



Ocean City Police Department

General Order

Subject: Social Networking and Electronic Communication		No. G.O. 200 B-3	
Rescinds: COP 022-10	Amends:	Related Directive: G.O. 200 B-1	
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References: IACP Model Policy – Social Media (08/10) AELE Monthly Law Journal – Online Networking, Texting & Blogging by Peace Officers (04/10) PoliceOne.com News – Update on Social Media Policies for Law Enforcement (08/10)			

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I. Purpose:

The purpose of this Policy is to give employees 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. **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.
- D. **Electronic Media:** Digital photos, audio recordings, videos, or digital information.
- E. **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.
- F. **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.
- G. **Post or Posting:** Text or digital information that is placed publicly on the internet. Message(s) sent to a news group
- H. **Profile:** Information that a user provides about himself/herself on a social network site.
- I. **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, Town code, and Departmental policy regarding its confidentiality and release.

- J. **Pseudonym:** A fictitious name, especially a pen name. This applies to “user names” or “user account identifications.”
- K. **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, Myspace, Twitter, Friendster, Second Life, etc. The absence of, or lack of explicit reference to, a specific site does not limit the extent of the application of this Policy.

- L. **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.
- M. **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.
- N. **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. The integrity of the Department must be above reproach. As such, all employees must avoid any conduct that would compromise this integrity and thus, undermine the public confidence in the Department and the law enforcement profession. Therefore, the Department reserves the right to monitor employee electronic media to assure a positive image of the Department is maintained and that Department representation is depicted in a professional manner consistent with the expectations of the public and community.

IV. Policy Intent:

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. Department sanctioned social networking shall be outlined in a Standard Operating Procedure (S.O.P.) in conjunction with the Town of Ocean City Information Technology policy. This Policy shall:

- A. Establish guidelines concerning personal web pages, internet sites, and/or personal e-mails when referencing the Department and to ensure Department employees use appropriate discretion so as not to discredit the Department and/or the Town of Ocean City.
- B. Clearly identify prohibited activities by employees on social networking and other web sites, both on-duty and off-duty.
- C. Provide guidelines for employees in applying rules of conduct to their on-line content.
- D. Protect the Department and its employees from harm as a result of inappropriate postings or inadvertent harmful postings.

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:
 - 1. Impair working relationships of the Department for which loyalty and confidentiality are important,
 - 2. Impede the performance of duties,
 - 3. Impair discipline and harmony among coworkers, or
 - 4. 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.
- B. Employees are prohibited from posting, transmitting and/or disseminating any confidential 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 assigned to sensitive investigative activities, i.e. the Narcotics Unit and/or the Intelligence Unit, shall assure their social networking use does not compromise their assignment nor create an officer safety issue for themselves or co-workers. Likewise employees not assigned to sensitive investigative activities shall ensure their social networking use does not compromise those who are assigned to sensitive investigation activities nor create an officer safety issue for them.
- 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 are prohibited from using/responding to/maintaining their personal social networking websites while on-duty. An employee may use/respond to/maintain a social networking website established for their employment purposes as outlined in departmental Standard Operating Procedures.

VII. Exceptions:

The only exception to this Policy is for portraits, photographs, or any video recordings taken during Departmentally-sponsored official ceremonies, promotion ceremonies, Honor Guard ceremonies, etc. These photographs/images and or recordings shall not disgrace or disparage employees or the Department in any manner, nor shall said items be placed on any webpage or other electronic media or in hard copied media material that in any way brings discredit to the Department or the law enforcement profession.

VIII. 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 Town of Ocean City policies, 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:
 - 1. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - 2. 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;
 - 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;
 - 5. Violations of the federal Stored Communications Act of 1986, 18 U.S.C. §2701, *et seq.*

- 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.
- F. Employees should be aware that during any internal investigation into violations of this or related policies, the Department may order an employee to provide access to personal social networking sites when the subject of the investigation is directly, narrowly, and specifically related to employee performance, conduct, and/or the best interests of the Department.

IX. Reporting – Violations:

Any employee becoming aware of or having knowledge of a posting or of any website, web page or e-mail in violation of the provision of this Policy shall notify his/her supervisor immediately.