



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 41.3.4

TITLE: PERSONAL COMMUNICATION DEVICES

EFFECTIVE: 12/10/2017

REVISED: Replaces Policy 702

PURPOSE

The purpose of this Chapter is to establish guidelines for the use of department-issued mobile telephones (cell phones), personal communication devices, and the on-duty use of such devices owned by members.

POLICY STATEMENT

1. The use of any computer, Internet service, telephone service or other wireless service, including member-owned devices and services, to send or receive information that may be related to departmental or public business **may be subject to review or disclosure**.

DEFINITIONS

Emergency—An unforeseen combination of circumstances or the resulting condition that calls for immediate action; an urgent need for assistance or relief.

Personal Communication Device (PCD)—Includes all mobile telephones, Personal Digital Assistants (PDAs) and other wireless two-way communications and/or portable Internet access devices. A department-issued two-way police radio is not a PCD.

PRIVACY POLICY

2. Any member utilizing any computer, Internet service, telephone service or other wireless service provided by or funded by the New Orleans Police Department or City of New Orleans acknowledges and agrees that the use of such service, whether for department business or personal use, has **no expectation of privacy** that the member, sender, and recipient of any communications utilizing such device or service might otherwise have, including the content of any such communications.

DEPARTMENT-ISSUED PCD

3. Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Such devices shall remain the property of the Department and shall be subject to inspection and monitoring (including all related records and content).
4. The Commander of the Technology Section shall ensure a regularly updated database

is maintained containing all department-issued PCD numbers.

5. The database shall contain:
 - (a) The PCD number,
 - (b) Name of the member assigned the PCD and their place of assignment.
6. This database shall not be distributed for general use.
7. Members assigned to Communications Services shall have access to the database.
8. Members with personally owned PCDs and are on a call-out basis, may supply Communications Services with their PCD number.
9. Appropriate security measures shall be developed and implemented by each respective Deputy Chief, or his/her authorized designee to ensure confidentiality of all department and individually owned PCD information for members under his/her command. The type and nature of the security measures, as well as access to the information shall be detailed in the Bureau/Division/Section/Unit Standard Operating Guidelines.
10. All department-issued PCDs shall be set to silent or vibrating mode while outside the police vehicle on a call for service or during an active Investigation. If the PCD is not capable of functioning in silent or vibrating mode, mode, the PCD shall be turned to the power-off mode.

INDIVIDUALLY OWNED PCD

11. Members may carry their individually owned PCD while on-duty, subject to the following conditions:
 - (a) Carrying an individually owned PCD is optional.
 - (b) The device shall be purchased, used, and maintained solely at the employee's expense.
 - (c) Individually owned PCD's **shall not** be used to gather evidence or document all or part of an official investigation **UNLESS** exigent circumstances exist, important evidence is being destroyed and no official method of documentation is available in time (*ex: a member, without access to a departmental camera, is first on the scene of a violent crime and the scene is being washed away by a heavy rain so the member attempts to document the scene using his/her cell phone camera before it is washed away*). In these cases, the member must immediately transfer the photographs to his/her departmental email and delete them from the PCD.
 - (d) The PCD shall be set to silent or vibrating mode while outside the police vehicle on a call for service or during an active investigation. If the PCD is not capable of functioning in silent or vibrating mode, the PCD shall be turned to the power-off mode.
12. Members wishing to carry an individually owned PCD while on duty must supply the PCD number on his/her **Form 150 – Immediate Family Designation** form maintained at their Bureau/ Division/Section/Unit level. This form shall be maintained by the Commander of that Bureau/ Division/Section/Unit office to which the member is assigned. Officers are required to update all information each time they change their individually-owned PCD number.

RESTRICTED USE OF PCD

13. Use of PCDs while on-duty should only be for legitimate department business except as

provided for below.

- (a) Members may use a PCD to communicate with other members in those situations where the use of the radio is either impractical or not feasible. PCDs shall never be used to replace regular radio communications.
- (b) PCDs shall not be carried in a manner that allows it to be generally visible while in uniform, unless it is contained within a plain, smooth, black carrier that has been approved by the Department.
- (c) PCDs may not be used to conduct personal business while on-duty, except when brief personal communications may be warranted by the circumstances (e.g., to inform family of extended hours, family emergencies).
- (d) Members are prohibited from using a PCD for personal use while:
 - Handling a call for service.
 - In the presence of a victim, complainant, or witness.
 - Taking law enforcement action, except as provided in this directive.
 - In the performance of any official duty, except as provided in this directive.
 - Conducting traffic control and/or Mardi Gras parade route duties unless it is in an emergency or directed by an NOPD supervisor.
- (e) Uniformed and plain clothed members are prohibited from using ear pieces or ear buds, with or without wires (e.g. blue-tooth), while on duty with the exception of the ear pieces issued with the department radios.
- (f) Members shall not receive calls for service or give dispositions to the dispatcher via PCDs, except as provided in this directive.
- (g) Members shall not contact complainants, victims, or witnesses via mobile telephone prior to, after being dispatched, or while in route to a call for service. If additional information is needed from the complainant, victim, or witness by officers responding to a call for service, request shall be made through Communications Services via normal radio protocol.
- (h) Members working undercover assignments shall refrain from carrying a PCD when doing so may jeopardize the safety of others or the success of an operation. In such assignments, consideration should be given to whether or not the PCD should be operated in silent or vibrating mode, depending on the circumstances and direction given in the planning / briefing session.

USE WHILE DRIVING

14. Officers operating department vehicles should restrict the use of these devices while driving to communication matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location when utilizing the device.
15. Except in the case of an emergency, members who are operating a Department vehicle shall not use cellular telephones or other PCDs while driving for the purpose of text messaging.

VEHICLE MODIFICATIONS

16. Employees are prohibited from installing any PCD in any vehicle leased or owned by the City of New Orleans unless specifically authorized by the Superintendent of Police. Any authorized vehicle modifications shall be coordinated with the Management Services Bureau.