


FLORIDA HIGHWAY PATROL POLICY MANUAL

	SUBJECT	POLICY NUMBER
	WIRELESS VOICE/DATA COMMUNICATIONS	7.10
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7.10.01 PURPOSE

To establish policy and procedures for members of the Florida Highway Patrol regarding the use of wireless voice/data communications devices which are either Department or personally owned. While several policies exist which deal with Department owned wireless voice/data communications devices, the primary purpose of this policy is to address those issues which are not already addressed in those policies.

7.10.02 AUTHORITY

DHSMV Policy #10.11 – Communication Equipment and Services Acquisition and Use

7.10.03 POLICY

Safety is our first priority to our members. Prohibitions to certain activities dealing with wireless voice/data communication devices have been placed in this policy as a result of established best practices gathered from law enforcement agencies from around the country.

It is the policy of the Florida Highway Patrol to permit the use of wireless voice/data communication devices. While it is understood that the authority to carry a personal cellular telephone or other wireless voice/data communications device on-duty or during work related functions is a convenience, anyone choosing to carry one of these devices must comply with the stipulations set forth in this policy. Violations could result in the loss of this convenience and/or disciplinary action.

If an emergency or exigent circumstance exists, (i.e. inability to contact the RCCs via 800 MHz radio), members are asked to utilize a safe and common sense approach to these instances while utilizing wireless voice/data communication devices. Again, safety is the primary issue.

7.10.04 DEFINITIONS

- A. **TEXT MESSAGING/TEXTING** – For the purpose of this policy, the term “text messaging” or “texting” means reading from or entering data into any handheld or other electronic device, including for the purpose of Short Message Service (SMS) texting or Multimedia Message Service (MMS) texting, e-mailing, instant messaging, obtaining visually assisted navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

- B. **USE** – For the purpose of this policy, the term “Use” means talking on or listening to a wireless telephone, or engaging the wireless device for text messaging, email or other similar forms of manual data entry or transmission. The term “Use” also includes taking photographs, accessing the Internet, reading messages or data files, and any other utilization of the device.
- C. **WIRELESS VOICE/DATA COMMUNICATIONS DEVICE** – Any device capable of transmitting and receiving voice or data communications without plugging into a wired land-based phone network. For the purpose of this policy such equipment will include, but not be limited to the following:
 - 1. Pagers;
 - 2. PDAs (Personal Digital Assistants);
 - 3. Cellular telephones;
 - 4. Certain real-time Navigational systems;
 - 5. Smartphones and devices for voice/and or data, such as Blackberry or iPhone;
 - 6. Mobile Data Computers (MDCs); and
 - 7. Wireless air cards

7.10.05 RESPONSIBILITIES

It is the responsibility of each member of the Florida Highway Patrol to be familiar with, and adhere to, established FHP and DHSMV policies that deal with computers, telephones and other wireless/voice data devices.

7.10.06 PROCEDURES

Unless otherwise noted and/or exceptions are permitted by policy, the following procedures and regulations shall apply to both personally owned and Department issued cellular telephones or wireless voice/data communication devices.

- A. The telephone numbers of cellular telephones and pagers shall be recorded at the member’s Regional Communication Center in the event contact is needed. Members shall provide the initial information and provide updated information in the event of any changes.
- B. Members may carry a cellular telephone or other wireless voice/data communications device purchased at their expense or issued by the Department.
 - 1. Cellular telephones or other wireless voice/data communications devices and accessories shall not be permanently affixed to a patrol vehicle or other assigned vehicle; however, the antenna may be attached to the window glass with adhesive or by magnetic mount.

2. Members wishing to attach personally owned hands-free accessories or an antenna to their assigned vehicles shall do so in accordance with guidelines established by the FHP Chief Technology Officer or his/her designee.
- C. Cellular and other wireless devices shall be silenced during meetings, official proceedings, training sessions, and where requested by signs or verbal instruction.
- D. The vehicular use of a cellular telephone or other wireless communication devices is permitted **only** when the device is used with available hands-free listening device technology such as a Bluetooth earpiece, a wired ear-bud, or temporary vehicle mounted hands free technology. If available, utilization of the devices speakerphone capability is acceptable in meeting the intent of this section. Members must be able to maintain both hands on the steering wheel while the vehicle is in motion and using the device.
- E. Members shall refrain from dialing calls while the vehicle is in motion. To place an outgoing call, members shall pull their vehicle off the road and stop in a safe location, or use voice speed dialing features to avoid driver distraction.
- F. The use of wireless voice/data communication devices, either Department or personally owned, for **data** communication (i.e., sending or reading text messages or emails) while a Department owned vehicle is in motion is **prohibited**. (Exception: Sworn members utilizing MDCs as outlined in FHP Policy 14.03)

Additionally, such use is prohibited in any other vehicle (i.e., personally owned, rented, or loaned) while the member is on duty or is conducting official Department business.
- G. Cellular telephone hands-free accessories shall not be worn outside of an FHP vehicle while in uniform.
- H. Members shall adhere to FHP Policy 14.03 when utilizing MDCs while driving.
- I. While in uniform, sworn members shall wear the cellular telephone or other wireless communication device on their gun belt or in their breast pocket. No other locations shall be authorized. Cellular telephones or other wireless communication devices worn on a member's gun belt shall be black or gray in color.
- J. Members issued state owned or leased cellular telephones shall use this equipment for work-related calls only. Personal use is prohibited except in an emergency. Reimbursement for the personal usage is required. In the event that the cellular telephone is used for personal or business other than state business, the member will be required to reimburse the Department in accordance with the Department of Financial Services' guidelines. The amount reimbursed will include the State authorized processing charge. If applicable, a check made payable to the State of Florida in the amount of any personal charges plus the processing charge should accompany the signed

Certification of Reimbursement Payment form. The form can be found at <http://safetynet/hsmvservices/ASServices/WirelessDevicePhoneCallReimbursementForm.pdf>.

- K. Personal communications on cellular telephones or other wireless communication devices while in uniform or engaged in enforcement activity shall be brief in nature, and conducted out of the view of the public, unless exigent circumstances exist.

<p>NOTE: Personal communications on cellular telephones or other wireless communication devices distract from the member's attention to duty and awareness. Personal communications shall be limited in duration while a member is on-duty.</p>
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- L. The State accepts no responsibility for the purchase, maintenance, loss, or damage to personally owned cellular telephones or other wireless communication devices used while in the performance of assigned duties.
- M. Cellular phones are not "secure" devices. Conversations over cellular telephones may be overheard for up to a quarter of a mile by use of a radio receiver tuned to the proper radio frequency. Caution shall be exercised while utilizing cellular telephones or other wireless voice/data communication devices to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall continue sensitive or private conversations on a landline based telephone system.
- N. The Department records all text and PIN messages sent and/or received by all State-issued and personal Blackberries attached to DHSMV's e-mail server. These messages are being maintained and produced as a public record pursuant to the Florida Statutes and the Department's established record retention guidelines.
- O. State-issued smart and traditional cell phone users (non-blackberry devices) shall not use the text function, except in emergency situations, for any state business other than transitory messages. Transitory messages are those messages with short-term value, such as meeting reminders, and are not intended to formalize or perpetuate knowledge. Transitory messages do not set policy, establish guidelines or procedures, dictate orders, certify a transaction, or become a receipt.
- P. **NAVIGATION SYSTEMS** – While vehicle navigation systems have proven to be an invaluable tool in assisting members to locate specific addresses and locations, their use while driving a vehicle may cause unintentional distractions. (i.e., the user either entering data while the vehicle is in motion or simply studying the roadway maps while driving) Members shall use extreme caution when utilizing a vehicle navigation system.

While driving Department owned vehicles, or any other vehicle in which official Department business is being conducted, members shall adhere to the following guidelines:

1. If a navigation system is utilized, other than that which is included on the FHP MDC, the voice guidance feature shall be activated.
2. If routes/destinations need to be entered into or modified on the navigation system, members shall not do so while the vehicle is in motion. Members shall pull their vehicle off the road and stop in a safe location to minimize driver distraction.

PRECAUTIONARY STATEMENT TO MEMBERS

Wireless Voice/Data Communication is one of the most rapidly changing technologies today. As such, policy development and acceptable procedures are constantly being adjusted in an attempt to keep up with these changes. Members are cautioned that while this policy may not directly address all issues related to the use of these technologies, sound and legal use of these devices must be paramount.

The use of either Department or personally owned wireless devices to record images or audio comes with certain requirements in order to safeguard both the member and the Department from wrongful claims. It is important to consider that the use of personal equipment, while acting in an official capacity as a law enforcement officer, may subject that equipment to both subpoena and public record review. This not only includes the recording device, but may also include any personal computer or audiovisual equipment used to access, store or review the recorded material. Wireless communications of any kind that address official public business, even if communicated over a personal device, are subject to public record laws and record retention provisions.

Until specific policy is established which deals with these emerging technologies, members are reminded to review FHP Policy 12.01, Collection and Preservation of Evidence, the Evidence/Property Procedures Manual, and FHP Policy 17.22, Mobile Video/Audio Recording for already established guidelines and procedures when dealing with recording audio and video and its introduction into the evidence/property function.