

**The Bill Blackwood
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Policy for Limiting Social Media Use

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ABSTRACT

Law enforcement should make sure their officers are not using social media to harm themselves, violate the integrity of the profession, or bring a bad light to the local government that law enforcement serves. Law enforcement agencies should develop a policy that will limit the use of social media in order to protect the officers and the community. The policy should not be to prevent law enforcement from using social media, but instead should be to protect the officer and the agency. Law enforcement officers have posted online material that may cause danger to themselves or their families. Some law enforcement officers have posted online images or stories that have brought into question their integrity, caused cases to be dismissed from court, or in some cases, to be relieved of duty. Limiting the use of social media or other online activities can increase work productivity, create safer actions while at work, and provide a safer environment for the citizens of the community that law enforcement serves. Without a policy that will limit the use of social media, law enforcement agencies are not providing the best service to the community, thus posing a danger to the community and not upholding the ethical obligation to law enforcement.

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INTRODUCTION

Social media is a form of electronic communication in which users can create online communities to share information and other views ("Social media," 2017). Everyone has a voice with social media and is using that voice for good or bad. There are one billion Facebook users in the United States alone ("Facebook users....," 2017). This statistic has grown since 2009, which was at 400 million users (Hadley & Chambers, 2011). Facebook is not the only social media site that can be used by the general public. Social media sites such as Twitter, LinkedIn, Wikipedia, and many other sites are used to express opinions. With this many people using Facebook, there are numerous users who use social media to voice their opinion to portray law enforcement in a bad light and or to cause harm to law enforcement. Over the last few years with incidents, such as the shooting of Michael Brown, the dislike or hatred of law enforcement has become a subculture. Because of this culture, law enforcement needs to make sure their officers are not using social media to harm themselves, violate the integrity of the profession, or bring a bad light to the local government they serve. Law enforcement agencies must ensure that the employees are using social media in an appropriate manner, and limiting what employees post on social media should be a major concern (Humble Police Department, 2015).

Law enforcement agencies should implement a policy that will limit an officer's use of social media. This policy will help ensure that officers are following the code of ethics, reducing hazards to themselves, their family, and other officers. The officer will ensure that the wishes of the local government are met, along with reducing possible court cases being dismissed. This policy should be implemented to reduce possible

lawsuits to the department and/or officers. The policy should forbid any information that is sensitive to law enforcement, such as photos and written reports from being shared on any social media site (Humble Police Department, 2015). When developing the policy that will limit the use of any and all social media, one should not forget the code of ethics that states: "I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency" (Code of Ethics, n.d.). The department should not implement a policy that will forbid officer's from using social media, but instead they should limit the officer's use of social media.

POSITION

With the introduction of social media, the threat to law enforcement officers has increased to an unexpected level (Waters, 2012). Law enforcement officers should adhere to the dangers that posting information on online can cause. As the field of law enforcement becomes increasingly more treacherous, officers refuse to adhere to these dangers. Therefore, it becomes the responsibility of the law enforcement agencies to protect the people that work for them. With a policy that does not allow officers to give their occupation or any pictures in uniform, law enforcement agencies can help prevent officers from bringing the dangers they face on a daily basis home to their families.

Officers should understand that with the information that can be obtained through social media, their families can be in danger and they may not be present to protect them, including pictures of family and pictures in uniform. In the past, officers have been informed on how to help keep personal information from online exposure. Law enforcement officers should make themselves aware of the information that can be portrayed about them on a post with minimal consequences (Waters, 2012). Law

enforcement officers should pay attention to who they are friending. They should consider several factors when friending someone, such as whether they know the person and whether the person could become a safety issue for themselves, their family, or other law enforcement officers.

Before commenting on other user's post, officers should consider whether who sees the post may be a danger to them or their families (International Association of Chiefs of Police, 2010). Persons from all over have access to social media and will use social media to have overnight fame or use social media to glorify their platform. With the percentage of users rising from 400 million in 2009 (Hadley & Chambers, 2011) to over one billion in the first quarter of 2017 ("Facebook users...", 2017), law enforcement officers need to be aware of the inherent danger that being on line can cause.

With their personal information online, they can also be victims of identity theft. Law enforcement officers have fallen prey to criminals using social media. One law enforcement officer's social media account was used to gather information on police procedures, which placed the entire law enforcement agency in danger (International Association of Chiefs of Police, 2010). Although officers are continuously trained in many facets of law enforcement that have given them the ability to save lives, they tend to neglect the growing dangers that social media has created.

Law enforcement agencies should also implement in the policy that social media should not be used during work hours due to a lack of productivity and problems that occur while being distracted from the job. Studies have shown that businesses have observed that 53% of the workforce will lose up to one hour of productivity during an eight-hour work day ("I can't get...", 2011). This percentage will add up to at least five

hours a week of lost time or productivity. The studies show that businesses are losing over \$10,000 dollars per year due to the decrease in productivity caused by the use of social media and or other forms of electronic distractions. Social media has become so common that many people are using social media to communicate rather than talking to other members of their work environment ("I can't get...", 2011).

With the statistics given, social media use at work is becoming a major issue of employees getting their work done. Law enforcement agencies do not generate the financial portion of the lost productivity, but if a law enforcement officer is devoting at least five hours a week to social media, the loss of officer productivity could cause crime statistics to rise. Like a business, a law enforcement agencies have a goal to obtain at the end of the day or year. This goal may not be reached if officers are losing time due to social media use on the job.

During today's age of technology, some of the law enforcement officers are using their social media accounts while they are driving from one incident to another. Law enforcement agencies should consider the legal and financial ramifications if a law enforcement officer using a social media device while driving to a call is involved in a major accident in which someone is killed or seriously injured (Albrecht, 2015). The reaction time of driver's decrease when they are distracted by some task other than driving (Svetina, 2016). Law enforcement officers already have other avenues to communicate with each other during a shift and should not need the use of social media during this time.

A law enforcement agency should implement a policy limiting officers' use of social media so that the law enforcement officers can retain the code of ethics and

credibility in society. Law enforcement is one of the oldest professions in the world that has evolved over time and must continue to stay progressive with every new generation. Law enforcement has followed a code of ethics for generations, which means more today than ever before. The law enforcement code of ethics should be followed by every law enforcement officer, but unfortunately, society has influenced some officers to stray from their ethics. Social media plays a role in moving law enforcement officers from their ethics which could lead to other issues. The law enforcement code of ethics is a mantra for law enforcement officers to live by. The code uses words such as “I will keep my private life unsullied” (Code of Ethics, n.d.), which speaks to the ethics one must maintain as a law enforcement officer. Law enforcement officers should know that the badge they wear is observed by the public as a symbol of faith, and they should remain true to the ethics of law enforcement service. Law enforcement officers should never let personal feelings or political beliefs to influence them in their life (Code of Ethics, n.d.).

With the climate of social interaction in today’s society, law enforcement officers should remember the code of ethics to help them in their use of social media. A law enforcement officer does not always have to give their opinion on social media for all the world to see. The law enforcement code of ethics should be enough to govern law enforcement officers in their use of social media, but this is not always the case. A law enforcement officer’s use of social media can discredit that officer or the entire organization.

COUNTER ARGUMENTS

The First Amendment of the United States Constitution is a document that guarantees citizens the freedom of expression and will not allow the United States Congress to restrict the press or the right for a person to speak freely. Many officers may try and use this as a position that a law enforcement agency should not have a policy that will limit the use of social media. Law enforcement officers will argue that they have the freedoms given to them to share, like, or post anything they desire on social media.

One issue is whether the United States Constitution gives citizens the freedom of expression and right to free speech while at work. Many employees of law enforcement believe they can post anything they want without consequence due to their First Amendment rights, this statement is not true if a law enforcement agency has a policy that will limit the use of social media (Albrecht, 2015). In *San Diego vs Roe* (2004), a law enforcement officer was found to have an account that would sell items for adults only. The law enforcement officer was reprimanded and advised not to do such activities again. The law enforcement officer did not sell anymore items of questionable ethical nature, but left his online profile picture as one of him in his law enforcement agency uniform. The law enforcement officer was later terminated due to the infraction with his profile picture. The law enforcement officer filed a federal lawsuit. The courts ruled that law enforcement officers do not have to forfeit all rights granted under the First Amendment because of the nature of their job, but did say that a government employer can restrict the speech of the employees that would be unconstitutional to non- government employees (*San Diego v. Roe*, 2004). Other court cases have also

decided that employees of a government agency do not have to give up their constitutional rights to free speech, and they may comment on issues political or social in nature (*Pickering v. Board of Education*, 1968; *Connick v Myers*, 1983).

These court cases, however, did not give the explicit right for law enforcement officers to post or view any material on social media just because of the First Amendment. A law enforcement officer does not have the expressed consent with the First Amendment to post about job related activities (Schmidt, 2010). Law enforcement learned in federal court case *Griffiths v. Rose* (2011) that it is equally important for a law enforcement agency to have a policy that will specifically limit the use of department issued equipment not to be used by employees while at work or during off duty. The employee, Griffith, was fired for viewing pornographic material with a department issued computer (as cited in Hadley & Chamber, 2011). Griffith was fired after an internal investigation found the pornographic material on his department issued computer. Griffith later filed a lawsuit alleging privacy because he was in his home at the time he viewed pornographic material and used his own internet connection. The courts held that since the business had a policy that clearly stated what could be monitored with issued equipment the case would be dismissed. Having the policy in reference to what could be viewed and that the equipment would be monitored by the employer was the basis for the federal court decision (Hadley & Chambers, 2011).

Along with the rights given under the First Amendment, law enforcement officers may argue that they should not have to adhere to a policy when off duty. The courts have ruled that employees can comment or post information that may have religious, political, or social materials (*Connick v Myers*, 1983). A law enforcement officer may

argue that this gives the right to post material on social media that is not job related or specific to the interest of the law enforcement activity (Schmidt, 2010).

In New York, a law enforcement officer had a Myspace account in which he used an obscure view of how law enforcement officer should conduct their duties (Dwyer, 2009). On his Myspace account, he posted that he was feeling “devious”. After making this post, the law enforcement officer arrested a male, who was on parole for a burglary conviction, for carrying a loaded 9mm handgun. The defense attorney for the arrested male checked the arresting officer’s social media page and observed the “devious” statement. He also located another post about watching *Training Day*, a movie about a corrupt officer, for training on proper police procedures. When the defendant went to trial, the defense attorney submitted these social media posts, and the case was dismissed (Dwyer, 2009).

In another incident, two hospital employees posted a picture of a seriously ill person who later died. The photo was observed by other hospital staff and reported to administrators (Hadley & Chambers, 2011). Although this is not a law enforcement setting, the concept of social media regulation still applies. In Bozeman, Montana, a law enforcement officer resigned after a post about being able to arrest people for being stupid came to the forefront (Donlon-Cotton, 2010a). That social media post caused a male to file a civil and constitutional lawsuit based on the Facebook post. The male had previously been arrested and alleged that he was wrongfully arrested because the law enforcement officer had lost his respect for citizens and that he had abused his position of authority (Donlon-Cotton, 2010a). An officer’s credibility is key to their success, possibility of promotion, and how their future court cases will proceed. If this type of

information is what an officer is putting on social media, they may lose a case and even worse their credibility.

In St. Petersburg, Florida a police officer posted his opinion on gang members on social media (Matkin, 2017). The officer disguised his identity by using an alias name, but had his photo in uniform on his page. He made several comments on social media as to how gang members should be placed in prison for life or killed. This information was in a social media thread in which several people discussed the growing problem of gang activity in St. Petersburg Florida. After the police department was forwarded the social media post the officer was terminated for conduct unbecoming of an officer (Matkin, 2017).

RECOMMENDATION

With the growing use of social media, law enforcement agencies should implement a policy that will limit an officer's use of social media. Many law enforcement agencies have been informed how social media can help their agencies, and while there is no reason why social media should not play a role in any law enforcement agency, it should be used responsibly. Many people in today's society use social media for many different reasons, such as reading the news and keeping up to date with the latest social and political issues. The time has come for all law enforcement agencies to implement a social media policy that will limit a law enforcement officers' use of social media.

The idea behind this policy is not to prevent law enforcement officers from using social media, but rather to limit that use to avoid the pitfalls of social media (Hadley & Chambers, 2011). Law enforcement agencies' goal should be to help law enforcement

officers realize the dangers of social media for them and their family, how the use of social media at work can affect their performance, and how using social media can go against the ethical code that all law enforcement officer should follow. The law enforcement agency should have guidelines within the policy that will prevent using a picture in uniform as the profile picture for any social media outlet and not allowing employees to have information that they are employed at the law enforcement agency. The policy should also be extremely specific not to allow the use of social media while at work. Consequences for these actions should be taken seriously because of the issues that social media may cause the law enforcement agency. A law enforcement agency should not and cannot limit the rights given to people under the 1st Amendment, but they can limit the location social media and law enforcement agency related material shared on social media. Not only is adopting a social media policy for a law enforcement agency a good idea, but eventually a policy will be required by any law enforcement agency attempting to have a state accreditation (Donlon-Cotton, 2010b). The limiting of social media use will only enhance the law enforcement agency, the community served, and guide officers how to remain safe in all aspects of life.

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