**SAMPLE POLICE DEPARTMENT**

**SPEECH AND USE OF SOCIAL MEDIA CHANNELS**

NOTE: The following guidelines address both safety and policy and are for internal use only. This document does not nor is intended to enlarge an employee’s civil or criminal 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 these guidelines if proven, can only form the basis of a complaint by this department and then only in a non-judicial administrative setting.

1. **PURPOSE AND SCOPE**
2. This policy is applicable to all Department personnel, including part- and full-time employees, and volunteers. Additionally, this policy applies to all forms of communication including but not limited to, video, film, print media, public or private speech, text messages, use of all internet services including email, file transfer, news services, social networking, social media, instant messaging, blogs, forums, video, and other file sharing sites. This policy addresses the full breadth and scope of social media rather than any one particular social media channel. The Department recognizes that as technology advances, new social media channels will emerge.
3. The purpose of this policy is to provide guidelines for the regulation and balancing of employee speech and use of social media channels with the legitimate needs and objectives of the SAMPLE Police Department.
4. The Department recognizes the role social media plays in the personal lives of some Department employees; however, employees are cautioned their speech and related activity on social media may be considered a reflection upon their position, and, in some instances, the Department. Employees who violate this policy will be subject to disciplinary action, up to and including dismissal.
5. Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen about matters of public concern that does not unduly disrupt department operations. Employees must be careful not to represent the city/department while speaking as a private citizen.
6. Employees are encouraged to consult with their supervisor regarding any question arising from the application or potential application of this policy.
7. **POLICY**
8. Law enforcement personnel occupy a trusted position in the community; therefore, their statements have the potential to contravene the policies and performance of this Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this Department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual employee’s rights against the Department’s needs and interests when regulating its employees’ speech.
9. While employees have the right to free speech, expression, and to use social media channels, law enforcement personnel are held to a higher standard than the general public regarding standards of conduct and ethics. As such, the policy of this Department is to maintain a level of professionalism in both on- and off-duty conduct that fulfills the mission of the Department.

**III. DEFINITIONS**

1. Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.
2. Forum: A medium where ideas, thoughts, and views on a particular issue are exchanged.
3. Instant Messaging: The exchange of near-real-time messages through a standalone application or embedded software.
4. On-Duty: Any time an employee is actively engaged in the performance of regularly assigned duties, when in the performance of a special mission for the Department, or when involved in any incident requiring the employee to act in the capacity of a police officer.
5. Off-Duty: Any time an employee is not on-duty as defined above.
6. Post:Content an individual shares on a social media channel or the act of publishing content on a site.
7. Social Media Channel: Any web-based or online communication channel or network dedicated to community-based input, interaction, content-sharing, and/or collaboration including websites, email, file transfer, remote computer access, news services, social networking, social media, text or instant messaging, blogs, podcasts, forums, video, or other file-sharing sites. Social media can take many forms, including but not limited to text, images, and video. Examples include, but are not limited to, Facebook, Twitter, LinkedIn, YouTube, and Google+.
8. Social Networking: The development of social and professional contacts; the sharing of information and services among people with common interests.
9. Speech: Expression or communication of thoughts or opinion in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

1. **PROCEDURE**
2. Prohibited Speech

The following speech made on- or off-duty may form the basis for corrective action or discipline, including but not limited to termination:

1. Speech that tends to erode public trust in the Department.
2. Speech that impairs discipline by superiors (operational control and accountability) or harmony among co-workers.
3. Speech that impedes the performance of the employee’s duties;
4. Speech that is detrimental to the efficiency of operations of the Department.
5. Speech that compromises or damages the mission, function, reputation, or professionalism of the Department.
6. Speech that promotes, encourages, or approves of criminal activity, unlawful violence, or vigilantism.
7. Speech that ridicules, disparages, or otherwise promotes discrimination, harassment, or acts of violence against any person or group based upon race, color, national origin, religion, gender, sexual orientation, disability, genetic information, or any other protected category under the law.
8. Unless prior approval is granted by the Police Chief, speech regarding any information to which an employee has access or has obtained as a result of their employment with the Department. This prohibited speech includes but is not limited to information concerning ongoing criminal investigations, administrative investigations, criminal cases, civil lawsuits, or police incidents involving the City. This does not prohibit reporting allegations of criminal conduct when there is a good faith, reasonable belief of illegal activity.
9. Speech made pursuant to an employee’s official duties—that is, that owes its existence to the employee’s professional duties and responsibilities—which is deemed detrimental to the Department.
10. Speech made using an employee's official authority that directly or indirectly coerces, commands, or advises another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
11. Unless prior authorization is granted by the Police Chief, employees may not make any statements, speeches, appearances, and endorsements where the employee is acting or appearing to act in an official capacity or as an official representative of the Department or City.
12. Speech that could reasonably be expected to compromise the safety of Department personnel.

*NOTE: In applying this policy, the Department will balance an employee’s First Amendment rights against the actual or reasonably anticipated impact of the employee’s speech on the Department’s operations.*

1. Personal Use Of Social Media Channels
2. General Guidelines
3. Department personnel are to be cognizant of the fact that their social media activity, even on personal social media accounts, may be seen by the public as a statement on behalf of the Department. Any activity that can be linked to a member of the Department, is a reflection on the Department as a whole. As a result, members of this Department who utilize social media channels for personal use shall maintain an appropriate level of professionalism so as to not communicate in a manner detrimental to the mission and function of this Department.
4. When using social media channels, Department personnel should be mindful their speech becomes part of the worldwide electronic domain. Statements made on social media channels are done so in an online domain where no reasonable expectation of privacy exists. Department personnel creating “private” or “limited access” accounts, with customized “privacy settings,” must know that any statements, photographs, video clips or information that are published via the internet may still be viewed and disseminated by third parties, including approved “friends” or authorized recipients, even after the content has been edited or deleted by the user.

2. Restrictions on Personal Social Media Use by Department Personnel

* 1. Employees are responsible for their social media postings on their personal social media channels.

1. Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Police Department on any personal social media channel, without the express authorization of the Chief of Police is prohibited.
2. Employees shall not post any form of visual or personal identification of an officer who works in undercover operations.
3. Unless prior authorization is granted by the Police Chief, employees may not publish materials or statements that could reasonably be considered to represent the views or positions of this Department.
4. Department members utilization of social media channels are subject to the prohibited speech restrictions listed in Section V.

*NOTE: Affirmative Duty of Department Personnel: Personnel must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any social media channel, web page or website maintained by a Department employee.*

1. Privacy Expectations
   1. Department personnel forfeit any expectations of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any social media channel that is accessed, transmitted, received or reviewed on any department technology system. The Department reserves the right to access and monitor its computers, equipment, and systems without any prior notice to personnel.

APPROVED: CHIEF OF POLICE DATE

I HAVE READ AND UNDERSTAND THIS ORDER

SIGNATURE OF OFFICER DATE

***DISCLAIMER***

***NOTE****: These documents are being provided to you from the AMIC/MWCF Loss Control Division and are not intended to be legal advice. They do not identify all the issues surrounding a particular topic. Laws and “Best Practices” change and policies must be continually reviewed and updated as needed. Public agencies are encouraged to review their procedures with an expert or an attorney who is knowledgeable about the topic. Reliance on this information is at the sole risk of the user.*