

## **SOCIAL MEDIA**

### **PREAMBLE:**

The Omaha Police Department (OPD) 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 OPD employees. Accordingly, this policy provides information of a precautionary nature and some limited prohibitions on the use of Social Media by all OPD employees in both an on-duty and off-duty capacity.

### **POLICY:**

It is the policy of the Omaha Police Department (OPD) that OPD may monitor the use of Social Media by OPD employees to verify that their use is consistent with applicable laws, regulations, the City of Omaha Social Media Policy, and the OPD Policies and Procedures Manual (PPM). The OPD may identify potential uses of Social Media by OPD employees, both on- and off-duty, job-related or not, and take action if the use is not considered reasonable by supervisors. OPD employees may refer to the OPD "Social Media – Investigations" policy for procedures regarding the use of social media 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.

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 himself or herself 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 and MySpace, weblogs and micro-blogging sites like Twitter or Nixle, forums and message boards, photo- and video-sharing sites like Flickr and YouTube, 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 the Web server.

### **PROCEDURE:**

#### **I. General Use, Prohibitions, and Cautions**

- A. On-duty employees of the OPD, 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. (See the OPD Social Media – Investigations policy).
- B. OPD employees shall 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 OPD without expressed authorization of the Chief of Police or designee.
- C. The use of OPD computers by employees to access Social Media for personal or entertainment reasons is prohibited.
- D. OPD employees shall be aware that they may be subject to civil liability 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. OPD employees shall 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.
- F. OPD employees shall expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the City of Omaha, the OPD, and/or DOT.Comm at any time without prior notice.
- G. When using Social Media, OPD employees shall be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the OPD Rules of Conduct, the employee's collective bargaining agreement, City of Omaha policies, and local state and/or federal laws and guidelines is required in the personal use of Social Media. In particular, OPD employees are prohibited from the following:
1. Using speech that contains obscene or sexually explicit language, images, or acts.
  2. Posting 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 and interfere with the ability to perform one's job.
  3. Posting statements or other forms of speech that involves themselves or other OPD employees reflecting behavior that would reasonably be considered reckless or irresponsible.
  4. Displaying or using the OPD badge for any personal gain. The OPD badge is copyrighted and shall not be used or reproduced in any manner without written permission of the Chief of Police or designee.

## **II. Crime Prevention and Community Outreach and Engagement**

- A. The OPD 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 exclusively through the Public Information Office (PIO) or official designees as the PIO may assign, with the approval of the Chief of Police or their designee.
- B. Where possible, each Social Media page shall include an introductory statement that clearly specifies the purpose and scope of OPD's presence on the website.
- C. Wherever practical, the page(s) shall link to the official websites of the OPD and the City of Omaha.
- D. Where possible, Social Media pages shall clearly indicate they are maintained by the OPD and will have OPD contact information prominently displayed.
- E. Social Media content shall 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 OPD policies.
  - 3. Where practical, Social Media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the OPD.
  - 4. Pages shall clearly state that posted comments will be monitored, and that the OPD reserves the right to remove obscenities, off-topic comments, any personal attacks, or any content in violation of applicable law.
  - 5. Pages shall clearly state that any content posted or submitted for posting is subject to public disclosure.
- F. OPD employees or those authorized to represent the Department via the OPD's Social Media outlets shall adhere to the below listed guidelines. Employees shall:
  - 1. Conduct themselves at all times as representatives of the OPD and, accordingly, shall adhere to all City of Omaha and OPD standards of conduct, as well as observe conventionally accepted protocols and proper decorum.
    - a. Inappropriate content shall 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 an employee of the OPD.
  - 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 or videos, related to OPD training, activities, or work-related assignments without expressed written permission of the Chief of Police 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 should be made by OPD employees to provide only verifiable facts, not unverifiable opinions.
    - a. Employees should provide links to credible sources of information to support their interactions when appropriate.
  8. Not conduct political activities or private business.
  9. Not delete or block a follower of OPD Social Media, without approval of the PIO Lieutenant or designee. If an authorized employee would like to delete or block a follower, they shall first obtain approval from the PIO Lieutenant.
  10. Observe and abide by all copyright, trademark, and service mark restrictions when posting Social Media content.
- G. OPD employees who are authorized to represent the Department via OPD'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 employees shall NOT post the following:
1. Photos or other content that contains sensitive material or material gained due to their position as an officer/employee of the City of Omaha or the OPD.
  2. Photos or other content that connects OPD employees (sworn and non-sworn), including retired employees, to a spouse, child, or other family member without obtaining verbal and/or written consent from the employee.

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

- A. OPD employees are free to express themselves as private citizens on Social Media sites. However, such expressions may not impair working relationships or activities of the City of Omaha and/or OPD or bring an undue burden upon the effective performance of OPD or City functions. Such expression shall not violate any confidentiality of their position or any investigation, impede the performance of any employee's duties, impair the discipline and harmony among coworkers, or negatively affect the public perception of the City of Omaha or the OPD.
- B. As public employees, OPD employees are cautioned that on- or off-duty speech made pursuant to their official duties (that is, speech owing its existence to the employee's professional duties and responsibilities) MAY NOT be protected speech under the 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 OPD and/or the City of Omaha.

2. OPD employees should assume that their posted speech and related activity on Social Media sites will reflect upon their official office, the City of Omaha, and this Department and should conduct themselves accordingly.
- C. OPD employees shall 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 Chief of Police or their 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, OPD employees who do not want to disclose their employment as police officers or employees are cautioned to be mindful of what they post on Social Media.
  1. Specifically, those employees are cautioned to avoid posting personal photographs or providing similar means of personal recognition on Social Media that may cause them to be identified as an OPD officer or employee.
- E. Officers who are working undercover operations, or who may 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 employee or citizen.
- F. OPD employees SHALL NOT use official City email addresses for registration of personal Social Media.
- G. No OPD employee shall post information pertaining to any other OPD employee without their permission.

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

- A. Any employees, 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 City of Omaha Social Media policy will notify their supervisor immediately for investigation.
  1. To the maximum extent possible, an employee's right to confidentiality shall be respected at all stages of the reporting and investigative process.
  2. The City of Omaha 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 an employee's computer or Social Media usage through City equipment or Internet connections.
    - d. Any other procedures deemed appropriate based on the particular facts and circumstances involved.
- B. Engaging in speech prohibited by this policy or the City of Omaha Social Media Policy may provide grounds for undermining or impeaching an employee's testimony in criminal proceedings. OPD employees thus sanctioned are subject to discipline up to and including termination.

#### **REFERENCES:**

**I. City of Omaha Policies**

A. The City of Omaha Social Media policy is relevant to this policy.

**II. Previous OPD Orders**

A. The previous OPD General Orders include #13-11, 7-14, 62-16, 88-16, and 60-20.

**III. Accreditation Standards**

A. CALEA Accreditation standards 54.1.1 and 54.1.2 are relevant to this policy.