



Ocean City Police Department

General Order

Subject: Mobile Wireless Communication Device Use		No. G.O. 800 I-2	
Rescinds:	Amends: G.O. 800 I-2 (Dated 03/01/2005)	Related Directive:	
Approval Date: 10/29/2013	Effective Date: 11/01/2013	Distribution Date: 11/01/2013	Distribution Type: A
References: I.A.C.P. Policy Center Town of Ocean City Policy & Procedure Manual: PPM 300 – 11 Maryland Vehicle Law			

Table of Contents

- I. Purpose
- II. Definitions
 - A. Course and Scope of Employment
 - B. Disruptive Activity
 - C. Distraction
 - D. Mobile Wireless Communication Device
 - E. Personal Use
- III. Policy
- IV. Prohibitions
- V. General Use of a Department Owned MWCD
- VI. Maintenance and Care of a Department MWCD
- VII. Use of Personally Owned MWCD for Work Related Duties
- VIII. Wearing of MWCD

I. Purpose:

Maryland Vehicle Law §21-1124.2 entitled Communications Traffic Safety Act allows for law enforcement personnel to utilize handheld telephones while driving as long as the use is within the scope of official duties. The Department has elected to further the restriction to “emergency circumstances” associated with official duties.

The purpose of this policy is to provide guidelines to employees pertaining to the use of handheld cellular telecommunication devices as well as similar mobile wireless communication devices (MWCD). This policy does not cover the use of mobile communication terminals (MCTs) or In-car Audio an Image Recording (ICAR).

II. Definitions:

- A. **Course and Scope of Employment:** Employee work or actions, whether performed on or off-duty, to further the department’s law enforcement responsibilities and goals as authorized by law; statute; or departmental policies, procedures, and/or rules.
- B. **Disruptive Activity:** MWCD operation that would interfere with the conduct of official business, meetings, training sessions, court, or public places when use would reasonably be deemed an annoyance and/or intrusive.
- C. **Distraction:** Any time the use of a MWCD would unnecessarily or unreasonably divert, hinder, or delay the attention of employees from official duties and/or cause a potentially hazardous situation.
- D. **Mobile Wireless Communication Device (MWCD):** Cellular telephones, personal digital assistants (PDAs), and any such device designed to record, transmit, and/or receive voice communications, text messages, e-mail, sound, video, photographic images, or digital communication information.
- E. **Personal Use:** Use of a MWCD, in any manner, that is unrelated to an officer’s employment.

III. Policy:

The Department uses MWCDs in the course of police operations to enhance communication. MWCDs may be used by employees to conduct official business when the use of radio communication is inappropriate, unavailable, or inadequate to meet communication needs and when the device is used in accordance with this policy. Information or data (text, voice, or image recordings) made on duty or off-duty and stored/saved in personal or departmental MWCDs related to the course and scope of employment is the property of the Department and is governed by evidentiary policies, potential Brady disclosure requirements, and any public records retention and disclosure laws of this State. This information may not be shared with third parties within the department or elsewhere, unless one has a need or a right to such information in order to further an investigation or conduct other official departmental business. Audio recordings of conversations may be subject to federal and state wiretapping laws.

IV. Prohibitions:

- A. A MWCD should not be used if the usage would be classified as a disruptive activity or a distraction of others.
- B. Excessive personal use or similar use which interferes with the performance of duty.
- C. Employees shall not erase or attempt to delete, remove or alter any image, video, or audio file related to department business from an MWCD unless authorized to do so by the Department.
- D. Employees shall not keep personal copies of any image, video, or audio file related to Department business.
- F. Employees shall not use MWCDs to share messages or visual or audio recordings with social or other print or electronic media, when such communications could reasonably be considered positions of the Department, could undermine Department integrity, bring disrepute to the Department or its employees, or violate any other departmental policy.

V. General Use of Department Owned MWCD:

- A. MWCDs are authorized to conduct official police business while employees are on-duty. They may also be used for family situations or personal matters that require attention, where alternative forms of communication are not suitable or easily available.
- B. MWCDs may be used in an off-duty capacity for departmental and personal use. Personal use should be held to a minimum.
- C. MWCDs are an augmentation to the Department's communication system, not a substitute for radio communication designated for transmission through the Town of Ocean City's Department of Emergency Services/ Communications Division. Approved MWCD usage includes but is not limited to the following types of communications:
 - 1. The conveyance of sensitive or restricted information
 - 2. Lengthy communication with supervisors or headquarters personnel
 - 3. Undercover operations
 - 4. Communications beyond normal radio range
 - 5. Incidents in which direct contact with an employee and the public is critical

- 6. Incidents in which use of a hard line telephone would be appropriate but where one is not available.
- D. Employees may not provide the MWCD number of any Department employee to a member of the public without the device user's authorization.
- E. Employees may utilize a MWCD for police report writing purposes in compliance with General Order 700 T-1. The MWCD may be used to contact the victim or complainant to arrange a meeting time and place, but not to expedite service.
- F. Employees may only utilize MWCD equipped with hands free accessories while operating vehicles. Under emergency circumstances and when no other means of communication are available or suitable, employees may utilize a MWCD not equipped with hands free accessories until the emergency has been resolved.
- G. Employees assigned a Department owned MWCD are responsible for managing the usage of the device within the predetermined device plan set month by month. Any and all overages to a device plan as a result of non-work related telephone calls become the financial responsibility of the individual assigned the plan. Employee's billed with monthly overages shall submit the overage amount to the Support Services Division - Fiscal Affairs within fifteen (15) days of notification.

VI. Maintenance and Care of a Department Owned MWCD:

- A. Employees assigned a Department-owned MWCD are responsible for the day to day care and maintenance of the device.
- B. Employees who damage or lose their MWCD shall report the circumstances to their Division Commander within twenty-four (24) hours of the damage or loss.
- C. Requests for replacement of, or repairs to, a MWCD shall be coordinated through the employee's Division Commander or designee. No employee shall directly contact the Town of Ocean City's designated MWCD representative for replacement of or repairs to devices or extensions/modifications to device services.

VII. Use of Personally Owned MWCDs for Work Related Duties

- A. Employees who wish to use personally owned MWCDs while on duty or for work related purposes must provide the MWCD numbers to their immediate supervisor and the Training and Recruiting Section for publication in the confidential departmental directory/ database.
- B. Use of personal MWCD either in voice or text transmission while on duty should be restricted to essential communications and should be limited in length.
- C. Use of MWCD is governed by the same safety restrictions provided for Department owned MWCDs as outlined in Section V, Subsection F of this Policy.

- D. The use of personal MWCDs in audio or image/video recording modes, where authorized by the Department, may be used to preserve perishable evidence when better options are not reasonably available. Officers shall make their supervisor aware of any recorded information that is obtained during the course and scope of the officer's employment or that may be reasonably considered germane to an investigation or other departmental business.

VIII. Wearing of MWCD:

Employees may wear a MWCD on the exterior of their uniforms as long as it is affixed securely to his/her belt or transported unexposed in jackets or pant pockets.