



RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: SOCIAL MEDIA		Chapter 3	Number 13	# Pages 6
CALEA Standards: 26.2.4, 45.1.2, 54.1.1 Virginia Code §15.2 -1512.4 City of Richmond Administrative Regulation 2.5, 2.7	Related Orders: General Orders 1-1, 3-5, EO 20-23	Effective Date: 01/18/2024 Revised By: Review Prv. Rev. Date: 07/30/2021		
Chief of Police: <div style="text-align: center; margin-top: 20px;"> </div>				

I. PURPOSE

The Department endorses the secure use of social media to enhance communication, collaboration, and information exchange, streamline processes, and foster productivity. This policy is also intended to guide employee's conduct regarding their employment or representation of employment through the numerous social networking venues. Investigations using Social Networking are specialized investigative operations requiring an understanding of the new technology and its impact on the community.

These investigations can be very effective in determining the criminal activities of individuals or groups both online and in our community. This policy establishes the Department's position on the utility and management of social media and guides its management, administration, and oversight. This policy is not meant to address one particular form of social media; instead, social media in general as advances in technology will occur and new tools will emerge. [CALEA 54.1.1]

II. SUMMARY OF CHANGE

This policy is due for triannual review and remains unchanged.

III. POLICY

Department employees enjoy free speech rights, but such rights are subject to certain limitations due to the nature of law enforcement work. It is the policy of the Richmond Police Department to regulate social media activity that may adversely impact the overall Department, its employees, and its mission. As such, this policy provides information of a preventive nature, as well as prohibitions on the use of social media by Department personnel.

IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines outlined in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy

are investigated and proper training, counseling, and/or disciplinary action is initiated.

This directive is for internal use only and does not enlarge an employee's civil liability in any way. It should not be construed as creating a higher safety standard or case in an evidentiary sense concerning third-party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department and then only in a non-judicial administrative setting.

V. DEFINITIONS

- A. BLOG – A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.
- B. PAGE – The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrative rights.
- C. PROFILE – Information that a user provides about himself or herself on a social networking site.
- D. POST – Content an individual share on a social media site or the act of publishing content on a site.
- E. 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, MySpace), microblogging sites (Twitter, Nixle), photo-video sharing sites (Flickr, YouTube), Wikis blogs, and news sites (Digg, Reddit).
- F. SPEECH – Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, video, or related forms of communication.
- G. WEB 2.0 – The second generation of the World Wide Web focused on shareable, user-generated content rather than static web pages. Term is inter-changeable with social media.

VI. PROCEDURE

- A. Department Sanctioned Presence:
 - 1. Where possible, each social media page shall include an introductory statement specifying the agency's purpose and scope on the website. Efforts should be made to link the pages to the Department's official website. Where possible, social media pages should state that the opinions expressed by visitors do not reflect the views of the Department.
 - 2. The Department's social networking pages are available for any comment on topics relevant to the business of the Department or in response to a posting. The comments may be positive or negative, praise or criticism. There are several advantages to social media networking, including community outreach and communication and establishing a forum for interested people to share comments and criticisms with the Department so that members may

learn about real or perceived shortcomings and respond appropriately either by disseminating correct information, offering an explanation, or changing its actions and reporting the change. [CALEA 26.2.4, 45.1.2]

3. The Public Affairs Unit shall maintain and monitor the Department's social networking accounts.
 - a) The Public Affairs Unit will manage all Web 2.0 applications in compliance with established City policies and protocols.
 - b) No Web 2.0 application will be initiated or run in the name of the Department without the written consent of the Chief of Police. No employee will post material on behalf of the Department without the expressed written permission of the Chief of Police.
 - c) Requests by Divisions or Units to utilize "social media" as a formal communications tool must be submitted in writing to the Public Affairs Unit and forwarded for approval to the Chief of Police.
 - d) Requests to develop project or program-specific uses for social media tools should be directed to the Public Affairs Unit for consultation and development. Consideration will be given to the appropriate venue and application of tools.

4. The Public Affairs Unit shall review the accounts daily during the work week, employ account settings, and establish alerts regarding newly posted comments. The Public Affairs Unit shall remove comments from the site if they are deemed inappropriate or as directed by the Public Affairs Manager.
 - a) Comments that attack or insult an individual or group, include (but are not limited to) name-calling, profanity, obscenity, defamation, or remarks disparaging people based on race, gender, sexual orientation, disability, or national origin, will be removed from the Department's sites. [CALEA 26.2.4]
 - b) The Public Affairs Unit shall remove inappropriate comments from the webpage as soon as they are discovered. Public Affairs shall document by screen capture, remove the comment, and log the date, time, fan, and comment for future reference if feasible. If a particular fan repeatedly posts inappropriate comments, Public Affairs shall disqualify that fan from membership. [CALEA 26.2.4]
 - c) Social media content shall adhere to all applicable laws, regulations, and policies, including all information technology and records management policies.
 - d) Social media content is subject to public records laws. Relevant records retention schedules apply to social media. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.

5. Department personnel representing the Department via social media outlets shall identify themselves as a member of the Department and shall adhere to all department policies.

B. Personal Use:

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair the working relationships of this Department or negatively affect the public perception of the Richmond Police Department.
2. No photographs, facsimiles, drawings, or other depictions of the Richmond Police Department uniforms, badges, patches, seals, police vehicles/equipment, or anything else that might visually represent the Department shall be used or published in a manner that would tend to bring discredit to the Department or any City employee. Employees appearing online in uniform have automatically created a link between their online content and their employment with the Department.
3. As public employees, all personnel are cautioned that speech on or off duty, made pursuant to their official duties that owes its existence to the employee's professional responsibilities *is* not protected under the First Amendment and may form the basis for discipline up to termination if deemed detrimental to the Department. Personnel should assume that their speech and related activity will reflect upon the Department.
4. Department members should know that privacy settings and social media sites constantly change. Employees should never assume that personal information posted on such sites is protected.
5. This policy supplements the directives for employee conduct contained in all other Department general orders. It guides employees in applying those standards to the content of their online postings. The following rules apply when publishing content online:
 - a) Employees shall not post confidential, sensitive, or copyrighted information to which they have access due to employment with the City, including data from an ongoing investigation such as (but not limited to) photographs, video or audio recordings, information regarding the use of force incidents, internal affairs investigations, or pending prosecutions.
 - b) Employees shall not post speech containing obscene or sexually explicit language, images, acts, 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.
 - c) Employees shall not post content that contains material inappropriate for public viewing, such as (but not limited to) content that promotes illegal activity, violates the rights of any person or entity, or threatens the safety of any person or entity.

- d) Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department employees thus sanctioned are subject to discipline up to and including termination.
- e) Content posted has the potential to be shared broadly, including with people with whom employees did not intend to communicate, and may be subpoenaed by opposing counsel if it is relevant to a lawsuit related to an employee's official duties. Employees shall keep in mind that all content may be printed and re-distributed outside of the original recipient group.
- f) Employees shall not engage in social networking activities on the Internet while on duty unless such use is part of an ongoing criminal investigation or other Department function. Use of social media tools remains subject to the City of Richmond computer use policies.
- g) Employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Department without any prior notice.
- h) Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of this policy shall notify his or her supervisor immediately.

C. Investigative Use:

Social media is a valuable investigative tool when seeking evidence or information related to:

1. Missing person;
2. Wanted person;
3. Gang participation;
4. Crimes perpetrated online (i.e. cyberbullying, cyber stalking);
5. Photos or videos of a crime posted by a participant or observer;
6. Employment or volunteer applicants.

NOTE: Every effort must be made to validate Internet-based information.

D. Issues of General or Public Concern:

1. Employees may comment on issues of general or public concern, as opposed to personal grievances, including (but not limited to) local issues and criticism of local officials and policies, so long as the comments do not disrupt the workplace, interfere with critical working relationships or efficient workflow, or undermine public confidence in the employee or Department. These instances shall be judged on a case-by-case basis as necessary.

2. The employee shall adhere to the following guidelines provided to assist in determining if content is appropriate:
 - a) Matters of public concern are Department matters of interest to the community as a whole, whether for social, political, or other reasons.
 - b) Virginia Code §15.2-1512.4 permits employees to express opinions on matters of public concern to state or local elected officials.
 - c) Examples of local issues of general concern include the budget, spending priorities, any question scheduled for public hearing, illegal discrimination, official corruption, official impropriety, wrongdoing on the part of the government, misuse or waste of public funds, fraud, abuse or gross mismanagement, inefficiency in managing and operating government agencies, violation of law, local elections and/or public safety.
 - d) Examples of state or national issues of general or public concern include election campaigns, elected officials, legislation, national security, budgets, foreign policy, and/or any topic of broad public interest and debate.
 - e) Personal grievances include disciplinary action, work schedule, morale, and complaints about supervisors or co-workers that do not involve actual wrongdoing, illegal discrimination, corruption, or waste. These comments may subject an employee to disciplinary action if they constitute insubordination or otherwise violate general rules of the code of conduct.