

Bowie Police Department - General Orders



TITLE: INTERNET POSTINGS / SOCIAL NETWORKING		NUMBER: 708
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I. PURPOSE:

The purpose of this Policy is to give the employees of the Bowie Police Department guidance regarding appropriate content on personal electronic communication, social networking websites, web pages, and other electronically transmitted (e-mail) or hard copy material with respect to the use of Departmental images, material, logos, or references to the Department. This Policy is not meant to address one particular form of social networking, rather social networking in general, as advances in technology will occur and new tools will emerge.

II. DEFINITIONS:

A. Blog: A contraction of the term "weblog" is a type of website, usually maintained by an individual with regular entries of commentary, descriptions of events, or other material such as graphics or video. "Blog" can also be used as a verb, meaning to maintain or add content to a blog.

B. Confidential Information: Digital photographs, video, audio, or other digital media depicting the Department, its employees, crime scenes, internal videos, daily work activity, information sensitive to law enforcement; or information which could be considered personal or private or could potentially expose the Department to liability.

C. Derogatory Information – Any information, if credited to a member of the City of Bowie Police Department, would bring discredit upon the Department.

D. Electronic Communication: Any kind of communications, created by, represented by, sent to, or stored by a user of any electronic communications system, including all information, data, and attachments to the communication.

E. Electronic Media: Digital photos, audio recordings, videos, or digital information.

- F. Information** – Social media content generated by the applicant that is accessible to the general public including, but not limited to, postings, comments, expressions and photographs.
- G. Microblog:** is another type of blogging, featuring very short posts, such as 140 characters or less (example: twitter.com) staying connected in real time. Followers of a microblog typically "subscribe" to the microblog of another and automatically receive newly posted information.
- H. Personal Information:** Any type of information that might lead to the identification of any individual. Examples may include social security numbers, dates of birth, addresses, phone numbers, e-mail addresses, drivers' license or other state identification numbers.
- I. Post or Posting:** Text or digital information that is placed publicly on the internet. Message(s) sent to a news group.
- J. Profile:** Information that a user provides about himself/herself on a social network site.
- K. Proprietary Information:** A work product. Any photographs, videos or information digital or otherwise created or obtained while an employee is on duty remains the property of the Department. The "work product" in this Department is public in nature and is subject to all applicable Federal and State law, City code, and Departmental policy regarding its confidentiality and release.
- L. Pseudonym:** A fictitious name, especially a pen name. This applies to "user names" or "user account identifications."
- M. Social Networking Website:** An internet web site that provides a virtual community for people interested in a particular subject or in communicating with each other. Members can create their own online profile with biographical data, pictures, likes, dislikes and any other information they choose to post. Users communicate with each other by voice, chat, instant message, video conference and blogs, and the service may provide a way for members to contact "friends" of other members. One can find dating sites, friendship sites, sites with a business purpose, and sites that offer a combination of these aspects through social networking. Current examples of Social Networking websites are: Facebook, Twitter, Instagram, Kik, etc. The absence of, or lack of explicit reference to, a specific site does not limit the extent of the application of this Policy.
- N. Speech:** Expression or communication of thoughts, facts, events or opinions in spoken words, in writing/type, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
- O. Virtual Worlds:** A computer simulated world where the users can socialize, connect, play games and create an alternate reality. Users can interact with other users in real time. Users can be represented as themselves or as fictional characters. Virtual worlds typically have "currency" which is specific to the website which can be purchased with real world money or earned by accomplishments.
- P. Work Product:** Anything created by an employee that is considered to become the property of the Department. Examples may include, but are not limited to: photos, videos, audio recordings,

blog entries, depicting the Department, its employees, crime scenes, internal videos, daily work activity, information sensitive to law enforcement, electronic files or documents, and information created or obtained during the performance of an employee's duties.

III. POLICY:

The Department recognizes the role social networking plays in the personal lives of some employees. The personal use of social networking can have a bearing on departmental employees in their official capacity. While employees have the right to use personal/social networking pages or sites, as employees of the Bowie Police Department, they are public servants who are held to a higher standard than the general public with regard to standards of conduct and ethics. As such, the policy of the Bowie Police Department is to maintain a level of professionalism in both on-duty and off-duty conduct that fulfills the mission of the agency. Any publication, through any medium which is potentially adverse to the operation, morale, or efficiency of the Bowie Police Department will be deemed a violation of this policy. No official actions taken through the performance of duties shall be displayed or posted on any social media sites without the written consent of the Chief of Police or designee.

IV. AGENCY ACCOUNTS:

Due to the very nature of law enforcement, the unrestricted use of social networking could pose officer safety issues to those assigned to sensitive investigative activities. In addition, the Department has a duty to protect the reputation of the organization and its employees, as well as guard against liability and potential legal risk. The Department endorses the secure use of social networking to enhance communications, collaboration, and information exchange as well as a means to streamline processes and foster productivity.

The use of mainstream social networking tools such as Facebook can be very useful to the agency as a means of communicating with the public in a modern forum. These tools can provide the public with convenient and timely access to information, such as:

- * awareness of crime within the community;
- * assistance in ongoing investigations;
- * identifying and locating fugitives;
- * recent and upcoming agency activities;
- * recruitment and employment opportunities.

A. Management of Networking Accounts

- a.** Agency social networking accounts are established and supported by the Chief of Police or his/her Designee. The Chief will have primary responsibility for assigning the maintenance of the content contained on or distributed through the sites.
- b.** Designated personnel will have primary responsibility for reviewing the content of information posted or contributed by the public in an attempt to ensure the information is not inappropriate or offensive to other readers.

- c. The Chief of police or his/her Designee will have overall authority of what is posted and distributed through the social networking sites and will determine what information is posted and the duration the postings will remain on the sites.
- d. Designated personnel shall review postings or remarks made by citizens as well as the people associating themselves with the agency. Also, they will ensure the feedback posted by the community reflects the values of the agency and ensure there is no offensive language or other inappropriate content which would reflect negatively on the agency; or if an association is made or attempted which would bring discredit to the agency, steps will be taken to remove the association.
- e. Employees who receive a departmental phone or any type of device used for electronic communication are prohibited to post, write, or respond to blogs, tweets or any other written communication relative to social networking, social dating, or social media for personal use. Four allowable exceptions are:
 - i. Participation in an active criminal investigation and the postings are part of the investigation.
 - ii. With authorization from a supervisor.
 - iii. Participation in an administrative/internal investigation.
 - iv. Participation in Law Enforcement Websites.

V. FIRST AMENDMENT CONSIDERATIONS:

- A. Employees are free to express themselves as private citizens on social media sites to the degree that their speech does not:
 - a. Impair working relationships of the Department for which loyalty and confidentiality are important.
 - b. Impede the performance of duties.
 - c. Impair discipline and harmony among coworkers.
 - d. Negatively affect the public perception of the Department.
- B. As public servants, employees are cautioned that speech on-duty 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. Such speech is that which owes its existence to the employees' professional duties and responsibilities. Employees should assume that their speech and related activity on social media sites will reflect upon their official position and the Department.

VI. PROHIBITIONS:

- A. Employees are prohibited from posting, transmitting, and/or disseminating any confidential information or, likenesses or images of Department logos, emblems, uniforms and other material that specifically identifies the Department or oneself as an employee of the Department on any personal electronic communication, social networking websites, web pages and other electronically transmitted or hard copy material without the permission of the Chief of Police. This shall include but is not limited to:
 - a. Text which identifies the Bowie Police Department.

- b.** Photos that depict the logos, patches, badge, or other identifying symbol of the Bowie Police Department.
- c.** Accounts of events which occur within the Bowie Police Department.
- d.** Any other material, text, audio, video, photograph, or image which would be identifiable to the Bowie Police Department.

B. Employees are prohibited from posting, transmitting and/or disseminating any information related to official Department training, activities or work related assignments without the express permission of the Chief of Police.

C. Employees are prohibited from using Department titles, logos, emblems, uniforms and other material to create personal business cards, letterheads, electronic signatures, or similar material without the express permission of the Chief of Police.

D. Employees shall ensure their social networking use does not compromise their assignment nor create an officer safety issue for themselves or co-workers.

E. Employees are prohibited from posting any offensive or unethical content. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals is strictly prohibited.

F. Employees are prohibited from posting speech involving themselves or other Department employees reflecting behavior that would reasonably be considered reckless or irresponsible.

G. Employees shall not represent that they are speaking or acting on behalf of the Department, or that they are representing or presenting the interests of the Department without the express permission of the Chief of Police.

H. Employees shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Chief of Police or his/her designee.

I. Employees are prohibited from using social networking sites to harass or attack others, including those who work for the Department.

J. Employees shall not use a social networking site or other medium of internet communication to post any materials which promote violence or weaponry.

VII. GUIDELINES:

A. Employees should exercise caution and good judgment when social networking online. Employees should be aware that the content of these social networking sites can be subpoenaed and used in criminal and civil trials to impeach the employee's testimony.

B. Employees have no reasonable expectation of privacy when social networking online, and

are subject to all pertinent City of Bowie, Department policies, local, state, and federal laws regarding public information on arrests, investigations, and personnel data. It is recommended that employees not divulge their employment with the Department while utilizing social network sites.

- C. Employees should be aware that they may be subject to civil litigation or criminal penalties for:
 - a. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - b. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
 - c. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
 - d. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner;
- D. Employees 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.
- E. Employees 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.

VIII. ADMINISTRATIVE INVESTIGATIONS

1. Employees who are subject to administrative investigations may be ordered to provide the Bowie Police Department with access to the social networking site(s) when the subject of the investigation is directly, narrowly, and specifically related to the employee's performance or ability to perform his or her function within the Bowie Police Department or when the subject or the investigation is potentially adverse to the operation, morale, or efficiency of the Bowie Police Department.
2. Employees would be asked to log into their accounts; not provide department with their passwords

IX. NEW EMPLOYEES

1. All candidates seeking employment with the Bowie Police Department shall be required to complete an affidavit indicating their participation in any social networking sites. This affidavit shall include the names of the sites.
 - a. Applicants shall be required to provide a listing of any social media sites used and e-mail addresses and shall be given the opportunity to describe in writing any derogatory information that they wish to explain before the checks are conducted.
2. A Commanding Official, shall ensure that applicants are notified that their background investigation will include social media checks by placing information within the new hire applicant paperwork and covering information

during the interview.

3. Background investigators shall conduct social media checks on all applicants.
4. Background investigators shall not search for information on an applicant related to actual and/or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, health status, disability, source of income, or place of residence or business.
5. In the event that a member discovers information related to an applicant's actual and/or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, health status, disability, source of income, or place of residence or business during the course of a social-media checks, this information shall not be used to guide further Internet-based searches and/or form any basis for a final determination of the qualification and/or suitability of an applicant.
6. If perceived derogatory information is identified (e.g., hate speech, derogatory postings and/or pictures) during the social media checks, the background investigator shall corroborate the information through other sources (e.g., a personal or professional reference, criminal database, personal interview).
7. Following the conclusion of the social-media checks, background investigators shall notify applicants in writing regarding any derogatory information found.
8. Upon notification that derogatory information has been found, applicants shall be afforded ten (10) business days to provide a written explanation (e.g., email) regarding the information found.
9. Polygraph examiners shall include questions regarding social media in the polygraph examination to ensure the accuracy of information provided to the Department by each applicant.
10. Background investigators shall log the following information regarding social media checks with the applicant's file:
 - a. The search terms used for each applicant;
 - b. A list of all sites searched; and
 - c. The date of the search.
11. Background investigators shall expend a reasonable amount of effort to conduct social media checks.
 - a. When conducting a check on an applicant with a common name (e.g., John Smith, Mary Jones) the investigator shall make a reasonable attempt to locate any pertinent records based upon additional identifying information.
 - b. Background investigators shall use known information (e.g., college/university attended) to assist in locating information.
 - c. If a record cannot be located, the social media investigator shall record

the attempts made and the search criteria used.

X. REPORTING PROCEDURES:

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 the appropriate follow-up action.