

SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 96.8

SOCIAL MEDIA POLICY

ISSUED APRIL 2013

The purpose of this order is to establish standards of conduct for the use of social media for all employees of the Santa Clara Police Department. This policy establishes the Department's position on the management of employees' use of social media and provides guidance on its management, administration, and oversight. The Department endorses the secure use of social media to enhance communication, collaboration, and information exchange.

Professionalism, ethics, and integrity are of paramount importance to our Department. Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under the law. It is the intent of this policy to clarify the standards of conduct as it pertains to the use of social media. Employees shall follow the standards set forth in this policy whether on or off duty.

96.8.1 Policy

1. Social media provides a valuable means of assisting the Department and its employees with community outreach, problem-solving, investigations, crime prevention and other related objectives. Employees shall recognize the role that social media plays in their personal lives as well as its effect on their professional lives. Each employee shall be subject to the code of conduct when they interact on social media whether personally or professionally. This policy provides information of a cautionary nature as well as prohibitions on the use of social media by Department employees.
2. The Chief of Police will designate the Social Media Manager, who will be responsible for managing the Department's social media program. He/she will monitor trends, applications in social media tools, including Facebook, Twitter, and other similar social media sites.

3. Definitions:

- a. **Blog:** A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.
 - b. **Page:** The specific portion of a social media website where content is displayed, managed by an individual with administrator's rights.
 - c. **Post:** Content an individual shares on a social media site or act of publishing content on a site.
 - d. **Profile:** Information that a user provides about himself or herself on a site.
 - e. **Social Media:** A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites.
 - f. **Social Networks:** Online platform where users can create profiles, share information, and socialize with others using a range of technologies.
 - g. **Speech:** Expression or communication of thoughts or opinions in spoken words, in writing, or by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
4. The Department's official website at www.scpd.org is the primary means of communication via the Internet. The Department's social media sites shall link back to the official website for forms, documents, online services, and other information necessary to conduct business with the Department.
 5. No person shall establish a social media site on behalf of the Department without the approval of the Chief of Police or his designee. The Social Media Manager or designee will maintain a list of the Department's social media sites. The Social Media Manager or designee establishing and maintaining a social media site shall comply with this policy and the **Terms of Use** set forth by social media sites.
 6. Pursuant to requirements of the service provider, Department social media sites may contain content, including but not limited to, advertisements and hyperlinks over which the Department has no control. The Department does not endorse any hyperlink or advertisement or content therein placed on the Department's social media sites by the social media site's service provider, owners, vendors, or partners.

7. The Social Media Manager or designee shall designate a person from IT for support on all social media sites used by the Department. IT will have no authority to post any content.
8. The Social Media Manager or designee shall not express his or her own personal views or concerns on any of the Department's social media sites. He/she shall conduct him/herself at all times as a professional representative of the Department and accordance with all Department policies, and all applicable laws.
9. The Social Media Manager or designee accessing any social media site shall comply with all applicable City and Department policies pertaining to communications and the use of the Internet by employees, including email content.
10. The Social Media Manager or designee shall not make statements of innocence or guilt of any suspect or arrestee, nor post comments concerning pending prosecutions. The Social Media Manager or designee shall not post, transmit, or otherwise disseminate confidential or proprietary information, including photographs or videos, related to Department training, activities, or work-related assignments without the express permission from the Chief of Police or designee.
11. The Social Media Manager or designee shall not conduct any political activities or private business on Department social media sites.
12. The Social Media Manager or designee shall abide by all copyright, trademark and service mark restrictions in posting materials.
13. Social media sites or pages shall be approved by the Chief of Police or designee. The social media pages shall indicate they are maintained by the Department and shall have Department contact information displayed.
14. Social media content shall adhere to applicable laws, regulations, and policies including Records Management policies. Content is subject to public records laws and relevant records retention schedules apply to social media. Content must be managed, stored, and retrieved to comply with public records laws.

96.8.2 Employee Personal Use of Social Media Cautions and Prohibitions

Barring state law or binding employment contracts, Department employee shall abide by the following when using social media for their private, non-professional use:

1. Department employees are free to express themselves as private citizens on social media sites to the degree that their speech does not negatively

impact the Department or compromise confidentiality of Department sensitive information or violate any provision of the employee's Code of Conduct as defined by Gen. Order 26.3 or any other applicable order or policy. The employee understands that loyalty and confidentiality are imperative and breach of loyalty or confidentiality subjects the employee to discipline.

2. Employees shall not post, transmit, or otherwise disseminate any information to which they have sole access as a result of their employment without permission from the Chief of Police or designee.
3. Employees are allowed access to the Department's social media sites during their work hours and other sites provided it is related to their job function. Employees shall not access social media sites for personal reasons except if they are on an authorized break.
4. For safety and security reasons, employees are only allowed to disclose their employment on professional websites for professional purposes only.
5. Employees shall not post personal photographs or provide similar means of personal recognition that may cause them to be identified as an employee of this Department. Officers who work in an undercover assignment shall not post any images of themselves in an undercover capacity.
6. Employees shall not knowingly post, cause to be posted or disseminate photographs, video files, audio files, or text documents that relate to Departmental activities. Examples of activities that shall not be posted include, but are not limited to:
 - a. Photographs
 - b. Crime scenes
 - c. Contraband
 - d. Prisoners and/or Arrestees
 - e. Police Reports
 - g. Photographs of sensitive areas inside the Santa Clara Police Department facilities
 - h. Audio files, video files, or transcription of any official statement or interview which represents the Santa Clara Police Department
7. Employees shall not knowingly post, cause to be posted or disseminate

photographs, video files, audio files or text documents depicting City of Santa Clara property, equipment, uniforms, emblems, or other Department members that would bring negative attention to the Department or to place the Department in a false light. Examples of files that shall not be posted include, but are not limited to:

- a. Employees posing with weapons
 - b. Employees posing with contraband
 - c. Violent, pornographic or discriminatory material
 - d. Politically charged or motivated material
 - e. Employees in uniform with identifiable badge or patch
8. Employees are cautioned that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Department's Code of Conduct [Gen. Order 26.3] is required in the personal use of social media. Employees are prohibited from the following:
- a. 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.
 - b. Speech involving themselves or other Department employees reflecting behavior that would be considered reckless or irresponsible.
9. Employees are prohibited from speech that may provide grounds for undermining or impeaching an officer's testimony in any court proceedings.
10. Employees are prohibited from divulging information gained by reason of authority; or make any statements, speeches, appearances, endorsements; or publish materials that could reasonably be considered to represent the views or position of the Department without permission from the Chief of Police or designee.
11. Employees should be aware that they may be subject to discipline and/or civil liability 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, is not of 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 for an exploitative purpose.
- d. Publishing the creative work of another, trademark, or certain confidential business information without the permission of the owner.

12. Employees should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information on such sites is protected.

13. Employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in public on-line forums may be accessed by the Department at any time without prior notice.

96.8.3 Reporting Violations

Any employee having firsthand knowledge of a posting or web page in violation of any provision in this policy shall notify their immediate supervisor.

96.8.4 The following **Terms of Use** and **Comment Policy** shall be prominently posted on all Department social media sites.

A. Terms of Use:

This is an official social media site of the Santa Clara Police Department. For more information about the Santa Clara Police Department please visit www.scpd.gov. This site is intended to serve as a mechanism for communication between the public and the Department on the listed topics and as a forum to further the mission of the Department. Any comment submitted to this page and its list of followers may be considered a public record which is subject to disclosure pursuant to the California Public Records Act. Public information requests must be directed to the City Clerk's Office.

B. Comment Policy

The following types of comments, information and material is not permitted on the Department's social media site and users are requested not to submit or post the following: items that are not topically related to the social media site, have obscene language or sexual content, threaten or defame any person or organization, violate the legal ownership interest of another party (copyright or trademark violations), promote a specific political candidate, advocate for or against passage of specific legislation, initiatives, referendums or other political advertisements, promote a specific religion or religious belief, promote illegal activity, or promote commercial services or products.

1. Comments submitted to this page are periodically monitored. Users have no right of privacy to any information submitted to or posted on the Department's social media site.
2. The Department reserves the right, at its sole discretion, to remove inappropriate content, including, but not limited to, those items listed above.
3. The Department is not responsible for and disclaims any and all responsibility and liability for any comments or materials posted by users of the Department's social media websites.
4. The Department reserves the right to implement or remove any functionality of its social media site, when deemed appropriate by the Chief of Police or designee. This includes, but is not limited to, blocking specific persons from submitting comments, tweets or replies, removing comments, turning off comments, removing information, articles, pictures, videos, or any other form of communication that is posted on the Department's social media site.