

Office of the Sheriff
Somerset County, Maryland

GENERAL ORDER: 01-14-32

Effective Date: September 1, 2014

Revised Date:

Chapter 22

Section 1

Social Networking and Electronic Communication

1. Purpose

- A. The purpose of this Policy is to give employees guidance regarding appropriate content in personal electronic communication, social networking websites, web pages, and other electronically transmitted (e-mail) or hard copy material with respect to the use of Sheriff's Office images, material, logos, or references to the Somerset County Sheriff's Office. This Policy is not meant to address one particular form of social networking, rather "social networking" in general, as advances in technology will occur and new tools will emerge.

2. Definitions

- A. **Blog** - A contraction of the term "weblog", a type of website, usually maintained by an individual with regular entries of commentary, descriptions of events, or other material such as graphics or video. "Blog" can also be used as a verb, meaning to maintain or add content to a blog.
- B. **Confidential Information** - Digital photographs, video, audio, or other digital media depicting the SCSO, its employees, crime scenes, internal videos, daily work activity, information sensitive to law enforcement; or information that could be considered personal or private or could potentially expose the SCSO to liability or disrepute.

- C. **Electronic Communication** - Any kind of communications, created by, represented by, sent to, or stored by a user of any electronic communications system, including all information, data, and attachments to the communication.
- D. **Electronic Media** - Digital photos, audio recordings, videos, or digital information.
- E. **Micro blog** - is another type of blogging, featuring very short posts, such as 140 characters or less (example: twitter.com) to facilitate staying connected in real time. Followers of a micro blog typically “subscribe” to the micro blog of another and automatically receive newly posted information.
- F. **Personal Information** – Any type of information that might lead to the identification of any individual. Examples may include social security numbers, dates of birth, addresses, phone numbers, e-mail addresses, drivers’ license or other state identification numbers.
- G. **Post or Posting** - Text or digital information that is placed publicly on the Internet; message(s) sent to a news group.
- H. **Profile** – Information that a user provides about himself/herself on a social network site.
- I. **Proprietary Information** – A work product. Any photographs, videos or information digital or otherwise created or obtained while an employee is on duty remains the property of the SCSO. The “work product” in this Office is public in nature and is subject to all applicable federal and State laws, and SCSO policy regarding its confidentiality and release.
- J. **Pseudonym** - A fictitious name, especially a pen name. This applies to “user names” or “user account identifications.”

- K. **Social Networking Website** – An internet web site that provides a virtual community for people interested in a particular subject or in communicating with each other. Members can create their own online profile with biographical data, pictures, likes, dislikes and any other information they choose to post. Users communicate with each other by voice, chat, instant message, video conference and blogs, and the service may provide a way for members to contact “friends” of other members. One can find dating sites, friendship sites, sites with a business purpose, and sites that offer a combination of these aspects through social networking
- Current examples of Social Networking websites are: Facebook, Myspace, Twitter, Friendster, Second Life, etc. The absence of, or lack of explicit reference to, a specific site does not limit the extent of the application of this Policy.
- L. **Speech** – Expression or communication of thoughts, facts, events or opinions in spoken words, in writing/type, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
- M. **Virtual Worlds** – A computer simulated world where the users can socialize, connect, play games and create a fictitious reality. Users can interact with other users in real time. Users can be represented as themselves or as fictional characters. Virtual worlds typically have “currency” which is specific to the website which can be purchased with real world money or earned by accomplishments.
- N. **Work product** – Anything created by an employee that is considered to become the property of the SCSO. Examples may include, but are not limited to: photos, videos, audio recordings, blog entries, depicting the SCSO, its employees, crime scenes, internal videos, daily work activity, information sensitive to law enforcement, electronic files or documents, and information created or obtained during the performance of an employee’s duties.

3. Policy

- A. The SCSO recognizes the role social networking plays in the personal lives of some employees. However, the personal use of social networking can have a bearing on Office employees in their official capacity. The integrity of the SCSO must be above reproach. As such, all employees must avoid any conduct that would compromise this integrity and thus, undermine the public confidence in the SCSO and the law enforcement profession. Therefore, the SCSO reserves the right to monitor employee electronic media to assure a positive image of the SCSO is maintained and that SCSO representation is depicted in a professional manner consistent with the expectations of the public and community.

4. Policy Intent

- A. Due to the very nature of law enforcement, the unrestricted use of social networking could pose officer safety issues to those assigned to sensitive investigative activities. In addition, the SCSO has a duty to protect the reputation of the Office and its employees, as well as guard against liability and potential legal risk. The SCSO endorses the secure use of social networking to enhance communications, collaboration, and information exchange as well as a means to streamline processes and foster productivity. SCSO sanctioned social networking shall be outlined in a General Order. This Policy shall;
 - 1) Establish guidelines concerning personal web pages, internet sites, and/or personal e-mails when referencing the SCSO and to ensure that SCSO employees use appropriate discretion so as not to discredit the SCSO, allied agencies and/or Somerset County, Maryland, or the State of Maryland.
 - 2) Clearly identify prohibited activities by employees on social networking and other web sites, both on-duty and off-duty.
 - 3) Provide guidelines for employees in applying rules of conduct to their on-line Content.
 - 4) Protect the SCSO and its employees from harm as a result of inappropriate postings or inadvertent harmful postings.

5. First Amendment Considerations

- A. Employees are free to express themselves as private citizens on social media sites to the degree that their speech does not:
 - 1) Impair working relationships of the SCSO for which loyalty and confidentiality are important,
 - 2) Impede the performance of duties,
 - 3) Impair discipline and harmony among coworkers, or
 - 4) Negatively affect the public perception of the SCSO.

- B. As public servants, employees are cautioned that speech on-duty or off-duty, made in conjunction with their official duties, may not be protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the SCSO. Such speech is that which owes its existence to the employees' professional duties and responsibilities. Employees should assume that their speech and related activity on social media sites will reflect upon their official position and the SCSO.

6. Prohibitions

- A. Employees are prohibited from posting, transmitting, and/or disseminating any confidential information or any likenesses or images of SCSO logos, emblems, uniforms and other material that specifically identifies the SCSO or oneself as an employee of the SCSO on any personal electronic communication, social networking websites, web pages and other electronically transmitted or hard copy material without the permission of the Sheriff or the Chief Deputy.
- B. Employees are prohibited from posting, transmitting and/or disseminating any confidential information related to official SCSO training, activities or work related assignments without the express permission of the Sheriff or Chief Deputy.
- C. Employees are prohibited from using SCSO titles, logos, emblems, uniforms and other material to create personal business cards, letterheads, electronic signatures, or similar material without the express permission of the Sheriff or Chief Deputy.
- D. Employees assigned to sensitive investigative activities, i.e. the Task Force, shall assure their social networking use does not compromise their assignment nor create an officer safety issue for themselves or co-workers. Likewise employees not assigned to sensitive investigative activities shall ensure their social networking use does not compromise those who are assigned to sensitive investigation activities nor create an officer safety issue for them or any law enforcement officer.
- E. Employees are prohibited from posting any offensive or unethical content. 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 is strictly prohibited.

- F. Employees are prohibited from posting speech involving themselves or other SCSO employees reflecting behavior that would reasonably be considered reckless, irresponsible or criminal behavior.
- G. Employees shall not represent that they are speaking or acting on behalf of the SCSO, or that they are representing or presenting the interests of the SCSO without the express written permission of the Sheriff or Chief Deputy.
- H. Employees shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Sheriff or Chief Deputy.
- I. Employees are prohibited from using social networking sites to harass or attack others, including those who work for the SCSO.
- J. Employees are prohibited from using/responding to/maintaining their personal social networking websites while on-duty. An employee may use/respond to/maintain a social networking website established for their employment purposes as outlined in SCSO Procedures.

7. Exceptions

- A. The only exception to this Policy is for portraits, photographs, or any video recordings taken during SCSO sponsored official public ceremonies, such as promotion ceremonies, Honor Guard ceremonies, etc. These photographs/images and or recordings shall not disgrace or disparage employees or the SCSO in any manner, nor shall said items be placed on any webpage or other electronic media or in hard copied media material that in any way brings discredit to the SCSO or the law enforcement profession.

8. Guidelines

- A. Employees should exercise caution and good judgment when social networking online. Employees should be aware that the content of these social networking sites can be subpoenaed and used in criminal and civil trials to impeach an employee's testimony.
- B. Employees should assume that they have no reasonable expectation of privacy when social networking online, and are subject to all SCSO policies, local, state, and federal laws regarding public information on arrests, investigations, and personnel data. It is recommended that employees not divulge their employment with the SCSO while utilizing social network sites.

- C. Employees should be aware that they may be subject to civil litigation or criminal penalties 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) Violations of the federal Stored Communications Act of 1986, 18 U.S.C. §2701, et seq.

- D. Employees 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.

- E. Employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the SCSO at any time without prior notice.

- F. Employees should be aware that during any internal investigation into violations of this or related policies, the SCSO may request an employee to provide access to personal social networking sites when the subject of the investigation is directly, narrowly, and specifically related to employee performance, conduct, and/or the best interests of the SCSO.

9. Reporting Violations

- A. Any employee becoming aware of or having knowledge of a posting or of any website, web page or e-mail in violation of the provision of this Policy shall notify his/her supervisor immediately.

Robert N. Jones

Sheriff
Somerset County