



## Newport News Police Department - Administrative Manual

### ADM-535 - CELLULAR PHONE USAGE

Amends/Supersedes: (07/30/2013)

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#### I. GENERAL

- A. Personnel will follow the Virginia Freedom of Information Act (§2.2-3700 through §2.2-3714 of the Code of Virginia) and ADM-160 (Privacy/Dissemination of Information), relating to the dissemination of information when using Department cellular telephones ("cell phones") in the course of their work activities. [82.1.7]
- B. Employees shall have no expectation of privacy in regard to any communications either received or generated by them while using Department cell phones. The Department reserves the right to access any information from any Department-issued electronic resource and may require employees to provide passwords upon request.
- C. The Department's electronic communications systems are the property of the City, intended for use in carrying out government business. The City of Newport News retains all personal property rights in any matter created, received, or sent via the City's electronic communications systems, and such matter is not the property of the employee.
- D. While in the performance of work-related functions, on the job, or while using Department-issued cell phones, employees shall use their cell phones responsibly and professionally and will not intentionally use them for any unlawful, immoral, or otherwise inappropriate purpose. Access to information and information technology is agency mission essential; however, use of cell phones is a revocable privilege. Conformance with the acceptable use policy, unless specifically excepted, is required. (See also: City 1403 "Use of Information Technology Policy")
- E. Exceptions to this policy for the purpose of a criminal investigation may only be granted by an employee's bureau commander.
- F. Employees should exercise sound fiscal judgment when using cell phones. Employees will use a landline telephone if circumstances make them an equally suitable option for use. Employees are cautioned against relaying sensitive information over cell phones, which are less secure than "landline" telephones.

#### II. DEFINITIONS

For the purposes of this policy, the following definitions apply:

- A. *Business Call* - a telephone call made for the purpose of Department, City, or Federal business. (This shall also refer to text messages, digital photographs, or any other communication transmitted via the cell phone.)
- B. *Personal Call* - A telephone call that is not for the purpose of Department, City, or Federal business. (This shall also refer to text messages, digital photographs, or any other communication transmitted via the cell phone.)

- C. *Cellular Telephone (Cell Phone)* - Cell phones, digital pagers, wireless handheld devices (i.e. Blackberries<sup>®</sup>, or other devices commonly known as “smartphones”), or any other issued wireless digital or analogue equipment used whose primary designed use is as a means to transmit, or facilitate, verbal communications (this does not apply to police radio equipment or MDCs).

### III. USAGE REQUIREMENTS

#### A. Operation

1. **Motor Vehicle Operation** - Employees are cautioned against making cell phone calls while operating a motor vehicle. It is recommended that employees pull over to a safe location to place or receive a call.
2. **Bluetooth<sup>®</sup> devices** - Employees are prohibited from using devices that are attached to the body, such as Bluetooth<sup>®</sup>, or similar devices, for cell phones while on duty.
3. **Employees using their “smartphones” for electronic communications**, will do so under the usage requirements of ADM-540 “Agency Computer & Information Technology Usage” regarding internet use, emails, software applications, games, and security.

#### B. Additional Cell Phone Services

1. **Directory-Assisted Calls** - The use of cellular directory assistance should be used only in circumstances where other means to accessing the telephone number are not available.
2. **Text Messaging** - The Department recognizes that during specific circumstances, text messaging is a preferred method of communication on cell phones (e.g. covert operations, varied Executive Staff notifications, etc.); however, employees should avoid the overuse of text messaging, particularly when verbal communication is an available option.
3. **Ringtones/Applications** - Employees shall not download any additional features such as specialized ringtones, applications, wallpaper, etc., which would incur an additional cost to the City of Newport News, unless specifically authorized by their bureau commander.
4. **Games** – Employees shall not download games and entertainment-oriented applications to issued cell phones without specific authorization from their bureau commander.

#### C. Personal Use

1. Employees are not required to reimburse the City of Newport News for personal use of Department-issued cell phones; however, employees shall remain cognizant of all privacy and time management concerns and shall act in accordance with this policy and City PAM Section 1403 “*Use of Information Technology Policy*”.
2. Employees shall not use their Department-issued cell phone to text or e-mail photographs or other information relating to investigations, or other Department business, for unofficial purposes.

D. Abuse of Privileges

Determined employee abuse of cell phone privileges will be reported to the appropriate bureau commander, and may result in loss of the employee's department-issued cell phone.

E. Personal Cell Phones - Employees will not use any personally-owned cell phone for the purposes of documenting Department evidence or investigation-related photos while on, or off, duty, except:

1. As set out in NNPD Form #106 (“Waiver for Body Camera and Evidence.com”) with the use of Department-issued body cameras and related smartphone applications.
2. Department-approved applications and resources.

NOTE: Information recorded using a personal cell phone may be subjected to the rules of discovery, resulting in a temporary loss of use, or possession of, the device, and the download of all of the phone’s information.

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Chief of Police