

# WOLFEBORO POLICE DEPARTMENT

## SOP 6.10

**Date Issued: 12/27/2019**

**Review: 03/25/2021**

[Note: This written directive is for the internal governance of the Wolfeboro Police Department and, as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.]

**By Order of:**  
**Dean J. Rondeau, Chief of Police**

## SOCIAL MEDIA

### POLICY

The policy of the Wolfeboro Police Department is to establish the Department's position on the utility, management, administration, and oversight of social media. This policy is not meant to address any one particular form of social media, rather social media in general, to allow for new tools and future technologies.

Social media provides a potentially valuable means of assisting the Department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The Department also recognizes the role that these tools play in the personal lives of some Department personnel. The personal use of social media can have a bearing on the Department personnel in their official capacities. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by Department personnel.

New and emerging online platforms are fundamentally changing the way the world works, offering us new ways to collaborate and to engage with the public. The Wolfeboro Police Department encourages the use of social media to further the outcomes of the Department and to assist us in our mission to better engage with our Community. The Chief of Police has an overriding interest and expectation in deciding who may "speak," and what is "spoken," on behalf of the Department to our respective residents. To ensure that communication through the Wolfeboro Police Department social media networks is consistent and in the best interest of the Department, this policy provides guidelines for the use of social media.

### PURPOSE

The Department endorses the secure use of social media as described below to enhance community engagement, information distribution, and neighborhood safety.

**SOP 6.10**  
**Social Media**

The Wolfeboro Police Department has established social media sites primarily in order to inform residents about Department programs and events, to encourage dialogue between residents about these programs and events, and to exchange information and knowledge between residents and Department employees about these programs and events. Wolfeboro Police Department social media sites are not intended to be traditional public forums for the general exchange of ideas and viewpoints, but rather a limited public forum for discussion of specific programs and events. Courts have recognized that governmental entities, such as the Wolfeboro Police Department, may create limited public forums for specific purposes and limit discussion on the forum to those specific purposes. The Wolfeboro Police Department shall remove content and postings not consistent with the specific purpose of the social media sites and these Guidelines.

**RESPONSIBILITIES**

Applies to all Wolfeboro Police Officers, Wolfeboro Central Dispatchers, Police Commissioners, Animal Control, and volunteers when acting in their capacity as a member of such entities or as a representative of the Department, that create or contribute to blogs, wikis, social networks, virtual worlds, or any other kind of social media on behalf of or as a representative of the Wolfeboro Police Department.

**ACTION**

The official social media account for the Wolfeboro Police Department shall be created and maintained by the Service Sergeant and overseen by the Captain/Executive Officer.

All departmental social media sites shall have a clear statement of the purpose of the social media site and include a clear statement that “This social media site is not intended to be a traditional public forum for the general exchange of ideas and viewpoints, but rather a limited forum for discussing potentially valuable means of assisting the Department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. Courts have recognized that governmental entities, such as the Wolfeboro Police Department, may create limited public forums for specific purposes and limit discussion on the forum to those specific purposes. The Wolfeboro Police Department shall remove content and postings not consistent with the specific purposes of the social media sites and these Guidelines.”

The Wolfeboro Police Department currently approves use of the following social media networks:

- Facebook
- Instagram
- Twitter

***Any social network not on this list is considered unapproved and may not be used for Department purposes without first obtaining written approval by the Chief of Police.***

**SOP 6.10**  
**Social Media**

All approved social media networks shall be identified as Wolfeboro Police Department site and shall include the Wolfeboro Police Department approved logo. Any unapproved social media network is prohibited from identifying as a Wolfeboro Police Department and is prohibited from using the Wolfeboro Police Department logo.

The use of social media networks shall serve the following purposes:

- a. To disseminate time-sensitive information as quickly as possible;
- b. To increase the Departments ability to broadcast its messages to the widest possible audience; and
- c. To push information to the public

Users and visitors to the Wolfeboro Police Department social media networks shall be notified that the intended purpose of the network is to serve as a mechanism for receiving information from the Department and that it is a limited public forum. Users must also be notified that the Wolfeboro Police Department social media postings may be subject to removal if they are not related to the specific purpose of the social media site. The Departments social media networks shall also contain the disclaimer that **“any comments or information linked or posted shall not be deemed information created, accepted, or obtained by, or on behalf of, the municipality under RSA 91-A:1-a.”**

**The General Test:** If a post’s subject matter is not related to the purpose of the social media site, it is subject to removal.

Examples of posts that may be subject to removal:

- a. Comments, materials, or links not related to the specific purpose of the social media site.
- b. Comments in support of or opposition to political campaigns or ballot measures.
- c. Profane language. The Department intends for all members of the public, including minors and others sensitive to such language, to access and use its social media sites. To that end, any containing such language will require increased scrutiny as to its ability to remain on the site. A post containing profane language shall be subject to removal if the subject matter of the post is not related to the purpose of the social media site.
- d. 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 shall be subject to removal if the subject matter of the post is not related to the purpose of the social media site.
- e. Sexual content or links to sexual content. The Department intends for all members of the public, including minors and others sensitive to such content, to access and use its social media sites. Examples of sexual content are:
  1. Graphic descriptions or depictions of sexual activity;
  2. Graphic descriptions or depictions of sexual intercourse; and

**SOP 6.10**  
**Social Media**

3. Graphic descriptions or depictions of nudity.
- f. Solicitations of commerce. No advertisements for commercial services, products, or businesses shall be permitted on the social media sites.
- g. Conduct or encouragement of illegal activity.
- h. Information that compromises the safety or security of the public or public systems. Examples of information that compromises the safety or security of the public or public systems is:
  - i. Threats of violence against Wolfeboro Police Department employees;
  - ii. Personal identifying information of Wolfeboro employees; and
  - iii. Login information for the Department systems, such as usernames, passwords, and PIN numbers.
- i. Content that violates an intellectual property right of any third party. The Department shall remove content infringing on the intellectual property rights of a third party upon receiving notice from said third party describing the alleged infringement and establishing the legal right of the third party to the alleged infringed material.
- j. Any other content that violates local, State, or Federal laws, ordinance, or regulations.

Wherever possible, all Wolfeboro Police Department social media networks shall comply with all appropriate Department policies and standards, including but not limited to:

- Computer Use Policy
  - Media Relations Policy
- 1 The Department shall maintain records of its social media sites for a minimum of one year pursuant to NH RSA 33-A:3-a (XXV). The Department maintaining the platform is responsible for responding completely and accurately to any public records request for public records on social media. Wherever possible, social media networks shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.
  2. Posts shall only be removed from the Wolfeboro Police Department social media site by the Service Sergeant and/or Captain Executive Officer.
  3. If a particular post is directed at a particular individual, that individual shall not have the authority to remove that post.

**SOP 6.10**  
**Social Media**

4. The Department social media sites shall be reviewed for compliance with the Guidelines no less frequently than once a year, with more frequent review encouraged.
5. The Department shall remove any content or posts that violate this social media policy or any applicable law.
6. Any content or posts removed based on these guidelines *must be retained*, including the time, date and identity of the author when available.
  - a. Any removed content shall be printed out in hard copy as it appears on the social media site before it is removed.
  - b. Prior to the removal of any content or posts, the removing party shall create a removal record. The removal record shall include:
    - i. A statement explaining why the content or post was removed, including which provision of the Guidelines was violated;
    - ii. Who removed the content or post;
    - iii. When the content or post was removed; andAny other information relevant to the removal.
7. If there is any doubt whether content or a post is removable, the Chief of Police should contact the Town's legal counsel prior to taking any action.

**PROCEDURE**

**The Department Will Clearly Identify its Official Social Media Accounts**

Where possible, Department social media accounts shall prominently display the following information and/or statements:

- Department contact information and a link to the Department website
- That pages are maintained by the Department
- The purpose and scope of the Department's presence on the websites
- That the opinions expressed by visitors to the pages do not reflect the opinions of the Department
- That posted comments will be monitored and that the Department reserves the right to remove comments at its discretion such as obscenities, off-topic comments, personal attacks, any comments that jeopardize an ongoing investigation or prosecution, or that otherwise impair the Department's ability to provide effective law enforcement services to the community.
- That any content posted or submitted for posting is subject to public disclosure

**SOP 6.10**  
**Social Media**

Any comments or information linked or posted shall be deemed information, created, accepted, or obtained by, or on behalf of the WPD under RSA 91-A:1-a.

**Investigative Units May Use Non-Official Social Media Accounts**

Investigative units may use non-official social media accounts for investigative purposes with written permission of the Chief of Police.

These investigative units will maintain a log of all social media postings to non-official accounts.

**Free Speech**

- As public employees, Department personnel 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. Department personnel 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 officer's testimony in criminal or civil proceedings. Department personnel are subject to discipline up to and including termination for violations of these provisions.
- When using social media, Department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Department's Code of Conduct is required for the personal use of social media. In particular, Department personnel are prohibited from the following:
  - Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express discrimination against any race, any religion, or any other protected class of individuals.
  - Speech which could bring the Department into disrepute or which impairs the mission of the Department and/or the ability of Department personnel to perform their duties.

**Employee Personal Use of Social Media**

This policy covers employee personal use of social media affecting the workplace and/or the Department's ability to perform its public mission.

The Department recognizes the role that social media plays in the personal lives of some Department employees. However, the personal use of social media can have bearing on employees in their official capacity as they are held to a high standard by the community.

**SOP 6.10**  
**Social Media**

Engaging in prohibited speech outlined in this policy may provide grounds for discipline and may be used to undermine or impeach an officer's testimony in legal proceedings.

**Employees Shall Not Post Speech That Negatively Impacts the Department's Ability to Serve the Public**

Employees may express themselves as private citizens on social media sites as long as employees do not:

- Make, share, or comment in support of any posting that includes harassment, threats of violence, or similar conduct
- Make, share, or comment in support of any posting that ridicules, maligns, disparages, expresses bias, or disrespect toward any race, religion, sex, gender, sexual orientation, nationality, or any other protected class of individuals
- Make, share, or comment in support of any posting that suggests that Department personnel are engaged in behavior reasonably considered to be unlawful or reckless toward public safety
- Otherwise violate any law or WPD policy

Employees shall make reasonable efforts to remove content appearing on their social media account that violates this policy upon learning of the offensive content.

**Employees May Not Post Privileged Information or Represent the Department**

- Employees shall not post or otherwise disseminate any confidential information they have access to as a result of their employment with the Department.
- Employees may not make any statements, appearances, endorsements, or publish materials that could reasonably be considered to represent the views or positions of the Department.

**Employees May Not Use Their Wolfeboro Police Department Email Address to Register a Personal Account on Social Media**