



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: AUGUST 24, 2020	CHAPTER: 7 - Communications	PAGE: 1 of 8	NUMBER: 7.03.03
SUBJECT: SOCIAL MEDIA POLICY AND USAGE			
CHIEF: <i>Calvin D. Williams, Chief</i>			

This General Police Order has been revised in its entirety

PURPOSE: To establish the policy of the Cleveland Division of Police (Division or CDP) on the use of social media and provide guidance on its management, administration, and oversight consistent with existing City of Cleveland social media use policy and related policies. This policy is not intended to address any particular form of social media, rather social media in general, as advances in technology will occur, and new tools will emerge.

POLICY: The Division recognizes the benefits of the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes, and foster productivity. Social media provides a valuable means of assisting the Division and its members in meeting community outreach, investigative crime prevention, and related objectives. The Division also recognizes the role of social media in the personal lives of its members.

Members of the CDP shall adhere to all Division rules and regulations as they relate to personal conduct and communications in their use of social media subject to the current Division Disciplinary Guidance GPO. Members are prohibited from posting or publishing statements, endorsements, or other speech, information, images or personnel matters which could reasonably be interpreted to represent or undermine the views or positions of the Division without any legitimate purpose, or may place the Division in disrepute or negatively impact the ability of the Division in carrying out its mission, pursuant to the policy as stated herein.

DEFINITIONS:

Medium - any means of mass communication or information transfer including print, radio, television, cellular network, digital device, drive, or the internet.

Post - the act of electronically making content available on an internet site. This includes such acts as re-posting, forwarding, “liking” or any analog of same, and commenting. Blogging is the equivalent of posting.

Site Administrator - a member of the Division specifically authorized by the Chief of Police to maintain, create and manage social media content for any one or more of the third party providers or sites authorized for use.

Social Media - any variety of online sources that allow people to communicate and share information, photographs, videos, audio, text, and other multimedia files with others via some form of online (internet) or cellular network platform. Includes such things as blogs, wikis, profiles, media-sharing networks, social networks, discussion forums, chat rooms, content curation networks, and anonymous networks (e.g., Twitter, Facebook, LinkedIn, Instagram, Pinterest, YouTube, etc.).

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Social Networking - any act using social media to communicate with other members of a site: posting messages, status updates, photographs, videos, and other materials.

Speech - has the meaning given to it by governing law. Speech includes, but is not limited to, any expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism (to include the City of Cleveland and or Division of Police emblems), photographs, video, internet posting, or related forms of communication.

Official Use - "Official" use of social media includes, but is not limited to, creation and management of official Division Social Media sites as well as on-the-job use of social media as a tool by members acting in their official capacity.

PROCEDURES:

I. Official Division Social Media Sites

A. Creation

1. Any official site representing the Division (or any part of the Division) must be pre-approved by the Chief or Chief's designee.
2. Members shall not create or manage any social media page or presence that represents, or purports to represent, the City, the Division, or any part of the Division, without the approval of the Chief or Chief's designee.
3. The Chief shall designate a site administrator for each official social media site, who is responsible for creation, content management, and posting of information.
4. District/Specialized Units may request authorization to create an official social media site. Requests for authorization shall be made via Form-1 through the chain-of-command to the Chief. Requests shall include:
 - a. A description and purpose of the site including any details of contractual obligations or costs incurred.
 - b. The benefits the site will provide the Division/community.
 - c. The name of the member proposed to serve as the site administrator.

B. Content

1. Official Division social media sites shall:
 - a. Adhere to the directives contained in this order and all applicable laws, regulations, and policies, including, but not limited to those pertaining to public records, information technology, records management/retention, and any City policies on point.

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- b. Clearly indicate they are maintained by the Division and have Division contact information prominently displayed.
- c. Be directly related to the business of the Division.
- d. Be based on facts and absent of personal opinions.
- e. Contain in the “information” or “description” portion of the page the following statements:
 - i. “This site is not continuously monitored. Call 911 for emergencies.”
 - ii. “This site and all comments contained within are subject to the Ohio Public Records Act (Ohio Revised Code 149.43).”
 - iii. “The opinions expressed by visitors to this page are not the opinions of the Division. All content posted or submitted is subject to public disclosure.”
 - iv. “This site reserves the right to remove any comments which contain obscenities, off-topic comments, and personal attacks. A commenter may be blocked if repeated removals are necessary.”
- f. Whenever possible, link back to the Division’s page on the City’s website for additional information.
- g. Whenever possible, depending on the social media platform, allow only official posts by the site administrator. Comments on official posts, however, shall be allowed.
- h. Posted content will **not**:
 - i. Contain any personal information.
 - ii. Advocate or promote the sale or use of tobacco, marijuana, alcohol, controlled substances, firearms or weapons (unless as part of a buy-back program).
 - iii. Contain pornography, obscenity, indecency, or other material offensive to prevailing community standards or ordinary sensibilities.
 - iv. Contain religious messages or advocate or denigrate religious beliefs.
 - v. Promote third party, for profit businesses.

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- vi. Comment on personnel matters, actual or potential legal claims or suits, budget or budget planning, any political candidate or ballot measure, or the guilt or innocence of any suspect or arrestee in an ongoing criminal investigation.
- vii. Disseminate any confidential information, safety or infrastructure information, or any information including photos or videos that show specific tactical equipment or responses or covert operations or confidential training methods and systems.
- viii. Violate the terms and conditions agreements of the involved site.
- ix. Contain information or opinion that is otherwise contrary to the mission, values and goals of the Division and/or the City.

2. Site administrators shall:

- a. Be responsible for the content management of their assigned official Division social media sites. This includes regular maintenance and monitoring of the site, posting information, and sharing or commenting on another's social media. This also includes ensuring that both their own actions as well as the site and its contents conform to this policy and all Division of Police, City, state, and federal laws, rules, and regulations.
- b. Use their work email address when creating/managing official social media sites.
- c. Provide their supervisor, and the designated Division public information office, with the social media site's access information and password as established in GPO 7.03.01 Use of Division Computers and Email (I. A. 4. and III. A. 8.).
- d. Not use personally owned devices to manage the Division's official sites or activity without prior approval of the Chief or Chief's designee.
- e. Observe and abide by all copyright, trademark, and service mark restrictions.
- f. Periodically review assigned social media sites and remove any comments or posts which contain obscenities, personal attacks, are off-topic, or which violate the terms and conditions of the website; and may block any person who repeatedly posts comments which must be removed. Comments may not be removed solely based on the commenter's viewpoint (i.e., because they are critical of the Division or any member) if the manner of expressing that viewpoint does not otherwise justify removal as set forth herein. The Chief or Chief's designee may require a site administrator to document the removal of comments or blocking of posters.

II. On-the-Job-Use

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- A. When necessitated by a legitimate law enforcement activity or function, members are encouraged to use social media as a tool, subject to the following restrictions below, solely in connection with on-the-job use **(in certain circumstances defined restrictions may also apply to off-duty use)**.
 - 1. Members shall not post on social media sites, including in a covert capacity, without authorization by their bureau commander, the Chief or the Chief's designee. Nor shall members provide information to non-members that the member knows or reasonably should anticipate will be posted on social media.
 - a. Approved posts, including those made in a covert capacity, shall be tracked and documented by the member making the post.
 - b. Any member posting on social media with approval under this section is subject to the rules and restrictions listed above in section I.
 - 2. Members may not use personally owned devices to post or manage work on Division social media sites without prior approval of the Chief or Chief's designee.
 - 3. Members may only use computers/devices designated for such use.
 - 4. Members must fully respect the personally identifiable information and online identity of other members and the public consistent with legitimate law enforcement purposes, including images and/or video. Members may not take on the identity or use personal information, online profile, or likeness/photograph of another without that person's consent. This provision does not apply to legitimately documented law enforcement investigations requiring covert action or attempts to identify witnesses, suspects, or other involved parties.
- B. Members may not use social media in any way that violates federal or state laws, the rules and regulations of the Division, or any City policies, including the City's Social Media Policy.

III. Personal Use

- A. As public employees, Division personnel are cautioned that speech on or off-duty made in reference to their official duties (i.e., regarding the employee's professional duties and responsibilities as a Cleveland Police Officer) may not be protected speech under the First Amendment. Thus, such speech may form the basis for discipline if deemed detrimental to the Division or interferes with the employee's or another member's responsibilities.
- B. Similarly, members are cautioned that public posts or communications may create individual personal liability in civil actions based on their content.
- C. Members are advised that any information, data, photo, video, or similar content that is captured while on-duty, including secondary employment, or as a result of the member's employment position and access, is the sole property of the Division. No person has the

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authority to post, share, or otherwise disseminate this material outside the scope of assigned duties and powers without the express written consent of the Chief of Police or the Chief's designee.

D. It is expressly acknowledged and understood that speech of members who use social media or other internet-based functions is protected to the fullest extent permitted by law and the City of Cleveland. However, members shall **not** engage in speech that is not protected under the First Amendment and that is inconsistent with this policy. Speech that is inconsistent with this policy may include, but is not limited to information that:

1. Contains any text, photograph, audio, video, or any other multimedia file of:
 - a. Any crime scene or motor vehicle accident, other than those original recordings involving a person in the member's household, made while off-duty and not related to a law enforcement function.
 - b. Information related to ongoing civil or criminal investigations conducted by or involving the Division as stated in GPO 7.03.02 Disclosure of Information, including Division members, other law enforcement officers, officers of the court, suspects, victims, or witnesses.
 - c. Allegations of internal police misconduct.
 - d. Any CDP documents or work product.
2. Contains language or other expression that is disrespectful to any member of the Division, or that otherwise undermines the authority of any supervisor or the chain of command without any legitimate purpose.
3. Impairs working relationships within the Division for which loyalty and confidentiality are important, or impairs discipline or harmony among co-workers.
4. Impedes the performance of any Division member's duties; impairs the ability to maintain discipline by supervisors; interferes with the operation of the Division; undermines the mission statement of the Division; conflicts with the responsibilities of the members within the Division; abuses the authority and public accountability that the member's role entails.
5. Contains statements, opinions or information that might reasonably be interpreted as discriminatory of any protected class, harassing, defamatory, derogatory based on race, ethnicity, religion, gender, gender identity, sex/sexual orientation, national origin, or disability, or contains acts of gratuitous and extreme violence, when such statements, opinions, or information, may place the Division in disrepute or negatively impact the ability of the Division in carrying out its mission.

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- 6. Contains any confidential file or database, or portion thereof, maintained by the Division of which the member has restricted access to as a result of their employment with the CDP.
- E. No member with access to an incident scene shall use a camera or personal communication device to store or transmit pictures, video, text, or create any other type of social media transmittal of the incident unless otherwise permitted herein.
- F. Use of Division computers, including email and internet access, shall comply with the City of Cleveland policy on employee use of email and the internet. Although the City permits the occasional personal use of all these communications tools, members shall be aware that they have NO expectation of personal privacy in the use of the internet and any email systems when users utilize computers or services that the City provides. Refer to City of Cleveland policy on employee use of email and the internet policy and GPO 7.03.01 Use of Division Computers and Email. The City policy states in pertinent part: “As with the telephone, there may be occasion to use these facilities for personal purposes. Every employee is expected to minimize the use of the internet and email for personal purposes. Personal use should not interfere with the performance of City-related work, consume significant resources, give rise to more than nominal additional costs, or interfere with the activities of other employees.”
- G. Supervisors shall ensure that incidental personal communications and activities on social media while on-duty do not negatively impact the functions of the Division or a member’s ability to perform their duty.
- H. This policy is not intended to prohibit or inhibit the free exercise of constitutional rights as established and as interpreted by case law on the part of members, the public, or any person.

IV. Reporting Violations

- A. Any member becoming aware or having knowledge of a social media site, post, or presence which violates any provision of this policy shall notify their supervisor immediately.

V. Cautions

- A. Members must use caution regarding use of social media as follows:
 - 1. Content posted to social media may provide grounds for undermining or impeaching a member’s testimony in criminal or civil proceedings.
 - 2. Ohio public records law has specific exemptions and strong protections for law enforcement officer’s personal and familial information. Content posted to social media may divulge that protected information unintentionally, including through metadata. Content posted to social media may undermine the Division’s ability to prevent public record releases of the same or similar information.

VII. Use During Employment Screening

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- A. The Division recognizes that candidates for employment may have and maintain extensive online presences in their usage of social media. Therefore there is an obligation to include social media and internet-based content when conducting background investigations of job candidates.
- B. Search methods in this process shall not involve techniques that are in violation of any existing law, including the federal Stored Communication Act. Only publicly accessible information will be directly searched by City personnel.
- C. As permitted by operation needs, searches of social media for employment purposes will be done as a two-step process.
 - 1. Independent members or City employees designated by the Chief of Police that are not directly involved in the hiring process will assess available social media sources and filter or screen out any indicia of a candidate's belonging to a legally protected class. This would include any of the same types of information that cannot be formally requested on a job application (e.g., race, sex, age, religion, etc.).
 - 2. Once filtered, remaining pertinent information will be passed directly to background investigators for their consideration during the background investigation phase.
- D. Background investigators shall make every effort to validate any information obtained from the internet, including information provided by non-City sources, during the hiring process.

THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.

CDW/BPC/lms
Police Inspector General
Law Department
Policy Unit