DUBLIN POLICE DEPARTMENT

**STANDARD OPERATING PROCEDURE**

**SECTION: C-009 MOBILE COMMUNICATION DEVICE**

**EFFECTIVE DATE: NUMBER OF PAGES: 3**

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#### STANDARD COVERED *CHIEF KEITH MOON*

**I. Purpose**

The purpose of this policy is to direct officers of this agency in the proper and prohibited usage of agency-issued Mobile Communication Devices. The term Mobile Communication Devices (MCD) is intended to include all mobile telephones, personal digital assistants (PDA), I-Pads, Laptop Computers, and similar wireless two-way communications and/or portable Internet access devices. MCD use agency-issued includes but is not limited to, placing and receiving calls, text messaging, blogging, e-mailing, using video or camera features, accessing sites, agency records management systems, NCIC terminals, and services on the Internet.

**II. Policy**

This policy sets forth the agency rules and regulations regarding the use of agency-issued Mobile Communication Devices in the officer's possession while on duty as a member of this agency or at any time while operating an agency-owned vehicle.

**III. Procedure**

A. Any Mobile Communication Device used while on-duty, or used off-duty in any manner reasonably related to the business of the agency, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

B. The inappropriate use of a Mobile Communication Device while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned MCD either on-duty or after-duty hours for business-related purposes may subject the employee and the employee's MCD records to civil or criminal discovery or disclosure under applicable public records laws.

C. Employees shall have no expectation of privacy with regard to any communication made with or stored in or through agency-issued Mobile Communication Devices and shall have no expectation of privacy in their location should the device be equipped with GPS.

D. 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 agency-issued Mobile Communication Devices.

E. Agency-issued Mobile Communication Devices are to be utilized for agency use only. These devices shall remain the sole property of the agency and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

F. Unless an employee is expressly authorized by the Chief of Police or their designee for off-duty use, the Mobile Communication Device will either be secured at the completion of the tour of duty or will be turned off when leaving the agency.

G. An agency Mobile Communication Device may not be used to conduct personal business while on-duty or off-duty.

H. MCDs should not be used as a way to avoid routine radio communications with the dispatcher and other field units. However, when a Mobile Communication Device is used regarding routine dispatcher-car-to-car communications where feasible, the information should be communicated to all officers through electronic messaging.

I. Employees will not access social networking sites for any purpose that is not official office business.

J. Using MCDs 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.

**IV. Crime Scene**

A. All officers shall be aware that the use of a recording device such as an agency-issued Mobile Communication Device with a camera or video recorder capable of recording and documenting evidence at the scene of an incident under investigation by the agency must be considered to have potential evidentiary value. These images and recordings contain potentially inculpatory and exculpatory materials. Therefore, when any member of the agency uses a recording device of any type to capture images or verbal recordings related to incidents under investigation by the agency the material must be preserved and disclosed.

B. Officers should consider whether it would be beneficial to the overall investigation to await the arrival of a Crime Scene Technician trained in the preservation and collection of evidence through the use of photographic equipment or to document the scene themselves prior to the technician’s arrival. In some cases where exigent circumstances exist, such as the evidence is transient in nature, then the responding officer based on the totality of the circumstances may choose to document the evidence.

C. When any officer documents evidence through the use of a Mobile Communication Device, that evidence shall be disclosed to a supervisor or the lead investigator assigned to the investigation.

D. The supervisor/investigator will take the appropriate steps to ensure the evidence is properly preserved and the chain of custody followed.

E. Under no circumstances will an officer who has recorded any evidence, image, or recording, associated with departmental investigations related to work product, in accordance with this policy reproduce, copy, or forward the image or recording by means of social media, internet, e-mail or similar media sharing devices with any person other than those persons who are acting in their official capacity in accordance with law.

F. The officer who transfers evidence, images, or recordings, captured in the performance of their official duties, to any person or agency will document that evidence transfer in the records management system of the agency where that investigative case file is maintained.

**V. Mobile Communication Device While Operating an Agency Vehicle**

A. Communication policies for both patrol officers and dispatchers must unilaterally indicate that the in-car computer is a tool, but the primary communications between the officer in the field and the dispatcher will be two-way radio communications.

1. The use of a Mobile Communication Device while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Officers operating agency 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 MCD.

2. Except in an emergency, employees who are operating agency vehicles shall not use a Mobile Communications Device while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

3. Officers operating an agency vehicle while engaged in a vehicle pursuit or responding to an emergency call for service, “Hot Call”, which requires the operation of the vehicle’s emergency lights and siren, will instruct the dispatcher to “Broadcast the Call” information over the radio. Vehicle operators are prohibited from accessing the Mobile Communication Device while in operation of a vehicle under emergency conditions.

4. An officer who is the passenger in a vehicle shall take control of the radio broadcasting responsibility and is allowed to access the Mobile Communication Device while the vehicle is being operated in an emergency mode.