



DEPARTMENTAL REGULATIONS  
CONCORD POLICE DEPARTMENT

GENERAL ORDER 93  
EFFECTIVE DATE: 10/10  
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I.D. NUMBER: 305

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CHIEF OF POLICE

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## SOCIAL NETWORKING POLICY

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### A. POLICY STATEMENT

1. It is the policy of the Concord Police Department to comply with all existing laws and regulations regarding the use of social networking websites. When using social networking websites, personnel shall be governed by the ordinary and reasonable rules of conduct and behavior applicable to both sworn and non-sworn police officers and employees, and shall not commit any negligent, malicious, or criminal act, or engage in other conduct not otherwise protected under the United States and California Constitutions or state/federal law, which may bring reproach or discredit upon the Police Department or the City of Concord, or which undermines the effective operation of the Department. Department personnel shall, at all times, abide by the Law Enforcement Code of Ethics and the Concord Police Department rules, policies, and procedures.
2. The Department has the responsibility to balance the free speech rights of each employee with the prevention of conduct which is incompatible with or unfavorable to public service.
3. It is in the interest of the Concord Police Department and our employees to approach the issues of employee usage of social networking websites from a proactive perspective. It is our intention to try, whenever possible, to prevent violations of this policy through training and education.

### B. PURPOSE

1. To establish a policy regarding the use of social networking websites that will protect the legal rights of both the Department and its employees.

### C. DEFINITIONS

1. **Social Networking Website:** An Internet web site that provides a virtual community for people interested in a particular subject or communicating with each other. Members can create their own online "profile" with biographical data, pictures, likes, dislikes, and any other information they choose to post. They communicate with each

other by voice, chat, instant message, video conference, and blogs; and the service typically provides a way for members to contact "friends" of other members.

Current examples of social networking websites are: Facebook, MySpace, Twitter, Second Life, Digg, Delicious, Newsvine, Wordpress, etc.

2. **Electronic Communication:** Any kind of communications created by, sent to, or stored by any user utilizing any electronic communications system, including all information, data, and attachments to the communication.
3. **Blog** (a contraction of the term "**weblog**"): A type of website usually maintained by an individual with regular entries of commentary, descriptions of events, or other material such as graphics or video. Entries are commonly displayed in reverse chronological order. "Blog" can also be used as a verb, meaning *to maintain or add content to a blog*.
4. **Microblog:** Another type of blogging featuring very short posts, such as, 140 characters or less (example: Twitter.com) staying connected in real time. Followers of a microblog typically "subscribe" to the microblog of another and automatically receive newly posted information.
5. **Virtual Worlds:** A computer-simulated world where users can socialize, connect, play games, and create an alternate reality. Users can interact with other users in real time. Users can be represented as themselves or fictional characters. Virtual worlds typically have "currency," which is specific to the website, which can be purchased with real world money or earned by accomplishments.
6. **Pseudonym:** A fictitious name, utilized by one or more individuals posting electronic communications or digital material. This applies to "user names" or "user account identifications."
7. **Personal Information:** Any type of information that might lead to the identification of any individual. Examples may include social security numbers, dates of birth, addresses, phone numbers, e-mail addresses, driver's license numbers, or other state or federal identification numbers.
8. **Electronic Media:** Digital photographs, audio recordings, videos, documents, or other digital information.
9. **Post or Posting:** Emails, Text or digital information that is placed on a website or posted electronically, including message(s) sent to "Blog" sites.
10. **Confidential Information:** Information depicting, discussing or referencing the Concord Police Department, its employees, crime scenes, internal videos, photographs, audio recordings, daily work activity, or other information sensitive to law enforcement. This includes information that could reasonably be seen as undermining employee safety, or potentially compromising an investigation, criminal prosecution or other law enforcement activity. This also includes digital media or information which

could directly or indirectly reveal confidential personnel information protected under the Public Safety Officers Procedural Bill of Rights Act (California Government Code Sections 3300-3012), California Penal Code Section 832.7 and analogous state law, or which could reveal otherwise private information.

11. **Proprietary Information:** Work product which includes photographs, videos, audio recordings, or information digital or otherwise created or obtained while an employee is on duty is considered the property of the Concord Police Department. The work product of the Concord Police Department is subject to all federal law, state law, city codes, and Department policies and procedures regarding its confidentiality and release.
12. **Work Product:** Anything created by an employee that is considered to be the property of the Concord Police Department. Examples may include, but are not limited to: photographs, videos, audio recordings, or blog entries depicting the Concord Police Department, its employees, crime scenes, daily work activity, information sensitive to law enforcement, electronic files or documents, and other information created or obtained during the performance of an employee's duties.

## **D. PROCEDURE**

### **1. Concord Police Department Responsibilities:**

- .1 It shall be the responsibility of this Department to set guidelines for usage of social networking sites by employees when the circumstances are subject to regulation.
- .2 The Department may review the participation and postings of job applicants on social networking websites prior to employment. The Department may review the participation of current employees on a case-by-case basis arising, for example, from a complaint alleging misconduct in the use of a Social Networking Website or other electronic medium.
- .3 The Department has the responsibility to protect the work product created by each employee, its trademarks, confidential information, evidence, and intellectual property.
- .4 The Department has the responsibility to act upon violations of this policy through the use of disciplinary procedures (up to and including termination, where appropriate), counseling, and/or training, etc.
- .5 The Department understands the value and legal protections afforded to employees participating in social networking sites in either an on or off-duty capacity.

### **2. Management and Staff Responsibilities:**

- .1 Establish and maintain policy and procedures for the use of social networking websites.
- .2 Ensure that violations of this policy are investigated.

### **3. Employee Responsibilities:**

- .1 It is the responsibility of each employee to know and follow the City of Concord's Administrative Directive 162 (Computer and Communication System Security, Privacy and Use).
- .2 All electronic media created by employees while on duty is the property of the Concord Police Department and subject to all federal law, state law, city codes, and Department policy regarding its confidentiality and release. Dissemination of such media outside of the Police Department or to other employees for non job-related purposes is strictly prohibited without specific written authorization of the Chief of Police or his/her designee (hereinafter "Chief of Police").
- .3 Employee conduct online can have an impact on the Concord Police Department whether the employee is on or off duty when the online activity occurs. When off duty, personnel will not represent or indicate that they are speaking on behalf of the City or the Police Department, unless approved by the Chief of Police. Employees should use utmost discretion in identifying themselves as Police Department employees. Where an employee identifies himself or herself as a Concord Police Department employee and participates in social networking websites, virtual worlds, blogs, or micro-blogs, the employee should clearly state that he or she is communicating personal view points and not those of the Concord Police Department or City when discussing City or Department-related issues.
- .4 On-duty employees who wish to post comments on any aspect of the Concord Police Department or any policy issue in which the Concord Police Department is involved, must obtain prior authorization from the Chief of Police.
- .5 Employees should be cognizant of posting any sensitive information about the Police Department, its employees, or work product. Employees should be aware of and not divulge security and safety information or graphic(s) which may be depicted in a video or photograph (layout of police facility(s), weapons storage areas, communications equipment, etc.).
- .6 On or off duty posting of electronic media containing or depicting the Concord Police Department's employees, uniform, patch or insignia(s), trademarks, symbols, weapons, equipment, vehicles, work product or other material that identifies the Concord Police Department is prohibited without prior authorization of the Chief of Police or his/her designee.

- .1 Requests by Concord Police Department personnel to post electronic media depicting material described in D.3.6 above shall be made to a Department Manager, Lieutenant rank or above, and consist of the following conditions:
  - .01 The proposed electronic media/material shall be provided for management review by the individual(s) seeking authorization to post such material.
  - .02 The electronic media to be posted conforms with all other provisions described in this policy in respect to privacy, confidentiality, safety, and content which is consistent with the Department's mission and values.
  - .03 Any and all law enforcement personnel depicted in the electronic media have expressly consented to their image(s) and/or identities appearing in the media to be posted. It is the author's responsibility to secure this consent prior to making a request to post electronic media.
  - .04 The author of any electronic media posting depicting or describing law enforcement personnel shall immediately remove, delete, or sufficiently alter the media, upon request by any law enforcement member depicted within it, so as to prevent that person's image and/or identity from being viewed or discerned.
  - .05 The author of any electronic media posting depicting or describing law enforcement personnel shall immediately remove, delete, or alter the media, upon request by the Chief of Police or his/her designee, irrespective of whether authorization to post such media has previously been given .
- .7 All employees shall protect confidential and/or proprietary information or information that could compromise another employee's safety by not sharing or posting such information on social networking websites or any other external electronic media.
- .8 Each employee shall reflect the values of the Concord Police Department when participating in on-line communities, whether on or off duty. The conduct and/or appearance of each employee reflects on the Concord Police Department and law enforcement. Employees shall not post statements or electronic media that glorifies or endorses dishonesty, violence, unlawful discrimination or illegal behavior. With the exception of expression protected under the United States and California Constitutions or state/federal law, employees shall not post statements or electronic media which may bring reproach or discredit upon the Police Department or the City of Concord, or which undermines the effective operation of the Department.

- .9 Employees conducting official investigations which are part of their normal duty assignment are specifically authorized to use social networking websites to aid in their investigations. For example, employees may use pseudonyms for user name(s), locations, etc. to gain access to electronic communication(s), to establish relationships between individuals, or to gather other information relevant to investigations.

#### **4. Privacy Expectation**

- .1 Employees forfeit any expectation of privacy with regard to any communications published or maintained through any Internet site open to public view (e.g., Facebook, MySpace etc.), whether or not access to such sites is password protected or requires a user name.
- .2 The Department reserves the right to access, audit and disclose for whatever reason all messages, including attachments, and any information transmitted over any technology that is owned, issued or maintained by the Department, including the Department email system, computer network, and/or any information placed into storage on any Department electronic system or device. This includes records of web-browsing history made at any Department computer or over any Department network.