



CITY OF PORTLAND, OREGON



Bureau of Police

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Directive 317.40, Authorized Use of Bureau Resources Executive Summary

Introduction

Directive 317.40 establishes guidelines for Portland Police Bureau members in regards to the utilization of City and Bureau resources. The current directive predominantly centers on the use of information technology and City vehicles, but it also acknowledges the authority of the City of Portland as a public employer to monitor employees' usage of all City-owned resources. The Bureau enacted this directive in September 2001, but has revised it several times since that time to incorporate the wide range of resources either not specifically addressed in previous versions or that have been recently integrated as Bureau equipment/property (e.g., issued phones). The Bureau recognized the need to include direction on mobile data computer operation, Bureau-issued vehicle management, and personal and official parking restrictions. The PPB also cross-references other Bureau directives concerning resources, such as uniforms and equipment, government issued smart phones, and off-duty use of Bureau vehicles.

Public Comments

PPB solicited and collected comments from members of the public and Bureau members during both universal review iterations (3/8/17 – 4/6/17 and 4/19/17 – 5/3/17). The policy team compiled all of the information and reviewed each comment for potential inclusion in the updated policy. The comments received appeared as general statements or requests to clarify information from the existing policy and, so, the policy team attempted to address the concerns by adding supplemental language to expand on the current procedures.

We thank every individual who took the time to read the draft directive and provide input. All comments received are attached at the end of this document; all personal information has been removed to protect the privacy of commenters.

PPB's Proposed Policy

The proposed version of the policy addresses the gaps created when the City's Human Resources Administrative Rules (HRAR) on use of City resources were updated and overlapping Bureau policies were rescinded to comport to the rules. While the HRARs generally apply to all bureaus, exceptions were applied to PPB, which produced unintended omissions that originally guided its members. To bridge the gap, PPB re-incorporated guidance from rescinded policies regarding member use of mobile communication devices while conducting police business and member use of Bureau-issued vehicles; included additional information to clarify member use of information technology; and added a new section on parking restrictions. PPB also explicitly identifies the responsibilities of supervisors and managers to ensure Bureau resources are used appropriately.

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PPB is confident the proposed policy provides more clarity and guidance to its members, however, any suggestions to further improve this directive are welcome during its next review.

**Please note this is the final public review period for Directive 317.40. We are no longer accepting comments at this time. All comments received are at the end of this document. We thank you for your time and feedback.*

317.40, Authorized Use of Bureau Resources

Final Review xxx

Refer:

- City of Portland, Human Resources Administrative Rules 4.08, Information Technologies
- City of Portland, Human Resources Administrative Rules 4.09, Use of City Resources
- DIR 344.00, Compliance with Human Resources Administrative Rules
- DIR 1020.00, Firearms Administration
- DIR 1110.00, Appearance Standards
- DIR 1200.00, Inspections, Maintenance, Responsibility, and Authority
- DIR 1221.00, Smart Phone Issuance and Usage
- DIR 1245.00, Vehicles, Off-Duty Use by Authorized Members
- ORS § 811.507 Operating Motor Vehicle While Using Mobile Communication Device

Definitions:

- Information Technology: Mobile communication devices, computers, telecommunications hardware, software and systems that utilize the Internet and/or any other communication network.
- Mobile Communication Device: Under Oregon law, these devices include cellular phones, text messaging devices or wireless two-way communication devices designed to receive and transmit voice or text communication.

Policy:

1. As an entity of the City of Portland, Portland Police Bureau comports with the administrative rules set forth by the Bureau of Human Resources. The appropriate use of all Bureau resources is the responsibility of each member and relates directly to official activity which the member was hired to perform. Resources shall be used for their intended purpose in accordance with the law (e.g., state, local, contracts, licenses, property rights, records, etc.) and approved policy, procedure, or training.
2. The Bureau entrusts its members with the use of all Bureau resources such as City facilities, office fixtures, office supplies or equipment, electronic and physical records, police uniforms and equipment, information technology, and vehicles. Less obvious examples of Bureau resources include work time, data, and information. Inappropriate uses of resources include, but are not limited to, facilitating unauthorized access or modification, negligent or purposeful misuse, abuse, breach, damage, destruction, loss, or theft.
3. All information technologies created or stored on City-owned information systems are considered City property, and as such, all employees shall have no expectation of personal privacy in the use of the City's information technologies. The uses of passwords are meant to protect the security of City data and information technologies and are not intended to convey an expectation of personal privacy or exclusion from monitoring.

4. The Bureau, under the City of Portland's rights as a public employer, reserves the right to search, without member consent, all areas and property over which the City maintains joint or full control. All Bureau vehicles, equipment, offices, desks, files, and lockers are subject to search by management. Searches shall be conducted in the presence of the member, if practicable. If the member is not available, or if the member so requests, a reasonable time will be allowed for a representative to be present before a search is conducted. The limitation on the City's right to examine City property contained in this paragraph does not apply to property used jointly by more than one member.
5. The use of Bureau resources could invoke a collective bargaining provision(s) or right(s). In the event there is a conflict between a City right and a collective bargaining provision or right, the collective bargaining provision or right prevails.
6. While members are issued information technologies because they have a need to remain in contact with the public, other members, and the chain of command to conduct official police business, the use of Bureau resources generates public records, and is subject to public records law (e.g., retention, confidentiality, disclosure).

Procedure:

1. Member Responsibilities.

1.1. Information Technology.

- 1.1.1. Members shall protect Bureau information technology, including computer and mobile devices, and shall not share access to accounts, privileges, and associated passwords. Members shall not reveal their login credentials without supervisor approval.
- 1.1.2. Limited personal use of information technology is permitted so long as members comply with the guidelines listed in the City's HRAR 4.08, Information Technologies (e.g., use is limited to short duration, does not result in public expense, does not interfere with job activities, does not violate "prohibited uses").
- 1.1.3. Members issued Bureau smart phones (cell) shall refer to Directive 1221.00, Smart Phone Issuance and Usage, for additional guidelines.
- 1.1.4. Members with access to Bureau landlines shall keep local, non-toll personal calls to a minimum and on the member's own time. Members will not make personal long distance calls unless they use a personal long distance card.
- 1.1.5. Sworn members are permitted to operate Mobile Data Computers (MDCs), two-way radios, in car technology, and cell phones while driving and conducting police business in accordance with ORS § 811.507; however, if there is a sworn member present as a passenger in the vehicle, the passenger should conduct the technology operations, if feasible.
- 1.1.6. The use of camera or video recording features with a Bureau-issued cell phone or equipment will be restricted to police business. Any other use of this technology is strictly prohibited. Members shall refer to Directives 640.02, Photography and Digital Imaging, and 1221.00, Smart Phone Issuance and Usage, for additional guidelines.

1.1.7. Members are prohibited from forwarding information related to Criminal Justice Information (CJI) (e.g., emails, calls, texts, images, recordings) to a personal smart phone or computer device. Members who do forward CJI information violate Criminal Justice Information System (CJIS) regulations.

1.1.8. Considerations While Using Information Technology.

1.1.8.1. Members should be aware that the use of City resources constitutes an express consent to monitoring at all times.

1.1.8.2. Members who forward Bureau-related information from their government email accounts to their personal email accounts and/or devices may be subjecting their personal electronics and/or accounts to Oregon Public Records Laws.

1.2. Vehicles.

1.2.1. Members shall exercise due regard for the safety of all persons at all times while operating any City vehicle. Failure to do so may result in discipline.

1.2.2. Members shall not intentionally, recklessly, or negligently damage or destroy vehicles while on or off duty. Damages incurred to police vehicles while using approved pursuit intervention strategies shall be reviewed pursuant to Directive 630.05, Vehicle Pursuits.

1.2.3. Members involved in a collision in a Bureau vehicle while on or off duty shall notify their supervisor as soon as practicable and complete all necessary reports. (A crash is defined by HRAR 4.13 Vehicle Loss Control as any unintentional collision involving a motor vehicle and another vehicle, person, or object, which results in property damage, personal injury or death. The crash may occur on public or private property.)

1.2.4. Members will exercise reasonable judgment when transporting alcoholic beverages in a Bureau-issued vehicle. Members shall not store alcohol in City vehicles.

1.2.5. Members in an on call status shall not consume alcohol to the extent that it would impair their ability to perform police duties in a Bureau-issued vehicle.

1.2.6. Members shall refer to Directive 1245.00, Vehicles, Off-Duty Use by Authorized Members, for additional guidelines.

1.3. Parking.

1.3.1. Bureau-issued vehicles are exempt from parking ordinances; however, members should be mindful of parking in other designated e-plate vehicle staging areas (e.g., county, federal).

1.3.2. Members should consider parking constraints at precincts and other police facilities. If a Bureau vehicle has an assigned parking space, members are required to utilize that space.

1.3.2.1. Members who are assigned a Bureau vehicle with a reserved parking space shall park in the designated location unless temporary circumstances prevent them from doing so.

- 1.3.3. If a member is issued a parking pass to a specific garage, those passes shall only be used for the assigned vehicle. In limited circumstances, the RU commander can authorize a temporary exception.
- 1.3.4. Members shall not park personal vehicles in parking spaces that are designated parking for a Bureau or City vehicle except under the following conditions:
 - 1.3.4.1. A member may temporarily park their personal vehicle in the space assigned to a Bureau vehicle designated to them while performing on call duty. (Typically not longer than a two week period.)
 - 1.3.4.2. Under special circumstances with specific authorization from their RU commander, a member may park their personal vehicle in any unassigned parking space designated for Bureau vehicles within the same RU.
- 1.3.5. Members shall not park or store their personal vehicles at a police facility on a long term basis.
- 1.4. Uniforms and Equipment.
 - 1.4.1. Members shall refer to Directives 1110.00, Appearance Standards and 1020.00, Weapons Administration, for additional guidelines.
- 1.5. Other Bureau Resources (e.g., Work Materials and Supplies, Records, Facilities, Time and/or Personnel, and Information).
 - 1.5.1. Members are required to appropriately use Bureau resources and report inappropriate uses to their supervisor or up the chain of command.
- 1.6. Members who intentionally or negligently lose, damage, or destroy City Property or are deemed out of compliance with authorized uses of resources may be subject to disciplinary action.
2. Supervisors and Responsibility Unit Managers Responsibilities.
 - 2.1. Supervisors and managers shall ensure Bureau resources are managed (e.g., acquired, assigned, used, inspected, modified, repaired, replaced, etc.) in proper order in accordance with Directive 1200.00, Inspections, Responsibility, Maintenance and Authority.
 - 2.2. Supervisors and managers shall educate their direct reports on proper use of Bureau resources (e.g., standard operating procedure, direction or demonstration, coordination of training, etc.).
 - 2.3. Supervisors and managers shall investigate reports of inappropriate use by members and refer allegations of misuse to the Professional Standards Division, if necessary.

History:

- Originating Directive Effective:
- Last Revision Effective:
- Next Review Date:

Directive 317.40 – Website comments 3/8/17-4/6/17 and 4/19/17-5/3/17

Date	Comment
4/5/17	<p>There needs to be something here that speaks to officers abusing LEDS by running names on people just to pull up info and harass them. Officers should never use LEDS for routine community contacts and should only use it for official business.</p>
4/5/17	<p>" The use of camera or video recording features with a Bureau issued cellular phone or equipment will be restricted to Police Bureau business. Any other use of this technology is strictly prohibited."</p> <p>How do you enforce that? Portland Police regularly use their bureau phones to snap photos of activists to intimidate them and for no actual legit reason. Unless there is audits of those devices or some sort of software to detect deletion of photos then this directive is useless.</p>
4/4/17	<p>DIRECTIVE 317.40 AUTHORIZED USE OF BUREAU RESOURCES</p> <p>We note here that we previously commented on this Directive in January 2015, noting there was no longer a definition for "negligent operation of a vehicle." Vehicle use is now cross-referenced to Directive 1245.00 (which we wrote about in September 2015). The Directive has been entirely rewritten and has gone from three short paragraphs to over 20.</p> <p>We're interested to learn:</p> <ul style="list-style-type: none"> --Officers have no expectation of personal privacy when using City resources including their passwords to get into computer systems (Policy Section 3.1), and that using such equipment means officers agree to be monitored at all times (3.2); --The City can search any property including desks, files and lockers where the City has complete or joint ownership (3.3); --Officers are not allowed to use computer systems for personal reasons except in "family emergencies, unforeseen work schedule changes, or communications regarding collective bargaining activities" (4.3); <p>and</p>

Directive 317.40 – Website comments 3/8/17-4/6/17 and 4/19/17-5/3/17

		<p>--Officers are not allowed to use Bureau camera phones to record anything that is not police business (4.4-- we wonder how this applies to the officer who made a "snow angel" and his video was posted to the PPB website).</p> <p>Our frequent moral quandary about supporting workers' collective bargaining rights and demanding accountability from City employees empowered to use deadly force is raised in Section 3.5. That Section notes the rules about use of City resources may be over-ridden by the "union" contract, and that officers also have free speech and association rights. While we agree, there should also be strict limitations based on the officers' positions as sworn law enforcement and as employees of the City. The case of the officers who displayed their badges and wrote "I am Darren Wilson" and the officers who then "liked" that on Facebook should be an example.</p>
3/22/17		<p>Officers should not use bureau smartphones to take photos of activists in an effort to intimidate. Officers should only take photos with those devices when they are connected to an official need or investigation not just to take photos and share it with bureau members to harass or intimidate them in the future.</p> <p>Officers regularly misused their smartphones.</p>