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<td>Personal Communication Devices</td>
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<td>James L Whalen</td>
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Personal Communication Devices

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

II. **Policy:**

The University of Cincinnati Department of Public Safety allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, 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.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) 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, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees 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 employee and the employee’s PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

III. **Information:**

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department 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 or funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee 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, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search
warrant, on department-issued PCDs.

IV. Procedure:

A. Departmental - Issued PCD

1. Depending on an employee’s assignment and the needs of the position, the Department may, at its discretion, issue a PCD. 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.

B. Personally Owned PCD Stipend

1. Employees who hold positions that include the need for a cell phone may receive a cell phone stipend to compensate for business-related costs incurred when using their personally-owned cell phones. The level of stipend will be determined by a person’s job duties as it relates to cell phone use and access. The Department will review and set the amounts to be provided for stipends. Employees who receive a PCD Stipend will also comply with University of Cincinnati policy 2.1.7 Wireless Communication Stipend.

2. Recipients of a cell phone stipend have the following responsibilities:
   a. Purchase cellular phone service and equipment and assume responsibility for vendor terms and conditions.
   b. Select a service provider, plan, and features that meet the requirements of the job and the level of service that the stipend is intended to cover.
   c. Maintain an active service contract for the duration of the stipend.
   d. Promptly report any cell phone number or plan changes, as well as if a phone is stolen or missing.

3. The selected plan shall not exceed the cost of employee’s business usage. The PCD Stipend will be based on the level of PCD business usage as outlined below.
   a. Plan 1 Limited Voice and/or Data for Business Usage
   b. Plan 2 Moderate Voice and/or Data for Business Usage
   c. Plan 3 Frequent Voice and/or Data for Business Usage
   d. Plan 4 Unusually High Voice and/or Data Business Usage

4. Business Justification for a PCD Stipend will be based on the following criteria:
   a. Job requires that employee needs to be immediately accessible outside of normal hours
Personal Communication Devices

b. Employee is responsible for critical infrastructure and needs to be accessible at all times
c. Employee travels and needs to be accessible or have access to information technology systems while travelling
d. Access via voice and/or access to information technology systems renders employee more productive

5. An employee’s request for a PCD Stipend will be submitted on an Office of Safety and Reform, Wireless Safety Stipend Agreement Form.

6. Ultimate approval authority within the Department for a PCD stipend will rest with the Director of Public Safety.

7. PCD Stipend Audit
   a. Annually the Public Safety Business Office will ensure an audit of PCD Stipends is conducted to determine that all current PCD Stipends are in accordance with this policy.

C. Personally owned PCD

1. Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:
2. Carrying a personally owned PCD is a privilege, not a right.
3. The Department accepts no responsibility for loss of or damage to a personally owned PCD with exception to any signed labor agreement provision.
4. Employees shall promptly notify the Department in the event their personally owned PCD is lost or stolen.
5. Their personally owned PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.
6. The personally owned PCD should not be used for work-related purposes except in exigent circumstances (unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
7. Except for exigent circumstances, personally owned PCD will be used out of public view.
8. Personally owned PCD 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.

D. Use of any Personal Communication Devices

1. The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:
   a. A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
   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). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
   c. Employees will limit access to social networking sites except for official department business except on work break periods.
   d. Except for exigent circumstances, PCD will be used out of public view.
   e. Employees may use a PCD to communicate with other personnel in situations where the use of the radio 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. Except for exigent circumstances, employees are prohibited from taking pictures, video or making audio recording or making copies of any such picture or recording 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 Chief of Police or the authorized designee, may result in discipline.
   g. Employees should not give their privately owned PCD numbers to victims, suspects or witnesses. Requests for Department of Public Safety service should be communicated through formal procedures (e.g. Emergency Communication Center).
   h. Using 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.

E. Supervisor Responsibilities

1. 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 an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated.
when circumstances warrant.

F. Use While Driving

1. Employees shall not write, send or read text messages while operating a University vehicle. Employees should also limit use of their cellular telephones while operating University vehicles. The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Employees operating University 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 (ORC § 4511.204).

G. Official Use

1. Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing 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.

References

University of Cincinnati Policy 2.1.7 Wireless Communication Stipend