

GENERAL ORDER XXXIV

**SUBJECT:** Cellular Telephones

**EFFECTIVE DATE:** 03-19-08 **REVIEW DATE:** 03-01-2015

**NOTE:** This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department and then only in a non-judicial administrative setting.

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## **I. PURPOSE**

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

## **II. POLICY**

It is the policy of the West Plains Police Department to use cellular telephones in the course of police operations to enhance departmental communication. Cellular phones may be used by officers to conduct official business when the use of radio communication or hard line telephones is inappropriate, unavailable or inadequate to meet communication needs and when the cellular phone is used in accordance with this policy.

## **III. DEFINITIONS**

*Disruptive activity:* Any time that cellular phone operations would be considered disruptive, such as in meetings, training sessions, court or public places when their use would reasonably be deemed annoying and intrusive.

*Distraction:* Any time the use of a cellular phone would unnecessarily or unreasonably divert the attention of an officer from their official duties and/or cause a potentially hazardous situation.

## **IV. PROCEDURES**

### **A. Department Owned Cellular Phones**

1. Cellular phones are authorized for official police business.

Exceptions may be made for family situations or personal matters that require attention and where alternative forms of communication are not suitable or easily available.

2. Cellular phones may be used in off-duty capacities only for the conduct of police-related business or during departmentally managed off-duty law enforcement assignments.

3. Cellular telephones are an augmentation to the department's communication system not a substitute for radio communication designated for transmission through the department's emergency

communication center. Approved cellular telephone usage includes but is not limited to the following types of communications:

- a. Conveyance of sensitive or restricted information.
  - b. Undercover operations.
  - c. Lengthy communication with supervisors or headquarter personnel.
  - d. Communication beyond normal radio range.
  - e. Incidents in which direct contact with an officer and the public is critical.
  - f. Incidents in which use of a hard line telephone would be appropriate but where one is not available.
4. Cellular phone numbers should not normally be provided to members of the public. Exceptions may be made when immediate future contact between an officer and a victim, witness or other person may be critical.
  5. Personnel may not provide the cellular phone number of any member of the public without the cell phone user's authorization.
  6. Police reports may not be taken using the cellular phone. The phone may be used to contact the victim or complainant and arrange a meeting time and place but not to expedite service.
  7. Officers may not operate patrol vehicles while using cellular phones unless emergency circumstances exist and other means of communication are not available or suitable. When possible, officers should pull off the highway in a safe location when using cellular phones unless hands-free operation devices are authorized and available.
  8. Any financial charges incurred by cellular phone use should be limited and clearly linked to the necessity to use cellular phones when other alternatives are not available or inappropriate.
    - a. Random periodic audits of departmentally issued cellular phone use may be made at the department's discretion.

#### B. Personal Cellular Phones

1. Officers electing to carry personally owned cellular telephones while on duty must obtain approval from their immediate supervisor and provide him or her with the telephone number.
2. Use of personal cellular phones either in voice or data transmission while on duty should be restricted to essential communications and should be limited in length. Engagement in multiple or extended conversations unrelated to police business or similar use that interferes with the performance of duty is prohibited.
3. Use of personal cellular telephones is governed by the same safety restrictions as provided for departmentally owned cell phones.
4. Personal or departmentally issued cellular phones should not be used if they may be disruptive to others. Photo messaging capabilities are prohibited unless they can be clearly linked to the conduct of official police business.

A. This policy is issued by the authority of the Chief of Police. Any policy additions, deviations or revisions shall be made only at the direction of the Chief of Police.

By Authority of:

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Jeffrey S. Head, Chief of Police