

CLINTON TOWNSHIP POLICE DEPARTMENT

RULES AND REGULATIONS/POLICIES AND PROCEDURES

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POLICY

As public officials, law enforcement employees are subject to continuous scrutiny by the public. In particular, attorneys, members of the media, and the public in general often review the statements that law enforcement employees post on social media as a means to: 1) learn more about employees' particular views, 2) impeach officers' credibility or the credibility of the agency as a whole, or 3) simply out of curiosity. And even if statements are posted anonymously, such posts could still be traced back to the employee and, by relation, the Clinton Township Police Department. Thus, whether employees are on duty or off duty, they shall conduct themselves in a manner that does not reflect poorly on the agency.

Further, employees are sometimes called upon by the Clinton Township Police Department to utilize social media on behalf of the agency, such as with the maintenance of the department's Facebook page. Therefore, all employees shall use department computers, applications, programs, internet resources, and communications in a responsible, professional, ethical, and lawful manner and, further, shall recognize that public statements may be imputed to the police department.

As a result, this general order is intended to: 1) guide employee off-duty conduct as a result of the use of social media and the impact that such use may have on the Clinton Township Police Department, and 2) guide Clinton Township Police Department employees when utilizing social media to engage the public on behalf of the department.

I. DEFINITIONS

- A. Blog—a self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “web log.”
- B. Chief Executive Officer—that person who is responsible to serve as the head of the police department. The Chief Executive Officer may be a civilian Police Director or a sworn officer such as the Chief of Police or Officer-In-Charge. “Officer” as used in “Chief Executive Officer” need not denote sworn status.
- C. Employee—everyone employed by the Clinton Township Police Department, whether sworn police officers, civilian employees, or appointed employees. Where appropriate, “employee” shall also include volunteers.

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- D. “Off duty”—the status of an officer when he or she is free from the performance of specified duties.
- E. “On duty”—the status of an officer during the time when he or she is actively engaged in the performance of his or her duties, though a police officer is subject to call at all times.
- F. Page—the specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.
- G. Post—content someone shares on social media or the act of publishing such content.
- H. Profile—information that a user provides about himself or herself on an internet site.
- I. Social Network or Social Media Site—a site that uses internet services to allow people to construct a public or semi-public profile with that system, define a list of other users with whom they share some connection, and view and access their list of connections and those made by others within that system. The type of network and its design vary from site to site. Examples of the types of internet based social networking sites include: blogs, networking sites, photo sharing, video sharing, micro-blogging, podcasts, including comments posted on those sites. The absence or lack of explicit reference to a specific site does not limit the extent of the application of this general order.

II. PERSONAL SPEECH

- A. On-duty or off-duty speech that owes its existence to employees’ professional duties is not protected speech under the First Amendment.
- B. Such speech may form the basis for discipline, civil penalties, or criminal penalties if deemed detrimental to the law enforcement mission, the image and reputation of the Clinton Township Police Department, or if contrary to law.
- C. In that light, employees shall be mindful that their internet “speech” becomes an indelible part of the worldwide electronic domain. As a result, adherence to all relevant laws, Attorney General Guidelines, and Clinton Township Police Department written directives is required even during personal use of social media.
- D. Thus, employees may privately express themselves so long as such expression does not:
 - 1. violate the law,
 - 2. damage working relationships of the Clinton Township Police Department,
 - 3. impair loyalty, discipline, or harmony among employees,
 - 4. jeopardize confidentiality,

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5. impede the performance of employees' duties, or
 6. negatively affect public perception of the Clinton Township Police Department.
- E. Examples of prohibited speech includes, but is not limited to, the following:
1. Speech that ridicules, maligns, disparages, or otherwise expresses bias against any protected class of individuals, including but not necessarily limited to race, ethnicity, religion, gender, or handicap.
 2. The posting of personal information (in any form) by or about officers who participate in undercover operations, or who may reasonably be expected to participate in undercover operations.
- F. In addition, absent express authorization, employees shall not:
1. post information or images gained by reason of their status as a law enforcement employee,
 2. make any statements, speeches, appearances, or endorsements, or
 3. publish materials that could reasonably be considered to represent the views or positions of the Clinton Township Police Department.
- G. Last, as a result of the high probability that such speech will violate this general order, employees are strongly discouraged from posting the following:
1. personal photographs or similar means of personal recognition that may cause them to be identified as employees of the Clinton Township Police Department, including but not limited to the display department logos, uniforms, or similar identifying items,
 2. obscene or sexually explicit language, images, or acts, or
 3. speech or images involving themselves or other department employees reflecting behavior that would reasonably be considered reckless, unsafe, and/or irresponsible.
- H. As stated, employees are urged to assume that their speech and related activities on social media sites will indeed reflect upon their office and this department.
- I. Employees shall also be aware that privacy settings and social media sites are constantly in flux. Therefore, employees should never assume that personal information posted on such sites is protected.

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- J. Employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.
- K. Reporting violations—employees becoming aware or having knowledge of any activities in violation of this general order shall notify their supervisor immediately.

III. USE OF DEPARTMENT EQUIPMENT AND SITES

Employees shall act in a professional manner at all times while on duty, such as when using the internet.

- A. All Clinton Township Police Department social media sites or pages shall be approved by the Chief Executive Officer.
- B. Clinton Township Police Department social media sites or pages shall be administered only by personnel appointed by the Chief Executive Officer.
- C. Therefore, employees shall not post, transmit, or otherwise disseminate any information to which they have access to as a result of their employment with the Clinton Township Police Department without written permission from the Chief Executive Officer or his or her designee.
- D. Where possible, social media pages shall clearly indicate that they are maintained by the Clinton Township Police Department and shall have the department's contact information prominently displayed.
 - 1. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
 - 2. Such content is subject to public records laws. Relevant records retention schedules apply to social media content.
 - 3. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
 - 4. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Clinton Township Police Department.
 - 5. Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove any inappropriate content.
 - 6. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

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- E. Employees representing the Clinton Township Police Department via social media outlets shall:
 - 1. adhere to all Clinton Township Police Department standards of conduct,
 - 2. identify themselves as an employee of the department,
 - 3. not, without express written permission, make statements regarding:
 - a. the guilt or innocence of any suspect or arrestee,
 - b. comments concerning pending prosecutions,
 - c. post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments.
 - 4. Employees' use of personally owned devices to manage the Clinton Township Police Department's social media activities or in the course of official duties is prohibited without express written permission.

IV. INVESTIGATIVE USE

- A. Employees shall obtain the approval of a supervisor prior to the initiation of an undercover investigation involving social network sites.
- B. Employees may conduct undercover online investigations from a secured undercover internet connection maintained by the Clinton Township Police Department or other approved law enforcement agency. This is to ensure that the connection utilized is not traceable to the Clinton Township Police Department.
- C. Employees shall utilize Clinton Township Police Department investigative computer systems and software intended to record data from the internet in an audio and/or video recording meant for an evidentiary manner. Thus, all video or audio recordings made from social networking evidence shall be handled as such.
- D. Employees shall not transfer or make available for download any files that knowingly contain any malicious code or other type of file that would disrupt, delay, or destroy another person's computer system.
- E. Employees shall complete all paperwork to create an undercover account and complete a record log that is maintained by the Chief Executive Officer or his or her designee.

All police procedures heretofore employed by the Clinton Township Police Department which conflict with this order are hereby rescinded. Supervisors shall be held accountable for the enforcement and application of this order. All members of the Clinton Township Police Department are required to follow this order as applicable. Violations of this order subject members of this agency to disciplinary action.