

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

**Police Departments' Implementation of
Social Media Policies**

**A Leadership White Paper
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ABSTRACT

Social Media is a major part of most people's lives. It has become more popular over the years and continues to flourish through the palms of hands around the world. What people posts on social media can be a good conversation starter at the dinner table or even at their place of employment? Police administrators and supervisors should be aware of what is being shared on social media. These Tweets, Posts, Snapchats, Instagram posts, Facebook posts and other forms of social media communications could have a general negative affect on police agencies and how the public views them. These are just a few of the questions and problems that will be addressed in this paper.

Police departments should have a social media policy for all law enforcement employees due to some potential issues that may arise. Major concerns for law enforcement and social media include the revelation of sensitive information, sexually explicit communications, defamatory material, communications derogatory of, or offensive to protected classes of individuals, social media communications, and impeachment of police witnesses (IACP, 2010).

Police departments are hiring more and more millennials each day. Administration needs to keep up with the impact that social media has on these officers and the community who views these posts. Law enforcement agencies should create and implement social media usage policies to maintain order and scrutinize officers and employees use of these types of media communications, while keeping the employees right to free speech in mind. The basis of this policy and its implementation will protect the agency from discredit and negative media attention, as well as the employee.

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INTRODUCTION

Police departments should implement a social media policy for law enforcement employees. All police agencies need to have a social media policy governing the use of the many forms of communication available. Social media and its variety of formats have exploded over the last 14 years. Facts in support of this position can be found throughout media sources and publications. In 2013, Kemp wrote, "It can be summed up in one word, mobile...smartphone penetration has soared as if the devices have become more affordable and the wireless networks more ubiquitous and faster" (p. 1).

Statistics showed that of the 7.2 billion people occupying the earth, there are over 3 billion active internet users (Kemp, 2013). Two thirds of those internet users represent the population that has social media accounts. In addition, over 3.5 billion people represent those who have access by way of smart phones and tablets (Kemp, 2013). These numbers point to the fact that social media use is continuing to grow and thrive and with these numbers, problems with social media and professionalism will only continue to escalate.

The implementation of a policy should help better control and/or supervise what is being posted on social media by law enforcement departments. There are various social media sites, such as Facebook, Twitter, YouTube, Snapchat, Instagram, LinkedIn, and Tumblr. Although some of these sites are more popular than others, they can all pose a potential threat to law enforcement if they are not used with due care.

The focus of this paper is to illuminate both on and off-duty activities conducted on social media by police officers and its relevance to safeguarding the reputation of

the officers and the agencies they represent. Goldsmith wrote “The private lives of police officers are becoming more public, posing risks to police integrity, effectiveness, and reputational standing” (2015, p. 1). Social media has become a regular part of most of the populations’ lives. The new generations of young police officers have grown up using computers and have extensive knowledge of social media.

Many new law enforcement officers fail to realize they’re being held at a higher standard and posting on social media platforms could affect them in a negative manner. This thought not only goes for just the law enforcement employees, but also for personnel related to law enforcement, such as dispatchers, records employees, jailers, and animal control officers. Merriam-Webster (n.d.) defines social media as “ forms of electronic communication (as Web sites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (as videos).” There have been a variety of legal, civil rights, and privacy-related issues that have developed over social media. The path that law enforcement chooses to take with the popular form of communication and the abilities it is capable of will be the direction that each individual law enforcement agency chooses through trial and error.

Unwanted litigation is possible if law enforcement employees are not careful with what they are posting on social media platforms. With a clear cut policy, training and proper enforcement, social media could become a successful resource to help in the constant evolution of law enforcement. This paper will assist in breaking down the dynamics of social media and help introduce the potential risks that law enforcement employees may encounter. The public’s perception on law enforcement is vital and if

not properly monitored, social media could have a negative effect.

POSITION

The public can utilize law enforcement personnel posts on Facebook and create a tainted misconception to not only desecrate the officer's reputation, but also the police department or organization. Police officers should be aware of some instances where other officers have lost their jobs due to social media. A report by Dupnack, stated that a Flint police officer was fired over a Facebook post following a murder in their city. The officers' online post stated, "Keep purging society of the maggots. 2 less welfare, food stamp people. Keep it up" (Dupnack, 2015, para 9).

Officer Robert Garceau was terminated due to a violation of their social media policy. Officer Garceau's attorney planned to file a lawsuit on the City of Flint due to wrongful termination following the Freedom of Speech Act (Dupnack, 2015, para 14). The case was set for trial in a Federal Court and as of publication date, had not yet been decided.

On September 24, 2018, a rookie Detroit Police Officer was fired over a snapchat photo. Sean Bostwick, who was a new recruit to the Detroit Police Department, was taken off the job after sending an offensive message on Snapchat. The comment referred to Detroit residents as "zoo animals" ("Detroit officer fired," 2018, para 2). This is another example as to why the implementation of a social media policy is important. The citizens of Detroit were offended by the social media post and action was taken by Police Chief James Craig. Police Chief James Craig fired Officer Bostwick as a result of his Snapchat photo.

Another example from the Detroit Police Department comes from an article

written on February 27, 2019. Officer Steele shared a video on social media stopping a female for an expired license plate tag. The article goes on to read that Officer Steele shared a video after stopping Ariel Moore for expired license plates. Officer Steele then took a video using his mobile smart phone and posted it on a popular social media platform called, "Snapchat". The video showed Ariel Moore walking with a caption that included verbal comments such as "Bye Felicia" and "walk of shame" (Booth, 2019, para 5). Officer Steele was fired by Police Chief James Craig over the Snapchat video. It should also be noted that Ms. Moore was walking in the cold weather alone at night after Officer Steele towed her vehicle for having expired registration.

The International Association of Chiefs of Police conducted a survey in the fall of 2015 regarding law enforcements use of social media. The survey collected data from departments nationwide regarding current policies and practices. 533 law enforcement agencies across 44 states participated in the survey. The survey showed that over 96% of people indicated some use of social media, and approximately 88% used it for criminal investigations. The most frequently used social media platforms are Facebook 94%, Twitter 71%, and YouTube 40%. It was interesting to learn that 73% of responding agencies not currently using social media are considering its adoption. Upon further review it appears that more agencies are adopting some kind of social media policy because 77% of agencies surveyed have a social media policy and an additional 11% are in the process of drafting a policy. Social media can also aid as being a helpful tool for law enforcement. The survey showed about 85% of agencies report that social media has helped solve crimes in

their jurisdiction. Social media also helps with community events and can be used as a public relation type platform. Over 83% of agencies state that social media has improved police-community relations in their jurisdiction (IACP, 2015, para 2).

The aforementioned survey shows that a majority of law enforcement agencies currently have a social media policy and those that do not are in the process of implementing one. These numbers suggest that police agencies across the country have recognized that social media is not going away and is something that should be addressed. The survey also suggests a steady growth and evidence of adaption and evolving. "Law enforcement professionals throughout the U.S. are increasingly turning to modern technology, including social media, to aid in carrying out their public safety mission, with a primary goal of preventing and investigating crime" ("Social media use," 2014 pg. 2).

The article goes on to say that the amount of time and duration a department will use social media is sure to climb in the future; however, not many agencies have developed the necessary policy to protect itself. ("Social media use," 2014). The use of social media to help solve crimes can become very complex. The creativity with this topic has no limit. With the creation of evolving media and the growth of the internet use, especially with social media, the success a department has with utilizing social media to solve crime and make a difference in the community has yet to be written or proven.

COUNTER POSITION

Social media started out as an avenue to express one's self while being protected under the Constitution of the United States and the First Amendment.

Freedom of speech is a right guaranteed by the U.S. Constitution that cannot be infringed upon. The framers of the constitution did not anticipate the birth of the internet and all the information that is readily available, whether it is fact or fiction. Some questions may arise such as who is responsible for the possible legal actions that could follow certain posts.

Case law has set forth limitations for speech in reference to public safety. These include "false speech." Also, speech that impacts the safety of citizens should be considered (Paulson, 2011, para 5). Social media posts by employees of public service agencies often cite the First Amendment as a reason that their communication or conduct was privileged. The First Amendment rights set forth to protect the employee depends on whether the statements shared on social media were made during the employee's official capacity. IACP (2010) states that "If the statements were made in an official capacity, the employee's speech is generally not protected by the First Amendment" (p. 2).

As the U.S. Supreme Court has noted, for many years the rule has been that "a public employee had no right to object to conditions placed upon the terms of employment— including those which restricted the exercise of constitutional rights" (IACP, 2010). Case law states that there are certain limitations that government entities can place on their own personnel and that person must adhere to those limitations. Policy helps set the standard for order that is demanded by a well-structured organization. An employee's freedom of speech depends a lot on whether or not the agency has written policies about certain email use, making personal phone calls, using the department issued phones and on and off duty social media usage. It is

difficult to enforce and discipline for behavior that is deemed to be a violation of general conduct or breaching the agencies' code of ethics, etc., if there is not a policy that restricts these types of actions. The benefits of social media have grown to become more and more helpful and can have a positive impact on the community (Albrecht, 2015).

Some law enforcement agencies are able to quickly disseminate information to the public using social media. In some larger cities, citizens rely on local law enforcement to keep them posted on crime and other major events happening in their towns by using some sort of social media platform. Police Departments also use social media to gather important intelligence relating to significant events. Tactically speaking, departments have found benefits utilizing social media to gather information about threats of mob violence, riots, or isolated criminal activity during otherwise lawful mass demonstrations.

Sixty-seven percent of law enforcement professionals surveyed believe social media helps solve crimes more quickly ("Social media use," 2014). Various law enforcement agencies are currently using social media as a tool to assist in apprehending child predators and criminals throughout the world. While the general public uses social media to share their lives with their friends, family and followers, law enforcement has been effectively fighting crime and constantly figuring out more tactics for future arrests and investigations. Online predators are being investigated using social media platforms. Police Officers are posing as young vulnerable participants who work with law enforcement agencies, aiding in the arrests of possible future sex offenders. This method was used on a popular TV series, "To

Catch a Predator” (“How Police Investigators,” 2012).

With regard to social media, officer safety needs to be considered by both the individual and the department. Officers need to be aware about what information is requested on various social media platforms. For example, a site may ask to list a physical address, phone number, and other personal information about a person that could create a target of attack to a criminal or even allow a person who dislikes police in general to locate the officer and/or their families in order to cause harm. The police officer is not usually thinking about what effects an arrest can have on certain individual’s lives, family, or career. These arrests can cause grief to the suspects who have made some wrong choices in life. The person who lost it all may not care about the officer’s life and may cause harm. Social media can lend a catalyst to the persons seeking to cause harm to the officer. One thing to note, however, is that Facebook has an option to keep personal information private.

RECOMMENDATION

Social media has become the pinnacle communication of society, especially for the younger group, i.e. the millennial generation. It is time that officers and departments focus on what will happen and not pretend that social media is not an issue. Social media is an ever-changing format that follows the trends and modernization of technology. It is the profession’s job to help “keep up” with this explosion of technology and aid everyday operations. A social media policy should be implemented for all police department employees. A clear policy should be implemented and officers should be disciplined when the set policy is violated.

It is recommended that police departments introduce training pertaining to

social media and how important a clear cut understanding of what is expected from the department. The instructor should have a solid understanding about the topic and complete thorough research to present to the employees. There should be no questions about what is expected, leaving no room for argument or open discussion.

Police agencies should remind their employees that they are being held at a higher standard by the general public and should be cautious with what information they share on social media. With proper training, structure and policy implementation, social media can be a valuable tool to help improve and enhance criminal arrests and police operations in general. Neglecting the importance of implementing a social media policy can lead to unwanted legal repercussion or uninvited litigation.

It is further recommended that police departments should adopt a social media policy. An example of one is what the Friendswood Texas Police department currently has in place: "Employees should exercise good judgment when using online social media. Employees should be aware that the content of social networking sites can be subpoenaed and used in criminal and civil proceedings to impeach and discredit the employee's testimony and character" (Friendswood Police, 2013, para 1).

It is much better to be proactive as a department, to protect from liabilities, and be transparent to officers who are held responsible for such actions. A department can do itself a favor by including a comprehensive policy. The Friendswood Police Department policy is an example of a policy that takes into considerations all the concerns this paper addresses. The actual policy is attached to this report (See Appendix A). In closing, a comprehensive policy can keep an agency and its officers from inadvertently violating law and public trust. The goal of any law enforcement

agency is to gain public trust; however with the advent of the internet, it can be easily lost.

REFERENCES

- Albrecht, S. (2015, July). *The hazards of social media*. Retrieved from http://www.hendonpub.com/resources/article_archive/results/details?id=5429
- Booth, D. (2019, February 27). *Detroit police officer fired for racially insensitive Snapchat video*. Retrieved from <https://www.freep.com/story/news/local/michigan/detroit/2019/02/27/detroit-police-officer-fired-rationally-insensitive-snapchat-video/3005411002/>
- Detroit officer fired over 'zoo animals' post on Snapchat. (2018, September 24). Retrieved from <https://www.kxan.com/news/national-news/detroit-officer-fired-over-zoo-animals-post-on-snapchat/1471906736>
- Dupnack, J. (2015, August 20). *Flint police officer fired over Facebook post*. Retrieved from <http://www.abc12.com/home/headlines/Flint-Police-Officer-fired-over-Facebook-post-322445551.html>
- Duverge, G. (2012, October 9). Social media: please keep it to yourself. *Campus times newspaper - Campbellsville University*. Retrieved from <https://cucampustimes.wordpress.com/>
- Friendswood Police Department. (2013, September 10). *Social Media Policy 1-19.1/1-19.2*. Friendswood, TX: Author.
- Goldsmith, A. (2015, May). Disgracebook policing: Social media and the rise of police indiscretion. *Policing & Society*, 25(3), 249-267.
- IACP. (2010, September). *Social media – Concepts and issues paper*. Retrieved from <http://www.iacpsocialmedia.org/wp-content/uploads/2017/01/social-media-paper-1.pdf>

IACP. (2015). *Social media survey results – law enforcement cyber center*. Retrieved from <http://www.iacpsocialmedia.org/wp-content/uploads/2017/01/FULL-2015-Social-Media-Survey-Results.compressed.pdf>

Kemp, S. (2013, February). *Digital, social, and mobile worldwide. We are Social*. Retrieved from <https://wearesocial.com/us/blog/2013/02/social-digital-mobile-worldwide-2>

Paulson, K. (2011, December 1). *Not many exceptions to free-speech guarantee*. Retrieved from <https://capcityfreepress.blogspot.com/2011/12/ken-paulson-not-many-exceptions-to-free.html>

Social media. (n.d.). In *Merriam-Webster Online*. Retrieved from <https://www.merriam-webster.com/dictionary/social%20media>

Social media use in law enforcement: crime prevention and investigate activities continue to drive usage. (2014, November). Retrieved from <https://www.slideshare.net/socialmediadna/lexis-nexis-social-media-use-in-law-enforcement-crime-prevention-and-investigative-activities-2014>

APPENDIX

A.

Reference N/A

Distribution All

I.

Subject SOCIAL MEDIA

Special Instructions Replaces All Others

Re-evaluation Date

Issuing Authority Chief Robert B. Wieners

January 24, 2013 1-19 Effective Date Number

No. Pages 2

II.

III.

It is important that each employee of the Friendswood Police Department accept his or her role as representatives of the department, striving to maintain public trust and confidence, not only in their professional actions, but also in their personal. By virtue of our position, we are held to a higher standard than general members of the public, and our online activities should reflect sound professional judgment and standards. Sworn and non-sworn employees of the Friendswood Police Department shall not use any form of social media in any way so as to tarnish the Friendswood Police Department's reputation. Any online activity taken that detracts from the mission of the department; or reflects negatively on our official position within the Friendswood Police Department, will be viewed as a direct violation of this policy.

PURPOSE

The purpose of this policy is to outline expectations of employees with respect to their use of social media and the direct effect such use has upon the reputation and perception of the Friendswood Police Department.

DEFINITIONS

A. Social Media: a variety of online sources that allow people to communicate, share information, thoughts, photos, videos, audio and exchange text and other multimedia files with others via some form of online or cellular network platform. Examples of current social media forums include but are not limited to: Twitter, Facebook, My Space, You Tube, Instagram, Linked In, Foursquare, Usenet groups, online forums, online message and bulletin boards, blogs and other similarly developed formats.

POLICY

1-19.1

IV .

B. Employee: all sworn and non-sworn personnel employed by the Friendswood Police Department.

PROCEDURES

- A. Employees should exercise good judgment when using online social media.
- B. Employees should be aware that the content of social networking sites can be subpoenaed and used in criminal and civil proceedings to impeach and discredit the employee's testimony and character.
- C. Any individual who can be identified as an employee of the Friendswood Police Department and participates in social media forums is subject to all pertinent City of Friendswood, Friendswood Police Department policies, rules, regulations, local, state and federal laws regarding public information on arrests, investigations, police operations and personal data.

- D. Employees are responsible for the content of their messages and postings on or to the social media forum.
- E. Postings, comments, messages, photos, videos, audio and exchange text or other multimedia files by employees involving offensive or unethical content are strictly prohibited. Under no circumstances should your participation in social media forums be profane, offensive, or that tend to denigrate citizens of any particular gender, race, nationality ethnic or religious group or person.
- F. Employees shall not represent that they are speaking or acting on behalf of the Friendswood Police Department or City of Friendswood.

1-19.2