DAVIS POLICE DEPARTMENT

USE OF PERSONAL COMMUNICATION DEVICES
Policy and Procedure 1.25-C

DEPARTMENT MANUAL

Index as:
Personal communication devices
PCDs
Use of Department Cell Phones
Cell Phones

I. POLICY

This policy generically refers to Personal Communication/Computing Devices (PCDs), but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications devices, and Internet access devices (e.g., IPAD, computer). PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games, and accessing sites or services on the Internet or through cellular communication.

The Department allows members to use department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, may be subject to monitoring and inspection consistent with the standards set forth in this policy.

Any PCD that has access to City email or computer servers, or that contains any confidential information or records relating to city business, shall be password protected and access shall be strictly limited to prevent any unauthorized access.

Members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member’s PCD records to civil or criminal discovery or disclosure under applicable public records laws and/or for internal investigations.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from Professional Standards.

II. PROCEDURE

A. Privacy Policy

Members have no expectation of privacy with regard to any communication made with, or stored in or through, Department issued PCDs and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided PCD, computer, Internet service, telephone service, or other wireless service while on-duty is done so without any expectation of privacy that the member might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.
In accordance with this policy, managers, without prior notice, consent, or a search warrant, may conduct or direct administrative searches of electronic files on department-issued PCDs.

Members have no expectation of privacy with regard to any departmental business or work-related communication made with a personally-owned PCD. Members may be ordered to turn over files, photos, screenshots, folders, or any other data relating to departmental business. Members may also have to turn over their device subject to any lawful court order or subpoena.

B. Department Issued PCDs

Depending on a member’s assignment and the needs associated with that assignment, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized for the off-duty use of a Department-issued PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

C. Personally Owned PCDs

Members may carry/use a personally owned PCD while on-duty, subject to the following conditions and limitations:

1. The Department accepts no responsibility for loss of or damage to a personally owned PCD.

2. Members shall promptly notify the Department in the event the PCD is lost or stolen. If the device has any departmental related business records in it, the member may be directed to remotely wipe the device.

3. The device shall not be used to record or disclose any business-related information, including photographs, audio recordings, or video recordings; or to record or transmit any information or material obtained, or made accessible, as a result of employment with the Department, without the express authorization of the Police Chief or an authorized designee.

D. Off-duty Use of PCD for Work-Related Purposes

Except with prior express authorization from a supervisor, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy, or if the member has prior express authorization from their supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked on their timesheet.

E. Use of PCD

The following protocols apply to all PCDs that are carried while on-duty or used to conduct department business:

1. A PCD may not be used to conduct personal business while on-duty, except for brief personal communications. Members shall endeavor to limit their use of PCDs to authorized
break times. A supervisor may limit or restrict a member from using a device while the member is on-duty.

2. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

3. Officers are prohibited from using PCD’s to take photographs or make video or audio recordings, or make copies of any such photos or recorded media, unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Police Chief or the authorized designee, is subject to disciplinary review.

F. Use While Driving

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members shall use the onboard hands-free communication system in the vehicles that are equipped with one.

Except in an emergency, members who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use.

G. Supervisory Responsibility

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact a member who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the member is on-duty, as such contact may be compensable.

Darren Pytel
Police Chief

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