

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 100.95

REVISED NOVEMBER 2021

**ON-DUTY USE OF CELLULAR TELEPHONES AND PERSONAL
ELECTRONIC/ENTERTAINMENT DEVICES**

1. PURPOSE. The purpose of this General Order (GO) is to establish policy for the on-duty use of cellular telephones and personal electronic/entertainment devices.

2. POLICY.

a. Cellular Telephones.

(1) Cellular telephones worn while in uniform shall be worn in accordance with Highway Patrol Manual (HPM) 73.5, Uniform/Grooming and Equipment Standards, Chapter 6, Regulations for Optional Uniform Items. When worn on the uniform, communication devices shall be in the silent/vibrate mode.

(2) Communications with dispatch center/communications center shall be conducted using the departmental radio system and/or the Mobile Digital Computer (MDC). Cellular telephones may be used to communicate with dispatch center/communications center under the following circumstances:

(a) Exigent circumstances exist, and/or poor radio communications exist where the use of the departmental radio and/or MDC is not practical.

(b) The Emergency in Progress tone is activated, and there is a necessity to communicate with the dispatch center/communications center.

(c) The necessity to relate or receive confidential information.

(d) When a supervisor determines a need to speak directly to the dispatcher or dispatch center/communications center.

(3) Employees should not talk on cellular telephones while operating a marked enforcement vehicle, unless exigent circumstances exist. If exigent circumstances exist, any communication using a cellular telephone shall be done utilizing a hands-free method (e.g., speaker phone, headset, or Bluetooth®). Employees shall not wear cellular telephone earpieces if not actually engaged in a conversation.

(4) Personal communications on cellular telephones while in uniform or engaged in enforcement activity should be conducted out of the view of the public, unless exigent circumstances exist.

(5) The use of a cellular telephone for personal business by any employee shall not interfere with or interrupt the performance of the employee's duties.

(6) Exceptions to the on-duty use of cellular telephones shall be at the discretion of the Division commander.

b. Personal Electronic/Entertainment Devices.

(1) The following personal electronic/entertainment devices shall **not** be carried or used while engaged in enforcement activities: televisions, DVD players, or video game systems.

(2) Approved cellular telephones and electronic devices with the capability of playing video files shall not be used in such a manner.

(3) Music devices may be carried in vehicles; however, at no time shall an employee use headphones or earbuds to listen to the music device.

(4) Approved devices shall at no time be integrated with any part of the departmental vehicle or California Highway Patrol radio/audio systems.

(5) Electronic devices used in such a manner as to assist officers in the performance of their duties (e.g., cameras, personally owned body-worn cameras [a disc shall be supplied by the Department], audio recorders, or personal computers used to complete reports) may be carried while on duty.

(6) The state will accept no responsibility for the purchase, maintenance, loss, or damage to personal electronic devices used while in the performance of assigned duties.

(7) All state work produced on personal electronic devices shall be transferred to an electronic data storage device (e.g., departmental computer hard drive, compact disk, thumb drive, memory stick, or compact flash drive) and shall not be stored on personal electronic devices.

(8) After the state work is transferred to an electronic data storage device, the material shall be deleted from the personal electronic device.

(9) Work produced on any type of electronic device is the property of the state and must be relinquished upon demand. All state work temporarily saved to personal electronic media shall be secured at all times.

NOTE: Digital media recorded while on duty shall be processed in accordance with GO 110.8, Processing and Storage of Digital Media. Digital media captured while on-duty shall be transferred from the device and submitted to the Department prior to the end of the employee's work shift.

(10) If the transferred data is likely to result in criminal, civil (against or initiated by the Department), or administrative proceedings, the transferred data shall be booked into evidence in accordance with HPM 70.1, Evidence Manual.

(11) Unauthorized distribution, receiving, or viewing of recordings obtained during the course of employment is prohibited. Only authorized personnel with a legitimate need to know may review or request copies of such recordings.

b. Policy Review. On an annual basis, employees shall review this GO and sign the CHP 95, Receipt of General Order 100.95 Policy Review. The CHP 95 shall be retained in the employee's personnel file.

OFFICE OF THE COMMISSIONER

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