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Chief of Police

# ALBANY, NEW YORK

## POLICE DEPARTMENT

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ALBANY, NEW YORK 12210



1789

### SOCIAL MEDIA - OFFICIAL AND PERSONAL USE

#### GENERAL ORDER NO: 2.5.05

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<b>Issuing Authority:</b> Chief Eric Hawkins	

**PURPOSE:** The purpose of this policy is to establish the Albany Police Department’s position on the utility and management of social media and to provide guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

**POLICY:** It is the policy of the Albany Police Department to identify the potential role that social media may play in the personal lives of some employees. The personal use of social media can have bearing on Albany Police Department personnel in their official capacity. As such, this policy provides information of a precautionary nature, as well as, prohibitions on the use of social media by Albany Police Department personnel.

**DEFINITIONS:** **Blog** – Blog means a self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term blog is short for Web log.

**Page** – Page means the specific portion of a social media website where content is displayed and managed by an individual or individuals with administrative rights.

**Post** – Post means content that an individual shares on a social media site or the act of publishing content on a site.

**Profile** – Profile means any information that a user provides about them on a social networking site.

**Social Media** – Social media means a category of Internet-based resources that integrate user-generated content and user participation. Types of social media include, but are not limited to, social networking sites (e.g., Facebook, MySpace, etc.), micro-blogging sites (e.g., Twitter, Nixle, etc.), photo and video-sharing sites (e.g., Flickr, YouTube, etc.), wiki’s (e.g., Wikipedia, etc.), blogs and news sites (e.g., Digg, etc.).

**Social Networks** – Social networks mean online platforms where users can create profiles, share information, and socialize with others using a range of

technologies.

**Speech** – Speech means 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** – Web 2.0 is the second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term inter-changeably with social media.

**Wiki** – Wiki(s) are web pages that can be edited collaboratively.

## I. OFFICIAL USE

### A. Policy:

1. Where possible, each social media page used for official use, except for official investigative purposes, shall include an introductory statement that clearly specifies the purpose and scope of the Albany Police Department's presence on the website;
2. Where possible, the page(s) should link to the Albany Police Department's public site; and
3. Social media content shall be designed with a specific target audience in mind.

### B. Social Media Official Uses:

1. Investigations – Including, but not limited to, the following:
  - a. Missing persons;
  - b. Wanted persons;
  - c. Gang participation;
  - d. Online crime (e.g., cyber bullying, cyber stalking, etc.);
  - e. Source of photo or video evidence posted by observer or participant;
  - f. Criminal intelligence gathering; and
  - g. Creation or corroboration of an undercover or fictitious identity for official use and created under the following guidelines:
    - i. In all such cases, personnel shall generate an incident number that will address all relevant information on the identity used and personnel responsible for the investigation.
    - ii. For each undercover profile created, personnel shall complete an [Albany Police Department Undercover Social Media Profile Management Form](#), APD Form # 467 shown on page 8 of this order, and submit said form to the Commander of Investigations for approval.
    - iii. New profiles shall not be established without prior authorization from the Commander of Investigations.
    - iv. Previously established and currently active profiles shall be reviewed by the Commander of Investigations on a

scheduled basis to ensure compliance

- v. Undercover profiles shall not be accessed from personal computers, laptops, and devices that utilize an Albany Police Department or government IP address. The purpose of this section is for officer safety and to reduce the risks of suspects identifying the actual identity and location of officers working in an undercover roll.

**2. Community Outreach and Engagement – Including, but not limited to, the following:**

- a. Crime prevention tips;
- b. Online reporting opportunities;
- c. Data sharing (e.g., crime maps, statistics, etc.);
- d. Soliciting of crime information and tips;
- e. Customer satisfaction surveys;
- f. Employee recognition;
- g. Monitoring and responding to community concerns; and
- h. Notification of incidents or conditions affecting or involving the community, including but not limited to the following:

- i. Road closures;
- ii. Special events;
- iii. Weather emergencies;
- iv. Missing or endangered persons; and
- v. When required, Albany Police Department training or other police activity.

**3. Agency Employee Recruitment – Including, but not limited to, the following:**

- a. Employment opportunities; and
- b. Hiring process preparation aids.

**4. Applicant Background Investigation – Including, but not limited to, the following:**

- a. Pre-employment investigations may include Internet-based content related to the applicant employee;
- b. Only Office of Professional Standards detectives are authorized to conduct online background related searches;
- c. Uniform vetting techniques shall be applied to all candidates, making every effort to validate Internet-based information considered during the hiring process; and
- d. Searches shall be conducted in accordance with all applicable laws.

**C. Content Procedures:**

- 1. All official Albany Police Department social media sites or pages must be approved by the Chief of Police or his/her designee and shall be

administered, including regular monitoring, by the Albany Police Department Public Information Officer (PIO), or as otherwise determined.

- a. This section does not pertain to undercover profiles which shall be approved by the Commander of Investigations, as outlined above.
2. Content originators are responsible for ensuring accuracy of their content.
3. Where possible, social media pages shall clearly indicate that they are maintained by the Albany Police Department and shall have Albany Police Department contact information displayed prominently.
4. Social media content shall adhere to applicable laws, regulations and policies, including all information technology and records management policies.
  - a. Content is subject to public records laws.
    - i. [The New York State Record Retention and Disposition Schedule MU-1](#), indicates the minimum length of time that public officials must retain their records before they may be disposed of legally, which includes sections that apply to social media content.
  - b. Content may be subject to applicable Freedom of Information Law (F.O.I.L.) regulations, as required by the [New York State Public Officers Law Article 87](#).
  - c. Content that is specific to a criminal investigation should be retained in the appropriate case file and is likely discoverable and as such, should be brought to the prosecutor's attention.
  - d. Content shall be managed, stored, and retrieved in compliance with open records laws, e-discovery laws, and policies.
5. Social media pages should state that opinions expressed by visitors to the page do not reflect the opinions of the Albany Police Department.
  - a. Pages shall clearly indicate that posted comments will be monitored and that the Albany Police Department reserves the right to remove obscenities, off-topic comments, and personal attacks.
  - b. Pages shall clearly indicate that any content posted, or submitted for posting, is subject to public disclosure.

**D. Posting Procedures:**

1. Personnel representing the Albany Police Department shall follow the below procedures when posting official content:
  - a. Personnel shall comply with all Albany Police Department policies and procedures, conventionally accepted protocols, and proper good behavior;
  - a. Personnel shall identify themselves as a member of the Albany Police Department;
  - b. Personnel shall not make comments or statements regarding their

opinion of the guilt or innocence of any suspect, arrestee, or defendant;

- c. Personnel shall not post, transmit, or otherwise disseminate confidential information, including photographs or videos of Albany Police Department training activities, other Albany Police Department activities, Albany Police Department facilities, or work related assignments without prior written authorization from the Chief of Police or his/her designee; and
- d. Personnel shall not conduct political or private business activities on official social media pages or websites.
  - i. Albany Police Department computers shall not be utilized to access social media unless for official business or duties, without prior written authorization from the Chief of Police or his/her designee;
  - ii. The use of personally owned devices to manage the Albany Police Department's social media is prohibited without express permission of the Chief of Police; and
  - iii. Personnel shall observe and abide by all copyright, trademark, and service mark restrictions when posting material on social media.

## **II. PERSONAL USE**

### **A. Precautions and Prohibitions:**

- 1. Absent State law or binding labor agreements to the contrary, Albany Police Department personnel shall abide by the following procedures when using social media:
  - a. Albany Police Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair the working relationships of the Albany Police Department for which trust and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department;
  - b. As public employees, Albany Police Department personnel are cautioned that speech, on or off-duty, made pursuant to their official duties is not protected speech under the First Amendment, and may form the basis for discipline if deemed detrimental to the Albany Police Department;
  - c. Albany Police Department personnel should understand that their speech and related activity on social media sites may reflect upon their office and this department. Speech and conduct should be representative of Albany Police Department values; and
  - d. Albany Police Department personnel shall not post, transmit, or otherwise disseminate any information or imagery, such as arrest photos, accident scene photos, crime scene photos, official or unofficial reports, or information gained in their official capacity to which they have access to as a result of their employment, without

prior written authorization from the Chief of Police or his/her designee.

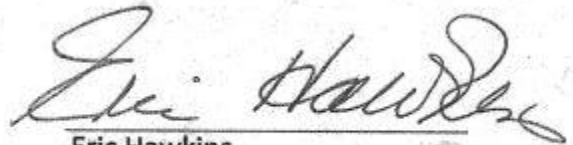
2. For safety and security reasons, Albany Police Department personnel are cautioned to use discretion when disclosing their employment with this department, and not to post information pertaining to any other member of the Albany Police Department without their permission.
  - a. Officers who are or may be reasonably expected to work in undercover operations shall not post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of the Albany Police Department.
  - b. Personnel may post pictures in uniform or display other Department logos or similar identifying items at their discretion, as long as such display does not bring discredit or shame to this department.
  - c. Personnel should be alert to the content and nature of their postings including online conversations and those of family and friends. When certain strings of information are compiled, persons viewing such information may be able to identify shift schedules, location of your residence, when the residence is unoccupied, family members, vacations, and other private information.
3. When using social media, Albany Police Department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Albany Police Department's [Rules of Conduct - General Order 2.2.00](#) is required in the personal use of social media. In particular, Albany Police Department personnel are cautioned against use of the following:
  - a. Speech containing obscene or sexually explicit language, images, acts, statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals; and
  - b. Speech involving themselves, or other Albany Police Department personnel, reflecting behavior that might reasonably be considered reckless or irresponsible.
4. Engaging in the aforementioned speech may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings.
5. Personnel shall not divulge information gained by reason of their authority, without express authorization from the Chief of Police or his/her designee. This includes, but is not limited to, the following:
  - a. Any statements, speeches, appearances or endorsements; and
  - b. Publishing materials that could reasonably be considered to represent the views or positions of the Albany Police Department.

### III. LEGAL LIABILITY

- A. Albany Police Department personnel should be aware that they may be subject to civil litigation regarding their official and personal social media accounts for the

following:

1. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
2. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
3. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose;
4. Publishing the creative work of another, including trademarks, or certain confidential business information without the permission of the owner; and
5. Albany Police Department personnel should be aware that privacy settings and social media sites are constantly changing and they should never assume that personal information posted on such sites is protected.

A handwritten signature in black ink, appearing to read "Eric Hawkins". The signature is written in a cursive style with a horizontal line underneath the name.

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Chief of Police



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**ALBANY POLICE DEPARTMENT**

**UNDERCOVER SOCIAL MEDIA PROFILE MANAGEMENT FORM**

Incident Number:

Officer/Unit Responsible:

Website Name:

User Name/Login:

Password

Profile URL:

Date Created:

Date Deleted:

Purpose:

Officer's Signature:

Date:

Supervisor's Signature:

Date: