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I will try to join your meeting tomorrow evening, but may not be able to, so I am offering these comments in advance.

First of all, thank you members of the Ad Hoc and Commission staff, for doing this work and gathering information from other police departments as to their social media policies.

Second, a word of caution, as to the task before you in the wake of OPD's Instagram case/situation. Policy creations and re-writes are not enough. Same goes for training OPD officers and supervisors regarding policy, this one and others. We know this regarding two previous OPD policy-reform initiatives, both initiated under the NSA and both heralded as ground-breaking by the current City Administration. The first, the OPD's Body Worn Camera (BWC) policy/work rules. The second is the OPD/NSA parties' ongoing work, through study, data gathering and multiple cycles of policy and work rule re-writes and repeated training, to provide direction to officers regarding discretionary motorist, etc. stops, to the end of eradicating racially-biased policing. In both cases, (with the work still in progress) OPD having superior policies and comprehensive training of officers and line supervisors were insufficient alone to correct employee and Departmental performance. That's because policy and work rule changes plus training, alone, won't change officer conduct. What's also necessary is consistent enforcement/accountability. Because of the deep linkage between problematic aspects of OPD's culture, having enforcement of the changed rules is essential to changing OPD's culture. Not all rule and policy changes implicate police culture change, but any future OPD social media policy can, particularly if accompanied by effective announcements, training and support from OPD leadership.

Third, looking to the "other cities" policies, for me, San Francisco's cases the most weight and promise, for several reasons. Most critically, the SFPD had its own social media /e-communications scandal, the dimensions of which were similar to what happened in OPD's Instagram scandal. In SFPD a group of rogue, rule, trust and law-breaking officers were investigated by the FBI and ultimately convicted in Federal Court for on-duty criminal conduct. During their pre-sentencing process, it was discovered that the convicted officers had exchanged and shared with other officers text messages that were racist, sexist and homophobic. Unlike the situation in OPD, there was no evidence that SFPD supervisory or management personnel had any contemporaneous knowledge of the subject texts. To the contrary, SFPD management first learned of the offensive/problematic texts and the officers involved from Federal officials' pre-sentencing reports about the convicted officers.

The SFPD officer text-authors were criminally convicted officers. The Instagram site was founded by a former OPD officer who had recently been fired by the OPC/the City for his role in a fatal shooting.

Fourth, the SFPD policy embraces/covers both on and off-duty, personal and work time social media/e-communications. In my view, this is both permissible and effective. It reflects the fact that there is no privacy or message lifespan on the internet. Communications get forwarded, altered, re-distributed, fall into the hands of third parties who then alter and re-broadcast them. If done on the internet, irrespective of forum (Facebook or "private" chat group) or whether the message is composed on work or non-work time, messages can ultimately be broadly distributed by those other than the sender and/or initial recipients. As former SF Mayor Willie Brown opined in his Chronicle column several years ago, e-mail is and should be called "evidence mail". Furthermore for some communications, it doesn't matter whether the message was composed on work or personal time or on or off OPD devices. E.g., a communication by an officer denigrating women or Black men or attacking Court-ordered reforms or that shares outside of OPD the details from an OPD investigation is problematic (or worse) , irrespective of the time of, or e-communications method or device used.

Fifth, the SFPD policy has the most complete description of social media forums, objectives /harms to prevent in a social media policy.

Finally, some officers may argue that holding officers accountable for their problematic off-duty, personal social media communications is wrong and violates their legal rights. I recall some years ago, with respect to OPD's then-relatively new BWC policy, some officers argued that cameras in the patrol car violated their rights because the camera would record incidental officer talk about OPOA business or griping about OPD supervisors /leaders. Not having BWC's to appease officers on that issue would have held the OPD back even more for NSA compliance. Today, having a social media policy is not about surveillance or monitoring officers' personal freedom of expression, its about having clearly stated expectations and the potential for accountability if those expectations are not met.

Again, thank you for your work and the opportunity to comment on this important issue.

Mary V