



Florida State University Police Department



Social Media – Department Management and Member Utilization

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Policy

Department Social Media

The Florida State University Police Department endorses the department controlled use of social media to enhance communication, collaboration, and information exchange. Social media provides a valuable means of assisting the Department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives.

The purpose of this policy is to establish procedures on the utility and management of social media and provides guidance on its 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. This policy is also intended to provide department members with guidance and prohibitions as it pertains to personal use of social media while on and off-duty.

It shall be the policy of the Florida State University Police Department to establish procedures for the utilization, management, administration and oversight of the use of social media. This policy shall provide department members with guidance regarding prohibited use of social networks. As technology continually changes; the absence of, or explicit reference to, a specific social media or social network does not limit the extent of the application of this policy.

Procedure

A. Department Managed Social Media and Use

1. All department social media sites, social networks, blogs or wiki pages shall be approved by the Chief of Police and shall be administered and maintained by the Deputy Chief, or other designated member as determined by the Chief or Deputy Chief. [CFA 32.05A]
2. Social media pages, to include the designated department web site and other social media pages, shall clearly indicate that they are maintained by the department and shall have department contact information displayed.
3. Where possible, social media pages in which the department participates should state the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
4. Department administered social media pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove any comment for any reason. Pages

shall clearly indicate that any comments posted, or submitted for posting, are subject to public disclosure and criminal investigation, if applicable.

5. Members representing the department, via department-owned social media outlets shall conduct themselves at all times as representatives of the department and shall adhere to all applicable policies and procedures.
6. Members shall observe and abide by all copyright, trademark, and service mark restrictions.
7. Members shall comply with the General Order titled "Media Relations and Public Information" when disseminating information through social media.
8. Social media content is public record as defined in Florida Statutes Chapter 119, and thus subject to the exemptions identified in FS 119 and retention according to State of Florida Records Retention Schedules. Members who administer and/or utilize department social media shall ensure that no exempt information or documents are released and that social media content is retained for the required time period.
9. Members shall not use speech that ridicules, maligns, disparages, or otherwise expresses bias against any person or persons upon race, creed, gender, age, disability, sexual orientation, religion, social or citizenship status or any protected class under federal laws.
10. Members shall **not** utilize department managed social media outlets to: [32.05B]
 - a. Comment about the guilt or innocence of any suspect or arrestee; or
 - b. Post, transmit, or otherwise disseminate information classified as confidential, including but not limited to: photographs or videos related to certain department training, activities, or work-related assignments, unless approved by the Chief of Police or Deputy Chief; or
 - c. Conduct political activities, endorse private businesses or specific commercial products, unless approved by the Chief of Police or Deputy Chief.
 - d. Use personally owned devices to manage the department's social media activities, unless approved by the Chief or Deputy Chief.
11. While on duty, members are authorized to utilize department devices, sites and other social media in the performance of their duties, including community outreach, problem-solving, investigative tool, crime prevention, public notifications and related objectives. [32.05B]

B. Department Member Personal Utilization of Social Media

1. Department members are free to express themselves as private citizens while utilizing social media to the degree that their speech does not impair working relationships of this department, compromise confidentiality, impede the performance of duties, impair discipline or the good order of the department, or negatively affect the public's perception of the department or the member.
2. As public employees, department members are cautioned that speech on or off-duty, made pursuant to their official duties (i.e. exist because of the employee's professional duties and responsibilities), is generally not protected speech under the First Amendment of the United States Constitution (*U.S Supreme Court, Garcetti v. Ceballos*). Employees should be cognizant of the fact that they are responsible for, and may be held accountable for any and all speech, posts, etc. made by them relating to, or as a result of, their employment.

3. Grievances and/or negative comments on the internal operations of the department, or specific conduct of department members, that may impact the public perception of the department, is not protected First Amendment speech.
4. Members should expect any information created, transmitted, downloaded, exchanged, or discussed on a social media or social networking site or platform may be accessed by the Department.
5. Any personal use of Department computers, Department communications equipment, or personal devices to participate in social media while on duty shall be kept to a minimum and shall not interfere with job duties or Department operations. The personal use of devices can be restricted at any time by a supervisor. [32.05 C]

C. Department Member Prohibited Personal Utilization of Social Media

1. When using social media, department members shall be mindful that their speech becomes part of the public domain. Therefore, adherence to the department's policies and procedures is required in the personal use of social media. In particular, department personnel are prohibited from the following:
 - a. Members shall not use social media to create, comment, disclose, post, transmit, or otherwise disseminate any confidential or non-transitory information gained by reason of their employment with this department or sensitive law enforcement access, including photographs, video and audio, related to department criminal or internal investigations, department training, department activities or department related assignments, without approval or prior authorization of the Chief, or designee. [CFA 32.05D]
2. Members shall adhere to the department Canon of Ethics, ensuring to keep private life unsullied and as an example to all, and shall not utilize social media to create, comment, disclose, post, transmit, or otherwise disseminate any information or data that reflects a lack of good moral character, undermines the department's relationship with the community or has the potential to cause an adverse effect to the operation, morale, good order, reputation, public's perception, productivity and/or efficiency of the department, or violates any provisions of the General Order titled "Standards of Conduct".
 - a. Members shall not use social media to create, comment, disclose, post, transmit, or otherwise disseminate any information which ridicules, mocks, derides, disparages, or otherwise expresses bias against any department member, race, sex, religion, gender, sexual orientation, or any protected class of individuals.
 - b. Department members assigned to undercover operations shall not post any form of visual or personal identification which may compromise department, or other department operations.
 - c. Department members shall not use social media depicting the department uniform, badge, patch or other department graphic mark or emblem, in any manner that reflects a lack of good moral character, or may negatively affect the public's perception of the department, or violates any provisions of the General Order titled "Standards of Conduct".
 - d. Members shall not send, read, or view text messages, e-mail messages or utilize any functionality of a smart phone (e.g. internet searches, use of other applications, etc.) outside of verbal telephone communication while operating a department-owned vehicle which is in motion. This includes communicating through social media. This does not apply to passengers.

D. Recommended Social Media Precautions

1. When using social media, department members shall be mindful that their speech becomes part of the public domain. Social Media is utilized by private citizens, public officials, government, businesses, law enforcement officers, media, defense attorneys, criminals, etc. Information created, commented, disclosed, posted, transmitted, or otherwise disseminated utilizing social media may be used in the hiring/promotional process, in an internal affairs investigation, by the media, or by a defense attorney at trial. Content posted utilizing social media has been used to disqualify candidates, discipline employees, and impeach officer testimony. Therefore, adherence to the department policies and procedures is required in the on and off-duty use of social media.
2. Department members should be aware that they may be subject to civil litigation or criminal prosecution for:
 - a. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - b. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, which is not a legitimate public concern, and would be offensive to a reasonable person;
 - c. Using someone else's name, likeness, or other personal attributes without that person's permission;
 - d. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
3. Department members should be aware that privacy settings and social media security features are constantly in flux, and should never assume that personal information which is disclosed, posted, transmitted, or otherwise disseminated utilizing social media is protected and private.

Related Case Law:

Garcetti v. Ceballas (U.S. Supreme Court, 2006) - speech made by public employees pursuant to their official duties are not protected by the First Amendment from employer discipline.

Glossary

Blog – A self-published diary or commentary on a particular topic that may allow visitors to post responses, reaction or comments. The term is short for “Web log”.

Mobile Social Networking – Social networking and texting using a mobile phone, computer or other cellular based device.

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 the act of publishing content on a site.

Profile – Information that a user provides about himself or herself on a social networking site, which identifies or tends to identify personal and/or biographical information.

Social Media – A category of Internet-based and/or cellular based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, Google+), on-line internet based information sharing (Twitter, Skype, YouTube, Craigslist, etc.) and cellular

data exchange networks (cellular phone texting, Blackberry Messenger, Mobile Data Computers, etc.), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks – Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

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

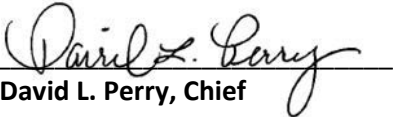
Transitory Messages – Messages created primarily to communicate information of short-term value. Examples of transitory messages include, but are not limited to reminders to members about scheduled meetings or appointments; most telephone messages; department announcements of department-sponsored events such as lectures, workshops, etc.

Valid Law Enforcement Purpose – Community outreach initiatives along with information and intelligence gathering for retention or sharing that furthers the normal functions of the Department that include, but are not limited to: detection of crime, protecting the community, promoting officer safety, enforcing the law and ordinances and supporting homeland security efforts.

Wiki - Web page(s) that can be edited collaboratively.

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