

# **WOLFEBORO POLICE DEPARTMENT**

## **SOP 6.9**

**Date Issued: 12/27/2019**

**Review: 03/25/2021**

[Note: This written directive is for the internal governance of the Wolfeboro Police Department and, as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.]

**By Order of:**  
**Dean J. Rondeau, Chief of Police**

## **DEPARTMENT EMAIL**

### **POLICY**

The policy of the Wolfeboro Police Department is to establish the Department's position on the utility, management, administration, and oversight of Department email.

### **PURPOSE**

The purpose is to establish guidelines for the proper use and application of the Wolfeboro Police Department and its four components (The Wolfeboro Police Commission, the Wolfeboro Police Department, the Wolfeboro Animal Control Office, and the Wolfeboro Central Dispatch) in the use of electronic mail (email) system by employees of the department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law. Messages transmitted over the email system must only involve official business activities and contain information essential to the business, administration, or practices of the Wolfeboro Police Department and its components.

### **PROCEDURE**

- I. Employees using the email system will do so in an appropriate and professional manner.
  - a. Employees observing someone using the e-mail system inappropriately, or who receives unusual or inappropriate material, will notify their supervisor.
  - b. The supervisor receiving such information will review it and take appropriate action.
  
- II. E-mail; Department e-mail accounts will be checked by all employees at least once within each 24-hour period, during the course of his or her shift or as frequently as the employees' assignment dictates. Employees will immediately

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check his or her e-mail account upon return from approved leave, vacation, sick leave etc. Employees shall adhere to the “Management of Email” section of this policy when dealing with the storage of messages.

III. Employees scheduled to be out of the office exceeding 5 days should use the “Out of Office” reply feature in Outlook to indicate their expected return to work date and alternative contact information, unless they have access to email while away.

IV. Department employees are encouraged to use email for, but are not limited to:

- a. Routine messages, announcements, shift summaries, notices or other information that previously would have been disseminated by memorandum through the chain-of-command.
- b. Any message currently being sent by facsimile or telephone.
- c. Drafts of reports, projects, or proposals.
- d. Certain non-confidential department documents such as job vacancies, department information, or special orders.

V. All email messages, including any attachments, that are transmitted over Department networks are considered Department records and therefore are the property of the Wolfeboro Police Department and its components.

- a. Employees using the Department email system shall have no expectation of privacy concerning communications transmitted over the system.
- b. The Department reserves the right to access, audit, or disclose, for any lawful reason, any message, including any attachment, that is transmitted over its email system or that is stored on any Department system without notification to the employee. However, no employee, including system administrator or supervisor, to access the email system or message of another employee merely to satisfy curiosity about the affairs of others.
- c. The email system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential and alternative method to communicate the message should be used instead of email.

VI. Employees are prohibited from sending derogatory, defamatory, obscene, disrespectful, racist, sexually suggestive and harassing, or any other inappropriate message via the email system.

VII. Employees will not send out an email message under another user’s name without authorization.

VIII. Management of email;

- a. Employees are solely responsible for the management of their email mailbox.

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- b. Employees should purge messages at least on regular basis.
- c. Emails that employees desire to save or that become part of an official record should be printed or stored on the computer.
- d. Archive emails (personal folders, inside Outlook) are stored on the employee's network drive and can impact server space that is set up for the employee.
- e. Once an email is deleted it will be stored for 30 days unless the folder is emptied, in that case the email is removed from the server.

VII. Deletion of an electronic record.

- a. A record in electronic form shall be considered to have been deleted only if it is no longer readily accessible to the public body or agency itself. RSA 91-A:4, IIIa.
- b. The mere transfer of an electronic record to a readily accessible "deleted items" folder or similar location on a computer shall not constitute deletion of the record. RSA 91-A:4, III-a.

IX. Governmental Records

- a. "Governmental records" means any information created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, or any public agency in furtherance of its official function. Without limiting the foregoing, the term "governmental records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by a quorum or majority of a public body in furtherance of its official function, whether at a meeting or outside a meeting of the body. The term "governmental records" also shall include the term "public records." RSA 91-A:1-a, III.
- b. "Information" means knowledge, opinions, facts, or data of any kind and in whatever physical form kept or maintained, including, but not limited to, written, aural, visual, electronic, or other physical form. RSA 91-A:1-a, IV.
- c. The term "public record" refers to specific pre-existing files, documents or data in an agency's files, and not to information which might be gathered or compiled from numerous sources. *Brent v. Paquette*, 132 N.H. 415, 426 (1989). Documents or data which are covered by statutory or common-law privileges or exclusions are excluded from the definition of "public records." See RSA 91-A:4, I (referring to statutory exclusions). Some, but not all, of these privileged and excluded records are included among the exemptions specified in RSA 91-A:5, e.g.

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Once an employee of the Wolfeboro Police Department and/or Wolfeboro Central Dispatch retire, resign or are terminated the email account associated with the employee will be deleted.