

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 Office 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 St. Mary's County Sheriff's Office allows members to utilize office-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty or used off-duty in any manner reasonably related to the business of the Office, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally 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 Maryland Public Information Act (PIA) 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 Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.4 OFFICE-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Office may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Office issued or funded PCDs may be used on or off-duty; however, personal use will be kept to a minimum. Such devices and the associated telephone number, if any, shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

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701.5 PERSONALLY OWNED PCD

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

- (a) Members may carry a personally owned PCD while on duty, provided it is used responsibly and consistent with this policy. Improper use contrary to provisions of this policy may result in restrictions on use while on duty or other appropriate corrective action.
- (b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) Members should refrain from the use of a personally owned PCD for work-related purposes except in exigent circumstances (e.g., when radio communications are unavailable, evidence in need of immediate documentation and no other means are available, etc.). Members are advised that routine administrative communications, such as coordination and scheduling of personnel assignments, or general email, do not, by themselves, make the device subject to evidentiary or discovery processes. However, if a member uses a personally owned PCD to create, send, receive, store, or transmit case-specific evidence, investigative information, or any material connected to an official investigation, that work-related content may become subject to evidentiary preservation and discovery requirements in accordance with Federal and State law.
- (e) The device shall not be utilized to record or disclose any office 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 or appointment with the Office, without the express authorization of the Sheriff or the authorized designee.
- (f) Members will provide the Office with the telephone number of the PCD prior to carrying a personally owned PCD on-duty.
- (g) 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 St. Mary's County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

701.6 USE OF PCD

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

- (a) A personal communication device shall not be carried in a manner that obstructs the visibility of any agency insignia, name tape, or other identifying markings on the uniform. The device shall not obstruct or interfere with the operation or access of any essential equipment, including but not limited to the member's body-worn camera, conducted energy weapon (Taser), firearm, radio, or handcuffs.

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- (b) Members are expected to exercise discretion in setting audible alerts or ringtones while on duty. Audible notifications should be avoided in environments where they could interfere with operations, compromise officer safety, or distract others. Vibrate or silent modes are preferred during sensitive operations.
- (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. Under no circumstances shall PCDs be utilized for personal matters such that the employee's attention is distracted or their duties compromised.
- (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, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official office business. Disclosure of any such information to any third party through any means, without the express authorization of the Sheriff or the authorized designee, may result in discipline.
- (f) Members shall not allow social media or other online activities to interfere with their duties, situational awareness, or the performance of official duties. Any personal use of social media while on duty shall be minimal and may not distract from assigned tasks or reflect adversely on the Office.
- (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.

701.8 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 office communications network.

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701.9 USE WHILE DRIVING

Any employee using a cellular phone while operating an Agency owned vehicle, on or off duty, shall use a hands-free device or pull off the roadway in a safe location.

- (a) The Agency shall not be responsible to the employee or any other party, either for payment of fines for a violation of a state's cellular telephone/wireless device law, or claims arising out of a motor vehicle accident, which has been determined to be caused by a violation of the law.