

 Cambridge Police Department	POLICY & PROCEDURES		No. 235
	Subject/Title: Cell Phones & Texting Devices		
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	Robert C. Haas Police Commissioner		Effective Date: January 22, 2010
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		Accreditation Standards: 81.2.10	

I. PURPOSE:

The purpose of this directive is to provide guidelines for the appropriate use of cellular telephones and various forms of text messaging by police officers and other employees while on duty. These guidelines will address the following situations:

- Use of cellular telephones and/or texting devices while engaged in various work-related activities.
- Use of cellular telephones and texting devices while operating a motor vehicle or riding as a passenger in a motor vehicle.
- Use of cellular telephones and texting devices while in the public's view.
- Use of cellular telephones and texting devices during the course of working hours.
- Use of cellular telephones as a means of alternative communications with the Emergency Communications Center, supervisory personnel, and other members of the department who are working.

II. POLICY:

It is the policy of the Cambridge Police Department that its members shall use cellular telephones and other forms of texting devices responsibly and in a manner that does not interfere with or compromise their ability to pay close attention to detail and perform their vital public safety duties. Further, it is vitally important that use of these devices does not create the incorrect perception on the part of the public that an officer is distracted or not paying attention to his or her duties. It is also the policy of this department to identify circumstances when it is wholly inappropriate for officers to use

said devices, especially when diversion of an officer's attention poses a potential risk or hazard him/herself and/or members of general public.

III. GENERAL CONSIDERATIONS AND GUIDELINES:

The use of cellular telephones and text messaging has become an integral method of communication between people. The convenience of cellular telephones and text messaging has made instantaneous contact possible, no matter what activity one may be engaged in. For the police department, it has also proven to be an effective alternative method of communication with supervisors, other members of the department, and the Emergency Communications Center (ECC). While the use of cellular telephones and texting devices is often appropriate, it is not intended to replace the use of the radio communications network. These alternative communication devices are only to be used as a supplemental means of communications to the radio communications network. The challenge is to strike a balance between use of cellular telephone technology to enable members of the department to communicate for personal reasons and also the ability to carry out the mission of the department without sacrificing prudent safety measures. It is also important to prevent members of the public from having the impression that a member of this department may be distracted from performing his/her duties.

There are certain activities during which police officers' use of cellular telephones and text messaging may prove to be reckless and distract officers from the performance of their duties. This policy attempts to strike a balance between the permitted use of cellular telephones and text messaging to appropriately manage personal affairs, and discouraging their use in a manner that tends to distract an officer from his or her duties, creates the impression of distraction, or seriously interferes with an officer's abilities to carry out certain fundamental functions.

Officers should also note that the reckless use of cellular telephones and texting devices while driving could result in criminal charges, either for failing to take appropriate safety precautions for proper operation of a motor vehicle (M.G.L. c. 90, § 13), or in particularly egregious cases, reckless operation of a motor vehicle (M.G.L. c. 90, 24 (2)(a)).

The ultimate goal of this directive is to ensure that department members do not sacrifice their attention to duty, while at the same time be accessible to their personal obligations. It is important for officers to distinguish between their responsibilities and duties, and maintaining continuous personal contacts. Recent governmental studies highlight a correlation between cellular telephone use and automobile accidents. A joint study released by the National Highway Traffic Safety Administration (NHTSA) and the Virginia Tech Transportation Institute in April 2006 concluded that nearly 80 percent of car crashes and 65 percent of near-crashes occur within three seconds of some kind of driver distraction. Dialing a cell phone was ranked among the most dangerous distractions, tripling the risk of being involved in an auto accident. However, while

dialing was extremely dangerous, the study discovered that merely having a conversation on the phone while driving was less of a hazard than reaching for a falling object or driving while drowsy. However, the prevalence of cell phone use by drivers makes it one of the most common - and therefore most dangerous - factors in car and truck crashes. Currently, as per the NHTSA, there are more than 10 million U.S. drivers talking on cellular phones at any given moment, an alarming figure given the link between cell phones and distracted driving.

Aside from the inherent dangers of cellular telephone use and driving, officers who are engaged in long personal conversations on their cellular telephones may attract undue public criticism. Also, the use of cellular devices may also undermine the safety of officers if not communicated along established radio communication networks.

The guidelines that follow establish guidelines on the responsible use of cellular telephone and text messaging devices, to which all members of the Department are expected to strictly adhere.

IV. USE OF CELL PHONES AND TEXTING DEVICES:

A. Department Owned Cellular Telephones & Texting Devices: Cellular telephones and texting devices that have been issued to personnel for official police business should be restricted to official use only. Exceptions to this policy are limited to pressing family situations or personal matters that require immediate attention, where alternative forms of communication are not suitable or easily available.

1. The department does monitor its monthly allotment of cellular telephone minutes, and encourages personnel to use cell phones and texting devices only when alternative means of communication are not available or readily accessible. In other words, if a hard-line telephone or access to the department's IT system is available it should be used rather than resorting to the use of a department issued cell phone or texting device.
2. In those instances when it is determined that there has been an overuse of a department-issued cell phone or texting device, the department may seek financial remuneration for such personal use. Employees will be responsible for any additional charges incurred for personal use.
3. Requests for phone records and/or text message records have a much lower threshold in terms of protection from a public records request. All personnel are encouraged to be keenly aware that records concerning department issued/owned cellular telephones and/or text devices may be the subject of a public records request and all such records may be subject to disclosure.

B. Use of Personal Cellular Telephones & Texting Devices: Department personnel may have within their possession their own personal cellular telephone and/or texting device, with the following stipulations:

1. The department is not responsible for the loss or damage to personal cellular telephones and/or texting devices while on/off duty.
2. Use of personal cellular telephones and/or texting devices is governed by the same restrictions as for the use of departmentally owned/issued cellular telephones and/or texting devices.
3. Although a request for access to personal cellular telephone and/or texting device records is subject to a higher threshold than department-issued personal cellular telephone and/or texting device records, administrative subpoenas or public records requests may result in access to personal cellular telephone or texting device records if they are used for work-related purposes, particularly in criminal investigations.

C. Use of Cellular Telephones and/or Texting Devices While On-Duty:¹ The use of cellular telephones and/or texting device can pose an undue safety risk or hazard in certain circumstances. Therefore, all personnel are expected to adhere to the following guidelines:

1. Personnel are not to use cellular telephones and/or texting devices as a substitute for radio communications.
2. Sworn personnel, when expressly authorized by the Shift Commander or supervisory officer, may use cellular telephones to communicate confidential information, or to avoid radio broadcasts that may impede investigations (i.e., stakeouts, or where there is reason to believe that police radio transmissions are being monitored by others).
3. Whenever using a cellular telephone or texting device in public view, all such communications should be kept brief.
4. A cellular telephone or texting device shall not be used when it would unnecessarily or unreasonably divert the attention of an employee from official duties and/or cause a potentially hazardous condition. Prohibited activities include but are not limited to the following:

¹ CALEA Std. **81.2.10:** *If the agency utilizes alternative communications such as cellular phones, voice-over internet protocol, or other emerging technologies, a written directive establishes criteria and procedures for their use.*

- a. Under no circumstances should an employee attempt to text or read text messages while actively operating a motor vehicle. If actively operating a motor vehicle, the employee should safely pull off the roadway in a safe location to text or read text, unless the cellular telephone is in a hands-free mode.
 - b. Under no circumstances should an employee attempt to dial a telephone number while actively operating a motor vehicle. If actively operating a motor vehicle, the employee should always safely pull off the roadway in a safe location, at which time said device may be used.
 - c. Officers who are riding as a passenger in a vehicle and on duty should not use cellular telephones and/texting devices unless in circumstances provided under these guidelines. An officer on duty in a vehicle has an obligation and responsibility to be fully alert and observant while performing patrol related functions.
 - d. At no time should an officer be engaged on a cellular telephone and/or texting device while his or her partner officer is actively engaged in a policing function, such a motor vehicle stop, interviewing another person, or performing some other activity where the officer's presence is vital to enhancing another officer's safety.
 - e. Whenever an officer is approached by or speaking with an individual seeking assistance, an officer should not be engaged in a telephone conversation, unless specifically for the purpose of assisting said individual.
 - f. When actively engaged in performing a certain duty or function that requires an employee's full and undivided attention, officers should not be engaged in a telephone conversation or using a texting device (e.g., actively directing traffic).
 - g. An employee should never leave an assigned post in order to engage in a personal cellular telephone conversation or to use a texting device, unless their absence in no way compromises public safety. In any event, all such absences from an assigned post should be brief.
5. While on-duty or on a paid detail assignment, sworn officers should not use cellular telephones and/or texting devices either in voice or data transmission for personal calls that are not of an emergency nature. When it is necessary to make personal calls, they should be kept as brief as possible.

6. Officers may not use cellular telephones as a substitute for responding to service calls. When officers are dispatched to a call, they must respond in person.
7. Photo messaging capabilities are prohibited unless they can be clearly linked to the conduct of official police business.
8. Any images captured during the course of an employee's duties are considered to be department documents and may only be distributed in accordance with department policy.
9. Approved cellular telephone usage or texting includes, but is not necessarily limited to, the following communications:
 - a. Conveyance of sensitive or restricted information;
 - b. Lengthy communications with supervisors, station personnel, or with the ECC;
 - c. Undercover operations;
 - d. Communication beyond normal radio range;
 - e. Incidents in which direct contact with an employee and the public is critical; and
 - f. Incidents in which the use of a hard line telephone would be appropriate, but where one is not available.
10. Use of personal cellular telephones either in voice or data transmission while on duty should be restricted to essential communications and should be limited in length. Engaging in multiple or extended conversations unrelated to police business or similar use that interferes with the performance of duty is prohibited.
11. Cellular telephone numbers should not be normally provided to members of the public. Exceptions may be made when immediate future contact between an employee and a victim, witness, or other person may be critical.

12. Personnel may not provide the cellular telephone number of any other member of this department to a member of the public.

13. Officers may use Bluetooth® devices in conjunction with their cellular phones. The allowed use of such devices is not intended to relieve or excuse officers from their obligation of minimizing the use of the cellular phones while engaged in their duties.