

PORTLAND POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

	Subject:	Social Media	Policy #:	110
	Distribution:	All Personnel	Effective Date:	01/15/2012
	Standards:	IACP	Revision Date:	01/10/2021
	By Order Of:	Chief of Police	Review:	Biennially

I. Purpose

To protect the department and its employees by establishing guidelines for the proper use of social media accounts.

II. Policy

It is the policy of this department to use department and personal social media accounts in a lawful, ethical and responsible manner and consistent with the guidelines set forth in this policy.

III. Definitions

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 other internet site or the act of publishing content on a site.

Social Media/Electronic 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, MySpace), microblogging sites (Twitter), photo and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, videotape, or related forms of communication.

IV. Procedures

A. **Department-sanctioned Use**

1. Function and Plan

- a. All department social media sites or pages shall be approved by the Chief of Police, City Manager and Communications Director, and shall be administered by authorized employees. Overall supervision and assessment of department-generated social media sites is the responsibility of the Community Policing Unit Lieutenant or other administrative designee.
- b. Each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website. This statement must be reviewed and approved by the Chief of Police.
- c. Page(s) shall link to the department's official website.
- d. Social media page(s) shall be designed for general public dissemination and department-wide utilization or for a targeted audience, neighborhood, or sector or a specific purpose; such as

youth outreach, crime prevention / investigation or department recruiting.

2. Procedures

- a. Social media pages shall clearly indicate that the page is maintained by the department and shall have department contact information prominently displayed.
- b. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies. Content is subject to Maine's Criminal History Information Act (CHRIA) and Freedom of Access Act (FOAA). If applicable, State and City records retention policies will apply to social media content and content must be managed, stored, and retrieved to comply with CHRIA and FOAA. If an employee has a question or concern regarding retention of site content, he/she should confer with the police attorney to determine if there is an applicable rule or policy.
- c. Users and visitors to department social media accounts shall be notified that the intended purpose of the account is to serve as a mechanism for official communications between the department and members of the public. Departmental social media account articles, posts and comments containing any of the following forms of content will not be allowed:
 - 1) Profane language or content; verbal harassment, retaliation, or bullying;
 - 2) Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, national origin, genetic information, physical or mental disability, sexual orientation or any other status protected by law;
 - 3) Sexual content or links to sexual content;
 - 4) Solicitations of commerce;
 - 5) Conduct or encouragement of illegal activity;
 - 6) Information that may tend to compromise the safety or security of the public, public systems or department employees; and
 - 7) Disclosures of confidential and / or privileged information.
- d. These guidelines must be displayed to users or made available by hyperlink. Any such content must be promptly brought to the attention of the designated social media supervisor and police attorney, who will consider the First Amendment implications and determine the lawful authority to hide or remove a post from the site. If approved, contents and relevant details should be printed, stored or otherwise retained, to include the time, date and identity of the poster, as available, the date and time approved for removal and who removed, blocked or hid the content.

3. Standards for Use

- a. Employees representing the department via social media outlets shall identify themselves as a member of the department, conduct themselves as representatives of the City and adhere to all department standards of conduct.
- b. Employees shall not make statements about the guilt or innocence of any suspect or arrestee, or comment on any pending lawsuit.
- c. Employees shall not post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, investigations, activities, or work-related assignments without the express written permission of the Chief of Police or his designee.
- d. Employees may not conduct political activities or private business on department social media sites.

- e. Employees shall observe and abide by all copyright, trademark and service mark restrictions in posting materials to electronic media.

4. Accepted Uses

- a. *Investigative Tool*: to seek evidence or information about missing or wanted persons; online crimes; gang activity, photos or videos related to a suspect, or of a crime posted by a participant or observer. Department personnel may be authorized to use covert social media accounts. All such accounts must be reported to – and approved by - the Assistant Chief of Police, through the chain of command. The Assistant Chief of Police will maintain a list of such accounts, and may review their use and content, as appropriate.
- b. *Community Outreach and Engagement*: to provide safety or crime prevention tips; offering online reporting; sharing crime maps, trends or data; posting crime or arrest information; or soliciting information on unsolved crimes.
- c. *Public Notification*: to post information related to road closures, special events, weather emergencies and / or missing or endangered persons. Notable arrests or incidents may also be posted in accordance with the information release guidelines listed in SOP: #9-94, Media Relations.
- d. *Employment / Background*: for recruitment and to post department job opportunities; and to use as part of the overall background investigation of prospective employees. Efforts should be made to validate the content.

B. Personal Use

1. Standards for Use

- a. Employees who choose to identify themselves as members of the department on personal web pages must adhere to all department standards of conduct.
- b. Employees shall not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, calls for service, investigations, or lawsuits.
- c. Employees shall not post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, investigations, activities, or work-related assignments without the express written permission of the Chief of Police or his designee.
- d. Employees shall observe and abide by all copyright, trademark and service mark restrictions in posting materials to electronic media.

2. Precautions and Prohibitions

- a. Employees are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationship of this department, reveal confidential information, impede the performance of duties, impair discipline or negatively affect the public's perception of the department.
- b. As public law enforcement employees, however, department personnel must assume that their speech and related activity on social media sites will reflect upon their position and this department.
- c. As public employees, department personnel are cautioned that speech (on or off-duty) made pursuant to their official duties (that derives directly from the employee's professional duties and responsibilities) is not protected speech under the First Amendment and may form the basis of discipline if deemed detrimental to the department. Department personnel should expect that their speech and related activity on social media sites will reflect upon their employment and the department.

- d. Employees may not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without permission from the Chief of Police or his designee.
- e. For safety and security reasons, department personnel are cautioned about (but not prohibited from) disclosing their employment, displaying department logos, uniforms or similar identifying items or posting personal photographs or similar means of personal recognition that may cause them to be identified as a police officer on personal web pages.
- f. Officers who (or who may reasonably be expected to) work in undercover operations, should not post any form of visual or personal identification.
- g. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Adherence to the department's code of conduct and ethics is required in the use of social media.
- h. 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 prohibited as it may bring the department into disrepute, discredit, or a state of embarrassment.
- i. Comments, pictures, or other content posted on social media sites that may provide grounds for undermining or impeaching an employee's testimony in criminal or civil proceedings are prohibited. Department personnel who are discredited in this manner are subject to discipline up to and including termination.
- j. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances or endorsements; or publish materials that could reasonably be considered to represent the views or positions of the department without express authorization. Employees are prohibited from posting any advertisements, videos, or other statements that make it appear as if the department has endorsed a particular product, candidate or viewpoint.
- k. Department personnel should be aware that they may be subject to civil litigation 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/or personal information about a person 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, trademarked material or certain confidential business information without the permission of the owner.
- l. 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.
- m. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public forum may be accessed by the department at any time without prior notice.
- n. Any employee becoming aware of or having knowledge of a posting or any website or web page in violation of the provisions of this policy that contains 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 and/or on-going criminal investigations shall notify his or her supervisor immediately for follow-up action.