

GENERAL MANAGEMENT

EXPECTATION OF PRIVACY

Purpose: This policy establishes the limitations of workplace privacy that should be expected by members and places all members on notice of the limitations.

Policy Statement: The North Little Rock Police Department does not wish to unnecessarily intrude on the personal privacy of its members. However, business necessity dictates that the Department maintains strict control of its facilities, vehicles, equipment, and information. Information or data related to the official business of the Department or is created or collected during duty hours by members is the property of the Department regardless of media on which it exists or the ownership of the device or media. Members may be allowed to possess personal electronic devices while on-duty or in Department facilities and vehicles. Any personal property, including electronic devices, introduced into Department facilities, vehicles, or equipment or possessed by any member while on-duty is subject to inspection. Personal privacy will be protected as much as possible but Department interests take precedence. Department property, including all electronic devices, will be inspected at will and members should expect no privacy in any personal property or information existing therein.

Summary of Changes:

Procedure

1 Department Owned or Furnished Facilities, Vehicles, and Equipment

- 1.1 All facilities, furnishings, equipment, vehicles, or other property owned, furnished, or provided by the Department, including desks, cabinets, lockers, storage cases, cell phones, computers, and other electronic devices are subject to search and inspection by supervisors without further notice.
- 1.2 Any personal items within the items described in section 1.1 of this policy are subject to search and inspection, including the opening of any closed containers and examination of documents. The retention of any personal items within such is at the member's own risk, and neither the City of North Little Rock nor its officials or employees will be responsible for any losses or damage to personal items.
- 1.3 The examination of personal items will cease once it is determined that such item is of a personal nature and is not pertinent to the business interests of the Department.
- 1.4 The clothing and body of members are not subject to administrative search without reasonable cause.
- 1.5 Cell phones, computers, and other electronic equipment and all associated storage mediums and usage logs are subject to search and inspection. The usage of such devices are regularly monitored for compliance with Department policy.
- 1.6 Data, voice, e-mail boxes, pager memory banks, and other electronic storage systems may be opened and inspected.
- 1.7 In general, members should have no expectation of privacy within the properties, facilities, vehicles, furnishings, or equipment owned or furnished in whole or part by the Department.
- 1.8 The Police Department (Department) is a unit of the City of North Little Rock (City). Any property owned, controlled, or furnished by the City that is available to or used by the Department or its members for official purposes is considered that of the Department for purposes of this policy.

2 Documents, Data, and Information

- 2.1 All information and data collected, assimilated, or otherwise obtained and any document or record, electronic or manual, related to the function or administration of the Department created by a member while on-duty or as an official police function is the property of the Department regardless of where that information may reside.
- 2.2 As a public agency, the Department is subject to the State Freedom of Information Act. Nonetheless, the Department through its administration retains the right to control the manner and method in which such information is released.

3 Personal Electronic Devices

- 3.1 Privately owned cell phones, cameras, computers, PDAs, or other electronic devices brought into the workplace by any member are subject to search and inspection for any reasonable business purpose.
- 3.2 For their convenience, members are allowed to bring personal electronic devices to work provided that they do not interfere with the work of the member, the work of other members, or the operation of the Department. Members

must recognize that their personally owned devices are subject to the provisions of this and other policies of the Department if the devices are brought to work.

- 3.3 Cellular phone usage is also governed by North Little Rock Police Department Policy Directive 03-09.
- 3.4 Certain uses of electronic devices are governed by North Little Rock Police Department Policy Directive 03-08.
- 3.5 Any administrative inspection of personally owned electronic devices will be conducted in such a manner as to protect personal information not related to Department business or operations.
- 3.6 The administrative inspection of personal cell phones and other electronic devices must be approved by the Chief of Police, Division Commander, or in exigent circumstances by a Lieutenant, after a finding by that official that a reasonable business purpose exists.
- 3.7 Members should recognize that the use of personal electronic devices for work related activities could subject the entire device and any related storage medium to the Arkansas Freedom of Information Act and legal discovery.
- 3.8 Except in exigent circumstances, personal electronic devices are not to be used to record evidence including photographs, audio recordings, and video recordings. If under exigent circumstances, personal electronic devices are used to capture evidence, such action must be noted in the incident report and the electronic evidence submitted to the property room as any other evidence. Even though captured by personal device, the evidence is the property of the Department and will not be retained for private files or collections.

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Chief of Police