



PAWNEE COUNTY SHERIFF'S OFFICE  
SHERIFF DARRIN VARNELL

<b>In Car Computer Use Policy</b>	Related Policies: <b>Cellular Telephones</b>
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard:	

- I. **Purpose:** The purpose of this policy is to direct deputies of The Pawnee County Sheriff's Office in the proper and prohibited usage of agency issued Mobile Communication Devices. The term Mobile Communication Devices (MCD) is intended to include all mobile telephones, personal digital assistants (PDA), I-Pads, Laptop Computers, and similar wireless two-way communications and/or portable Internet access devices. MCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging, e-mailing, using video or camera features, accessing sites, agency records management systems, NCIC terminals and services on the Internet.
- II. **Policy:** This policy sets forth The Pawnee County Sheriff's Office rules and regulations regarding the use of agency issued Mobile Communication Devices in the possession of the deputy while on duty as a member of The Pawnee County Sheriff's Office or at any time while in the operation of an agency owned vehicle.
- III. **Procedure:**
  - A. Any Mobile Communication Device used while on-duty, or used off-duty in any manner reasonably related to the business of The Pawnee County Sheriff's Office, will be subject to monitoring and inspection consistent with the standards set forth in this policy.
  - B. The inappropriate use of a Mobile Communication Device while on-duty may impair deputy safety. Additionally, employees are advised and cautioned that the use of a personally owned MCD either on-duty or after duty hours for business-related purposes may subject the employee and

the employee's MCD records to civil or criminal discovery or disclosure under applicable public records laws.

- C. Employees shall have no expectation of privacy with regard to any communication made with or stored in or through agency issued Mobile Communication Devices and shall have no expectation of privacy in their location should the device be equipped with GPS.
- D. In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on agency-issued Mobile Communication Devices.
- E. Agency-issued Mobile Communication Devices are to be utilized for agency use only. These devices shall remain the sole property of The Pawnee County Sheriff's Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.
- F. Unless an employee is expressly authorized by the Sheriff or their designee for off-duty use, the Mobile Communication Device will either be secured at the completion of the tour of duty or will be turned off when leaving The Pawnee County Sheriff's Office.
- G. An agency Mobile Communication Device may not be used to conduct personal business while on-duty or off-duty.
- H. MCDs should not be used as a way to avoid routine radio communications with the dispatcher and other field units. However, when a Mobile Communication Device is used regarding routine dispatcher-car to car communications where feasible, the information should be communicated to all deputies through electronic messaging.
- I. Employees will not access social networking sites for any purpose that is not official office business.
- J. Using MCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

#### **IV. Crime Scene:**

- A. All deputies shall be aware that the use of a recording device such as an agency issued Mobile Communication Device with a camera or video recorder capable of recording and documenting evidence at the scene of an incident under investigation by The Pawnee County Sheriff's Office must be considered to have potential evidentiary value. These images and recordings contain potentially inculpatory and exculpatory materials. Therefore, when any member of The Pawnee County Sheriff's Office uses a recording device of any type to capture images or verbal recordings related to incidents under investigation by The Pawnee County Sheriff's Office the material must be preserved and disclosed.

- B. Deputies should consider whether it would be beneficial to the overall investigation to await the arrival of a Crime Scene Technician trained in the preservation and collection of evidence through the use of photographic equipment or to document the scene themselves prior to technicians' arrival. In some cases where exigent circumstances exist, such as the evidence is transient in nature, then the responding deputy based on the totality of the circumstances may choose to document the evidence.
- C. When any deputy documents evidence through the use of Mobile Communication Device, that evidence shall be disclosed to a supervisor or the lead investigator assigned the investigation.
- D. The supervisor / investigator will take the appropriate steps to ensure the evidence is properly preserved and the chain of custody followed.
- E. Under no circumstances will an deputy who has recorded any evidence, image, or recording, associated with departmental investigations or related work product, in accordance with this policy re-produce, copy, or forward the image or recording by means of social media, internet, e-mail or similar media sharing devices with any person other than those persons who are acting in their official capacity in accordance with Illinois law.
- F. The deputy who transfers evidence, images or recordings, captured in the performance of their official duties, to any person or agency will document that evidence transferal in the records management system of The Pawnee County Sheriff's Office where that investigative case file is maintained.

**V. Mobile Communication Device While Operating an Agency Vehicle:**

- A. Communication policies for both patrol deputies and dispatchers must unilaterally indicate that the in-car computer is a tool, but the primary communications between the deputy in the field and the dispatcher will be two-way radio communications.
  - a. The use of a Mobile Communication Device while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating agency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the MCD.
  - b. Except in an emergency, employees who are operating agency vehicles shall not use a Mobile Communications Device while driving unless the device is specifically designed and configured to allow

hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

- c.** Deputies operating an agency vehicle while engaged in a vehicle pursuit or responding to an emergency call for service, "Hot Call", which requires the operation of the vehicle's emergency lights and siren, will instruct the dispatcher to "Broadcast the Call" information over the radio. Vehicle operators are prohibited from accessing the Mobile Communication Device while in operation of a vehicle under emergency conditions.
- d.** An deputy who is the passenger in a vehicle shall take control of the radio broadcasting responsibility and is allowed to access the Mobile Communication Device while the vehicle is being operated in an emergency mode.