



Policy Number: 701 – Personal Communication Devices

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Approved By: Brandon Gatlin, Interim Chief of Police

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the Montana State University Billings Police Department (Department) regarding the use of mobile telephones and communication devices, whether issued or funded 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 (PCD's) 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, emailing, using video or camera features, playing games and accessing sites or services on the internet.

701.2 POLICY

This Department allows members to utilize Department-issued or funded PCD's and to possess personally owned PCD's in the workplace, subject to certain limitations. Any 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 if the device is fully funded by the Department.

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 Montana's right to know provisions and public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from a Department supervisor.

701.3 PRIVACY EXPECTATION

Department members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or fully funded by the Department, and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities.

701.4 DEPARTMENT ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCD's may not be used for personal business either on or off duty, unless authorized by the Chief of Police, or their 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.

701.5 PERSONALLY OWNED PCD

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

1. Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
2. The Department accepts no responsibility for loss of or damage to a personally owned PCD.
3. The PCD, and any associated services, shall be purchased, used, and maintained solely at the member's expense, unless the Department and the employee agree that a portion of the associated services shall be paid for by the Department.
4. Personally owned devices should not be used for work related purposes, except in exigent circumstances (i.e. unavailability of radio communications), unless the device is either fully or partially funded by the Department. 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, if the device is fully funded by the Department.
 - a. Members may use personally owned PCD's on duty for routine administrative work, as authorized by the Chief of Police
5. 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 with the Department.
6. Use of a personally owned PCD while at work, or for work-related business, constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department. This may include litigation, Montana's right-to-know provisions and public records laws, retention and release obligations, and internal investigations, if the PCD is fully funded by the Department. If the PCD is carried on duty, members will provide the Department with the telephone number of the device.
7. All work related documents, emails, photographs, recordings, or other public records created, or received, on a member's personally owned PCD should be transferred to the Department and deleted from the member's PCD as soon as reasonably practicable.

701.6 USE OF PCD

The following protocols shall apply to all PCD's that are carried while on-duty or used to conduct Department business:

1. A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
2. All PCD's in the workplace shall be set to silent or vibrate mode unless the device is partially or fully funded by the Department.
3. Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCD's shall not be used as a substitute for, as a way to avoid, or in lieu of, regular radio communications.
4. Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official Department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police, or their designee, may result in discipline.
5. Members will not access social networking sites for any purpose that is not official Department business if the device is fully funded by the Department.
6. Using PCD's 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

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

1. Ensuring that members under their command are provided appropriate training on the use of PCD's consistent with this policy.
2. 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.
 - a. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - b. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police, or their designee.

701.8 OFFICIAL USE

Members are reminded that PCD's are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCD's 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

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Officers operating emergency 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 PCD, unless using a hands free device.

701.10 EXPECTATIONS FOR PARTIALLY OR FULLY FUNDED PERSONAL COMMUNICATION DEVICES

The Department has the following expectations regarding a Personal Communication Device that is partially or fully funded by the Department.

1. The employee shall have their work email account and calendar installed on their device.
2. While on duty, the employee should access their email and calendar throughout the workday to ensure they are consistently informed regarding information and events that are occurring.
3. While on duty, the employee shall answer any phone call or text sent by any member of the Department or return the phone call as soon as practicable.
4. While on duty, the employee shall consistently monitor the device to ensure that they have not missed a phone call or text from any member of the Department.