

Washtenaw County Sheriff's Office
Procedural Guideline – Use of Social Media
Reference Number: 9.09



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I. Introduction

Social media provides potentially valuable means of assisting the Sheriff's Office and its personnel in meeting community outreach, problem-solving, investigative, 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 Sheriff's Office recognizes the role that these tools may play in the personal lives of Sheriff's Office personnel. The personal use of social media can affect Sheriff's Office personnel in their official capacity.

As such, this policy provides guidance and information of a precautionary nature as well as prohibitions on certain use of social media by Sheriff's Office personnel.

Washtenaw County Administration issued a policy on 12/05/2018 that governs the use of social media for all County employees. County policy is hereby incorporated into this Sheriff's Office policy. The County policy is published on eCentral at this web address:

<https://employee.washtenaw.org/DocumentCenter/View/2108/Social-Media-Policy->

If there is a conflict between the two policies, the Sheriff Office personnel should follow Sheriff's Office Policy.

II. PURPOSE

This policy establishes the Sheriff's Office's position on the utility and management of social media and provides guidance on its management, administration, and oversight. It is not meant to address one form of social media, rather social media in general, as advances in technology will occur and new tools will emerge.

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III. POLICY

It is the policy of the Sheriff's Office to employ the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; foster productivity; and advance other professional interests and objectives.

IV. DEFINITIONS

- A. Blog: A self-published diary or commentary on a topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."
- B. Page: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.
- C. Post: Content a person shares on a social media site or the act of publishing content on a site.
- D. Profile: Information that a user provides about himself or herself on a social networking site.
- E. Social Media: A category of internet-based resources (apps, websites, platforms) where users can create profiles, share information, and socialize with others using a range of technologies. These resources integrate user-generated content and user participation. This includes, but is not limited to, social networking, messaging, microblogging, photo- and video-sharing, wikis, blogs, and news.
- F. The following list of examples is not all-inclusive and will change as resources come and go with regularity. As of 2019, the most popular social networks worldwide, as reported by statistica.com (<http://tinyurl.com/zno685j>) are: Facebook (FB), YouTube, WhatsApp, FB Messenger, WeChat, Instagram, QQ, QZone, Douyin/Tik Tok, Sina Weibo, Reddit, Twitter, Douban, SnapChat, LinkedIn, and Pinterest. The list of the most popular social networking apps in the United States includes those already listed and: Tumblr, Discord, GroupMe, Kik, Skype, Telegram, and LINE, along with several others (<http://tinyurl.com/y9co8b3o>).
 - 1. Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
 - 2. 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.
 - 3. Wiki: Web page(s) that can be edited collaboratively.

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V. ON-THE-JOB USE

A. Sheriff's Office-Sanctioned Presence

1. Determine Strategy

- a) Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the Office's presence on the website.
- b) Where possible, the page(s) should link to the Sheriff's Office's official website.
- c) Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.

2. Procedures

- a) All Sheriff's Office social media sites or pages shall be approved by the Sheriff or his or her designee and shall be administered by the Sheriff's *designee* or as otherwise determined.
- b) Social media sites will be "certified" or "verified" by the platform provider whenever possible to provide assurance to the community that a site is the official account of the Sheriff's Office and not a counterfeit created by a person or entity not affiliated with the Office.
- c) Before using the Sheriff's Office seal on a social media site, obtain the correct copy of the seal from Sheriff's Administration. The logo must be used exactly as it appears. A change to the logo could jeopardize the County's ownership of the mark. If a significant change to the logo is desired, the change must be approved by the Sheriff or Undersheriff. Material that belongs to someone other than the Sheriff's Office must give credit to the source or author of the material in the posting. Failure to cite a third-party author or source could be a violation of federal copyright law.
- d) Where possible, social media pages shall clearly indicate they are maintained by the Sheriff's Office and shall have Sheriff's Office contact information prominently displayed.
- e) Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
 - (1) Content is subject to public records laws. Relevant records retention schedules apply to social media content.
 - (2) Social media conducted on behalf of the County is subject to the

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State of Michigan Record Retention Laws and Policies for Local Government and the Michigan Freedom of Information Act. Any content maintained in a social media format related to County business, including communications posted by the County and communications received from the public, is a public record. The County will assist departments, where needed, with the retention of all related content and complying with all retention schedules. As of 2019, the County is using the service “Archive Social” (<https://archivesocial.com/>) for this purpose. Document retention schedules are maintained by the State of Michigan Department of Technology, Management and Budget.

- (3) Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Sheriff's Office.
 - (a) Pages will prominently display the following statement, or similar statement approved by the Sheriff's social media administrative designee, on all social media accounts that accept comments from the public:
 - i. “If you are experiencing an emergency please call 911. All Washtenaw County Sheriff's Office social media accounts are managed by staff or sanctioned agents of the Sheriff's Office during regular business hours Monday through Friday, 8:30 a.m. to 5:00 p.m.
Comments or questions submitted after hours or on weekends may be read but this is not guaranteed. Social media accounts may occasionally be unavailable, and we accept no responsibility for lack of service due to downtime. Feedback, positive or otherwise, can also be provided through our website at <https://link.washtenawsheriff.org/feedback>
Comments expressed by community members do not reflect the opinions and position of the Washtenaw County Sheriff's Office or its employees. The Sheriff's Office reserves the right, in its sole discretion, to remove comments, including but not limited to, those

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that are discriminatory, obscene, threatening, insulting, constitute advertisements, violate the intellectual property rights of another, promote illegal activity, or are not related to the topic in the original posting.”

3. Sheriff's Office-Sanctioned Use
 - a) The Sheriff's social media administrative designee will oversee the organization's overall social media presence. Oversight includes, but is not limited to:
 - (1) Reviewing requests for new Sheriff's Office social media accounts;
 - (2) Maintaining an inventory of all Sheriff's Office social media accounts, including departmental sign-ons, passwords or administrative credentials;
 - (3) Evaluating Sheriff's Office social media accounts quarterly;
 - (4) Managing statistics and tracking;
 - (5) Updating External Communications and Social Media policy and procedure as necessary.
 - b) Sheriff's Office personnel representing the Sheriff's Office via social media outlets shall:
 - (1) Always conduct themselves as representatives of the Sheriff's Office and, accordingly, shall adhere to all Sheriff's Office standards of conduct and observe conventionally accepted protocols and proper decorum.
 - (2) Identify themselves as a member of the Sheriff's Office.
 - (3) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending investigations or prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to any Sheriff's Office activities, training activities, or work-related assignments without express written permission of the Sheriff, Undersheriff, or Sheriff's social media administrative designee.
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- (4) Not conduct political activities or private business.
- (5) Without warning, immediately remove, report and document any content that contains:
 - (a) Profanity, vulgar or abusive language
 - (b) Personal attacks of any kind
 - (c) Threats of physical or bodily harm
 - i. Threats of this nature must be immediately reported to the Sheriff's social media administrative designee
 - (d) Advocating illegal activities
 - (e) Offensive comments containing terms that target or disparage any ethnic, racial, religious, political, or other groups
 - (f) Spam, commercial or non-commercial promotion (advertising) of a business, service, political organization or individual
 - (g) Identical posts by the same user or group of users (the first post will be retained, all subsequent, identical posts shall be removed by the departmental social media administrator)
 - (h) Unauthorized identifying information, such as social security numbers, phone numbers or email addresses in the body of a comment or post
- (6) Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.
- c) Potential Uses
 - (7) Social media is a valuable investigative tool when seeking evidence or information about
 - (a) missing persons.
 - (b) wanted persons.
 - (c) gang participation.
 - (d) crimes perpetrated online (i.e., cyberbullying, cyber stalking).

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- (e) photos or videos of a crime posted by a participant or observer.

While social media may be an efficient means to communicate information to the public, it may not be the most effective in receiving information because of a person's concern for safety or desire for anonymity. When using social media as an investigative tool, posts should clearly provide options for response such as anonymous tip lines, Axon Citizen, Ring Community Portal, and any other methods that evolve.

- (8) announcing community events.
- (9) providing crime prevention tips.
- (10) offering online-reporting opportunities.
- (11) sharing crime maps and data.
- (12) soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip).
- (13) Social media can be used to make time-sensitive notifications related to
 - (a) road closures.
 - (b) special events.
 - (c) weather emergencies.
 - (d) missing or endangered persons.
- (14) Social media can be used for job postings and employment investigations. Examples include:
 - (a) Recruitment for persons seeking employment and volunteer positions.
 - (b) A source of information about applicants when conducting background investigations. A candidate can publicly disclose a good deal of information about themselves on social media.
 - ii. If used for employment background investigations:

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- (a) Search methods shall not involve techniques that are a violation of existing law.
- (b) Vetting techniques shall be applied uniformly to all candidates.
- (c) Every effort must be made to validate Internet-based information considered during the hiring process.

VI. PERSONAL USE

- A. When using social media, Sheriff's Office personnel should be mindful that their speech and actions become part of the worldwide electronic domain. Once an electronic post is made, the person who posted it no longer has total control of it.

Even if best practices and security settings are used, they cannot be totally relied upon to keep content private or viewable only to select people. Electronic information can be copied, screenshot, altered, and stolen. As such, it is prudent to assume that whatever you post or comment on privately, could be shared publicly.

This procedural guideline is not intended to prevent proper personal use of social media nor to interfere with any rights an employee enjoys as a private citizen.

Nonetheless, as a member of the Sheriff's Office you are also a public figure and your social media will be subject to greater scrutiny. Individuals who view your social media will legitimately judge the Office and its employees by what you choose to post or comment on in social media. As such, the Sheriff's Office has a legitimate and powerful interest in protecting the culture and reputation of a longstanding and critical public office. This includes regulating "speech" that may be considered offensive to those we serve.

Therefore, adherence to the Sheriff's Office policy, professional standards and code of conduct is required in the personal use of social media.

- B. Precautions and Prohibitions

Barring applicable law or binding employment contracts to the contrary, Sheriff's Office personnel shall abide by the following when using social media.

1. Sheriff's Office personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working

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relationships of the Sheriff's Office for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, negatively affect the public perception of the Sheriff's Office, or violate any other Sheriff's Office policy and procedural guidelines. (Class1)

2. 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 Sheriff's Office. Sheriff's Office personnel should assume that their speech and related activity on social media sites will reflect upon their office and the Sheriff's Office. (Class 1)
3. Sheriff's Office personnel 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 his or her designee. (Class 1)
4. For safety and security reasons, Sheriff's Office personnel are cautioned not to disclose their employment with this Sheriff's Office nor shall they post information pertaining to any other member of the Sheriff's Office without their permission. As such, Sheriff's Office personnel are cautioned not to do the following:
 - a) Display Sheriff's Office logos, uniforms, or similar identifying items on personal web pages.
 - b) Post personal photographs or provide similar means of personal recognition that may cause them to be identified as an employee of the Sheriff's Office.
 - c) Extra caution must be exercised by deputies who work in, or who may reasonably be expected to work in undercover operations. Posting any form of visual or personal identification for the duration of an undercover assignment has greater potential to put their personal safety, and that of their team, into jeopardy depending on the nature of the undercover operation or assignment.
5. Sheriff's Office personnel who use social media are prohibited from engaging in the following:
 - a) 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. (Class 1)
 - b) Speech involving themselves or other Sheriff's Office personnel reflecting behavior that would reasonably be considered reckless or irresponsible.

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(Class1)

6. Engaging in prohibited speech as noted herein, may provide grounds for undermining or impeaching a deputy's testimony in criminal proceedings. Sheriff's Office personnel thus sanctioned are subject to discipline up to and including termination.
7. Sheriff's Office personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this Sheriff's Office without express authorization.
8. Sheriff's Office personnel should be aware that they may be subject to civil litigation for
 - a) publishing or posting false information that harms the reputation of another person, group, or organization (defamation).
 - 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.
 - d) publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
9. Sheriff's Office personnel 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.
10. Sheriff's Office personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Sheriff's Office at any time without prior notice.
11. 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 his or her supervisor immediately for follow-up action.

VII. MODIFICATION

- A. The Sheriff or Undersheriff may modify the provisions of this procedural guideline.

VIII. COMPLIANCE

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- A. All employees shall comply with all provisions of this procedural guideline. A violation of any section is at a minimum a Class 2 offense and may result in corrective discipline.

- B. Some sections are Class 1 offenses. These sections note “Class 1” in parentheses. A section is deemed to be a Class 1 offense when:
 - 1. The nature of the posted content has the potential to undermine confidentiality of the investigation and prosecution of criminal cases.
 - 2. The nature of the posted content contains 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.
 - 3. The nature of the posted content involving an employee posting it or other Sheriff's Office personnel reflects behavior that would reasonably be considered reckless or irresponsible.
 - 4. The nature of the posted content is such that it brings the employee or employer into disrepute, meaning the state of being held in low esteem by the public.

- C. A violation may also be a violation of other Sheriff's Office professional conduct standards which may result in corrective disciplinary action up to and including discharge.