

OFFICE OF CHIEF OF POLICE
OAKLAND POLICE DEPARTMENT

MEMORANDUM

TO: All Personnel

DATE: 2 Feb 09

SUBJECT: New Departmental General Order I-19,
DUTY USE OF CELLULAR TELEPHONES AND PERSONAL
ELECTRONIC DEVICES

The purpose of this order is to set forth Departmental policy and procedures to maintain accountability and professional demeanor while utilizing Department-issued and privately-owned cellular telephones, and personal electronic devices.

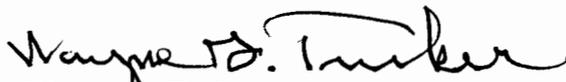
The evaluation coordinator for this order shall be the Bureau of Field Operations Deputy Chief, who, without further notice, shall forward the required report to the Chief of Police on or by 3 Aug 09.

The Evaluation Coordinator shall receive, review and document the acceptance or rejection of all comments and/or recommendations received prior to submitting his/her six-month evaluation report.

The Evaluation Coordinator shall forward a copy of the six-month evaluation report, along with the comments/recommendations received, to the Office of Inspector General to be maintained in the appropriate Departmental General Order archive folder.

Personnel shall acknowledge receipt, review, and understanding of this directive in accordance with the provisions of DGO A-1, DEPARTMENTAL PUBLICATIONS.

By order of


Wayne G. Tucker
Chief of Police

Date Signed: 29 Jan. 09



DEPARTMENTAL
GENERAL
ORDER

Effective Date:
2 Feb 09

I-19

Evaluation Coordinator:
BFO Deputy Chief

Index as:

Evaluation Due Date:
3 Aug 09

Duty Use of Cellular Telephones and
Personal Electronic Devices

Automatic Revision Cycle:
3 Years

**DUTY USE OF CELLULAR TELEPHONES AND
PERSONAL ELECTRONIC DEVICES**

I. PURPOSE

The purpose of this order is to set forth Departmental policy and procedures to maintain accountability and professional demeanor while utilizing Department-issued and privately-owned cellular telephones, other telecommunications devices (voice and/or text capability), and personal electronic devices.

II. POLICY

- A. Personnel may use Department-issued and privately-owned cellular telephones, and other telecommunications devices to conduct official police business when the use of radio communication or hard line telephone is inappropriate, unavailable, or inadequate to meet communication needs.
- B. The cost for privately-owned cellular telephones or other telecommunication devices is not reimbursable.
- C. Department personnel shall not utilize Department-issued and privately-owned cellular telephones, other telecommunications devices, and personal electronic devices to the point of distraction from their performance of duty or interference with officer safety. Please refer to section II (O) for examples of permissible use.
- D. One communication device, other than an approved radio, Departmental cellular phones, other telecommunications devices, or Departmental pager, may be worn on the uniform in a clear, black, or dark navy blue carrier, or kept in a pocket. When worn on the uniform, communication devices shall be in the silent/vibrate mode.

- E. Sworn members who carry a personal cellular telephone or other telecommunications device, while on-duty, shall initially provide their regularly assigned supervisor with the phone number and advise of any change in service or phone number.
- F. The Communications Division shall retain sworn members' cellular phone numbers in a secure location for use only in an emergency.
- G. Commanders/managers shall review records of excessive usage of Department-issued cellular telephones.
- H. Members and employees are on notice that the Department may search personal cellular records, bills, and text messages for the time the member is on-duty or engaged in work-related communications. Such searches shall be made only when there are reasonable grounds for suspecting that the search will reveal the employee is guilty of work-related misconduct in accordance with prevailing law.
- I. Personnel are prohibited from communicating with other involved or witness personnel following a use of force incident in accordance with the provisions of Departmental General Order K-4, Reporting and Investigating the Use of Force.
- J. Personnel shall not operate a Department vehicle while using a cellular phone. When possible, personnel shall pull off the roadway in a safe location when using a cellular phone unless a hands-free device is utilized.
- K. Unless engaged in a conversation, on-duty personnel shall not wear a cellular telephone earpiece outside of a Department vehicle.
- L. On-duty personnel shall not wear a cellular telephone earpiece at any time if a transceiver radio earpiece is worn.
- M. On-duty Department personnel, regardless of assignment, shall not use Department-issued cellular telephones to conduct any off-duty, personal business-related activity.
- N. The use of any cellular telephone or other device shall not interfere with safety or distract a member or employee from their assigned duties.
- O. Any on-duty personal calls shall be kept to a minimum and brief. Examples include, but are not limited to:

1. Calls to notify family members, physicians, etc. regarding an injury on the job;
2. Calls to notify family members when required to work overtime without advance notice; and
3. Daily calls to speak to family members, partners, friends (or those responsible for them such as school, day care, or senior center) to check on their well-being.

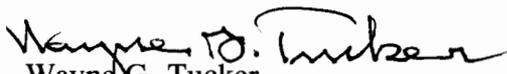
III. PERSONAL ELECTRONIC/ENTERTAINMENT DEVICES.

- A. Personal electronic/entertainment devices (e.g., televisions, DVD players, video games, or computer game systems) shall **not** be used while on duty. Approved cellular telephones and electronic devices with the capability of playing video files shall not be used in such a manner while on duty. Music devices may only be utilized in City vehicles while on duty without headphones.
- B. On-duty personnel are prohibited from using electronic equipment, computers, televisions, and DVD players for entertainment purposes. Personnel are permitted to monitor major newsworthy events, training, traffic monitoring, and other work related material.
- C. The Department may search any personal files, records or bills of other electronic devices that record electronic material (e.g., pictures, audio, text messages, or electronically generated messages), potentially related to a criminal or internal investigation or for the time the member is on-duty or engaged in work-related communications while off duty. Such searches shall be made only when there are reasonable grounds for suspecting that the search will reveal evidence that the employee is guilty of work related misconduct in accordance with prevailing law.
- D. The City will accept no responsibility for the purchase, maintenance, loss, or damage to personal electronic devices used while in the performance of assigned duties.
- E. Work produced on Department-issued electronic devices or while on-duty is the property of the City.

- F. Personnel shall be prohibited from placing confidential information on any electronic device that is not secure from access by unauthorized persons. All Department/work-related material, saved to any electronic media, shall be secured at all times.

- G. Electronic material (e.g., pictures, audio, text messages, electronically generated messages), potentially related to a criminal or internal investigation, recorded on a personal or Department-issued cellular telephone or other device shall be handled as evidence.

By Order of


Wayne G. Tucker
Chief of Police

Date Signed: 29 Jan. 09