



Approved:
Chief Marcia Harnden

Subject:

635. Personal Communication Devices

Effective:
November 27, 2017

CALEA Standards: 83.2.2

Page:
1

635.1: PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, tablets, similar wireless two-way communications and/or portable Internet access devices. 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.

635.2: POLICY

It is the policy of the Albany Police Department to allow members to utilize Department-issued or funded PCDs in the workplace, subject to certain limitations.

635.3: PRIVACY EXPECTATION

- a. Any PCD used while on-duty or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.
- b. 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.
- c. Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

635.4: DEPARTMENT-ISSUED PCD

- a. Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance.

- b. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee.
- c. Such devices and the associated telephone number, if any, 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.
- d. Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the 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.

635.5: PERSONALLY OWNED PCD

- a. Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:
 - 1) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
 - 2) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
 - 3) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
 - 4) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) unless the member receives a stipend to use the phone on-duty.
 - 5) Members may have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no reasonable expectation of privacy with regard to any department business-related communication.
 - A. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
 - 6) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee unless the member receives a stipend to use the phone on-duty.
 - 7) Use of a personally owned PCD for work-related business may subject that business-related data to records production to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations.
 - A. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

- 8) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Albany Police Department and deleted from the member's PCD as soon as reasonably practical, but no later than the end of the members shift.
- b. Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty.

635.6: USE OF PCD

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

- a. Members should recognize that improper use of a PCD while on-duty may result in a risk to officer safety.
- b. A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours).
- c. Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- d. Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impractical or not feasible.
- e. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- f. Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business.
 - 1) Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- g. Except during breaks, members will not access social networking sites for any purpose that is not official department business.
- h. Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited.
 - 1) Any member having knowledge of such conduct shall promptly notify a supervisor.

635.7: SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- a. Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- b. Monitoring, to the extent practical, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1) An investigation into improper conduct should be promptly initiated when circumstances warrant.
- c. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

635.8: USE WHILE DRIVING

- a. 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 practical, stop the vehicle at an appropriate location to use the PCD.
- b. Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use ([ORS 811.507](#)).
 - 1) Hands-free use should be restricted to business-related calls or calls of an urgent nature.

635.9: OFFICIAL USE

- a. Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard.
- b. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted.
- c. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.