

	DELMAR POLICE DEPARTMENT	
	Policy 2.8 Use of Social Media	
	Effective Date: 01/01/15	Replaces: N/A
	Approved: <u>Ivan Barkley</u> Chief of Police	
	Reference: N/A	

I. POLICY

Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. The department supports and utilizes the secure and appropriate use of social media to enhance communication, collaboration, and information exchange. The department also recognizes the role that these tools play in the personal lives of department personnel. Because the improper use of social media platforms by employees may impact department operations, the department provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.

II. PURPOSE

This policy establishes guidance on the management, administration and oversight of social media. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

III. DEFINITIONS

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “Web log.”

Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), micro blogging sites (Twitter, Nixle), photo- and video sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Wiki: Web page(s) that can be edited collaboratively.

IV. DEPARTMENT SPONSORED SOCIAL MEDIA

1. Requirements for Department Sponsored Public Social Media Sites

- a. The Chief of Police is responsible for the management, posting, and monitoring of the department's public social media network sites. Other members of the department may post and monitor specific social media sites as approved by the Chief of Police.
- b. The Chief of Police will determine the extent of the department's official use of social media platforms. No social media platform will be utilized by the department without the express approval of the Chief of Police.
- c. Each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
- d. Where possible, the page(s) should link to the department's official website.
- e. Social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
- f. Content is subject to open government laws. Relevant records retention schedules apply to social media content. Content must be managed, stored, and retrieved to comply with open government laws, records retention laws, and e-discovery laws and policies.
- g. Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
- h. Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove any posting.
- i. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

- j. Department social media pages shall have imbedded restrictions not allowing the posting of pictures, icons, logos, etc. as part of a visitor identifier, message or signature.

2. Operation of Department Sponsored Public Social Media Sites

- a. Department personnel approved by the department to post to social media outlets shall do the following:
 - i. Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
 - ii. Identify themselves as a member of the department.
 - iii. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.
 - iv. Not conduct political activities or private business.
 - v. Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without express written permission.
 - vi. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

3. Uses of Departmental Sponsored Social Media Sites

- a. Social media can be used to make time-sensitive notifications related to
 - i. road closures,
 - ii. special events/department programs,
 - iii. weather emergencies, and
 - iv. missing or endangered persons.
- b. Social media is a valuable investigative tool when seeking evidence or information about
 - i. missing persons;
 - ii. wanted persons;

- iii. gang participation; and
 - iv. crimes perpetrated online and photos or videos of a crime posted by a participant or observer.
- c. Social media can be used for community outreach and engagement by
- i. providing crime prevention tips;
 - ii. offering online-reporting opportunities;
 - iii. sharing crime maps and data; and
 - iv. soliciting tips about unsolved crimes (i.e., Crime Solvers, text-a-tip).
- d. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.
- e. Background Investigations
- i. This department has an obligation to include Internet-based content when conducting background investigations of job candidates.
 - ii. Search methods shall not involve techniques that are a violation of existing law.
 - iii. Vetting techniques shall be applied uniformly to all candidates.
 - iv. Every effort must be made to validate Internet-based information considered during the hiring process.

4. Use of Covert Social Media Sites for Investigative Operations

- a. Covert or undercover Social Media sites are exempt from the requirements of sections 1, 2, and 3 above.
- b. Only the Chief of Police may approve the use of any covert or undercover Social Media site or postings to other Social Media sites for undercover investigative operations. A supervisor will be assigned to monitor the operation of the investigation.
- c. Prior to operating any Covert or Investigative Social Media site, or posting to other social media sites for purposes of a covert or undercover investigation, the supervisor shall make contact with the prosecuting attorney and the city attorney to determine the admissibility and requirements of the law regarding preservation of information for both prosecution and open government and records retention requirements.

V. PERSONAL USE OF SOCIAL MEDIA

1. Precautions and Prohibitions

- a. Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following when using social media.
 - i. Members of the Department may not access social networking or social media sites through the use of Department provided information systems--unless authorized to do so on behalf of the department or during the course of an investigation.
 - ii. While on duty, employees may only use personal communications devices to access social networking sites strictly during **authorized** meal breaks, provided such usage does not in any way interfere with the performance of job duties. Employees are prohibited from authoring posts on a social networking site at any time while on-duty even during meal breaks with the exception of department sponsored social media sites.
 - iii. Due to concerns for officer safety and to preserve tactical advantage, the posting of information related to any police response by any officer or assisting agency is absolutely prohibited without the approval of the Chief of Police.
 - iv. All matters of, by, within, and about Department details regarding calls for service, and the customers we interact with, are generally considered confidential information which may not be released, blogged about, posted, or otherwise shared outside the department without prior authorization, without it having been obtained through an official open records request, or without the information already being in the public realm [already otherwise released officially].
 - v. Department personnel are prohibited from engaging witnesses, victims, or defense attorneys on social media sites.
 - vi. Department personnel are prohibited from “friending” or “following” minors encountered during the course of their duties.
 - vii. Display of the department logos, uniforms, uniform patch, or departmental badge on their own or other’s social media sites is prohibited without written approval of the Chief of Police. Department personnel are prohibited from posting photos of themselves or other officers in uniform or tagging other officers in uniform.
 - viii. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair

discipline and harmony among coworkers, or negatively affect the public perception of the department.

- ix. As public employees, department personnel are cautioned that speech on or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee’s professional duties and responsibilities—may not be protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department.
- x. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
- xi. Department personnel shall not post, transmit, or otherwise disseminate any information, to include photographs, video or audio recordings, official documents, correspondence, reports, etc. to which they have access as a result of their employment without written permission from the Chief of Police.
- xii. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As such, department personnel are cautioned not to do the following:
 - 1. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
 - 2. Personnel are reminded that many individuals that we contact in our profession become angry and on occasion seek revenge for official actions taken. Employees are encouraged not to post any information that could be used to identify the employee’s residence, vehicle or family members.
- xiii. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Employees are required to be credible witnesses in criminal prosecutions and that credibility can be attacked using inappropriate posts on social media sites. Therefore, adherence to the department’s code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
 - 1. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that

ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.

2. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
 3. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.
 4. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
 5. Department personnel should be aware that they may be subject to civil litigation for
 - a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
 - c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
 - d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- xiv. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
- xv. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

2. Monitoring of Social Media

- a. Supervisors within the department may make random investigations into the postings of employees for purposes of protecting the integrity and reputation of the department, protecting the integrity of investigations, and ensuring privacy and security of departmental records and information.
- b. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.
- c. No supervisor or member of the department below the rank of Chief of Police is authorized to cancel, modify or make exceptions to the contents of this order at any time.