FHP troopers barred from talking on hand-held cell phones while driving

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A new policy bans on-duty Florida Highway Patrol troopers from using hand-held cell phones while driving, a measure aimed at keeping the roadways safe using officers as an example, authorities said.

The ban went into effect Monday for the state's 1,650 troopers. The Department of Highway Safety and Motor Vehicles considers the policy proactive since Florida has no prohibition against holding a cell phone while talking and driving. Eight other states, including California and New York, have such bans.

"Don't wait on a law to tell you to do something you know you should be doing," said David Westberry, spokesman for the DMV, which oversees state troopers, "When you get behind the wheel, pay attention."

Troopers may use their cell phones only with a hands-free device.

"Members must be able to maintain both hands on the steering wheel while the vehicle is in motion," the policy states.

Local South Florida agencies, such as the Palm Beach and Broward County sheriff's offices, are considering similar bans, officials said.

The policy also requires troopers to pull over when using a GPS device or to use it in voice-activated mode.

Law enforcement agencies around the country have adopted similar bans.

In July, the Boise [Idaho] Police Department barred employees from using cell phones and other handheld devices to text or e-mail while driving the agency's vehicles. This came after the Idaho Legislature failed to enact a ban.

Westberry said troopers spend most of their day behind the wheel and should be alert.

"This is their office, this is where they do business," he said. "Certainly they have the ability to handle that responsibility, but they [should not] be distracted."
It is difficult to track the number of trooper-involved crashes caused by cell phone distractions, Westberry said, because the cause of the distraction is not always noted on tickets. Westberry said he was unaware of any trooper-involved fatalities in Florida caused by cell-phone distractions.

Banning cell phone use without a hands-free device is a good idea, said Richard Mangan, a criminal justice professor at Florida Atlantic University.

"You're trying to respond to an emergency call, if you're using the cell phone there's diversion in terms of where attention lies," Mangan said.

Liability is a concern, too, he said. In the early 1990s, that's part of what led to bans against high-speed chases for minor infractions.

"If I were the parent of a kid hit by a [police] cruiser and the information came out that that person was using a cell phone, I certainly would be filing a lawsuit," Mangan said.

Safety is the name of the game, Westberry said, and troopers should adhere to it, too.

In a bolded note, the new policy states:

"Personal communications on cellular telephones or other wireless communication devices distract from the member's attention to duty and awareness."

Staff Researcher Barbara Hijek contributed to this report.

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