

Considerations Document

Social Media

I. PURPOSE

Social media provides a potentially valuable means of assisting law enforcement agencies in meeting community outreach, problem-solving, investigative, and crime prevention objectives. Social media can be used to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity.

This document is intended to provide agencies with items for consideration when developing their policies related to social media, to include its management, administration, and oversight. This may include the identification of potential uses that may be explored or expanded upon as deemed reasonable by designated personnel. This document is meant to address social media in general, as advances in technology will occur and new tools will emerge.

II. POLICY

Agencies should develop a policy statement that guides both agency and employee personal use of social media. The goal of this statement should be to briefly and concisely explain the agency's policy on the use of social media.

Sample: It is the policy of this agency that social media will be used in a thoughtful, targeted manner to further the agency's community outreach and crime prevention goals.

Sample: This agency recognizes and respects the rights of its employees to participate on social media platforms. However, employees must ensure that their online content is consistent with the agency's standards of conduct.

III. DEFINITIONS

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

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

Profile: Information that a user provides about an individual or an agency on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation.

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; or by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

IV. POTENTIAL USES

Social media can be used

1. as an investigative tool when seeking evidence or information about
 - missing persons;
 - wanted persons;
 - crimes perpetrated online (e.g., cyberbullying, cyberstalking); and
 - photos or videos of a crime posted by a participant or observer;
2. for community outreach and engagement by
 - providing crime prevention tips;
 - offering online-reporting opportunities;
 - answering questions posted by the community on social platforms;
 - sharing crime maps and data;
 - providing a two-way tool to enhance and promote community trust building; and
 - soliciting tips about unsolved crimes (e.g., Crimestoppers, text-a-tip);
3. to make time-sensitive notifications related to
 - road closures,
 - special events,
 - weather emergencies, and
 - missing or endangered persons;
4. to inform the media by
 - becoming the source of information immediately following a critical incident;

- dispelling rumors and correcting misinformation; and
 - magnifying the agency's message and instructions when media reshares on their own social media platforms; and
5. as a recruitment mechanism to attract and interact with persons seeking employment and volunteer positions.

V. PROCEDURES

A. Agency Use of Social Media

Agencies should begin by developing a strategy and associated policy for agency use of social media. Items to consider may include the following:

1. Establishing standard items that should be included on each social media page, such as
 - an introductory statement that clearly specifies the purpose and scope of the agency's presence on the page;
 - a statement that indicates that the page is maintained by the agency;
 - a disclaimer notice that clearly states the page is not monitored at all times;
 - information for how the agency should be contacted in case of an emergency;
 - a note that states the opinions expressed by visitors of the page do not necessarily reflect the opinions of the agency;
 - an indication that any content posted or submitted for posting is subject to public disclosure;
 - a link to the agency's official website; and
 - the agency's contact information.
2. Identifying the target audience(s), such as youth or potential recruits, and designing the social media presence accordingly.
3. Cultivating a personality or persona that the agency will follow when posting on social networks. This should consider community expectations, voice and tone, and appropriate use of humor.
4. Determining who has the authority to approve social media content and who is responsible for maintaining the agency's social media presence.
5. Ensuring that social media content adheres to applicable laws, regulations, and policies. This may apply to information technology and records management policies; content or ideas protected by law, such as through copyright, trademark, and service mark restrictions; and public records laws.
6. Establishing terms of use that are vetted by the agency's legal counsel and clearly communicated to the public. These terms of use should address such items as
 - how comments posted by the public on agency social media pages will be monitored; and
 - if or when public posts will be deleted or hidden,¹ considering potential free speech implications.
7. Limiting posts to incidents occurring within the agency's jurisdiction to avoid misinformation or confusion as well as guidance for coordination with neighboring agencies when there is crossover. This is especially true when an officer-involved incident or line-of-duty death occurs.
8. Prohibiting personnel from accessing social media platforms using agency computers without authorization. This prohibition may also extend to use of personally owned devices to access social media platforms when the employee is on duty.
9. Developing procedures for personnel who represent the agency on social networks, such as
 - appropriate conduct, to include observing agency policy on standards of conduct and conventionally accepted protocols and proper decorum;
 - identification as members of the agency;
 - limitations on posting specific content without express approval by the appropriate individual, to include, but not be limited to,
 - statements about the guilt or innocence of a suspect or arrestee;
 - comments concerning pending prosecutions;
 - confidential information; and
 - information related to agency training, activities, or work-related assignments.
10. Determining whether social media will be used when conducting background investigations on job candidates during the hiring process.
11. Providing training to employees who have access to agency social media platforms.
12. Developing a quality control component to ensure consistent voice and tone and accuracy of information.

¹ Social media posts should never be deleted except in unique circumstances. Agencies should consult with legal advisors regarding restrictions on deleting posts.

B. Personal Use of Social Media²

While an agency cannot prohibit employees from engaging in personal use of social media, when developing policy on personal use, agencies should consider

1. Employees' rights to express themselves as private individuals speaking on matters of public concern on social networks and limits on these rights when such speech is outweighed by the agency's interests related to such items that
 - interfere with the operation of the agency;
 - interfere with the maintenance of discipline by supervisors;
 - impair working relationships of the agency that are based on loyalty and confidentiality;
 - obstruct performance of duties; or
 - amount to abuse of authority.
2. The fact that speech made by employees pursuant to their official duties is not protected speech and may form the basis for discipline.
3. Whether limits should be established by agency policy on what employees may post on their personal social media pages. These limitations may be based on safety and security reasons and may include prohibitions against
 - disclosing their employment with the agency; *Yes*
 - displaying agency logos, uniforms, or similar identifying items; *Yes*
 - posting photographs or providing similar means of personal recognition that may cause them or other individuals to be identified as an employee of the agency; and *Maybe*
 - posting any form of visual or personal identification if the employee is or may reasonably be expected to work in undercover operations. *Unsure - likely not*

4. Whether employees should be prohibited from making any statements, speeches, appearances, and endorsements or publishing materials that could reasonably be considered to represent the views or positions of the agency without express authorization.

*Tough -
too open
to interpretation*

5. How posts made on social media platforms may form the basis for undermining or impeaching an officer's testimony in criminal proceedings.
6. Promotion of awareness that employees may be subject to civil litigation for
 - publishing or posting false information that harms the reputation of another person, group, or organization;
 - publishing or posting private facts and personal information about someone without their permission that have not been previously revealed to the public, are not of legitimate public concern, and would be offensive to a reasonable person;
 - using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
 - publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

7. Guidelines for employees for reporting violations of the agency's social media policy.
8. Additional items that may be included, such as
 - a requirement that the agency's policy on standards of conduct must be followed at all times, even when using social media for personal reasons;
 - education regarding privacy settings; and
 - the agency's ability to access any information created, transmitted, downloaded, exchanged, or discussed in a public online forum at any time without prior notice.

² Agencies should consult with their legal advisors to ensure that any policies related to personal use of social media are in compliance with any applicable laws or collective bargaining agreements.

Every effort has been made to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. Readers outside of the United States should note that, while this document promotes procedures reflective of a democratic society, its legal basis follows United States Supreme Court rulings and other federal laws and statutes.

Law enforcement administrators should be cautioned that each law enforcement agency operates in a unique environment of court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered, and should therefore consult its legal advisor before implementing any policy.

This document is not intended to be a national standard.

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