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1	12/09/2021	12/09/2021

TUSTIN POLICE DEPARTMENT GENERAL ORDERS

POLICY 449 DEPARTMENT-ISSUED PERSONAL COMMUNICATION DEVICES

449.1 PURPOSE AND SCOPE

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

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all cellular phones, laptop computers with mobile data access, Bluetooth technology devices, wireless-capable tablets, and 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, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

449.1.1 ACCREDITATION STANDARDS

This section pertains to the following CALEA Standards: **41.3.7, 83.2.2**

This policy pertains to the following Standard Operating Procedures: N/A

449.2 POLICY

The Tustin Police Department allows employees to utilize department-issued PCDs subject to certain limitations. Any department-issued 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.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of any PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under the California Public Records Act.

449.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued by the department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Department Technology Use Policy for additional guidance).

449.4 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT

No employee is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any employee as directed by a

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supervisor without notice. Employee use of a department-issued PCD at work or for work-related business constitutes specific consent for access for department purposes.

449.5 PERSONAL USE OF MOBILE APPLICATIONS

Department members shall not load, download, or install any mobile application or software onto department-issued PCDs without express written permission from the Professional Standards Division Commander. Unique identifiers which are primarily used to access personal accounts or online services shall not be added or saved onto any department-issued PCD. Unique personal identifiers include but are not limited to: Apple IDs, user IDs, usernames, account numbers, email addresses, passwords, etc.

449.6 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate work-related duties 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.

449.7 USE OF DEPARTMENT-ISSUED PCD

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

- a. Any passwords or user IDs created specifically for a department-issued PCD, shall not be deleted or changed without the express written permission from the Professional Standards Division Commander.
- b. A department-issued carrier shall provide reasonable protection from physical and environmental damage.
- c. All PCDs in the workplace should be set to silent or vibrate mode for officer safety reasons. At the officer's discretion, it may be necessary to receive an audible alert and care should be taken that it not interfere with their safety or the safety of other officers.
- d. A department-issued PCD should not be used to conduct personal business, while on-duty, except for brief personal communications or extenuating circumstances.
- e. Employees may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- f. Employees are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure or dissemination of any such information for anything other than official law enforcement purposes, through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline and is a violation of law per Penal Code 647.9(a).
- g. Employees will use a department-issued PCD to access social networking sites for only official department business.

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- h. Using department-issued PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

449.8 CARE OF DEPARTMENT-ISSUED PCD

Employees shall promptly report through their chain of command, any loss, theft, damage to, or unserviceable condition of any department-issued PCD. Lost or stolen department-issued PCDs are capable of being tracked and remotely wiped by the city's Information and Technology Department. Prompt reporting will ensure the PCD can either be found or wiped clean of department related information in a timely manner.

449.9 SUPERVISOR RESPONSIBILITIES

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

- a. Ensuring that employees under their command are provided appropriate training on the use of PCDs consistent with this policy.
- b. Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if an employee is observed or reported to be improperly using a PCD.
 - 1. If improper use of the PCD is discovered, the supervisor making the discovery shall make a report as soon as practical through their chain of command.

449.10 OFFICIAL USE

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

449.11 USE WHILE DRIVING

The use of any 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 PCDs to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Employees who are operating department vehicles that are not authorized emergency vehicles should not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the department or another emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5).