

LITTLETON POLICE DEPARTMENT

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PROCEDURE #: 14-1

SUBJECT: Use of Electronic Devices While Operating Motor Vehicles

Statutory Authority: 265:79-c Use of Mobile Electronic Devices While Driving; Prohibition

NOTE: This written directive is for the internal governance of the Littleton Police Department, and as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

Date of issue

01-01-2015

Issuing Authority

Chief Paul Smith

Effective Date

01-01-2015

Distribution

All

Policy

The Littleton Police Department must lead by example. Our driving expertise and our attitude toward road safety must be exemplary. We have an obligation to our community, our families and ourselves to ensure that we think and act with safety in mind while promoting a professional image as we are representing the Littleton Police Department to the general public.

Emergency vehicles do not have absolute right of way and all Littleton Police Department members will operate vehicles used during the course of employment reasonably and with due regard for the rights and safety of others at all times. Irresponsible, careless and reckless driving is prohibited.

Definitions

Electronic Devices, for purposes of this policy means cellular telephones, GPS mapping devices, Mobile Data Terminals, laptop and tablet computers or any other electronic device that utilizes cellular, GPS, Wi-Fi, air card, near field communication or any other means to transmit voice or data without physically plugging into a land based network.

Scope

This policy shall apply to all members of the Littleton Police Department, both sworn and civilian. It is applicable to department provided or funded electronic devices as well as personally owned electronic devices utilized while on duty or during work-related functions. This policy applies to any vehicle a Littleton Police Department member operates during the course of employment to include department issued or owned vehicles, rental vehicles and personally owned vehicles when on duty, utilized while traveling for the Littleton Police Department business or subject to mileage reimbursement.

While it is understood that the authorization to carry a personal cellular telephone or other wireless voice/data communications device is a privilege, anyone choosing to carry one of these devices must comply with the stipulations set forth in this policy.

Violations of this policy may result in the loss of this privilege and/or disciplinary action up to and including dismissal.

This policy shall not apply to the operation of two-way police radios. Nothing in this policy shall be construed to relieve any Littleton Police Department member from the responsibility to abide by all motor vehicle laws. Specifically, sworn department members are directed to RSA 265:8(V), "The provisions of RSA 265:8, II and III shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others."

General Notice

Littleton Police Department members should make a conscientious effort to minimize distractions, including communications, while in a moving vehicle. This effort should apply to both business and personal telephone calls as it detracts from officer safety as well as enforcement and prevention duties.

While a vehicle is in motion or in a driving gear, unless an ongoing emergency dictates otherwise, the driver reaching out beyond arm's length for anything, including an electronic device and pressing more than one button to operate an electronic device is prohibited.

The Littleton Police Department is not responsible for loss or damage to personally owned electronic devices.

Cellular Telephones

Cellular telephone use by the driver of a moving vehicle shall be subject to the following restrictions:

- No use above routine "Code 1" driving as defined in Littleton Police Department procedure #13-3 *Emergency Vehicles and Response*, unless there is a matter requiring urgent attention.

- Utilization will necessitate pressing no more than a single button. This will require either a voice function to dial or preset speed/favorite contacts to accomplish placing a telephone call. If this cannot be accomplished, department members shall not place calls in a moving vehicle except in cases of emergency.
- Holding the telephone is prohibited. A hands free function will be required unless there is an ongoing emergency. Hands free shall include:
 - speaker function
 - Wired or Bluetooth ear bud
 - Only a single ear bud may be worn at a time
 - Ear buds shall not be worn outside of the vehicle
 - through a vehicle Bluetooth function or device
- There shall be no use of the device by the driver of a moving vehicle beyond what is mentioned above. This includes:
 - Programming of GPS
 - Internet
 - Camera functions
 - Social media
 - Or any other applications

Littleton Police Department members are to provide the cellular telephone numbers of any personal device carried in a vehicle that falls under the scope of this policy. The list of these numbers will be maintained by the Littleton Police Department and provided to the Grafton County Communications Division.

Computers – Mobile Data Terminals / Laptop and Tablet

Computer use by the driver of a moving vehicle shall be subject to the following restrictions:

- Department members shall not type or otherwise enter information into a computer while the vehicle is in motion.
- Department members shall not read a computer screen while the vehicle is in motion. If additional information regarding a service call is needed, the vehicle will either be stopped prior to reading the computer screen or the information will be obtained via radio communication.
- If an ongoing operational emergency requires information be transmitted over a computer rather than radio, the reading of a screen shall be limited to minimal viewing to evaluate the emergency communication.

- For example: a stolen cruiser may necessitate notifying department members via MDT of the location of a spike strip.
- Any use of a computer impeding safe operation of the vehicle is prohibited.

Privacy

Sworn Littleton Police Department members utilizing cruisers equipped with video/audio recording equipment are reminded that telephone conversations may be recorded while using an electronic device in the vehicle or range of a remote microphone.

Electronic devices utilized while on duty may be subject to the Right to Know law, limited administrative search, subpoena and search warrant execution.

Sources

NH Department of Safety, Division of State Police
NH RSA Chapter 265
265:79-c

Re-written By

Chief Paul J. Smith

Reviewed Date

12-11-2014

Revised

12-11-2014

Authorized By:

Paul Smith
Chief of Police