

 Lexington Police Department	<u>Subject:</u> Use of Cell Phones				<u>Policy Number:</u> 81B		
	<u>Accreditation Standards:</u> <u>Reference: 81.2.10</u>				<u>Effective Date:</u> 1/1/16		
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	<u>Revision Dates:</u>	1/24/19	5/31/20				
<u>By Order of:</u> Mark J. Corr, Chief of Police							

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GENERAL CONSIDERATIONS AND GUIDELINES

The purpose of this policy is to provide law enforcement employees with guidelines for the proper use of cell phones while on duty.

Section 90:13B - [Effective 2/23/2020] Holding or use of mobile electronic device while driving prohibited unless device being used in hands-free mode; exception for emergencies; not applicable to first responders;

****Though there is an exception for first responders, we must set the proper example for citizens and limit the use of cell phones while driving unless absolutely necessary****

All Department members issued Department Cell Phones must also familiarize themselves with the Town of Lexington Administrative Directive #1, Mobile Communications.

It is the policy of the Lexington Police Department to:

1. Use cell phones in the course of police operations to enhance departmental communication; and
2. Limit cell phone use by employees to conducting official business when the use of radio communication or hard line telephones is inappropriate, unavailable, or inadequate to meet communication needs, and when the cell phone is used in accordance with this policy.

PROCEDURES

A. Department Owned Cell Phones

1. **Cell phones are only authorized for official police business. Exceptions may be made for pressing family situations or personal matters that require attention and where alternative forms of communication are not suitable or easily available.**
2. Any additional financial charges incurred by cell phone use should be limited and clearly linked to the necessity to use cell phones when other alternatives are inappropriate or not available. Employees will be responsible for any additional charges incurred for personal use.

B. Personal Cell Phones

1. AUTHORIZATION:

- a. Employees may carry personally owned cell phones while on duty. The employees immediate supervisor should have the officers cell phone number as an alternative method of communication in an emergency situation.

2. LIABILITY:

- a. The department is not responsible for loss or damage to personal cell phones while on/off duty.
- b. Use of personal cell phones is governed by the same safety restrictions as provided for departmentally-owned cell phones.

c. USE of Cell Phones While on Duty [\[81.2.10\]](#)

1. GENERALLY

- a. Cell phones should not be used if they may be disruptive to others.
- b. Ringer: Cell phone rings should be set to silent or vibrate in situations where a cell phone ring could be disruptive, such as meetings, court, etc.

2. ATTRIBUTES: Cell phones should be carried in a place that limits them from public view. They shall not have ring tones or carry cases that may be offensive the public.

3. DISTRACTION: A cell phone 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 situation.

4. COMMUNICATIONS

- a. Cell phones are an augmentation to the department's communication system, not a substitute for radio communication designated for transmission through the department's emergency communication center recorded lines.
- b. Approved cell phone usage includes but is not limited to the following types of communications:
 - i. Conveyance of sensitive or restricted information;
 - ii. Lengthy communication with supervisors or headquarters personnel;
 - iii. Undercover operations;
 - iv. Communication beyond normal radio range;
 - v. Incidents in which direct contact with an employee and the public is critical; and,
 - vi. Incidents in which the use of a hard line telephone would be appropriate but where one is not available.
- c. Employees may use cell phones for car-to-car communication. The cell phone shall not be used to bypass the appropriate use of the radio system or a dispatched call for service.
- d. Use of personal cell phones either in voice or data transmission while on duty should be restricted to essential communications and should be limited in length. Engagement in multiple or extended conversations unrelated to police business or similar use that interferes with the performance of duty is prohibited.
- e. Police reports may not be taken using the cell phone unless such reporting over a land line phone would be authorized. The phone may be used to contact the victim or complainant and arrange a meeting time and place.

5. CELL PHONE NUMBERS

- a. Cell phone numbers should not normally be 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.
- b. Personnel may not provide the cell phone number of any member of this department to a member of the public without the cell phone user's authorization.

2. IMAGES

- a. The use of photo messaging capabilities are prohibited unless they can be clearly linked to the conduct of official police business.

- b. 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. See the Department policy **82A-Records Management and Dissemination**.
6. VEHICLE OPERATION: Employees should not operate department vehicles while using cell phones unless emergency circumstances exist, and other means of communication are not available or suitable. When possible, employees should pull off the roadway in a safe location when using cell phones unless hands-free operational devices are available. Officers are reminded that they shall be alert and vigilant at all times in the performance of their duties and devote their full time and attention to the service of the Department and to the citizens of the community.

Cell phones that are used during high-risk situations, investigative or tactical operations, sensitive assignments or for command operations may be exempt from all or part of this policy as determined by the Chief of Police