

## Personal Communication Devices

### 701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the District 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 (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs) 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, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

### 701.2 POLICY

The Fresno County Fire Protection District allows members to utilize District-issued PCDs and to possess personally owned PCDs 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 District, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair member safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or off-duty for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

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

### 701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any PCD issued by the District and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities.

The District reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the District, including any District-issued PCD or personally owned PCD that has been used to conduct District-related business. This includes records of all keystrokes or Web-browsing history made on the PCD. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through district PCDs or networks.

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### **701.4 DISTRICT-ISSUED PCD**

Depending on a member's assignment and the needs of the position, the District may, at its discretion, issue a PCD. District-issued PCDs are provided as a convenience to facilitate on-duty performance only, unless otherwise authorized by the Fire Chief or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the District 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**

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

- (a) Carrying a personally owned PCD is a privilege, not a right.
- (b) The District accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). 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 District business-related communication.
- (e) The device shall not be utilized to record or disclose any District 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 or appointment with the District, without the express authorization of the Fire Chief or the authorized designee.
- (f) Use of a personally owned PCD for District business or other work-related purposes constitutes consent for the District to access the PCD to inspect and copy data to meet the needs of the District, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the District with the telephone number of the device.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty.

### **701.6 USE OF PCD**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct District business:

- (a) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., inform family of extended hours). Members shall

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endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

- (b) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (c) 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 District business. Disclosure of any such information to any third party through any means, without the express authorization of the Fire Chief or the authorized designee, may result in discipline.
- (d) Members will not access social networking sites for any purpose that is not official District business.
- (e) Using PCDs 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:

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

### **701.8 OFFICIAL USE**

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs 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 District 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. Firefighters 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.

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and

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configured to allow hands-free use (Vehicle Code § 23123(a)). Such use should be restricted to business-related calls or calls of an urgent nature. No member shall write, send or read a text-based communication on a PCD while driving (Vehicle Code § 23123.5).

Members should not utilize a personally owned PCD when responding to an emergency or when engaged in an emergency incident.