

## GENERAL MANAGEMENT

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### USE OF CELLULAR PHONES

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**Purpose:** The purpose of this directive is to establish Departmental policy for the use of both Department and personally owned cellular phones while on duty.

**Policy Statement:** It is the policy of the North Little Rock Police Department that cellular phones be primarily used for Department business. Cellular phones allow many benefits such as the ability to quickly convey important information within the scope of employment and to stay in touch with family while away from home for extended periods; however, members must remember that we are always in the public eye, and the misuses or extended use of cellular phones can project a negative image to the public and take attention away from our duties. Statistics also show that a driver using a cellular phone is four times more likely to be involved in a motor vehicle accident. Cellular phones should not be utilized while driving, except in an emergency situation; or when the police action being taken requires immediate use of the cellular phone to convey information. The use of photographic, video, and audio features of cell phones and similar devices are restricted.

**Summary of Changes:** New format.

#### Procedure

##### 1 General Use

- 1.1 Cellular phones, both personal and Department issued, should generally be used for Department business only while on duty.
- 1.2 For the convenience of members, *de minimis* personal use is allowed. Personal calls made or received while on duty, whether on Department or personal phones, are not to exceed 5 minutes in length and the number of such calls are limited to personal necessity that cannot be conducted in off-duty hours. Purely social calls are prohibited. In addition to disciplinary action, members utilizing a Department issued phone may be required to reimburse the Department for excessive use of personal calls.
- 1.3 Members that abuse the use of cellular phones may be prohibited from possessing a personal cell phone while at work.
- 1.4 Members who are assigned Department phones are responsible for the phone, the usage of the phone, and any accessories that the employee is issued with the phone.
- 1.5 Members who possess personal cellular phones or similar devices while on duty are reminded that they forfeit privacy expectations, and that their phones are subject to inspection. The member must provide itemized call listings from the service provider upon request.
  - 1.5.1 The member may redact from the itemized call listing any calls outside duty hours.
  - 1.5.2 A member can avoid such inspections of personal devices by not possessing the device while on duty. Refer to North Little Rock Police Department Policy Directive 03-10.
- 1.6 Cellular phones are not to be used for communications normally transacted by police radio or mobile computer.

##### 2 Use While Operating a Vehicle

- 2.1 The use of cellular phones while driving a Department vehicle, outside the exceptions stated in this policy, is prohibited. Texting while driving is prohibited.
- 2.2 Members may receive calls on cellular phones if a hands-free device is in use but must move to a stationary position at the nearest safe location to complete the call.
- 2.3 Members needing to make a call on a cellular phone while operating a motor vehicle must pull over to a safe location to complete the call.
- 2.4 Cellular phones may be used while driving under exigent circumstances if necessary for the facilitation of a police activity, and the use can be done in a safe manner; recognizing the main cause of accidents is a limitation on the driver's attention and not a limitation on the driver's dexterity.
- 2.5 Members traveling on controlled access highways with light traffic and good weather conditions are allowed to utilize cellular phones as needed; EXAMPLE: Members traveling out of town to pick up prisoners or to attend schools when the police radio is out of range.

##### 3 Use of Photographic, Video, and Audio Recording Features

- 3.1 The photographic, video, and audio recording capabilities of cell phones are not the best tools for recording evidence. Department owned or provided cell phones may be used to record evidence absent the reasonable availability of a more appropriate device given the existing circumstances.
- 3.2 The use of the photographic, video, or audio recording capabilities of a cellular phone or similar device not

owned or issued by the Department for the recording of suspects, victims, crime scenes, motor vehicle accidents, or other such police related activities are generally prohibited. If exigent circumstances exist and suitable Department equipment is not reasonably available given the existing circumstances, such devices may be used to record evidence. The mere inconvenience of waiting for the appropriate Department device does not constitute exigent circumstances.

- 3.3 When these features are used, the action must be reported in an official report and the recording submitted as evidence to the property room in accordance with Department policy regarding the submission and storage of evidence. If the recording is made on a non-Department device, the recording will be transferred to a Department device or storage medium as soon as possible, and a supervisor will verify that the recording has been removed from the non-Department device.
- 3.4 Any recordings made of any crime scene, victim, suspect, police action, or other official business of the Department are the property of the Department and will not be used or maintained for personal use or distribution.
- 3.5 North Little Rock Police Department Policy Directives 03-08 and 03-10 are related to this topic and should be reviewed by all members.

#### **4 Issuance and Return of Cellular Phones**

- 4.1 Members being issued or returning a Department owned cellular phone are to report to the Support Services Division Commander or designee to pick up or return the phone and any accessories.
- 4.2 Members in need of any type of phone accessory to be used with a Department owned cellular phone should submit the request through the chain-of-command to the Support Services Division Commander.
- 4.3 In the event a Department owned cellular phone or accessory needs any type of repair or maintenance, the member will notify their division commander and coordinate the repair through the Support Services Division Commander or designee.

#### **5 Supervisor Responsibilities**

- 5.1 The Support Services Division Commander will review all Department cell phone bills and refer those that exceed monthly plan minutes or appear to have substantial non-business use to the appropriate division commander.
- 5.2 The Support Services Division Commander or designee is responsible for tracking the assignment of cellular phones.
- 5.3 All supervisors are responsible for ensuring that cellular phones are used in compliance with this directive.

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Chief of Police