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Effective Date: February 2018	Revision Date: February 2018
Amends/Supersedes:	Approved by: Chief Kevin Higdon
Meets Accreditation Standard:	20.5

Section 900.70 Social Media

POLICY

It is the policy of the Shively Police Department (SPD) to maintain departmental social media website accounts (e.g. Facebook, www.shivelyky.gov/police) for the purposes of citizen engagement and victim/witness contact. The SPD restricts the use of departmental resources for accessing social media website(s) to official business purposes only. The SPD restricts some content of personal social media website account(s) relating to, or as a result of, the member's employment with the SPD.

PURPOSE

The purpose of this policy is to inform members of the acceptable use of departmental and personal social media website accounts and their contents.

FIRST AMENDMENT CONSIDERATIONS

The United States Supreme Court case of *Garcetti v. Ceballos* (2006) has held that speech made by public employees pursuant to their official duties is not protected by the First Amendment from employer discipline. Members should be cognizant of the fact they are responsible, and may be held accountable, for any and all speech, posts, etc. made by them relating to, or as a result of, their employment. Members who are speaking as private citizens on their personal social media website account(s) and address a matter of public concern are protected under the First Amendment. Matters of public concern include speech that addresses an issue of political, social or other concern to the community. The United States Supreme Court case of *Connick v. Myers* (1983) has held that speech made by public employees which affects the efficient operation of the department may not be protected by the First Amendment from employer discipline.

DEPARTMENTAL SOCIAL MEDIA ACCOUNTS

The Public Relations Officer is responsible for administering all departmental social media website accounts and coordinating with SPD divisions/sections/units regarding any social media website account that the division/section/unit wishes to utilize for informational purposes or victim/witness contact. Departmental social media website accounts will adhere to the following:

- Accounts will clearly indicate that they are maintained by the department and have departmental contact information prominently displayed.
- Accounts will clearly state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
- Pages will clearly indicate posted comments are monitored and the department reserves the right to remove obscenities, off-topic comments and personal attacks.
- Members shall observe and abide by all copyright, trademark and service mark restrictions while posting content or making comments.
- Accounts will clearly state they are not monitored 24/7 and visitors to the page should not attempt to communicate emergency or time-sensitive information.

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- America's Missing: Broadcast Emergency Response (AMBER) Alerts.
- Golden Alerts.
- Neighborhood-specific crime and safety information
- SPD contact information
- Educational information (e.g. public safety tips, law enforcement initiatives, etc.)
- Local events/volunteer opportunities

VICTIM/WITNESS CONTACT

Since social media website accounts (e.g. Facebook, Twitter, Instagram, YouTube, etc.) may be vulnerable to security intrusions, officers should attempt to use conventional methods to contact victims/witnesses (e.g. in person, phone, mail, departmental email, etc.). When conventional methods have been exhausted, an officer may use a departmentally-approved social media website account to initiate victim/witness contact through the website's private messaging application. An officer should never attempt to contact a victim/witness through an open messaging post. The officer must clearly state who they are and that they are a member of the SPD upon initial contact.

MEMBER RESPONSIBILITIES

Members are prohibited from posting, transmitting and/or disseminating any photographs, video images, audio files, text documents, logos, badges, emblems, uniforms or any other material that specifically identifies the SPD on any personal social media website (e.g. Facebook, Twitter, Instagram, YouTube, etc.) without written permission from the Chief of Police. Photographs of the inside of police facilities or of any SPD-involved crime or accident scene shall not be posted to any personal social media website. Departmental or personal cell phones or other personal cameras shall not be used to photograph/videotape crime or accident scenes, suspects, arrestees, evidence or any other official departmental activity. Exceptions must be approved by the Chief of Police or his designee.

Members who have a personal social media website account(s) shall not identify themselves as a member of the SPD and not allow photographs of themselves in uniform on their personal social media website account(s). Members shall not identify another member as an employee of the SPD on any social media website(s). Any exception to this requirement (e.g. member participated in a community event or received an award) requires the permission of the Assistant Chief of Police his/her designee. Members are reminded to exercise good judgment and demonstrate personal accountability when choosing to participate in social media websites. Use of these types of sites while on-duty is restricted to official departmental business only. Restrictions include the use of personal computers, cell phones/smartphones or other electronic devices. Members should be aware that comments, postings or any other activities on a social media website may be subpoenaed, or otherwise scrutinized, in legal proceedings in order to either establish the member's character or discredit the member. Members should be aware privacy settings on social media sites are constantly in flux. Therefore, members should never assume personal information posted on such sites is protected.

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In addition, members who participate in social media websites are prohibited from:

- Posting the identities of deceased members prior to the official release by the department.
- Posting the identities of victims, suspects or witnesses.
- Posting confidential or law enforcement sensitive information. Members shall treat all departmental business as confidential.
- Posting content or making comments:
 - Regarding the guilt or innocence of suspects/arrestees in cases involving the SPD, where the member is involved or where such information would reveal non-public information, would violate confidentiality provisions of law or departmental policy, would impact ongoing investigations or would otherwise impact the efficient operations of the SPD.
 - Regarding pending, or ongoing, investigations involving the SPD, where the member is involved or where such information would reveal non-public information, would violate confidentiality provisions of law or departmental policy, would impact ongoing investigations or would otherwise impact the efficient operations of the SPD.
 - Regarding pending or current prosecutions where the SPD is an involved agency, where the member is involved or where such information would reveal non-public information, would violate confidentiality provisions of law or departmental policy, would impact ongoing investigations or would otherwise impact the efficient operations of the SPD.
 - Regarding pending or current civil cases where the SPD, or a SPD member, is an involved party or where such information would reveal non-public information, would violate confidentiality provisions of law or departmental policy, would impact ongoing investigations or would otherwise impact the efficient operations of the SPD.
 - That include information gained by reason of their authority.
 - That advocate harassment, threats of violence or similar conduct.
 - That may be considered to represent the views of the SPD or City of Shively Government.
 - That may hinder, or prejudice, a court case.
 - That violate any law or departmental policy.
 - That suggest the member is engaged in behavior that is unlawful or reckless toward public safety.
 - That express ridicule, bias, disrespect or prejudice against any individual or protected class, or maligns and disparages any individual or protected class (e.g. actual or perceived race, ethnicity/national origin, immigration status, language fluency, gender, gender identity/expression, sexual orientation, religion, socio-economic status, housing status, occupation, disability, age, politics or other similar personal characteristics).
 - That can be reasonably construed as condoning the violation of another person's civil rights.
- Posting any images, videos or other media that:
 - Were obtained during the course of the member's employment with the SPD (e.g. Mobile Video System, Wearable Video System);
 - Were obtained by reason of the member's position or authority; or
 - Are the property of the SPD.

The SPD allows the use of professional social media website(s) (e.g. LinkedIn) in order to allow easier communication in a professional context with other practitioners, professional groups and related community members. The use of professional social media website(s) representing the member professionally as an employee of the SPD (including photographs) requires the approval of the Assistant Chief of Police, or his/her designee.