



Apex Police Department General Order



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| Title Social Media | | Order Number 305-20 |
| Effective Date: May 27, 2020 | Amends: 305-13 | |
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| Reference: | Pages: 8 | |
| Forms: | | |

Social Media

Purpose

The purpose of this directive is to establish the criteria for the use of social media by the agency; establish guidelines for personal use of social media and how it relates to an employee's official capacity; to establish the department's position on the utility and management of social media; and to provide guidance on its management, administration, and oversight by department personnel. The department endorses the use of social media to enhance communication, collaboration and information exchange; streamline processes; foster productivity; and as an investigative tool. This directive covers all forms of social media providing guidance in the use and management.

Policy

Social media provides a valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This directive identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative personnel. The department recognizes and respects the rights of its employees to participate and engage on social media platforms. However, employees must ensure that their online content is consistent with the agency's standards of conduct. Other than as outlined in this directive, personnel will not, without permission, make statements of innocence or guilt; comment on pending investigations or prosecutions; divulge confidential information; post photos or videos related to police equipment, tactics or training; and/or violate any trademark, copyright or service mark regulation.

Social Media

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."

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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 himself or herself 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, etc.)
- Microblogging sites (Twitter, Nixle, etc.)
- Photo- and video-sharing sites (Flickr, YouTube, Instagram, etc.)
- Wikis (Wikipedia, etc.)
- Blogs
- News sites (Digg, Reddit, etc.)

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.

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Procedure

Official Departmental Use

1. The Chief of Police will authorize the use of a social media site for specific purposes and will assign a person to manage the sites **and users**.
2. Social media pages [redacted], will include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
3. [redacted] the page(s) should link to the department's official website.
4. [redacted] social media pages will clearly indicate they are maintained by the department and include department contact information.
5. Social media content will adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
6. Content is subject to public records laws to include but not limited to:
 - Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies
 - [redacted] social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department
 - Pages will clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities **and/or violent speech**
 - Pages will clearly indicate that any content posted or submitted for posting is subject to public disclosure

[redacted]

[redacted]

[redacted]

- [redacted]
- [redacted]
- [redacted]

Social Media

2. This information has been redacted pursuant to N.C. General Statute 132 - Public Records.
[Redacted]
 3. This information has been redacted pursuant to N.C. General Statute 132 - Public Records.
[Redacted]
 4. This information has been redacted pursuant to N.C. General Statute 132 - Public Records.
[Redacted]
- [Redacted]
 - [Redacted]

Department-Sanctioned Use

1. Personnel representing the department via social media outlets will do the following:
 - Conduct themselves at all times as representatives of the department and adhere to all department standards of conduct
 - This information has been redacted pursuant to N.C. General Statute 132 - Public Records.
[Redacted]
 - 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 authorization of the Chief of Police
 - Not conduct political activities or private business
1. The use of department computers by department personnel to access social media is authorized for official use only.
2. Personnel will observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.
3. Social media is a valuable investigative tool when seeking evidence or information about:
 - Missing persons
 - Wanted persons
 - Crimes perpetrated online (i.e., cyber bullying, cyber stalking)
 - Identification of suspects

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4. 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
 - Other reasons, as appropriate and approved by the Administrative Division Commander, Deputy Chief of Police or the Chief of Police

5. Social media can be used to make time-sensitive notifications related to:
 - Road closures
 - Special events
 - Weather emergencies
 - Missing or endangered persons
 - Other reasons as appropriate and approved

6. Persons seeking employment use the internet to search for opportunities, making social media a valuable recruiting tool.

7. The department will include internet-based content when conducting background investigations of job candidates with the following guidelines:
 - Internet searches are authorized for a law enforcement purpose only
 - Search methods will not involve techniques that are a violation of existing law
 - Vetting techniques will be applied uniformly to all candidates
 - Every effort must be made to validate Internet-based information considered during the hiring process

8. In an effort to streamline and ensure consistency of the social media review during a background investigation, this function will be performed by the Administrative Division Commander, or designee, rather than the assigned background investigator.

Personal Use

Precautions and Prohibitions

1. Department personnel are permitted to have personal social networking sites used to share personal opinions and to express themselves. The precautions and prohibitions outlined below should be observed in such use.

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2. As public employees, personnel are cautioned that speech on- or off-duty, made pursuant to their official duties may not be deemed protected speech under the First Amendment and could form the basis for discipline, if deemed detrimental to the department. Personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
3. Personnel will not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment, **other than photos, descriptions or news regarding a public event or activity.**
4. For safety and security reasons, personnel are cautioned not to disclose their employment with this department or post information pertaining to any other member of the department without his/her permission. **However, it may be appropriate to post information regarding community outreach or other public events. Personnel should consider the impact of posting to personal social media sites and** are cautioned not to do the following:
 - Display department logos, uniforms, or similar identifying items on personal web pages
 - Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department
 - Officers who are, or who may reasonably be expected to work in undercover operations, are encouraged not to post any form of visual or personal identification
 - The posting of any material that directly or indirectly indicates that one is an employee of the department
5. 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:
 - Speech containing obscene, **profane** 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
 - Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless, irresponsible or unprofessional
 - Engaging in prohibited speech that may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings

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6. Department personnel may not divulge information gained by their authority **as a police department employee, nor** make any statements, speeches, appearances, and endorsements, nor publish materials that could reasonably be considered to represent the views or positions of this department, without express authorization.
7. Departmental personnel will not post or share to personal social media platforms photographs of suspects, witnesses, victims, crime scenes, crash scenes, evidence, seized or found property or training activities.
 - Reposting public information from a news page or the department's official social media sites/pages is acceptable.
8. 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 his/her 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; or publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner
9. 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 sites is protected.
10. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum, **or via a Town or department computer, phone, internet access or other device**, may be accessed by the department at any time without prior notice.
 - All use of these devices will be in compliance with the *Town of Apex Policy on Information Technology # 300* and other applicable written directives.
11. Any employee becoming aware of or having knowledge of a posting to any website or web page in violation of the provision of this directive will notify his/her supervisor immediately for follow-up action.

Social Media

Annual Review

1. [This information has been redacted pursuant to N.C. General Statute 132 - Public Records.] social media sites will be reviewed annually by the Criminal Investigations Division Commander; intelligence information will be governed by General Order 1106 – *Criminal Intelligence*.
2. The review will include all data and information gained from the site to determine:
 - If the activities related to the sites/pages are in compliance with the provisions of this and other applicable written directives
 - If any information determined to be intelligence is being documented, filed, investigated, purged, etc. in compliance with applicable written directives
 - [This information has been redacted pursuant to N.C. General Statute 132 - Public Records.]
3. The review will be completed and submitted to the Chief of Police through the chain of command no later than January 31st of the year following the period subject to the analysis.
 - This date may be extended with the approval of the Chief of Police.

BY ORDER OF:



John W. Letteney
Chief of Police