**SAMPLE POLICY**

**SOCIAL MEDIA AND TECHNOLOGY**

**This resource is intended for general information purposes only. It should not be construed as legal advice or legal opinion regarding any specific or factual situation. Always follow your organization's policies and procedures as presented by your manager or supervisor. Contact your Municipal Attorney for additional guidance before issuing any policy or directive.**

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**I. Purpose**

The ABC 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. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology, will occur and new tools will emerge.

**II. Policy**

Social media provides a new and potentially valuable means of assisting the Department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. 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 these tools play in the personal lives of some Department personnel. The personal use of social media can have a bearing on Departmental personnel 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.

**III. Definitions**

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

*Digital technology*: Digital technology is defined in this policy as all photographs, audio, and video recordings.

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

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

*Profile:* Information that a user provides about themselves on a social networking site.

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

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

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

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

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

*LAD*: [New Jersey Law Against Discrimination](https://www.nj.gov/oag/dcr/downloads/NJ-Law-Against-Discrimination-Most-Updated.pdf)

**IV. On-The-Job Use**

A. Department-Sanctioned Presence

1. Determine strategy

a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.

b. Where possible, the page(s) should link to the Department's official website.

c. Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.

2. Procedures

a. All department social media sites or pages shall be approved by the Chief of Police or their designee. They shall be administered by the (Insert Agency Specific Designation Here) or as otherwise determined.

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b. Where possible, social media pages shall clearly indicate they are maintained by the Department and shall have department contact information prominently displayed.

3. Department-Sanctioned Use – Department Representation

a. Department personnel who are approved by the Chief of Police or their designee that is representing the Department via social media outlets shall do the following:

(1) 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) Identify themselves as a member of the Department.

(3) 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 permission of the

 Chief of Police or their designee.

(4) Not conduct political activities or private business.

b. The use of department computers by department personnel to access social media is prohibited without the authorization of the employee's immediate supervisor.

c. Department personnel's use of personally owned devices to manage the Department's social media activities or in the course of official duties is prohibited without the permission of the Chief of Police or their designee.

d. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

4. Department Sanctioned Use – Undercover Online Investigations

a. Department employees must have approval from their immediate Police Supervisor to conduct undercover online investigations, including but not limited to a clandestine or false online profile. Undercover investigations shall include but are not limited to online monitoring, criminal investigations, and intelligence gathering.

b. The Supervisor of the employee shall monitor and ensure that the clandestine or false online profile is utilized for legitimate law enforcement purposes.

c. Department employees who are authorized to conduct undercover online investigations are prohibited from electronically uploading, transmitting, or forwarding pornographic or sexually explicit images. Officers who have received FBI Internet Crimes Against Children (ICAC) training are exempt so long as the electronic uploading, transmitting, or forwarding of pornographic or sexually explicit images is conducted within the scope of their duties and only on equipment owned by ABC Police Department or the New Jersey State Police. Department employees not authorized to conduct undercover online investigations that discover pornographic or sexually explicit images during an investigation shall notify their supervisor immediately. (Contact your County Prosecutor for guidance on the transmission of this material.)

d. Only sworn, authorized, on-duty FBI ICAC-trained officers shall conduct ICAC investigations, and only after notification to that Officer's supervisor. ICAC Investigations shall be commenced, supervised, and documented according to the Operational and Investigative Standards of the "Internet Crimes Against Children Program" and the New Jersey Internet Crimes Against Children Task Force Memorandum of Understanding.

B. Potential Uses

1. Social media is a valuable investigative tool when seeking evidence or information about:

a. missing persons;

b. wanted persons;

c. gang participation;

d. crimes perpetrated online (i.e., cyberbullying, cyberstalking); and

e. Photos or videos of a crime posted by a participant or observer.

2. Social media can be used for community outreach and engagement by

a. providing crime prevention tips;

b. offering online-reporting opportunities;

c. sharing crime maps and data; and

d. soliciting tips about unsolved crimes (i.e., tip line, video tips, etc.).

e. traffic safety-related bulletins

f. community relations activities

g. public safety and emergency management notifications and bulletins.

3. Social media can be used to make time-sensitive notifications related to

a. road closures,

b. special events,

c. weather emergencies, and

d. missing or endangered persons,

e. public safety emergencies

4. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.

5. This Department has an obligation to include internet-based content when conducting background investigations of job candidates.

 a. Searches should be conducted by a non-decision maker. Information pertaining to protected classes, as described in the New Jersey Law Against Discrimination (NJSA 10:5-12), shall be filtered out prior to sharing any information found online with the Chief of Police concerning hiring.

b. Persons authorized to search Internet-based content should be deemed as holding a sensitive position.

c. Search methods shall not involve techniques that are a violation of existing law.

 d. Vetting techniques shall be applied uniformly to all candidates.

e. Every effort must be made to validate Internet-based information considered during the hiring process.

**V. Digital Technology**

A. The ABC Police Department utilizes a variety of applications to collect photographs, video, and audio recordings, and officers often own personal equipment that has this same ability to collect and/or store digital technology.

1. All pictures, audio, or video recorded, collected, captured, or stored by an officer during an officer's tour of duty is the property of the ABC Police Department whether the employee utilizes departmental equipment or equipment owned by the Officer or another person. The Officer shall ensure that digital technology collected as evidence or digital technology that has or may have evidentiary value is treated, collected, stored, and documented as evidence. The storing of digital technology that was collected as evidence shall not be saved on personally owned digital equipment or in any other manner, even to their assigned server folder, once it has been properly saved and logged as evidence.

2. Any actual evidentiary pictures, audio, or video captured by any police employee during their tour of duty or relating to any ABC Police Department matter shall not be forwarded or provided in any manner to any person without the approval of a Supervisor.

1. Using personal phones or devices to capture images of found animals and community relations pictures is permissible. In terms of this section, "Community Relations Pictures" includes photos of not only community interactions but also police activities of incidents that may be utilized by this agency for social media purposes.

3. All personnel must be aware that using personally owned equipment to collect digital technology that may be evidence related could be considered evidence, and the equipment or its contents may hold as evidence if necessary.

4. Reporting violations — any employee becoming aware of or having knowledge of picture(s), recorded audio, or video collected or captured by any police employee during their tour of duty or relating to any ABC Police Department activity in violation of the provision of this policy shall notify their supervisor immediately for follow-up action.

**VI. Personal Use**

A. Precautions and Prohibitions

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

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this Department, for which loyalty and confidentiality are essential, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the Department.

2. As public employees, department personnel are cautioned that speech on or off duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this Department.

3. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without permission from the Chief of Police or their designee with the following exception:

a. Officers may re-post information, pictures, etc., as a result of their employment, which have already been posted to publically viewed and accessible social media sites, including but not limited to all official ABC Police social media sites.

4. All Officers are prohibited from disclosing photographs of a motor vehicle accident or another incident that may clearly show or identify an injured or deceased person, or breach the privacy of an injured or deceased person to the public, except in accordance with investigative or operating procedures of the Department (crime scene photographs, etc.), as regulated in NJSA 2A:58D-2 (a.k.a. Cathy's Law).

5. All Employees of the ABC Police Department are prohibited from posting any pictures, audio, or video of any article or equipment governed by the Police Uniform Regulations Policy and/or any equipment or property owned by the ABC Police Department. This shall include any pictures of any officer, whether on or off duty, in any part of their police uniform or equipment. This shall also include any pictures, images, or artwork of any ABC Police patch or logo and any pictures, images, or artwork of any ABC Police patch or logo unless the posting of such picture or image is granted by the Chief of Police or their designee upon written request via the chain of command with the following exception:

a. Officers may re-post information, pictures, etc., as a result of their employment which have already been posted to public view and accessible social media sites, including but not limited to all official ABC Police social media sites.

6. For safety and security reasons, department personnel should consider their assignment, current and past personal views that they have posted or engaged on their personal social media sites, and safety considerations before disclosing their employment with the Department on their personal social media sites.

7. 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. In particular, department personnel is prohibited from the following:

a. Speech containing obscene or sexually explicit language, images, acts, and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, religion, or protected class of individuals.

b. The sharing, posting or commenting of anything that violates the New

 Jersey Law Against Discrimination (LAD).

c. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.

8. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.

9. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this Department without express authorization.

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

a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);

b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public is not of legitimate public concern and would be offensive to a reasonable person;

c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or

d. publishing the creative work of another, trademarks, or certain confidential business information without the owner's permission.

11. 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.

12. 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.

13. Reporting violations—any employee becoming aware of or having knowledge of a posting or any website or web page violating this policy or any policy, rule, or regulation of the ABC Police Department shall notify their supervisor immediately or an on-duty supervisor.