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|  <p>BEL AIR POLICE DEPARTMENT</p> <p>Policies And Procedures</p> <p>Charles A. Moore Chief of Police</p> | CHAPTER: 40 |
| | TITLE: Social Media |
| | No. Pages: 5 |
| <p>Rules, Regulations, Policies, Special Orders and Procedures stated in written directives of the Bel Air Police Department are for agency use only and do not apply in any criminal or civil proceedings. They shall not be construed as creating a higher legal standard of care or safety in an evidentiary sense with respect to third party claims. Violations thereof will only form the basis for agency administrative sanctions.</p> | |

PURPOSE

The purpose of this policy is to provide guidance to all members of the Bel Air Police Department (BAPD) in the professional use of social media, as well as the personal use of social media, but only to the extent that personal use of social media sites or platforms may bear upon an employee's official duties.

POLICY

It is the policy of this Department that social media will be used in a thoughtful, targeted manner to further the Department's community outreach and crime prevention goals. The Department recognizes and respects the rights of its employees to participate on social media platforms. Employees, however, must ensure that their online content is consistent with the Department's standards of conduct.

DEFINITIONS

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.

Page: The specific portion of a social media website where content is displayed, which is 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: Personal demographic information a user provides 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, micro-blogging sites, photo- and video-sharing sites, wikis, blogs, and any other new platforms that may be developed.

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.

40:101 – ON-THE-JOB USE

- A. **Investigation.** An employee may, with the approval of a supervisor, use social media as an investigative tool. Such use may include seeking evidence or information about:
1. missing persons;
 2. wanted persons;
 3. gang participation;
 4. crimes perpetrated online; and
 5. photos or videos of a crime posted by a participant or observer.
- B. **Community Interaction.** The Chief of Police or his/her designee may, on behalf of the Department, use social media for purposes of community outreach and engagement, to make time-sensitive notifications, to inform the media, and as a recruitment mechanism to attract and interact with persons seeking employment and volunteer positions. Procedures governing Department-Sanctioned Social Media Accounts are further discussed in Section 40:103.
- C. **Limited Personal Use.** While there are specific unauthorized uses of the internet, the Department allows limited personal use of the internet, a concept that recognizes the reality of the workplace. Accordingly, occasional personal use is permissible if it is consistent with the BAPD policies and procedures and is approved by supervision/command staff.

NOTE: There is no expectation of privacy in the use of Department internet services on Department owned computers. All use of Department computers, whether official or personal, is subject to public disclosure laws and can be discoverable in a lawsuit.

40:102 – OFF-DUTY

Notwithstanding federal or state law, or binding employment contracts to the contrary, Department personnel should adhere to the following guidance when using social media:

- A. Employees have the right to express themselves as private individuals speaking on matters of public concern, about which may be limited when such speech is outweighed by the Department's interests related to items that:
1. interfere with the operation of the Department;
 2. interfere with the maintenance of discipline by supervisors;
 3. impair working relationships of the Department that are based on loyalty and confidentiality;
 4. obstruct performance of duties, or
 5. amount to an abuse of authority.
- B. Speech made by employees pursuant to their official duties is not protected speech and may form the basis for discipline.
- C. For safety and security reasons, employees of the Department should not post on their personal social media pages:
1. their employment with the Department;

2. Department logos, uniforms, or similar identifying items;
 3. photographs or provide similar means of personal recognition that may cause them to be identified as a police officer; and
 4. any form of visual or personal identification if the Department employee is or may reasonably be expected to work in undercover operations.
- D. When using social media, Department personnel should be mindful that their speech may become permanently accessible on the internet and adherence to the Department's code of conduct applies to personal use of social media. Department personnel should, therefore, not post on their social media:
1. Speech containing obscene, racial, degrading 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.
 2. Speech which reflects behavior that would reasonably be considered reckless or irresponsible.
- E. Posts made on social media platforms may form the basis for undermining or impeaching an officer's testimony in criminal proceedings.
- F. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and/or endorsements; or publish any materials that could reasonably be considered to represent the views or positions of the Department without express authorization.
- G. Department personnel may be subject to civil litigation for:
1. publishing or posting false information that harms the reputation of another person, group, or organization;
 2. publishing or posting private facts and personal information about someone without their permission that have not been previously revealed to the public, are not of legitimate public concern, and would be offensive to a reasonable person;
 3. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
 4. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- H. Department personnel should be aware that privacy settings and social media sites constantly change, and they should never assume that personal information posted on such sites is protected.
- I. Department personnel should expect that any information created, transmitted, downloaded, or discussed in a public online forum may be accessed by the Department at any time without prior notice.
- J. Any employee becoming aware of or having knowledge of a social media post or the like in violation of any of the provisions of this policy shall notify his or her supervisor immediately.

40:103 DEPARTMENT-SANCTIONED SOCIAL MEDIA ACCOUNTS

- A. The Department may sanction the official creation and use of a social media account. Such account should include:
 - 1. an introductory statement that clearly specifies the purpose and scope of the Department's presence on the page;
 - 2. a statement that indicates that the page is maintained by the Department;
 - 3. a disclaimer notice that clearly states the page is not monitored at all times;
 - 4. information for how the Department should be contacted in case of an emergency;
 - 5. a note that states the opinions expressed by visitors of the page do not necessarily reflect the opinions of the Department;
 - 6. an indication that any content posted or submitted for posting is subject to public disclosure;
 - 7. an indication that posted comments will be monitored and that the Department reserves the right to remove obscenities, off-topic comments, and personal attacks;
 - 8. a link to the Department's official website; and
 - 9. the Department's contact information.

- B. All Department social media websites or pages shall be approved by the Chief of Police or his/her designee and shall be administered as directed.

- C. Each social media account maintained by the Department should identify the target audience(s).

- D. Social media content shall adhere to applicable laws, regulations, and policies, including:
 - 1. all information technology laws;
 - 2. all records management policies, including relevant records retention schedules; and
 - 3. open records and discovery laws and policies.

- E. Department personnel responsible for maintaining any Department-Sanctioned Social Media Account shall:
 - 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. when possible, identify themselves as a member of the Department when creating posts;
 - 3. avoid making statements about 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 work activity including training, investigations, and other activities without express permission;
 - 4. not conduct political activities or private business;
 - 5. only use Department devices to manage such accounts unless otherwise permitted;
 - 6. adhere to all copyright, trademark, and service-mark restrictions in posting materials to electronic media

Recission

Remove and destroy/recycle Chapter 40 of BAPD Policies and Procedures, dated ##.

Communication of Policy

This policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and ensuring compliance.

Date: November 25, 2020

Approved: 

Charles A. Moore, Chief of Police

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