

## 14.205 SOCIAL MEDIA

### **Reference:**

City of Cincinnati Administrative Rule No. 59 – Social Media Policy  
 City of Cincinnati Brand Identity Guidelines  
 Investigations Manual  
 City of Cincinnati Human Resources Policies and Procedures - Chapter 9  
 Procedure 14.210, Real Time Crime Center Information Requests

### **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.”

**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 himself/herself on a social networking site.

**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 (e.g. Facebook), microblogging sites (e.g. Twitter), photo and video sharing sites (e.g. Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (e.g. Digg, Reddit). Social Media includes all means of communicating or posting information of any sort on the internet. Examples include: Any activity, posting or adding information to a personal or social media website, comments on web articles, whether or not associated or affiliated with the department, as well as any form of electronic communication on the internet.

**Personal Social Media Account** – A personal account established by a member of the service with a third-party provider (e.g. Facebook, Instagram, Twitter etc.) that is not officially affiliated with the Department.

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

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

**Portable Electronic Device** – An electronic device having the capability to store, record, and/or transmit text, images, videos, or audio data.

**Affiliation with a Hate Group** – Donating to, being a member of, or participating in activities including attending meetings, social media groups, or rallies organized by or executed on behalf of a hate group.

**Hate Group** – Any group that advocates for violence or the commission of crimes against a group of persons based on their color, ethnicity, race, religion, national origin, gender, gender identity/expression, sexual orientation, and/or disability.

**Purpose:**

The Department endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This procedure establishes this Department's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This procedure 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.

**Policy:**

The Police Chief and the City's Public Information Officer must approve the creation of any social media presence that represents the City or Department. All accounts must be registered with the City Manager's Office and the Enterprise Technology Solutions Department. Unless approved by the City's Public Information Officer, the Department will have only one identity per social media site (ex. one Facebook page and one Twitter account). Page administrators must use their work email address and adhere to the City's password policies.

Personnel assigned to the Public Information Office are responsible for the content management and posting of information on the Department Social Media Page. Only designated and trained Department personnel may post information on Department platforms.

Department social media pages must adhere to the City of Cincinnati Brand Identity Guidelines.

The City of Cincinnati's website – <http://www.cincinnati-oh.gov/> - should be the City's primary source of online information to the public.

Social media posts should, whenever possible, provide links back to the Department's page on the City's website for information, contact forms, or other assets available on the City's website.

**Information:**

Social media provides a new and potentially valuable means of assisting the Department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. The Department also recognizes the role that these tools play in the personal lives of some Department personnel. The personal use of social media can have bearing on Department 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 Department personnel.

**Procedure:**

- A. Department Sites and Page Requirements
1. All Department social media sites or pages shall be administered by the Social Media Administrator in the Public Information Office.
  2. Social media pages shall clearly indicate they are maintained by the Department and shall have Department contact information prominently displayed.
    - a. The Information or Description portion of the page will contain the following statements:
      - 1) "This site is not continuously monitored. Call 911 for emergencies."
      - 2) "This site and all comments contained within are subject to the Ohio Public Records Act (Ohio Revised Code 143.43)."
  3. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
    - a. Content is subject to the Ohio Public Records Act (Ohio Revised Code 149.43). Relevant records retention schedules apply to social media content.
    - b. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
  4. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department.
    - a. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
  5. Citizens shall be allowed to comment on posts in the broadest manner possible, even when critical of City/Department performance.
    - a. A link to the City's website will be provided to notify visitors of the standards which must be met when posting comments on Department pages.
      - 1) Department reserves the right to remove comments and posts containing the following:
        - a) Comments not directly related to the topic being discussed
        - b) Profane language
        - c) Sexually suggestive language
        - d) Personal attacks

- e) Comments supporting or opposing a political issue or candidate
  - f) Comments that promote discrimination in the basis of race, color, sex, religion, age, national or ethnic origin, HIV status, marital status, sexual orientation, regional Appalachian ancestry or disability
  - g) Commercial advertising
  - h) Comments encouraging illegal activity
  - i) Comments violating a citizen's privacy
  - j) Comments violating the intellectual property rights of another party
- 2) When offending comments are deleted, the time, date, content, and poster's username must be recorded.
- a) Repeat offenders will be banned from commenting on Department pages.
- b. Questions posted by the media on Department social media pages will be directed to the City's Public Information Officer in the City Manager's Office.

## B. Content Management: Department Postings

1. Department personnel representing the Department via social media outlets shall do the following:
  - a. Identify and conduct themselves at all times as representatives of the Department and adhere to all Department standards of conduct and observe conventionally accepted protocols and proper decorum.
    - 1) Keep posts timely
  - b. Keep posts directly related to the business of the Department.
  - c. Posts will be factual absent personal opinion.
    - 1) Personnel shall not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to Department training, activities, or work-related assignments without approval.
      - a) Photographs must adhere to the City of Cincinnati Brand Identity Guidelines.
  - d. Personnel are prohibited from using Department electronic equipment, e.g. desktop, laptop, Mobile Data Computers (MDC), or City issued cell phones to engage in private business, including social media activities.

- 1) Department personnel use of personally owned devices to manage the Department's social media activities or in the course of official duties is prohibited without prior approval.
- 2) Personnel shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

#### C. Creation of Social Media Entries

1. Department personnel shall notify the Social Media Administrator with relevant stories/information involving Department activities and events. The notification should include:
  - a. Activity Description
  - b. Date/Time
  - c. Involved Department District/Section/Unit
  - d. External Participants
  - e. Goal/Summary of Activity
  - f. Photographs or Video Links
  - g. Contact Person
2. The Social Media Administrator will review the information and ensure posting on the Social Media Sites within seventy-two hours of notification.
3. The Social Media Administrator will monitor the Department Social media Sites and comments and provide notification to the Office of the Police Chief of community response and comment where applicable.

#### D. Covert Use of Social Media

1. Only personnel authorized by their section/bureau commander may post on social media sites in a covert capacity.
2. Personnel acting in a covert capacity on social media sites will only use computers/devices designated for such use.
  - a. Personnel will not conduct covert investigations on social media sites from privately owned devices.
3. Federal and state laws restrict the covert use of social media by law enforcement.
  - a. Personnel will not take on the identity or use the personal information or likeness/photograph of another without that person's consent.
  - b. Officers not familiar with the restrictions placed on law enforcement regarding the covert use of social media should contact RTCC personnel, the City Solicitor's Office, or the Hamilton County Prosecutor's Office.

## E. Personal Use of Social Media

1. Precautions and Prohibitions - Department personnel shall abide by the following when using social media.
  - a. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships in the Department for which confidentiality is important; does not impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the Department.
    - 1) Social media posts by Department personnel in their personal capacity can form the basis for discipline.
    - 2) Department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, while accessing and communicating on any social media site, regardless if it is done while conducting official, work-related business or done for personal use, employees shall adhere to all Department standards of conduct and shall not engage in any activity or present themselves in such a manner that would be detrimental to the proper functioning of the Cincinnati Police Department or the City of Cincinnati.
      - a) In particular, Department personnel should be aware of the standards created by the Department code of conduct with regard to the following:
        - 1] 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.
        - 2] Speech involving themselves or other Department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
    - 3) The Department may monitor all business-related employee use of social media, as well as any non-business-related use that occurs on Department work time or using Department resources. The Department may also monitor content posted by a Department employee in furtherance of their job duties and edit, rectify, or remove any content that it deems, at its sole discretion, to violate any law, regulation, Department or City policy, or that is otherwise inappropriate. Therefore, Department personnel should expect that:

- a) Any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Department at any time without prior notice, and the employee should have no expectation of privacy in such content or information.
  - b) Any online interaction that narrowly, specifically, or directly relate to Department personnel's employment is susceptible to review and can potentially lead to disciplinary actions.
  - c) All other City and department policies and procedures apply in the social media context.
- b. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office as specified in the collective bargaining agreement.
- c. Department personnel will not record or disseminate in any way, including but not limited to live-streaming or posting videos/pictures or documents, or transmit any activities or events:
- 1) To which they have access as a result of their employment, without written permission from the Police Chief or his/her designee.
  - 2) During active or ongoing incidents/investigations without the permission from PIO or a command officer of the rank of captain or higher.
  - 3) On private social media sites while on duty. Doing so could subject personnel accounts to Public Records requests.
- d. Department personnel will not engage in:
- 1) Any type of social media contact with a suspect, witness, crime victim, and/or attorney involved in the same case or investigation, if that officer was involved in the investigation, until the matter is concluded. Notwithstanding, if the officer has a pre-existing relationship with the suspect, witness, victim or attorney, the officer may continue to have contact.
  - 2) Any type of social media contact with minors, including friending or following, they interact with in the course of their employment with the Department.
  - 3) Any type of social media contact with any person or group that is affiliated with a hate group.

- 4) The retransmitting and/or manipulating of discourteous or disrespectful remarks, in any form, regarding another person's color, ethnicity, race, religion, national origin, age, citizenship status, Appalachian heritage, gender, gender identity/expression, sexual orientation, and/or disability.
  - 5) Using any electronic device to disclose sensitive, private, or confidential Department information.
- e. Department personnel will not post any information/pictures pertaining to any other member of the Department without expressed consent of that individual.
  - f. Department personnel will not display Department logos, uniforms, or similar Department identifying items on personal web pages/personal social media sites, except for photos of themselves at official ceremonies such as Promotions, Police Memorial Day or awards ceremonies.
  - g. For safety and security reasons, Department personnel are discouraged from disclosing their employment with the Department.
  - h. Department 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 Department without approval.
  - i. Department 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
    - 4) Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner
  - j. Department 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.

F. Reporting violations

1. 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 his/her supervisor.