

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

CELLULAR PHONES/ELECTRONIC MESSAGING DEVICES  
SUBJECT

DATE: April 21, 2021

NO: I - 4

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

INDEX: Cellular Phones  
General Use of Cellular Phones  
City-Issued Phone Use  
Personal Cellular Phone Use  
Text Messaging

I. PURPOSE

The purpose of this General Order is to establish a policy for the on-duty use of a personal and city-issued cellular phone/electronic messaging device.

II. POLICY

For purposes of this policy, "electronic messaging device" includes any text-messaging device, personal digital assistant (PDA), tablet, or other similar electronic communication device.

- A. Any cellular phone/electronic messaging device use while operating a vehicle shall be made utilizing a "hands free" method (i.e., speakerphone, headset, Bluetooth). If the cellular phone is not equipped with a "hands free" system, the employee shall pull to a safe location where they can stop their vehicle and safely complete the call. Employees shall not wear cellular phone earpieces while not actually engaged in a conversation and shall not wear the phone earpiece when in contact with the public.
- B. Employees may utilize personal cellular phones; however, the employee assumes all risks, costs, liabilities, damages, service charges, repairs, and/or replacement cost if lost/stolen, etc.
- C. Employees should be aware that cellular phone calls can be monitored by others who possess technology that can intercept these calls.
- D. Employees should be aware that cellular phone calls made on duty may be subject to subpoena by the court.
- E. Employees should be aware that personal and City-issued cellular phone/electronic messaging device records are subject to discovery in both criminal and civil litigation cases.
- F. Employees using cellular phones/electronic messaging devices while on duty should use good judgment and discretion, constantly keeping in mind officer safety. Public perception should also be kept in mind as citizens may feel that employees are not paying full attention to their duties if they are talking on a cellular phone while on duty.
- G. Any use of a cellular phone or electronic messaging device which may cause an employee to neglect his/her assigned duties may cause the employee to be deemed derelict in their duties.
- H. Section 647.9 of the Penal Code provides that employees are prohibited from using any means, including electronic messaging devices, for capturing images of a deceased person at the scene of an accident or crime for any purpose other than an official law enforcement purpose.

III. PROCEDURE

- A. City-issued cellular phones
  - 1. City-issued cellular phones are assigned to employees based on need and job assignment.

2. Employees assigned City-issued cellular phones/electronic messaging devices may wear their cellular phones/electronic messaging devices on their belt.
3. Employees assigned City-issued cellular phone/electronic messaging devices will notify the Technical Services Division Secretary of any changes. This includes personnel transfers in which cellular phone/electronic messaging devices are issued to a different employee, cellular phone/electronic messaging devices are no longer needed for the position/employee to which the cellular phone/electronic messaging device was assigned, or when a new cellular phone/electronic messaging device number is issued.
  - a. No changes will be made without prior approval from the respective Division Commander. The Secretary of the Division making the change will be responsible for making the notification.
  - b. The Technical Services Division Secretary will be responsible for maintaining an up-to-date list of all City cellular phone/electronic messaging devices within the Department. It is incumbent that all change notifications be made in a timely manner.
4. City-issued cellular phone/electronic messaging device use should primarily be limited to official City business.

B. Personal Devices

1. Personal cellular phones/electronic messaging devices may be carried by uniformed personnel but shall be concealed within the employee's uniform. Personal cellular phones/electronic messaging devices may not be carried on the employee's duty belt.
  - a. Personal cellular phone/electronic messaging devices shall be either placed in the silent mode or the vibrate mode. Personnel are expressly prohibited from having their cellular phones/electronic messaging devices in an audible ring mode.
2. Personnel assigned to plainclothes duty, such as Investigations, may wear their personal cellular phones/electronic messaging devices on their belt.
  - a. Personal cellular phone/electronic messaging devices shall be either placed in the silent mode or the vibrate mode. Personnel are expressly prohibited from having their cellular phones/electronic messaging devices in an audible ring mode.

C. General Device Procedures

1. Employees will generally not use cellular phones in lieu of personally contacting involved parties to resolve dispatched calls for service.
2. Employees will not make cellular phone contact with parties of in-progress crimes, alarms, or high-risk-type calls for service prior to attempting personal contact unless approved by a supervisor.
3. During a critical incident or protocol investigation, employees on scene are prohibited from making personal cellular phone calls without supervisory permission.
  - a. Under no circumstances will employees contact a seriously-injured or deceased employee's family prior to the official notification. If in doubt, contact the Chief's Office.
4. Employees are prohibited from using the camera feature of any cellular phone while performing an official duty or handling a call for service unless an Evidence Technician is not reasonably available, sound police practices dictate otherwise, and it is approved by a Lieutenant or above. Other exceptions to this prohibition are outlined in section III. C. 6 of this General Order.
5. The following are also deemed as inappropriate use of any cellular phones/electronic messaging devices and are strictly prohibited:

- a. Any communications/messages that include discrimination, threats, harassment, or obscenity/profanity expressed/transmitted via text messaging or camera phone while on duty (refer to General Order I-2).
  - b. Personal promotion, advertising, or commerce.
  - c. Excessive use or lengthy calls.
  - d. Making or taking calls or sending text messages while driving is prohibited as it may generate litigation against the City in case of accident unless extraordinary circumstances (such as a radio system failure) dictate the use of such a device by an officer acting within the course and scope of their duties while operating an authorized emergency vehicle (as defined in section VC 165).
6. Personnel are allowed to use City-issued and personal-owned devices to take photographs or videos (digital files) with community members for Department use. Guidance in this General Order does not supersede the Department Internet Posting and Use of Social Media policy outlined in General Order I-4a.
- a. Personnel should not attempt to stage an encounter just to obtain a photograph or video.
  - b. Personnel will obtain the names of any non-Departmental personnel and their consent to have their digital files published on Departmental social media and websites. When possible, a release waiver will be obtained. If a release waiver is not readily available, then personnel will document the release acknowledgement in a Call History or SIR.
  - c. Digital files and waivers will be uploaded to the appropriate Department SharePoint folder and a request for the Department to publish be sent via email through the personnel's chain of command to the appropriate Division Commander. The request should include the following information: name of the personnel and community members in the photograph, date and time of photograph, location, and a brief synopsis of the positive encounter.
  - d. The Division Commander or their management designee will review the photograph and send a recommendation for publishing to the Public Information Officer and respective Deputy Chief for final approval and publication.