

ELIZABETH POLICE DEPARTMENT GENERAL ORDERS



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SUBJECT: WIRELESS TELEPHONES & ELECTRONIC DEVICES

EFFECTIVE DATE:

February 1, 2016

ACCREDITATION STANDARDS:

N/A

BY THE ORDER OF:

Chief Patrick Shannon

BY AUTHORITY OF:

Police Director James Cosgrove

SUPERSEDES ORDER #:

155

PURPOSE The purpose of this general order is to establish official policy regarding the use of wireless telephones and devices while on duty or in an official capacity.

POLICY It is the policy of the Elizabeth Police Department that personnel may possess wireless telephones or electronic communications devices on duty, but its use must be in compliance with applicable law and this general order.

PROCEDURES

I. GENERAL PROVISIONS

- A. For purposes of this general order the term wireless telephone or device includes, but is not limited to: cellular telephone, mobile telephone, satellite telephone, personal data assistant (PDA), Blackberry®, iPhone®, iPad®, iBook®, etc.
- B. This department recognizes the value of wireless telephones and devices and does not seek to prohibit or unduly restrict their use. Yet, some restrictions for their on-duty use are necessary to ensure officer safety, promote professionalism, and protect the public good. Wireless telephones and devices can become an attractive nuisance for personnel who make or receive excessive personal calls as well as conduct personal business that is more convenient to handle on duty rather than off duty.

II. DEPARTMENT ISSUED WIRELESS TELEPHONES AND DEVICES

- A. Cellular telephones are provided to certain officers in order to enhance the efficiency of the department. Officers assigned these phones should make every effort to utilize other means of communication where possible and appropriate. EXCEPTION: the use of cellular phones in a tactical setting can be used in the direct-connect or walkie-talkie mode (when so equipped) thus preventing those communications from being monitored on departmental radio frequencies.
- B. Cellular phones and other wireless devices shall only be used for department business except:
 - 1. When a personal emergency exists and use of a landline or personally owned device is not possible or practical.
 - 2. When an officer is required to work beyond his/her normal shift and family notification is necessary and use of a landline or personally owned device is not possible or practical.
 - 3. When it allows citizens involved in a law enforcement event, either as victims or witnesses, to contact family members, employers, childcare providers, etc., to inform of their possible delay and use of a landline or personally owned device is not possible or practical.
 - 4. When it is used to contact reporting parties, informants and other citizens where such calls relate to department business and use of a landline or personally owned device is not possible or practical.
 - 5. When it is utilized to return calls, which result from unidentifiable pages and use of a landline or personally owned device is not possible or practical.
- C. Miscellaneous issues relating to cellular phone and/or wireless device use:
 - 1. Under no circumstances shall officers download games or other applications to a department issued wireless telephone or device without the expressed consent of the Chief of Police.

2. When in physical possession on duty, agency owned wireless telephones/devices must have the audio ringing feature turned off. This is to ensure officer(s) safety in the event the device rings at an inappropriate time.
3. Officers should refrain from using cellular phones or wireless devices in order to relay information about a police incident where such information would provide for the safety of all officers responding to such an incident. The information should be communicated to all officers either through the radio or the MDT messaging system.
4. Texting is prohibited while a vehicle is on operation.
5. Except in an emergency where other official means of communication have been severed, officers shall not operate a police vehicle while using a cellular phone or wireless device. Unless faced with such an emergency, all calls shall be made from a stationary position.
6. Officers shall not utilize a cellular phone or wireless device while in the public's view unless faced with an emergency or other legitimate job-related need.
7. Playing games on a department issued wireless telephone or electronic device while on duty is prohibited.
8. Officers who use the department issued cellular phones or wireless devices for personal calls in excess of these stated guidelines shall be subject to disciplinary action.
9. Officers are personally responsible for any voice/data overage charges for personal calls made on a department issued wireless telephone or device.

III. USE OF PERSONALLY OWNED WIRELESS TELEPHONES AND DEVICES

- A. Use of a personally owned wireless telephone or device while on duty or at the scene of an official incident is generally restricted to a job related necessity. If an emergency develops necessitating its use, all calls must be kept to the appropriate minimum.
- B. When in physical possession on duty, personally owned wireless telephones/devices must have the audio ringing feature turned off. This is to ensure officer(s) safety in the event the telephone rings at an inappropriate time.
- C. The department will not provide repair, replacement or reimbursement if a personally owned wireless telephone or device become lost, stolen or damaged while on duty.
- D. Personally owned hand-held wireless telephones and devices shall not be used while operating a motor vehicle on duty, except for an official law enforcement related purpose and then only from a stationary position.

1. Officers shall not utilize a personally owned wireless telephone phone device while in the public's view unless faced with an emergency or other legitimate job-related need. Officers shall be discreet in their use of such personally owned devices.
 2. Officers shall not use wireless telephones or devices while working extra duty assignments unless some emergency exists or an unexpected circumstance makes it necessary for an officer to briefly call home.
 3. Officers shall limit their use of personal wireless telephones or devices to the extent that their duties to the department are not compromised.
- E. Except where otherwise impracticable, department employees should not utilize their personal wireless telephones or devices to contact victims or witnesses to obtain or relay routine information. Instead, an agency telephone or wireless device should be used. Such devices and the associated electronic records could be subject to subpoena or discovery.
- F. Except in an emergency or where necessary as a component of a strategic plan to overcome the possibility that communications will be overheard and where other official department communication methods are unavailable, officers shall not utilize a personal wireless telephone or device to bypass official means of communication. Officers should refrain from using personally owned wireless telephones or devices in order to relay information about a police incident where such information might compromise the safety of all officers responding to an incident.
- G. Personnel subject to recall as part of their job duties may use their personal wireless telephone or device in lieu of an agency issued wireless telephone. There will be no compensation or remuneration for using a personal telephone or device. Personnel utilizing this option shall answer their wireless telephone or device when called.
- H. Taking photographs or video with a personal wireless telephone or device on duty is generally prohibited, unless for a job-related necessity. Any video, image, or photograph taken on duty with a personal wireless device is considered the intellectual property of the Elizabeth Police Department. The Elizabeth Police Department reserves all copyrights. Personnel taking job-related photographs, images, video, etc. with a personally owned wireless telephone or device shall notify their supervisor as soon as practicable. The Chief of Police or his/her designee must approve any release of such photographs, video, and images.
- I. Texting on a personally owned wireless telephone or device while operating a vehicle is strictly prohibited.
- J. Personnel are reminded that wireless telephone and electronic device records may be subject to Open Public Records Act and Discovery requests. The New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedule for telephone records is currently six years.