

Mobile Security Devices Position Paper And Model Ordinance

**Produced by the
False Alarm Reduction Association (FARA)**

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Mobile Security Devices

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Introduction

Within the next three years, General Motors, Ford and most imports will place into service an average of one million Mobile Security Devices or MSDs' per year. It is estimated that within five years, all new motor vehicles will have MSD as a standard feature. In addition, MSDs' are being manufactured and sold as independent, stand alone units which can be carried on the person. As a consumer, this technology is enticing because it creates a 'peace of mind' when in need of assistance. As a law enforcement agency, the product can aid law enforcement efforts involving accidents, locating stolen property and tracking criminal activity. The sheer number of MSDs' projected to be in use in the near future, and the false MSD activations that will occur, however, will create an environment that will be very costly to law enforcement both economically and with the quality of service law enforcement provides.

FARA Position

The False Alarm Reduction Association (FARA) as an organization does not support the MSD use as it relates to law enforcement response. FARA recommends that all law enforcement agencies adopt a NO RESPONSE policy as it relates to MSD.

FARA understands that there will be some municipalities that will not or cannot enact the recommended NO RESPONSE policy. While FARA strongly believes that MSD will become as problematic, if not more, for law enforcement as burglar alarms, it has developed a model MSD ordinance for those municipalities that have no option for NO RESPONSE.

PLEASE NOTE: The Model MSD Ordinance is intended to serve as a BASE FRAMEWORK for law enforcement. It is important that the model be reviewed carefully before endorsing or recommending that it be adopted either in part or in its entirety. There may be aspects of the model that will pose potential problems in your locale and you may decide that those characteristics should not be included in your local MSD Ordinance. As the Model MSD Ordinance is intended for use as a guide, it is a working draft, subject to changing times, designed to help you successfully develop and implement a good MSD ordinance.

For More Information Contact:

For more information on this topic or other matters related to alarm systems, please contact FARA.

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FARA Model Mobile Security Devices Ordinance

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FARA Model Mobile Security Devices Ordinance

Section 1. Short Title.

This article may be cited as the Mobile Security Devices Ordinance.

Section 2. Purpose.

In concert with the (agency name) commitment to problem solving policing, the purpose of this ordinance is to regulate the requests for response to MSDs'. Law enforcement officers responding to MSDs' are more wisely utilized preventing crime and solving neighborhood problems.

Section 3. Definitions.

- A. **Air Bag Deployment:** Activation of the automobile air bag system as the result of a motor vehicle accident.
- B. **Emergency Key Activation:** A key button activation either on a key chain, mounted in a vehicle or carried on the person which is designed to notify the MSD Company of an emergency situation.
- C. **False MSD Dispatch Request:** An MSD dispatch where the law enforcement officer finds no evidence of criminal offense or attempt, motor vehicle accident or other emergency.
- D. **Hearing Officer:** A person appointed by the (Sheriff/Chief of Police) to act as an impartial arbitrator at hearings related to the enforcement of this ordinance.
- E. **GPS:** Global Positioning System - a system of satellites and ground stations monitored by the U.S. Air Force to provide accurate latitude, longitude, and altitude information to GPS receivers.
- A. **Life Safety:** An emergency in which the personal safety of an individual is at jeopardy.
- B. **Mobile Security Device (MSD):** Those security devices, or combination of devices, that are mobile in nature; that may be installed in motor vehicles or other conveyances, or may be carried by pedestrians; that are used for the purpose of personal safety and/or asset protection; and that transmits assistance requests to monitoring centers.
- C. **Monitoring Company:** See MSD Company.
- D. **Moving MSD Signal:** A momentary or continuous signal reporting the location, direction of travel and speed of an MSD.
- E. **MSD Administrator:** The person designated by the (Sheriff/Chief of Police) to administer, control, enforce and review MSD applications, permits and dispatch requests.
- F. **MSD Company:** The business of any individual, partnership, corporation or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or monitoring any MSD system or in causing any MSD unit to be sold, leased, serviced, repaired, altered, replaced, moved or installed in any vehicle, structure or person, including the dispatch or request for law enforcement service or response either through a central station or by means of call patching.
- G. **MSD Dispatch Request:** A request for law enforcement response to an activation of an MSD unit or the patching of a call to a law enforcement agency as the result of an MSD activation.
- H. **MSD Panic:** Any audible or silent MSD System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.
- I. **MSD User:** The person, firm, partnership, association, corporation, company or organization of any kind which uses or is in control of any MSD unit.
- J. **MSD Verification:** An attempt to validate an emergency condition either by audio, video or in person confirmation process which excludes additional electronic signals for assistance.

- K. **Personal MSD Panic Device:** The personal MSD unit carried on or about the person. See Panic.
- L. **Property MSD Alert:** An emergency in which an asset is at risk of loss or damage. Does not include life safety.
- M. **Service Fee:** A service fee to be paid by the requesting MSD Company when requesting law enforcement response to an MSD signal which is false.
- N. **Stolen Car Report:** A report taken by a law enforcement agency in which the automobile was entered into an NCIC (National Crime Information Center) or similar state law enforcement system as stolen, and the occupants are to be arrested and charged with auto theft.

Section 4. Registration.

- A. Registration of an MSD Company is required annually. MSD Companies must be registered with each law enforcement agency in which a dispatch request may be made. Law enforcement agencies will determine the format and content for registration information.
- B. Registrations may be obtained for a fee not to exceed \$50.00 per year from the sheriff/police of each jurisdiction in which a dispatch request may be made.
- C. The MSD Company shall obtain the necessary licensure as required via the regulatory body of each state, county and/or local jurisdiction in which a law enforcement response is expected.

Section 5. Responsibilities of the MSD Company

- A. Pre-recorded messages are prohibited.
- B. Dispatch requests must contain the following data:
 1. Dispatch signal indicator (Air Bag Deployment, Emergency Key Activation, Auto Accident, etc.)
 2. MSD Company account number (Account number assigned by the law enforcement agency)
 3. Exact location of the MSD in terms of street address. No GPS coordinates.
 4. An MSD Company shall provide continuous location or status changes of the MSD.
 5. If Vehicle, describe:
 - a. Make & Model
 - b. Color
 - c. Tag Number
 - d. Vehicle Identification Number
 - e. MSD Vehicle owner/operator name
 6. MSD Company user account number of the MSD user
 7. MSD Company operator name and I.D. number.
 8. MSD Company telephone call back number.
 9. Verification of MSD signal by two-way communication which may include audio, video, telephone, radio, in person or any combination thereof.
- C. Reports of Auto Theft:

No law enforcement agency shall be notified of an auto theft or attempt to locate any vehicle until a lawful police report is made and the vehicle is entered into the NCIC (National Crime Information Center) or similar law enforcement crime computer as a stolen vehicle.
- D. Emergency Key Activation:
 1. The MSD Company shall verify all emergency key activations before requesting a law enforcement response.
 2. If No MSD User Response to attempted verification:
 3. If the vehicle is stationary with no sounds of duress, a law enforcement dispatch request shall not be made without supporting information that an actual emergency exists.

4. If the vehicle is moving and there is a refusal by the occupant to respond, the MSD Company must monitor all conversations to determine that an emergency exists. If there is no supporting information to indicate an emergency, law enforcement response shall not be requested.
- E. Automobile MSD:
A law enforcement dispatch request shall not be made without supporting information that a crime is or was in progress. Activation of the MSD alone is not sufficient information.
- F. Cancellation of MSD Law Enforcement Response:
The MSD Company shall cancel any request for dispatch immediately when the MSD Company determines that the MSD activation is false. The cancellation must be made prior to the arrival of law enforcement units to avoid a service charge.

Section 6. Responsibilities of the MSD User.

- A. The MSD User must operate the MSD in a manner in which it was intended.
- B. The MSD User shall not cause activations to report accidents, nuisance complaints etc. unless there is a two-way voice ability which can communicate directly with the law enforcement agency.
- C. The MSD User shall be familiar with the MSD unit operation including:
 1. Activation; and
 2. Cancellation; and
 3. False MSD prevention

Section 7. Service Fees.

- A. A service fee not to exceed \$500.00 per false MSD request shall be charged to the-MSD Company making the request for law enforcement response including the patch through to a law enforcement agency.
- B. The service fee must be paid by the MSD Company within 30 days of the invoice. Service fees past 30 days of invoice shall result in a no response to all MSD unit requests received from the MSD Company owing the outstanding fees until all fees are paid in full.
- C. No service fee shall be applied if an actual emergency or crime existed and is reported within five calendar days of the event.

Section 8. Law Enforcement.

- A. The law enforcement agency may refuse or cancel an MSD response at any time based upon unit availability, other calls for service or if the MSD Company is on a no response status.
- B. Attempts to locate MSD signals shall cease at the jurisdictional boundary of this _____(city/county.)
- C. If multi-jurisdictional requests are made, a service fee as described in Section 7 shall apply in this jurisdiction regardless if other jurisdictions charge a service fee.
- D. All responses shall be handled in accordance with officer safety practices, state laws and agency policy. This includes 'felony stops', the use of tire deflating devices and pursuit policy. The MSD Company must inform all MSD Users that these practices may be employed by law enforcement if the occupants are suspected of criminal acts.
- E. A law enforcement agency shall not be required to respond to any MSD without audio, video or in-person verification that an emergency exists. Activation of an MSD alone is not sufficient data for a law enforcement response.

Section 9. Prohibitions and Fines.

- A. An MSD shall not contain one-way communication. Two-way voice communication or personal verification shall be necessary for response. A law enforcement response shall not be made to an unverified request.

- B. An MSD Dispatch Request shall not be made with information which is not current as to location and direction of travel (e.g. A vehicle traveling at 45 mph at Oak Road and Pine Avenue 15 minutes ago is outdated information). The MSD operator shall remain on the telephone and in continuous contact with the law enforcement agency unless otherwise advised by the law enforcement agency.
- C. An MSD Company shall not provide GPS coordinates. All data must include actual street addresses.
- D. Improper, inappropriate or unverified terminology describing a crime or incident which is not supported beyond an MSD activation is prohibited. Terminology such as 'possible accident, possible theft' etc. shall not be used to report an MSD activation unless there is supporting evidence that the incident is a crime or emergency. If it is determined that false information was provided to facilitate the law enforcement response, a no response to all MSDs' may be applied towards the MSD Company making the request for a period of one year from the date of notification. A 30-day notification of cancellation will be made via certified mail by this law enforcement agency.
- E. Failure of the MSD Company to register with the required law enforcement agency prior to requesting a law enforcement dispatch.
- F. An MSD Company shall not request any law enforcement response while on a no response status.
- G. An MSD shall not utilize any single action non-recessed button.
- H. A violation of any provision of Section 9 shall result in a fine of \$500.00 per violation.

Section 10. Appeals & Hearings.

- A. An MSD Company may appeal a violation or the assessment in Section 7 or Section 9 of this ordinance to the MSD Administrator. An appeal fee of \$250 will accompany the appeal by the MSD Company. Appeal fees will be returned to the MSD Company if the appeal is upheld. The filing of an appeal with the MSD Administrator stays the assessment or violation until the MSD Administrator makes a final decision.
- B. The MSD Company shall file a written appeal to the MSD Administrator by setting forth the reasons for the appeal within ten (10) days after receipt of the violation or assessment. No appeal requests shall be made after 10 days.
- C. If the MSD Administrator denies the appeal, the MSD Administrator shall send written notice to the MSD Company of the action and a statement of the right to a further appeal.
- D. A second level of appeal is available before the MSD Review Board in cases where the MSD Company is not satisfied with the decision reached at a lower level.
 - 1. The MSD Company may appeal the decision of the MSD Administrator to the MSD Review Board by filing a written request for a review setting forth the reasons for the appeal within twenty (20) days after receipt of the notice from the MSD Administrator. No appeal requests will be accepted after (20) days.
 - 2. The MSD Review Board shall conduct a formal hearing and consider the evidence by any interested person(s). The Board shall make its decision on the basis of the preponderance of evidence presented at the hearing. The Board must render a decision within thirty (30) days after the request for an appeal hearing is filed. The Board shall affirm or reverse the assessment or violation of Section 7 or Section 9 of this ordinance. The decision of the Board is final as to administrative remedies of the municipality.
 - 3. Filing of a request for appeal shall stay the action by the MSD Administrator, until the MSD Review Board has completed the review. If a request for appeal is not made within the twenty-day (20) period, the action of the MSD Administrator is final.

Section 11. Reinstatement.

- A. An MSD response, which has been suspended or revoked, may have MSD response reinstated by the MSD Administrator or the MSD Review Board if the MSD Company has provided the following, as applicable:
1. submits an updated application and the registration fee;
 2. pays, or otherwise resolves, all service fees;
 3. application for reinstatement to the law enforcement agency after the one-year time period has elapsed.

Section 12. Government Immunity.

Registration of the MSD Company is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering an MSD Company, the MSD Company acknowledges that police response may be based on factors such as: availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, and staffing levels.