



Newport News Police Department - Administrative Manual

ADM-535 - CELLULAR PHONE USAGE

Amends/Supersedes: (03/11/2020)

Date of Issue: 08/23/2021

I. GENERAL

- A. Personnel will follow the Virginia Freedom of Information Act ([§2.2-3700 through §2.2-3714](#) of the Code of Virginia) and [ADM-160 Privacy/Dissemination of Information](#), relating to the dissemination of information when using Department cellular telephones ("cell phones") in the course of their work activities. [82.1.7]
- B. Employees have no expectation of privacy in regard to any communications, either received or generated, while using Department cell phones. The Department reserves the right to access any information from any Department-issued electronic resource and may require employees to provide passwords upon request.
- C. The Department's electronic communications systems are the property of the City, intended for use in carrying out government business. The City of Newport News retains all personal property rights in any matter created, received, or sent via the City's electronic communications systems, and such matter is not the property of the employee.
- D. Employees shall use their issued cell phones responsibly and professionally and will not intentionally use them for any unlawful, or otherwise inappropriate purpose. Access to information and information technology is agency mission essential; however, use of cell phones is a revocable privilege. Conformance with the acceptable use policy, unless specifically excepted, is required. (See also: City PAM section [1403 Use of Information Technology Policy](#))
- E. Employees are cautioned against relaying sensitive information over cell phones, which are less secure than "landline" telephones.

II. DEFINITIONS

- A. *Business Call* - a telephone call made for the purpose of Department, City, or Federal business. (This shall also refer to text messages, digital photographs, or any other communication transmitted via the cell phone.)
- B. *Personal Call* - A telephone call that is not for the purpose of Department, City, or Federal business. (This shall also refer to text messages, digital photographs, or any other communication transmitted via the cell phone.)
- C. *Cellular Telephone (Cell Phone)* - Cell phones, wireless handheld devices (commonly known as "smartphones"), or any other wireless digital or analogue equipment used whose primary designed use is as a means to transmit, or facilitate, communications (this does not apply to police radio equipment or MDCs).

III. USAGE REQUIREMENTS

A. Operation

1. Motor Vehicle Operation - Employees are cautioned against making cell phone calls while operating a motor vehicle. It is recommended that employees pull over to a safe location to place or receive a call.
2. Bluetooth® devices - Employees are prohibited from using devices that are attached to the body, such as Bluetooth®, or similar devices, for cell phones while on duty.
3. Employees using their “smartphones” for electronic communications, will do so under the usage requirements of [ADM-540 Agency Computer & Information Technology Usage](#) regarding internet use, emails, software applications, games, and security.
4. Employees may use their department issued cell phone camera to capture images and recordings, both audio and video, related to criminal investigations. All images and recordings must be downloaded from the phone and transferred to both the DataWorks Digital Crime Scene System, per [OPS-485 Property & Evidence](#), section III. F. If the digital file type is compatible, it should also be attached to the report in the records management system.

B. Additional Cell Phone Services

1. Text Messaging - The Department recognizes that during specific circumstances, text messaging is a preferred method of communication on cell phones (e.g. covert operations, varied Executive Staff notifications, etc.); however, employees should avoid the overuse of text messaging, particularly when verbal communication is an available option.
2. Ringtones/Applications - Employees shall not download any additional features such as specialized ringtones, applications, wallpaper, etc., which would incur an additional cost to the City of Newport News, unless specifically authorized by their bureau commander.
3. Games – Employees shall not download games and entertainment-oriented applications to issued cell phones without specific authorization from their bureau commander.

C. Personal Use

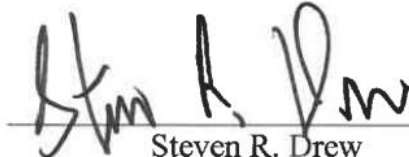
1. Employees are not required to reimburse the City of Newport News for personal use of Department-issued cell phones; however, employees shall remain cognizant of all privacy and time management concerns and shall act in accordance with this policy and City PAM Section [1403 Use of Information Technology Policy](#).
2. Employees shall not use their Department-issued cell phone to text, post to social media, or e-mail photographs or other information relating to investigations, or other Department business, for unofficial purposes.

D. Abuse of Privileges

1. Employee abuse of cell phone privileges will be reported to the appropriate bureau commander, and may result in disciplinary action.
2. Text messaging, or other distracted driving activities that result in a vehicular crash will be noted in the vehicle crash investigation (see [OPS-330 Traffic Crash Investigations](#)) and may result in disciplinary proceedings (see [ADM-250 Police Vehicle Crash Review](#)).

- E. Personal Cell Phones - Employees will not use any personally-owned cell phone for the purposes of documenting Department evidence or investigation-related photos (both on and off duty) except: [83.2.2(d)]
1. As set out in NNPD [Form #106](#) *Waiver for Body Camera and Evidence.com*, with the use of Department-issued body cameras and related smartphone applications.
 2. Department-approved applications and resources.

NOTE: Information recorded using a personal cell phone may be subjected to the rules of discovery, resulting in a temporary loss of use, or possession of, the device, and the download of all of the phone's information.



Steven R. Drew
Chief of Police