



Las Cruces Police Department
GENERAL ORDERS
ADMINISTRATION VOLUME 1
GO-158 SOCIAL MEDIA (Less Critical)
Revised 03/29/2017

158 SOCIAL MEDIA

PURPOSE

Social media provides a means of assisting the department and its employees in meeting community outreach, problem-solving, investigations, crime prevention, and related objectives. The department also recognizes the role that these tools play in the personal lives of employees. The personal use of social media can have bearing on employees in their official capacity. This policy provides expectations on the use of social media by employees. This General Order is not meant to address one particular form of social media, but rather social media in general, as advances in technology will occur and new tools will emerge.

POLICY

It is the policy of the Las Cruces Police Department (LCPD) to encourage employees to exercise extreme caution in the on- and off-duty use of and comments posted to, social media and social networking sites.

APPLICABILITY

This General Order applies to all employees. This General Order supersedes all previous versions.

REFERENCES

City of Las Cruces Personnel Manual (PM) Section 603A
City Manager Policy (CMP) 9.1
NMML ADM.28.01
NM Statute § 32A-2-32.1 Confidentiality; Records (**Information not to be disclosed**)

DEFINITIONS

Internet – An electronic communications network that connects computer networks and organizational computer facilities around the world.

NM Statute § 32A-2-32.1 - Information not to be disclosed on a public access web site.
A state agency or a political subdivision of the state, including a school district, county, municipality or home-rule municipality, shall not disclose on a public access web site maintained by it any information concerning the following:



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- A. an arrest or detention of a child;
- B. delinquency proceedings for a child;
- C. an adjudication of a child;
- D. an adult sentence imposed on a child, except information required to be disclosed pursuant to the Sex Offender Registration and Notification Act [29-11A-1 NMSA 1978];
or
- E. social records pertaining to a child as provided in Section 32A-2-32 NMSA 1978.

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 or herself on a social networking site.

Social Media - A category of internet or cellular network resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (i.e., Facebook, MySpace), micro-blogging sites (i.e., Twitter, Nixle), photo- and video-sharing sites (i.e., Flickr, YouTube), wikis (i.e., Wikipedia), blogs, and news sites (i.e., Digg, Reddit).

Social Networks - Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

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

Web 2.0 - The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Web log (blog) - A self-published internet diary or commentary on any topic that may allow visitors to the blog to view, post responses, reactions, or comments.



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Website (site) - A set of interconnected web pages, usually including a homepage, generally located on the same server, and prepared and maintained as a collection of information by a person, group, or organization

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

158.01 FREE SPEECH

- A. Employees are cautioned that speech, on- or off-duty, made pursuant to their official duties is not protected under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Employees should assume their speech and related activity on social media sites reflect upon their office and this department. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an employee's testimony in criminal or civil proceedings. Employees are subject to discipline up to and including termination for violations of this General Order.
- B. A violation may occur when an employee expresses an opinion in social media regarding a matter of public concern. When an employee expresses an opinion regarding a matter of public concern, the department must balance the employee's interest in commenting upon such matter against the interest of the LCPD in promoting the efficiency of the public services it performs through its employees. This is a difficult standard to apply to the context of social media. Employees are cautioned that it is they, not the department, which must make the decision as to whether a matter is of public concern and whether the employee's interest in commenting upon it exceeds the interest of the department in promoting the efficiency of the services it performs. Due to the difficulty in making this determination, the department recommends that employees exercise extreme caution in the use of social media.
- C. When using social media, employees should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's Code of Conduct (General Order 103) is required in the personal use of social media. In particular, employees are prohibited from the following:
1. Speech containing obscene or sexually explicit language, images, acts and/or statements, or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any other protected class of individuals may become a matter of public concern. Because it is difficult for the employee to assess whether his or her free speech rights exceed the interest of the department in promoting the efficiency of the services it provides to the public, it



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is recommended that employees exercise extreme caution in discussing these topics in the context of social media.

2. Any speech which could bring the department into disrepute or which impairs the mission of the department and/or the ability of department employees to perform their duties.

158.02 SOCIAL NETWORKS AND OTHER WEB SITES

- A. Employees who have personal web pages, memberships with social networking web sites or other types of internet postings, whether or not accessible by the public, may identify themselves as an employee of LCPD but shall not engage in any type of speech, expression, communication, or release of information which touches upon a matter of public concern and would be so adverse to the interests of the department that it outweighs the employee's free speech rights.
- B. Photographs or other depictions of department uniforms, badges, patches, police vehicles, or any other item or material which is identifiable to the LCPD may be used on personal employee internet postings except where such use would become a matter of public concern and would be so adverse to the interests of the department that it outweighs the employee's free speech rights.
- C. Employees shall not authorize any party to use photographs or other depictions for the purpose of endorsing or promoting a product or service without written permission from the Chief of Police or his designee. Such items include but are not limited to:
 1. LCPD uniforms
 2. Badges
 3. Patches
 4. Marked patrol cars
 5. Any other item or material which is identifiable to the LCPD
- D. Employees are prohibited from using City or LCPD property (on- or off-duty) to engage in personal use of social media. Employees while on-duty are further prohibited in using privately owned property to engage in personal use of social media unless it is directly related to his/her official duties.



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- E. Employees who are off-duty using private property to access social media shall neither express nor imply that they are speaking or acting on behalf of the department, or representing or presenting the interests of the department.
1. Employees shall not use their rank, title, or position in a manner that would suggest or imply that they are representing the interests or official position of the department.
- F. Posting the following types of criminal justice information to social networking sites is prohibited:
1. Confidential, sensitive, or copyrighted information to which the employee has access due to employment with the department
 2. Photographs of suspects, arrestees or evidence that the department is not required to release pursuant to the Inspection of Public Records Act.
 3. Images of department employees working in an undercover capacity or identifying such employees as law enforcement officers.
- G. Employees may post the following types of criminal justice information to social networking sites:
1. Media releases authorized by the Chief of Police
 2. Written remembrances and/or images of employees who have fallen in the line of duty after the fallen employee's name has been released to the public.

158.03 DEPARTMENT SANCTIONED USE OF SOCIAL MEDIA

- A. Department created social media page(s) shall include an introductory statement clearly specifying the purpose and scope of the department's presence on the website.
- B. Page(s) should link to the department's official website.
- C. All officially sanctioned department social media sites or pages shall be approved in writing by the Chief of Police or his designee.



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- D. Pages for specific officers, divisions, or programs within the department must be approved in writing by the Chief of Police or his designee. Care must be taken to maintain the integrity of the department's brand online.
- E. Social media pages shall clearly indicate they are maintained by the department and have department contact information prominently displayed.
- F. Social media content shall adhere to applicable law, the PM, the CMP, General Orders, or any other rule or regulation.
- G. Social media pages that allow public access to post comments shall prominently post a takedown policy authorizing the department to remove any posting that violates the department's standards. (See Attachment A)
- H. Employees representing the department via social media outlets shall:
 - 1. Conduct themselves at all times as representatives of the department and adhere to all applicable laws, the PM, the CMP, General Orders, or any other rule or regulation.
 - 2. Identify themselves as an employee of the department.
 - 3. Make no statements about the guilt or innocence of any suspect or arrestee prior to adjudication, or comments concerning pending prosecution, nor post, transmit, or otherwise disseminate confidential information.
 - 4. Not conduct political activities or private business.
 - 5. Observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

158.04 ATTACHMENTS

ATTACHMENT A: SAMPLE "TAKEDOWN POLICY"

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Las Cruces Police Department Social Media Terms

This is an official (Facebook, MySpace, Twitter, etc.) page of the Las Cruces Police Department (LCPD) in Las Cruces, NM. This page was created to provide people who live and work in Las Cruces, NM, or others with an interest in the LCPD, access to information about the LCPD and a platform with which to interact with the LCPD. This page is monitored and managed by _____ of the LCPD.

Before posting on this page, please review these terms.

A posting on this page constitutes acceptance of the terms listed. In case of emergency, or if you need police assistance, dial 911 for an emergency or 575-526-0795 for non-emergency assistance.

- Do not use this page to report a crime. To report a crime call the numbers posted above.
- If you post information related to a crime on this page, you may be placing yourself in the position of becoming a witness to a crime and subject yourself to subpoena.
- "Friending" between LCPD officers and a citizen does not indicate endorsement of that person's actions or comments.
- Comments posted by others on LCPD social media page(s) are not to be considered the opinion of the LCPD; nor does the LCPD endorse any third-party comments on this page.
- The LCPD reserves the right to remove and/or block anyone who posts inappropriate material as determined by the LCPD.
- The LCPD does not allow posting of photos or videos by anyone other than members of the LCPD authorized by the Chief of Police.
 - If you have photos or videos you'd like to share on this page, contact the listed manager page manager.
- The LCPD welcomes a person's right to express his/her opinion and encourages posters to keep comments related to content on this page. The LCPD reserves the right to remove any comments that are inappropriate or offensive, including comments that:
 - defame, abuse, harass, stalk, threaten or violate the legal rights of others;
 - include racism, hatred, slander, threats, obscenity, violence, vulgarity.