MYRTLE BEACH POLICE DEPARTMENT

ADMINISTRATION REGULATIONS
AND OPERATING PROCEDURES

Subject: *Cell Phones & Other Electronic Devices* **Number: 257-D**

Effective Date: *June 11, 2013* **Revised Date: July 31, 2026**

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*
257-C Cell Phone & Other Electronic Devices	*07/15/2024*

Approved By:

I. PURPOSE

Cell phones and other electronic devices, such as tablets and laptops, have become items 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 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 with 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 employees' 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 a 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 from 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 September 1, 2025, 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 prohibited with 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 first responder while performing 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 city-issued cell phones, 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. While operating a motor vehicle on any public highway of this State, employees who are not conducting official business shall not:

    a. Hold or support, with any part of the body, a mobile electronic device. This provision does not prohibit the use of an earpiece or device worn on a wrist to conduct voice-based communication;

    b. Read, compose, or transmit any text including, but not limited to, a text message, email, application interaction, or website information on a mobile electronic device;

    c. Watch motion, including, but not limited to, a video, movie, game, or video call on a mobile electronic device.

3. The state law does not apply to a motor vehicle operator who is:

    a. Lawfully parked or stopped;

    b. Initiating a voice-based communication that is automatically converted by the device and sent as text, provided that the device is not held by the operator or supported with any part of the body by the operator;

    c. Reporting an accident, emergency, or safety hazard to a public safety official;

    d. Transmitting or receiving data as part of a digital dispatch system while performing occupational duties or while conducting network performance testing or testing required by the Federal Communications Commission;

    e. A first responder while performing official duties;

    f. Using a mobile electronic device for the purpose of:

        i. Navigation, listening to audio-based content, or obtaining traffic and road condition information in a manner that does not require the operator to type, provided that the

device is not held by the operator or supported with any part of the body by the operator;

ii. Using a mobile electronic device to initiate or end a cellular call in a manner that does not require the operator to type, provided that the device is not held by the operator or supported with any part of the body by the operator; or

iii. Unlocking the device for a purpose listed in subitems (a) or (b), provided that the device is not held by the operator or supported with any part of the body by the operator; or

g. Using equipment or services installed by the original manufacturer of the vehicle.