
Personal Communication Devices

501.1 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.

501.1.1 POLICY

The Yolo County Probation Department allows employees to utilize Department-issued PCDs, and to possess personally owned PCDs in the workplace, subject to certain limitations (e.g. while on-duty in any secure area of the Juvenile Detention Facility). Employees shall utilize Department issued PCDs for all business of the Department and shall only use personally owned PCDs for Department business related matters as a last resort (e.g., Department-issued PCD is inoperable).

Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, 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, employees 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 employee and the employee's PCD records to civil or criminal discovery under applicable public records laws.

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

501.2 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department, and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any Department-issued or funded PCD, computer, tablet, Internet device, telephone service or other wireless service is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected web-based e-mail accounts and any other services are subject to monitoring if Department-issued equipment is used to access them. (Please see the Information Technology Policy for additional guidance)

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501.2.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No employee is authorized to be the sole possessor of a Department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any employee as directed by a Supervisor without notice. Employee 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. (Pen. Code §§ 1546,1546.1.)

501.3 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Employees are not to utilize Department-issued PCD's off-duty for work-related matters unless specifically authorized by the Supervisor and/or designee.

501.4 PERSONALLY OWNED PCD

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

- (a) Carrying a personally owned PCD is a privilege, not a right.
- (b) The Department may prohibit the carrying/possession of a personally owned PCD at any time with reasonable notice to employees. Unless prohibited by the Department, carrying a personally owned PCD is at the sole discretion of the employee.
- (c) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (d) Employees shall notify the Department promptly if their personal PCD that is connected to the Department's network is lost or stolen.
- (e) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.
- (f) 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 Probation Officer or designee.

501.5 USE OF PERSONAL COMMUNICATION DEVICES

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

- (a) All Department-issued and personally owned PCDs shall be carried in an approved carrier/holster or shall not be visible while the employee is in uniform.

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- (b) A Department-issued or personally owned PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours).
- (c) Employees shall endeavor to limit their personal use of PCDs to authorized break times unless an emergency exists.
- (d) Employees may use a Department-issued PCD to communicate with other personnel in situations where the use of the radio is either impractical or not feasible. PCDs shall not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Officers are prohibited from taking pictures, video, or making audio recordings or making copies of any such picture or recording media with Department-issued or personally owned PCDs, unless it is directly related to official Department business.
Disclosure of any such information to any third party through any means, without the express authorization of the Chief Probation Officer or designee, may result in disciplinary action up to and including termination.
- (f) Employees shall not access social networking sites for any purpose that is not official Department business.
- (g) Using Department-issued or personally owned PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any other person is expressly prohibited. Any violation shall subject the employee to disciplinary action, up to and including termination. Any employee having knowledge of such prohibited conduct shall promptly notify a Supervisor.

501.6 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. Employees operating Department 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.

Employees who are operating Department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency. (Vehicle Code §§ 23123 and 23123.5.) Hands-free use should be restricted to business-related calls or calls of an urgent nature.

501.7 SUPERVISORY RESPONSIBILITIES

Supervisors shall ensure that employees under their command are provided with appropriate training on the use of PCDs consistent with this policy. Supervisors shall monitor, to the extent practicable, PCD use in the workplace, and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct shall be promptly initiated when circumstances warrant.

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If the need to contact an employee who is off-duty arises, Supervisors should consider delaying the contact, if practicable, until the employee is on-duty.

501.8 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution must always be exercised when utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other secure Department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

- (a) Barricaded suspects.
- (b) Hostage situations.
- (c) Mobile Command Post.
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc..
- (e) Major political or community events.
- (f) Investigative stakeouts.
- (g) Emergency contact with an allied agency or allied agency field unit.
- (h) When immediate communication is needed and the use of the radio is not available or appropriate, and other means of communication are not readily available.