

Use of Social Media

319.1 VERSION

Review Date	Effective Date	Approving Authority
09/09/2020	07/09/18	Eric D. English, Chief of Police

319.2 POLICY AND PURPOSE

The Harrisonburg Police Department will use social media as a method of effectively informing the public about department services, issues, investigations, recruitment and other relevant events.

The Harrisonburg Police Department endorses the secure use of social media to enhance communication, collaboration, information exchange, streamline processes and foster productivity. This policy establishes the Department's position on the utility and management of social media and provides guidance on its management, administration and oversight. This policy is not meant to address one particular form of social media; rather social media in general as advances in technology will occur and new tools will emerge.

Department employees enjoy free speech rights but such rights are subject to certain limitations due to the nature of law enforcement work. It is the policy of the Harrisonburg Police Department to regulate social media activity that may adversely impact the overall Department, its employees and its mission. As such, this policy provides information of a precautionary nature, as well as prohibitions on the use of social media by Department personnel.

319.3 ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil 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. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

319.4 DEFINITIONS

Comment - a verbal or written remark expressing an opinion or reaction. In the context of social media, a comment can include text, photos, memes, emojis, likes, etc.

Page - The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrative rights.

Post - Content an individual shares on a social media site or the act of publishing content on a site.

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services to include any expressions.

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319.5 DEPARTMENT MANAGED SOCIAL MEDIA

319.5.1 AUTHORIZED USERS

Only employees authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized employees shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a Public Information Officer (PIO) and/or supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

319.5.2 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

319.5.3 INCIDENT-SPECIFIC USE

In instances where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

319.5.4 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

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- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Harrisonburg Police Department or its employees.
- (e) Any information that could compromise the safety and security of department operations, employees of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any employee who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal, if deemed inappropriate, from public view and investigate the cause of the entry.

319.5.5 PROCEDURE

- (a) Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website. Efforts should be made to link the pages to the Department's official website. Where possible social media pages should state that the opinions expressed by visitors do not reflect the opinions of the Department.
- (b) The Department's social networking pages are available for any comment on topics relevant to the business of the Department or in response to a posting. The comments may be positive or negative, praise or criticize. There are several advantages to social media networking to include community outreach and communication and establishing a forum for interested people to share comments and criticisms with the Department so that members may learn about real or perceived shortcomings and respond appropriately either by disseminating correct information, offering an explanation or changing its actions and reporting the change.
- (c) The Public Information Officer shall maintain and monitor the Department's social networking accounts.
 1. The Public Information Officer will manage all applications in compliance with established City policies and protocols.
 2. No application will be initiated or run in the name of the Department without the written consent of the Chief of Police. No employee will post material on behalf of the Department without the expressed written consent of the Chief of Police.
 3. Requests by Divisions or Units to utilize "social media" as a formal communications tool must be submitted in writing to the supervisor and then forwarded for approval to the Public Information Officer for submission..
 4. Requests to develop project or program specific uses for any social media tools should be directed to the supervisor, whom will then forward to the Public Information Officer
- (d) The Public Information Officer shall routinely review the accounts on a daily basis during the work week, as well as employ account settings and establish alerts

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regarding newly posted comments. The Public Information Officer shall remove comments from the site if they are deemed inappropriate or as directed by the Public Information Supervisor.

1. Comments and images that attack or insult an individual or group to include (but not limited to) name-calling, profanity, obscenity, defamation or remarks disparaging people on the basis of race, gender, sexual orientation, disability or national origin, will be removed from the Department's sites.
 2. The Public Information Officer shall remove inappropriate comments from the webpage as soon as they are discovered. If feasible, the Public Information Officer shall document by screen capture, remove the comment, log the date, time, fan and comment for future reference. If a particular fan repeatedly posts inappropriate comments, the Public Information Officer shall disqualify that fan from membership.
 3. Social media content shall adhere to all applicable laws, regulations and policies including all information technology and records management policies.
 4. Social media content is subject to public records laws. Relevant records retention schedules apply to social media. Content must be managed, stored and retrieved to comply with open records laws and e-discovery laws and policies.
- (e) Department personnel representing the Department via social media outlets shall identify themselves as a member of the Department and shall adhere to all department policies.
- (f) Pages shall clearly indicate that posted comments will be monitored and that the Harrisonburg Police Department reserves the right to remove such content.
- (g) Harrisonburg Police Department personnel representing the Harrisonburg Police Department via social media outlets shall:
1. Except where officially sanctioned by the Chief of Police (department managed sites), identify themselves as an employee of the Harrisonburg Police Department and shall adhere to all existing federal, state, and local laws policies, standards of conduct, and procedures of the City of Harrisonburg and the Harrisonburg Police Department, laws regarding public information on arrests, investigations, and personnel data, and shall observe conventionally accepted protocols and proper decorum.
 2. Under no circumstances, make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions.
 3. Not post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to Harrisonburg Police Department training, activities, or work-related assignments without the permission of the Chief of Police or his/her designee.
 4. Not conduct political activities or private business.
 5. Not endorse any product or service without the prior written permission of the Chief of Police or his/her designee.

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- (h) The Chief of Police shall designate personnel to manage the Department's social media. The designee is authorized to access such media from personally owned devices.
- (i) Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

319.5.6 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of original content by the public. This does not prohibit community members from commenting on the department's social media posts.

See the City of Harrisonburg policy for further assistance: http://citycentral.harrisonburgva.gov/sites/default/files/it/files/Social_Media_Policy_-_signed.pdf

319.5.7 RETENTION OF RECORDS

The City of Harrisonburg Information Technology Department uses Archive Social, which will grab all of the posts, comments, data immediately and keeps them permanently.

319.5.8 TRAINING

Authorized employees should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

319.6 PERSONAL SOCIAL MEDIA USE

319.6.1 PERSONAL USE

- (a) Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not negatively affect the public perception of the Harrisonburg Police Department.
- (b) No photographs, facsimiles, drawings or other depictions of the Harrisonburg Police Department uniforms, badges, patches, seals, police vehicles/equipment or anything else that might visually represent the Department shall be used or published in a manner that would tend to bring discredit to the Department or any City employee.
- (c) As public employees, all personnel are cautioned that speech/posts on or off duty, made pursuant to their official duties is not protected under the First Amendment and may form the basis for discipline up to termination if deemed detrimental to the Department. Personnel should assume that their speech and related activity will reflect upon the Department.
- (d) Department employees should be aware that privacy settings and social media sites are in constant flux. Employees should never assume that personal information posted on such sites is protected.
- (e) This policy supplements the directives for employee conduct contained in all other Department general orders and provides guidance for employees in applying those

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standards to the content of their online postings. The following rules apply when publishing content online:

1. Employees shall not post confidential, sensitive or copyrighted information to which they have access due to employment with the City, to include data from an ongoing investigation such as (but not limited to) photographs, video or audio recordings, information regarding use of force incidents, internal affairs investigations or pending prosecutions.
2. Employees shall not post 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.
3. Employees shall not post content that contains material inappropriate for public viewing such as (but not limited to) content that promotes illegal activity, violates the rights of any person or entity or threatens the safety of any person or entity.
4. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department employees thus sanctioned are subject to discipline up to and including termination.
5. Content posted has the potential to be shared broadly, including to people with whom employees did not intend to communicate, and may be subpoenaed by opposing counsel if it is relevant to a lawsuit related to an employee's official duties. Employees shall keep in mind that all content may be printed and re-distributed outside of the original recipient group.
6. Employees are prohibited from updating/posting to any social media or social networking platform from a department-owned device while on duty, (except while on an approved break or meal period), unless written or verbal permission is granted for investigative or public information purposes.

319.6.2 ISSUES OF GENERAL OR PUBLIC CONCERN

- (a) Employees may comment on issues of general or public concern, as opposed to personal grievances, including (but not limited to) local issues and criticism of local officials and policies, so long as the comments do not disrupt the workplace, interfere with important working relationships or efficient workflow, or undermine public confidence in the employee or Department. These instances shall be judged on a case-by-case basis, as necessary.
- (b) The employee shall adhere to the following guidelines provided to assist in determining if content is appropriate:
 1. Matters of public concern are Department matters of interest to the community as a whole, whether for social, political or other reasons.
 2. Virginia Code §15.2-1512.4 permits employees to express opinions on matters of public concern to state or local elected officials regardless of the impact on the workplace.

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3. Examples of local issues of general concern include the budget, spending priorities, any question scheduled for public hearing, illegal discrimination, official corruption, official impropriety, malfeasance on the part of the government, misuse or waste of public funds, fraud, abuse or gross mismanagement, inefficiency in managing and operating government agencies, violation of law, local elections and/or public safety.
4. Examples of state or national issues of general or public concern include election campaigns, elected officials, legislation, national security, budgets, foreign policy and/or any topic of broad public interest and debate
5. Examples of personal grievances include disciplinary action, work schedule, morale and complaints about supervisors or co-workers that do not involve actual wrongdoing, illegal discrimination, corruption or waste. These comments may subject an employee to disciplinary action if they constitute insubordination or otherwise violate general rules of code of conduct.