

Waltham Police Department

CHAPTER 82

CELLULAR PHONE USE

General Order Number: GO-1 2009

Effective Date: 01/2009, 01/2012, 03/2021, 05/2023, 05/2024

Accreditation Standard #: 81.2.10, 83.2.2

POLICY:

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of cellular phones while on duty.

The Waltham Police Department recognizes that with the advent of personal cellular phones, it is no longer unusual for officers to carry a portable cellular phone including when on duty. While the availability of a cell phone offers great convenience to the officer, the use of it raises certain issues regarding departmental communication protocol as well as officer safety. The cell phone is not meant to replace other communication tools, but rather to enhance them. They can be utilized to contact individuals where radio and/or cruiser computer contact is impossible or impractical.

PROCEDURES:

This policy is in effect for all persons who may be under the direction or control of the Waltham Police Department; including but not limited to, all sworn members, Animal Control Officers, Cadets, Emergency Telecommunications Dispatchers, or any other person designated by the Chief of Police. [81.2.10]

1. PERSONAL CELL PHONES: [81.2.10-2A]

Officers choosing to carry a personal cellular phone while on duty shall be subject to the following procedural guidelines:

- a.** Officers may possess personal cellular phones while on duty; however, they shall not attach them to their uniform in a manner that would be tactically unsafe.
- b.** Employees should restrict their cell phone use on details or while in public view, unless extenuating circumstances exist.
- c.** Officers should minimize the use of department issued and personal cellular phones while operating police vehicles, trying to use hands free capabilities whenever possible. Officers are reminded that they shall be alert and vigilant

at all times in the performance of their duties and devote their full time and attention to the service of the Department and to the citizens of the community, even when making or receiving private phone calls on their cell phones. It is recommended that officers pull off to the side of the road in a safe location when engaging in telephone conversations.

- d. For officer safety reasons while in patrol, phones should remain in vibrate or silent mode.
- e. Officers will not use a personal cellular phone to step outside any calls for service protocols established by the Department. Specifically, officers should not be using their cell phones as the sole means of communicating while on a call, due to the potential safety issues.
- f. Officer shall keep private phone calls and personal business to a minimum so as to avoid interruptions in police operations.
- g. Mass General Law Chapter 271 Section 51(b) states, in part, no first responder who responds to or is otherwise present at the scene of a crime, accident or other emergency (in the performance of their duties) shall take a photographic or digital image of a victim of a crime, accident or emergency unless the first responder takes the photographic or digital image, with a department issued phone, in the performance of the first responder's official duties; or upon the consent of the victim. This law does not apply to the use of body-worn cameras or cameras mounted on a first responder's vehicle. [82.1.10], [83.2.2-]
- h. Officers recognize that the City of Waltham is not responsible for damaged or lost personal cellular phones. The City of Waltham Police Department will repair; replace department issued phones as necessary.

2. DEPARTMENT ISSUED CELL PHONES: [82.1.10-1A]

- a. Officers, Detectives, Command Staff, K-9, etc. who have a department issued cell phone must adhere to the same regulations as above.
- b. Members will take steps to ensure that the cellular phone calls are made in an effective and efficient manner so billing costs are limited.
- c. Like all police equipment, an inventory is kept of all cell phones including dates distributed, serial numbers, etc.
- d. Any department cellular phone that is lost or stolen must be documented in a police report that contains the circumstances of the loss/theft along with the make, model and serial number of the equipment.

- e. Damaged cellular phones shall be forwarded to the Maintenance Officer who will send the phone to be repaired or replaced as needed.

3. GENERAL PROTOCOL:

- a. Cellular Telephone numbers, like home phone numbers should not be provided to members of the public unless authorized by the cellular phone holder.
- b. Photo Images captured during the course of an employee's duties are considered to be department documents and may only be distributed in accordance with department policy.

4. USE OF CELL PHONES AND THE E911 CENTER:

In general, cell phones shall not be used as a means to contact the E911 Center regarding dispatched calls for service. The intent is to ensure all important information regarding calls for service are transmitted over the radio for officers to hear. In the event of a problem or discrepancy with regard to an active police incident, the officer should ask their supervisor or OIC to correspond with Dispatch for additional information.

There are instances when it may be necessary and thus permissible for an officer to contact Dispatch via cell phone. These instances may include but are not limited to:

- a. Dispatch requesting an officer to contact the Center via telephone due to the sensitive and confidential nature of a call. Dispatchers should use discretion when requesting an officer contact them regarding the details of a call for service.
- b. A Detective may contact the Center for additional information or to discuss confidential information not appropriate for public air waves.