
**ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL**

Effective Date: March 14, 2001

Number: B-0202

Revised: July 12, 2007

Revised: May 9, 2008

Revised: May 7, 2013

County-Issued Cellular Telephones

Purpose

To establish guidelines for the use of county-issued cellular telephones (cell phones).

Approved

This CFS Policy and Procedure (P&P) was approved by Gary Taylor, Director of CFS, on May 7, 2013. *Signature on file.*

Most Recent Revision

This revision of the Policy and Procedure (P&P) includes:

- Use of county-issued cell phones to take photographs for documentation purposes or as an investigation tool to preserve evidence
- Advisement to CFS staff that Agency-related business sent, received, or stored on county-issued and personal cell phones is considered a “public record” for the purposes of the California Public Records Act (PRA) (Government Code § 6250, et seq)
- Incorporation of best practice information from CFS P&P “Photographic Identification of Children” (E-0112) for the purpose of taking identification photographs of Orange County dependent children
- Links to the appropriate SSA Administrative P&Ps for additional information on the use and care of county-issued equipment

Background

Per Social Services Agency (SSA) policy, county-issued cell phones are the property of the County of Orange, and are provided to Children and Family Services (CFS) staff for the purpose of conducting Agency-related business, such as:

- Making and receiving work-related telephone calls
- Checking work-related voice mail messages
- Taking photographs for documentation or evidence purposes
- Taking identification photographs of Orange County dependent children

Communication with clients, co-workers, community agencies, etc. via the use of county-issued cell phones will adhere to guidelines as outlined in SSA P&P [Rules of Conduct \(C 32\)](#).

Definitions None.

POLICY

Use of Cell Phone Camera Feature

Per CFS policy, staff may use the cell phone camera feature when the use of a photographic image is indicated for documentation purposes or as an investigation tool, (e.g., to preserve evidence). Examples include:

- Taking pictures of the physical environment of a Foster Family Home (FFH) for licensing purposes
- Maintaining updated photos in the Child Welfare Services/Case Management System (CWS/CMS) of children under the jurisdiction of the Orange County Juvenile Court

Additionally, per Evidence Code (EVID) Section (§) 1553, the cell phone camera feature may be used to create photographic documentation of a client’s living environment, client injuries, or other safety or environmental hazards, while conducting an investigation or case contact.

Per Penal Code (PC) § 11172(a), CFS staff may take photographs of a suspected victim of child abuse or neglect without parental consent. In addition, photographs taken for this purpose may be disseminated with required written reports (e.g., Investigation Narrative, reports to the Department of Justice [DOJ], etc.) resulting from a child abuse or neglect investigation.

Photographs submitted as documentation or evidence will be referenced in the corresponding Investigation Narrative or court report.

Note: Children brought into protective custody and placed in Orangewood Children and Family Center (OCFC), or court dependents returned to OCFC for placement, will have photographs taken of suspected non-accidental injuries. In addition, and as appropriate, staff is encouraged to request photographic documentation from law enforcement.

For instructions on downloading photographs from cell phones to a county-issued personal computer (PC) or laptop, refer to [Attachment 1—Downloading Pics from Cell Phone to PC or Laptop](#).

Note: If a county-issued cell phone is not available or is not in working order, staff may use their personal cell phones for conducting Agency-related business, per SSA Administrative P&P [Use of County Telephones and Facsimile Machines \(E13\)](#). Agency-related business that is retained on either county-issued or personal cell phones is subject to the California Public Records Act (PRA) as specified in Government Code (GOV) § 6250, et seq, and can be subject to a subpoena during discovery for a trial or litigation.

Use of Cell Phones/Digital Cameras for Child Identification

For children and youth under the jurisdiction of the Orange County Juvenile Court, maintaining a current photograph in the CWS/CMS electronic file enables the provision of identification to law enforcement, or other involved agencies, in the event a child or youth:

- Runs away from placement
- Is abducted or missing
- Is unable to be located due to a catastrophic event or natural disaster
- Travels

Digital photographs are taken of every child processed through Orangewood Children and Family Center (OCFC).

Note: OCFC photographs are emailed to the OCFC Intake Photographs In-box for retrieval by Photograph Import staff. Photograph Import staff import these photographs into the assigned Senior Social Worker's (SSW's) CWS/CMS caseload.

Per best practice, CFS staff may take annual or semi-annual photographs of dependent children in out-of-home care in order to maintain updated pictures in the child's CWS/CMS electronic case file. For dependent children placed with a parent in Family

Maintenance (FM) care, staff will obtain verbal authorization from the parent prior to taking the child's picture.

Photographs of children for identification purposes may be taken with county-issued cell phones or a county-issued digital camera.

For instructions on:

- Using county-issued digital cameras, and downloading photographs to a county-issued PC or laptop, refer to [Attachment 2—Camera Guide for Import to Microsoft Word](#)
- Importing photographs into the child's CWS/CMS electronic case file, refer to [CWS/CMS Data Entry Standards—Importing and Retrieving Pictures \(.jpeg\) into/from CWS/CMS](#)
- Formatting photographs to comply with CWS/CMS file size limitations, refer to the [Data Entry Standard Attachment—CWS/CMS Instruction Image Resizing Guide](#)

Confidentiality Per PC § 11167.5 and Welfare and Institutions Code (WIC) § 827, to protect the confidentiality of referral or case record images and information, photographs will be deleted from cell phones and digital cameras after they are downloaded onto a county-issued PC or laptop, or imported into a CWS/CMS electronic case file. Per CFS policy, this will be completed within two business days.

Use of Cell Phones/Safety Issues Per Vehicle Code (VC) § 23123(a), while operating a motor vehicle, CFS staff will not place or receive telephone calls with county-issued cell phones unless a hands free listening and talking device (e.g., Bluetooth technology) is used.

Exception: Per VC § 23123(c), use of a wireless telephone without a hands free listening and talking device is permitted for emergency purposes such as an emergency call to law enforcement, the fire department, etc.

CFS P&P [Standard Operating Procedures \(B-0216\)](#) authorizes the use of county-issued cell phones to assist with personal emergencies when conducting county business away from the office. For additional information on the use of county-issued cell phones for personal use, refer to SSA Administrative P&P [Use of County Telephones and Facsimile Machines \(E 13\)](#).

**Lost/ Stolen/
Damaged Cell
Phones/Digital
Cameras**

Per SSA policy, if a county-issued cell phone or digital camera is lost, stolen, or damaged, CFS staff will follow instructions for the submission of a *Special Incident Report (SIR) (F063-03-48)*, and other necessary actions, as described in SSA Administrative P&P [Loss or Damage of County Funds/Property \(E 1\)](#).

REFERENCES

**Attachments
and CWS/CMS
Data Entry
Standards**

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- [Attachment 1—Downloading Pics From Cell Phone To PC or Laptop](#)
 - [Attachment 2—Camera Guide for Import to Microsoft Word](#)
 - [CWS/CMS Data Entry Standards—Importing and Retrieving Pictures \(.jpeg\) into/from CWS/CMS](#)
 - [Data Entry Standard Attachment—CWS/CMS Instruction Image Resizing Guide](#)
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Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P [Standard Operating Procedures \(B-0216\)](#)
 - SSA Administrative P&P [Loss or Damage of County Funds/Property \(E 1\)](#)
 - SSA Administrative P&P [Rules of Conduct \(C 32\)](#)
 - SSA Administrative P&P [Use of County Telephones and Facsimile Machines \(E 13\)](#)
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Other Sources

Other printed references include the following:

None.

FORMS

Online Forms

Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
Special Incident Report	F063-03-48

Hard Copy Forms

Forms listed below may be completed in hard copy (including multi-copy NCR forms). **For reference purposes only**, links are provided to view these hard copy forms, where available.

Form Name	Form Number
None.	

CWS/CMS Forms

The following forms may **only** be obtained in CWS/CMS. **For reference purposes only**, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
None.	

Brochures

Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
None.	

LEGAL MANDATES

[Evidence Code \(EVID\) Section \(§\) 1553](#) specifies that a printed representation of images stored on a video or digital medium is presumed to be an accurate representation of the images it purports to represent.

[Government Code \(GOV\) § 6250](#), et seq, establishes the right of every person to inspect any public record, except those public records that are exempt from disclosure by express provisions of law.

[Penal Code \(PC\) § 11167.5](#) governs the confidentiality of child abuse and neglect reports, and specifies persons and agencies to which disclosure is authorized.

[PC § 11172\(a\)](#) exempts from civil or criminal liability a mandated reporter who takes, or causes to be taken, photographs of a suspected victim of child abuse or neglect, without parental consent, or for disseminating the photographs, images, or material with any reports required by this article.

[Vehicle Code \(VC\) § 23123](#) prohibits motorists from using a wireless telephone while driving a motor vehicle unless the wireless telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.

[Welfare and Institutions Code \(WIC\) § 827](#) governs access to and defines “juvenile case files.”