

CELLULAR TELEPHONE USAGE

In Effect: 10/04/2010

Review Date: 10/03/2010 @ 1437

**CH 52C
CELLULAR TELEPHONE USE**

GENERAL ORDER 52C-001	DATE OF ISSUE: 10/04/2010	EFFECTIVE DATE: 10/04/2010
SUBJECT: CELLULAR TELEPHONE USE		NEW X REVISE <input type="checkbox"/> RESCIND <input type="checkbox"/>
REFERENCES: M.G.L. CH. 90, Section 13, 13B.	PAGE 1 OF 2	DISTRIBUTION: ALL COMMAND OFFICERS

POLICY	It is the policy of the Melrose Police Department to acknowledge the convenience afforded by cellular telephones and other emerging technologies. While acknowledging this fact, it is also recognized that procedures must be established which insure the safety of the public as well as agency employees.
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GUIDELINES	<p>All employees must recognize the potential dangers involved with the utilization of a cellular telephone while driving a vehicle. It is because of this potential for serious injury to an employee and/or the public, agency employees are discouraged from engaging in unnecessary telephone conversations while operating a moving vehicle.</p> <ul style="list-style-type: none"> • Liability: While operating an agency owned vehicle, employees are subjected to the typical danger associated with the operation of a motor vehicle on a public roadway. Additionally, those employees involved in law enforcement activities often face elevated levels of danger due to the nature of their activities. The amount of distraction associated with the use of a cellular telephone increases the potential for an employee to become involved in a traffic accident. As such, the Melrose Police Department must limit the potential liability to the employee as well as the agency. • Alternatives: Employees may utilize a “hands free” cellular telephone system. Even though this type of system presents an alternative, when used even a hands free system can be a hazard to the safe operation of a motor vehicle. Employees shall use all due care when they are using a hands free system. • Cellular Phone Usage: A personal cellular phone may be used by employees of the Melrose Police Department providing their vehicle is stationary. This would require that the employee refrain from becoming involved in a conversation on the phone until such time as they are able to get their vehicle safely to the side of the road and/or parked. • Perception: As representatives of the Melrose Police Department, it is important to always present a positive image to the public we serve. Continual use of a cell
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phone gives the perception that officers are handling personal issues when they should be attentive to what is going on around them.

- **Officer Safety:** Not only does the use of a cell phone create a perceptual problem, more importantly, it distracts an officer's attention from their duties as a law enforcement officer. Being aware of hazards in your immediate environment is critical to officer safety.
- **Personal Calls:** Because of the officer's safety and perception issues associated with using a cell phone for personal business, employees shall minimize their personal calls while on-duty. Supervisors shall be attentive to employees who utilize their cell phones in a manner which can be viewed as excessive.
- **Traffic Control:** When officers are performing traffic control whether at a motor vehicle accident or an extra duty assignment etc. it can be potentially dangerous in it self. Therefore officers shall not use any mobile electronic device (cellular phone, text messaging device) while in the performance of directing pedestrian or vehicular traffic. If it becomes imperative that an officer needs to utilize their mobile electronic device while performing traffic control he/she should remove them self from the roadway when safe to do so and keep the communication to a minimum.

TEXTING WHILE OPERATING MOTOR VEHICLES	<p>Currently under Massachusetts General Laws it is forbidden for the general public as well as for Police Officers to text while operating a motor vehicle (Effective 10/1/2010).</p> <ul style="list-style-type: none"> • FOR DETAILS AND DESCRIPTIONS SEE M.G.L. CH. 90, Section 13&13B
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EXCEPTIONS	<p>Under certain exigent circumstances, it may be necessary to continue driving while becoming engaged in a business related conversation. Examples of exigent circumstances would include, but are not limited to:</p> <ul style="list-style-type: none"> • Emergency operations; • Rolling surveillance/undercover activities; • Confidential briefings; • Business related calls involving officers and their supervisors
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<p>APPROVED BY CHIEF MICHAEL L. LYLE</p>	<p>DATE 10/04/2010</p>
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