

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of department-issued mobile telephones and communication devices for on-duty 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) 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 San Leandro 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 department issued PCD will be subject to monitoring and inspection consistent with the standards set forth in this policy.

701.2.1 DEFINITIONS

- (a) PROGRAM ADMINISTRATOR: The appointed staff person managing the program and usage of personal PCD's for the department.
- (b) PERSONAL COMMUNICATION DEVICE: Any communication device, including all mobile telephones, PCD's and similar wireless two-way communication and/or portable Internet access devices.

701.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or passed through a department-issued PCD.

701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may issue a PCD. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring.

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701.5 USE OF PCD

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

- (a) All department PCDs shall be carried in an approved carrier/case.
- (b) All PCD's that access City of San Leandro resources are required to be password protected.
- (c) A department owned PCD may not be used to conduct personal business, except for brief communications.
- (d) Only department-issued PCD's may be used to collect photographic, video or audio evidence during the course of an investigation. Any such evidence shall be downloaded and booked as evidence and then deleted from the PCD. All employee generated photographs and recordings, while acting in the course and scope of their duties, are considered the property of the City of San Leandro.
- (e) Department-issued PCD's and all applications, programs, and software installed by the City of San Leandro shall be left intact and operating as they were installed and designed. No permanent or temporary applications, programs or software shall be purchased or added to a department-issued PCD without prior approval from the Program Administrator.
- (f) All information in the PCD or transmitted is subject to the Public Records Act.
- (g) The use of a PCD while driving can adversely affect safety and cause unnecessary distractions. Officers operating emergency vehicles should, when practical, stop the vehicle at an appropriate location to use the PCD (23123(d) CVC). Officers should use a hands-free device when the PCD use is necessary but stopping the vehicle is impractical.
- (h) Employees, not exempt from 23123 CVC, shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use, (23123(a) CVC).

701.6 RESCINDED POLICY

This policy rescinds San Leandro Operations Directive 08-01.