

Social Media and the Baltimore City Fire Department

Jeffrey R. Segal

Baltimore City Fire Department, Baltimore, Maryland

Certification Statement

I hereby certify that this paper constitutes my own product, that where the language of others is set forth, quotation marks so indicate, and the appropriate credit is given where I have used the language, ideas, expressions, or writings of another.

Signed: \_\_\_\_\_

## Abstract

In recent years there has been an explosion of social media activity in America and throughout the world. The proliferation of the social media has affected public safety organizations in one way or another. Many of the public safety organizations do not have policies in place that provide sound guidance on the social media explosion. The problem is that the Baltimore City Fire Department (BCFD) does not have a social media policy to protect the interest of the BCFD and the citizens that it serves. The expanded use of social media coupled with a strong social media policy will enhance the BCFD's ability to protect the citizens of Baltimore and protect the interests of the BCFD.

The purpose of this research was to identify the need for a social media policy and identify ways to enhance the protection of the BCFD through the use of the social media. The ultimate goal of this research paper was to identify ways to improve the safety of the public and the citizens of Baltimore City. The author used descriptive research methods to answer the following research questions (a) what are the potential and past problems for public safety resulting from social media (b) what policies have other public safety organizations established to protect the public and the public safety organization, and (c) what are the laws that apply to public safety and social media?

The results of the research indicated that the BCFD needed to produce a strong social media policy that provides guidance to its members. The results identified some shortfalls in the policies of the BCFD. The recommendations based on this research project were to develop a social media policy and educate all BCFD employees on the proper use of the social media.

Table of Contents

PAGE	
	Certification Statement . . . . . 2
	Abstract . . . . . 3
	Table of Contents . . . . . 4
	Introduction . . . . . 5
	Background and Significance. . . . . 7
	Literature Review . . . . . 11
	Procedures . . . . . 30
	Results . . . . . 34
	Discussion . . . . . 44
	Recommendations . . . . . 46
	References . . . . . 48
	Appendix A . . . . . 53

## Social Media and the Baltimore City Fire Department

The social media explosion has taken much of the world by surprise. Most organizations can't keep up with the explosion of social media (SM). This explosion has touched the public safety arena. The emergence of SM applications such as Facebook, MySpace, LinkedIn, YouTube, Twitter, Plaxo, Blogs, and Texting is now a part of the daily lives of emergency providers. Fire Chief Charles Werner (2011) stated, "Social Media has taken the world by storm" (p.87). Hampton College (2011) referred to the social media explosion as "A new world of social exchange". Social media is prevalent in most of the American culture, the American public and the public safety providers are touched by the SM.

Several years ago most fire departments were not familiar with SM networks and within a few years the fire departments were bombarded with numerous SM sites. The facts involving the SM are overwhelming. Facebook now has over 800 million users (Ostrow, 2011). Facebook reported that more than 350 million active users currently access Facebook through their mobile devices. More than 50% of our active users log on to Facebook in any given day and the average user has 130 friends (Facebook, 2011). A source reported that, "MySpace has more than 100 million monthly active users from all over the world" (Numberof, 2010). Twitter has rapidly gained worldwide popularity, with over 300 million users as of 2011, generating over 300 million tweets and handling over 1.6 billion search queries per day (Shields, 2011). Adults are using SM sites more than ever. A survey was performed by Pew Internet services revealed that over 65% of adults uses SM. It also reported that over 86% of adults 30 and younger use the SM (Kessler, 2011). The world and the members of public safety organizations make use of SM.

Social Media is defined as "forms of electronic communication through which users create online communities to share information, ideas, personal messages, and other content such

as videos” (Webster, 2011). An additional source stated that, “the term Social Media refers to the use of web based and mobile technologies to turn communication into an interactive dialogue”. This form of communication continues to grow and expand daily. This method of communication is used by businesses, governmental agencies, individuals, and a plethora of organizations. Many businesses and organizations use the social media to persuade and influence others. Most businesses use SM to convince consumers the company and products are worthwhile (Ward, 2012). Most public safety officers use SM sites as entertainment and for their personal communications.

Social media sites can aid the public safety providers tremendously. However, if not properly governed; SM can bring harm to the public and emergency providers. SM can be an avenue of mass communication with a large audience. It can give real time information to the public and emergency providers. SM can be used as a marketing tool and a connection to the community. These connections to the community can be beneficial during disasters and other critical situations. The Administrator of the Federal Emergency Management Agency said, "Understanding the Power of Social Media as a Communication Tool in the Aftermath of Disasters is extremely important" (Fugate, 2011). There is a host of beneficial uses of the SM. The SM has proven to be a valuable tool to the public safety arena. Public safety organizations such as fire departments do well by making good use of this means of communication.

SM, if misused, can cause damage as well. The SM can also damage the reputations of public safety organizations as well as reveal confidentiality if it is not properly governed. Uncontrolled use and inaccurate dissemination of information by public safety personnel via SM has caused damage to organizations and individuals. This harm has been the results of on-duty and off-duty posting.

The Baltimore City Fire Department (BCFD), like many other fire departments, is faced with the explosion of SM. Fire departments and police departments have to make good use of SM and they have to govern the use of SM by its members. This involves planning and making policy for the effective use of SM. It was aptly said, “The future belongs to those who prepare for it today” (Malcolm X, 1965). The departments have to put policy in place to effectively use and control the good and the bad of the SM explosion.

The problem is that the BCFD does not have a Social Media policy to protect the interest of the BCFD and the citizens that it serves. The expanded use of SM coupled with a strong SM policy will enhance the BCFD’s ability to protect the citizens of Baltimore and protect the interests of the BCFD.

The purpose of this research is to identify the need for a SM policy and identify ways to enhance the protection of the BCFD through the use of SM. The ultimate goal of this research paper is to identify ways to improve the safety of the public and the citizens of Baltimore City. The author used descriptive research methods to answer the following research questions (a) what are the potential and past problems for public safety resulting from social media (b) what policies have other public safety organizations established to protect the public and the public safety organization, and (c) what are the laws that apply to public safety and social media?

#### Background and Significance

The BCFD provides fire protection as well as emergency medical services to an area of eighty-one square miles and a population of 620,161 residents. The proposed BCFD budget for fiscal year 2013 is \$203,404,000.34. The department has over 1,800 full-time employees that are divided into two branches, emergency operations and planning-administration. The operation personnel work out of 40 neighborhood fire stations. These stations house about 100 firefighting emergency medical and specialized companies. These include 36 engine companies, 18 ladder

companies, 24 first line medics, 6 critical medic units, 2 medical assist cars and a heavy rescue unit, specialty units such as hazmat trucks, collapse rescue squads, command mobile command vehicles as well as various fire boats. The planning and administration office oversees fire support divisions which are headed by deputy chiefs. The department responds to more than 240,000 emergency 911 calls a year. The City fire department protects a host of high risk facilities such as the harbor place, chemical factories along the harbor, two stadiums as well as Interstate 95. The department is responsible for all of the fire and Emergency Medical Services (EMS) within these areas (Baltimore, 2009). The rank structure of the BCFD consists of the chief of the fire department, two assistant chiefs, a chief of staff, ten deputy chiefs, 1 battalion commander, 38 battalion chiefs, 92 captains and 209 lieutenants and the rest are uniform personnel and civilians. Prior to 1858, the BCFD was an all-volunteer organization. In December 1859, the City Council created the City's first paid professional fire department, which was made up of 1 truck and 4 engine companies. Eventually, the BCFD replaced the volunteer force completely. In June of 1927, ambulances were placed in service and thus began the Emergency Medical Services (EMS) division. By 1938 the Fire Incendiary Bureau was created which eventually became the Fire Investigation Division headed by the fire marshal and now it is called the Fire Marshal Office. In 2008 all of the supply, maintenance, procurement and maintenance departments were combined into one logistical division and thus adding the final piece known today as the BCFD (Baltimore, 2009).

The BCFD, like many other major cities in America, has been faced with budget cuts and reduced workforces. The budget cuts, lack of adequate pay increases, and the reduction of staff has contributed to the low morale of the fire department members. The BCFD introduced pay furloughs for the past three years in response to the budget cuts. Some members of the BCFD have resorted to expressing their dissatisfaction of the Fire Department on a host of social media



sites. Many of these sites include chat rooms and various forums. A recent avenue has been the fire fighter's union website and the use of Twitter. There have been several postings that have been inaccurate and not in good taste by selected members of the Fire Department.

The BCFD has not officially made good use of the SM. Limited staffing and resources has made it very difficult for the public information office to use SM to the full. A new division entitled Recruitment and Outreach has started to make use of SM for recruitment and public education. However, the Department's use of SM in disaster and scene mitigation is limited to the efforts of one Staff Officer, the Chief Public Information Officer.

The City of Baltimore once had a population of almost one million residents according to the census bureau. Over recent years, the City has experienced a mass exodus. Based on a report from the US Census, in the 1990's Baltimore City was ranked first in the country as the largest population loser alongside with Detroit and Washington, DC (Census, 2010). The City continues to lose population. As per the 2010 Census, the Baltimore population declined 4.6 percent during 2000 to 2010. The population of Baltimore City has dropped to 620,161. The decline in residents has resulted in less revenue and cutbacks for the Fire Department. Home ownership is 51.1 percent in the City of Baltimore and 20.1% of the residents in Baltimore live in poverty (Census, 2010).

The loss of revenue as a result of a smaller tax base has contributed to the reduction of the fire department. In response to the budget shortfall, for the past three years, the BCFD has adopted the practice of rotating closures of fire companies in lieu of permanent closures. In the years 2009 and 2010, daily rotating closures were as many as seven. In the past two years, the rotating closures leveled out at three daily closures. The rotating closures have increased unit response times. Therefore in July of 2012 the Chief of The Fire Department decided to permanently disband fire companies in lieu of rotating closures. On July 9, 2012 the BCFD

disbanded one truck company, one engine company, and ceased the practice of rotating closures. The closures of the units as well as the rotating closures were met with resistance and a flurry of negative SM postings from various members of the fire department. However, the BCFD has experienced numerous company closures over the years. The BCFD once consisted of 58 engine companies, 30 truck companies, 11 battalions, 4 hose companies, 4 chemical companies, 2 water towers, 12 ambulances and sworn personnel at a repair shop and fire alarm office. Over the years, the BCFD has lost 23 engine companies, 13 truck companies, 4 battalions, 4 hose companies, 4 chemical companies, 2 water towers and a repair shop as a result of reductions.

In the past, the BCFD has had a very strict hold on members talking to the media about fire department matters. The fire department's policy prevented their members from speaking to the media without the fire department's permission. Members would be severely disciplined in the past if they violated any policy regarding the unauthorized release of fire department information. The strong policies prevented members from being vocal in the public arena. In recent years and months the BCFD has published various operational memos prohibiting certain behaviors when posting on-duty and off-duty on SM sites. The guidance was very limited

Presently members have become very vocal about the activities of the fire department via SM sites. Some post with fake names, some post anonymously, and many post using their names. The outbreak of SM has emboldened many members vent, complain and many times post inaccurate information. Some members have posted accurate but sensitive matters that should not have been public knowledge. The BCFD has had members recording and taking pictures on the scene of incident and posting them on sites. Other members have posted distasteful, derogatory and offensive messages on SM sites. The posting have had a negative effect on the confidence of the public in the fire department. The SM activity is unprecedented in comparison to years ago when the fire department controlled who would speak to the media.

The probable future of uncontrolled negative and inaccurate SM postings will diminish the confidence of the public in the fire department. However, the probable future of a solid SM policy will protect the interests of the BCFD and the citizens it serves. A SM policy will also assist the BCFD in communicating with the public. It also has the potential of saving lives and adding to the quality of life during disasters or other emergencies. Effective use of SM adds to the safety of the public and responders within Baltimore City by arming them with the communication and knowledge needed to cope with emerging crisis. This will be accomplished by making good use of SM and having a strong SM policy.

This applied research project directly relates and supports the United States Fire Administration's operational objective of "responding appropriately in a timely manner to emerging issues." The research project identifies the emerging issue of the SM. Therefore, this paper identifies the value of a solid SM policy for the protection of BCFD and the citizens it serves.

#### Literature Review

The social media has also proven to be a valuable tool to the public safety arena. The social media is a very efficient means to communicate with the public during disasters and other emergency situations. Making good use of this avenue of communication should be the goal of all public safety providers.

Misuse of the social media presents some dangers to the interest of the public and emergency organizations. Uncontrolled use, in-accurate dissemination of information, and compromise of confidentiality is only a few of the nemesis of the social media. Misuse of SM by public safety providers has cause public relations problems and even caused local officials to lose confidence some of the public safety organizations.

There are numerous examples of the SM sites assisting the emergency services perform their task of safety and protecting the public. Communications and the distributions of critical information contribute to the safety of the public and the responders. Fugate stated, "Our success in fulfilling our mission at FEMA is highly dependent upon our ability to communicate with the individuals, families and communities we serve. For that reason, social media is extremely valuable to the work we do, and today we see the value of using these tools to increase public safety" (Fugate, 2011). The fire service and other public safety organizations missions are contingent on their ability to communicate with the public and their providers. The SM is one of the avenues that organizations are using to communicate information.

A recent example of emergency provider's use of the SM is the Virginia Tech shootings. December 8, 2011 during the shooting the public and the students on campus were immediately informed to shelter in place and call the police via SM. As the hours continued during the day tweets, Facebook and all forms of SM was used to keep all posted in to disseminate pertinent information. After a continuous 4 hours of communication, the authorities sent out an alert via SM site at 1631 hours stating that law enforcement have determined there was no longer an active threat on campus. The feedback from students and family was that the use of SM kept them informed. A parent sent this message, "Great job VA Tech for your handling of this tragic situation. As a parent whose daughter attends VA Tech, the updates allowed me to follow the situation. My prayers go out to the officer and his family who lost his life in the line of duty. GO HOKIES!!!!" (Gillard, 2011).

In the Virginia Tech shooting cell phones were instrumental. The cell phones are capable of quickly accessing and storing large amounts of information. The cell phones are convenient and it is normally on the person. These devices are an excellent tool to rapidly disseminate

information. This was proven true at Virginia Tech. Fugate refers to the cell phone as, “A lifeline during and after emergencies” (Fugate, 2011).

The Red Cross is another advocate of making good use of SM sites in providing safety to the public. The Red Cross survey revealed that many web users would turn to social media to seek help for themselves or others during emergencies; and they expect first responders to be listening. The online survey consisted of 1,058 adults. They were asked about their use of social media sites in emergency situations. A key result of the survey shows 74 percent expect response agencies to answer social media calls for help within an hour. The survey found that if they needed help and couldn't reach 9-1-1, one in five would try to contact responders through a digital means such as e-mail, websites or social media. The survey further revealed that 69 percent said that emergency responders should be monitoring social media sites in order to quickly send help (RedCross, 2010). The survey established that the public is using SM and the public expects the public safety organizations to monitor and use the SM sites as one of their means to communicate with the public.

The feasibility of using SM to enhance public safety is very clear. Most would concur that the use of the SM is one of the keys to the successful mission of public safety in modern times. Other positive uses for the SM is community outreach, community initiatives, public announcements, road closures, weather events, special events and the list goes on. Murphy explained that the SM could even be used by employers to announce employment opportunities and to do background checks on potential employees. SM has proven to be a valuable tool for public safety organizations. Therefore, fire departments should endeavor to make good use of SM. The rationale is the same as Fugate's expressions, “rather than trying to convince the public to adjust to the way we at FEMA communicate, we must adapt to the way the public

communicates by leveraging the tools that people use on a daily basis. We must use social media tools to more fully engage the public as a critical partner in our efforts” (Fugate, 2011). Public safety organizations throughout the country are now trying to make good use of SM due to the large audience and the fact that most use some form or type of SM.

There is also a negative side to SM if it is misused by public safety employees. There are numerous examples of public safety employees being disciplined, demoted, and even fired as a result of their misuse of SM. The incidents where emergency providers have misused SM continue to increase. The misuse of SM can consist of inappropriate materials, inappropriate postings to circulating photos and videos that violate privacy laws such as Health Insurance Portability and Accountability Act (HIPAA). Often images or videos are published in real time while units are still on the scene of an incident (Werner, 2011). When inappropriate material is posted on or off duty, it is being documented and it is normally impossible to stop the spread of the post once it is entered. These postings also place the department and the members at risk of liability due to various unsafe practices or illegal activities being posted.

Inappropriate filming and picture taking of incidents has caused damage to the reputation and trust of many fire departments. In October of 2010 a video of a July 2010 horrific fatal accident went viral after fire fighters were sharing it with others at a bar. Two Griffin County, Georgia fire fighters while on the scene of a fatal motor vehicle accident videoed 23 year old Dayna Kempson-Schacht body and accident scene. The audio could be heard and the video was too graphic for the news to show. The video eventually was received by the parents of Dayna. Their trust was broken and it damaged the trust of the fire department. Dayna’s mother in an interview on Fox News stated, “She was disrespected by the people we trust to care of us and to protect us” and the father added, “He doesn't understand why a firefighter would have taken the

video of his daughter” (Fox, 2010). The Griffin County representative stated on the news that no law was broken but they were researching if a policy was broken (Fox News, 2010). Hsieh highlighted that public safety officers are in a trusted position. Hsieh (2010) said that as, “public safety providers, the public trusts us to care for them and loved ones. They let us come into their homes, their offices, and let us touch them, ask intimate questions, and begin painful, invasive procedures with nearly blind faith”.

In Moncks Corner South Carolina a police officer was fired because of inappropriate postings on his Facebook. The officer posted revealing photos of women in bikinis around his cruiser. The photos were taken at a car wash.

In Dallas, Texas, a female police officer had images of herself in a G-string on her site. Her site also had photos of crime scenes. Her site associated the Dallas police department with questionable images. Deputy Chief Randy Blankenbaker (2010) stated in reference to the officer’s misconduct via SM, “If you are identifying yourself in any way on your site as a police officer, then there shouldn’t be inappropriate images placed on that site”. Blankenbaker further explained that, “a framework needs to be provided so that they should and shouldn’t post in order to prevent them from getting into a position where their character as an officer is questioned. It was stated that, “the social media is a delicate balance between freedom of speech and, private lives, and public jobs” (Lopez, 2010).

There have been numerous occasions throughout the country where members of the fire departments and police departments have been disciplined or even fired as a result of their comments on SM sites. Members of public safety have been increasingly held accountable for their post when it affects the trust and operations of the organization. The misuse of the SM presents the dangers to the organizations and to the public that they serve.

A Smithfield police officer went home and posted on his Facebook about how much fun he had that night following an adrenaline-packed foot pursuit that led to an arrest. But a town council member who was the officer's Facebook friend saw the post and complained that it was inappropriate, (Wilson, 2011). The remark was taken off the site. Police Chief Mark Marshall said, "That's when we knew we needed to have a policy" (Wilson, 2011).

Brian Beckmann, a 15-year veteran South Florida fire captain was demoted, required to take a psychological evaluation, and diversity training. This was after calling the parents of Trayvon Martin, "failed, s---bag, ignorant, pathetic, welfare dependent excuses for parents" on his personal Facebook as per the news reports in Miami Florida. The comments of the fire captain sparked outrage when he posted last month on his Facebook page about the Martin case. The Facebook page was Beckmann's personal Facebook page. Beckman spoke as a member of the fire department when he said, "I and my co-workers could rewrite the book on whether our urban youths are victims of racist profiling or products of their failed, s---bag, ignorant, pathetic, welfare dependent excuses for parents, but like Mrs. Corey, we speak only the truth" (Ortiz, 2010). Beckmann's posted sparked a public relations nightmare. Post like this is not by itself in the public safety arena.

Eight members of the Belair Maryland Fire Company have been suspended or demoted after voicing their opinions online about a trip they took to Sonic in May. The controversy started with one volunteer firefighter's Facebook post on May 30 commenting on the fact that the local Sonic restaurant offers discounts to military members and police officers but not the firefighter as per the news report (2012). Members of the station said some disparaging comments. The members posted the following, "Let's make sure they don't get a response,"



"Yea, I smell a delayed response there," "Go set the dumpster on fire," and "Wait til it's on fire, then see what he says."

A police officer's comments and actions on his Facebook reflected poorly on his profession and his character. On April 23 Officer Rankin was dispatched to a burglary call. On this call Rankin shot Kirill Denyakin who was drunk. As per Rank's report Denyakin was drunk, shouting, and he lunged toward Rankin. The result was that Denyakin was hit 11 times. Denyakin was unarmed and banging on the door of the apartments where he lived. The concern was Rankin's Facebook posting where he expressed, "he would rather be emptying his guns rather cleaning them". He also made reference to a box of guns as his "box of vengeance". Rankin's site also had an image of a man hanging from a noose (Wilson, 2011). Examples of an officer's Facebook comments are being called into question. Members in public safety can be held accountable for their SM posting.

In 2009 an Indiana state trooper was forced to resign after posting on his face book while his was on duty. The postings included the trooper bragging about heavy drinking and references to him as the garbage man because he arrests trash. Some of the entries showed the trooper with a .357 Magnum pointed at his head and drinking beer with friends. He also posted pictures of a crash involving his police cruiser and wrote that a person who resists arrest and threatens police officers would "probably end up shot." It all might have been avoided as per the reporter, if only the officer had decided not to post all the material on the Internet (Segall, 2009).

Most cities and jurisdictions have been faced with the negative impact of the SM explosion. Departments such as Baltimore City Fire Department, Philadelphia Fire Department (PFD), San Diego Fire and Rescue (SDFD), Indianapolis Fire Department (IFD) and Washington DC Fire and EMS (DC FEMS) have had their share of inappropriate and questionable SM

posting on behalf of their public safety providers. BCFD has had several questionable and as well as illegal posting via the SM. The Nation's capital Washington D.C. has also felt the impact of the SM. Various SM sites have posted live activities of the emergency services in Washington DC. The question of security and sensitive information being distributed without accuracy and it could also cause a threat. Austermuhle (2011) reported that the D.C. Metropolitan Police Department will begin to encrypt its radio messages, citing concerns that the new mobile apps were allowing criminals to stay one step ahead of police operations. Austermuhle further reported that the DC Fire Department was limiting the use of the popular D.C. FEMS Twitter account because some argued that safety and sensitive issues had to be considered before tweeting out information on emergencies.

The above examples of SM problems are a few of the plethora SM problems. It is important to have a SM policy because of the potential liability of not having one. If guidance is not given an employee may violate patron's rights. Varone an attorney and retired deputy chief who works on fire-service legal issues said that, "many junior firefighters have acted naively and these posts have cost some their jobs and even some Fire Chiefs their jobs as well due to the social media problem causing local officials to lose confidence in the Fire Chief". Varone further stressed that SM policies can help it's only a matter of time before a department has an incident that can lead to an "unimaginable public relations problem (2012). The SM policy will and can serve as a protection to the organization. Hsieh (2010) feels so strong about the need for a SM policy that he said, "If you do NOT have a policy surrounding the use of recording technology and social media, or you are NOT enforcing the policy, you are open to potentially serious liability". The department can share the blame if they don't have a clear and solid SM policy

that gives direction to their members. Department will need to develop policies to address SM guidance. However it should not be rushed.

It is important that a Fire Department develop a SM policy that is applicable and legal. Employees have rights to express themselves as citizen and they have a right to freedom of speech. Therefore a department must ensure that their policy is not rushed or faulty. The policy should be well crafted and legal to have an effect on employees that are on or off-duty. Robson stressed that, "A poorly drafted social media policy can create unexpected sources of liability" (2010, p.1). A Fire Department can be forced to reinstate employees that were disciplined wrongly due to a poorly crafted SM policy. A flawed SM policy can cause more damage than not having a SM policy.

There are countless examples of agencies and organizations that had to pay retribution or rehire employees due to poor SM policies. In October 2010 the National Labor Relations Board (NLRB) ruled in favor of a complainant. The complainant was an employee that was terminated from the American Medical Response (AMR) company for posting insulting and negative comments about her supervisors. She posted negative comments on her personal Facebook page about her employer. AMR claimed that she violated a company policy that states, "Employees are prohibited from making disparaging, discriminatory or defamatory comments when discussing the Company or the employee's superiors, co-workers and or competitors" (NLRB, 2010, p. 212). NLRB's ruling revealed that poor SM policies that violate an employee's right to freedom of speech will be challenged and overruled. Therefore the organization will need to understand the law and the SM. Agencies will be challenged if their policies are poorly drafted or if the department doesn't clearly understand the intent of the law. Murphy expressed that,

“Social Media is a whole new ballgame as it comes to protected speech and the activities of members in a union” (2011, p.2).

The organization’s goals should not be to stifle or infringe on an employee’s First Amendment Rights of freedom of speech. The goal is to protect the citizens, members and the organization. Robson (2010) made the point, “that the goal of a social media policy is to promote privacy, both that of the people we serve and of our fellow responders. These policies attempt to cut off the dissemination of sensitive or embarrassing information by prohibiting people from posting or otherwise sharing it” (p.2). Sensitive information needs to be protected. It would be in violation of the law if citizen’s privacy is violated.

There must be a balance when developing a SM. Donna Brooks, a labor lawyer stated regarding balance when developing a SM policy, “Employers must take careful steps to ensure their social-media policies balance protection of company reputation and information with respecting employee rights” (2012). Brooks also expressed that employers should be careful in crafting overly intrusive social media policies. She reiterated that a good social media policy helps employees by giving them advance notice of the employer's expectations regarding the use of weblogs and social media sites (2012).

Government agencies such as fire department, EMS and police departments need to be careful not to infringe on the employees legal rights or make any regulations that prevent employees to express themselves as a citizen. Fire departments and EMS agencies run by cities, towns or are government agencies. Therefore their policies will be considered to be a form of government regulations. It will be imperative that the agency ensure that their policy is not in violation of the law.

SM policies must be content neutral and subject neutral in order to be legal and not violate employees First Amendment rights. The courts have an obligation to ensure that employee's rights are not violated. Hopkins (2010) explained that The National Labor Relations Board asserts that in accord with the National Labor Relations Act, social media activity concerning workplace environments, including personnel, constitute protected speech under the provisions of the First Amendment.

Courts will not uphold the department's SM policy if the rules are not content neutral. The SM policy must also have a purpose as well for the court to support. It has to be clear that the SM policy intent is to protect the public and the citizens it serves. The SM policy intent cannot be to protect the management or the organization from embarrassment or hiding truths that the public should be entitled to know. An employee has a right to speak out as a citizen on certain matters. A valid purpose could be the protection of HIPAA laws or preventing an employee from posting false and misleading statements that will result in the loss of confidence in the department. The SM rule can't be simply based on preventing speech or post that is offensive to the agency. The policy must clearly state the reason for the rule. Robson explained that, "First Amendment to the U.S. Constitution, as well as many state constitutions, sharply limits the manner in which the government may interfere with an individual's freedom of expression. Generally speaking, the government may not impose restrictions on speech unless they are content neutral" (2010, p.2).

Legal advice and assistance is imperative for a fire department when developing a SM policy. There is a very fine line between legal and illegal when it comes to expressing oneself as a citizen or an employee crossing the legal line. Robson recommended that fire departments should consult an attorney before actually disciplining or terminating a responder because of

something they said or posted on social media. The application of the First Amendment to particular employment situations can be very complicated and this article is no substitute for an attorney licensed to practice in your state. A small investment upfront can save huge litigation cost later” (2010, p.3). The line on the legalities of a SM policy is not very clear. It is difficult for the legal experts as well due to the complexity of the SM.

Fire departments should use caution when drafting SM policies. The issue of controlling SM has been met with resistance from the media. In 2011 when the DC Police encrypted the radio messages and the DC Fire/EMS limited a twitter account reporter Mathis (2011) expressed that there was a local media outburst. Reporter Noble of the Washington Times said that, “D.C. Fire and Emergency Medical Services spokesman Pete Piringer was shucked of his duties” (2011). In July of 2012 reporter Kevin Rector wrote a two page article in the Baltimore Sun Paper expressing concerns and resistance to BCFD drafting new SM policy that would restrict and provide guidance to firefighters’ SM activities. Rector stated in his article, “that some members believe it was purely a political decision” (2012). The media, unions and public safety personnel are concerned that their freedom of speech is not hampered. Therefore it would be prudent for public safety organizations to ensure that their SM policies are legal, applicable, and solid. If the policies are weak or excessive the department could face with severe criticism.

Some fire departments have developed SM policies and others are in the planning process of developing a SM policy. However many more departments are without a SM policy. San Diego has a SM policy in place that addresses the needs of the department. It is currently under review of City legal. Philadelphia Fire Department (PFD) has a strong policy that is in the process of being published. It is currently under review of City legal. PFD draft policy will be published shortly. PFD policy addresses several areas such as purpose, background, definition,

and policy. PFD guidance in the draft policy protects the interest of the fire department members, the public, and the department. Other department such as Pittsburgh Fire Department, Indianapolis Fire Department, Washington D.C. Fire and EMS and many more departments don't have a SM policy. Most fire departments don't have a SM policy. The author of this research paper conducted a survey of 26 different fire departments to find out if the fire department had a SM policy. It was revealed that only 4 out of 26 fire departments had SM policies.

Indianapolis Fire Department was one of the departments that did not have a SM policy. However their approach to SM problem was different than those who had SM policies. Captain Rita Burris the Indianapolis Fire public information officer expressed that their department enforces their code of conduct. She further explained that if a social media policy was in place, it's weak unless enforced. Burris said, "It would be a massive undertaking to monitor more than 1,200 firefighters on multiple social-media outlets" (2012). Therefore Indianapolis uses and enforces their code of conduct. They believe that if you have a SM policy it still needs to be enforced and with limited staffing no one is available to monitor the many sites and postings. This approach if enforced could be a measure to control the negative of the SM. The SM policies that were reviewed had a common thread that centered on the department's code of conduct being enforced. The enforcement included on-duty and off-duty activities.

The International Association of Fire Chiefs (IAFC) SM policy is very applicable. It covered all the common threads but it goes further and has more details in the policy. Other fire departments have adopted the IAFC template in their SM policy. IAFC policy clearly stated the purpose, background, definition, possible violations and the policy. The policy covered additional topics such as:

- 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.
- Speech containing obscene or sexually explicit language, images, or 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.
- Personnel cannot display department logos, uniforms, or similar identifying items on personal web pages without prior written permission.
- Shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Fire Chief or designee.
- In the course of their official duties that has a nexus to the employee's professional duties and responsibilities may not necessarily be protected speech under the First Amendment.
- Personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair or impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.

Murphy (2012) referred to portions of the IAFC's SM policy. He highlighted that the SM policy can be simple and enforceable if clearly identify; the purpose, the philosophy of the SM policy, definitions of SM outlets, the policy procedures, prohibited conduct, examples of the prohibited



conduct, and the consequences of violating the policy. The IAFC's SM policy is clearly applicable for the fire departments and the BCFD.

There are a host of other SM policies that other governmental agencies and private businesses use that can be of benefit when developing a SM policy. The author considered Hamilton College, Fairfax Virginia, Tufts University, DePaul University and the State of Delaware. The policies had some of the same rules and common threads for the rules of conduct when using the SM sites. For example, Delaware state policy statement highlighted accurate information as one of the SM rules. It stated that, "employees must not knowingly communicate inaccurate or false information. All reasonable efforts should be made by the employee to provide only verifiable facts and not unverifiable opinions" (Delaware, 2009). Hamilton College SM policy states a similar rule when it states, "Verify information, links, images, etc. before posting" (Hamilton College, 2011). Tufts University and DePaul university policy used similar wording and meaning when it stated, "Authenticity, honesty and open dialogue are key" (Tufts, 2011). The other policies had a similar rule that required the person posting to verify the accuracy of the message. Tufts and DePaul University stated regarding transparency "Do not use the Tufts name to promote or endorse any product, cause or political party or candidate. Avoid conflicts of interest and maintain a distinction between your personal identity and the identity you represent on behalf of the university" and "If you identify yourself as a member of the Tufts community via your personal social media presence(s), please clarify that you are sharing your views as an individual, not as a formal representative of Tufts. In addition, never conceal your identity for the purpose of promoting Tufts through social media" (Tufts, 2011).

Transparency was a common thread that was highlighted in most of the policies. Hamilton College policy stated, "It should be obvious that you work for the College if you are posting as part of your job. If you are posting about Hamilton on your personal time, please

identify your connection to the College. You need to be authentic and credible” (Hamilton College, 2011). The state of Delaware states, “We will strive for transparency and openness in our interactions and will never seek to “spin” information for our benefit” (Delaware, 2009). The other SM policies have a similar statement. An additional common theme is ethical conduct. Most of the policies mentions some form of respect or ethical conduct. Tufts and DePaul University states, “It is imperative that you engage in thoughtful and respectful dialogue. Your reputation, and Tufts', is best served when you remain above the fray. Don't engage in heated arguments. Delete irrelevant or vulgar posts. Steer clear of controversial post.” (Tufts, 2011). The State of Delaware states, opinion is respected and accepted regardless of whether it is positive or negative, provided customer opinion is “on topic” and not offensive, denigrating, or completely out of context” (Delaware, 2009). Confidentiality is another rule that permeates through all the SM policies. The State of Delaware policy states, “Confidentiality must be protected by State Employees and State Organizations. All State of Delaware information that is considered to be non-public in nature, per State Organization and State policies pertaining to information classification and disclosure is to be protected” (Delaware, 2009). Delaware policy further states that, “When using Social Media, exercising undue caution about the release of public information is discouraged. To be as transparent as possible, as much information as can be communicated without disclosing information of a specifically non-public nature should be disclosed” (Delaware, 2009). Hamilton College reiterates the same concern for privacy when it states, “Do not post proprietary information about Hamilton, including information about students, alumni or employees. Be aware that all College and legal guidelines, such as FERPA, are also applicable in the social media space” (Hamilton College, 2011). Tufts and DePaul university states, “Do not post confidential or proprietary information about Tufts, its students, its alumni or your fellow employees. Use ethical judgment and follow university policies and

federal requirements, such as FERPA. Do not collect sensitive information—such as phone numbers, student ID numbers, Social Security numbers, payment information, etc.—via social media, as those are not secure channels “(Tufts, 2011). Every policy is very clear on the protection of individual’s privacy.

The laws and legalities that affect the SM activities of public safety employees summed up in one primary law which is the First Amendment Right to Freeness of Speech. Cornell University Law School (2009) explains the most basic component of freedom of expression, the right of freedom of speech. It basically explains that the right to freedom of speech allows individuals to express themselves without interference or constraint by the government. Cornell University Law School states, “That the Supreme Court requires the government to provide substantial justification for the interference with the right of free speech where it attempts to regulate the content of the speech” (2010). It also explained that less stringent test is applied for content-neutral legislation. The Supreme Court has also recognized that the government may prohibit some speech that may cause a breach of the peace or cause violence. The level of protection speech receives also depends on the forum in which it takes place. An example of how the freedom of speech is not an absolute, it is illegal to shout in a theater “FIRE, FIRE!!!”. Therefore government does have a right to control some speech.

The Supreme Court declared that government may restrict the speech and expressions of government employees. This action would not be a violation of the First Amendment rights. The legal case such as *City of San Diego v. Roe*, 125 S. Ct. 521 (2004), where a police officer made a video of himself stripping out of his uniform and masturbating. The Supreme Court stated that government employers restrict speech of employees that would be unconstitutional to the general public. The court also decided that Roe case was not a matter of public concern. It

was not a subject of legitimate news interest that would be of general interest and concern to the public. The court also made clear that the employee actions could not reflect negatively on the San Diego Police Department (SDPD) and the professionalism of its officers (Stoneybrook & Stubbs, 2010). Therefore the SDPD could take disciplinary action against Roe.

A 2006 Supreme Court ruling made it clear that a public employee such as public safety is not protected by the First Amendment when speaking pursuant of their duties. An employee in this case is not speaking as a citizen. This was established by Supreme Court case *Garcetti v. Cebellos*, 126 S. Ct. 1951 (2006). The government can restrict their speech. Thereby in certain circumstances they can be held accountable for their speech and SM posting regardless if they are on-duty or off-duty. The ruling also made it clear when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes and the Constitution does not insulate their communications from employer discipline (Stoneybrook & Stubbs, 2010).

There are other court decisions that affect public employees and reveal that they are not always protected under the First Amendment. Most cases revealed that employees have a right to speak as a citizen as well. Local courts and the Supreme Court stated that a governmental employer may impose certain restrictions on the speech of its employees that would be unconstitutional if applied to the general public. In the case of *Foley v. Town of Randolph*, 598 F.3d the Fire Chief spoke at the scene of a fatal fire by stating that the fire department did not have sufficient staffing due to budget cuts. Stoneybrook and Stubbs agreed that the court found that Foley spoke on a matter of public concern because the budget and effectiveness of the fire department are important issues to the public. However, Foley did not speak as a citizen, primarily due to the context of his speech he was at the scene of a fire; he was in charge of the scene; he was in uniform; and, although not required to speak to the media, he was partially

evaluated on media interaction (Stoneybrook & Stubbs, 2010) . In a different forum Foley might be able to speak as such as at a town meeting, in a letter to the editor, or even in a statement to the media under different circumstances.

The International Association of Fire Fighters makes the following point about the legalities of the First Amendment Rights and their members using the SM. The IAFF stated that, “the Supreme Court recognizes when someone who is paid a salary so that she will contribute to an agency’s effective operations, the government employer must have some power to restrain her.” (IAFF, 2010, p.18). It basically said that a public employee can be disciplined for their speech if it potentially disrupts the employer’s operations. The IAFF also addressed employee’s off-duty conduct. It highlighted that conduct that is contrary to the business interests of the employer could result in discipline. The IAFF further mention that an employee’s off-duty tweets and status updates criticizing an employer or complaining about his or her job could result in discipline if they interfere with an employer’s business interests (IAFF, 2010) .

The IAFF also explained that members could be held liable for defamation and be discipline for their posts. The manual further explained that even a name is not mention the author (member) could be held accountable. It also explained that a public safety provider could be held liable if the information is not accurate. A government employee would have to reasonably ensure that the speech is truthful regardless if they are posting on the unions site or off-duty (IAFF, 2010). The IAFF reference a few legal cases such as *Lester v. Powers*, 596 A.2d 65, 71 (Me. 1991) and *Waters v. Churchill*, 511U>S> 661, 665 (1994) in making the above points.

The literature review clearly establishes a need for SM policies. It revealed the positive and the negative of SM. Public safety organizations are embracing SM and many more are not embracing SM. The findings of others in the literature review established the need to have a

legal and comprehensive SM policy. The case reviews reveal that government can restrict speech under certain circumstances. The complexity of the law and the potential public relations nightmare that misuse of the SM can create caused the author to proceed with additional research and data for the project. The influence of the literature review re-affirmed the need for a SM policy in the BCFD.

### Procedures

The procedures used by the author for this descriptive research project are explained below. The purpose of this research was to identify the need for a social media policy and identify ways to enhance the protection of the BCFD through the use of the social media. The ultimate goal of this research paper was to identify ways to improve the safety of the public and the citizens of Baltimore City. Descriptive research methods were used. The author used questionnaires, interviews and a collection of data.

The research started in December, 2011, with a collection of data from Johns Hopkins University Electronic Learning Center, the BCFD fire station library and the National Fire Academy Learning Resource Center. The author considered numerous books, periodicals, trade journals, applied research projects and other publications. Data from various private industries and governmental sources were retrieved through the internet. The majority of data retrieved was published within the last five years. An in depth literature review was also used to gather additional information to answer the research questions. The focus of the data collected and literature review was to retrieve any applicable information and experiences related to SM and SM policies that could be used in the BCFD.

In an attempt to find out if most fire departments have SM policies, the author conducted a survey of fire departments. The survey consisted of 26 randomly selected fire departments. All 26 responded giving a response rate of 100%. The departments ranged in size.

The survey was performed on December 7 and 8 of 2011. The location was in San Diego California at the All Hazard Incident Management Team training conference. The author used convenience sampling due to his attendance at the training conference and the presence of numerous fire departments. The author personally asked the following questions:

1. Does your fire department have a SM Policy?
2. Has your fire department experienced any SM problems?
3. Do you think a fire department should have a SM policy?

The questionnaire that was used in this applied research project was given to fire personnel in the BCFD. The purpose of the questionnaire (Appendix A) was to ascertain what percentage of the members clearly understood the legalities of SM and the legalities of their First Amendment Rights. The secondary purpose was to gauge what the members personally felt about a fire department or an employer restricting an employee freeness speech. Lastly, the questionnaire was also intended to get the member's perspective on SM and the work place. The questions were asked in person to randomly selected stations throughout the BCFD. This allowed on-duty members to answer the questions. The sample size was based on convenience and what members were in station and available to engage in the questionnaire. The limitation of the questionnaire was that the author had to rely on the truthfulness of the participants. The author did not deliver the questionnaire personally because members may not have been forthright for fear of reprisal due to the authors rank in the fire department. The goal was to get a truthful reply without anxiety of reprisal. Therefore the author had two low ranking members (firefighters) to deliver and collect the questionnaires. The participants were station personnel that ranked the firefighter rank to the company officer rank. The sample size was 200 and 197 responded. The response was 98.5 percent. Most of the questions that were asked came from the

IAFF's book entitled "The law and the Internet for IAFF Affiliates". The questions that were asked were:

- 1.) Can a person post negative comments about their employer on their personal network sites such as Facebook and etc.?
- 2) Can a public employer require its employees to provide their personal e-mail, Facebook, MySpace, Twitter or other personal network sites without the permission of the employee?
- 3) Which of the following postings on a social network could be grounds for discipline?
- 4) Will a member be shielded from liability if they don't name the person to whom they are posting?
- 5) Can uniform members post anything that they may have heard?
- 6) Can a union be required to turn over the identity of members who post anonymously on the local's web site or bulletin board to their employer?
- 7) Can an employee be held liable for postings on the local's (union's) website or bulletin?
- 8) Should employers put rules or guidelines on employees that restrain personal postings on social network sites?
- 9) Do you feel that you should be entitled to say whatever you want via free speech?
- 10) Which of the following is true regarding freeness of speech based on the First Amendment?
- 11) Are employees forced to speak out on social network sites due to no representation?
- 12) Can employees use Fire Department titles, logos, images, uniforms, or other identification without providing a prominent disclaimer that the speaker is not speaking on behalf of the Fire Department?
- 13) Can a person social network site look like or resemble an official website of the Fire Department without the permission from the Fire Department?
- 14) When off duty can employees post in such a way as to cause actual or potential harm or disruption to the operations of the Fire Department or City, including the real-time disclosure of locations of deployed units, assets or personnel as well as response times?



- 15) Can supervisors and officers routinely or proactively monitor the conduct of employees via social media or websites for the sole purposes of discipline without cause to believe that the conduct may adversely affect the operation, morale, or efficiency of the department?

The author conducted interviews based on literature review to determine the current status of the SM in other departments and the plans of other departments for management of the SM. The interviews were used to determine any shortfalls of other SM policies and identify key components of solid SM policies and weak SM policies.

An interview was conducted with Jeremiah Laster, Philadelphia Fire Department - Fire Paramedic Services Chief and Special Investigations. Chief Laster is involved with PFD's social media policy. Chief Laster was interviewed via telephone on June 28, 2012. The following questions were asked:

1. Does the PFD have a SM Policy?
2. Has PFD experienced any SM problems??
3. Do you think a fire department should have a SM policy?

An interview was conducted with Brian Fennessy, Assistant Chief Support Services San Diego Fire and Rescue Department. Chief Fennessy is involved with and oversees the administrative and support services the SDFD. Chief Fennessy was interviewed via telephone on July 20, 2012. The following questions were asked:

1. Does the SDFD have a SM Policy?
2. Has SDFD experienced any SM problems??
3. Do you think a fire department should have a SM policy?

## Results

The author attempted state just the facts regarding the research in the results section. The answers to the research questions are presented through a host of publications in the literature review, an analysis and application of raw data, and the use questionnaires that focused on the understandings and perception of the participates. Interviews were also used to capture what other departments were doing to make use of the SM and address the pitfalls of SM.

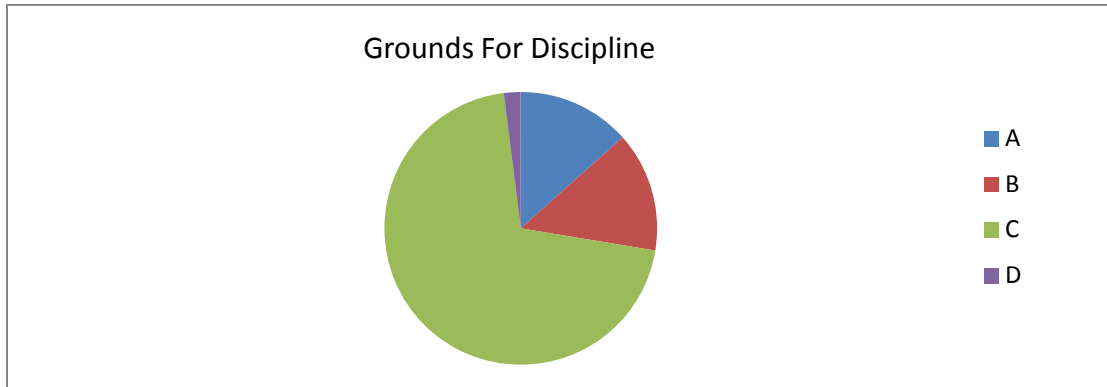
The questionnaire (Appendix A) was distributed to answer the following research question. What are the potential and past problems for public safety resulting from social media? There were several questions that the author used to identify the current status of the members of the BCFD's awareness of SM and their knowledge base on the governance regarding freeness of speech. The questionnaire also highlighted the potential for additional SM problems in the BCFD. The literature review also aided in answering what some of the past problems were for public safety resulting from SM.

The author used several question in the questionnaire that clearly illustrated that there are members of the BCFD who don't understand the legal limits of the First Amendment Right of Freeness of Speech. The answers to the question also revealed the potential and it also revealed the need to establish a strong SM policy.

Question number three asked which of the following postings on a social network could be grounds for discipline. The response indicated that the majority of the BCFD members did not know what types of SM post could result in disciplinary action from the fire department. The results indicated that 42 percent of the members answer correctly. That means that about 6 out of 10 members may not know the legal parameters of SM post and freeness of speech.

Figure 1: Understanding grounds for discipline

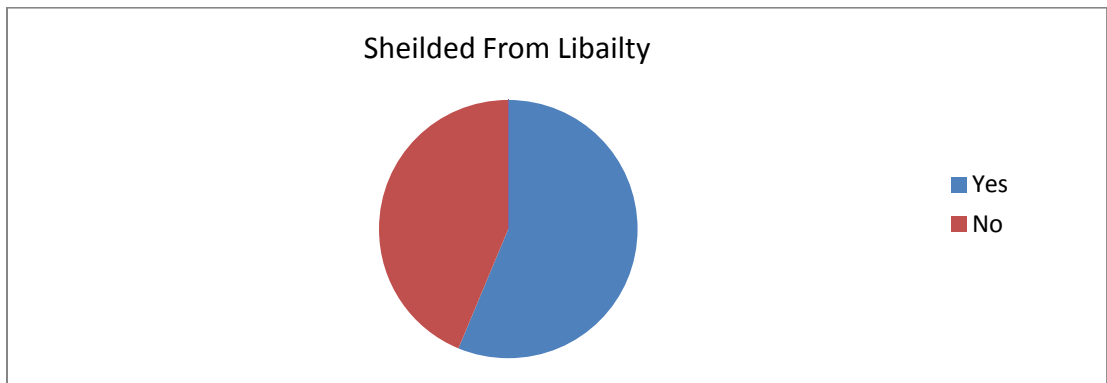
- A. 8.1% answered messages that is offensive to the employer
- B. 8.6% answered messages that cause hurt feeling and contention between employees
- C. 42.6% answered messages interferences with an employer's business interest
- D. 40.6% answered none of the above



Question number four of the questionnaire asks will a member be shielded from liability if they don't name the person to whom they are posting about. The response indicated that most were incorrect and did not know or understand that they can be held liable even if they don't name the person's name to which they are posting about. Over 56 percent of the responses were incorrect.

Figure 2 – Will a member be shielded from liability if they don't name the person to whom they are posting?

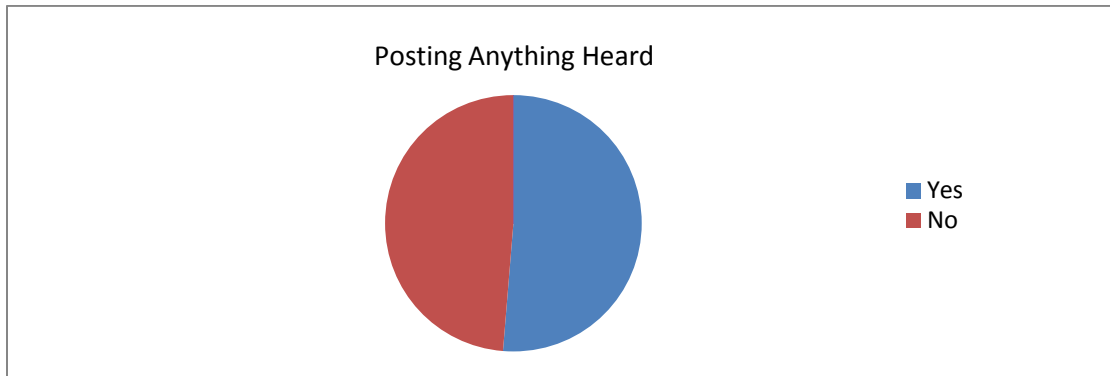
- A. 56 % answered Yes
- B. 44 % answered No



Question number five asked can uniform members post anything that they may have heard. The response data reflects that about half of the members did not know or understand that legally a person can't simply post anything that they may have heard. A person must make a reasonable effort to verify the accuracy of the statement.

Figure 3: Can uniform members post anything that they may have heard?

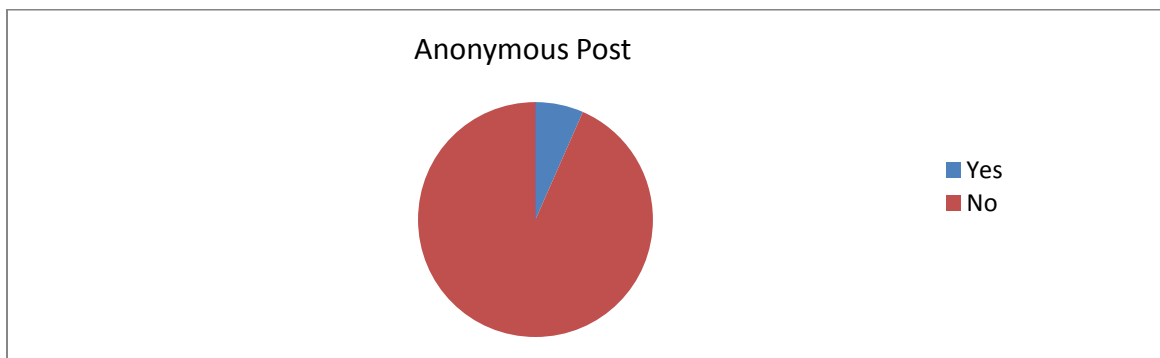
- A. 51.3% answered Yes
- B. 48.7% answered No



Question number six of the questionnaire asked can a union be required to turn over the identity of members who post anonymously on the local's website to their employer. The overwhelming majority answer incorrect. Over 93 percent doesn't think that the union could be forced to turn over the identity of a member.

Figure 4: Can a union be required to turn over the identity of members who post anonymously on the local's website or bulletin board to their employer?

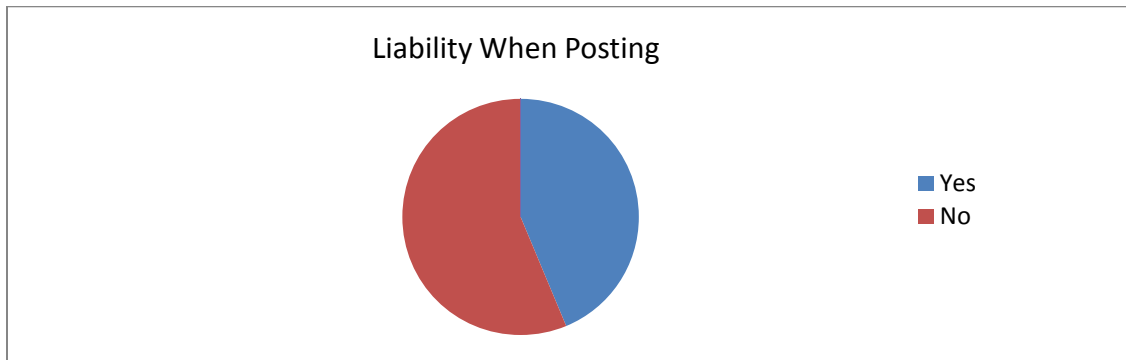
- A. 6.6% answered Yes
- B. 93.4% answered No



Question number seven asked can an employee be held liable for their post on the union’s website or bulletin. The majority of the responses reflect that most don’t believe they can be held liable for any post that they put on a union website. The majority of the members answered this question wrong. Over 56 percent of the responses answered no.

Figure 5: Can an employee be held liable for posts on the local’s (union’s) website or bulletin?

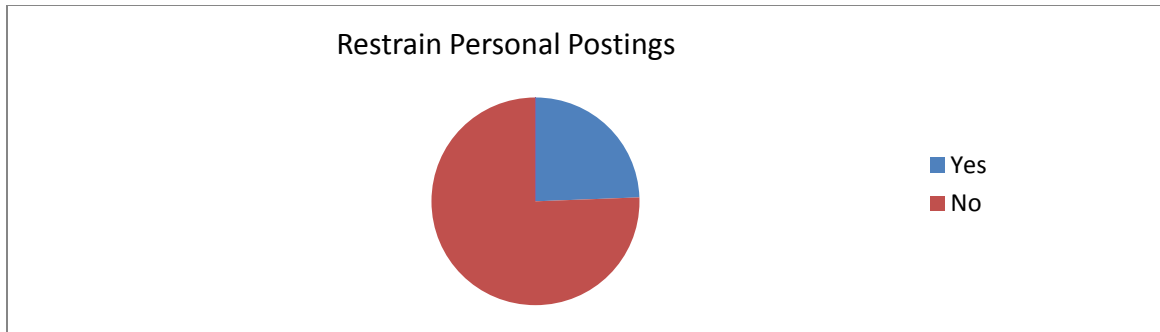
- A. 43.7% answered Yes
- B. 56.3 % answered No



Question number eight of the questionnaire asked should employers put rules or guidelines on employees that restrain personal postings on social network sites. The response was that 24.4 percent answered yes and 75.6 percent answered no. Three out of four members feel that the Fire Department should not put any restrictions on their members when it comes to their usage of the SM sites.

Figure 6: Should employers put rules or guidelines on employees that restrain personal postings on social network sites?

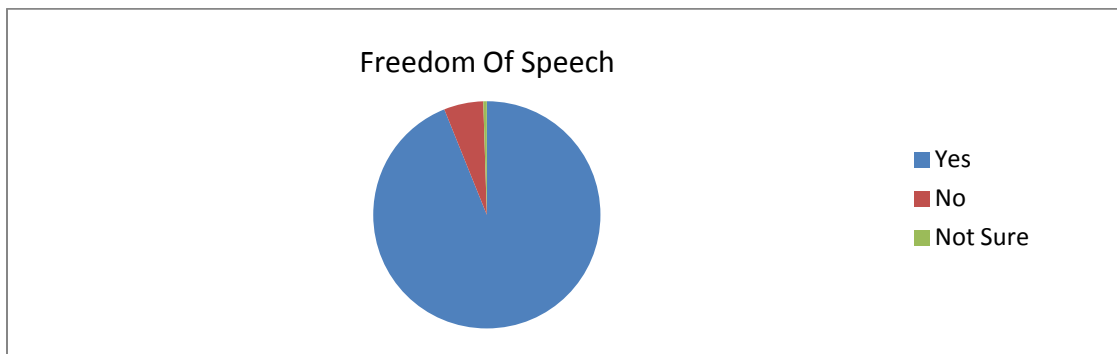
- A. 24.4% answered Yes
- B. 75.6% answered No



Question number nine of the questionnaire asked if you feel that you should be entitled to say whatever you want to via free speech. The responses of the members reflect that an overwhelming amount, 93 percent, of the members felt that they should be able to say via freeness of speech. There was no right or wrong answer to this question. The purpose of the question was to get the membership feelings on their rights of freedom of speech.

Figure 7: Do you feel that you should be entitled to say whatever you want via free speech?

- A. 93.9 % answered Yes
- B. 5.6% answered No
- C. 0.5% answered Not Sure

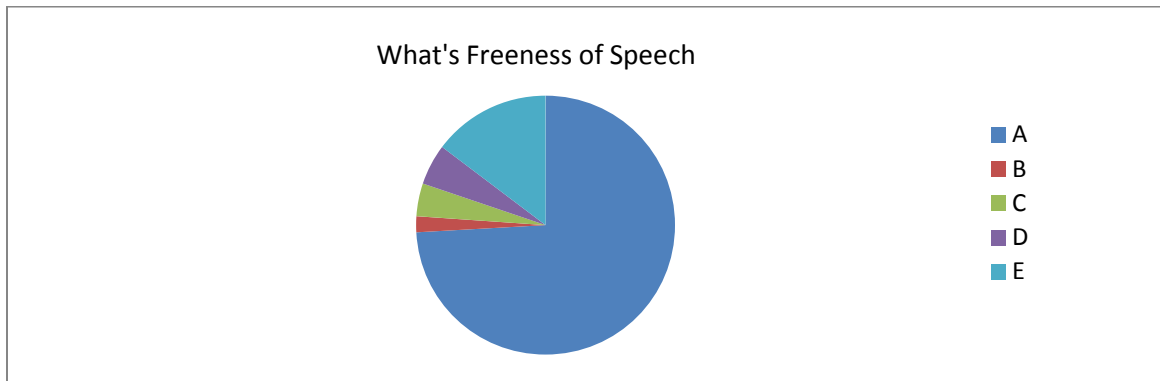


Question number ten asked what was true regarding freeness of speech based on the First Amendment. The majority of the responses reflect that most didn't understand what is true regarding the freeness of speech based on the First Amendment. The majority of the members answered this question wrong. Over 85% percent of the responses answered incorrectly. The

most popular answer was “you say anything you want” with 74.1%. Only 14.7 percent answered correctly.

Figure 8: Which of the following is true regarding freeness of speech based on the 1<sup>st</sup> Amendment?

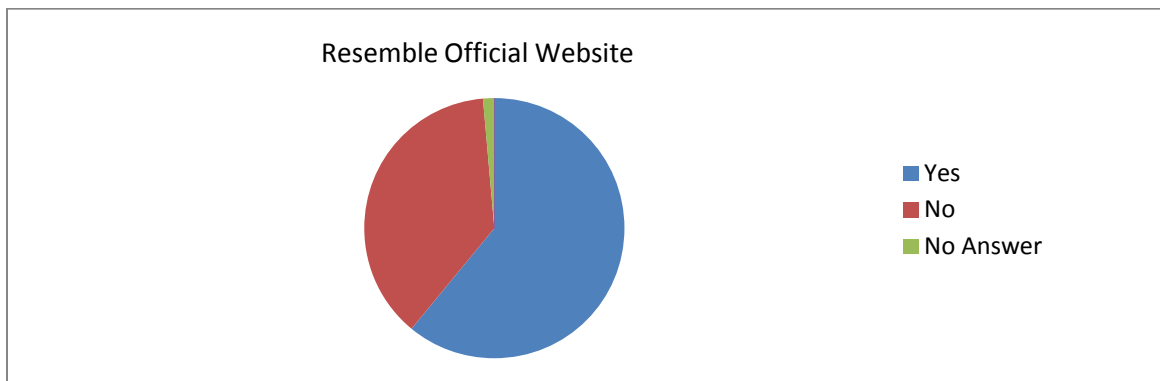
- A. 74.1% answered You can say anything you want
- B. 2% answered You can only say nice things about your employer
- C. 4.1% answered You can't say anything negative about your employer
- D. 5.1% answered All of the above
- E. 14.7% answered None of the above



Question number 13 of the questionnaire asked can a person’s social network site look like or resemble an official website of the fire department without permission from the Fire Department. Most answered yes with 60.9 percent and 37.6 percent answered no. Most feel that a person can duplicate or resemble the official website of the Fire Department.

Figure 9: Can a person’s social network site look like or resemble an official website of the Fire Department without the permission from the Fire Department?

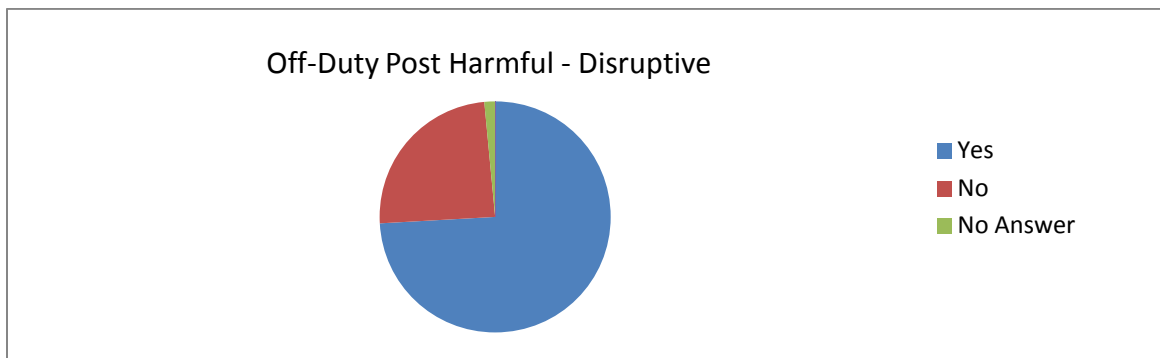
- A. 60.9% answered Yes
- B. 37.6% answered No



Question number fourteen asked when off-duty, can employees post in such a way as to cause actual or potential harm or disruption to the operations of the fire department or city, including real-time disclosure of locations of deployed units, assets or personnel? The majority, 74.1 %, answered yes, that they can post in such a way to cause harm or potential harm and disruption when they are off-duty. The question reflects that most feel when they are off-duty they can post what they want even if it causes disruptions and harm. The majority answered incorrectly. Off-duty conduct or postings cannot cause disruptions of the fire department.

Figure 10: When off duty, can employees post in such a way as to cause actual or potential harm or disruption to the operations of the Fire Department or City, including the real-time disclosure of locations of deployed units, assets or personnel as well as response times?

- A. 74.1% answered Yes
- B. 24.4% answered No
- C. 1.5% No answer



Question number fourteen asked when off-duty, can employees post in such a way as to cause actual or potential harm or disruption to the operations of the fire department or city, including real-time disclosure of locations of deployed units, assets or personnel? The majority, 74.1 %, answered yes, that they can post in such a way to cause harm or potential harm and disruption when they are off-duty.

The results of the five remaining questions from the questionnaire responses are as follows: Question number one asked; Can a person post negative comments about their employer on their personal network sites such as Facebook and etc. The responses were 79.2 percent said



yes and 20.8 percent said no; Question number two asked can a public employer require its employees to provide their personal e-mail, Facebook, MySpace, Twitter or other personal network sites without the permission of the employee. The responses were 8.1 percent answered yes and 88.3 percent answered no, and 3.6 percent answered sometimes; Questioned number twelve asked can employees use Fire Department titles, logos, images, uniforms, or other identification without providing a prominent disclaimer that the speaker is not speaking on behalf of the Fire Department. 19.8 percent said yes and 78.7 percent said no; Question number eleven asked are employees forced to speak out on social network sites due to no representation. 31percent answered yes and 67 percent answered no; Question number fifteen asked can supervisors and officers routinely or proactively monitor the conduct of employees via social media or websites for the sole purposes of discipline without cause to believe that the conduct may adversely affect the operation, morale, or efficiency of the department. 8.1 percent answered yes and 90.4 percent answered no.

The replies to questions number 2, 3, 5, 7, and 10 give indicators that most members don't clearly understand legalities to of their First Amendment Rights of Freeness of Speech. They also don't know what the fire department can restrict certain activities or conduct when posting. These questions also give an indication of the potential. Freeness of speech doesn't mean you can say any and everything that you want. They are not clear on what they can be disciplined for.

Questions 8,9,11, 14, and 15 reflect that most members resist any type of restrictions by the fire department on their personal SM postings and any guidance on their off-duty time. The data reveal that the majority feel that they have to speak out and that they are entitled to say what they want based on freeness of speech. The responses give indicators that it is on their personal sites or their personal time they are entitled to say what they want.

The literature review also helps to answer the question as what are the potential and past problems for public safety resulting from social media. The literature review revealed there has been a host of problems related to SM. The problems have occurred in all types of public safety. The potential is there. It is as Varone said; it's only a matter of time before a department has an incident that can lead to an unimaginable public relations problem (2012). Hsieh (2010) felt so strong about the need for a SM policy that he said, "If you do NOT have a policy surrounding the use of recording technology and social media, or you are NOT enforcing the policy, you are open to potentially serious liability". The literature review clearly answers the potential and the past problems with SM.

The interviews and the literature review help to answer the two remaining research questions. The questions what policies have other public safety organizations established to protect the public and the public safety organization, and what are the laws that apply to public safety and social media?

The interview of Chief Fennessy of SDFD and Chief Laster of PFD highlighted that both cities are in the final process of getting their SM policy approved through legal. Both PFD and SDFD had very similar policies. Their SM policy is very close to BCFD draft SM policy. The author could not mention any of the details of SDFD and PFD because the policy is in legal. However the interviewed did give insight to the need to for a strong SM policy.

The literature review was informative when considering other SM policies. The following SM policies were considered: State of Delaware, Tufts University, Hamilton College, Fairfax Virginia, Tufts University, and DePaul University. Most of the policies had common threads in their policies. The IAFC policy was served as a template for SM policies. PFD and SDFD social media policies we similar to that of the IAFC. The policies had some of the same rules and common threads for the rules of conduct when using the SM sites.

The literature Review answered the research question what are the laws that apply to public safety and social media. The literature review considered three sources to answer the question. The first was the Supreme Court cases The Supreme Court declared that government may restrict the speech and expressions of government employees. This action would not be a violation of the First Amendment rights. If the legal case, such as *City of San Diego v. Roe*, 125 S. Ct. 521 (2004), where a police officer made a video of himself stripping out of his uniform and masturbating. The Supreme Court stated that government employers restrict speech of employees that would be unconstitutional to the general public. The second court case was the 2006 Supreme Court ruling made it clear that a public employee such as public safety is not protected by the First Amendment when speaking pursuant of their duties. An employee in this case is not speaking as a citizen. This was established by Supreme Court case *Garcetti v. Cebellos*.

Cornell University Law School and the IAFF explained much of the First Amendment via the Literature Review. Cornell University Law School states, “That the Supreme Court requires the government to provide substantial justification for the interference with the right of free speech where it attempts to regulate the content of the speech” (2010). It also explained that less stringent test is applied for content-neutral legislation. The Supreme Court has also recognized that the government may prohibit some speech that may cause a breach of the peace or cause violence. The level of protection speech receives also depends on the forum in which it takes place.

The IAFF stated that, “the Supreme Court recognizes when someone who is paid a salary so that she will contribute to an agency’s effective operations, the government employer must have some power to restrain her.” (IAFF, 2010, p.18). It basically said that a public employee can be disciplined for their speech if it potentially disrupts the employer’s operations. The IAFF

also addressed employee's off-duty conduct. It highlighted that conduct that is contrary to the business interests of the employer could result in discipline. The IAFF further mention that an employee's off-duty tweets and status updates criticizing an employer or complaining about his or her job could result in discipline if they interfere with an employer's business interests (IAFF, 2010 ).

The survey helped to answer what are other fire departments doing in response to the SM explosion. The survey consisted of 26 different fire departments. The departments range in size. It was revealed that 4 out of 26 fire departments had SM policies. The survey reveals most departments are not doing anything to protect their citizens and their organization from the negative effects of the SM.

#### Discussion

After a review of the study results and the literature review, the author's conclusion is that it is imperative for public safety organizations and the BCFD make good use of SM as well as developing a SM policy. The proliferation of SM is here to stay and it is part of the lives of every organization. Therefore, the SM policies will need to be revisited and revised because of the rapid change and progress of SM and society.

The result of the research indicates that that most of the BCFD members resist any type of restrictions by the fire department on their personal sites and their off time. The study revealed that most of the BCFD members feel that they have to speak out and that they are entitled to say what they want based on their interpretation of the First Amendment (freeness of speech). They also feel as though if the posting is on their personal sites, or personal time they are entitle to say whatever they want. The study also indicates that most members do not clearly understand the legalities of their First Amendment Rights of Freeness of Speech. They are also unaware that the fire department can restrict certain activities or conduct when posting.

Freeness of speech does not mean you can say any and everything that you want. Members are not clear on what the BCFD can be disciplined for regarding SM. The study also gives an indication of the potential for continued misuse of SM and a possible public relations nightmare because the members of BCFD do not have a SM and most don't know the law concerning SM.

The study results were confirmed by the literature review. The literature review revealed the past problems of SM and how numerous providers have and continue to be disciplined for their misuse of the SM. The literature review highlighted the negative potential of the SM, especially if there continues to be no SM guidance and rules from the BCFD. It further revealed that it is happening throughout the country. However, the study (research) helped to show how and why the SM misuse occurs. Therefore the findings of the study results and the literature review confirm the author's synopsis that the BCFD needs to establish a SM policy that will protect the interest of the citizens of Baltimore and the interest of the BCFD.

The implication of this research on the BCFD is that a strong and desirable SM policy must be published for the protection of the citizens, the organization, City, and its members. The BCFD has developed a solid SM since the start of this applied research project. The policy has undergone legal review and it is under review of the Unions. It should be the resolve of the BCFD not to delay the publishing of the SM policy. The BCFD has an obligation to do as Brook said, "take careful steps to ensure their SM policy balance protection of company reputation and information with the respecting employee rights" (William & Brook, 2012).

A secondary implication for the BCFD is to educate its members on the SM. It is equally important that organizations understand the value of the SM and educate their employees on the dangers of the SM. Murphy stressed that this can be accomplished by simply but solid SM policy that is taught to the employees. The employees should be taught the rules of related to the

BCFD as well as guidance or common sense when it comes to personal use of the SM. Murphy (2012) mentioned some of the areas that employees should be trained on when it comes to the SM. The areas are: avoid posting inappropriate picture, avoid linking your employment to your Facebook, avoid status updates, be particular of your friends, and remember that your post reflects on you if you post derogatory messages.

It should be the resolve all public safety providers to echo Fugate's words when said, "My pledge to the individuals and communities we serve is that rather than asking them to change the way they communicate to fit our system, we will continue to change the way we do business to fit the way they communicate. In doing so, we will not only reach the largest possible audience to share important information, but we will help facilitate a two-way communication, engaging the individuals, families and communities as a critical part of our emergency management team" (Fugate, 2011). Baron explained that public safety organization such as the BCFD should make good use of SM. Highlighting the praise that the Coast Guard (CG) received after Hurricane Katrina, Baron credited a lot the CG success due to them making good use of the SM. Baron said, "The Coast Guard embraced change" (Baron, 2006, p.48). He said on another occasion, "the Coast Guard demonstrated how, even during the most challenging circumstances, reputations are made and maintained in an instant news world" (Baron, 2006,p.49). Good use of the SM will assist the BCFD and other public safety organizations to achieve their mission as well as develop and maintain a positive reputation. The SM can aid in attaining this only if there is policies governing the use of it.

#### Recommendations

The following are recommendations that are based on the data and the research. The recommendations will create a positive change for the BCFD and serve as an improvement within the organization. Having a SM policy and making good use of the SM will help the

BCFD accomplish one of its missions of pride protecting people. The follow are the recommendation:

- Publish the SM policy that is currently under review and make any changes need to ensure that the policy is in the best interest to all the stakeholders
- Ensure that the members of BCFD are educated ad understand the policy
- Ensure that the members of BCFD know the purpose of a SM policy
- Adopt and make good use of the SM in the Operations of the BCFD
- Regularly review and revisit the SM policy in an attempt to update and address any changes in the SM world
- Define goals and objectives of the department use of SM
- Define the discipline for violation of the SM policy

References

- Baltimore City Fire Department. (2009, March 2). Welcome to the Baltimore City Fire Department. Retrieved September 4, 2011, from Baltimore City Fire Website: <http://www.ci.baltimore.md.us/government/fire/>
- Baron, G. R. (2006). *Now Is Too Late2 - Survival in an Era of Instant News*. Bellingham, WA: Edens Veil Media.
- Burris, R. L., & Roberts, M. R. (2012, June 4). *Indy Fire Department Uses Code-of-Conduct Policies for Social-Media Networking* . Retrieved June 28, 2012, from The Fire Chief: <http://firechief.com/department-policies/indy-fire-department-uses-code-conduct-policies-social-media-networking>
- Census, U. S. (2010, June 17). Quickfacts Census. Gov. Retrieved September 30, 2011, from US Census Bureau: <http://quickfacts.census.gov/qfd/states/24/24510.htm>
- Cornell University School of Law. (2009, August 19). *First Admendment*. Retrieved July 20, 2012, from Legal Information Institute: [http://www.law.cornell.edu/wex/First\\_amendment](http://www.law.cornell.edu/wex/First_amendment)
- Delaware, S. o. (2009, April 1). *State of Delaware technology and Information*. Retrieved December 1, 2011, from Social Media Policy: <http://dti.delaware.gov/pdfs/pp/SocialMediaPolicy.pdf>
- Facebook. (2011, November 1). *Facebook Press*. Retrieved December 9, 2011, from Facebook statistics: <http://www.facebook.com/press/info.php?statistics>
- Fox News. (2010, October 18). *Gergia Firefighter Makes Video of Fatal Car Crash*. Retrieved June 12, 2012, from Fowx News. Com: <http://www.foxnews.com/us/2010/10/18/ga-firefighter-makes-video-fatal-car-crash/>



Fugate, C. (2011, May 5). *Homeland Security*. Retrieved December 8, 2011, from DHS Written Statement of Craig Fugate, Administrator, Federal Emergency Management Agency, before the Senate Committee on Homeland Security and Governmental Affairs, Subcommittee on Disaster Recovery:

[http://www.dhs.gov/ynews/testimony/testimony\\_1304533264361.shtm](http://www.dhs.gov/ynews/testimony/testimony_1304533264361.shtm)

Gillard, E. (2011, December 8). *Daily Press.Com*. Retrieved December 8, 2011, from Virginia Tech shooting reinforces the power of social media: [http://articles.dailypress.com/2011-12-08/sports/dp-nws-tech-social-media-1209-20111208\\_1\\_twitter-and-facebook-twitter-website-power-of-social-media](http://articles.dailypress.com/2011-12-08/sports/dp-nws-tech-social-media-1209-20111208_1_twitter-and-facebook-twitter-website-power-of-social-media)

Hamilton College. (2011, September 2). *Social Media at Hamilton College*. Retrieved December 1, 2011, from Social Media at Hamilton: <http://www.hamilton.edu/social/writing>

Hopkins, C. J. (2010, January 9). *Free Speech on Facebook an Employee Right, Federal Agency Says*. Retrieved June 18, 2012, from EMT Fired: Curt Hopkins 11-9-2010

Hsieh, A. B. (2010, October 21). *EMSInews.com*. Retrieved May 8, 2012, from EMS News in Focus : <http://www.ems1.com/print.asp?ad=1&act=print&vid=897824>

IAFF. (2010). *The Law and the Internet for IAFF Affiliates*. New York: International Association of Fire Fighters.

Kessler, S. R. (2011, AUGUST 26). *Only 50% of US Adults Use Social Media*. Retrieved June 29, 2012, from Marshable Social Media: <http://marshable.com/2011/08/26/adult-social-media-stats/>

Lopez, R. (2010, September 27). *WFAA.com Dallas and Fort Worth TV new*. Retrieved September 2, 2011, from Dallas police warned about social media use: <http://www.wfaa.com/news/technology/Dallas-police-warned-about-social-media-use-103906189.html>

- Mathis, S. L. (2011, October 14). *DC a New War on Public Safety Information*. Retrieved July 18, 2012, from The Atlantic Cities: Sommer Mathis Sommer Mathis is editor of The Atlantic Cities-- Don't Tweet: In D.C., a New War on Public Safety Information. Retrieved from <http://www.theatlanticcities.com/politics/2011/10/dc-government-war-on-public-safety-information/297/#>
- Murphy, J. H. (2012, May 15). *Legal Fire Prevention - Social Media Policy*. Retrieved June 2, 2012, from Fire Engineering: <http://www.fireengineering.com/blogs/blognetwork/john-k-murphy/2012/05/legal-fire-prevention-social-media-policy.html?cmpid=EnlFireEngWeeklyMay172012>
- NLRB National Labor Relations Board. (2010, April 20). *512-5012-0100 Case 18-CA-19081 512-5012-0125*. Retrieved April 18, 2012, from National Labor Board: [http://www.nlr.gov/about\\_us/overview/national\\_labor\\_relations\\_act.aspx](http://www.nlr.gov/about_us/overview/national_labor_relations_act.aspx)
- Numberof. (2010, December 1). *#numberOfnet*. Retrieved December 9, 2011, from Number of Myspace users: <http://www.numberof.net/number-of-myspace-users/>
- Ortiz, E. J. (2012, May 12). *Florida fire captain demoted over Facebook comments slamming Travyon Martin's parents*. Retrieved June 2, 2012, from New York Daily News.Com: [http://articles.nydailynews.com/2012-05-15/news/31714334\\_1\\_facebook-page-facebook-comments-fire-captain](http://articles.nydailynews.com/2012-05-15/news/31714334_1_facebook-page-facebook-comments-fire-captain)
- Rector, K. (2012, July 13). Fire Department to Restrict Firefighters' Online Chatter. *The Baltimore Sun*, pp. 1,17.
- RedCross. (2010, August 9). *Red Cross Social Media in Disasters and Emergencies*. Retrieved December 7, 2011, from Web Users Increasingly Rely on Social Media to Seek Help in a Disaster:

<http://www.redcross.org/portal/site/en/menuitem.94aae335470e233f6cf911df43181aa0/?vgnextoid=6bb5a96d0a94a210VgnVCM10000089f0870aRCRD>

Robson, E. L. (2010, December 15). *Social Media Policies What you need to know*. Retrieved May 8, 2012, from Fire Rescue.

Segall, B. (2009, June 18). *Eye Witness News*. Retrieved December 9, 2011, from Trooper resigns after Facebook controversy: <http://www.wthr.com/Global/story.asp?S=10552361>

Shields, M. (2011, May 31). *Twitter co-founder Jack Dorsey rejoins company*. Retrieved December 9, 2011, from Twitter Engine:

<http://engineering.twitter.com/2011/05/engineering-behind-twiters-new-search.html>

Stoneybrook, M., & Stubbs, R. L. (2010, June 4). *Networking in Law Enforcement*. Retrieved February 12, 2012, from

<http://www.iacpsocialmedia.org/Portals/1/documents/LegalOfficerSectionIACP2010.pdf>

Tufts, U. (2011, September 16). *Tufts University Social Media Policy*. Retrieved December 2, 2011, from Social Media Best Practices and Guidelines:

<http://webcomm.tufts.edu/socialmedia>

Ward, S. D. (2012, January 2). *Social Media Marketing*. Retrieved July 4, 2012, from Small

Business Money: <http://sbinfocanada.about.com/od/socialmedia/g/socmedmarketing.htm>

WBALTV. (2012, May 3). *Harford County Firemen Demoted*. Retrieved June 4, 2012, from

Belair News: [http://www.wbaltv.com/news/maryland/harford-county/Firefighters-](http://www.wbaltv.com/news/maryland/harford-county/Firefighters-suspended-demoted-over-Facebook-comments/-/10635956/14660362/-/v1r6f9/-/index.html)

[suspended-demoted-over-Facebook-comments/-/10635956/14660362/-/v1r6f9/-](http://www.wbaltv.com/news/maryland/harford-county/Firefighters-suspended-demoted-over-Facebook-comments/-/10635956/14660362/-/v1r6f9/-/index.html)

[/index.html](http://www.wbaltv.com/news/maryland/harford-county/Firefighters-suspended-demoted-over-Facebook-comments/-/10635956/14660362/-/v1r6f9/-/index.html)

Webster, M. (2011, November 1). *Merriam-Webster Online Dictionary*. Retrieved December 9,

2011, from Merriam-Webster Online Dictionary: [http://www.merriam-](http://www.merriam-webster.com/dictionary/social%20media)

[webster.com/dictionary/social%20media](http://www.merriam-webster.com/dictionary/social%20media)

Werner, C. (2011, May). Social Media and Public Safety. *Firehouse* , 86-87.

William, R. D., & Brook, D. (2012, June 20). *Social Media Can be Harmful to Your Job Legal*

*Experts Say*. Retrieved June 30, 2012, from The Birmingham News:

[http://blog.al.com/businessnews/2012/06/social\\_media\\_can\\_be\\_harmful\\_to.html](http://blog.al.com/businessnews/2012/06/social_media_can_be_harmful_to.html)

Wilson, P. (2011, June 13). *Virginian Plot*. Retrieved September 3, 2011, from Police

Departments urged officers to use caution when posting:

<http://hamptonroads.com/node/603488>

Appendix A

NATIONAL FIRE ACADEMY APPLIED RESEARCH PROJECT QUESTIONNAIRE  
APPLIED RESEARCH - SOCIAL MEDIA

This is a National Fire Academy Applied Research Project questionnaire in conjunction with the EFO program. The purpose is to collect data for research project. No names are needed, just an honest reply. Thank you for your help in capturing research that can be used by the fire service worldwide. Please circle the correct answer.

- 1.) Can a person post negative comments about their employer on their personal network sites such as Facebook and etc....?
  - A. Yes
  - B. No
  
- 2) Can a public employer require its employees to provide their personal e-mail, Facebook, MySpace, Twitter or other personal network sites without the permission of the employee? (IAFF 19)
  - A. Yes
  - B. No
  - C. Sometimes
  
- 3) Which of the following postings on a social network could be grounds for discipline? (IAFF 18)
  - A. messages that is offensive to the employer
  - B. messages that cause hurt feeling and contention between employees
  - C. messages interferes with an employer's business interest
  - D. none of the above
  
- 4) Will a member be shielded from liability if they don't name the person to whom they are posting? (IAFF 10 p)
  - A. Yes
  - B. No
  
- 5) Can uniform members post anything that they may have heard? (IAFF 10)
  - A. Yes
  - B. No

- 6) Can a union be required to turn over the identity of members who post anonymously on the local's web site or bulletin board to their employer?  
A. Yes ( page 14 IAFF)  
B. No
- 7) Can an employee be held liable for postings on the local's (union's) website or bulletin?  
(IAFF 14)  
A. Yes  
B. No
- 8) Should employers put rules or guidelines on employees that restrain personal postings on social network sites?  
A. Yes  
B. No
- 9) Do you feel that you should be entitled to say whatever you want via free speech?  
A. Yes  
B. No
- 10) Which of the following is true regarding freeness of speech based on the 1st Amendment?  
A. you can say anything you want  
B. you can only say nice things about your employer  
C. you can't say anything negative about your employer  
D. all the above  
E. none of the above
- 11) Are employees forced to speak out on social network sites?  
A. Yes  
B. No
- 12) Can employees use Fire Department titles, logos, images, uniforms, or other identification without providing a prominent disclaimer that the speaker is not speaking on behalf of the Fire Department?  
A. Yes  
B. No

- 13) Can a person social network site look like or resemble an official website of the Fire Department without the permission from the Fire Department?
- A. Yes
  - B. No
- 14) When off duty can employees post in such a way as to cause actual or potential harm or disruption to the operations of the Fire Department or City, including the real-time disclosure of locations of deployed units, assets or personnel as well as response times?
- 15) Can supervisors and officers routinely or proactively monitor the conduct of employees via social media or websites for the sole purposes of discipline without cause to believe that the conduct may adversely affect the operation, morale, or efficiency of the department?
- A. Yes
  - B. No