

MAUI COUNTY POLICE DEPARTMENT

GENERAL ORDERS
CHAPTER 308
COMPUTER OPERATIONS

Effective date: 8/18/20

Revision date: 7/13/20

Rescinds: GO 308.4 (12/01/11)

New materials underscored

Accreditation Standards: 45.2.1, 54.1.1

SOCIAL MEDIA POLICY
G.O. 308.4

I. PURPOSE

The Maui Police Department endorses the secure use of social media to enhance communication, collaboration, information exchange, streamline processes, and foster productivity. This policy establishes the department's position on the utility and management of social media. It also provides 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.

II. POLICY

Social media provides a potentially valuable means of assisting the Maui Police 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 an impact on departmental 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 department personnel.

III. DEFINITIONS

PAGE: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrative 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: Forms of electronic communication through which users create online communities to share information, ideas, personal messages, and other content.

SOCIAL NETWORKS: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

IV. DEPARTMENT GUIDELINES FOR AUTHORIZED USE OF SOCIAL MEDIA

- A. All employees have the responsibility to help communicate accurate and timely information to the public in a professional manner. Communications by employees in an official capacity must comply with all criminal statutes, civil laws, and departmental policies.
- B. Communicating on behalf of the Maui Police Department
 - 1. All department social media sites or pages shall be approved by the Chief of Police or designee and shall be administered by the Community Relations Section or designee.
 - 2. Social media pages shall clearly indicate they are maintained by the Maui Police Department and shall have department contact information prominently displayed.
 - 3. Content is subject to public records laws. Relevant records retention schedules apply to social media content.
 - 4. Content must be managed, stored, and retrieved to comply with open records laws, e-discovery laws, and policies.
 - 5. Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Maui Police Department.
 - 6. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
 - 7. Maui Police Department personnel communicating for the department via social media shall do the following:
 - a. Observe conventionally accepted protocols and proper decorum as representatives of the Maui Police Department and adhere to the department Code of Conduct (G.O. 103.1).
 - b. Identify themselves as a member of the Maui Police Department.
 - c. Do not make statements about the guilt or innocence of any suspect (or arrestee), or make comments concerning pending prosecutions.

- d. Do not post, transmit, or otherwise disseminate confidential information, which includes photographs or videos, related to department training, activities, or work-related assignments without authorization from the Chief of Police or his designee.
- e. Do not conduct political activities or private business.
- 8. Department employees shall comply with General Order 308.1, Information Technology and Security, regarding computer system usage.
- 9. Use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited.
- 10. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

C. Investigative Use of Social Media

- 1. Investigators using social media in ongoing investigations shall obtain authorization through the Chief of Police or his designee before utilizing the internet resource.
- 2. Investigators using social media in an undercover capacity shall adhere to established department policy on internet investigations within their respective sections.

Reference materials include: CID S.O.P 103.5 INVESTIGATION OF INTERNET CRIMES AGAINST CHILDREN and VICE S.O.P. 104.9 VICE INTERNET CRIME INVESTIGATIONS

- 3. Search methods using social media shall not involve techniques that are a violation of existing laws.

D. Potential Uses

- 1. Social media is a valuable investigative tool when seeking evidence or information about:
 - a. Missing persons;
 - b. Wanted persons;
 - c. Gang participation;
 - d. Crimes perpetrated online (i.e., cyberbullying, cyberstalking); and

- e. Photos or videos of a crime posted by a participant or observer.
2. Social media can be used for community outreach and engagement by:
 - a. Providing crime prevention tips;
 - b. Offering online-reporting opportunities;
 - c. Sharing crime maps and data; and
 - d. Soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip).
3. Social media can be used to make time-sensitive notifications related to:
 - a. Road closures;
 - b. Special events;
 - c. Weather emergencies; and
 - d. Missing or endangered persons.
4. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.
5. This department has an obligation to include Internet-based content when conducting background investigations of job candidates.
6. Every effort must be made to validate Internet based information considered during the hiring process.

V. PERSONAL USE

A. Barring Federal or Hawaii State Laws, department policies, or binding employment contracts to the contrary, Maui Police Department personnel shall abide by the following when using social media:

1. Department employees are free to express themselves as private citizens on social media sites to the extent applicable by law and departmental policy.
2. As public employees, department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties – that is, that owes its existence to the employee’s professional duties and responsibilities – may not always be protected speech under the First Amendment. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.

3. Department personnel shall not post, transmit or otherwise disseminate any privileged or confidential information to which they have access as a result of their employment with the Maui Police Department without authorization from the Chief of Police or his designee.
4. For safety and security reasons, department personnel are cautioned when using personal social media not to disclose their employment with this Maui Police Department or post information on the internet pertaining to any other member of the department without their permission.
5. Department personnel are specifically prohibited from the following:
 - a. Displaying or posting personal pictures or videos on personal web pages, social media sites, or any electronic media of department logos, uniforms or similar identifying items, police facility security measures, official departmental training, and work-related assignments that are not accessible to the public.
6. 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 (G.O. 103.1) is required in the personal use of social media. In particular, department personnel are prohibited from the following:
 - a. Speech containing obscene or sexually explicit language, images, or acts and 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.
7. Engaging in prohibited speech containing obscene or sexually explicit language, images, or acts and 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, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings.
8. Maui Police Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this Department without express authorization from the Chief of Police or his designee.
9. Department personnel should be aware that they may be subject to civil litigation for:
 - a. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);

- b. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not legitimate public concern, and would be offensive to a reasonable person;
 - c. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
 - d. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
10. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
11. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.
12. Reporting violations – any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

VI. POLICY TRAINING

- A. All Maui Police Department personnel, student interns, and volunteer staff will become familiar with, adhere to the provisions of this policy, and receive training and notification pertaining to this policy by in-service training.



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Chief of Police