The Big Read: Help or hindrance?
There's a downside to posting clips of traffic incidents

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SINCE his colleagues introduced him to online pages featuring traffic accidents, near-misses, inconsiderate drivers and such, Mr Toh — who did not want his full name used — has submitted more than 10 video clips culled from his dashcam to Singapore Reckless Drivers Community, Roads.sg, and Beh Chia Lor — Singapore Road.

Last month, he submitted his latest clip, which showed a motorist cutting across lanes to make a turn.

Mr Toh, who has 15 years' driving experience, said he made a habit of submitting his clips because he wanted to warn motorists about the dangers on the roads.

He is among a sizeable group of motorists here who helped propel the popularity of pages that feature user-submitted video footage of indiscretions — both major and minor — on Singapore roads.

Mr Marc Lim, who founded Singapore Reckless Drivers Community — with a following of more than 113,000 on Facebook — said he wanted to "spread road awareness faster in Singapore and make sure motorists know what is happening on our roads".

"We believe that if footage we post can help save a driver's or rider's life on the road, we are helping his family and friends as well," he added.

Roads.sg, which has more than 110,000 followers, expressed similar sentiments. Besides showcasing bad driving habits, "people should come forward with footage as it can help when there is a hit and run", the people running the site said.

As in-car cameras become ubiquitous — thanks in no small part to falling prices — clip submissions have grown in tandem. Mr Lee, the founder of Singapore Reckless Drivers Community, gets 10 to 15 submissions a day now, compared to between two and five submissions daily when it launched in 2011.

Traffic Police Commander Sam Tee also said it has seen an increase in the number of traffic violation reports lodged by members of the public accompanied with video recordings.

Violation reports sent to the Traffic Police via its e-feedback platform — started in March 2014, and allowing users the option to attach images or videos to submissions — rose from 3,500 that year to about 4,700 in 2015.

In fact, so common are in-car cameras that the police have tapped them for their crime-busting efforts.

In 2015, Bedok Police Division launched a project where in-car cameras act as extra “eyes” in the community to deter and solve crimes, such as vehicle theft and theft from vehicles. The project, called “Vehicles on Watch”, involved around 760 vehicle owners, and spanned 56 carparks in the eastern regions such as Bedok, Tampines, and Geylang.

For the most part, those who submit their clips to online sites are motivated by good intentions, and want to publicise bad behaviour or call for eyewitnesses, for example. Some, however, see it as a tool to seek justice on social media by shaming the guilty.

Mr Nicholas Aw, a partner at Clifford Law, said one positive outcome of the uploading of footage online is that “some people become more aware of anti-social behaviour on the roads, and they will want to ... assist those who have been wronged”.

The Traffic Police, which looks into incidents of traffic violations that get posted on social media, stressed the utility of the community acting as its extra boots on the ground.

“Witnesses of such violations are strongly encouraged to come forward to lodge a police report, to assist ... with investigations,” it said.

“As police resources cannot be everywhere all the time, the community serves as additional eyes on the roads. Video submissions of traffic violations by members of public are helpful to the Police as they may provide critical information that can aid in investigations.”

But while dashcam footage can help in dealing with transgressions on the roads, such acts of vigilantism carry other risks, and may have more sinister consequences too.

For one, trying to deter bad behaviour on the roads via the threat of shaming says something about the state of our society, sociologists say. And even if such footage brings violations to light, they might not necessarily be a help in delivering justice, lawyers add.

Irrefutable Evidence or an Incomplete Picture?

Recently, footage of a squabble between the drivers of a BMW and a Chevrolet on the Pan-Island Expressway that was circulated on social media saw public opinion swinging from one extreme to another, highlighting the pitfalls of dashcam vigilantism.

The BMW driver uploaded a clip first, showing him being confronted by the other driver for purportedly not giving way. A barrage of criticism was directed against the BMW driver as a result.

But when the Chevrolet driver uploaded his dashcam footage, netizens turned their vitriol on him instead, lambasting him for driving dangerously by overtaking on the road shoulder, then jamming his brakes in front of the BMW.

This, say lawyers, illustrates how dashcam footage only tells part of the story, and could complicate or even prejudice any legal proceedings — civil or criminal — that may have been started.

Dashcam footage, including that posted on social media, is admissible under Singapore's legal system.

"Being shown to the public prior does not affect the admissibility of the evidence in Court," said Ms Gloria James, lead lawyer at GJC Law.

This is unlike the case in Germany, where videos recorded on dashcams cannot be used in criminal or civil cases. Individuals in Germany are protected under the Constitution from having their personal data collected, stored, used and disclosed.

But here, the court must first be satisfied that the footage has not been doctored, said Mr Lionel Tan from Rajah & Tann.

Mr Raphael Louis from Ray Louis Law Corporation said that in a criminal case, footage of an incident that is posted on social media could end up tainting eyewitnesses' memories of what had happened. Their testimony could thus wind up being coloured by comments that they might have read online, he added.

Another possible way dashcam footage could affect criminal proceedings is when these are uploaded online after a case has started. Public speculation on what might have happened could constitute sub-judice, an offence under the laws here.

In civil claims, the picture is relatively more straightforward.

Mr Peh Chee Keong, vice-president, motor insurance, at NTUC Income said: "Dashcam footage often provides irrefutable evidence of what actually happened during an accident, and hence gives insurers a better indication of liability of the parties involved.

"A better sense of liability makes it easier for insurers to determine compensation. Dashcam footage, therefore, has the potential to minimise disputes and allows insurers to settle claims quicker and more amicably."

AIG Asia Pacific Insurance's head of auto insurance, Manik Bucha, noted that there has been an increase in the number of claims submitted that is accompanied by video footage. In 2014, AIG Singapore had 217 such claims. By 2016, that figure more than doubled to 500.

An indication of how dashcam footage helps insurers is the fact that some offer "sweeteners" to those who install the cameras. AIG, for example, deducts S$1,000 from accident repair excess for motorists who provide footage from their in-car cameras and whose policies take effect between Nov 1, 2016 and Oct 31 this year.

Nonetheless, videos are not fail-safe. A spokesperson for AXA Insurance said that when the resolution of the footage is too low, or does not fully capture the incident, it might not be of much help in settling claims.

Flouting Others' Privacy?

The lack of privacy laws in Singapore is another reason for the growing number of clips being posted — there is nothing holding motorists back from uploading the dashcam footage they have, opening the door to the naming and shaming of errant motorists.

It is this practice of naming and shaming that is a cornerstone of success for platforms like Beh Chia Lor – Singapore Road.

Roads.sg, for instance, has a section on its homepage called "Community consensus", where visitors can express their thoughts on a showcased incident, through a poll featuring options such as "all at fault", "subject in video (at) fault)" and "speeding too fast", among others.

It even started a scheme at the turn of the year (2017) to give out tiered cash incentives for submissions that go viral.

Singapore Reckless Drivers Community's Mr Lee, however, said: "People should come forward with footage not because they are frustrated with some drivers they have encountered, but to share experiences and educate others (on) the good and bad about driving or riding in Singapore."

Mr Tan from Rajah & Tann said that while some personal data, such as faces, or voices, might be captured, the Personal Data Protection Act would not apply since the incident had occurred in a public place.

"If, however, the footage captured images or activities of persons that may be in a private place, then the PDPA regulations (particularly on obtaining consent) may apply," he added.

But Ms James said there are specific situations where uploading video footage could get an individual in trouble — for instance, if the footage contains private and confidential information, or if it outrages the modesty of those captured.

"If any computer hacking is involved, then this may also fall foul of the Computer Misuse and Cybersecurity Act," she added.

The Failings of Public Opinion

Commenting on the appeal of uploading such footage on social media, Dr Carol Soon, senior research fellow at the Institute of Policy Studies (IPS), said: "People do so to share their personal experiences, and derive social support and empathy from others. These are primal motivations that drive social-media usage."

Agreeing, Associate Professor Tan Ern Ser, a sociologist at the National University of Singapore (NUS), said the act of doing so "is a manifestation of people feeling offended or unfairly treated by the action of another person, and they would therefore want their case to be made known to a court of public opinion as a way of seeking support and a form of redress".

Dr Kang Soon-Hock from SIM University added: “The uploading of these videos onto social media platforms turns readers of such incidents into ‘instant witnesses’. The result of this is the reaction from readers, which often comes in the form of negative, and in extreme cases, offensive, comments.

“For the aggrieved parties, the appeal of such action is the ability to air their grievances rather than suffer in silence. There also seems to be an attempt to ensure that justice is served, for example, on the errant driver in the case of reckless driving,” said Dr Kang.

But the rush to pass judgment in the court of public opinion is something potentially dangerous, sociologists say.

Asst Prof Sam Han of Nanyang Technological University (NTU) said one reason for the reaction such footage gets online — of people jumping to conclusions — is its visual element.

“The visual ‘evidence’ makes it seem like the ‘perpetrator’ is clear but that is not always the case, especially in traffic incidents, with so many moving parts,” he added.

Assoc Prof Tan of NUS added: “The vigilantes and their audiences may be too quick to judge, without knowing the full facts, given a tendency to act on the basis of partial information, and an inclination towards self-righteousness, manifested as ‘righteous’ anger.”

Prof Ang Peng Hwa from NTU agreed, adding that “premature judging can be erroneous when it may not have taken into account extraneous facts”.

For example, a car that is weaving in and out of traffic may have some mechanical fault or may be driven by a doctor rushing to a medical emergency, he said. “There are too many variables to be accounted for.”

He added: “The danger of vigilantism is that there is a danger of going too far — breaking the law — without being aware of it. Yes, there may be good intentions, but because publicising the wrong person poses its own set of problems to that person, there are rules and codes around such activities.”

But more than not being able to see the full picture of what happened, sociologists also say users uploading the clips need to be cognisant of their impact.

Asst Prof Han noted that such clips are also becoming sources of entertainment. “To treat them and their suffering or misfortune as entertainment speaks quite poorly of our capacity for empathy and compassion. Misery does love company, but that turns quite ill-spirited when it becomes occasion for collective schadenfreude,” he said.