3.11 PURPOSE

The Department recognizes social networking can enhance communication, collaboration, and information exchange; streamline process and foster productivity. When using social media Department personnel shall be mindful their words and images become part of the worldwide electronic domain. This order describes proper use of Department media and prohibits inappropriate use of personal social media. Anticipating advances in technology and terminology, it addresses social media in general rather than any particular medium.

3.11.2 POLICY

The Department respects the First Amendment rights of its employees to speak as private persons on matters of public concern and recognizes those same protections afforded public employees when speech may bear negatively on themselves or their employer may be narrower than speech made by private citizens. Department personnel are free to express themselves on personal social media and otherwise except as might negatively affect Department working relationships, safety and effectiveness, duty performance, appropriate confidentiality of criminal justice information, or the professional reputation of the Department or its employees. Employees shall comply with the requirements of this Order in regard to use of both Department media and personal social media. Volunteers shall comply with all requirements of this Order as prescribed for “employees,” or “Department personnel.”

3.11.3 SANCTIONED PRESENCE

A. All Department social media shall be approved by the Chief of Police or designee and shall be administered by the Public Information Officer (PIO) or Public Relations Specialist. Those designated as Social Media Team by the PIO are also permitted to post on Department social media.

B. Where possible, social media page(s) should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department.
3.11 SOCIAL MEDIA

1. Page(s) shall clearly indicate that posted comments will be monitored and that the Department reserves the right to remove obscenities, off-topic comments, or personal attacks; and
2. Page(s) shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

C. Department Sanctioned Use

Personnel representing the Department via social media outlets shall do the following:

1. Conduct themselves at all times as representatives of the Department and, accordingly, shall adhere to all Department standards of conduct and observe conventionally accepted protocols and proper decorum;
2. Identify themselves as a member of the Department;
3. Not make statements about the guilt or innocence of any suspect or arrestee, nor comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to Department training, activities, or work-related assignments without express written permission from the Chief of Police or designee; and
4. Not conduct political activities or private business.

D. The use of Department computers by employees to access social media for personal reasons must be reasonable, limited and consistent with City of Topeka policies.

3.11.4 AUTHORIZED USES

A. Access and use of social media may be valuable investigative tools and may be used in conformance with this order to assist with investigations and intelligence gathering, including but not necessarily limited to:

1. Missing persons;
2. Wanted persons;
3. Gang participation;
4. Criminal activity generally;
5. Crimes perpetrated online (e.g., cyber bullying, cyber stalking); and
6. Photos or videos of a crime posted by a participant/observer.

B. Social media may also be utilized as a way of providing information to the community as a form of outreach. Examples include but are not limited to:

1. Providing crime prevention information;
2. Offering online-reporting opportunities;
3. Sharing crime maps and data;
3.11 SOCIAL MEDIA

4. Soliciting tips about unsolved crimes;
5. Recruitment of potential employees and volunteers;
6. Traffic related issues;
7. Special events;
8. Weather emergencies; and
9. Missing or endangered persons.

3.11.5 PROHIBITIONS AND LIMITATIONS

A. Employees shall not use any electronic device (e.g., cell phones, smartphones, computer, etc.), Department issued or personal, to post, upload or download any Department or job related information to any social media outlet, (personal or Department) except as approved by the Chief of Police or designee. This prohibition includes but is not limited to the following:

1. Confidential, sensitive, information to which an employee has access due to their employment with the City, including:
   a. Data from any ongoing criminal or administrative investigation including statements, memos, photographs, video or audio recordings;
   b. Photographs of suspects, arrestees or evidence from any crime scene;
2. Personal statements about criminal investigations, pending prosecutions or use of force incidents (including off-duty);
3. Anything that would tend to discredit or reflect unfavorably upon the Department or its employees;
4. 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; or
5. Speech about themselves or other Department personnel describing behavior that would be reasonably regarded as reckless or irresponsible in relation to their law enforcement employment.

B. Employees’ publication of information on the internet or social media that bring discredit to the Department or to a Department employee, or promotes misconduct, whether on or off duty, is prohibited and may be investigated by the Department.

C. Department personnel shall be aware that they may be subject to civil liability 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 the 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.

E. Department employees are prohibited from posting or transmitting any pictures or videos of official Department training, activities or work-related assignments without the prior express permission of the Chief of Police or designee.

F. Department employees shall not send, transmit or post pictures or information about undercover officers from this or any other agency.

G. Engaging in speech that may provide grounds for undermining or impeaching an officer’s testimony in criminal proceedings.

H. When social media is to be used as an investigative tool involving a fictitious account/identity by an employee, authorization must first be obtained from the Bureau Commander.

I. Department employees shall be aware that all department run social networking sites will be monitored and/or may be accessed by the Department at any time without prior notice and, if found to be used inappropriately, could result in disciplinary action.

J. 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.

K. For safety and security reasons, Department personnel are cautioned not to disclose their employment with this Department nor shall they post information pertaining to the employment of any other member of the Department without the express permission of the involved employee. As such, Department personnel are cautioned not to do the following:

1. Display Department logos, uniforms, or similar identifying items on personal webpages.
2. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this Department.

3.11.6 APPROVAL PROCESS

A. A Department employee seeking approval to use references to the Department on a personal website, web page or other public forum, shall
submit a request for approval to the Chief of Police or designee via the chain of command.

B. The request shall describe specifically the proposed reference and its intended purpose.

C. A list of the reference(s) and any media to be used shall be provided.

D. A printed layout of the entire web page, posting or website shall be provided. When possible, each approved social media page(s) shall link to the Department’s official website.

E. The Department shall diligently attempt to provide an approval or denial of the request within seven business days.

F. Any changes made to a previously approved posting must be submitted for reconsideration before such changes take effect.

3.11.7 REPORTING VIOLATIONS

Employees shall immediately notify their chain of command if they become aware of any posting or any website or web page that could reasonably be interpreted as a violation of this policy or of any situation where information, pictures or data representing the Department are posted to an unofficial site.