


<b>BISMARCK POLICE DEPARTMENT</b>	<b>General Order 2606</b>
<b>SOCIAL MEDIA</b> INTERNET SITES INTERNET SITES	 Approved:
	Revision Date: 02-18-2014
	CALEA STANDARDS 1.1.2, 26.1.1, 82.1.1

## **POLICY**

The Bismarck Police Department endorses the secure use of social media to enhance communication, collaboration, information exchange and effectiveness of investigations. The Department further recognizes that social media tools play a role in the personal and professional lives of the employees of the Department.

Department employees must be credible, unbiased and impartial enough that they can credibly testify in courts of law. Indeed, an officer or employee's credibility and impartiality is essential to his/her ability to perform his/her sworn or assigned duties. The compelling governmental purpose of this policy is to preserve and protect that essential integrity and the faith and trust of the citizens of Bismarck. This policy is unconcerned with content of an employee's social media communications so long as Departmental operations, confidentialities and functions are not adversely impacted, and so long as employees can participate credibly as witnesses in courts of law and in sworn hearings. Employees are advised and cautioned that the indiscreet use of social media, including personal use, may have a negative impact on their career, professional wellbeing and credibility in court.

## **PURPOSE**

To establish the Department's position on the utility, management, administration, and oversight of social media. This policy is not meant to address one particular form of social media, rather social media in general, to allow for new tools and future technologies.

## **DEFINITIONS**

1. Avatar: An image or username that represents a person or group online within forums and social networks.
2. Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term "blog" is short for Web Log.
3. Chat: Interaction on a social media platform with a number of people, adding text items one after another into the same space occurring in real time.

4. Content: Any text, picture, video or other meaningful material located on the internet.
5. Forum: Also known as a message board, a forum is an online discussion site.
6. Instant Messaging: Instant messaging (IM) is a form of real-time direct text-based communication between two or more people.
7. Page: With regard to social media, the term “page” is used to define the specific portion of a social media website where content is displayed and managed by an individual or individuals with administrative rights.
8. Post: Content an individual shares with a social media site or the act of publishing content on a site.
9. Profile: Information that a user provides about him/herself on a social networking site.
10. Social Media: Internet-based resources that integrate user-generated content and user participation, including but not limited to: social networking sites (Facebook, MySpace), micro-blogging sites (Twitter), photo and video-sharing sites (YouTube, Flickr), wikis (Wikipedia), and blogs and news sites.
11. Social Networks: Online platforms where users can create profiles, share information and socialize with others using a range of technologies.
12. Speech: Expression or communication of thoughts or opinions including, but not limited to: spoken words, writing, expressive conduct, symbolism, photographs and video.

## **PROCEDURE**

### **1. Social Media Uses**

- A. Social media is a valuable investigative tool when seeking evidence or information about:
  - 1) missing persons;
  - 2) wanted persons;
  - 3) gang participation;
  - 4) crimes perpetrated online, and;
  - 5) photos or videos of a crime posted by a participant or observer.
- B. Social media can be used for community outreach and engagement by:
  - 1) providing crime prevention tips;
  - 2) offering online-reporting opportunities;
  - 3) sharing crime maps and data, and;
  - 4) soliciting tips about unsolved crimes.
- C. Social media can be used to make time-sensitive notifications related to:

- 1) road closures;
- 2) special events;
- 3) weather emergencies;
- 4) missing or endangered persons.

D. Social media can be used when conducting background investigations as follows:

- 1) The department has an interest to include Internet-based content that is publicly accessible when conducting background investigation of job candidates;
- 2) Searches should be conducted by a non-decision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers;
- 3) Persons authorized to search Internet-based content should be deemed as holding a sensitive position;
- 4) Vetting techniques shall be applied uniformly to all candidates; and,
- 5) Every effort must be made to validate Internet-based information considered during the hiring process.

E. Social media may be used in other areas, but not limited to:

- 1) recruiting;
- 2) advertising employment opportunities;
- 3) publicizing volunteer positions; and
- 4) offering training opportunities.

## 2. Department Sanctioned Presence on social media.

- A. Where possible, each Department created social media page shall include an introductory statement clearly specifying the purpose and scope of the agency's presence on the website.
- B. Where possible, the page(s) should link to the Department's official website.
- C. Department related social media sites or pages shall be approved by the Chief, or designee. Social media pages shall be administered by the Support Services Section/Crime Prevention Sergeant. Any changes or suggestions to the social media sites shall be routed through the Support Services Section/Crime Prevention Sergeant.
- D. Where possible, social media pages shall clearly indicate they are maintained by the Department and have Department contact information prominently displayed.
- E. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology, records management, Department, and City policies. Content is subject to public open records laws. Relevant records retention schedules apply to social media content. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.

- F. Where possible, social media pages should display or link to the City of Bismarck webpage and to the City of Bismarck “Report a Concern” form in order for viewers to leave comments or concerns.
  - G. Where possible social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department. Pages shall clearly indicate that the posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks. Pages shall clearly indicate that the content posted or submitted for posting is subject to public disclosure.
3. Department Sanctioned Use – Department personnel representing the Department via social media outlets shall:
- A. Conduct themselves at all times as representatives of the Department and adhere to all Department standards of conduct.
  - B. Identify themselves as a member of the Department unless conducting an investigation under Section 4 of this order.
  - C. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information.
  - D. Not conduct political activities or private business.
  - E. Observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.
4. Investigative Uses
- A. The Bismarck Police Department recognizes the value of social media with regard to investigative lead development, suspect identification, covert operations and case development. Members of the Department requiring access to various social media sites as part of their official duties must request approval through their chain of command to their respective Division Deputy Chief.
  - B. An officer desiring to pursue investigative information through the interactive use of social media (as opposed to merely browsing or researching) is required to notify his/her direct supervisor of the intention and the expected benefits of pursuing the lead through social media resources before utilizing social media.
  - C. Official Department information may only be disseminated by the Public Information Officer, Chief of Police, or designee.
5. Personal Use – Department personnel shall abide by the following precautions and prohibitions when using social media:

- A. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of the Department for which loyalty and confidentiality are important, impede the performance of duties, or negatively impact the public perception of the Department.
- B. As public employees, Department personnel are cautioned that speech, on or off-duty, made pursuant to their official duties is not protected under the First Amendment and may form the basis for discipline if deemed detrimental to the Department. Department personnel should assume their speech and related activity on social media sites reflects upon their office and this Department. Any speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible is prohibited.
- C. Per General Order 2601.1.A.24 "Employees shall treat official business of the department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended and in accordance with established departmental procedures." Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Chief, or designee. This includes, but is not limited to the following:
  - 1) Photographs, videos or other depictions (avatar) of Department marked or unmarked police vehicles or other markings identifying the Department
  - 2) Photographs, videos or other depictions of the inside of police buildings
  - 3) Photographs, videos or other depictions of crime or accident scenes
  - 4) Photographs, videos or other depictions of Departmental training, activities or work-related assignments
  - 5) Information concerning crimes, accidents or violations of ordinances
  - 6) Photographs, videos or other depictions of Department computers, servers, switchboards, phones, MDCs, or radios.
- D. Department personnel may not display logos, uniforms, badges or similar identifying items on personal web pages. This does not include the display of such items when associated with a public service type event or in memory of a fallen officer. If an employee is unsure whether the display of such items is acceptable, approval shall be obtained from the Chief of Police or designee.
- E. When using social media, Department personnel should be mindful that their speech and posted information becomes part of the worldwide electronic domain indefinitely, even when original postings are deleted by the poster. Caution should be used in the type of information published on social media venues so as not to unduly jeopardize the safety and security of the employee, the employee's family or that of fellow employees within the Department. Consent must be obtained from any affected employee before posting any information, to include photos and video regarding that employee. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal information. Adherence to the Department's Code of Conduct, Ethics and Sexual Harassment Policy are required in the personal use of social media.

- F. Department personnel should be aware that speech containing obscene or sexually explicit language, images, or acts and statements that ridicule, malign, disparage, or otherwise express bias against any race, religion, sexual orientation, or protected class of individuals is prohibited and may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings.
- G. Department personnel may not divulge information gained because of their authority; make any statements, speeches, endorsements, or publish materials that could reasonably be considered to represent the views of the Department without express authorization.
- H. Department personnel should be aware that they may be subject to civil litigation for the following:
  - 1) Publishing or posting false information that harms the reputation of another person, group, or organization;
  - 2) Publishing or posting private facts and personal information about someone without their permission, which 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, trademarks, or certain confidential business information without the permission of the owner.
- I. Department personnel should expect any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Department at any time.
- J. Department personnel should be aware that privacy and security settings found on social media sites are constantly changing; therefore, employees should never assume that personal information posted on such sites is, or will remain, protected.
- K. Any employee becoming aware of, or having knowledge of, a posting on any website, webpage or social media tool in violation of these provisions, is required to notify a supervisor immediately.
- L. Engaging in any of the prohibited behaviors may provide grounds for impeaching an officer's testimony in a criminal or civil proceeding. As such, employees subject to any judicial sanctions as a result of behavior associated with social media are also subject to discipline by the Department.
- M. Violations of this directive on Social Media may subject employees to discipline up to and including termination.