

Speech, Expression and Social Networking

1025.1 PURPOSE AND SCOPE

Best Practice **MODIFIED** NYSLEAP - 8.4 - 14.1, 28.4 (B)

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Auburn Police Department.

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech and use of all Internet services, including the Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1025.2 POLICY

Federal **MODIFIED** NYSLEAP - 8.4 - 14.1

It is the policy of the Auburn Police Department that official use of social media systems will be strictly regulated and used consistent with applicable laws and that any Auburn Police Department member, to include the personal use of social media by both sworn and civilian personnel, be compliant with all sections of the Auburn Police Department Policy and Procedure Manual, Rules of Conduct Manual, The City of Auburn Employee Handbook, and the City of Auburn-Office of the City Manager Policy.

Members of public entities like the Auburn Police Department occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Auburn Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

[Department Use of Social Media Procedure](#)

[Personal Use of Social Media Procedure](#)

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City of Auburn Website Online Publishing and Social Media Policy

1025.3 SAFETY

Best Practice NYSLEAP - 8.4 - 14.1

Members should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Auburn Police Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow department member.
- Otherwise disclosing where another officer can be located off-duty.

1025.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

Best Practice MODIFIED NYSLEAP - 8.4 - 14.1, 28.4 (B)

To meet the safety, performance and public-trust needs of the Auburn Police Department, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
 2. Expression that demonstrates support for criminal activity.
 3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorifies or endorses dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement

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on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).

- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Auburn Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police or his designee.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1025.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Federal NYSLEAP - 8.4 - 14.1, 28.4 (B)

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Auburn Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video or public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Auburn Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or

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indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1025.5 PRIVACY EXPECTATION

Best Practice NYSLEAP - 8.4 - 14.1

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1025.6 CONSIDERATIONS

Best Practice NYSLEAP - 8.4 - 14.1

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1025.7 TRAINING

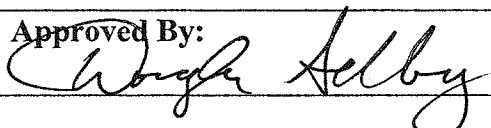
Best Practice NYSLEAP - 8.4 - 14.1

Subject to available resources, the Department should provide training regarding the limitations on speech, expression and use of social networking to all members of the Department.

Attachments

City of Auburn Website Online Publishing and Social Media Policy.pdf

CITY OF AUBURN
OFFICE OF THE CITY MANAGER

Title of Policy: Website, Online Publishing and Social Media Policy	Number: A100
Effective Date: 11/18/14	Revision Date:
Department: Administration	Approved By: 

WEBSITE, ONLINE PUBLISHING AND SOCIAL MEDIA POLICY

PURPOSE: This policy regarding City Websites, Social Media Pages, and Social Networking Activities provides guidelines for conduct by full time, part-time, contract, appointed board & commissions members and volunteer personnel working for or on behalf of the City or any of its subsidiary bodies ("*City Employees*") who use City Websites, Social Media, and Social Networking to post information or to interact with the public on behalf of The City of Auburn (the "*City*") or regarding City matters. This Policy covers all tools and technology used for all City Websites, Social Media Pages, and Social Networking Activities, both currently existing and any that may be developed in the future.

2.0 **SCOPE:** All City Employees are subject to the terms of the Policy.

3.0 **DEFINITIONS:**

3.1 "*City Websites*" are all websites that are owned, maintained, or controlled by the City on which information is posted for public viewing or use.

3.2 "*Social Media Pages*" are web pages that provide a means for various forms of discussion and information-sharing, and include features such as social networks, blogs, video sharing, podcasts, wikis, posts, message boards, and news media comment sharing/blogging of websites that host Social Media Pages include, but are not limited to, Google and Yahoo Groups (reference, social networking); Wikipedia (reference); Facebook (social networking); YouTube (social networking and video sharing); Flickr (photo sharing); and Twitter (social networking and microblogging).

3.3 "*Social Networking Activities*" are the activities undertaken to make and maintain connections and engage with business and/or social contacts, which include making connections through clubs, organizations, phone contacts, written correspondence or through internet-based websites, applications, and services. The City may use a variety of web-based groups, technology, or applications for the purpose of Social Networking Activities.

4.0 RESPONSIBILITY

- 4.1 It is the responsibility of the City Manager Office ("**CMO**") to act as the City's official spokesperson and maintain the City's official internet presence via City Websites, Social Media Pages, and Social Networking Activities. CMO may delegate certain elements of its responsibility to Department Heads or City Employees, as approved by the City Manager from time to time.
- 4.2 It is the responsibility of the Information Technology Department ("**IT**") to administer security and monitoring measures that support this Policy.
- 4.3 It is the responsibility of all City Departments and City Employees who publish information through City Websites, Social Media Pages, or Social Networking Activities on behalf of or related to the City, to coordinate this activity with CMO and IT. Any City Employee who identifies himself or herself as a City Employee or otherwise utilizes contact information that associates such City Employee with the City shall be deemed to be acting in an official capacity and shall be required to coordinate his or her activity with CMO and IT.
- 4.4 The responsibility for assuring complete compliance with the provisions of this Policy lies with the each City Department Director, supervisor, and City Employee. It is the responsibility of City Employees, to stay informed regarding City policies related to the activities identified in this Policy.
- 4.5 City departments may establish department social media policies that may be more restrictive to take into account matters of privacy, security and codes of conduct specific to their operations.

5.0 POLICIES

5.1 City Websites.

- A. The City Websites are and will remain the primary internet communication tool for the City.
- B. The domain names for all City Websites must be registered in the name of the City in accordance with this Policy.
- C. In order for a Department Director or City Employee to establish an additional City Website, the Department Director or City Employee must submit an application to the CMO in the form established on Appendix A, and receive the CMO's approval for the establishment of any such site.
- D. To provide a high level of quality, consistency, usability, and value to the City's web communications, the following standards must be followed for postings on City Websites:
 - i. Content should provide timely information of general interest to the public and reflect the City's programs, services, initiatives, or areas of responsibility.

- ii. Content shall be approved by the CMO, or its designee, prior to posting.
 - iii. Content should provide useful information to residents, businesses, visitors, and potential businesses.
 - iv. City Employees are responsible for ensuring the accuracy and timeliness of all information posted.
 - v. City Websites will incorporate elements to comply with the American with Disabilities Act (ADA).
 - vi. To allow viewers to navigate easily through City Websites, City Employees that post content must follow the page layouts, navigation link placement, use of graphics, font styles, etc. as established from time to time by the CMO.
 - vii. Any hyperlink leading to a site that is hosted by a party other than the City must contain the following disclaimer:
By clicking this link you are now exiting The City of Auburn's website. The City is not responsible for and has not confirmed the accuracy of the content on the linked website.
- E. Comments posted by the public and public discussion boards shall not be allowed on City Websites.
 - F. All public interaction with the City on City Websites should be routed through email or any other regular business communications mechanisms that the City may establish from time-to-time.
 - G. All City Websites must identify that the City is the copyright holder for the content of the page.

5.2 Social Media Pages.

- A. Prior to creating and maintaining a City-related Social Media Page, City Employees must submit an application to the CMO in the form established on Appendix B, and receive the appropriate Department Director's and CMO's approval for the establishment of any such page. City Employees must provide specific reasons for maintaining separate Social Media Pages. If approved, the Department Director and CMO will periodically review each Social Media Page. Those that do not meet the City's intended goals and objectives may be removed at any time at the sole discretion of the CMO.
- B. Comments posted by the public and public discussion boards shall not be allowed on the City's Social Media Pages.
- C. Each City Social Media Page must include an introductory statement that clearly specifies its purpose, intended audience, and topical scope. Where possible, Social Media Pages should link back to City Web Pages for forms, documents, all official communication with the City, and any other information.
- D. All Social Media Pages must be established in the City's name, and the log-in name, password for access, and a list of all City Employees having access to the password must be submitted to the CMO
- E. In order to minimize public confusion, City Employees should only publish or post information under the City's official user name and profile.
- F. Real time chat features must be disabled on all Social Media Pages.

5.3 Social Networking Activities.

- A. In addition to City Websites and Social Media Pages, the City may engage in other social networking activities, which may include, but are not limited to, sending e-mail newsletters, sending text, SMS, or MMS messages to mobile devices, posting content on websites or Social Media Pages that are not hosted or operated by the City.
- B. City Employees may not engage in real time chats during work hours without CMO approval.
- C. Prior to engaging in Social Networking Activities on behalf of or related to the City, a City Employee must submit the application provided in Appendix C and obtain prior approval from the CMO.

5.4 General Policies.

- A. City Employees granted permission to use City Websites, Social Media Pages, or engage in Social Networking Activities are responsible for complying with applicable federal, state, county and City laws, ordinances, regulations, privacy and information security policies and protocols established by the City.
- B. The City reserves the right to restrict or remove any content that is hosted on City Websites or Social Media Pages that is deemed in violation of this Policy or any applicable laws.
- C. City Employees representing the City via City Websites, Social Media Pages, or Social Networking Activities must conduct themselves at all times as representatives of the City.
 - i. City Employees posting content must follow these guiding principles:
 - a. Maintain transparency by using your real name and job title, and by being clear about your role regarding the subject.
 - b. Write and post only about your area of expertise, and if such posting is related to the City and your assignments.
 - c. Keep postings factual and accurate.
 - d. Post meaningful, respectful entries that are on topic.
 - e. Pause and think before posting. If you are about to post something that makes you even slightly uncomfortable, do not post it. Understand that postings are widely accessible, not easily retractable, and will be around for a long time, so consider content carefully.
 - f. Ensure your posting does not violate the City's privacy, confidentiality, and applicable legal guidelines for external communication.
 - g. Ensure you have the legal right to publish all materials, including photos and articles pulled from other sites. Abide by all brand, trademark, copyright, fair use, disclosure of processes and methodologies, confidentiality, and financial disclosure laws. Even when using material from copyright-free sources, always

- include appropriate attributions.
 - h. Remember that your postings are ultimately your responsibility.
 - ii. City Employees may not post inappropriate content. Such inappropriate content may include, but is not limited to:
 - a. That which directly or indirectly endorses any person or organization not directly associated with the City, unless otherwise approved by the CMO.
 - b. Commentary or personal opinions.
 - c. Photographs, music, video, graphics, or other content unless you have first obtained the written permission of the copyright holder or proof of being royalty-free.
 - d. Content in support of or opposition to political campaigns or ballot measures.
 - e. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation.
 - f. Information that may tend to compromise the safety or security of the public, public systems, or public services.
 - g. Content that violates a legal ownership interest of any other party.
 - h. Information related to legal matters, litigation, or any parties with whom the City may be in litigation.
 - i. Content that violates any applicable law or encourages the violation of any applicable law.
 - j. Personal attacks, insults, or threatening language.
 - g. Private or personal material published without consent.
 - h. Profane language or obscene content.
- D. In utilizing Social Media Pages or engaging in Social Networking Activities in a personal capacity, make it clear that your postings represent your individual view and not the official position of the City.
- E. Employees are free to use social media to express themselves as private citizens to the degree that their comments do not impede the performance of duties, impair harmony among coworkers, release of confidential information they have access to by virtue of their employment or willfully misrepresent policies and operations of the City.
- F. If a website or employee posts City-related information on a non-City Social Media site, the policies and guidelines outlined herein also apply.
- G. City Employees may not post content to City Websites or Social Media Pages, or engage in Social Networking Activities related to the City during personal time, unless otherwise authorized by their Department Head. All posts must be made as part of the City Employees regular work schedule.

6.0 DISCIPLINE

- 6.1 The various Department Directors or their designees are responsible for compliance with the provisions of this Policy by City Employees under such Department Director's control

and for investigating non-compliance.

- 6.2 Suspension of a City Employee's Internet access may occur when deemed necessary to maintain the operation and integrity of the City's internal network or if a City Employee has violated this Policy.
- 6.3 Internet user account and password access may be withdrawn without notice if a City Employee violates this Policy.
- 6.4 Lack of adherence to this Policy may result in disciplinary action up to and including termination.
- 6.5 If a City Employee violates any applicable Laws, the City may pursue criminal or civil action against the City Employee.
- 6.6 For any website or social media account that appears to be operating as a City Website, or social media account without receiving the appropriate approvals from the CMO, or if the CMO determines the public may perceive that any unaffiliated website or social media account expresses official views of the City, the City will notify such website or social media account that it must conspicuously post the following notice:

This website (social media account) is not affiliated with The City of Auburn or any of its subsidiary bodies. The views and opinions expressed in this website (social media account) do not reflect the views or positions of The City of Auburn. The City of Auburn has not and cannot verify the veracity of the content of this website (social media account) and is not responsible for any injury that results from the reliance on information presented on this website.

Should any such website or social media account refuse to comply, the City will send a cease and desist notice.

7.0 APPENDICES:

- A. Website Application
- B. Social Media Page Application
- C. Social Networking Application
- D. Social Media and Networking Agreement Form

8.0 Related References

City Employee Handbook 511 – Computer Systems and Internet/Email services.

APPENDIX A
WEBSITE APPLICATION

Applicant: _____ Department: _____

Proposed Domain Name: _____

Domain Host: _____

Reason for establishing new site:

Alternatives considered (i.e., what existing websites or pages may be appropriate for hosting this information?):

Which employees will be authorized to post content to the site?

How often do you expect employees to post content?

Approved by: _____ Date: _____

Denied by: _____ Date: _____

APPENDIX B
SOCIAL MEDIA APPLICATION

Applicant: _____ Department: _____

Host Site: _____

Reason for establishing new site:

Alternatives considered (i.e., what existing websites or pages may be appropriate for hosting this information?):

Which employees will be authorized to post, have access to the password, and act as moderators?

How often do you expect employees to post content?

How often will employees moderate content posted by the public?

Approved by: _____ Date: _____

APPENDIX C
SOCIAL NETWORKING APPLICATION

Applicant: _____ Department: _____

Type of Social Networking (i.e., e-mail newsletter, posting on blogs):

Which employees will be authorized to disseminate content?

How often do you expect employees to disseminate content?

Who will have final editorial control over content disseminated? _____

Approved by: _____ Date: _____

Denied by: _____ Date: _____

APPENDIX D
SOCIAL MEDIA AND NETWORKING APPROVAL/AGREEMENT FORM

Name: _____ Position/Title: _____

Department: _____ Section: _____

Authorized to Access the following City Websites, Social Media Pages, and Social Networking:

Approved by Department Director: _____

(Signature)

(Date)

Approved by Communications Manager _____

(Signature)

(Date)

I have received the Online Publishing and Social Media Policy (the "**Policy**") I agree to use City Websites, City-approved Social Media Pages, and engage in Social Networking Activities for City business only as appropriate and in compliance with this Policy. I understand that I must have approval from my Department Director and the CMO to use City Websites, Social Media Pages, or engage in Social Networking on behalf of the City. I also understand that I am responsible for all postings made by me on City Websites, Social Media Pages, or in Social Networking Activities including those made in the comments sections. I further understand that this Policy also applies to City-related postings made by me via personal (non-City) websites, Social Media Pages, and Social Networking Activities, and I agree to adhere to the guidelines in this Policy when so doing.

I acknowledge that all content on City Websites, City-approved Social Media Pages or in Social Networking Activities are considered to be City property and will be monitored by officials of the City. I understand that employees do not have privacy rights in the use of City Websites, Social Media Pages, and in Social Networking Activities, and the postings, data, access to or distribution of such materials is subject to all applicable laws.

I agree to abide by all security procedures as set forth by IT, before accessing or posting publishing content on City Websites, City-approved Social Media Pages, or via Social Networking Activities. I acknowledge that any violation of the rules and guidelines set forth in this Policy or in any current or future modified Human Resources Policy and Procedure (# _____ Social Media Policy), can be grounds for disciplinary action, up to and including termination of my employment.

City Manager Signature:

Date: