

INSTRUCTIONAL ORDER

July 2021

Immediately

V.5:39

Distribution: All Employees

Subject: **SOCIAL MEDIA AND ELECTRONIC COMMUNICATION**

Index as:	Blog	Profile
	Electronic Communication	Social Media
	Matters of Public Concern	Social Networks
	Online Forum	Speech
	Page	Valid Law Enforcement Purpose
	Post	Vlog

Accreditation Standards: 54.1.1, CFA 1.07, 32.05
 Cross Reference: [G.O. IV-01, Rules of Conduct](#)
[CAD SOP III-01, Division Manager](#)
[CAD SOP III-07, Digital Video Specialist](#)
 City of St. Petersburg, Administrative Policy 070700_Social Media
 Chapter 119, Fla. Stat.

Replaces: I.O. V.5:39, Social Media and Electronic Communication (June 30, 2021)

This Order details policy for both Department and employee use of social media and other forms of electronic communication. It consists of the following sections:

- I. Purpose
- II. Policy
- III. Definitions
- IV. Department Social Media
- V. Personal Use of Social Media and Electronic Communications
- VI. Retention of Public Records

I. PURPOSE

A. The growth of **electronic communication** and social media platforms has resulted in rapid and frequent exchange of personal information among users. While the benefits of this technology are many, employees should be aware of and understand the potential for damage to their own reputation and the public's perception of the Police Department. Consequently, a directive adopting a standard of conduct for employees participating in social media and other forms of electronic communication and activity is necessary to ensure that online activity by employees does not erode the public trust in the Department or impair the regular operations of the Department.

II. POLICY

A. The Department recognizes that social media and other forms of electronic communication provide valuable means of assisting the Department in meeting community outreach, problem-solving, crime-prevention, and related objectives and endorses the authorized use of social media to enhance communication, collaboration, and information exchange.

B. The Department also recognizes the role social media plays in the personal lives of some personnel. Whether an employee chooses to create or participate in a blog, forum, online social network, or any other form of online publishing or discussion is a personal choice. However, the personal use of social media and other forms of electronic communication can impact agency personnel in their official capacity and the morale, discipline, integrity, and efficiency of the Department.

C. Online activity that violates state or federal law or agency policies and procedures may subject an employee to disciplinary action, up to and including termination, regardless of whether it occurs on or off duty. Situations will be evaluated on a case-by-case basis and the prevailing legal standard at the time of any perceived violation will be applied.

D. This Order applies to all forms of social media and other electronic communication as advances in technology will occur and new tools emerge.

E. This Order provides guidelines on the use of social media and other electronic communications by the Department and all Department employees.

III. DEFINITIONS

A. Blog – An informational diary, discussion, or commentary consisting of entries or posts that may allow visitors to post responses, reactions, or comments.

B. Electronic Communication – For purposes of this policy, an electronic communication refers to the sending, transfer, or distribution of data or information through the internet, over a data network, or by other electronic means (e.g., email, text messages, direct messages, posts, comments).

C. Matters of Public Concern – Speech that relates to a matter of political, social, or other concern to the community.

D. Online Forum – An online discussion site or message board where ideas and views can be exchanged.

E. Page – The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

F. Post – Content shared on a social media site, by electronic communication, or by publishing content on a site.

G. Profile – Personal identifying information provided by a user on a social networking site.

H. Social Media – A category of internet-based resources that integrates user-generated content and user participation, including websites and apps that may have a primary purpose other than socialization. This includes, but is not limited to, social networking sites (e.g., Facebook), micro-blogging sites (e.g., Twitter), photo- and video-sharing sites (e.g., YouTube), streaming sites (e.g., Twitch), online message boards (e.g., Reddit), wikis, blogs, and news sites.

I. Social Networks – Online platforms where users can create profiles, share information, or socialize with others using a range of technologies.

J. Speech – Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

K. Valid Law Enforcement Purpose – Information and intelligence gathering, development, collection, use, retention, or sharing that furthers the authorized functions and activities of a law enforcement agency. Authorized functions and activities, as used in this definition includes the prevention of crime, ensuring the safety of the public, furthering officer safety, and homeland and national security, while adhering to law and Department policy designed to protect the privacy, civil rights, and civil liberties of users and to prevent employee misconduct.

L. Vlog – A form of blog for which the medium is video.

IV. DEPARTMENT SOCIAL MEDIA

A. The Department maintains various social media sites. All official Department social media sites shall be approved by the Chief of Police, or designee. Requests to create an official Department social media site shall be in writing in memorandum via Chain of Command to the Chief of Police.

B. Authorized agency sites are administered and maintained by the Public Information Officer, or designee in coordination with the City of St. Petersburg Administrative Policy. The Public Information Officer or designee shall monitor visitor posts and comments and shall remove from public view any inappropriate content posted in violation of Department policy or terms of use.

C. Where possible, Department social media sites shall clearly indicate that they are maintained by the St. Petersburg Police Department and shall have Department contact information prominently displayed. The sites should state that the opinions expressed by visitors to the page do not necessarily reflect the opinions of the St. Petersburg Police Department.

D. The content of Department social media sites shall adhere to all applicable laws and to all Department and City policies. The sites shall clearly indicate that any content posted or submitted for posting is subject to public records law.

E. Department social media sites may be used for the following:

1. Community outreach and engagement (e.g., event information, providing crime prevention tips, official news, press releases);
2. Time sensitive notifications (e.g., road closures, weather emergencies, special events, missing and endangered persons);
3. Any valid law enforcement purpose, or other content deemed appropriate by the Chief of Police, or designee.

F. Use of Social Media Sites and Devices for Department Information or Business

1. Department social media sites can be accessed while on duty and Department devices can be used to access Department social media sites while on duty.

2. Employees shall not make any statements or endorsements, or publish materials that could represent, or be attributed as the views or positions of the police department, without express approval from the Chief of Police or designee.

a. Approval Process – In order to be approved, the employee will present in writing a request to the Chief of Police via their Chain of Command, to include:

- 1) The social media that they plan to use;
 - 2) The Department business and valid law enforcement purpose served by using social media;
 - 3) The benefits the Department will accrue from this social media presence;
 - 4) The primary and backup persons responsible for posting, updating, and maintaining the information on the social media site if applicable;
 - 5) The process for posting information to the social media site;
 - 6) The approvals, if any, that will be required prior to information being posted on the social media site;
- and
- 7) How data on the site will be backed up to comply with requirements, if any, of Florida Public Records.

V. PERSONAL USE OF SOCIAL MEDIA AND ELECTRONIC COMMUNICATIONS

A. The Department respects the rights of all employees to use social media and other forms of electronic communication as a form of self-expression. Nothing in this policy is intended to unlawfully restrict an employee's right to discuss matters of public concern or to engage in protected speech or conduct. The Department's mission includes maintaining and building community trust, keeping the community informed and safe, and sustaining discipline and camaraderie among Department employees. Use of social media, the internet, or other electronic communication that adversely affects or impairs working relationships, job performance, the performance of other employees, agency operations, the mission of the Department, or the image, integrity, or reputation of the Department is unacceptable.

B. Employees should not share personal passwords or other login information with other users. Employees are responsible for all posts, messages, or other communications shared or generated by their user account or profile on social media or other communications network. Private accounts, communications, and posts made off duty may be subject to this policy. Situations will be evaluated on a case-by-case basis by the Department.

C. Consistent with state and federal law, the following guidelines apply to the personal use of social media sites and electronic communication, both on and off duty:

1. Employees may not divulge nonpublic information gained by reason of their employment, position, or authority.
2. Any use of Department computer or communications equipment, such as workstations, phones, laptops, or network infrastructure to participate in social media is prohibited unless authorized for Valid Law Enforcement or agency purposes. Any such use or access to social media on Department computers or equipment is not privileged and may be monitored by the Department.
3. Employees shall not use their agency-assigned e-mail address to register on any social media website for personal use.
4. Employees shall not post, share, or transmit any form of visual or personal identification of employees who are, or who may reasonably be expected to be working in an undercover capacity.
5. Morale, discipline, and efficiency are essential to the Department's mission. Therefore, employees shall not post false, unfounded, or unsubstantiated derogatory information about other employees. Unlawful bullying or harassment will not be tolerated and may subject an employee to civil liability.
6. Employees shall not make statements about the guilt or innocence of any suspect or arrestee; comment on pending prosecutions; or post, transmit, or otherwise communicate confidential information, including photographs or videos related to agency training, operations, or work-related assignments without the express written permission from the Chief of Police or designee.
7. Employees shall not post, transmit, or otherwise communicate nonpublic information gained as a result of their position or employment to personal social media or other sites. Posting, communicating, or disseminating the following types of criminal justice information jeopardizes Department security operations and may be unlawful, therefore it is explicitly prohibited:
 - a. Confidential, sensitive, or copyrighted information;
 - b. Data from an ongoing criminal or administrative investigation, including but not limited to photographs, videos, or audio recordings of:
 - 1) the accused, suspects, or arrestees;
 - 2) crime scenes and traffic crashes;
 - 3) evidence;
 - 4) victim or witness statements or personal identifying information;
 - c. Information concerning restricted areas of agency facilities; and
 - d. Official training and/or work-related assignments; personal statements about an on-duty use of force incident; or comments related to pending cases or prosecutions.
8. Employees shall not post, transmit, or communicate content that is illegal, discriminatory, confidential, or that is inconsistent with the duties and responsibilities of a Department employee. This includes any form of obscene, pornographic, violent, harassing, racist, sexist, ethnically derogatory, or defamatory comments, pictures, artwork, videos, material, or other references, which may undermine public trust and confidence and contradict the employee's Oath of Office or Code of Ethics.
9. When using social media, employees should be aware that they may be subject to civil liability for:
 - a. Publishing or posting false information that harms the reputation of another person, group, or organization;
 - b. 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;
 - c. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or

d. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

D. The posting, transmission, communication, and display of agency logos, firearms, equipment, uniforms, or similar identifying items on a personal web page or social media platform is prohibited, unless made consistent with the terms of this policy or authorized by the Chief of Police, or designee. Permissible use of agency logos, firearms, equipment, uniforms, or similar identifying items on a personal web page or social media platform may include:

1. Content that is consistent with and in furtherance of the Department's mission, goals, and objectives or a valid law enforcement purpose.

2. Content related to official Department events (e.g., promotions, retirements, award ceremonies) when the posts are appropriate and in keeping with the professional image and mission of the Department.

3. Employees may repost or share images placed on Department social media sites to an employee's personal social media site when the repost, share, etc., does not alter the original agency post and is posted to a site that is appropriate in content and in keeping with the professional image and mission of the Department.

4. Content related to a matter of public concern or otherwise protected by the First Amendment; however, such content may not interfere with the Department's efficient operation, mission, goals, or objectives.

E. Use of agency logos, firearms, equipment, uniforms, or similar identifying items on a personal web page or social media platform for any exploitive purpose or pecuniary gain, including to promote products, services, or any other form of social media monetization, is expressly prohibited under this policy.

VI. RETENTION OF PUBLIC RECORDS

A. Employees should not use personal devices, accounts, pages, or sites to conduct or transact City or Department business.

B. Any electronic communication regarding City or Department information, business, or responsibilities may be a public record, may be subject to disclosure, and **must be retained** in accordance with Florida law and Chapter 119, Florida Statutes, regardless of whether it was sent or received using a personal or department device, account, page, or site.

Anthony Holloway
Chief of Police