

# CHARLOTTESVILLE POLICE DEPARTMENT



Note: This directive is for internal use only and does not enlarge an officer’s liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by the Charlottesville Police Department and then only in a non-judicial administrative setting.

Type of Directive: GENERAL ORDER	Number: 003-10
Social Media	Date: November 20, 2019
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Authorization: Chief R.M. Brackney	Follow-up Date: As Needed

## I. PURPOSE

The use of Social Media, such as Facebook and Twitter, are becoming more common in our daily lives. This 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, but 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, investigative, crime prevention, and other police related objectives. This policy identifies potential uses that may be explored or expanded upon by administrative and supervisory personnel. The Department also recognizes the role that these tools play in the personal lives of Department personnel. The personal use of social media can have 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

- 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 shared on a social media site or the act of publishing content on a site.
- D. Profile: Information that a user provides about himself on a social networking site.

- E. Social Media: Any category of internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites such as Facebook and MySpace, micro-blogging sites such as Twitter and Nixle, photo- and video sharing sites such as Flickr and YouTube, wikis such as Wikipedia, blogs, and news sites such as Digg and Reddit as well as chatting or instant messaging on sites.
- F. Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- G. Speech: Communication of thoughts or opinions in spoken words, writing, expressive conduct, symbolism, photographs, videotape, or other 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) sharing information that is intended to be factual that can be edited collaboratively and is not vetted by an official source or company.

#### IV. PROCEDURES FOR ON-THE-JOB USE

##### A. Department-Sanctioned Presence on Social Media

###### 1. Determined 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 executive or their designee and shall be administered by:
  - i. Chief of Police or their designee or
  - ii. The Public Information Officer or their designee.

These administrators shall be responsible for approving the use of all pictures, content, videos or other facsimiles of department officers,

uniforms, events or logos that are posted on the department's social media sites. Once approved, the material will be forwarded to the Public Information Officer or their designee for posting to the department's social media sites.

- b. All other social media sites or pages that wish to use pictures, videos or other facsimiles of department officers, uniforms, events or logos for any reason, but specifically as it relates to promotional or fund raising efforts, and that are not open source are required to have the materials reviewed and approved by the Chief of Police or their designee prior to posting.
- c. Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.
- d. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
  - i. Content is subject to public records laws. Relevant records retention schedules apply to social media content.
  - ii. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
- e. 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.
  - i. Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.
  - ii. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

### 3. Department Endorsed Use of Social Media

- a. Personnel representing the department via social media outlets are recognized as holding a sensitive position and shall do the following:
  - i. Identify themselves as a member of the department;
  - ii. 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;
  - iii. 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; and

- iv. not conduct political activities or private business.
- b. Acting as an endorsed agent in the use of social media is prohibited without authorization.
- c. 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.
- d. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

## B. Other Potential Uses of Social Media

1. Social media may be a **valuable investigative tool** when seeking evidence or information in various situations.
  - a. Search methods shall not involve techniques that are a violation of existing law.
  - b. Social Media may be used to investigate but is not limited to the following:
    - i. Missing persons
    - ii. wanted persons;
    - iii. gang participation;
    - iv. sex crimes;
    - v. crimes perpetrated online (e.g., cyber bullying, cyber stalking); and
    - vi. evidence such as but not limited to photos or videos of a crime posted by a participant or observer.
2. Social Media may be used for **community outreach** and engagement through:
  - a. Providing crime prevention tips;
  - b. offering online-reporting opportunities;
  - c. sharing crime maps and data;
  - d. soliciting tips about unsolved crimes (e.g., Crimestoppers)
3. Social media may be used 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 can be a valuable **recruitment mechanism** as persons seeking employment and volunteer positions use the Internet to search for opportunities.
5. Social Media is a valuable tool in performing **internet-based background investigations** of job candidates. The department has an obligation to include using social media outlets in these investigations.
  - a. 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.
  - 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.
  - f. Potential employees shall be informed that the police department will be searching social media sites as part of their background investigation.

## V. PROCEDURES FOR PERSONAL SOCIAL MEDIA USE

### A. Precautions and Prohibitions of Employees

1. 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 on matters of public concern on social media sites to the degree that their speech does not impair working relationships of this department for which reputational integrity and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers.
  - b. 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 are advised to strongly consider if their speech and related activity on social media sites will negatively reflect upon their office and department.
  - c. Department personnel shall not post, transmit, or otherwise disseminate any information to include photos or videos, to which they have access as a result of their employment without written permission from the chief executive or their designee.

- d. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As such, department personnel are cautioned not to do the following:
  - i. Display department logos, uniforms, or similar identifying items on personal web pages (e.g., Department vehicles, crime scenes, traffic stops, and information regarding calls for service,).
  - ii. Post personal photographs of themselves or other LE officers or provide similar means of personal recognition that may cause them to be identified as a police officer of this or any department.
- e. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification on any Social Media site.
- f. It is forbidden for department personnel to post any photograph or video of any other person using, or in control of, any departmental uniform or portion of a uniform, or other identifiable department equipment or reasonable facsimile thereof unless it is posted on an official department branded website with permission granted by the Chief of Police, Public Information Officer, or their designee.
- g. 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 are prohibited from the following:
  - i. Speech containing obscene or sexually explicit language, images, or acts;
  - ii. any 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; and
  - iii. speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
- h. 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.
- i. 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.

- j. Department personnel should be aware that they may be subject to civil litigation for:
  - i. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
  - ii. 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;
  - iii. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
  - iv. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner
- k. 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.
- l. 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.

#### B. Personal Use of Social Media While at Work

All department employees shall comply with general internet use policy as well as recognize that time and effort spent in communication on any social media or networking site has the potential for disruption of work. Any such communication shall be done on personal time and not interfere with productivity and if deemed to do so may result in disciplinary action.

#### C. Reporting of Violations

Any employee becoming aware of, or having knowledge of any posting or any website or web page in violation of the provision of this policy, or any Social Media use that interferes with work productivity, or otherwise negatively effects the department shall, notify that employees direct supervisor immediately for follow-up action.

- i. The Chief of Police, Public Information Officer, or their designee may require department personnel to attend regular trainings to ensure the best practices for social media use are being met.