



MYRTLE BEACH POLICE DEPARTMENT

ADMINISTRATION REGULATIONS AND OPERATING PROCEDURES

Subject: *Cell Phones & Other Electronic Devices*

Number: 257-C

Effective Date: *June 11, 2013*

Revised Date: July 15, 2024

Rescinds: *257 Cell Phones*

Dated: *07/01/2009*

257-A Cell Phones & Other Electronic Devices

06/12/2014

257-B Cell Phones & Other Electronic Devices

02/12/2020

Approved By:

I. PURPOSE

Cell phones and other electronic devices, such as tablets and laptops, have become an item carried by most City employees. The availability of these items makes it necessary to establish guidelines for their use by city employees. The purpose of this procedure is to provide guidance to supervisors and employees when addressing personal and city issued cell phones and other electronic devices while on duty.

II. DISCUSSION

Cell phones, and other electronic devices, have changed the way we communicate with family, friends and co-workers. They have provided instant availability and have created the expectation of being able to communicate with each other at any time and at any place. There is an appropriate time and place for this to occur, and we take steps to prevent our cell phones and other devices from becoming a disturbance in our daily activities as well as a disturbance to others. Personal calls and messaging during the work hours, regardless of the device used, interfere with employee productivity and can be distracting to others. In some situations, the use of electronic devices may actually create a hazard, and can pose a safety risk of accidents or injuries.

In conclusion, this Regulation is designed to ensure the safety of employees and compliance w/ state law with respect to both personal and work related calls and messaging. The ability for an employee to have a personal cell phone in their possession while on duty is considered a

privilege. The primary concern of the city is the employee's safety while on duty and to maintain a working environment conducive to working safely. The City must also consider its professional image when allowing activities of its employees while on duty; therefore, it is necessary to establish guidelines that limit the use of cell phones and other electronic devices while on duty.

III. PROCEDURE

- A. The following guidelines are established to assist supervisors and employees regarding the use of cell phones and other electronic devices while on and off duty.
1. Personal cell phones and electronic devices should be set to vibrate/silent while on duty. All phones and electronic devices will be set to vibrate/silent while attending a class or court. City issued cell phones may be set at the officer's discretion and duty environment.
 2. Cell phones are not to be used while operating a vehicle or equipment unless a hands free device, such as Bluetooth, is utilized.
 3. Wearable Bluetooth or hands free devices are not to be worn outside of the motor vehicle/equipment while on duty, i.e., the wearing of a device outside of a vehicle while talking or conducting professional business is prohibited.
 4. The use of personal cell phones and other electronic devices should be limited to break and lunch periods. In the case of a personal emergency arising while on duty, the personal cell phone may be used.
 5. The City will not be responsible for damage to, loss of, or theft of, any personal cell phone or related personal electronic devices, and the employee is under no obligation, or expected, to use their personal cell phone or other device while on duty for business reasons.
 6. City issued cell phones are expected to be charged and on at all times.
 - i. Employees in command-level positions are expected to respond to calls and messages as soon as possible.
 - ii. Employees with on-call responsibilities are expected to respond to calls and messages as soon as possible during

their on-call times. These employees will be compensated for their time responding to phone calls.

- iii. All other employees are prohibited from conducting official police business with their city issued cell phone while off-duty as this presents compensatory issues under the Fair Labor Standards Act. This includes making calls to or receiving calls from victims, witnesses, or other community members as well as checking their city email accounts. Employees may respond to calls from supervisors during off-duty times and will be compensated for their time responding to these calls.
- iv. When the possibility of mandatory callback exists, all employees are expected to respond to calls and messages as soon as possible.

- 7. The use of cell phones and other electronic devices during training classes is restricted to Supervisory and Investigative personnel who are on duty. All others must have permission of the instructor to use a cell phone during training.
- 8. Departmentally owned/provided cell phones WILL NOT be forwarded to personally owned devices or vice versa.
- 9. Employees who are issued a cell phone will keep the city issued protective cell phone case on at all times to prevent the likelihood of damage.
- 10. All communication with the city issued cell phone will be professional in nature and falls under the guidelines of Employee Conduct, Administrative Regulation 101.

B. As of June 5, 2014, the State of South Carolina banned texting and driving. S.C. Code §56-5-3890. As to state law, the composing, sending or reading of a message, such as a text, email, etc., via an electronic device, such as a cell phone, laptop, etc., is proscribed w/ certain exceptions. The exceptions can be broken down into two parts: work related messaging and personal messaging.

- 1. As to work related messaging, the law specifically excludes from the ban "a public safety official while in the performance of the person's official duties." Even though the law does not require officers to use a hands free device while sending a work related electronic message,

officers must still use due care when sending such messages via their laptops, etc., in order to avoid accidents and injuries.

2. As to personal messaging, departmental personnel must follow both departmental procedures, above, and state law. The state law excludes from the ban:
 - a. A motor vehicle operator that is lawfully parked or stopped;
 - b. A motor vehicle operator that uses a hands-free wireless electronic device;
 - c. A motor vehicle operator that is summoning emergency assistance;
 - d. A motor vehicle operator that is transmitting or receiving data as part of a digital dispatch system (this can be police, but we are already excluding in the other exception so this is likely taxis, UPS drivers, Fed-Ex drivers, etc.); &
 - e. A motor vehicle operator that is using a GPS, or like, device.