



# Clayton County Police Department

# PROCEDURES

Subject <b>USE OF CELL PHONES AND OTHER WIRELESS TELECOMMUNICATION DEVICES</b>		Procedure # <b>B18</b>	
Authorizing Signature 	Effective <b>03-29-2022</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages <b>9</b>

## I. PURPOSE

The purpose of this policy is to establish guidelines for the use of cell phones and other wireless telecommunication devices, whether issued by the Department or personally-owned, while on-duty or when used for authorized work-related purposes.

## II. POLICY

The Department acknowledges the use of cell phones and other wireless telecommunication devices by employees. However, the use of such devices shall neither infringe upon the safety of employees nor interfere with work efficiency and/or disrupt work productivity.

## III. DEFINITIONS

Communications Device: Any County-owned or personally-owned device used for verbal or electronic communication, or any similar device used to access the internet, to include computers of any type. This definition does not include Department-issued two-way radios (walkie-talkie) or speed detection devices.

Hands-Free Device: A hands-free device is an apparatus used with cellular phones that permits the user to talk on the phone without holding it.

Personal Call: Any call made by an employee, which is solely for the benefit of the employee and not the Department.

Personal Communications Device: Any communication device not issued to employees by the Clayton County Police Department.

Stand-Alone Electronic Device: A device other than a wireless telecommunications device which stores audio or video data files to be retrieved on demand by a user.

Text Messaging: The act of using any texting application (e.g., phone messaging, group messaging, social media, etc.) to send and receive messages that are text-based instead of verbal.

Wireless Telecommunications Device: A cellular telephone, a portable telephone, a text-messaging device, a personal digital assistant, a stand-alone computer, a global positioning system receiver, or substantially similar portable wireless device that is used to initiate or receive communication, information, or data. Such term shall not include a radio, citizens band radio, citizens band radio hybrid, commercial two-way radio communication device or its functional equivalent, subscription based emergency communication device, prescribed medical device, amateur or ham radio device, or in-vehicle security, navigation or remote diagnostics system.

## **IV. PROCEDURES**

### **A. General**

1. This policy applies to any wireless telecommunications device as defined in this chapter that allows its user to initiate or receive communication, information, or data, and to stand-alone electronic devices as defined in this chapter which stores audio or video data files to be retrieved on demand by a user. This policy is applicable whether the device is supplied by the County or personally owned.
2. Although employees are allowed to possess personal cell phones and other wireless telecommunication devices while on duty, they are not required to have them. The use of such devices are not encouraged while on duty.
3. County-owned cell phones and other wireless telecommunication devices are issued to specific employees to improve service, streamline administrative processes, enhance business efficiency, and provide safety and/or security while conducting Department business. These devices are not considered a personal benefit.
4. Employees shall have no expectation of privacy with regard to any communication made with or stored in or through County-owned cell

phones and other wireless telecommunication devices. Employees shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. All content on such devices, may be subject to review under the State's Open Records Act.

5. Employees who are assigned a County-owned cell phone are required to have it with them for official purposes while they are on-duty. Any other County-owned wireless telecommunications device that is assigned to an employee should be readily available while such employee is on-duty.
6. Cell phones and other wireless telecommunication devices will be carried and/or stored in a manner and/or location that does not unreasonably interfere with or impede the use of a County vehicle, or Department-issued or authorized equipment (e.g., weapons, ammunition, handcuffs, radio). Employees shall not carry such devices (County-owned or personally-owned) in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
7. This Department advocates safe and responsible driving habits for all employees. This includes not only adherence to all traffic laws and use of seat belts, but also to limiting distractions while operating a County vehicle through the restricted use of cell phones, other wireless telecommunication devices and stand-alone electronic devices. Any such device (County-owned or personally-owned) must be used in accordance with state law.
8. In accordance with the *Official Code of Georgia Annotated* O.C.G.A. § 40-6-241., while operating a County vehicle, employees shall exercise due care and shall not engage in any actions that shall distract such employee from the safe operation of such vehicle. No employee shall:
  - a. Physically hold or support, with any part of such employee's body a:
    - 1) A wireless telecommunications device, provided that such exclusion shall not prohibit the use of an earpiece, headphone device, or device worn on a wrist to conduct a voice based communication; or
    - 2) Stand-alone electronic device;
  - b. Write, send, or read any text based communication, including but not limited to a text message, instant message, e-mail, or Internet data on a wireless telecommunications device or stand-alone electronic device; provided, however, that such prohibition shall not apply to:
    - 1) A voice based communication which is automatically converted by such device to be sent as a message in a written form; or

- 2) The use of such device for navigation of such vehicle or for global positioning system purposes;
  - c. Watch a video or movie on a wireless telecommunications device or stand-alone electronic device other than watching data related to the navigation of such vehicle; or
  - d. Record or broadcast a video on a wireless telecommunications device or stand-alone electronic device; provided that such prohibition shall not apply to electronic devices used for the sole purpose of continuously recording or broadcasting video within or outside of the motor vehicle.
  - e. The aforementioned subsections (a, b, c, and d) of this section (IV. A. 8.) shall not apply when the prohibited conduct occurred:
    - 1) While reporting a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or road condition which causes an immediate and serious traffic or safety hazard;
    - 2) By a law enforcement officer, during the performance of his or her official duties; or
    - 3) While the Department vehicle is lawfully parked.
9. Employees are discouraged from making calls using wireless telecommunications device (County-owned or personally-owned) while operating a County vehicle. For safety reasons, employees are strongly encouraged to pull over to a safe location prior to using such device for talking. If an employee must make or receive work-related calls while operating a County vehicle, the Department prefers that hands-free technology be utilized. Types of hands-free devices, include the following:

Wired Headset with Microphones: These headsets are physically connected to a user's chosen cell phone through some sort of wire. In general, there are two kinds of wired headsets:

- a. The first style includes a "boom" style microphone that extends from the earpiece; and
- b. The other style has an in-line microphone where the microphone is placed along the cord.

Bluetooth Wireless Headset/Earpiece: Bluetooth headsets are wireless. Most cell phones, especially smart phones, have Bluetooth technology, which makes usability simple and accessible.

Bluetooth Speakerphones: Bluetooth speakerphones remove the discomfort of wearing a headset while driving. Many of them have a clip, so they can be attached inside the vehicle.

Other Alternatives to Hands-Free: An in-vehicle communication system built into the stereo system of many new vehicles where the audio is sent out through the car's speakers. Also, the employee can use the speakerphone function which is available on most cellular telephones.

10. A wireless telecommunications device may be used to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible, but does not relieve employees from using the E911/Communications Center to disseminate and document information.
11. Emergency calls (e.g., reporting a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or road condition which causes an immediate and serious traffic or safety hazard) placed to the E911/Communications Center are allowed by employees. In such cases, the communication should be as short as reasonably necessary to communicate the nature of the emergency, location, etc.
12. Employees shall use caution while utilizing wireless telecommunication devices to ensure that sensitive information is not inadvertently transmitted, intercepted or overheard.

#### B. Restrictions

Employees are reminded that the improper use of cell phones, other wireless telecommunication devices and stand-alone electronic devices may be in violation of County and/or Department rules, regulations, procedures, other directives and applicable laws, depending on the circumstances of such use. Hence, employees shall be familiar with the following restrictions:

1. Employees shall not use such devices (County-owned or personally-owned) to write, send or read any email or text messages, or access video content while driving a County vehicle. Note – Use of GPS units or other wireless telecommunication devices for driving directions are allowed if the unit is programmed prior to operating the vehicle.
2. Employees will not use such devices (County-owned or personally-owned) to create, copy, observe, or distribute offensive or disruptive communications, including those which contain any sexual content or sexual implications, racial slurs, gender-specific comments, or any other content that offensively refers to a person's race, creed, religion, physical or mental disability, color, sex, national origin, age, occupation, marital status, political opinion, gender/sexual orientation, or any other protected group status while performing official business or work of the agency.

3. While on-duty, no employee shall use such devices (County-owned or personally-owned) to copy or transmit confidential personal information, or any private or non-public information, when not required by the official business or work of the Department.
4. Employees will not use such devices (County-owned or personally-owned) to direct or redirect dispatched calls from E911/Communications Center. The County radio system shall be used for this purpose. An exception is permitted only in the event that E911/Communications Center systems are down.”
5. Employees shall not use such devices (County-owned or personally-owned) as a substitute for, as a way to avoid or in lieu of regular radio communications with the E911/Communications Center.
6. Employees will not use such devices (County-owned or personally-owned) to harass, threaten or intimidate another employee and/or individual.
7. Employees shall not use such devices (County-owned or personally-owned) to make work-related or personal calls and/or send work-related or personal messages to an on-duty E911/Communications Center employee without the authorization of a concerned on-duty supervisor. Vice versa no on-duty E911/Communications Center employee shall make work-related or personal calls and/or send work-related or personal messages to an on-duty employee without the authorization of a concerned on-duty supervisor.
8. Employees will not use such devices (County-owned or personally-owned) that is assigned to another employee for the purpose of engaging in prohibited conduct.
9. Employees shall not use such devices (County-owned or personally-owned) in a manner that infringes upon the safety of employees and the public.
10. Employees shall not use personally-owned wireless telecommunication devices while in performance of their job function, not including personal breaks or meals.
11. Employees are prohibited from using County-owned wireless telecommunication devices to access social media and/or the internet, to engage and/or participate in social networking, shopping, browsing, downloading media, or performing any activity that is not work-related.

For further information regarding Social Media refer to the Department's standard operation procedure B17, *Social Media Use of*.

12. Employees will not use such devices (County-owned or personally-owned) solely for personal benefit, while on-duty and interacting with the general public.
13. Employees shall not use such devices (County-owned or personally-owned), with or without a hands-free device, while directing traffic or performing any other job-related duties that require special safety precautions and/or constant attention.

C. E911/Communications Center

1. Any use of cell phones by sworn employees inside the E911/Communications Center, shall be restricted solely to work-related matters and should not disrupt or interfere with any E911 operations.
2. For E911/Communications Center employees cell phone use and restrictions refer to the *Communications Unit Rules*.

D. Personal Calls/Text Messaging at Work

The Department recognizes that cell phones have become an integral part of everyday life and that employees may need to place or receive personal calls and/or send or reply to personal messages while on duty. The following regulations specifically applies to an employee's personal calls and/or text messaging, while on-duty:

1. Subject to the limitations outlined in this policy, employees may carry personal cell phones with them while working; however, they are required to exercise the same discretion in using those devices as is expected for the use of the Department's desktop phones.
2. The Department expects employees to use their cell phone prudently during work hours. Excessive personal calls and/or text messaging during the workday, regardless of the phone used, can interfere with employee productivity and may be distracting to others. Therefore, excessive calls and/or messaging for personal business during duty hours is not allowed.
3. Personal calls for the purpose of harassment or intimidation are strictly prohibited.
4. Personal calls and/or text messaging that are made or received while on-duty are limited to two (2) minutes.
5. Employees shall initiate personal calls and/or text messaging during break periods or between official duties.

6. Official duties and/or calls for service take priority over any personal calls and/or text messaging, regardless of the circumstances. Employees will not engage in personal calls and/or text messaging when official duties and/or calls for service are being, or will be, performed or initiated.
7. Because cell phones are potentially disruptive in the work place, supervisors may prohibit cell phone use or require that all phones must be placed on vibrate or silent mode to avoid distractions.
8. Cell phones shall not be used to play games, download or upload inappropriate, illegal or obscene material.

E. Pictures, Videos and Audio

The use of cell phones, other wireless telecommunications devices and stand-alone electronic devices to take video, pictures or audio should only be used for work related purposes.

1. The use of such devices (regardless of whether it is a County-owned or personally owned) for taking video, pictures or audio recordings of an employee is prohibited without the express permission of that individual.
2. Taking video, pictures or audio recordings may constitute an invasion of others' personal privacy, or may breach confidentiality or other protected information. Therefore, the use of such features on such devices on Department property is prohibited without prior approval. Any pictures or audio/video taken with a County-owned cell phone are the property of the County and any content contained on such device may be subject to review under the State's Open Records Act or during litigation.

F. Use of Personally-Owned Devices for Police Business

1. Employees may use their personal cell phone or other wireless telecommunications device for official Department business. **Prior to the use of the employee's personally-owned device, written permission must be obtained by the Chief of Police and verified by the Department's Legal Advisor.**
2. Such use of any personally-owned device may be subject to open records, judicial discovery, inspections and/or examinations.
3. All official Department information shall be transferred immediately from the employee's personally-owned device to the respective County-owned device. Once the transfer of Department information is confirmed, the employee shall permanently delete the Department information immediately from their personally owned device.



4. Confidential information shall not be compromised or used for unofficial purposes while being stored on the employee's personally owned device.

#### G. Responsibilities

1. Employees in possession of a County-owned cell phone or other wireless telecommunications device are expected to protect them from loss, damage or theft. Furthermore, they are not to be loaned to others unless directed by an employee's supervisor. Upon separation, or when requested by a supervisor, the employee must produce such device for return or inspection.
2. Supervisors of employees with cell phones or other wireless telecommunication devices (County-owned or personally owned) are responsible for ensuring that each employee understands the requirements of this policy. The use of such devices may be withdrawn at the supervisor's discretion. Employees who violate this policy are subject to disciplinary action, up to and including termination of employment.
3. The Department is not liable for the loss, damage or theft of personal cell phones or other wireless telecommunication devices.

#### H. Body-Worn Camera (BWC) and In-Car Cameras (ICC)

1. Uniform Patrol Division employees are provided BWCs and ICCs in an effort to collect evidence to be used in the prosecution of those who violate the law, evaluation and training of sworn personnel, and to provide accurate documentation of law enforcement and citizen interaction.
2. Sworn personnel are prohibited from using personally owned body cameras, or similar devices, while on duty or working off-duty employment.
3. In accordance with standard operating procedure B17: *Use of Social Media*, employees are prohibited from publicly posting, publishing, or transmitting any BWC or ICC, Digital Multimedia Evidence (DME), unless authorized in writing by the Chief of Police.
4. No employee shall utilize, or otherwise allow to be utilized, BWCs, ICCs, or DME for personal use.
5. Sworn personnel issued BWCs and/or assigned a police vehicle equipped with ICCs shall adhere to the procedures outlined in standard operation procedures B13: *Body-Worn and In-Car Cameras*.

#### V. CANCELLATIONS

This procedure amends and supersedes the following standard operating procedure: B8: *Use of Communications Devices*, dated June 18, 2015.