

# GENERAL ORDERS | SOUTH MIAMI POLICE DEPARTMENT



<b>G.O. Number:</b> 27.3	<b>Subject:</b> Social Media (Departmental and Personal Use)	
<b>Chapter:</b> 27 Public Information - Social Media	Number of Pages: 10	
<b>CFA Standard(s):</b> 32.05	<b>Effective:</b> 05/01/2014	
<b>By Order of Chief of Police:</b> Rene G. Landa Chief of Police		<b>Revised:</b> 04/22/2022 <b>Status:</b> Amended - Combined

**SECTIONS:**

- 27.3.1**      **Definitions**
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**RESCINDS:** Any other existing orders in conflict.

**PURPOSE:** Police Departments can have a greater impact on crime with the help of an informed public. By enhancing communication with the public it serves, a law enforcement agency can improve safety, prevent crime, and build confidence with the citizenry. Social media, primarily FACEBOOK and TWITTER may enhance the level of communication between the Police Department and the public.

This policy is also intended to address issues associated with employee use of social networking sites and provide guidelines for the regulation and balancing of employee’s Constitutional Rights to speech and expression with the legitimate needs of the Department. This policy is not intended to prohibit or infringe upon any employee’s communication, speech, or expression as guaranteed by the Florida and United States Constitutions.

**SCOPE:** All Departmental personnel.

**POLICY:** Social media provides the Department and its personnel an innovative and advantageous means to communicate for the purpose of meeting objectives in

the areas of community relations and outreach, crime prevention, investigations, and media relations. As individuals, the Department supports employees' ability to utilize social media in any manner that will not adversely impact the Department. The policy is not limited to any particular form of social media as new technologies and advances in this arena are continual.

Employees using any form of social media or social networking, including but not limited to: Facebook, Twitter, LinkedIn, Foursquare, YouTube, Instagram, Police Pulse, The Squad Room, Usenet groups, online forums, message boards, or bulletin boards, blogs and other similarly developed formats, shall not use them in any way which detracts from the mission of the South Miami Police Department (SMPD), tarnishes the reputation of the SMPD, reflects negatively on your position as an employee of SMPD, or in a manner that violates any SMPD policy and/or directive. Any such online actions will be viewed as a direct violation of this policy, as well as any other applicable directive.

### 27.3.1 DEFINITIONS

- A. **BLOG:** A self-published diary or commentary on a particular topic that may allow visitors to a website to post comments, reactions, or responses, normally as opinions. The term is short for "Web Log."
- B. **CONFIDENTIAL INFORMATION:** Privileged information which, if compromised through alteration, corruption, loss, misuse, or unauthorized disclosure, could cause serious harm to the person whom the information concerns.
- C. **PAGE:** The portion of a social media website where the content is displayed, and managed by an individual or individuals with administrative rights.
- D. **POST:** Content an individual shares on a social media website or the act of publishing content on a site.
- E. **PROFILE:** Information that a user provides about himself or herself on a social media site.
- F. **SENSITIVE INFORMATION:** Privileged or proprietary information which, if compromised through alteration, corruption, loss, misuse, or unauthorized disclosure, could cause

serious harm to the department.

- G. **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, Myspace), microblogging sites (Twitter, Nixle), photo and video sharing sites, blogs, and news sites.
- H. **SOCIAL NETWORKS:** Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- I. **SPEECH:** Expression of communication of thoughts or opinions in spoken words, written text, expressive conduct, symbolism, photographs, videos, or other related forms of communication.
- J. **STATEMENT:** A communication or declaration in writing, setting forth facts, particulars, etc. via a public or social medium.
- K. **VLOG:** Personal website or social media account where a person regularly posts shorts videos.
- L. **WIKI:** Web pages that can be edited collaboratively.

### 27.3.2 GENERAL LEGAL

- A. **Legal:** Government employees do have the right under the First Amendment to the Constitution of the United States to speak on matters of public concern; typically, these are matters concerning government policies that are of interest to the public at large, rather than matters which are of interest only to the employee. It has long been recognized that public employers may regulate employee speech, whether that speech is on duty or off duty, when that speech does not touch on matters of public concern. Online comments that could be reasonably expected to cause a disruption in the efficient functioning of the agency or diminish the confidence of the public in the agency have resulted in government employee termination under Florida and Federal law.
- B. **Expectation of Privacy:** Employees accessing social media sites from the Department computers forfeit any expectation of privacy with regard to anything published or

maintained through file-sharing software or on any Internet site (e.g., Facebook, LinkedIn, Instagram). All messages and attachments (e.g., photographs, videos, documents) transmitted, received, or accessed over any Department network systems are considered Department records and, therefore, are the property of the Department. The Department reserves the right to access, audit and disclose all messages, regardless of reason, including attachments, that have been transmitted, received or accessed through any Department system or device, or any such information placed into any Department storage area or device. This includes records of all key-strokes or web-browsing history made on any Department computer or over any Department network system. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through a Department computer or network system.

- C. **Safety:** Employees should carefully consider the implications of their speech or any other form of expression when using any communication medium; including the Internet. Speech and expression that may potentially impact the South Miami Police Department employees' safety, such as posting personal information in a public forum, may compromise an employee's home address or family ties. Employees shall therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety or privacy of any employee, their family and/or associates.

### **27.3.3 OFFICIAL DEPARTMENTAL USE**

- A. **Social Media:** The South Miami Police Department will utilize different public social media sources to inform the public of its activities and public safety issues facing the community. Social media sources, specifically FACEBOOK and TWITTER, are two tools which can enhance efforts by the Department to give the public it serves timely information on public safety issues and crime prevention tips. All social media sites or pages shall be approved by the Chief of Police, or his/her designee. Employees are prohibited from using agency computers, agency cell phones, or devices to participate in SMPD social media or social networking, unless authorized to do so by the Chief of Police or his/her designee. [CFA 32.05 B]
- B. **Selection of Social Media:** The decision of which social media to use to further with the public it serves and carryout the mission of the Department will belong to the Chief of Police as coordinated with the City Manager. The priority will be to use those media that

most efficiently reaches the public served by the Department.

- C. **Control and Maintenance of Social Media Sites:** Information released to the public through these social media sites will remain the responsibility of the Chief of Police. The actual account manager of the departmental FACEBOOK and Twitter accounts will be the Communications Manager under the supervision of the Chief of Police, who serves as the Public Information Officer (PIO). The Communications Manager (CM) will be solely responsible for creating the information for public dissemination and ensuring that the information is consistent with the direction of the Chief, the mission of the Department, and Florida law. Employees shall not use personally owned devices to manage SMPD social media activities. [CFA32.05(A)]
  
- D. **Public Records:** Social media content shall adhere to laws, regulations, ordinances, and all applicable Departmental rules. All content posted on Department social media venues are subject to applicable records retention and public records laws.
  
- E. **Disclaimers:** Social media sites shall state that opinions expressed by visitors do not reflect the opinions of the South Miami Police Department. The sites shall advise visitors that all content is subject to public disclosure and the Department shall monitor and reserves the right to remove comments deemed inappropriate or obscene.
  
- F. **Sanctioned Use:** [CFA 32.05 B]
  - 1. Authorized Informational Uses:
    - a. Missing or Wanted Person
    - b. Gang activity
    - c. Crime Stoppers / Gun Bounty / Community Outreach
    - d. Crime prevention tips
    - e. Employment Opportunities
    - f. Other investigative or miscellaneous information
  
  - 2. Time sensitive notifications:
    - a. Road closures
    - b. Special events
    - c. Weather emergencies
    - d. Endangered Persons (Amber Alerts)
  
- G. **Conduct:** [CFA 32.05 B]

1. Department personnel representing the Department via social media shall:
  - a. Conduct themselves at all times as representatives of the Department and shall adhere to all Department rules governing conduct.
  - b. Identify themselves as a member of the Department when engaging the public or visitors.
  - c. Observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.
  - d. Only use authorized computer(s) and/or mobile devices.

#### **27.3.4 PERSONAL USE**

- A. Department employees occupy a trusted position in the community and this organization. Employee statements on social media may have the potential to contravene the policies and performance of the Department. Due to the sensitive nature of police work and influence associated with the law enforcement profession, it is necessary that employees be subject to reasonable limitations on their speech, both on and off-duty (when expressing themselves as an identifiable or identified themselves in the past as an employee of the city). To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual employee's rights with the Department's legitimate interests.
- B. Members are prohibited from using any agency or personal electronic device(s) to post or blog/Vlog on any personal social media site or website while on-duty or performing any employment activity unless authorized by the Chief of Police or his designee. [CFA 32.05C]
- C. Employees are free to express themselves as private citizens as long as their speech does not impede the mission of the Department, impact the performance of duties of the employee or fellow officer, or compromise the public perception of the Department.
- D. As public employees, Department personnel are reminded that all speech is subject to reasonable restrictions. Whether on or off-duty, speech related to official duties and responsibilities is not always protected under the First Amendment. Therefore, some

speech posted by employees on social media may lead to administrative action against the employee. Employees should assume that speech on social media reflects on their profession and the Department.

- E. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment such as; names and identities of undercover officers, information about on-going investigations, information of subjects arrested by the department, information of victims or witnesses, pictures or videos of scenes or work activities, sensitive or confidential information, any non-factual information regarding any employment activity or personnel. [CFA 32.05 D]
- F. For safety and security reasons, Department personnel are cautioned not to disclose their employment with the Department, nor shall they disclose the identity of other Department employees without their permission.
- G. When using social media, content posted becomes part of the World Wide Web, and therefore employees must be mindful of what they post. Employees shall conduct themselves accordingly and are prohibited from the following:
  - 1. Speech containing explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, religion, sexual orientation, or any other protected class of individuals.
  - 2. Speech involving themselves or other Department personnel reflecting behavior that would be considered reckless or irresponsible.
  - 3. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in a court proceeding.
  - 4. Department personnel should expect that any information created, transmitted, exchanged, or discussed on any public online venue may be accessed by the Department at any time without notice.
  - 5. Department personnel shall not display Department or city logos, seals, badges, patches, uniforms, or similar identifying items on any social media format without the approval of the Chief of Police as these items are protected official images and symbols of the City of South Miami (except, posting of photographs to celebrate or commemorate personal accomplishments or

achievements within the Department, such as promotions and awards or other sanctioned ceremonies).

6. Any employee having knowledge regarding web pages or social media in violation of this policy shall report the violation(s) to his/her immediate supervisor.
7. Unless specifically authorized by the Chief of Police, or his/her designee, employees may not represent the South Miami Police Department or identify themselves in any way as being affiliated with the Department, by appearing in any commercial, motion picture, film, video, public broadcast or on any website for the purpose of advertising/endorsing a product, lobbying, or for supporting, opposing, contradicting any political campaign, initiative, social issue, cause, or religion.

### **27.3.5 PROHIBITED CONDUCT**

- A. To ensure the Department's safety, mission, and public-trust, the following is prohibited:
  1. Speech or expression that could compromise or damage the mission, function, reputation or professionalism of the South Miami Police Department or its employees.
  2. Speech or expression that is significantly linked or related to the South Miami Police Department that and tends to compromise or damage the mission, function, or the professional reputation of the South Miami Police Department or its employees.
  3. Speech or expression that could reasonably be interpreted to create a negative impact on the credibility of employees as witnesses (e.g., posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior).
  4. Speech or expression that could reasonably be interpreted to have a negative impact on the safety of Department employees (e.g., a statement on a blog/vlog that provides specific details as to how and when prisoner transports are made, which could reasonably be characterized as potentially jeopardizing

employees safety by informing criminals of details that could facilitate an escape).

5. Speech or expression that is contrary to the Law Enforcement Code of Ethics as adopted by the South Miami Police Department.
6. Use or disclosure, through any means, of information, photographs, videos or other recordings obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the expressed authorization of the Chief of Police, or his/her designee, or any other act that would constitute a misuse of public information in violation of Florida law.
7. Posting, transmitting or disseminating any photographs, videos or other recordings, likenesses or images of Department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the South Miami Police Department on any personal or social network site, other website, or web page in any manner which is defamatory, obscene, unlawful or interferes with the operations of the Department.
8. Failing to take reasonable and prompt action to remove any content that is in violation of this policy from any web page or website maintained by the employee or to which the employee has access and/or control (e.g., social or personal website).
9. Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or Department owned, for personal purposes while on-duty, except in the following circumstances:
  - a. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours).
  - b. During authorized breaks; however, such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

- B. Any violation(s) of this policy may result in disciplinary action up to and including termination.

#### **27.3.6 PRELIMINARY REVIEW BOARD**

- A. The purpose of this board is to conduct a preliminary review of allegations regarding any violations of this policy prior to the complaint being formally processed by Internal Affairs.
- B. The board will evaluate if the allegation is in fact a potential violation of policy or if it infringes on the employee's constitutional rights. The board will make a recommendation to the Chief of Police based on its evaluation whether to proceed with an investigation.
- C. The preliminary review board shall be composed of three members selected by the Chief of Police or his/her designee.
- D. The preliminary review board shall convene within ten (10) days of the department's receipt of the complaint.
- E. The preliminary board shall submit written recommendations to the Chief of Police within five (5) days of receipt of the complaint.