members of the team responsible for delivering the course in question (2 male and 3 female). 4 of these 5 were currently or previously employed by the police in various roles. The other was employed by the Fire and Rescue service. They are referred to henceforth as 'presenters' regardless of their other roles. All had experience, either personal, professional or both, in responding to traffic offenders or road death/injury. Interviews took place in a small room at one of the two venues where the course took place.

Interview schedules were developed from thematic topic areas deriving from the above literature as well as evaluative questions focused on exploring the effectiveness of the course in question. Interview schedules were different for all participant groups but all asked specifically about the use of driver education, namely the course in question within this article, as well as other strategies for attempting to tackle mobile phone using drivers[10]. Following approval from Keele University ethical review, interviews were conducted between November 2014 and May 2016[11]. All interviews lasted between 30 and 75 min, were audio recorded and were transcribed verbatim with full pseudonymisation before being analysed. Data saturation had been reached for presenters and employees but not for detected drivers or officers in the time available for data collection.

2.3. Data analysis

The data were analysed using an inductive thematic analysis approach whereby the research concepts and literatures were drawn from the analyses of the data gathered (Braun and Clarke, 2006). Each of the interview transcripts were coded and themed individually by the first author before being brought together as a whole dataset for the author team to revise and contribute sub-themes. Quotes have been selected on the grounds that they most appropriately capture the themes presented below.

3. Findings

Four primary themes were identified from analysis: 1) Police officer discretion and control over entry into the criminal justice system 2) Police-public interactions, 3) Course experiences, and 4) Post-course considerations. Within those themes are several underlying and interrelated subthemes. See Fig. 1 for the structure of the themes and subthemes. The analysis is discussed below, with supporting quotes to exemplify each sub/theme, and brief discussion of identified themes.

We have organised the data according to the sequence of events experienced by offending road users. Whilst this is logical and allows us to reflect on the contribution of different elements of the process from detection to completion of the intervention and beyond, we appreciate that there is a stage earlier than the 'police stop' that we have alluded to earlier, but do not begin with that in what follows. The issue of general deterrence recommends a focus on the road user before they go to pick up their phone, or (ideally) decide not to, and this issue of the general public's understanding of what happens to them if they get caught has clearly influenced policy and practice as we have explored above. However, that stage of the process was not explicitly enquired into as part of the interview.

3.1. Police officer discretion and entry into the criminal justice system

We begin our journey through the process with the views of police officers, as they are the gatekeepers making decisions about when and where to intervene, and who to bring into the criminal justice process. Indeed, police officers described opportunities to make such decisions and reflected on factors they deemed relevant to deciding whether an interaction with a driver would ensue and what the outcome of that interaction would likely be.

Rather than discussing a traffic stop with reference solely to the law and distinguishing between whether or not an offence has been committed, police officers more frequently reflected on the perceived seriousness of an action in relation to how they claimed they would respond to it:

> "In my opinion, if somebody is driving along and they've got their phone to their earhole and there's not been a great deal wrong with their driving, well that's different to somebody who's all over the lanes, not indicating, braking, accelerating, doing whatever, and they've got their phone strapped to their ear. You have to look at each individual case and think 'well this one needs to have points because the standard of driving has dropped so much', and I think each one has to be looked at on its own merits." Police officer Dan
> "I would probably look at, if they've got it in a proper holder, they've got it on loudspeaker and it's a one touch operation, I would probably not report them for an offence… So there is some grey areas in it but then it's obviously down to the officer then on the day to work out how serious it is or how serious it is not." Police officer Bob

Police officers described discretion as playing a key role in relation to who may be offered a course as an alternative to prosecution, as they must firstly be identified by a police officer committing an offence considered to be serious enough to warrant a 'stop' as an outcome. For those actions considered minor, even a course was considered by some police officers to be an unnecessary outcome and instead for a caution or word of advice to suffice.

Although some drivers contested the dangerousness of their actions, others did recognise the impact that their mobile phone use had upon their driver behaviour and claimed that the police were reasonable in making a decision to stop as a result of those actions:

> "When I got pulled, the police officer was actually following me for a minute before I even noticed he was flashing his lights so when he explained that to me, that made me feel even worse and I realised that actually I didn't have the observation, and everything I'd learnt previously in my lessons I'd literally just thrown out the window." Detected driver Michelle

As such, as well as police officers, drivers also reflected on the *impact* of their mobile phone distraction upon behaviour as relevant to police officer decisions to conduct a traffic stop rather than merely the technicality of 'the law'.

For a smaller number of police officers, the behaviour of those being engaged with *subsequent* to a stop was perceived to be relevant to the final outcome of that interaction:

> "It's all down to the officer's discretion how they deal with it, so on some occasions the verbal advice that you're giving someone, the verbal warning that you're giving someone then and there, you know that's hit home, erm, you know that's enough, so to speak, not to scare that person, but to educate that person to know that what they've done is incorrect, … and they will think about it twice before doing it again. Ultimately, if they do it again and they get caught again they will get the ticket, whereas others you feel sometimes you can talk to them and you can talk to them and talk to them until you are blue in the face but you know the message hasn't got home with them so sending them on that awareness course, if they're eligible for it, is the avenue you go down." Police officer John

[10] See Savigar (2019) for interview schedules.
[11] Before the decision was made to remove education as an alternative to prosecution for mobile phone while driving offences.

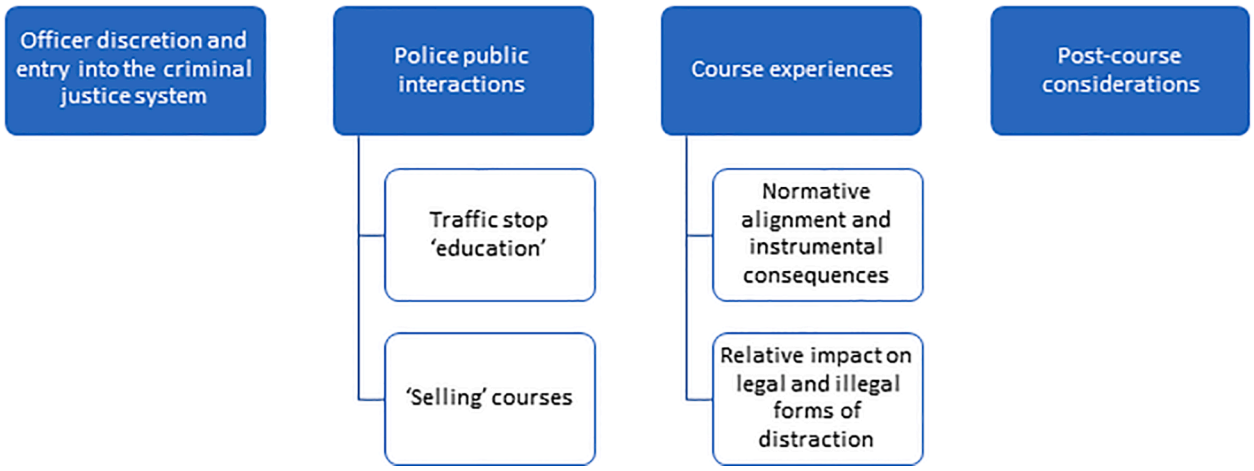

Fig. 1. Thematic structure of the analysis.

Police officer discretion was described by John as allowing officers to make a decision regarding the appropriateness of an outcome, not only in relation to the action in question but also to the driver's cooperation during an encounter. For those perceived to be respectful, cooperative and seemingly receptive to the information being received, a warning may be considered enough. However, for those noncompliant or unwilling to accept the information being relayed to them, escalation of outcome may be necessary. This account suggests that police officers indeed are the gatekeepers to courses offered as an alternative to prosecution, and that the treatment of police officers by members of the public informs subsequent outcomes for those individuals (Savigar-Shaw et al., 2021).

3.2. Police-public interactions

3.2.1. Traffic stop 'education'

Police officers making traffic stops also have a potential role in communicating normative messages about safety, though, as shown below, their focus is primarily on only the illegal version of distracted driving. Given the discussions above about the failings of current UK law, this is problematic. Whether or not the next stage of the offender's journey is a course or a fine and points, officers described this interaction as initially playing out in similar ways.

When talking about mobile phone use while driving, police officers were able to reflect on different experiences of identifying offending and responding via interaction with a driver. Actions such as holding a phone up to one's ear or out in front of oneself with a call on loudspeaker or to text, were described as overtly dangerous and problematic, and could not be ignored. Drivers also described such behaviours in these ways (Savigar, 2019). Police officers also, however, evidenced a lack of understanding of the cognitive risks posed by using a mobile phone, in whatever form, and even described having encouraged drivers to instead choose a handsfree alternative to 'avoid distraction[12]':

> "I would advise them either to get a proper Bluetooth headset, or get something in the car that would enable them to have it hardwired in the form of some sort of handsfree kit. I think … the tendency mid conversation would be to pick the phone up, and then obviously they commit the full offence and that's when distractions can occur." Police officer Bob

> "Well I stopped a tractor, coming back with Geoff from XXX the other day… a tractor driver who's got his hands-free on and he's got his phone in his hand, we sat behind him, he's got his phone in his hand and he's going like this on his phone [holds out his phone below his face], big glass cab, and I pulled him over, and I go to speak to him, and he says 'I was using my hands-free', well, you're still holding your phone. You know, he was like, 'yeah but I'm not talking on it'. I'm like, no, that's not the point [laughs]. It's not about the talking, it's about what you're doing, the holding it, pushing buttons, 'well how am I supposed to ring somebody then if I'm driving?' I'm like [pulls face] 'pull over maybe, if you got voice command, or something like that'." Police officer Tom

Given that the police role is enforcement-focused, it is unsurprising that (il)legal behaviours are of focus in police interactions with the public. Unfortunately, however, this focus on legality rather than safety, and seeming lack of awareness of the dangers of handsfree phone use by the police officer themselves, detracts from efforts to improve road safety as it can inadvertently encourage drivers to adopt equally risky but *legal* behaviours. Here, not only is an opportunity to normatively educate missed, but the wrong lesson is taught. Currently, a driver pulled over in similar circumstances will be punished via a fine and license points and will have no further opportunity for any educational input that could protect them from opting for the distracting handsfree alternative.

3.2.2. 'Selling' courses

For those drivers who were stopped while the option of a course was available, the interaction with the police officer took on a particular purpose, and the course was used to navigate what could be an awkward encounter:

> "In some ways they're almost grateful to you that you are offering that to them. They're quite, you know, they're thanking you that they're not having points, potentially not having points, by being offered a course, so most people are quite grateful I would say that it's an offer that's available to them so it probably, in some ways, makes for a better relationship with you and that person, certainly towards the end of that contact that you've had with them once, you know, that the course has been mentioned and it's been explained to them. They are normally reasonably positive when they go away, if that's possible, you know, you kind of spoken to them because they've sort of doing something wrong but when you part company they're almost grateful that that's the outcome." Police officer Thomas

Whilst the course (as we will argue later) is potentially a positive

[12] This was also a suggestion made by officers in the US who were surveyed about the enforcement of cell phone use laws and where "a large majority of officers also agreed that educating the public on how to use handsfree technology (78%) could help" (Rudisill and Zhu, 2021).

opportunity to influence a driver's future behaviour, this kind of 'sell' (Snow, 2015) potentially undermines the immediate potential for deterrence of this problematic behaviour. The anxious driver is, in these examples, reassured that they are not going to be punished for their actions:

> "I'll say to them then and there, 'have you ever been on a course for this? Have you ever had any points for this before?' …If they turn around and say 'no, never been on the course, never got points for it', then I'll say 'ok, let me do the necessary checks but if what you're saying is true I'll write up a quick traffic form out for you, I'll recommend on the back of it for you that you get the course, save you getting the points', because at the end of the day no one wants 3 points because its gonna increase their insurance fees. You tend to get a good reception then, you tend to get 'thank you very much, very kind of you, much appreciated'." Police officer John

While this potentially has the benefit of encouraging drivers to accept the opportunity of the course, it is unhelpful in terms of the wider image of courses – something which plays back into the earlier discussion about the general deterrence effect (or lack of it) of the general public's knowledge of the consequences of handheld phone use. Of course, it is possible that police officers are encouraged to pull over *more* drivers using their phones *because* they know that they can offer a course and therefore that the interaction can be negotiated without as much potential for resistance or animosity. This would mean more distracted drivers engaged with the criminal justice system and had the chance to receive a normative input.

However, knowing a course is on offer might (and according to government interpretations) make drivers more likely to engage in the behaviour in the first place because a course is not seen as a threat to be avoided. Indeed, when employees were asked about the use of the course as an alternative to prosecution, remarks were made in relation to the course being perceived as an 'easy out':

> "People will see it as an easy way out at first, they will see it as, I don't have to get the fine, I don't have to get the points, or I don't have to get both, and therefore I can fall asleep for the next two hours, ignore it, go out and do the same problem. Erm, and that's one of those things that people at first will assume, it's the easy option." Employee Carl

In some cases, detected drivers did talk about the course as being sold to them as an opportunity for awareness-raising rather than a form of punishment for offending, although this was still in the context of it being 'less bad' than a real punishment. This was their 'lucky day':

> "He said they weren't, they weren't looking to charge anybody, they were basically just offering anybody that they caught the opportunity to go on the course to kind of raise driver awareness. Overall, as experiences of being nicked can be [laughs], he was a very polite chap… made me feel, right from the kick-off he made it clear that I was being done for it but it was a, more of a… more of an awareness thing rather than trying to penalise you for it." Detected driver Mark

Drivers described their interaction with police officers as positive, and sometimes even as something of a 'let-off', when they were informed of the option of a course. At this stage of the process the use of courses as an alternative to prosecution seem not to be emphasised in terms that relate to *either* punishment or education but simply as a means of avoiding the punitive outcome of a fine and points – for what they are not rather than what they can offer.

From a contrasting perspective, however, some police officers described the course in more punitive ways, focusing on the deprivation of liberty (or at least the obligation to do something you didn't necessarily want to do) associated with a requirement to spend two hours in a room with other drivers, receiving an intervention. This was not described as a way of 'selling' the course to drivers to encourage them to attend but as a way of 'selling' the course to those considering, or indeed questioning, its value as a punitive measure. Whilst a fine and points could be absorbed relatively painlessly for those with plentiful resources, time, perhaps, had more meaning:

> "Money only hits people who haven't got money. Erm, you know, points on your license only hits those people, to me, probably not as important as a salesman who's reliant on their car to get out and about. …. For me, people's time is a currency that we've all got, you know what I, everybody kind of works on the currency of time, it doesn't matter who you are, it doesn't matter what social standing you are, you're taking my time. Whether I spend that time committing crime, taking drugs, playing football, whatever it is, that time has a value to me and you take that away from them by giving them this, kind of, alternative sanction." Police officer Tom

For Tom, the time cost of attendance was viewed as a positive thing over and above any learning that might occur, implying that a punitive experience of some sort was seen as appropriate in combination with education. This *cost* was described in a way that allows the course to be considered in instrumental deterrence terms, as well as the normative guidance offered through the information in the course itself. It is logical that time may be considered an instrumental cost given the relationship we have with time in contemporary society – generally one of not having enough time to do everything that we want/need to (Rosa, 2013; Wells & Savigar, 2019).

3.3. Course experiences

3.3.1. Normative alignment and instrumental consequences

Following referral from a police officer, drivers would be invited to book onto a course at a time and place convenient for them. This 'invitation' further implies a parting of ways from the punitive aspects of a criminal justice process experience. Whilst the driver may emerge from their initial roadside encounter with the police feeling as though they have had a lucky escape from punishment, course attendees described the course as being able to replace that feeling with others that struck a more normative chord.

Learning described by course attendees included a greater understanding of police work, described as a 'realisation' of why the police dedicate time and resources to policing the roads:

> "You realise that you probably are an irritation and I suppose, I suppose it's like a doctor treating a patient and he finds that he's done all this for them and they're smoking, drinking and not living a healthy lifestyle. I suppose that's the same thing because all your work is almost worthless isn't it. With the police I suppose they're saying I'm having to go and pick people up off the roads and, you know what I mean, there's no need for it." Detected driver Kevin
>
> "I didn't realise, fire people put out fires and police, you know, they chase baddies… but from what he was telling us, when there's an accident he's always the first on the scene to do what he does, pinpoint where it happened and exactly what had happened before the body can be moved, and I didn't even think of things like that, you know, you just don't think about these things, you're not aware of them." Employee Lucy

As such, the course provided the opportunity for drivers to see their actions as part of a wider problem, rather than as a singular, personal event. Interestingly, this was not a message that attendees reported getting from their roadside encounter with police officers. Officers who had themselves attended the course as part of a training exercise concurred with this, emphasising that courses offer an opportunity to explain why they do what they do, and why it is important:

> "It shows we're not just out there to put points on their license and take fines off them, we're there for a reason, we're there for public safety, and that is a big impact and a big part of X Course, just to try, and I know its hard-hitting, but just to try and show drivers that if

they are using their phone, this is what can happen and it has such a big impact on everybody around." Police officer Frank

This accords with a normative alignment to, and identification with, the police as authority figures, which is a key factor for generating normative compliance with the law (Bradford et al., 2015), and may explain quantitative findings that public perceptions of police fairness increased following attendance at this course (Savigar, 2019). Procedurally fair experiences of law enforcement (Bates et al., 2016), perceptions of authorities as legitimate (Tyler, 2011), and identifying with the police as authority figures (Bradford et al., 2015) are seen to be key to developing normative compliance with the law. In this sense, courses and experiences of them were described in ways that aligned closely with normative behavioural choices on the roads, rather than simply instrumental.

Other comments suggested that not only was the course a way of influencing relationships with the police, and therefore a normative guide to behaviour, but that in the type of information presented it also illustrated an instrumental risk through a perceived risk to personal safety:

"If money's a way of hurting people then obviously that's the right way to go but if education, if people actually don't know what the consequences are of using their phone then X Course is the right way to go for that person. I don't think it's for everyone. I think some people do need points and do need to be hit hard in the pocket… if you get hit hard in the pocket then you won't do it again because you don't want the £100 fine and the 3 points, whereas if you go to X Course you don't want the stories that have been told to happen to you. They both work in different ways for different people, because everyone is different." Employee Chris

Where penalty points may increase the perceived instrumental risk to one's driving license and the implications of that, and penalty fines may form a financial risk, Chris suggested that courses may enhance perceived risk of harm by increasing knowledge, awareness and salience of that as a possible outcome. Of course, this is dependent upon the type of course and information presented within it, but Chris suggests the possibility that both penalties and fear may work as instrumental deterrence.

3.3.2. Relative impact on legal and illegal forms of distraction

The intention of courses that combine information about penalties and education about harm, such as the one featured here, is presumably to deter drivers from using their phones in future. As such, the impact of courses on knowledge, attitude and self-reported behaviour is crucial. Most course attendees described some aspect of behaviour change, whether they were attending the course as an alternative to prosecution or as part of their employment:

"I'm definitely not using my phone now, whereas before it would still always be next to me because when I leave work it would be in my coat pocket, whereas now when I leave work I used to put it on normal ringer, if I leave work it stays on silent until I get to wherever I'm going to, like the school pick up or whatever, or otherwise in the back in my bag, so I feel like, they might be little changes, but for myself I think they're quite big changes." Employee Lucy

A distinct element of the course itself, course attendees also referred specifically to changes in hands-free mobile phone use – something that would not (on current evidence, as presented in the introduction) form the basis of a discussion with a police officer at the roadside because it is not illegal. Course attendance was able to inform drivers of those associated risks not covered by law, suggesting that it would have a greater overall effect on the reduction of distracted driving caused by phone use than punitive responses that problematise only handheld use:

"I had really thought, ok I understand why it's dangerous to actually hold a mobile phone to your face, that's quite obvious because you can't control the car as well as you can with two hands, so that was obvious, but I thought using my hands free kit was pretty safe really and the course made you aware of the fact that you are still taking your attention away from what you are doing, you are still not fully concentrating on the road, you miss road signs and things if you are chatting away while you're driving, even if you are on a hands-free" Employee Debbie.

Although drivers described becoming increasingly aware of the risks associated with hands-free phone use while driving following course attendance, subsequent hands-free behaviours were more frequently reported as minimised than ceased entirely:

"I've limited my hands-free use to only important calls to do with my destination basically, to tell them I won't be there on time and if I've had an opportunity to pull over I've done that instead rather than use the hands free". Detected driver Debbie

"I've made much fewer calls using my hands free than I had before. I used to use it as, you know, if I've got 2 h to drive to a meeting that's a good time to phone my mum because it will save me some time, that kind of thing, and I cut down on that a lot and thought actually I shouldn't really be on the phone at all, unless it's an important call, so I've really only made important calls using a hands free kit since the course and only then brief, you know, I'm going to be 10 min late or that kind of thing, rather than phoning people using a hands-free kit to chat, I haven't done that since the course." Detected driver Jean

Whilst recognising learning from the course in relation to broader distractions, drivers were able to continue to draw upon legality as a justification for behavioural choices where the law did not align well with what they had learned in relation to driver distraction. This remains problematic even when simply a response to 'important' calls, given that those are precisely the calls which are likely to require cognitive demand and therefore be even more distracting (Dula et al., 2011). This suggests that, alone, normative messaging is not as effective as the combined effect of normative messaging and instrumental concerns – the legal and dangerous behaviour is still less deterred than the illegal and dangerous behaviour.

3.4. Post-course considerations

Following their completion of the course, attendees were invited to reflect on it as an option in response to mobile phone use. These reflections are interesting given the importance of 'public opinion' in the decision to end the use of courses, and the imagined messaging that the availability of diversion courses sends out.

Despite plentiful support for courses in relation to mobile phone use while driving, both as an alternative to prosecution and more general method of education, interviewees were specific about those that they perceived to be 'suitable' recipients of this course when used as an alternative to prosecution. In some ways, then, these post-course reflections mirror the way in which police officers talked about discretion in their choice of who to notice, and who to ignore, who to prosecute, and who to divert.

This approach was primarily deemed suitable for those considered first time offenders[13], who 'deserved' an opportunity to learn and/or for those whose offence was considered to be not 'too serious':

"There's got to be a bit of a limit to the seriousness of the offence, so if you've got caught doing 33 or 35 in a 30 or 45 in a 40 or 65 in a 60, I think that's fine, I think the course is an alternative to that, or

[13] Again, we urge caution in the use of terms like 'first time offender'. These individuals are unlikely to have been caught the first time they ever used their phone, but the phrase 'first time detected' requires explanation and was not the phraseology used by participants.

maybe committing a minor traffic offence where you've shown some, you've held your hands up and said I'm sorry, I was distracted, I'd rather not get the points because of my insurance, I think that would be fine, I think if it goes up much more serious than that, I don't think it should be an alternative" Employee James

This suggests that, for some, the deliberateness of an offence is a relevant factor and is in line with previous research (Wells, 2012). Seemingly, anything other than a strong message about unacceptability was seen, by James, as being inappropriate – with a punitive response seen as the priority rather than the need to educate the more dangerous offender. In this sense, James echoes the government's approach which ultimately saw the withdrawal of the course under discussion here.

Only under certain circumstances, then, were courses viewed as an appropriate alternative to prosecution. For example, it was not deemed appropriate for repeat offenders who, presumably, had been given a chance to learn (through punishment) and had not taken it, so were not deemed worthy of anything other than more punishment subsequently (despite it having failed to reform them previously):

"Certainly for a first time offender, 100% I would have no hesitation in saying if you have never been on one of these courses before, for goodness sake, go and do it." Employee John

"If I was caught again, I mean I hope and pray I'm going to be really sensible and I'm never going to do anything again, but if I was, I personally, and I'm being really honest because this isn't what I would like, but this is what I think should happen. I think it should be said you've done the X Course, if that didn't speak to you, you jolly well get the points and the big fine because once you've done that I don't see, you know, you're really, really daft if you do it again." Detected driver Jean

In talking about who is 'deserving' of courses as an alternative to prosecution, some course attendees reflected on behaviours seemingly worse than their own, suggesting that such a course should be for 'people like me' - respectable, 'law-abiding' people who have committed a minor offence and not yet been given an opportunity to learn from that (Wells and Wills, 2009).

For several interviewees attending a course as part of their employment, courses were described as a necessary *addition* to other financial and point-based penalties, with some kind of condemnation still being seen as an important feature of the outcome:

"I think there should still be some penalty, you're still committing a crime, but actually be aware of what the consequences are rather than just having a fine or points on your license." Employee Linda

"It might have more of an effect, if they had to do the course as well as get a fine and points on their license, that would potentially be, erm, you know, more of an impact on more people I think." Employee Jane

Despite interviewees also describing penalty points as less likely to generate attitudinal and behaviour change than courses, for some a course was not a significant enough punishment that would 'impact' on enough people. This suggests that both a punitive and rehabilitative element is deemed appropriate for an offence of this type, combining instrumental and normative approaches to changing behaviour.

The normative element, whilst seen as likely to have the desired effect, was sometimes seen as part of a driver's appropriate training, rather than as an appropriate response to offending:

"You shouldn't have to go on these courses just because you've done wrong, I think it should be something that everybody should go on." Employee Andy

This was emphasised by course presenters who frequently mentioned the importance of targeting 'non-offenders', or at least those not experiencing delivery in relation to offending, through work with schools and employers rather than waiting until offending had necessarily taken place:

"In an ideal world, prevention has got to be better than cure." Presenter Rose

"That's crime prevention that, that's preventing… and it's huge because everything's about prevention, and the corporate work is the only way we can get to so many people." Presenter Jane

As such, opportunities for education were described as being appropriate for a range of people and in a range of circumstances, not simply as an alternative to prosecution. However, where they are a response to serious or prolific offenders, or sometimes even simply 'offenders', that was described as being beneficial *in conjunction with* an additional punitive measure.

4. Discussion

This research aimed to explore perceptions of mobile phone use while driving and methods of attempting to reduce the behaviour, with a core focus on educational courses, using qualitative analyses of interviews with those involved in the process in various capacities. Given increased self-reported phone use by drivers (RAC, 2020) combined with reduced roads policing personnel (HMICFRS, 2020; PACTS, 2020), alternative approaches to address mobile phone use by drivers could play an important role in improving road safety. Furthermore, given that the law (and hence the penalties for offending) relates to only one form of distracted driving in the UK (and there are no indications of any planned change), alternative methods for actually tackling the entirety of the mobile phone distraction problem warrant serious consideration.

The core themes that emerged from this research meaningfully address several of the issues identified with the current approach to dealing with mobile phone using drivers. While an instrumental focus based on financial and license penalties lacks the nuanced contribution of normative approaches, both those delivering the course and those receiving it nevertheless focused on the lack of punitiveness associated with courses as an area of concern. Findings highlight the need for careful consideration of both who is 'deserving' of courses and how punishing a course can or should be. However, rather than dismissing the value of courses, interviewees highlighted the additional value that the interaction afforded, including increased understanding of the roads policing agenda and motivation, and the impact of individual behaviour on both handheld and handsfree phone distraction. The analysis further highlights how courses may contribute to potential future behaviour change in these contexts. While this does not equate to evidence of courses resulting in behaviour change, it demonstrates the additional potential value of normative approaches, above and beyond currently favoured instrumental approaches, where little or no information on why phone use is problematic is provided.

4.1. Opportunities and implications for roads policing

The analysis highlights that courses have value on a number of fronts, but are not without issue. Perhaps less than ideally, police officers felt that it gave them a suitable alternative option for drivers who they did not consider deserved the full sanction of a fine and points, whilst also appreciating the value of a course as a way of negotiating an encounter with a driver. To maintain the neutrality associated with procedurally just policing (Tyler, 1990), it is important that such discretion is applied evenly and fairly rather than in accordance with perceived co-operation and deservingness or simply to those who pass the 'attitude test' (Savigar-Shaw et al., 2021). This may be facilitated through police officer training relating to appropriate use of discretion, specifically as it concerns *driving* behaviour rather than subsequent behaviour in interactions with police officers. Furthermore, to avoid distributive unfairness, educational provision should be consistent across force areas rather than simply offered in a single area. Drivers, of course, are an offending group most likely to become aware of

inconsistency in policing responses by virtue of their travel between force areas. These notions of procedural and distributive fairness align with the importance of police legitimacy more broadly and are important considerations internationally, not simply in the UK (Jackson et al., 2012; Bates et al., 2016).

The interviews with police officers also revealed that there is a need for police personnel to receive education about the risks of handsfree use, so that their roadside encounters can contribute positively to driver understanding and future behaviours, rather than encourage legal but unsafe alternative forms of distraction. This is an important implication for roads policing within and beyond the UK context. Of course, a fully automated system of detecting mobile phone offenders would completely remove any potential for discretion and roadside education/communication. However, even with automated systems, opportunities for traffic stops would remain and therefore these are important considerations.

4.2. Opportunities and implications for driver courses

The course itself was understood as being a valuable source of information about the wider risks associated with distraction and actions that are not specifically outlawed but continue to be problematic for road safety. This is key given that most countries that legislate against handheld mobile phone use still allow handsfree (World Health Organization, 2018), despite its evident road risk (Shaaban et al., 2020), and therefore has relevance outside of the UK context. Highlighting these risks is a way of mitigating against the possibility that drivers will instead turn to a legal, rather than illegal, form of distraction therefore displacing rather than removing road risk. The course was also tied to broader benefits to police-public relations; offering opportunities to explain different points of relevance to the offence (or even beyond the initial offence) through various delivery methods; information approaches informing drivers of the police role and fear appeals relating to collision scenes were described in ways that improved driver understanding of *why* roads are policed and gave value to police work in that area[14].

Unfortunately, offending drivers have to be identified as committing an offence of using a mobile phone while driving for that offer to be made and these possible outcomes to be experienced. The connection between offending and courses means that many distracted drivers do not get the opportunity to receive education about the dangerousness of their actions. This points to the need for courses/education to be offered in other formats too, as it was to employees within this research. However, this then problematises the offer of courses as a criminal justice disposal – offenders and nonoffenders alike may receive the same outcome, and that might further reduce the perceived punitiveness of a course, which was one of the reasons they were abandoned in the UK (DfT, 2016b). This is also an important consideration for international governments where decisions are made regarding whether or not to offer education, and in which format.

4.3. Opportunities and implications for punitiveness

Indeed, the analysis points to a complicated question of whether courses should or even can be used as a tool for 'punishment'. Despite widespread agreement that it can create, or even anecdotally has created, behavioural change for participants, there was generally an expressed desire for harsher punishment for mobile phone using drivers than courses allow. This is in line with the UK government's view in 2017 – that education is not appropriate given the severity of the action (DfT, 2016a; 2016b). However, there was no suggestion from participants that courses should not be offered, but that it was inadequate for those who do not 'deserve' the 'soft option' that education is perceived to be, namely those who have already been given an opportunity to learn from courses. This is consistent with previous findings that drivers perceive their own offending as less serious than that of other drivers (Orr et al., 2013) and extends it to suggest that other drivers are deserving of harsher punishments.

As a compromise, the combination of courses with other means of punishment was suggested, as this appeared to satisfy a need for retribution, deterrence, and prevention. This raises the possibility of hybrid sanctions with elements of the instrumental and the normative, to satisfy an apparent need for a strong deterrent message in a way that offers more potential for behaviour change. Although this concerns the perceived *appropriateness* of different responses, it also tallies with research findings identifying such a combination is related to the *effectiveness* of drink-driving interventions where licence actions combined with education led to reduced recidivism (Watson, 1998; Wells-Parker et al., 1995; DeYoung, 1997), and the NPCC (2016) contention that mobile phone use is best tackled via a balance of enforcement and education. A hybrid sanction would be better positioned to combine instrumental and normative efforts to deter mobile phone use. Having said that, this research highlighted the possibility of courses alone to offer both instrumental and normative deterrence.

4.4. Limitations and future research

This research is not without its limitations. Primarily, the course of focus was not a nationally delivered course but instead a single course offered in one English County. This course adopted a different educational approach to national courses and therefore some of the described benefits of enhancing understanding of the police role and wider distraction risks may not apply to alternative courses. In addition, given that this research was conducted prior to the increase in penalties for mobile phone use while driving in the UK, more research is now needed to understand public perceptions of methods of tackling driver phone use, both within and outside of the UK. Furthermore, future research would benefit from qualitative exploration, through observational methods, of the processes through which driver courses are offered as an alternative to prosecution at the roadside. This is needed to further understand how police officer discretion is used in roads policing and therefore how those who attend driver courses come to do so. This is important given the possible limitations of the interview method employed here, combined with the relatively small sample size, making it challenging to generalise and apply findings to wider groups. Further research is likewise needed in regard to ongoing evaluation of offender education – specifically on mobile phone use, rather than courses for other driving offences - not least to confirm and extend the findings of this investigation via different methods, and to further understand the experiences of different types of target groups of course attendees.

5. Conclusion

This research has suggested that courses may be a meaningful tool for enhancing driver understanding of the issues surrounding both illegal, and wider, road user behaviours in a way that instrumental strategies cannot. They offer opportunities for normative alignment with safe behaviours, rather than merely the law, via explanation and visual representation of police work and risky driving outcomes. Both of these factors are of considerable importance given that individuals are generally more likely to be motivated to comply by normative alignment (Bradford et al., 2015) and that handsfree phone use is simply a legal, but equally dangerous, form of driver distraction (Dingus et al., 2016). Decisions to remove courses as an alternative to prosecution should therefore not be taken lightly. Their removal in the UK is situated within a wider public discourse that appears to consider courses unsuitable for certain populations of drivers given the view that they offer punishment avoidance rather than punishment. The government's decision to focus

[14] See Savigar (2019) for consideration of how this relates to'effectiveness' of this courses in relation to attitudinal and behavioural change.

on punitive, instrumental, approaches blocked the option for normative approaches which could aid in (future) prevention of mobile phone offending. However, the current response, combined with subsequent reductions in roads policing capability (essential for achieving the punishment and deterrence they claim is essential) appears to have been ineffectual. As further increases to fines/penalty points have since been ruled out (Transport Select Committee, 2019), it seems a new approach is needed to address this significant road safety problem.

Given the complications with using courses as an alternative to prosecution, despite their apparent benefits, including them as an *addition to* instrumental penalties could satisfy punitive desires in response to mobile phone use while driving. Incorporating educational courses into employment (for example) could help efforts to achieve normative compliance with the law more broadly, and contribute to a reduction in distracted driving (in all its forms) more effectively.

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CRediT authorship contribution statement

Leanne Savigar-Shaw: Data curation, Formal analysis, Investigation, Methodology, Project administration, Resources, Validation, Visualization. **Helen Wells:** Formal analysis, Funding acquisition, Supervision, Visualization. **Gemma Briggs:** Formal analysis, Visualization.

Declaration of Competing Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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