



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy # Cellular Telephone Policy	Related Policies: Duty to Disclose
<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 form 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 insure the safety of officers by providing complete information through the most effective means available and providing for the efficient operation of the agency.
- II. **Policy:** This policy sets forth the agency rules and regulations regarding the use of agency issued cellular phones as well as the use of personal cellular phones while on duty as a member of this agency.
- III. **Procedure:** For use of an **agency issued ("AI")** cellular phone:
 - A. **General Use.** Cellular phones are provided to certain employees in order to enhance the efficiency of the agency.
 - B. **Miscellaneous issues relating to cellular phone use.**
 - a. **Car to car communications.** Members should refrain from using cellular phones in order to relay information about a law enforcement incident where such information might jeopardize the safety of all officers/deputies responding to the incident. The information should be communicated to all officers/deputies either through the dispatcher or through lap-top electronic messaging.
 - b. **Operating an agency vehicle.** Except in an emergency when other official means of communication have been severed, officers shall not operate an agency vehicle while using a cellular phone. Unless faced with such an emergency, all calls shall be made from a stationary position.

- c. Public use of cellular phone. Officers shall not utilize a cellular phone while standing in public. Unless faced with an emergency, officers shall be discreet in their use of a personal cellular phone.

IV. Procedure for use of **privately-owned cellular phones while on duty.**

- A. Operating an agency vehicle. Except in an emergency where other means of communication are not available, employees shall not operate an agency vehicle while using a cellular phone. Unless faced with such an emergency, all calls shall be made from a stationary position.
- B. Public use of cellular phone. Employees shall not utilize a cellular phone while standing in public. Unless faced with an emergency, employees shall be discreet in their use of a personal cellular phone.
- C. Use of cellular phones while on a paid detail. Officers shall not use cellular phones while working paid details unless an emergency exists or it becomes necessary for the officer to briefly call home.
- D. Usage. Officers shall limit their use of personal cellular phones such that their duties to the agency are not compromised.
- E. Police communication. Except in an emergency or where necessary as a matter of a strategic plan to overcome the possibility that communications will be overheard or when other official agency communication methods are unavailable, officers shall not use a personal cellular phone to by-pass official means of communication. Officers shall refrain from using cellular phones in order to relay information about a police incident where such information might compromise the safety of all units responding to the incident. This information should be communicated to all officers through the dispatcher or through lap-top electronic messaging.
- F. Car to car communications and supervisory assistance shall be done via the police radio in order to enhance officer safety and to establish and maintain a taped record

V. Personal cellular phones and administrative investigations.

- a. Production of cellular telephone records: Employees who elect to carry cellular phones during work hours, agency issued or personal, shall provide telephone usage records during administrative investigations, when requested. These records shall be for the dates and times of working hours.
- b. Employees shall produce personal and/or agency issued cellular telephone records during administrative investigations regardless of the time of usage when the usage concerns an allegation of misconduct that is "directly, narrowly, and specifically related to the employee's performance of duty or fitness to perform."

VI. Use of cellular phones equipped with cameras and recording devices.

- A. All officers shall be aware that the use of a recording device such as an agency issued camera, agency issued video recorder, or an agency issued cell phone equipped with a camera and or video recording device capable of recording and documenting evidence at the scene of an incident under investigation by the agency must be consider to have potential evidentiary value. These images and recordings contain potentially inculpatory and exculpatory materials. Therefore, when any

member of the agency uses a recording device of any type to capture images or verbal recordings related to incidents under investigation by the agency the material must be preserved and disclosed.

- B.** Officers 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 officer based on the totality of the circumstances may choose to document the evidence.
- C.** When any officer documents evidence through the use of cellular telephone camera or recording 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 officer who has recorded any evidence 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 Iowa law.
- F.** The officer who transfers evidence from a recording device to any person or agency will document that evidence transferal in the records management system of the agency where that investigative case file is maintained.