



El Segundo Police Department
Training Section
348 Main Street, El Segundo, CA 90245
Phone (310) 524-2253

TRAINING BULLETIN

May 1, 2021

Amid the current national discourse about the proper use of police force, social media has become a powerful tool for law enforcement agencies. Texts, posts and tweets offer direct ways to engage with communities by sharing critical updates and receiving candid feedback about local concerns.

Social media can help spread information rapidly to community members, which can be useful during public safety emergencies and natural disasters. It can also reduce the time it takes for first responders to get the important information they need, such as location coordinates to help a person in danger. If crucial information needs to be communicated quickly, a text message is often the channel of choice. According to the Pew Research Center, 98% of text messages are read within two minutes -- a time savings that can literally mean the difference between life and death in an emergency.

However, for all these benefits, social media presents its own set of dangers for law enforcement agencies. All communications sent or received by government organizations -- including police departments, sheriff's offices, and their employees -- are subject to public records requests. For this reason, law enforcement agencies must develop plans for collecting and archiving every message to deliver the transparency guaranteed by open-records laws, also known as Sunshine Laws. These records might also be needed for internal investigations, case logs and potential litigation.

Please read the attached article written by LAPD Sgt. Abdalian and review ESPD's two policies regarding Social Media and Social Networking.



SOCIAL MEDIA WONDERLAND

DIRECTOR
SERGEANT DAVID ABDALIAN

Social media is a complex universe unto itself, much like the proverbial rabbit hole. Social media as we know it has been around for about 15 years and has metastasized and morphed into a massive conglomerate. It has permeated into every aspect of our lives, providing instant access to (mis)information, entertainment and an audience. We “follow,” “like,” “share” and post all kinds of stuff. Many have become junkie-like to the endless stream of mostly shallow content. Yet some still have not learned how to safely navigate in the now mostly charted world of instant access.

There are a few truths about social media that we all know, but for mysterious reasons, people seem to want to continually challenge them and think they can win.

Nothing you post, share, like and so forth is private. Anything that is sent or shared can be susceptible to being seen by those who were not meant to see it, i.e. your significant other, your grandparents, the L.A. Times, your religious leader, the Chief and so on.

The same goes for the pictures you post of yourself in uniform, your house, your cars, your family, etc. They can be seen by anyone, including the gangster or the family of the gangster you had just arrested or testified against.

What you think is funny is not the same as what others think is funny. This is a debate that has gone on since the dawn of the entertainment industry and has evolved or devolved depending on your judgment. Remember the “seven words you couldn’t say on television?” I think it’s down to maybe three of the original words, while others were replaced by other words (none of which I will print here).

Over the course of time, we have either become more sophisticated with our humor or much more sensitive. Or both. What was acceptable 20 years ago has changed significantly. We can debate whether it has been for better or worse, but you cannot deny what is deemed and accepted as funny and what is comedy as a whole has largely changed.

Generally, police officers have a dark sense of humor, and that does not translate well onto social media or to the general public. The circumstances we encounter on a regular basis can be extreme and our humor can reflect that. It has been accepted as a coping mechanism. But now more than ever, our “jokes” and sarcastic or cynical comments have come under extreme scrutiny. They have cost the careers of many officers across the country. And many more will be removed from the profession, not for an illegal act or abuse of power, but for sharing a meme on social media. What a senseless and stupid way to lose everything.

Defense attorneys have been using officers’ social media posts to discredit them in court hearings. Activist groups have scoured the social media accounts of officers and have filed complaints to their respective agencies. Social media sparring and meme battles make us look unprofessional and are embarrassing to the profession.

As the old adage states, “Revenge is a dish best served cold.” So are social media posts.

One can argue freedom of speech. Yes, you have the freedom of speech, but not the consequences from what you say.

Any questions, comments, suggestions, rebuttals or compliments, email me at DavidAbdalian@lappl.org ✦

Department Use of Social Media

321.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

321.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

321.2 POLICY

The El Segundo Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

321.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

321.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

321.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

321.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the El Segundo Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

321.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

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321.6 MONITORING CONTENT

The Community Outreach Division Commander or designee will review, at least annually, the use of department social media and report back to the Support Services Bureau Commander on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

321.7 RETENTION OF RECORDS

The Support Services Bureau Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

321.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Employee Speech, Expression and Social Networking

1030.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged 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 an employee from speaking as a private citizen about matters of public concern, such as misconduct or corruption, or acting as an authorized member of a recognized bargaining unit or officer associations.

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

1030.1.1 APPLICABILITY

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

1030.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees 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 El Segundo Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1030.3 SAFETY

Employees should consider carefully 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 the El Segundo Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates.

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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 officer.
- Otherwise disclosing where another officer can be located off-duty.

1030.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen on a matter of public concern, or acting as an authorized member of a recognized bargaining unit or officer associations.):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the El Segundo Police Department or its employees.
- (b) Speech or expression that is not a matter of public concern, while not made pursuant to an official duty, is significantly linked to, or related to, the El Segundo Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the El Segundo Police Department or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating 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 employee as a witness. For example, posting statements or expressions to a website that glorify or endorse 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 employees of the Department. For example, a statement 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 El Segundo Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment 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.

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- (g) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees 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).

1030.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the El Segundo Police Department or identify themselves in any way that could be reasonably perceived as representing the El Segundo Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

- (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, public broadcast or on any website.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or 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).

1030.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed,

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transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1030.6 CONSIDERATIONS

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 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.

1030.7 TRAINING

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