

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile phones and personal communication devices, whether Department-issued or individually owned, 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 mobile telephones, 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, use of applications, blogging and microblogging, emailing, using video or camera features, and accessing sites or services on the Internet.

The Orange County Sheriff's Department allows members to utilize department-issued PCDs and to possess individually owned PCDs in the workplace, subject to certain limitations (e.g., working in the security areas of a jail). The inappropriate use of a PCD while on duty may impair officer safety. Additionally, members are advised and cautioned that the use of a individually owned PCD either on duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws. If use of an individually-owned PCD for work related purposes, whether on or off duty, is unavoidable, the member may avoid having their individually-owned PCD becoming subject to disclosure by forwarding the communication (text or e-mail) to a Department-issued device or account. Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from their direct supervisor

702.1.1 PRIVACY POLICY

Any Member utilizing any computer, internet service, phone service or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the Member, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored using such service.

702.2 DEPARTMENTALLY ISSUED PERSONAL COMMUNICATION DEVICES

Depending on a Member's assignment and needs of the position, the Department may, at its discretion, issue a PCD. Such devices 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.

702.2.1 INDIVIDUALLY-OWNED PERSONAL COMMUNICATION DEVICES

Members may carry their own PCD while on duty subject to the following conditions:

1. Carrying an individually-owned PCD is optional.

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2. The device shall be purchased, used and maintained at the Member's expense.
3. If the Member's assignment restricts or prohibits use of an individually-owned PCD during work hours the Member must comply with those limitations.

702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

PCDs, whether provided by the Department or personally-owned, should only be used by on-duty Members for legitimate Department business except as provided for below. Members may use a PCD to communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. PCDs however, should not be used to replace regular radio communications.

1. While Member's may use individually owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the public.

702.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their phone call or other use of the PCD.

Except in the case of an emergency, Members who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving unless the telephone is specifically designed and configured to allow hands-free listening and talking (Vehicle Code 23123 (a)). Such use should be restricted to business related calls or calls of an urgent nature.

702.2.4 OFFICIAL USE

The use of personal communication devices may be appropriate in the following situations. This list is not all inclusive:

1. Barricaded suspects.
2. Hostage situations
3. Mobile Command Post.
4. Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
5. Major political/community events.
6. Investigative stakeouts where regular phone usage is not practical.
7. Emergency contact with outside agency or outside agency field unit equipped with PCDs.
8. When immediate communication is needed and the use of the radio is not appropriate and other means are not readily available.

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702.2.5 PROHIBITED USE OF PERSONAL COMMUNICATION DEVICES

Prohibited use of a PCD include:

1. 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). Members shall limit their use of their device to authorized break times, unless there are exigent circumstances.
2. Extended or frequent use of Department-issued PCDs or individually owned PCDs while on duty for personal use, whether telephonic, texting, e-mailing or use of the internet, is prohibited and may be subject to discipline. Members may be responsible for reimbursing the Department for any charges incurred as a result of personal use of a Department-issued PCD.
3. Absent exigent circumstances, PCDs shall not be utilized for non-work-related communication while the Member is engaged in a call for service. Using PCDs during calls for service may inadvertently capture personal communication which may be subject to discovery requests, subpoena or Public Records Act requests.