



Social Media Use

I. PURPOSE

The Ridgely Police Department endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes the Ridgely Police 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 Ridgely Police 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 Ridgely Police Department also recognizes the role that these tools play in the personal lives of some Ridgely Police Department personnel. The personal use of social media can have bearing on Ridgely Police Department 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 Ridgely Police Department personnel.

III. POLICY REVIEW

The Chief of Police or any person so designated by the Chief of Police will review this policy on an annual basis to ensure that it is legally sound and reasonably enforceable. Additionally, the Maryland State's Attorney General's Office who represents the interest of the Ridgely Police Department will review this policy in its entirety for legal sufficiency whenever this policy is updated.

IV. SOCIAL NETWORKING POLICY NOTICE

All full-time and part-time Officers, probationary employees, contractual employees, administrative staff, support personnel, student interns and volunteer staff will become familiar with and adhere to the provisions of this policy and receive notification pertaining to this policy via internal memo or email.

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V. DEFINITIONS

This section provides definitions of social networking terms and applications that are meant to guide and educate the employee pertaining to terminology used in online media and social networking. The absence of, or lack of explicit reference to a specific site or term does not limit the extent of the application of this policy.

- A. 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.”
- B. Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.
- C. Post: Content an individual shares on a social media site or the act of publishing content on a site.
- D. Profile: Information that a user provides about himself or herself on a social networking site.
- E. 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 (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).
- F. Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- G. Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
- H. 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.
- I. Wiki: Web page(s) that can be edited collaboratively.
- J. Mobile Social Networking: Is social networking where individuals with similar interests converse and connect with one another through their mobile phone and/or tablet.
- K. Mobile Apps (Applications): Is a term used to describe Internet applications that run on smartphones and other mobile devices. Mobile applications usually help users by connecting them to Internet services more commonly accessed on desktop or notebook computers, or help them by making it easier to use the Internet on their portable devices.

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VI. ON THE JOB USE

A. Ridgely Police Department Sanctioned Use

1. All Ridgely Police Department personnel using computers, computer applications, computer programs, Internet resources and network/Internet communications shall do so in a responsible, professional, ethical, and lawful manner. This section is intended to guide employees who will use Social Media and Social Media venues to engage with citizens on behalf of the Ridgely Police Department when it relates to their employment or representations of employment through the numerous social networking venues.

2. The following rules and procedures in this section apply to any online post by an agency staff member that:

a. occurs during working hours;

b. is posted using Ridgely Police Department equipment; or

c. identifies the Ridgely Police Department, links to information about the agency or identifies the staff member's position with the Ridgely Police Department.

3. In the case of above bullet #3, these rules also apply to any subsequent posts by the Ridgely Police Department member on the same forum (e.g., the same Facebook page, blog, etc.). In addition to being subject to the rules below, all such online activity (a, b and c) is subject to the same rules and guidelines that apply to Ridgely Police Department staff members' activities in general, including but not limited to the Ridgely Police Department General Orders and other policies.

4. The Ridgely Police Department strives to provide the public accurate and timely information, communicated in a professional manner, and in accordance with the laws regarding public information and data practices. This policy provides guidelines for all external communications from the Ridgely Police Department using various social networking mediums.

5. Determine strategy

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

b. Ridgely Police Department social media pages/applications must adhere to the Ridgely Police Department's brand identity expectations set by the Chief of Police.

c. The Ridgely Police Department's website:
<http://ridgelymd.org/ridgelygovernment/departmentspolicedept/> - should be the Ridgely Police Department's *primary source* of online information to the public when possible.

d. Where possible, the page(s)/application(s) should link to the Ridgely Police Department's official website.

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e. Social media page(s)/application(s) shall be designed for the target audience(s) such as, but not limited to, community members, news media outlets, youth; or potential Ridgely Police Department recruits/volunteers.

6. Procedures – Ridgely Police Department Social Media Sites/Mobile Applications

a. All Ridgely Police 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 designated Ridgely Police Department personnel or as otherwise determined.

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

c. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies within the Ridgely Police Department.

1) Content is subject to public records laws. Relevant records retention schedules apply to social media content.

2) Content should be able to be managed, stored, and retrieved to comply with State and Federal “open records laws” and “e-discovery” laws and policies.

d. Where possible, social media pages should state that “*the opinions expressed by visitors to the page(s) do not reflect the opinions of the Ridgely Police Department*”.

1) Pages shall clearly indicate that posted comments will be monitored and that the Ridgely Police Department reserves the right to remove obscenities, off-topic comments, and personal attacks.

2) Pages shall clearly indicate that “*any content posted or submitted for posting is subject to public disclosure*”.

e. Specific Restrictions when using social media

1) Social media must not be used to transmit information or knowingly connect to sites for an unlawful or prohibited purpose, including, but not limited to, the following examples:

A) Discrimination on the basis of sex, race, creed, color, gender, religion, age, marital status, national origin, sensory, mental, or physical disability, sexual orientation or veteran status.

B) Sexual harassment or sites containing sexual content.

C) Transmission of obscene materials.

D) Transmission of protected or private information.

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E) Infringement on any copyright.

F) Expression of any campaign, political or religious beliefs.

G) Conduct of a person, outside business, or other financial benefit or gain.

f. Ridgely Police Department management has the authority to monitor authorized employee use of the Internet to ensure appropriate use.

7. Guidance for General Social Media Postings

a. Online activity during working hours or using agency equipment must be primarily business related. Incidental personal use is permitted; however, personal use must not impede the staff members or other staff members work or adversely impact access to or the use of Ridgely Police Department electronic resources for business purposes.

b. Respect your audience.

c. Don't use religious, racial or ethnic slurs, personal insults, or obscenity. Don't engage in sexual harassment or in any conduct that would not be acceptable offline in a work situation.

d. Show proper consideration for others' privacy and for topics that may be considered objectionable or inflammatory—such as politics, religion and personal life.

e. Do not participate in any political activity or political communication during work hours and/or with Ridgely Police Department resources (such as computers, MDT's, mobile devices and recording devices).

f. Ridgely Police Department staff members designated to monitor and post to the Ridgely Police Department social media is personally responsible for the digital content they publish. Be mindful that what you publish will be public for a long time.

g. Identify yourself when possible or necessary. Anonymous postings are rarely beneficial to anyone. When discussing the Ridgely Police Department or Ridgely Police Department related issues be sure your role at the Ridgely Police Department is clear and state whether you are speaking for the Ridgely Police Department.

1) If you identify yourself as a Ridgely Police Department staff member, ensure your profile and related content is consistent with how you wish to present yourself with colleagues and partners. Only those officially designated by the Chief of Police have the authorization to speak on behalf of the agency when using the Ridgely Police Department social media.

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2) The lines between public and private, personal and professional are blurred in online and mobile interactions. By virtue of identifying yourself as a Ridgely Police Department staff member, you are now connected to your colleagues and the Ridgely Police Department members. Ensure that content associated with you is consistent with your work at the Ridgely Police Department and the Ridgely Police Department mission.

8. Copyright, fair use and public records laws

a. For the Ridgely Police Department's protection, as well as your own, it is critical that you show proper respect for the laws governing copyright and fair use of copyrighted material owned by others, including the Ridgely Police Department own brand. You should never quote more than short excerpts of someone else's work. Always give credit where credit is due, and it is good general practice to link to others' work.

b. Where applicable, staff members must follow the state's public records and must not delete content and items without properly retaining these public records according to statute.

c. Protect confidential and proprietary information. Social media blurs many of the traditional boundaries between internal and external communications. For example, ask permission (and obtain a signed waiver if required) before posting someone's picture or publishing a conversation that was meant to be private. An email from the person you are quoting is sufficient in most cases.

d. Prior to any events posted, the designated Officer **will** acquire the following:

1) Written authorization from speakers that all event materials be available to the public.

2) Written authorization from participants to use content created and photos/video taken during the event for use on Ridgely Police Department social media.

3) Written authorization can be in the form of an email or formal correspondence. Emails can be printed out and used to file in addition to electronic copies. All authorizations will be kept on file with the Ridgely Police Department Records Division.

e. Be the first to correct your own mistakes. Don't alter previous posts without indicating that you have done so. When responding to a negative post, state facts and provide supporting documentation. Avoid ongoing conversations that do not progress toward greater understanding.

f. Consider the purpose of the social media use. Online communications must not negatively impact achievement of your assigned tasks and goals or Ridgely Police Department mission.

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9. Handling media requests as a result of Social Media postings

With the exception of routine events and basic information that is readily available to the public, all requests for interviews or information from the media shall be routed through the Chief of Police. Media requests include anything intended to be published or viewable to others in some form on a social media outlet (i.e. Facebook, Twitter, or blog). When responding to media requests, employees should follow these steps:

- a. If the request is for routine or public information (such as a meeting time or agenda) provide the information and notify the Chief of Police of the request.
- b. If the request is regarding information about Ridgely Police Department personnel, potential litigation, controversial issues, an opinion on an agency matter, or if you are unsure if it is a "routine" question, forward the request to the Chief of Police. An appropriate response would be, *"I'm sorry, I don't have the full information regarding that issue. Let me take some basic information and submit your request to the Chief of Police who will get back to you as soon as he can."*
- c. Ask the media representative's name, questions, deadline, and contact information (employer, phone number, email, blog site, or "twitter name").

10. Failure to comply with the social media policy

Failure to abide by policies established for use of social media or participation in any activity deemed inappropriate may result in disciplinary action by the Ridgely Police Department. As with any policy of the Ridgely Police Department, violation may also result in disciplinary action up to and including termination.

B. Authorized Potential Uses

1. The use of Social media is authorized for all Officers to conduct criminal investigations. Social media is a valuable intelligence and investigative tool when seeking evidence or information about
 - a. missing persons;
 - b. wanted persons;
 - c. gang participation;
 - d. crimes perpetrated;
 - e. crimes perpetrated online (i.e. harassment, cyberbullying, cyberstalking);
 - f. photos or videos of a crime posted by a participant or observer.
 - g. Covert Investigations (*Only by trained and certified Officers*)

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2. Social media can be used by the Ridgely Police Department designated Officer(s) for community outreach and engagement by

- a. providing crime prevention tips;
- b. offering online-reporting opportunities;
- c. sharing crime maps and data (i.e., CrimeReports.com); and
- d. soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip).

3. Social media can be used by the Ridgely Police Department designated Officer(s) to make time-sensitive notifications related to

- a. road closures,
- b. special events,
- c. weather emergencies, and
- d. missing or endangered persons.

4. Social media is authorized for use in recruitment and announcement of volunteer positions to be filled in the Ridgely Police Department.

a. The Ridgely Police Department has an obligation to include Internet-based content when conducting background investigations of job and volunteer candidates.

1) Searches should be conducted by a non-decision maker. A “*non-decision*” maker would be anyone not involved in the final decision to hire an individual.

2) 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.

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7) Under Maryland law employers are not be permitted to require an employee or applicant to disclose any user name, password, or other means for accessing any internet site or electronic account through an electronic device, or require an employee to install on the employee's personal electronic device, software that monitors or tracks the content of the electronic device. This includes what has been termed "*Shoulder Surfing*".

V. PERSONAL USE

A. Precautions and Prohibitions

Barring state law or binding employment contracts to the contrary, Ridgely Police Department personnel shall abide by the following when using social media for personal use.

1. Ridgely Police 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 Ridgely Police Department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the Ridgely Police Department.

2. As public employees, Ridgely Police 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 Ridgely Police Department. Ridgely Police Department personnel should assume that their speech and related activity on social media sites would reflect upon their position and the Ridgely Police Department.

3. Ridgely Police Department personnel 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.

4. For safety and security reasons, Ridgely Police Department personnel are cautioned not to disclose their employment with the Ridgely Police Department nor shall they post information pertaining to any other member of the Ridgely Police Department without their permission. As such, Ridgely Police Department personnel are *cautioned* not to do the following:

a) Display Ridgely Police Department logos, uniforms, or similar identifying items on personal webpages.

b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as an Officer of the Ridgely Police Department.

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5. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification that would identify them as a member of law enforcement or a member of the Ridgely Police Department.

6. When using social media, Ridgely Police Department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Ridgely Police Department's "*code of conduct*" is required in the personal use of social media. In particular, Ridgely Police Department personnel are prohibited from the following:

a. 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.

b. Speech involving themselves or other Ridgely Police Department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.

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

8. Ridgely Police 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 the Ridgely Police Department without express authorization.

9. Ridgely Police 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 permission of the owner.

10. Ridgely Police 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.

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11. Ridgely Police Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Ridgely Police Department administration at any time without prior notice.

B. Reporting violations

Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provisions set forth in this policy shall notify his or her supervisor immediately for follow-up action.

C. Legal Considerations and Court Implications to Ridgely Police Department employees

1. In developing this policy on employee use of social networking sites, the Ridgely Police Department focused on critical areas including consideration of employees' rights to free speech as well as social networking's impact on ***Brady v. Maryland*** and potential impeachment issues for Ridgely Police Department employees.

a. Brady and other state and federal cases interpret the requirement that the prosecution disclose material exculpatory evidence to the defense. Court rulings building on Brady have further developed rules for disclosing evidence that might also be used for impeachment purposes against Officers. Virtual impeachment may now be included in Brady disclosures, meaning that the "*free sharing of one's random thoughts and personal life*" on the Internet may indeed have serious and career ending consequences if that information is used to discredit an Officer's testimony in court.

b. For example, the Officer who posted his mood as "devious" on his Facebook account had that and more mined from his "ruthless" internet postings by a defense attorney, allowing the defendant to be acquitted of a felony unlawful weapons possession charge.

c. The credibility of the entire Ridgely Police Department may be called into question by an employee's online comments. When it comes to postings on social networking sites, Officers should be cautioned that anything they write, post, tweet, and allow to appear in "*virtual space*" may be used against them in a courtroom.

2. First Amendment considerations for public employees; US Supreme Court Opinion (*Garcetti v. Ceballos*, #04-473, 547 U.S. 410, 126 S.Ct. 1951 (2006).

The First Amendment protects the content of public employee speech, provided they speak as a private citizen. Specifically:

a. The Constitution does not protect work-related "*gripes*".

b. The content of the speech must address a matter of public concern.

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c. The reason for the “speech” must be outside the duties and responsibilities of the public employee.

d. Even if the content of the speech is protected, the employee’s interests in the speech must outweigh the employer’s interest in promoting efficient operations. A public employer need not allow events to unfold that would disrupt the workplace and impair working relationships.