

Personal Communication Devices / Telephone Use

701.1 PURPOSE AND SCOPE

Best Practice MODIFIED NY_CALEA6.13 - 81.2.9 NYSLEAP- 8.7 - 14.1

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

Best Practice MODIFIED NYSLEAP- 8.7 - 14.1

The Syracuse Police Department allows members to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any department PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from the Commanding Officer of the Technology & Program Management Division.

701.3 PRIVACY EXPECTATION

Best Practice NYSLEAP- 8.7 - 14.1

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.4 DEPARTMENT-ISSUED PCD

Best Practice MODIFIED NYSLEAP- 8.7 - 14.1

Syracuse Police Department

Policy Manual

Personal Communication Devices / Telephone Use

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue a PCD for the member's use to facilitate on-duty performance. Department-issued PCDs for personal business either on- or off-duty should be kept to a minimum unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

[See procedure for TELECOMMUNICATIONS - CELLULAR PHONES / SMARTPHONES](#)

701.5 PERSONALLY OWNED PCD

Discretionary MODIFIED NYSLEAP- 8.7 - 14.1

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (b) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (c) Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
- (d) The device shall not be utilized to record or disclose any department business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (e) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD as part of an administrative investigation upon a reasonable suspicion of misconduct to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (f) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be retained for discovery for Rosario material.

701.6 USE OF DEPARTMENT ISSUED PCD

Best Practice MODIFIED NYSLEAP- 8.7 - 14.1

The following protocols shall apply to all department issued PCDs that are carried while on-duty or used to conduct department business:

Syracuse Police Department

Policy Manual

Personal Communication Devices / Telephone Use

- (a) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (b) Disclosure of any pictures, audio or video recordings, directly related to work-related business to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (c) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

Best Practice MODIFIED NYSLEAP- 8.7 - 14.1

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 2. Before conducting any administrative search of a member's personally owned device used for work-related purposes, supervisors should consult with the Chief of Police or the authorized designee.

701.8 OFFICIAL USE

Best Practice NYSLEAP- 8.7 - 14.1

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

701.9 USE WHILE DRIVING

State MODIFIED NYSLEAP- 8.7 - 14.1

The use of a PCD while driving an emergency vehicle should be minimized to reduce any potential safety concerns. (Vehicle and Traffic Law § 1225).