



A handwritten signature in black ink, appearing to read "A. H.", is written over a horizontal line.

## **PREAMBLE:**

The Douglas County Sheriff's Office (DCSO) recognizes the role that Social Media can play in crime prevention, problem-solving, and community outreach activities, as well as in the personal lives of some DCSO members. Accordingly, this policy provides information of a precautionary nature and some limited prohibitions on the use of social media by all DCSO members in both an on-duty and off-duty capacity.

## **POLICY:**

It is the policy of the Douglas County Sheriff's Office (DCSO) that the DCSO may monitor the use of Social Media by DCSO members to verify that their use is consistent with applicable laws, regulations, the Douglas County Social Media Policy, and current DCSO policies and procedures. The DCSO may identify potential uses of Social Media by DCSO members, both on- and off-duty, job related or not, and take action if the use is not considered reasonable by supervisory personnel. This policy does not apply to the use of Social Media by agency members for investigative purposes.

## **DEFINITIONS:**

**Blog:** A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.

**Commander:** For the purposes of this policy, a Commander refers to Bureau Captains within the Operations Corps, and the Administration Chief Deputy within the Administration Corps.

**Page:** The specific portion of a social media website where content is displayed, and managed by an individual or individuals with editorial or administrative 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 themselves on a social networking site.

**Public Domain:** Any internet resource that is open and available to anyone.

**Social Media:** A category of Internet-based resources that integrate user-generated content and user participation, including tools for sharing and discussing information. The term most often refers to activities that integrate technology, telecommunications, and social interaction, alongside the construction of words, pictures, video, and audio. This includes, but is not limited to, social networking and communication sites such as Facebook, weblogs and micro-blogging sites like Twitter or Nixle, forums and message boards, photo- and video sharing sites like YouTube and real-time web communications (chat, chat rooms, video chats), all of the Wikis (Wikipedia), blogs, and news sites (Digg, Reddit, etc.). It does not include news alerts or services that scan the Internet for articles or links to a user set query or search.

**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, video, or related forms of communication.

Wiki: Web page(s) that can be edited collaboratively. This is made possible by Wiki software that runs on Web server.

## **PROCEDURE:**

### **I. General Use, Prohibitions, and Cautions (54.1.1)**

- A. On-duty members of the DCSO, as part of their duties and responsibilities, may use Social Media for the following purposes:
  - 1. Crime prevention and community outreach and/ or engagement.
  - 2. Investigations.
- B. DCSO members may not divulge private or confidential information gained solely and exclusively by reason of their employment or authority, nor make or publish any statements, speeches, appearances, endorsements, or materials that could reasonably be considered to represent the views or positions of the DCSO without expressed authorization of the Sheriff or designee.
- C. DCSO members may use DCSO computers or mobile devices (i.e., smart phones, tablets, etc.) during paid breaks to access personal Social Media accounts, but will strictly limit such access to short intervals not to exceed the break period. The respective Commander or designee may authorize exceptions to this restriction.
- D. DCSO members should be aware that they may be subject to civil liabilities for any of the following:
  - 1. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation).
  - 2. 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.
  - 3. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose.
  - 4. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- E. DCSO members should be aware that privacy settings and Social Media sites are constantly in flux, and they never assume that personal information posted on such sites is protected.
- F. DCSO members should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the DCSO and/or Douglas County at any time without prior notice.

- G. When using Social Media, DCSO members will be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the DCSO Code of Conduct, the member's collective bargaining agreement, Douglas County policies, and local state and/or federal laws and guidelines is required in the use of Social Media. In particular, DCSO members are prohibited from the following:
1. Displaying DCSO logos, uniforms, badges, vehicles, or similar identifying items in a profile picture on any social media page, personal web page, or postings.
  2. Using speech that contains obscene or sexually explicit language, images, or acts.
  3. Posting statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, creed, age, religion, gender, marital status, genetics, national origin, physical or intellectual disability, sexual orientation, status with regard to public assistance, or any protected class of individuals and interfere with the ability to perform one's job.
  4. Posting statements or other forms of speech that involve themselves or other DCSO members reflecting behavior that would reasonably be considered reckless or irresponsible or bring discredit to the DCSO.
  5. Displaying or using the DCSO badge for any personal gain. The DCSO badge will not be used or reproduced in any manner without written permission of the Sheriff or designee.

## **II. Crime Prevention and Community Outreach and Engagement (54.1.1)**

- A. The DCSO has established a presence in various Social Media as a means of crime prevention along with community outreach to and engagement with an increasingly broad population base both locally and regionally. The Department's pages and content are posted by various authorized members of the DCSO, with the approval from the respective Commander, the Sheriff or their designee.
- B. Where possible, each Social media page will include an introductory statement that clearly specifies the purpose and scope of DCSO's presence on the website.
- C. Wherever practical, the page(s) will link to the official websites of the DCSO, Douglas County, and where applicable, the City of Omaha.
- D. Where possible, Social Media pages will clearly indicate they are maintained by the DCSO and will have DCSO contact information prominently displayed.
- E. Social Media content will adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
1. Content may be subject to public records laws. Relevant records retention schedules apply to Social Media content.
  2. Content must be managed, stored, and retrieved to comply with open records laws, discovery laws, and DCSO policies.
  3. Where practical, Social Media pages will state that opinions expressed by visitors to the page(s) do not reflect the opinions of the DCSO.

4. Pages will clearly state that posted comments will be monitored, and that the DCSO reserves the right to remove obscenities, off-topic comments, and any personal attacks or content in violation of applicable law.
  5. Pages will clearly state that any content posted or submitted for posting is subject to public disclosure.
- F. DCSO members or those representing the Department via the DCSO's Social Media outlets will:
1. Conduct themselves at all times as representatives of the DCSO and, accordingly, will adhere to all Douglas County and DCSO standards of conduct as well as observe conventionally accepted protocols and proper decorum.
    - a. Inappropriate content will not be posted. Inappropriate content includes, but is not limited to: subjects of a profane, sexual, or discriminatory subject matter; content that solicits commerce; materials that encourage illegal activity; matters that compromise the safety or security of the public or public systems; or substance that violates a legal ownership interest of another party.
  2. Identify themselves as a member of the DCSO.
  3. Not make statements about the guilt or innocence of any suspect or arrestee.
  4. Not make comments concerning pending prosecutions.
  5. Not post, transmit, or otherwise disseminate confidential information, including photographs, audio, or videos, related to DCSO training, activities, or work-related assignments/investigations without the expressed written permission of the Sheriff or designee.
  6. Not share any information considered protected or confidential by relevant law, rule, or procedure. This includes but is not limited to any data protected under the Americans with Disabilities Act (ADA), Genetic Information Nondiscrimination Act (GINA), Health Insurance Portability and Accountability Act (HIPAA), or other applicable laws.
  7. Not make any communication(s) with known false or inaccurate information. All reasonable efforts will be made by DCSO members to provide only verifiable facts, not unverifiable opinions.
    - a. Members should provide links to credible sources of information to support their interactions when appropriate.
  8. Not conduct political activities or private business.
- G. DCSO members who are authorized to represent the Department via DCSO's Social Media outlets may post photos and related content that contains images or material that can be gathered from the view of the public.
- H. Such authorized members will NOT post the following:

1. Photos or other content that contains sensitive material or material gained due to their position as a deputy/member of the Douglas County or DCSO.
2. Photos or other content that connects DCSO members (sworn and non-sworn), including retired members, to a spouse, child, or other family member without obtaining verbal and/or written consent from the member.
3. DMV photos, to include edited images taken from the original DMV photo.

### **III. Off-Duty Personal Social Media Use – Precautions and Prohibitions**

- A. DCSO members are free to express themselves as private citizens on Social Media sites. However, such expressions may not impair working relationships or activities of Douglas County and/or DCSO or bring an undue burden upon the effective performance of DCSO or Douglas County functions. Such expression will not violate any confidentiality of their position or any investigation, impede the performance of any member's duties, impair the discipline and harmony among coworkers, or negatively affect the public perception of Douglas County or DCSO.
- B. As public members, DCSO members are cautioned that on- or off-duty speech made pursuant to their official duties (that is, speech owing its existence to the member's professional duties and responsibilities) MAY NOT be protected speech under their First Amendment of the U.S. Constitution.
  1. Such speech may form the basis for discipline up to and including termination, if it is deemed detrimental to the mission of the DCSO and/or Douglas County.
  2. DCSO members should assume that their posted speech and related activity on Social Media sites will reflect upon their official office, Douglas County, and this Office and should conduct themselves accordingly.
- C. DCSO members will not post, transmit, or otherwise disseminate any confidential information to which they have access as a result of their employment without specific, written permission from the Sheriff or designee. This applies to any electronic data including but not limited to photography, text, graphic depictions, motion pictures, or recordings of any kind.
- D. For safety and security reasons, DCSO members are cautioned not to disclose their employment as deputy sheriffs or the employment of members with DCSO on Social Media. No DCSO member will post information pertaining to any other DCSO members without their permission.
  1. Specifically, DCSO members are cautioned to avoid posting personal photographs or providing similar means of personal recognition that may cause them to be identified as DCSO deputy or member.
  2. Deputies who are working undercover operations, or who may be reasonably be expected to work in undercover operations, are prohibited from posting any form of visual or personal identification that may compromise the safety of any member or citizen.
  3. DCSO members WILL NOT use official Douglas County email addresses for registration of personal Social Media.

#### **IV. Reporting Violations of Social Media Policy**

- A. Any members, including Supervisors and Command Officers, who are aware of or have knowledge of any Social Media speech or posting in violation of the provisions of this policy or the Douglas County Social Media policy will notify their supervisor immediately for investigation.
  - 1. To the maximum extent possible, a member's right to confidentiality will be respected at all stages of the reporting and investigative process.
  - 2. The DCSO procedures for investigation of such claims will be followed, and appropriate action and measures will be taken. Appropriate action and measures include, but are not limited to, the following:
    - a. The recommendation of discipline up to and including termination.
    - b. A demand to remove or stop the use of Social Media.
    - c. The right to manage and monitor a member's computer or Social Media usage through Douglas County equipment or internet connections.
    - d. Any other procedure deemed appropriate based on the particular facts and circumstances involved.
- B. Engaging in speech prohibited by this policy or the Douglas County Social Media Policy may provide grounds for undermining or impeaching a member's testimony in criminal proceedings. DCSO members thus sanctioned are subject to discipline up to and including termination.

#### **REFERENCES:**

##### **I. Previous DCSO Orders**

- A. Previous DCSO General Orders: #8-2023, #35-2022, #19-2019, and #20-2017.

##### **II. CALEA Accreditation Standards**

- A. Relevant CALEA standards include: 54.1.1.

##### **III. Other**

- A. Omaha Police Department "Social Media" policy and Douglas County "Social Media" policy.

##### **IV. Review Schedule**

- A. Quadrennial.