

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally 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, personal digital assistants (PDAs), 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, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

701.2 POLICY

The Louisville Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

701.4 DEPARTMENT-ISSUED SMARTPHONES

City of Louisville Police Department Policy Manual

Law Enforcement Policy

Personal Communication Devices

Department-issued Smartphones are to be used as a tool to further enhance officers' communication abilities in performing their duties. Smartphones are to be used primarily for job related purposes. Officers issued Smartphones will acknowledge they have read the Louisville Police Department policy, as well as the City of Louisville Personnel Guidelines and IT Policy prior to receiving their assigned Smartphone.

701.4.1 RESTRICTIONS

All Smartphones will be issued with a pre-assigned phone number and the City email directory installed. Officers may provide their Smartphone number to persons they need to communicate with for job related purposes.

On-duty personnel shall leave their department issued Smartphones turned on, so that incoming calls may be received. Officers are not required to answer phone calls while off-duty; however, Officers shall maintain their department issued Smartphone in a powered "ON" and charged status at their residence when off duty, with the Active 911 App and audible notifications enabled at all times, so the Police Department can efficiently notify off-duty staff of rapidly unfolding emergencies for which additional personnel may be needed or requested. Nothing in this policy shall be construed to constitute an 'on call' or restricted status for anyone other than designated personnel.

Smartphones may be used for personal calls, provided that these calls are few in number and limited in duration. Telephone billing transactions will be monitored and periodically audited to check for compliance with this policy. Personnel who noticeably use their Smartphone extensively for personal calls will be required to reimburse the Department for the cost of such calls.

Smartphone calls are not a secure form of communication; therefore confidential or sensitive information should not be discussed over a Smartphone, unless exigent circumstances exist. All Smartphones must be fingerprint or password protected. Should photos be taken on the Smartphone for evidentiary purposes, they will need to be downloaded, submitted to evidence, and deleted off the phone. No evidence photos are allowed to be kept on the phone.

Employees shall not download/install software or applications without the approval of the City IT Department and the Deputy Chief. This includes applications that are available at no cost.

Lost or damaged phones should be immediately reported to the on-duty supervisor so the phone can be disabled.

701.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

1. Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
2. The Department accepts no responsibility for loss of or damage to a personally owned PCD.

Personal Communication Devices

3. The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.
4. The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
5. The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
6. Use of a personally owned PCD constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Department with all telephone access numbers for the device.
7. All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Louisville Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

If during the member's official duties their personally owned PCD is damaged, they should follow the procedures outlined in the Department-Owned and Personal Property policy. Upon review by the staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the finance department.

The total reimbursement amount is not to exceed the lesser of either the actual replacement cost or \$150.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

Personal Communication Devices

- a. A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.
- b. All PCDs in the workplace shall be set to silent or vibrate mode.
- c. 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 endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
- d. Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- e. Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means requires the express authorization of the Chief of Police or the authorized designee.
- f. Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.
- g. Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- a. Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- b. Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Officers operating emergency 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 PCD.

Except in an emergency, members who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (CRS § 42-4-239). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

Personal Communication Devices

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

