



BETHLEHEM POLICE DEPARTMENT

Cellular Telephone Policy	Related Policies: Social Networking Policy
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable New Hampshire Statutes:	
CALEA Standard:	
Date Implemented: 01/01/2011	Review Date:

- I. **Purpose:** The purpose of this policy is to insure the safety of officers by providing complete information through the most effective means available and providing for the efficient operation of the agency.
- II. **Policy:** This policy sets forth the agency rules and regulations regarding the use of agency issued cellular phones as well as the use of personal cellular phones while on duty as a member of this agency.
- III. **Procedure:** For use of an agency issued cellular phone:
 - A. General Use. Cellular phones are provided to employees in order to enhance the efficiency of the department. Employees who are assigned these phones should make every effort to utilize other means of communication where possible and appropriate.
 - B. Cellular phones shall only be used for agency business except:
 - 1. When a personal emergency exist, and use of a land-line is not possible or practical.
 - 2. When an employee is required to work beyond their normal shift and family notification is necessary.
 - 3. When it allows citizens involved in a police event, either as a victim or witness, to contact family members, employers, child care providers, etc. to inform of their possible delay.
 - 4. When it is used to contact reporting parties, informants, and other citizens where such calls relate to agency business.
 - 5. When it is utilized to return calls, which result from unidentifiable missed calls, or
 - C. Miscellaneous issues relating to cellular phone use.



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1. Town Facilities. Employees should refrain from using a cellular phone when they are in any City-owned facility where there is access to an agency (hard-line) phone.
2. Car to car communications. Officers should refrain from using cellular phones in order to relay information about a law enforcement incident where such information might jeopardize the safety of all officers responding to the incident. The information should be communicated to all officers either through the dispatcher or through lap-top electronic messaging.
3. Operating an agency vehicle. Except in an emergency when other official means of communication have been severed, officers shall not operate an agency vehicle while using a cellular phone. Unless faced with such an emergency, all calls shall be made from a stationary position.
4. Public use of cellular phone. Officers should not use the phone in public unless conducting agency business.
5. Department cellular phones can be used for photographing crime scenes, evidence, accident, death scenes if a camera is not available. In no case will any photograph, digital or other media, be published in any manner outside of proper investigative practices. Every effort should be made to download all photographs as soon as possible to the department's server.
6. No employee shall utilize the text messaging function of a communication device when in operation of an agency vehicle. Officers shall not use a wireless handset to compose, read, or send a text message while operating an agency vehicle.

IV. Procedure for use of privately owned cellular phones while on duty.

- A. Operating an agency vehicle. Except in an emergency where other means of communication are not available, employees shall not operate an agency vehicle while using a cellular phone. Unless faced with such an emergency, all calls shall be made from a stationary position.
- B. Usage. Officers shall limit their use of personal cellular phones such that their duties to the agency are not compromised.
- C. Police communication. Except in an emergency or where necessary as a matter of a strategic plan to overcome the possibility that communications will be overheard or when other official agency communication methods are unavailable, officers shall not use a personal cellular phone to by-pass official means of communication. Officers shall refrain from using cellular phones in order to relay information about a police incident where such information might compromise the safety of all units responding to the incident. This information should be communicated to all officers through the dispatcher or through lap-top electronic messaging.
- D. Car to car communications and supervisory assistance shall be done via the police radio in order to enhance officer safety and to establish and maintain a taped record.



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- V. Personal cellular phones and administrative investigations.
- A. Production of cellular telephone records: Employees who elect to carry cellular phones during work hours, either agency issued or personal, shall provide telephone usage records during administrative investigations, **when requested**. These records shall be for the dates and times of working hours.
 - B. Employees shall produce personal and/or agency issued cellular telephone records during administrative investigations regardless of the time of usage when the usage concerns an allegation of misconduct that is "directly, narrowly, and specifically related to the employee's performance of duty or fitness to perform."
 - C. All officers shall be aware that syncing personal devices with department devices, i.e. phones, computers, emails, calendars, etc. may bring the officer's private communications within the realm of a public record under New Hampshire Law.
 - D. An officer's use of a personal cellular phone during work hours may also make the data stored within the cellular phone as well as data stored on a server, subject to the civil and criminal discovery process.