

FORT MYERS POLICE DEPARTMENT

GENERAL ORDER 13.6

TITLE: Social Media

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PURPOSE

This policy establishes the Department's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

The Fort Myers Police Department has a duty to protect the reputation and integrity of the Department and its members, as well as guard against liability and potential legal risk. Therefore, the Department reserves the right to monitor social media.

SCOPE

These procedures shall apply to all Fort Myers Police Department personnel.

POLICY

The Department recognizes the role that social media plays in the personal lives of some Department personnel; however, the personal use of social media can have bearing on Departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by Department personnel.

SECTION I: DEFINITIONS

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."

Page: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator 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 himself/herself on a social networking site.

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 (Facebook, *Instagram, TikTok*), microblogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit). *Popular named social media sites used as reference.*

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.

SECTION II: ON-THE-JOB USE

- A. This policy is not intended to prevent Department personnel from accessing social media for legitimate, work-related purposes.
1. Potential Uses:
 - a. Social media can be a valuable investigative or networking tool when seeking evidence or information from other law enforcement personnel or agencies. (Linkedin is an example of a business social networking tool)
 - b. Search methods shall not involve techniques that are a violation of existing law.
 - c. This Department may conduct internet-based searches and include Internet-based content when conducting back-ground investigations of job candidates.
 - d. Every effort must be made to validate Internet-based information considered during the hiring process.
 2. Employees will not utilize any City issued equipment to access personal social media sites, blogs, websites, or public forums while on duty, or while working off-duty details unless required in the performance of their duties. (See City of Fort Myers I.T. Policy, Section IV Internet Usage Procedures)

SECTION III: PERSONAL USE

- A. Precautions and Prohibitions: Members of the Fort Myers Police Department are reminded that their conduct both on and off duty must meet a high standard. This includes, but is not limited to, conduct related to materials posted on the internet or disseminated electronically. All employees shall be cautious and exercise sound judgment when expressing opinions that could be related to the Fort Myers Police Department. No member of the agency shall allow or permit any digital media to be posted to the internet that: (See G.O. 9.1 General Rules of Conduct)
1. Could reasonably be interpreted to express the opinions of the Fort Myers Police Department. Any member may comment on a subject of general interest and of value and concern to the public provided that, in doing so, the member does not suggest or imply that the views expressed are that of the Fort Myers Police Department. (G.O. 9.1 Section II(A)25)
 2. Has both a reference to the member being affiliated with the Fort Myers Police Department and which contains content that is unprofessional, unbecoming or illegal, such as lewd sexual conduct, excessive alcohol consumption or similar behaviors. In addition, statements or other forms of speech or action that ridicule, malign, disparage or otherwise express bias against any race, any religion, or any protected class of individuals is prohibited. Members are reminded that courts may scrutinize the credibility of a witness from unintentional sources such as the internet. (See G.O. 1.2 Sections III, IV, V, VI, VII & G.O. 9.1 Section II & III (A)2, 16, 17,18, 20, 21, 25)

3. Could be reasonably interpreted as having an adverse effect upon agency morale, discipline, operations of the agency, safety of staff or perception to the public. (See G.O. 9.1 Section II(A)9)
4. In accordance with General Order 9.1, General Rules of Conduct – Section IX, department personnel shall not post, transmit or otherwise disseminate any confidential information to which they have access as a result of their employment without written permission from the Chief of Police or his designee.
5. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
6. Unless for legitimate law enforcement purposes, agency personnel shall not post on a social media site while on duty. (See G.O. 13.4 Section VII(A)4)

Department personnel are prohibited from posting, transmitting, or otherwise disseminating any information, to which they have access as a result of their employment, without written permission from the Chief of Police, or designee. Employees are prohibited from utilizing agency owned/issued uniforms, property or equipment in any social media platform or post without the written permission of the Chief of Police.

Clarification on appropriate postings, if needed, shall be directed to Command Staff.

Note: This does not apply to internet postings that are posted for legitimate law enforcement purposes.

B. Department personnel should be aware that they may be subject to civil litigation for:

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; or
4. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
5. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
6. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the agency at any time without prior notice.
7. Reporting violations – Any employee becoming aware of or having knowledge of a posting, website or web page in violation of the provisions of the policy, where the violator can be identified, shall notify his or her supervisor immediately for follow-up action. The follow-up action by the notified supervisor shall include notification of the employees chain of command and the Professional Standards Bureau.

APPROVED:

[Electronic Signature on File]

Jason Fields, Chief of Police
Fort Myers Police Department

07/02/2024

Date