



<b>SOCIAL MEDIA</b>		
<b>new:</b> ✓ rescinds: 14.3 (3) ✓ amends: All previous		<b>cross-reference:</b> Tompkins County Polices 07-01 & 07-02
<b>effective date:</b> February, 2014		<b>accreditation standards:</b> NYSLEAP Standard(s) 28.4
<b>amend date:</b> February, 2020		

*This General Order is for office use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting*

**I. PURPOSE**

The Tompkins County Sheriff's Office endorses the secure use of social media to enhance communication, collaboration, and information exchange, streamline processes, and foster productivity. This policy establishes this office's position on the utilization and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge.

**II. POLICY STATEMENT**

Social media provides a new and potentially valuable means of assisting the Sheriff's Office and its personnel in meeting community outreach, problem-solving, investigation, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The office also recognizes the role that these tools play in the personal lives of some office personnel. The personal use of social media can have bearing on office personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by office personnel. The Sheriff's Office use and administration of social media will be consistent with the [County's Departmental Use and Administration of Social Media Policy](#).

**III. DEFINITIONS**

*Blog:* A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

*Chat:* An interaction on a website, with number of people adding text items one after another into the same space at nearly the same time – differs from a forum because conversations happen in "real time."

*Comments:* Responses to a blog post, news article, social media entry, or other social networking post.

*Feed:* A list of user's recent tweets which can be posted on other sites such as Facebook or an agency's website.

*Forum:* Discussion areas on websites where people can post messages or comment on existing messages at any time.

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

*Post:* Content an individual shares on a social media site or the act of publishing content on a site.

*Profile:* Information that a user provides about themselves on a social networking site.

*Record:* Any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever, including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes (§86 (4) NYS Public Officers Law).

*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), micro- blogging sites (Twitter, Yik-Yak, Nixle), photo and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and any news sites.

*Social Networks:* On-line platforms where users can create profiles, share information, and socialize with others using a range of technologies.

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

*Tweet:* A post or status update on Twitter of 280 characters or less.

*Wall:* The users own profile page and the updates it contains. People can write updates on your wall that are viewable by all your friends.

*Web 2.0:* The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

*Wiki:* Web page(s) that can be edited collaboratively.

#### **IV. PROCEDURES & GUIDELINES**

Where the Tompkins County Sheriff's Office uses social media to advance the purposes and goals of the organization, the following procedures shall apply to these officially sanctioned uses:

##### **A. Determine Strategy**

1. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.

2. Where possible, the page(s) should link to the Sheriff's Office official website.
3. Social media content will be designed with the specific target audience in mind.

#### B. Content Procedures

1. Set up of all office social media sites or pages must be approved by the Sheriff. The Sheriff or designee shall approve all information that is released on social media. All social media sites will be monitored regularly.
2. Content originators are responsible for ensuring accuracy of their content.
3. Where possible, social media pages shall clearly indicate that they are maintained by the office and will have office contact information displayed prominently.
4. Social media content shall adhere to applicable laws, regulations and policies, including all information technology and records management policies.
5. Content is subject to public records laws. The NY Records Retention and Disposition Schedule indicates the minimum length of time that public officials must retain their records before they may be disposed of legally. Relevant sections apply to social media content.
6. Content may be subject to applicable Freedom of Information Law (FOIL) regulations as required by the NYS Public Officers Law §87.
7. Content that is specific to a criminal investigation should be retained in the appropriate case file and is likely discoverable and, as such, should be brought to the prosecutor's attention.
8. Content must be managed, stored, and retrieved in compliance with open records laws, e-discovery laws and policies.
9. Social media pages should state that opinions expressed by visitors to the page do not reflect the opinions of the Tompkins County Sheriff's Office.
10. Pages will clearly indicate that posted comments will be monitored and that the Sheriff's Office reserves the right to remove obscenities, off-topic comments, and personal attacks.
11. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
12. Members are prohibited from revealing information that could damage the office's reputation, credibility, or otherwise be detrimental to the office's mission.
13. Members are prohibited from revealing office-sensitive information that may damage investigations or undercover operations.

### C. Posting Procedures

1. Personnel representing the Tompkins County Sheriff's Office will:
  - a. Comply with all office standards of conduct, conventionally accepted protocols and proper decorum.
  - b. Identify themselves as a member of the Sheriff's Office.
  - c. Not make comments or statements regarding their opinion of the guilt or innocence of any suspect, arrestee or defendant.
  - d. Not post, transmit, or otherwise disseminate confidential information, including photographs or videos of office training activities, other office activities, or work-related assignments without the express permission of the Sheriff.
  - e. Not conduct political activities or private business.
  - f. Not use personally owned devices to manage the office's social media without the express written permission from the Sheriff.
  - g. Personnel shall observe and abide by all copyright, trademark, and service mark restrictions when posting materials to social media.

### D. Undercover Profiles

1. Nothing in this policy will prohibit the use of a fictitious name, identity, business, or organization strictly for official investigative purposes with prior authorization by the Sheriff. In all such cases, members will assign a case number and file a police report containing all relevant information on the identity used and members responsible for such investigation.
2. Undercover profiles should not be accessed from personal computers, laptops, devices or office PC, laptops or devices that utilize an office or government IP address (The purpose of this section is an officer safety issue to reduce the risk of suspects identifying the actual identity and location of officers working in an undercover role).

### E. Potential Official Uses

1. Investigative tool:
  - Missing persons;
  - Wanted persons;
  - Gang participation;
  - Online crime (cyber-bullying, cyber-stalking, etc.);
  - Source of photo or video evidence posted by observer or participant;
  - Criminal intelligence gathering;
  - Creation or corroboration of an undercover or fictitious identity for official use and when expressly authorized by the Sheriff's Office.

2. Community Outreach and Engagement:

- Crime prevention tips;
- Online reporting opportunities;
- Data sharing (crime maps, statistics, etc.);
- Soliciting crime information and tips;
- Customer satisfaction surveys;
- Employee recognition;
- Monitoring and responding to community concerns with the Office.

3. Time sensitive notifications:

- Road closures;
- Special events;
- Weather emergencies;
- Missing or endangered persons.

4. Agency Employee Recruitment:

- Employment opportunities.
- Hiring process preparation aids.
- Applicant background investigation.
- Pre-employment investigations may include internet-based content related to the potential employee. Searches should be conducted by personnel who do not otherwise influence hiring decisions. Any reference to a candidate's protected class status should be filtered from the search results prior to their submission to personnel making hiring decisions.
- Those authorized to conduct on-line background searches should be deemed to hold a sensitive position.
- Searches will be conducted in accordance with applicable laws.
- Uniform vetting techniques will be applied to all candidates, making every effort to validate internet based information considered during the hiring process.

**V. PERSONAL USE OF SOCIAL MEDIA**

- A. Any use of or access to personal social media done during business hours on County computing and networking resources shall be consistent with the [County's Information Technology Resources Acceptable Use Policy](#), including personal incidental use.
- B. Absent State law or binding agreements to the contrary, Sheriff's Office personnel shall abide by the following when using social media:
1. Office 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 the Sheriff's Office in which trust and confidentiality are important, impede the performance of duties, impair discipline and harmony among co-workers, or negatively affect the public perception of the office.
  2. Due to the nature of social media, formal leaders may interact and function in the same social media spaces as their subordinates. It is suggested that the online relationship function in the same manner as the professional relationship.

3. As public employees, Sheriff's Office personnel are cautioned that speech, on or off duty, made pursuant to their official duties – that is, that owes its existence to the employee's professional duties and responsibilities – is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Office. Office personnel should assume that their speech and related activity on social media sites would reflect upon their office and this Office. Speech and conduct should be representative of Office values.
  4. Sheriff's Office personnel are prohibited from creating a fictitious identity under the auspices of conducting duty related activities without the express written authorization of the Sheriff. Such activities would be governed by the official office use provisions of this policy.
  5. Office personnel shall not post, transmit, or otherwise disseminate any information or imagery, such as arrest photos, accident scene photos, crime scene photos, official or unofficial reports, or information gained in their official capacity to which they have access as a result of their employment without written permission from the Sheriff
  6. When using social media, Sheriff's Office personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the office's code of conduct is required in the personal use of social media. In particular, office personnel are prohibited from the following:
    - a. 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.
    - b. Speech involving themselves, or other Sheriff's Office personnel, reflecting behavior that might reasonably be considered reckless or irresponsible.
  7. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Office personnel, thus sanctioned are subject to discipline up to and including termination of office.
  8. Personnel may not divulge information gained by reason of their authority without the express written authorization from the Sheriff. This includes, but is not limited to:
    - Any statements, speeches, appearances or endorsements;
    - Publishing materials that could reasonably be considered to represent the views or positions of the Sheriff's Office.
- C. Sheriff's Office personnel should be aware that privacy settings and social media sites are constantly changing and they should never assume that personal information posted on such sites is protected.
- D. Office personnel should be aware that they may be subject to civil litigation 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, including trademarks, or certain confidential business information without the permission of the owner.
- E. Sheriff's Office personnel having personal web pages shall not use their rank, title, or position in a manner that would suggest that they are representing the interests or official position of the Office.
- F. Sheriff's Office personnel should expect that the office, at any time and without prior notice, might access any information created, transmitted, downloaded, exchanged or discussed in a public online forum.
- G. Reporting Violations: Any employee becoming aware of or having knowledge of a posting or of any website or web page, in violation of the provisions of this policy shall notify their supervisor immediately.

## VI. APPROVAL PROCESS

- A. An employee seeking approval to use references to the Tompkins County Sheriff's Office on a personal website, web page, or other public forum shall submit a request for approval to the Sheriff via the chain of command.
- B. Employees who post photos, comments, or other material pertaining to other office employees in the performance of their duties must inform and seek approval from the employee(s) before posting same.

### Attachments:

- A. [Tompkins County Departmental Use and Administration of Social Media](#)
- B. [Tompkins County Acceptable Use of County Information Technology Resources](#)

By Order Of



Derek Osborne  
Sheriff