

# Speech, Expression and Social Networking

## 1030.1 PURPOSE AND SCOPE

Best Practice MODIFIED NYSLEAP- 8.7 - 14.1, 28.4 (B)

This policy is intended to address issues associated with the personal and department use of social networking sites, provide guidelines for the regulation and balancing of member speech and expression with the needs of the Syracuse Police Department and ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech and use of all Internet services, including the Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

### 1030.1.1 DEFINITIONS

Agency Content

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

## 1030.2 POLICY

Federal MODIFIED NYSLEAP- 8.7 - 14.1

The Syracuse Police Department will use social media as a method of effectively informing the public about department services, issues, investigations, recruitment and other relevant events.

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Syracuse Police Department.

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Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression when using social media in a personal capacity.

#### **1030.3 SAFETY**

**Best Practice** NYSLEAP- 8.7 - 14.1

Members should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Syracuse Police Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow department member.
- Otherwise disclosing where another officer can be located off-duty.

#### **1030.4 DEPARTMENT USE OF SOCIAL MEDIA**

**Agency Content**

##### **1030.4.1 AUTHORIZED USERS**

**Agency Content** NYSLEAP- 8.7 - 28.4 (A), 28.4 (C)

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

##### **1030.4.2 AUTHORIZED CONTENT**

**Agency Content** NYSLEAP- 8.7 - 28.4 (A), 28.4 (C)

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Department social media sites shall be designed and maintained to prevent posting of content by the public. Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

#### 1030.4.3 INCIDENT SPECIFIC USE

##### Agency Content

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

#### 1030.4.4 PROHIBITED CONTENT

##### Agency Content NYSLEAP- 8.7 - 28.4 (B), 28.4 (D), 28.4 (E)

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Syracuse Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this Department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The

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supervisor will ensure that any unauthorized or inappropriate content is removed from public view and investigate the cause of the entry.

#### 1030.4.5 PUBLIC POSTINGS

Agency Content

The Department may provide a method for members of the public to contact department members directly.

#### 1030.4.6 MONITORING CONTENT

Agency Content

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

#### 1030.4.7 RETENTION OF RECORDS

Agency Content

The Public Information Officer should work with the Records Access Officer to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

### 1030.5 PERSONAL USE OF SOCIAL MEDIA

Agency Content

#### 1030.5.1 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

Best Practice MODIFIED NYSLEAP- 8.7 - 14.1, 28.4 (B)

To meet the safety, performance and public-trust needs of the Syracuse Police Department, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members. Examples may include:
  - 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
  - 2. Expression that demonstrates support for criminal activity.
  - 3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a

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website statements or expressions that glorifies or endorses dishonesty, unlawful discrimination or illegal behavior.

- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).
- (e) Speech or expression that is contrary to the Standards of Conduct policy or canons of the Law Enforcement Code of Ethics as adopted by the Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Syracuse Police Department on any personal or social networking or other website or web page, that could reasonably be foreseen as having a negative impact on the Police Department, or is contrary to the Standards of Conduct policy or canons of the Law Enforcement Code of Ethics as adopted by the Department is prohibited.
- (h) When using social media, Department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Department's code of conduct is required in the personal use of social media. In particular, Department personnel are prohibited from the following:
  - 1. Using 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. Violations of this section will result in severe discipline up to and including termination.
  - 2. Using speech involving themselves or other Department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### 1030.5.2 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

**Federal** | **NYSLEAP- 8.7 - 14.1, 28.4 (B)**

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Syracuse Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police:

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- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video or public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Syracuse Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

#### 1030.5.3 PRIVACY EXPECTATION

**Best Practice** NYSLEAP- 8.7 - 14.1

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

#### 1030.5.4 CONSIDERATIONS

**Best Practice** NYSLEAP- 8.7 - 14.1

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.

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- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

#### 1030.5.5 REPORTING VIOLATIONS

##### Agency Content

Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify their supervisor immediately for follow-up action.

#### 1030.6 TRAINING

##### Best Practice MODIFIED NYSLEAP- 8.7 - 14.1

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, and dissemination and retention of information posted on department sites.

Subject to available resources, the Department should provide training regarding the limitations on speech, expression and use of social networking to all members of the Department.