

PERSONAL USE OF SOCIAL MEDIA



REPORT AND RECOMMENDATIONS OF THE POLICE COMPLAINTS BOARD

To

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THE COUNCIL OF THE DISTRICT OF COLUMBIA, AND
CHIEF OF POLICE PETER NEWSHAM
February 10, 2020**

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Personal Use of Social Media

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I. Introduction:

Social media allows individuals to share information and communicate with one another on any subject “as diverse as human thought.”¹ Social media platforms of all different varieties also present “vast potential to alter how we think, express ourselves, and define who we want to be.”² Members of the Metropolitan Police Department (MPD) undoubtedly possess a constitutional right to use social media in their own personal lives.³ However, to ensure promotion of the mission of the department and its effective operation in accordance with public trust, there must be guidance for members in order to avoid the potential pitfalls of using personal social media accounts that may reflect poorly on the Department.⁴ MPD should thus adopt a clear policy guiding members on their personal use of social media in a manner that is responsible, professional, ethical, and lawful.⁵

II. Benefits of a New Social Media Policy for Personal Use:

MPD presently provides guidance to members on their personal use of social media amidst General Order 302.08 Metropolitan Police Department Wide Area Network.⁶ However, this General Order’s title does not indicate it includes any guidance on the personal use of social media, making it more difficult for members to find guidance on this subject. General Order 302.08, last updated in November of 2013, guides members’ uses of MPDNet hardware and software (i.e., how to comply with software agreements, request technology help with OCTO, secure and manage e-mail accounts, etc.).⁷ The guidance on personal use of social media (found on page 7, section IV.E) protects confidentiality, prohibits “bringing discredit upon themselves, MPD, or the District of Columbia,” and warns of safety issues presented while publicly posting information that is personal to a member.⁸ General Order 302.08 goes on to permit any off-duty member to post any content that “expresses a personal-viewpoint and does not attribute the viewpoint to the Department.”⁹ These are all introductory foundations for a social media policy, but the policy must more explicitly describe how members may adhere to professional standards on social media.

MPD also has implemented “procedures to ensure the social media checks of MPD employment applicants utilized during the background investigation process”¹⁰ This portion of the applicant process utilizes a review of the applicant’s social media; however, once an

¹ Reno v. Am. Civil Liberties Union, 521 U.S. 844, 870 (1997).

² Packingham v. North Carolina, 582 U.S. __, __ (2017).

³ U.S. CONST. amend. I.

⁴ City of San Diego v. Roe, 543 U.S. 77, 84-85 (2004).

⁵ The Police Complaints Board (PCB) is issuing this report pursuant to D.C. Code § 5-1104(d), which authorizes the Board to recommend to the District of Columbia Mayor, Council, MPD Police Chief, and the Director of District of Columbia Housing Authority reforms that have the potential to improve the complaint process or reduce the incidence of police misconduct.

⁶ General Order 302.08 (Metropolitan Police Department Wide Area Network).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Special Order 16.06 (Social Media Checks for Background Investigations).

applicant is hired, MPD lacks similar procedures to ensure that members' social media posts will not interfere with its effective operations.

MPD should instead adopt a policy prohibiting posts that are particularly disruptive to MPD's mission of public trust. This recommendation will outline problems that MPD and other police departments have had where social media posts of officers disrupt the mission and efficiency of the department. This recommendation will then propose solutions to help combat these issues. MPD's policy should hold officers to a high expectation of integrity, responsibility, and equity that most members already uphold. Still, even a single errant post by any MPD member has the potential to adversely impact the reputation of the whole department. Some members still have several common misconceptions regarding the personal use of social media that must be addressed with more comprehensive guidance. These misconceptions involve (1) privacy settings and private groups, (2) the use of pseudonyms or fictitious names, and (3) the precise prohibited conduct and manner which members may discredit or harm the reputation of MPD.

A. Case Examples:

The Office of Police Complaints (OPC) receives complaints regarding members' personal use of social media. These complaints vary in degree, context, severity, and form: from engaging in factual debates over incidents of misconduct, to personal disputes alleging defamation, to posts overtly advocating for violence. These complaints are generally outside of OPC's jurisdiction, but a few examples of unprofessional uses of social media demonstrate the need for a comprehensive new general order guiding members' personal uses of social media.

- In May of 2019, a community member who moderates his organization's Facebook account, filed a complaint with OPC. The community member alleged that an MPD member, operating under both a pseudonym and his real name, posted comments mocking the community member's organization. The officer, wearing his MPD uniform in his profile picture, made comments that included "What a loser."
- In December of 2017, a complainant sent OPC a screenshot of a Facebook post from an MPD member. The member "checked in" to the MPDC Aviation Unit, posted a picture of an MPD helicopter and wrote: "On duty! Beautiful night to go hunting."
- In August of 2017, OPC received a complaint from a local advocacy group that found a photo posted to an MPD member's Twitter page showing approximately seventeen members in his unit in front of a flag. The flag had several weapons on it, as well as a skull and crossbones, reading "vest up one in the chamber" in reference to loaded weapons and body armor.

These examples highlight a few instances where members have improperly posted on personal social media in a way that reflects poorly on MPD as a whole. These community member complaints illustrate the damage social media posts can have on the relationship between MPD and the community. The members posting this type of content likely need more training and formal guidance on what kind of post reflects poorly on MPD. Members must be

reminded that even under a fictitious name or pseudonym, social media posts have the potential to tarnish their own reputation, the reputation of MPD, and the delicate relationship between MPD and the community. Members also must understand their own rights on social media, balanced with the protections of freedom of speech under the First Amendment.

B. Examples of Other Departments' Issues:

In 2017, an attorney named Emily Baker-White began compiling a database of inappropriate social media posts from police officers around the country.¹¹ Ms. Baker-White established the “Plain-View Project,” consisting of a team of attorneys investigating the social media accounts of officers in Philadelphia, Pennsylvania; St. Louis, Missouri; Dallas, Texas; Phoenix, Arizona; and more.¹² The findings of the database include thousands of posts on Facebook where officers endorse violence, racism, bigotry, religious insensitivity, misogyny, and conduct unbecoming of police officers. The civilian response to these posts expressed a lack of confidence and trust in the police. Philadelphia Police Department placed more than seventy officers on desk duty, and eventually fired thirteen officers and suspended four more.¹³ St. Louis Circuit Attorney Kimberly Gardner banned twenty-two officers listed in the database from submitting cases to her office for prosecution.¹⁴ All departments involved had to take some type of remedial measure to repair the harm their officers’ posts have caused their communities.¹⁵

Investigative journalists have also researched officers’ uses of social media, even in “private” groups. In one recent story, the podcast *Reveal* created a profile to befriend officers and feigned agreement with their stances on policing, immigration, and religion.¹⁶ *Reveal* discovered over one hundred officers who had exchanged memes, comments, and other posts that demonstrated a propensity for violence, racial biases, or Islamophobia.¹⁷ One department in Harris County, Texas immediately fired a detective as a result of his posts in a closed Facebook

¹¹ See generally Plain View Project, <https://www.plainviewproject.org>.

¹² *Id.*; Shaila Dewan, *When Police Officers Vent on Facebook*, N.Y. TIMES (June 3, 2019), <https://www.nytimes.com/2019/06/03/us/politics/police-officers-facebook.html>.

¹³ Bobby Allyn, *72 Philadelphia Police Officers Placed on Desk Duty Over Offensive Social Media Posts*, NATIONAL PUBLIC RADIO (June 19, 2019), <https://www.npr.org/2019/06/19/734241210/72-philadelphia-police-officers-placed-on-desk-duty-over-offensive-social-media->.

¹⁴ Christine Byers, *Prosecutor Adds 22 St. Louis Officers to “Exclusion List” Over Racist Facebook Posts*, ST. LOUIS POST-DISPATCH (June 19, 2019), https://www.stltoday.com/news/local/crime-and-courts/more-st-louis-police-officers-added-to-list-of-cops/article_56d644c6-e0a7-54ed-991f-64c51b30ac27.html.

¹⁵ Matt Galka, *Group Reviewing Facebook Posts Made by Police Officers, Including Those with Phoenix Police*, FOX 10- PHOENIX (June 4, 2019), <http://www.fox10phoenix.com/news/arizona-news/group-reviewing-facebook-posts-made-by-police-officers-including-those-with-phoenix-police>; Sarah Sarder, *Dallas Police Reviewing Officers’ Social Media After Report Alleges Bigoted, Violent Posts*, DALLAS NEWS (June 6, 2019), <https://www.dallasnews.com/news/dallas-police/2019/06/06/dallas-police-reviewing-officers-social-media-after-report-reveals-hundreds-racist-islamophobic-posts>.

¹⁶ Will Carless and Michael Corey, *Inside Hate Groups on Facebook, Police Officers Trade Racist Memes, Conspiracy Theories and Islamophobia*, REVEAL (June 14, 2019), <https://www.revealnews.org/article/inside-hate-groups-on-facebook-police-officers-trade-racist-memes-conspiracy-theories-and-islamophobia/>

¹⁷ *Id.*

group called “The White Privilege Club.”¹⁸ Another news organization, ProPublica, recently exposed another “private” Facebook group consisting of over nine thousand Customs and Border Patrol agents, posting offensive material about the immigrants they interact with on a daily basis.¹⁹ The police department in Gretna, Louisiana recently terminated two officers because one implied a member of the United States House of Representatives should be shot, and the other liked the post.²⁰ MPD should take a proactive stance and address these issues now before any social media posts cause similar harm in the District community. In order to avoid similar repercussions that interfere with the efficiency of agency operations, MPD needs to implement an updated and comprehensive policy on personal use of social media.

C. Examples of Other Departments’ Solutions:

Police departments around the county have implemented policies to provide guidance to officers on their personal uses of social media. As former Chief of Police in Smithfield, Virginia and former President of the International Association of Chiefs of Police, Mark A. Marshall, said, “[t]his is something that all the police chiefs around the country, if you’re not dealing with it, you better deal with it.”²¹ Most police departments have more detailed and comprehensive policies guiding officers’ personal uses of social media.²² These policies provide the departments with a stronger foundation for discipline when officers post egregious material on social media, and provide protection for the department from lawsuits. MPD’s present guidance vaguely restates the code of conduct, but it does not communicate the message to officers that social media posts may have pervasive and permanent consequences. A new policy clearly labelled as a social media policy on personal use would provide officers with valuable guidance. Furthermore, a new policy would show the community that MPD expects professional and responsible conduct of their officers, even on social media. Most other departments’ policies emphasize main points that are not reflected in the General Order 302.08 such as:

“Department members are prohibited from posting, displaying, or transmitting . . . content that is disparaging to a person or group based on race, religion, sexual orientation, or any other protected class.”²³

¹⁸ *Id.*; see also Will Carless and Michael Corey, *To Protect and Slur*, REVEAL (June 24, 2019), <https://www.revealnews.org/article/the-american-militia-movement-a-breeding-ground-for-hate-is-pulling-in-cops-on-facebook/> (finding hundreds of members of law enforcement as members of anti-government military groups).

¹⁹ Chris Mills Rodrigo, *ProPublica Uncover Facebook Group for Border Patrol Agents Filled with Derogatory Posts Targeting Migrants, Lawmakers*, THE HILL (July 1, 2019), <https://thehill.com/latino/451166-propublica-uncovers-facebook-group-for-border-patrol-agents-filled-with-derogatory>.

²⁰ While firing an officer for “liking” a post may seem extreme, the Police Chief in Gretna expressed frustration because he had been proactively warning his officers that social media could embarrass the department. Alex Horton and Michael Brice-Saddler, *Two Police Officers Fired for Facebook Post that Suggested Ocasio-Cortez Should be Shot*, WASHINGTON POST (July 23, 2019), https://www.washingtonpost.com/politics/2019/07/22/officer-suggests-ocasio-cortez-should-be-shot-after-he-read-fake-news-facebook/?utm_term=.af277db9cc43.

²¹ Erica Goode, *Police Lesson: Social Network Tools Have Two Edges*, N.Y. TIMES (April 6, 2011), <https://www.nytimes.com/2011/04/07/us/07police.html>.

²² *Infra*, Section V: Appendix.

²³ App’x A, Chicago Police Department, General Order G09-01-06 (Use of Social Media Outlets), Section V.C.2.

“Employees are prohibited from using ethnic slurs, profanity, personal insults; material that is harassing, defamatory, fraudulent, or discriminatory, or other content or communications that would not be acceptable in a City workplace under City or agency policy or practice.”²⁴

“Employees are prohibited from displaying sexually explicit images, cartoons, jokes, messages or other material that would be considered in violation of the City Policy Preventing Sexual Harassment in City Government.”²⁵

“Even if a member of the service has created ‘private’ or ‘limited access’ accounts or has customized ‘privacy settings,’ any statements, photographs, video clips or information which are sent over the internet may still be viewed and disseminated by third parties, even after the content has been edited or deleted by the user.”²⁶

“Members not post, transmit, or otherwise disseminate any information obtained as a result of their employment with the [] Police Department without written permission from the Chief of Police, or their designee.”²⁷

“Department personnel should be aware that they may be subject to civil litigation for:

- Publishing or posting false information that harms the reputation of another person, group, or organization (defamation).
- 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.
- Using someone else’s name, likeness, or other personal attributes without that person’s permission for an exploitative purpose.
- Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.”²⁸

“When engaging in the personal use of social media, employees shall not post any photograph, audio, video, illustration, or any other multimedia file related to or depicting any of the following:

- Brandishing any Department-owned weaponry, actual or simulated, or any contraband whether actual or simulated.
- Brandishing any Department-owned tactical instrument, including, but not limited to: firearms, ASP, baton, OC spray, electrical control weapon, and/or mechanical restraints.”²⁹

²⁴ App’x B, Philadelphia Police Department, Directive 6.10 (Social Media and Networking), Section 4.I.

²⁵ App’x B, Philadelphia Police Department, Directive 6.10 (Social Media and Networking), Section 4.J.

²⁶ App’x C, New York Police Department, Procedure No. 203-28 (Department Social Media Accounts and Policy), p.3.

²⁷ App’x D, Detroit Police Department, Procedure No. 102.8 (Department Internet Usage/Web Pages/Social Networking), Section 6.1.c.

²⁸ App’x E, Massachusetts Chiefs of Police Association, General Order A116 (Use of Social Media), Section III.F.

²⁹ App’x E, Massachusetts Chiefs of Police Association, General Order A116 (Use of Social Media), Section III.P.

D. Departmental Civil Liability:

If MPD does not implement a clear general order on the personal use of social media, courts may hold MPD civilly liable for the misconduct of its members.³⁰ As noted in the Special Order on social media background checks: “Recent court decisions have resulted in civil judgments against police departments for negligent hiring, based upon the fact that they did not conduct social media checks as part of the background investigation process.”³¹ Similar logic applies to present officers, as MPD must “not adopt a policy of inaction” while having “actual or constructive knowledge that its agents will probably violate constitutional rights[.]”³² When MPD officials become aware of members posting inappropriate messages on social media, this conduct could present a foreseeably attributable substantial risk of harm as required for an unofficial municipal policy of deliberate indifference.³³ The best prophylactic measure MPD could take for such claims is a clear, comprehensive general order on the personal use of social media. Such a policy would allow courts to see that MPD does not condone violence, racial or religious bias, or condone any conduct that would violate constitutional rights of the citizens MPD protects and serves.

It is demonstrable to look at an Albuquerque Police Department officer who listed his occupation on Facebook as “human waste disposal.”³⁴ A television station noticed this problematic post shortly after the officer fatally shot someone in the line of duty.³⁵ The Albuquerque Police Department immediately thereafter placed the officer on desk duty, condemned his post, and established a new policy governing officers’ uses of social media.³⁶ The department ultimately settled the wrongful-death lawsuit a month before the trial was scheduled in federal court.³⁷ MPD could potentially save the District countless dollars by providing officers with more comprehensive guidance and training on personal social media use.

E. Posts Used as Impeachment Evidence of Bias:

Another potential issue is the use of social media posts as impeachment evidence in a criminal trial in which an officer is called as a witness. The right to evaluate the biases of the prosecution’s witnesses “is a proper and important function of the constitutionally protected right of cross-examination.”³⁸ As St. Louis prosecutor Ms. Gardner, described, “When a police

³⁰ *Monell v. Department of Social Services*, 436 U.S. 658, 690 (1978); *Canton v. Harris*, 489 U.S. 378, 388 (1989).

³¹ Special Order 16.06 (Social Media Checks for Background Investigations).

³² *Warren v. District of Columbia*, 353 F.3d 36, 39 (D.C. Cir. 2004).

³³ *See Parker v. District of Columbia*, 850 F.2d 708, 714 (D.C. Cir. 1988) (holding District liable for “sad series of mishaps linked to a policy of sorely deficient training, supervision and discipline”); *Carter v. District of Columbia*, 795 F.2d 116, 123 (D.C. Cir. 1986) (requiring pervasive police misconduct for municipal liability claim).

³⁴ Erica Goode, *Police Lesson: Social Network Tools Have Two Edges*, N.Y. TIMES (April 6, 2011), <https://www.nytimes.com/2011/04/07/us/07police.html>.

³⁵ *Id.*

³⁶ *Id.*

³⁷ Dan McKay and Nicole Perez, *APD settles for \$300,000 in Fatal Shooting*, ALBUQUERQUE JOURNAL (January 14, 2014), <https://www.abqjournal.com/336238/apd-settles-for-300000.html>.

³⁸ *Davis v. Alaska*, 415 U.S. 308, 315-18 (1974); *see also United States v. Abel*, 469 U.S. 45, 53 (1984) (allowing extrinsic evidence for purpose of showing a witness’s bias).

officer's integrity is compromised in this manner, it compromises the entire criminal justice system and our overall ability to pursue justice."³⁹ Officers' personal social media accounts may serve as gold-mines of evidence of their biases for criminal defense and civil rights attorneys. These issues arise in court when attorneys impeach officers' credibility.

One example of this use of impeachment evidence occurred during a New York trial for unlawfully carrying a firearm.⁴⁰ The case primarily rested on the credibility of one officer who maintained several social media accounts for personal use.⁴¹ The officer posted a description of his mood: "Devious," and posted that he watched the movie "*Training Day* to brush up on proper police procedure."⁴² The defense attorney used these posts to persuade a jury to acquit the defendant based on the theory that the officer and his partner stopped him, beat him up, and planted a gun on him in order to justify breaking three of his ribs.⁴³ The officer said, "I feel it's partially my fault. It paints a picture of a person who could be overly aggressive. You put that together, it's reasonable doubt in anybody's mind."⁴⁴

The adoption of comprehensive guidance and training on the personal use of social media will also help the community perception of MPD. The underlying bias or even appearance of bias in posts on social media taints the reputation of MPD both in and out of court. To combat and limit the effect of this bias, MPD members must understand that the world-wide web can potentially affect community relations and the overall reputation of the department.

III. Recommendations:

To help improve community relations and trust between MPD and community members, the Police Complaints Board recommends that:

1. MPD should issue a comprehensive new stand-alone General Order on social media.

A comprehensive new general order should provide more express guidance to members on what they can and cannot post. Based on the complaints OPC receives surrounding members' uses of social media, it appears that some members believe that any post is within their First Amendment rights. While First Amendment considerations are undoubtedly important, MPD must clearly show that these rights do not permit a "free-for-all" on social media. Instead, MPD needs a clear policy outlining that the department promotes the professional use of social media.

³⁹ Byers, *supra*, n.14.

⁴⁰ Jim Dwyer, *The Officer Who Posted Too Much on MySpace*, N.Y. TIMES (March 10, 2009), <https://www.nytimes.com/2009/03/11/nyregion/11about.html>.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

A proposed general order and several other social media policies of other departments are attached as appendices for possible examples to create the General Order.⁴⁵

2. MPD should create training for members on social media usage to support the new General Order.

A new general order alone will not sufficiently guide members in their personal uses of social media. Many members retain a professional presence on social media, and represent MPD in a way that reflects positively on the community. Even one errant or flagrant post by an MPD member has the potential to destroy the hard work that many members and citizens put in to mend community relations and trust. Trainings regarding the use of social media are necessary to ensure every single member adheres to ethical and professional standards whenever they post.

The training should emphasize the common sense need to “think before you post” on social media. Discouraging personal squabbles, disputes, or harassment on social media should be a significant emphasis, as these posts reflect poorly on MPD and are not protected by the First Amendment. OPC has received several complaints of this nature, where citizens claim members harass, defame, or threaten them on social media as a result of personal relationships. Members may not understand that matters of private concern are usually not protected as free speech.⁴⁶

Another emphasis of training should examine what the First Amendment protects. Even while speaking on matters of public concern, courts have found exceptions to the general “free speech” rule for obscene posts; threatening posts; posts that condone or solicit imminent lawless action or crimes; posts intended to blackmail others; posts that would bring a reasonable person to fisticuffs; or any posts defaming another individual.⁴⁷ MPD must educate and train its members on how their uses of social media are sometimes intractably intertwined with their reputation and the reputation of MPD. Therefore, members must adhere to standards of ethically professional behavior, particularly in their private lives on the world-wide-web. Members must be made aware that social media is a permanent and public domain, where journalists are actively seeking posts that are unbecoming of officers.

IV. Conclusion:

Presently, MPD has provided only a short section of limited guidance for members on their personal use of social media. MPD should revise this order on the personal use of social media to provide notice to members of the consequences of improper posts. Recent popularity in the news of the negative effects that social media can have on police departments makes this new order necessary. Such an order would limit civil liability for the agency, help prosecute crime by limiting impeachment evidence of bias, and promote a trusting relationship within the community. Adopting guidance on the personal use of social media is the best way for MPD to

⁴⁵ *Infra*, Section V.

⁴⁶ *Connick v. Myers*, 461 U.S. 138, 147-48 (1983).

⁴⁷ *United States v. Alvarez*, 567 U.S. 709, 717 (2012) (collecting cases).

educate its members and successfully execute its mission. Additionally, training members on the potential harmful effects of social media, as well as what is permitted would protect MPD from a tainted reputation. Public trust is paramount, and social media presents an ongoing threat to frustrate that mission. MPD must take prophylactic measures to combat issues with social media as soon as possible. A new social media policy would demonstrate to the community that MPD holds its members to high professional standards. MPD should remind the District that its members are “here to help” the community, even in their private lives on social media.

V. Appendix:

A. Chicago Police Department General Order 09-01-06 06 (Use of Social Media Outlets)

B. Philadelphia Police Department Directive 6.10 (Social Media and Networking)

C. New York Police Department Patrol Guide Procedure Number 203-28 (Department Social Media Accounts and Policy)

D. Detroit Police Department Directive 102.8 (Department Internet Usage/Web Pages/Social Networking)

E. Massachusetts Chiefs of Police Association, General Order A116 (Use of Social Media)

F. Sample General Order (Personal Social Media Use)

**Appendix A. Chicago Police Department
General Order 09-01-06 06 (Use of Social Media
Outlets)**



USE OF SOCIAL MEDIA OUTLETS



ISSUE DATE:	07 August 2014	EFFECTIVE DATE:	07 August 2014
RESCINDS:	9 March 2012 version		
INDEX CATEGORY:	Information Management		

I. PURPOSE

This directive establishes guidelines and responsibilities of Department members using social media outlets.

II. SCOPE

For the purposes of this directive, the term "social media outlets" means any electronic communication (such as personal Web sites and outlets for social networking and microblogging) through which participants utilize online communities to share information, ideas, personal messages, and other content through an electronic format. These formats include, but are not limited to, text, video, photographs, audio, digital documents, etc.

This directive addresses the full breadth and scope of social media rather than any one particular format. The Department recognizes that as technology advances, new methods for social media participation will emerge.

III. POLICY

Social media outlets, when used in a proper manner, can reinforce the Department's relationship with the public, build community support, and assist in solving crime. Department members have a constitutional right to express their views under the First Amendment. However, Department members may be subject to discipline for violating the provisions of this directive. Any social media participation made pursuant to a Department member's official duties is not considered protected speech under the First Amendment.

IV. DEPARTMENT SOCIAL MEDIA OUTLETS

A. Procedures

1. All Department social media outlets shall be approved by the Superintendent or his/her designee and shall be administered by Public Safety Information Technology (PSIT).
2. The use of Department computers by Department members to access any social media outlet is prohibited absent prior supervisory approval.
3. Social media content shall adhere to applicable laws, the **Rules and Regulations of the Chicago Police Department**, and any relevant Department policies, including all information technology and records management policies.
 - a. Department records retention schedules shall apply to social media content.
 - b. Content is subject to Local Records Act ([50 ILCS 205/1](#)).
 - c. Content must be managed, stored, and retrievable in compliance with the Illinois Freedom of Information Act ([5 ILCS 140/1](#)) and any relevant Department directives.

B. Department members authorized to administer Department social media outlets shall:

1. conduct themselves at all times as representatives of the Department and, accordingly, shall adhere to applicable Department Rules and Regulations and Department directives.
2. not make statements indicating the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions.

3. not post, transmit, or otherwise disseminate confidential information related to Department training, activities, or on-going investigations without express written permission.
4. comply with all copyright, trademark, and service mark restrictions in posting materials to electronic media.
5. not use personally owned devices to manage the Department's social media activities without proper approval.
6. ensure that all relevant privacy protections are maintained.

V. DEPARTMENT MEMBERS' PERSONAL USE OF SOCIAL MEDIA OUTLETS

- A. When using social media, Department members should be mindful that their communications become part of the worldwide electronic public domain. Department members should be aware that privacy settings and social media sites are subject to constant modifications, and they should never assume that personal information posted on such sites is protected or secure.
- B. Department members should expect that any information that they create, transmit, download, exchange, or discuss that is available online in a public forum may be accessed by the Department without prior notice.
- C. Department members are prohibited from posting, displaying, or transmitting:
 1. any communications that discredit or reflect poorly on the Department, its missions or goals.
 2. content that is disparaging to a person or group based on race, religion, sexual orientation, or any other protected class.
 3. Department information, records, documents, video recordings, audio recordings, or photographs to which they have access as a result of their employment without the written permission from the Office of News Affairs or the Office of the Superintendent.
 4. any references to any other Department member's employment by the Department without that person's consent.
 5. any intellectual property of the Department or the City of Chicago without the specific authorization of the Superintendent or his/her designee. Department or City of Chicago intellectual property includes but is not limited to logos, uniforms, official photographs, audio/video files, or any text documents (paper or electronic).
 6. any information representing themselves as an official spokesperson of the Department and the City of Chicago unless specifically authorized by the Superintendent or his/her designee.

VI. USE OF SOCIAL MEDIA OUTLETS FOR INVESTIGATIVE PURPOSES

- A. Social media is a valuable investigative tool when seeking evidence or information about:
 1. missing persons;
 2. wanted persons;
 3. gang participation and retaliation;
 4. crimes perpetrated online (i.e., cyberbullying, cyberstalking); and
 5. photos or videos of a crime posted by a participant or observer.
- B. Department members utilizing a social media outlet as an investigative tool will:
 1. use only Department electronic equipment throughout the investigation.
 2. conduct an investigation only while on duty.
 3. follow the guidelines set forth in the Rules and Regulations of the Chicago Police Department and the Department directives including, but not limited to, "Use of the Internet" and "Department-Issued Electronic Communication Devices."
 4. only use publicly available open source material.

C. Department members utilizing a social media outlet as an investigative tool will not:

1. use their personal social media account or personal account information to access the social media content.
2. use another individual's personal account without his/her consent and the approval of their Bureau Chief.
3. actively participate in any discussion or contact with a suspect using alias account information without the authorization of the Chief, Bureau of Organized Crime, or designee.

NOTE: Prior authorization to access information on publicly available internet sources is not required.

4. create an alias account or identity without the authorization of the Chief, Bureau of Organized Crime or their designee.

(Items indicated by italics/double underline were revised.)

Garry F. McCarthy
Superintendent of Police

14-081 RWN

**Appendix B. Philadelphia Police Department
Directive 6.10 (Social Media and Networking)**



Issued Date: 05-26-11	Effective Date: 05-26-11	Updated Date: 07-06-12
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SUBJECT: SOCIAL MEDIA AND NETWORKING

1. PURPOSE

- A. To establish a policy regarding use of social media and social networking by sworn and unsworn members of the Philadelphia Police Department.
 - B. The Philadelphia Police Department endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this department’s position on the utility and management of social media and provides guidance on its management, administration, and oversight.
 - C. In so doing, this policy sets forth expectations of police department employees with respect to their use of social media and social networking, and the direct effect such use has upon the reputation, perception and interests of the Philadelphia Police Department and its employees.
 - D. As advances in technology are constantly emerging, this policy is intended to address social media in general, rather than singular form of social media or networking.
-

2. BACKGROUND

- A. Social media provides a contemporary and potentially valuable means of assisting the department and its personnel in meeting several police strategies, including, but not limited to, community outreach, problem-solving, investigations and crime prevention. Social media also plays a significant role in the personal lives of numerous department employees. However, it must be formally and universally recognized that the personal use of social media has the potential to impact the department as a whole, as well as individual members serving in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.
- B. As members of the Philadelphia Police Department, employees are embodiments of its mission. It is, thus, essential that each member accept his or her role as an ambassador of the department. In doing so, each member must strive to maintain public trust and confidence, not only in his or her professional capacity, but also in his or her personal and on-line activities. Moreover, as police personnel are necessarily held to a higher

standard than general members of the public, the on-line activities of employees of the police department shall reflect such professional expectations and standards.

3. DEFINITIONS

A. For the purpose of this policy, the following definitions apply:

1. **Social Media:** On-line sources that allow people to communicate, share, and/or exchange information with others via some form of on-line or cellular network platform. Information may include, but is not limited to, text, photographs, video, audio, and other multimedia files.
2. **Social Networking:** Involves using such Internet or mobile formats as MySpace, Facebook, Twitter, LinkedIn, Foursquare, Usenet groups, message or on-line bulletin boards, blog and other similarly developed formats, to communicate with others using the same groups while also networking with other users based upon similar interests, geographical location, skills, occupation, ideology, beliefs, etc.
3. **Internet:** A computer network consisting of a worldwide network of computer networks that use the TCP / IP network protocols to facilitate data transmission and exchange.
4. **Post (noun):** An item inserted into a blog, or an entry to any type of computerized bulletin board, forum or social media site.
5. **Post (verb):** The act of creating, uploading, editing or adding to any social media outlet. This includes text, photographs, audio, video or any other multimedia file.
6. **Blog:** A series of entries, written by either one person or a group of people, in an online journal, usually posted in chronological order, like a diary. Blogs can allow or disallow comments on entries.
7. **Comments:** Responses to a blog post, news article, social media entry or other social networking post.

4. POLICY

- A. It is the policy of the Philadelphia Police Department that all existing laws, rules, regulations, and directives that govern on- and off-duty conduct are applicable to conduct associated with social media and networking.
- B. When engaging in social networking, employees will strictly adhere to any and all of the following:

1. Existing federal, state, and local laws.
 2. Policies of the City of Philadelphia and the Philadelphia Police Department.
 3. Laws regarding public information on arrests, investigations, and personnel data.
- C. Employees are prohibited from using their status as members of the police department to endorse any product or service without prior written permission from the Police Commissioner or their designee.
- D. Employees are prohibited from posting images of police personnel working in an undercover capacity or identifying such personnel as law enforcement officers.
- E. Employees are prohibited from using City of Philadelphia or Philadelphia Police Department property (on- or off-duty) to engage in personal use of social media.
1. For the purpose of this policy, City and Police Department property includes, but is not limited to, desk-top computers, lap-top computers, cell phones, hand-held digital or electronic devices (e.g., Blackberry phones), and digital storage media.
- F. While in on-duty status, employees are prohibited from using privately-owned property to engage in personal use of social media.
- G. Employees who are off-duty, and using privately-owned property to engage in the personal use of social media, do not represent the City of Philadelphia, the Philadelphia Police Department, or any official position maintained by either entity. Under such conditions, employees represent only themselves and their personal interests.
- H. There is no reasonable expectation of privacy when engaging in social networking on-line. As such, the content of social networking websites may be obtained for use in criminal trials, civil proceedings, and departmental investigations.
- *1 I. Employees are prohibited from using ethnic slurs, profanity, personal insults; material that is harassing, defamatory, fraudulent, or discriminatory, or other content or communications that would not be acceptable in a City workplace under City or agency policy or practice.
- *1 J. Employees are prohibited from displaying sexually explicit images, cartoons, jokes, messages or other material that would be considered in violation of the City Policy Preventing Sexual Harassment in City Government.

5. GENERAL CATEGORIES OF SOCIAL MEDIA USAGE

- A. The Philadelphia Police Department recognizes two general categories of social media usage among employees:
1. Department-Authorized Use of Social Media.
 2. Personal Use of Social Media.
- B. Department-Authorized Use of Social Media:
1. Department-authorized use of social media is defined as the employment of such instruments for the specific purpose of assisting the department and its personnel in community outreach, problem-solving, investigation, crime prevention, and other department-related objectives.
 2. In addition to the rules and regulations set forth in Section 4 of this directive, the following provisions shall apply to department-authorized use of social media.
 - a. Police department employees seeking to represent the department via social media outlets (e.g., individual or unit web page, Facebook, Twitter, MySpace, etc.) shall obtain express permission from the Police Commissioner or his/ her designee, prior to engaging in such activity.
 - b. Upon obtaining authorization, when engaging in social media networking, employees shall:
 - 1) Properly identify themselves as a member of the department.

NOTE: In instances whereby proper identification poses a risk to officer safety or may impede the progress of a criminal investigation, employees, with permission from the Police Commissioner or their designee may exclude department membership from their profiles.
 - 2) At all times, conduct themselves as representatives of the department and, accordingly, adhere to all department policies and standards of conduct, and observe conventionally accepted protocols and proper decorum.
 - 3) Observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

- 4) Observe and abide by all existing City of Philadelphia information systems policies, including, but not limited to, “Internet Use and Access” and “Electronic Mail and Messaging.”
- c. When engaging in department-authorized social media networking, department employees shall not under any circumstances:
 - 1). Make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions.
 - 2) Post, transmit, or otherwise disseminate confidential information, including photographs or videos related to department training, activities, investigations, or any other work-related assignment, without specific and express written permission from the Police Commissioner or their designee.
 - 3) Conduct political activities or private business.

C. Personal Use of Social Media:

1. Personal use of social media is defined as engagement or participation in any personal social networking platform, including but not limited to, personally-owned sites, the sites of others (both known and unknown to the employee), news media pages, professional sites unaffiliated with the Philadelphia Police Department, or other information exchange forums.
2. In addition to the rules and regulations set forth in Section 4 of this directive, the following provisions shall apply to personal use of social media while off-duty and using privately-owned property.
 - a. Employees shall neither express nor imply that they are;
 - speaking or acting on behalf of the police department.
 - representing or presenting the interests of the police department.
 - b. Employees shall not use their rank, title, or position in a manner that would suggest that they are representing the interests or official position of the police department.
 - c. Employees shall not post any depiction or illustration of the Official Seal of the City of Philadelphia, or the Philadelphia Police Department name, badge, logo, patch, or patrol vehicle, so as to give the appearance of an official site of the City of Philadelphia or the Philadelphia Police Department.

- d. In addition to the above provisions, when engaging in personal use of social media, employees shall not post any text, photograph, audio, video, illustration, or any other multimedia file related to, or depicting, any of the following:
- 1) Current, past, or pending departmental investigation.
 - 2) Criminal or civil proceeding pertaining to or arising from any matter involving the department, including allegations of misconduct.
 - 3) Brandishing of any weaponry (city-owned or privately-owned; actual or simulated), or any contraband (actual or simulated).
 - 4) Brandishing of tactical instruments (both city-owned and privately-owned), including but not limited to firearm, ASP, baton, OC spray, Electronic Control Weapon (ECW), and mechanical restraints.

BY COMMAND OF THE POLICE COMMISSIONER

<u>FOOTNOTE</u>	<u>GENERAL#</u>	<u>DATE SENT</u>	<u>REMARKS</u>
*1	7634	07-06-12	Addition

**Appendix C. New York Police Department
Patrol Guide Procedure Number 203-28 (Department
Social Media Accounts and Policy)**



PATROL GUIDE

Section: Duties and Responsibilities		Procedure No: 203-28	
DEPARTMENT SOCIAL MEDIA ACCOUNTS AND POLICY			
DATE ISSUED: 04/15/16	DATE EFFECTIVE: 04/15/16	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE

To provide procedures for social media account establishment, management, administration, oversight, and guidance for individual use.

DEFINITIONS

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, photo and video sharing sites, wikis, blogs, and websites such as Facebook, Instagram, Flickr, YouTube, LinkedIn, Snapchat, and Twitter.

DEPARTMENT SOCIAL MEDIA ACCOUNT: An account established by the Department with a third party provider such as Facebook or Twitter.

HOSTING PRIVILEGES: The privilege of hosting an official NYPD social media account. The account host is responsible for all content appearing on the account.

POSTING PRIVILEGES: The privilege of posting to an official NYPD social media account such as a Facebook page or Twitter account.

PROCEDURE

When commands/units wish to establish a Department social media account:

REQUESTING COMMAND/UNIT

1. Forward request on **Typed Letterhead** to Deputy Commissioner, Strategic Communications (DCSC).
 - a. Include list of command/unit members who will be granted hosting/posting privileges.

NOTE

In general, only commanding officers, bureau chiefs and deputy commissioners are authorized to establish a Department social media account. Exceptions will be made on a case-by-case basis, and only with the approval of DCSC. Commands are prohibited from hosting their own individual sites without approval of DCSC. Unauthorized accounts will be ordered closed.

DEPUTY COMMISSIONER, STRATEGIC COMMUNICATIONS

2. Review request and endorse (approved/disapproved):
 - a. If approved:
 - (1) Coordinate with the Information Technology Bureau (ITB) to ensure that the proper protocols are followed regarding the establishment of a new account
 - (2) Provide Department Social Media training for members requesting hosting/posting privileges
 - (3) Upon completion of training, file original endorsed request and forward a copy to originating command indicating that new account has been established, and the list of members that have completed training and are authorized for hosting/posting privileges.
 - b. If disapproved, file original endorsed request and forward a copy to originating command indicating reason.

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NOTE DCSC is the primary liaison to commands maintaining or establishing Department social media accounts, and is available to provide training, guidance and assistance. Technical questions concerning mobile device access, browser compatibility, etc., should be referred to ITB. During large scale or emergency incidents, members will be guided by Operations Order 9, series 2016, "Social Media Plan: Emergency Incidents."

INFORMATION TECHNOLOGY BUREAU

3. Provide DCSC with any needed assistance in the creation and establishment of approved social media accounts.
 - a. Include guidelines on appropriate passwords required to be used by commands/units.

WHEN A DEPARTMENT SOCIAL MEDIA ACCOUNT HAS BEEN COMPROMISED

**COMMANDING OFFICER/
SUPERVISORY MEMBER**

4. Notify the following upon becoming aware that a Department social media account has been compromised (i.e., personal identifying data posted, hacked account, etc.):
 - a. Deputy Commissioner, Strategic Communications
 - b. Deputy Commissioner, Public Information
 - c. Information Technology Bureau Wheel
 - d. Intelligence Bureau, Operations Unit (when a threat is made against a member of service).

**DEPUTY COMMISSIONER,
STRATEGIC COMMUNICATIONS**

5. Confer with ITB and hosting company concerned (e.g., Twitter, Facebook, etc.) to determine corrective actions necessary for safeguarding account status.
6. Advise member concerned regarding necessary actions.

NOTE *In instances where a threat is made against a member of the service, DCSC will confer with the Intelligence Bureau/investigative unit concerned prior to determining actions regarding account status. For instance, investigators may request that a compromised account remain active to allow time to obtain information to enhance the investigation. In all cases, P.G. 212-31, "Threats Against Members of the Service" will be followed.*

Upon receiving a request for information from representatives of the media, or when responding to newsworthy incidents, members of the service will comply with the provisions of P.G. 212-77, "Release of Information to News Media." For incidents involving members of the media, members of the service are reminded to comply with the provisions of P.G. 212-49, "Incidents Involving Media Representatives."

ADDITIONAL DATA

DEPARTMENT POLICY

No Department social media account is to be established except that which has been authorized by endorsement of the Deputy Commissioner, Strategic Communications. Members of service granted hosting privileges will be required to attend training provided by DCSC. Commanders/Account Hosts may designate one or more members of their command to post content on behalf of the command; DCSC will be advised and updated of any/all designees granted posting privileges. Only DCSC personnel, a host, or his/her designee, if authorized and trained, may post content to a NYPD social media site.

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**ADDITIONAL
DATA
(continued)**

In accordance with P.G. 203-10, "Public Contact – Prohibited Conduct," members of the service are prohibited from using Department or command identifiers as part of a privately held social media account moniker (e.g., @nypd_johndoe, @053Pct_janedoe, etc.).

PERSONAL USE OF SOCIAL MEDIA BY MEMBERS OF THE SERVICE

Members of the service are to be cognizant of their personal use of social media sites. Any activities or statements made on social media sites are done so in an online domain where users have no reasonable expectation of privacy. Even if a member of the service has created "private" or "limited access" accounts or has customized "privacy settings," any statements, photographs, video clips or information which are sent over the internet may still be viewed and disseminated by third parties, even after the content has been edited or deleted by the user. When assessing actions that may violate this Order, be guided by common sense standards of reasonableness. Violations of this Order may subject members of the service to disciplinary action. All provisions of P.G. 203-10, "Public Contact - Prohibited Conduct" continue to apply to the use of social media.

Members of the service utilizing personal social media sites are to exercise good judgment and demonstrate the same degree of professionalism expected of them while performing their official duties. Members of the service should be aware that activities on personal social media sites may be used against them to undermine their credibility as members of the Department, interfere with official police business, compromise ongoing investigations and affect their employment status with the Department. Furthermore, information (including digital images) released on social media may endanger the safety of members of the service and/or their family members. Members of the service are urged not to disclose or allude to their status as a member of the Department. Divulging identifying information on social media sites may endanger officer safety and may limit a member of the service's eligibility for certain assignments. Members of the service who serve or seek to serve in an undercover capacity or work in highly sensitive assignments are particularly at risk. Because of the potential risks associated with the disclosure of one's status as a member of the Department, members of the service are prohibited from revealing Department affiliations of other individuals (e.g., partners, co-workers, supervisors, etc.) without the express consent of that individual. These restrictions include, and are not limited to, the individual posting, "tagging" and/or "sharing" pictures of other members of the service. Members of the service are prohibited from posting photographs of themselves in uniform and/or displaying official identification, patches or badges, marked/unmarked vehicles on internet sites without authorization from the Department. These prohibitions will not apply to photographs taken at official Department ceremonies (e.g., promotions, awards, medal/citations, etc.). Members of the service are prohibited from posting on the internet nonpublic items (e.g., witness statements, crime scene photographs, videos, etc.) that were gained as a result of their position with the Department.

Members of the service are prohibited from knowingly engaging in any type of social media contact (e.g., "friending," "following," etc.) with a suspect, witness, or crime victim if that officer was either involved in the incident, or the officer became acquainted with that victim or witness during or because of the incident and the matter is under investigation or pending in a criminal court. Further, members of the service will not knowingly engage in social media contact about a matter under investigation or pending in criminal court with a lawyer who is working on that matter.

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**ADDITIONAL
DATA
(continued)**

Members of the service are prohibited from engaging in any type of social media contact (e.g., “friending,” “following,” etc.) with minors they interact with in the course of their employment with the Department. Such communications may be deemed inappropriate and create an appearance of impropriety. These restrictions do not bar such communication with relatives of the member of the service. This policy applies to both official use of social media and personal use of social media by members of the service. All members of the service are reminded that they are strictly accountable for their conduct at all times, whether on or off duty, inside or outside of New York City.

**RELATED
PROCEDURES**

*Department Confidentiality Policy (P.G. 203-22)
Information Concerning Official Business of Department (P.G. 212-76)
Department Computer Systems (P.G. 219-14)
Department Computer Use Policy and Monitoring Notice (A.G. 325-35)
Performance on Duty – Prohibited Conduct (P.G. 203-06)
Public Contact – Prohibited Conduct (P.G. 203-10)
Public Contact – General (P.G. 203-09)
Threats Against Members of the Service (P.G. 212-31)
Release of Information to News Media (P.G. 212-77)
Incidents Involving Media Representatives (P.G. 212-49)
Use of Social Networks For Investigative Purposes – General Procedure (Operations Order 34, series 2012)
Social Media Plan: Emergency Incidents (Operations Order 9, series 2016)*

**Appendix D. Detroit Police Department
Directive 102.8 (Department Internet Usage/Web
Pages/Social Networking)**



DETROIT POLICE DEPARTMENT MANUAL

Series 100 Administration	Effective Date 3/13/2018	Review Date <i>Three Years</i>	Directive Number 102.8
Chapter 102 – Standard of Conduct			
Reviewing Office <i>Planning and Deployment</i>			<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Revised <i>Revisions in italics</i>
References			

DEPARTMENT INTERNET USAGE/WEB PAGES/SOCIAL NETWORKING

102.8 - 1 PURPOSE

This directive establishes written guidelines to ensure that, when utilizing personal web pages and internet and social network sites, members use appropriate discretion when referencing the Detroit Police Department as not to discredit or disrespect the Department. In addition, these guidelines will ensure that the release, either directly or indirectly, of information concerning crimes, accidents, or violations of ordinances/statutes to persons outside the Department is not disseminated, and that all members treat the official business of the Department as confidential. Further, this directive addresses the appropriateness while using social media for personal use.

102.8 - 2 POLICY

Social media provides a potentially valuable means of assisting the Department and its members in meeting community outreach, problem solving, investigative, crime prevention, and other related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The Department also recognizes the role that these tools play in the personal lives of some Department members. The personal use of social media can have bearing on Department members in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by Department members.

102.8 - 3 Definitions

102.8 - 3.1 Internet

An international computer network providing e-mail and information from computers in educational institutions, government agencies, and industry accessible to the general public via modem links.

102.8 - 3.2 Social Network

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

102.8 Department Internet Usage/Web Pages/Social Networking

102.8 - 3.3 Web Page

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

102.8 - 4 Introduction

Professionalism, ethics, and integrity are of paramount importance in the law enforcement community. To achieve and maintain the public's highest level of respect, the Department must place reasonable restrictions on the conduct and appearance of all Department members and hold to these standards of conduct whether on or off duty. A member's actions must never bring the Department into disrepute, nor should conduct be detrimental to its efficient operation.

102.8 - 4.1 Potential Use

Social media is a valuable investigative tool when seeking evidence or information about missing persons, wanted persons, gang participation, etc. It can be used for community outreach, time-sensitive notifications, and employment positions, serving as a valuable recruitment mechanism.

102.8 - 5 Guidelines for Department-Sanctioned Use

1. Members representing the Detroit Police Department by social media outlets shall adhere to the following guidelines:
 - a. Conduct themselves at all times as representatives of the Department and adhere to all Departmental standards of conduct and observe conventionally accepted protocols;
 - b. Identify themselves as members of the Department;
 - c. 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 expressed written permission of the Chief of Police;
 - d. Not conduct political activity or private business; and
 - e. Observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

2. The use of Department computers by Department members to access social media is prohibited without authorization by supervision. Member's use of personally owned devices to manage the Department's social media activities is prohibited without prior approval from a supervisor.

102.8 - 6 Guidelines for Personal Use

1. Department members shall abide by the following guidelines when using social media:

102.8 Department Internet Usage/Web Pages/Social Networking

- a. Members are free to express themselves as private citizens on social media sites to the extent 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; *discredit or disrespect the Department or any Department member*; or negatively affect the public perception of the Department;
 - b. As public employees, Department members are cautioned that while on or off duty, speech made pursuant to their official duties is not protected under the First Amendment and may form the basis for discipline if deemed detrimental to the Department. Members should assume that their speech and related activity on social media sites will reflect upon office and this Department;
 - c. Members shall not post, transmit, or otherwise disseminate any information obtained as a result of their employment with the Department Police Department without written permission from the Chief of Police, or their designee; and
 - d. For safety and security reasons, members are cautioned not to disclose their employment with this Department and shall not post information pertaining to the employment of any other member without prior consent by that member. As such, members are advised to use good judgement when conducting any of the following actions:
 - Placing or allowing photographs or depictions of themselves dressed in the Detroit Police Department uniform and/or displaying official identification, patches, or badges, or in any other way, either directly or indirectly, identifying themselves as a member of the Department for any reason
 - Posting photographs or other depictions of Department uniforms, badges, patches, or marked/unmarked vehicles on internet sites
2. When using social media, members should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Detroit Police Manual, Directive 102.3, Code of Conduct, is required in the personal use of social media.

102.8 - 7 Required Approval by the Chief of Police

Department members must receive prior approval from the Chief of Police before conducting any of the following actions:

- a. Posting photographs or other depictions of Department issued equipment, uniforms, badges, and patches, or marked/unmarked vehicles that may conflict with the Department's Mission Statement or Code of Conduct;
- b. Posting photographs of the inside and/or outside of police buildings/facilities;
- c. Posting crime or accident scene photos; and/or

102.8 Department Internet Usage/Web Pages/Social Networking

- d. Posting, transmitting, and/or disseminating any pictures, videos, or personal comments of official Department training, operations, activities, investigations, or other work-related assignments.

102.8 - 8 Approval Process

1. A member seeking approval to use references to the Detroit Police Department on a Departmental/personal social network, internet posting, or other public forum shall submit a request for approval on an Interoffice Memorandum (DPD568), through channels, to the Chief of Police. The request shall describe the proposed reference and purpose, a list of the reference(s) and any media to be used, and a printed layout of the entire web page, posting, or site.
2. Any changes to a previously approved posting must be resubmitted for re-approval.


102.8 - 9 Limitations on Posting Information

1. No sexual, violent, racial, *religious, national origin, age, physical or mental disability, veteran status*, ethnically derogatory material, comments, photographs, artwork, video or other reference(s) may be posted along with any Department approved reference.
2. Members should consider the possible adverse consequences of internet postings such as future employment, cross-examination in criminal cases, and public and/or private embarrassment.
3. Members are reminded to exercise good judgement and demonstrate personal accountability when choosing to participate on social networking sites; and
4. Members shall not post any pictures/videos of any detainee, deceased person(s), complainants, or any persons that are the subject of a police matter or investigation.

Related Policies:

- Manual Directive 102.3 – Code of Conduct
- Directive 307.1 – Electronic Mail and Internet Systems

**Appendix E. Massachusetts Chiefs of Police
Association, General Order A116 (Use of Social
Media)**

	MASSACHUSETTS CHIEFS OF POLICE ASSOCIATION	
	GENERAL ORDER	GO [#]
Department Manual: CHAPTER A116 USE OF SOCIAL MEDIA		
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 54.1.2		DATE OF ISSUE:
ISSUING AUTHORITY: _____ Chief of Police		EFFECTIVE DATE: REVISION DATE:

PURPOSE

To establish the Police Department’s position on the utility and management of social media and provide guidance on its management, administration, and oversight by Department personnel both on-duty in the course of their official duties and off-duty when identified as members of the organization, or otherwise pursuant to their official duties in the public arena.

POLICY

It is Police Department policy that all personnel use computers, computer applications, computer programs, Internet resources, and network/Internet communications in a responsible, professional, ethical, and lawful manner. Department employees are prohibited from posting, transmitting, and/or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked or unmarked vehicles, equipment, or other material that specifically identifies the Department, on any personal or social networking website or web page, without express written permission of the Chief of Police.

All existing laws, rules, regulations, and directives that govern on- and off-duty conduct are applicable to conduct associated with social media and networking. When engaging in social networking, employees will strictly adhere to any and all existing federal, state,

and local laws, policies of the Police Department, and laws regarding public information on arrests, investigations, and personnel data.

PROCEDURES

I. DEFINITIONS

- A. **Blog:** A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.
- B. **Comment:** Response to a blog post, news article, social media entry, or other social networking post.
- C. **Forum:** Discussion area on websites where people can post messages or comment on existing messages at any time.
- D. **Page:** The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.
- E. **Post (noun):** Content that an individual shares on a social media or similar site or the act of publishing content on such a site.
- F. **Post (verb):** The act of creating, uploading, editing, or adding to any social media outlet. This includes text, photographs, audio, video, or any other multimedia file.
- G. **Profile:** Information that a user provides about himself or herself on a social networking or similar site.
- H. **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, blogs and microblogging sites, photo and video sharing sites, wikis, and news sites that permit user contributed content.
- I. **Social Networks:** Online platforms where users can create profiles, share information, and socialize with others using a range of technologies, such as Facebook, Twitter, LinkedIn, Usenet Group message or on-line bulletins boards, blogs, wikis, news sites, or other similarly developed formats.
- J. **Speech:** Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
- K. **Wiki:** Web page(s) that can be edited collaboratively.

II. DEPARTMENT-SANCTIONED USE OF SOCIAL MEDIA

Where the Police Department uses social media to advance the purposes and goals of the organization, the following procedures shall apply to these officially-sanctioned uses:

A. GENERAL OPERATING PROCEDURES FOR DEPARTMENT-SANCTIONED USE OF SOCIAL MEDIA

1. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the Department's presence on the website.
2. When appropriate, the page(s) should link to the Department's official website.
3. Social media page(s) should be designed for the target audience(s).
4. All Department social media sites or pages shall be approved by the Chief of Police, or his or her designee, and shall be administered by the Departmental Information Technology Section, or as otherwise determined.
5. Where possible, social media pages shall clearly indicate they are maintained by the Department and shall have Department contact information prominently displayed.
6. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
7. Content may be subject to public records laws. Relevant records retention schedules can apply to social media content.
8. Content must be managed, stored, and retrieved to comply with public records laws.
9. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department.
10. Pages shall clearly indicate that posted comments will be monitored and that the Department reserves the right to moderate those comments which violate the Department's Terms of Use Policy.
11. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

B. CONDUCT DURING DEPARTMENT-SANCTIONED USE OF SOCIAL MEDIA

When representing the Department via social media outlets:

1. Employees shall 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.
2. Employees shall identify themselves as a member of the Department unless law-enforcement purposes dictate otherwise.
3. Employees shall 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.
4. Employees shall not conduct political activities or private business.
5. The use of Department computers by Department personnel to access social media is prohibited without authorization.
6. 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.
7. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

C. RECOGNIZED USES FOR A DEPARTMENT-SANCTIONED SOCIAL MEDIA PRESENCE

1. Social media is a valuable investigative tool when seeking evidence or information about:
 - Missing persons
 - Wanted persons
 - Gang participation
 - Crimes perpetrated online (i.e., cyberbullying, cyberstalking)
 - Photos or videos of a crime posted by a participant or observer
2. Social media can be used for community outreach and engagement by:
 - Providing crime prevention tips
 - Offering online reporting opportunities
 - Sharing crime maps and data

- Soliciting tips about unsolved crimes
3. Social media can be used to make time-sensitive notifications related to:
- Road closures
 - Special events
 - Weather emergencies
 - Missing or endangered persons

D. USE DURING EMPLOYMENT SCREENING

1. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism. This Department has an obligation to include Internet-based content when conducting background investigations of job candidates.
2. Searches should be conducted by a non-decision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.
3. Persons authorized to search Internet-based content should be deemed as holding a sensitive position.
4. Search methods shall not involve techniques that are a violation of existing law.
5. Vetting techniques shall be applied uniformly to all candidates.
6. Every effort must be made to validate Internet-based information considered during the hiring process.

III. PERSONAL USE OF SOCIAL MEDIA BY DEPARTMENT PERSONNEL

Barring state law or binding employment contracts to the contrary, Department personnel shall abide by the following when using social media:

- A. Department personnel are free to express themselves as private citizens speaking on matters of public concern on social media sites to the degree that their interests in engaging in such speech is not outweighed by the Department's interests against impairing the maintenance of discipline by supervisors, impairing working relationships of this Department for which loyalty and confidentiality are important, impeding the performance of duties, impairing discipline and harmony among coworkers, interfering with the operation of the Department, undermining the mission of the Department, conflicting with the

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responsibilities of the personnel, or abusing one's authority or public accountability. The instances must be judged on a case-by-case basis.

- B. As public employees, Department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Department.
- C. For safety and security reasons, Department personnel should be cautious where they disclose their employment with this Department. As such, Department personnel are prohibited from the following:
- Displaying Department logos, uniforms, or similar identifying items on personal web pages.
 - Posting personal photographs, or providing similar means of personal recognition, that may cause them, or another officer, 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.
- D. When using social media, Department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Department's Code of Conduct is required in the personal use of social media.
- E. Department personnel may not make any statements, speeches, appearances, endorsements, or publish materials that could reasonably be considered to represent the views or positions of this Department without express authorization.
- F. Department personnel should be aware that they may be subject to civil litigation for:
- Publishing or posting false information that harms the reputation of another person, group, or organization (defamation).
 - 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.
 - Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose.

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- Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- G. Employees should be aware that there is no reasonable expectation of privacy when engaging in social networking online. As such, the content of social networking websites may be obtained for use in criminal trials, civil proceedings, and departmental investigations. Such content may have a detrimental impact on criminal investigations or judicial proceedings.
- H. 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.
- I. 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.
- J. Reporting violations – 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.
- K. Except in the performance of an authorized duty, employees may not use Department computers to access social networking sites, blogs, bulletin boards, or similar media.
- L. Except in the performance of an authorized duty, employees may not utilize personal computers, cell phones, or other devices to access social networking sites, blogs, bulletin boards, or similar media while on duty.
- M. Employees having personal web pages or other types of internet postings which can be accessed by the public, shall not place, or allow to be placed, photographs or depictions of themselves dressed in uniform and/or displaying official identification, patches or badges, or in any way, either directly or indirectly, identify themselves as an employee of the department for any reason, without approval as indicated in this policy.
- N. Employees having personal web pages shall not use their rank, title, or position in a manner that would suggest that they are representing the interests or official position of the police department.
- O. Photographs of the inside of the police building as well as any crime or accident scene shall not be posted without consent of the Chief of Police.

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P. When engaging in the personal use of social media, employees shall not post any photograph, audio, video, illustration, or any other multimedia file related to or depicting any of the following:

- Brandishing any Department-owned weaponry, actual or simulated, or any contraband whether actual or simulated.
- Brandishing any Department-owned tactical instrument, including, but not limited to: firearms, ASP, baton, OC spray, electrical control weapon, and/or mechanical restraints.

Q. APPROVAL PROCESS

1. Personnel seeking approval to use references to the Police Department on a personal website, web page, or other public forum shall submit a request for approval to the Chief of Police via the chain of command.
2. Personnel who post photos, comments, or other material pertaining to other department personnel must inform and seek approval from the personnel before posting same.

**Appendix F. Proposed General Order
(Personal Social Media Use)**

Proposed General Order: Personal Use of Social Media

A. Purpose:

To establish the Metropolitan Police Department's position on the personal use of social media accounts, provide guidance on the administration and oversight of the personal use of social media accounts, and promote the efficient functions and mission of the Department.

B. Definitions:

1. **Comment-** Writing, reacting, liking or responding to other social media content.
2. **Content-** Any posted audio or visual form of communication. This definition includes communications posted in private groups or forums or from private accounts. Privacy agreements of social media platforms are constantly in flux, and postings are always susceptible to 'screen-shots' or other forms of capturing content for dissemination.
3. **Post (noun)-** Content that a member shares on social media or the act of publishing content on such a site.
4. **Post (verb)-** The conduct of creating, uploading, editing, sharing, or adding to any other social media outlet. This definition includes any form of content or other multimedia file.
5. **Profile-** Any member created, run, or used account, regardless of if the member provides personal information, uses his/her own name, or overtly associates with the Department.
6. **Social Media-** A category of Internet-based resources that integrate content and user participation. This definition includes, but is not limited to, any sites, blogs, groups, wikis or other sharing sites that allow persons to share content on the internet.

C. Scope:

7. This policy provides guidance on compliance with MPD's Code of Conduct while posting content on members' personal social media accounts.
8. This policy shall incorporate and expand on the guidance provided in General Order 302.08 (Wide Area Network).
9. Social media accounts are presently reviewed for applicants to MPD pursuant to Special Order 16.06 (Social Media Checks for Background Investigations).
10. Members are reminded that General Orders 201.26 and 302.08 prohibit actions that may discredit themselves or MPD.¹ Further, the responsibilities of an off-duty member are to refrain from "immoral, lewd, or disorderly" conduct.
11. For more guidance on disclosing public information to the press or on social media, reference General Order 204.01.
12. Discipline under this provision shall be administered under General Order 120.21.

D. Regulations for Members' Personal Use of Social Media:

13. Members are free to express themselves on social media as private citizens speaking on matters of public concern as long as that expression does not impair working relationships, impede the performance of duties, impair discipline and harmony among

¹ To the extent that a member's reporting of misconduct or alerting the public to an issue within the MPD, members shall be protected under whistleblower provisions of the D.C. Code §§ 1-615; 2-223.

coworkers, or interfere with the efficient maintenance MPD's obligations under District of Columbia or United States law. MPD carries a strong interest in ensuring its members act professionally and responsibly to promote the need for discipline, esprit de corps, and to maintain a successful relationship with the community. Accordingly, members shall use the following guidelines in their personal use of social media:

- a. Members shall adhere to the code of conduct in their personal use of social media.
- b. Members should be aware that posted content becomes part of the worldwide electronic domain and may be captured and more widely disseminated. Accordingly, members possess no reasonable expectation of privacy while posting or commenting, and may be disciplined for posting anywhere on social media, including:
 - i. In private groups.
 - ii. Under private settings.
 - iii. Publicly.
 - iv. Under a profile for personal use.
 - v. Under a pseudonym or fictitious name.²
- c. Members shall not comment on or post content that will reasonably be considered to represent the beliefs or opinions of MPD without express authorization.
 - i. Any member indicating their employment with MPD shall provide a short disclaimer indicating content is their own beliefs or opinions, rather than the official beliefs of MPD.
 - ii. Members shall be aware that heightened scrutiny will be given to posts with MPD logos, patches, uniforms, or other indications of employment.
 - iii. Members shall be aware that heightened scrutiny will be given to posts indicating an official rank, title, or position with MPD.
- d. Members shall not comment on or post content that could subject themselves or MPD to civil liability. Such content includes:
 - i. Posting false information that maliciously harms the reputation of another person, group, or organization;
 - ii. Posting content to maliciously harass another person;
 - iii. Posting private facts and personal information about another person without their permission;
 - iv. Posting content depicting another person's name, likeness, or other personal attributes without that person's permission;
 - v. Posting the creative work of another, trademarks, or confidential business information without the permission of the owner;
- e. Members shall not comment on or post content gained by means of their authority pursuant to their official duties as a police officer, including pending investigations or pending litigation without express authorization.

² MPD may discipline members upon substantial evidence to believe they operate, use, or manage such a profile.

- f. Members shall not comment on or post content advocating or appearing to advocate violence or illegal conduct.
 - g. Members shall not comment on or post content ridiculing, maligning, disparaging, or otherwise expressing bias towards another person on the basis of race, sexual orientation, religion, or any other protected class.
 - h. Members shall not comment on or post content that is sexually explicit, obscene, or would be considered in violation of the District of Columbia's sexual harassment policy.
 - i. Members shall not comment on or post content which would be impermissible while speaking with a supervisor, in an office setting, or meet professional standards.
- II. In the event that any of the provisions of this order are declared invalid or unenforceable, the remaining provisions that are not affected thereby shall remain valid.
- III. No provision of this order shall be construed to prevent compliance with any law, regulation, guidance, or agreement of the United States or the District of Columbia.