MR. STUART, A RETIRED MAJOR WITH THE MONTGOMERY, ALABAMA, POLICE DEPARTMENT, IS THE ASSISTANT CHIEF AGENT AT THE ALABAMA CRIMINAL JUSTICE INFORMATION CENTER.

DEPARTMENTS THAT CREATE A PRESENCE ON SOCIAL MEDIA SITES OPEN A NEW DOOR OF COMMUNICATION WITH THE GENERAL PUBLIC.
the rate at which people access these sites is significant. For example, YouTube, the popular video-sharing site, receives more than 24 hours of video every minute. Similarly, photo-sharing site Flickr receives more than 3,000 uploads every minute.

A 2011 survey conducted by the Institute for Criminal Justice Education (ICJE) found that over 78 percent of law enforcement respondents had a social media account. Of those, over 38 percent identified themselves on their profile as policing professionals. This finding illustrates the interest law enforcement officers have in social media, in addition to how they choose to identify themselves to others through social media.

**Applying Social Media to Law Enforcement**

To their benefit law enforcement agencies can use social media for public relations, crime prevention, and criminal investigation. Departments that create a presence on social media sites open a new door of communication with the general public. By doing so citizens can receive real-time information, as well as an electronic method of asking questions, making suggestions, and providing tips that help solve crimes. For example, in 2011 Kentucky State Police investigators posted photos of jewelry, a tattoo, and a facial composite relating to an unknown body found 10 years earlier. The additional evidence provided in response to the post enabled investigators to identify the deceased person.

Social media can provide an invaluable source of information for investigators. Criminals will use social media to share information about their whereabouts and those of their associates. They also have been known to share photos and videos of their criminal acts. Such electronic information can help apprehend fugitives, single out associate suspects, link individuals to street gangs, and provide evidence of criminal activity.

**Encountering Problems**

Law enforcement agencies must understand the problems that can arise when work and personal life converge in social media. Officers establish what they intend to be a personal presence in the social media world while identifying themselves as members of law enforcement. Mixing their personal and social lives with their professional ones can bring discredit to them and their departments.

Officers posting information about how sleepy they are on duty can call into question their fitness for duty in the event of a deadly force situation or a serious traffic accident. Additionally, posting photos of themselves with seized drug evidence can be harmful to the ongoing prosecution of a case because prosecutors should be consulted before evidence is shared with the public. Though officers may face disciplinary proceedings if their actions are discovered, departments may rely on a "conduct unbecoming" regulation and not a specific policy regarding social media.

When exposed, inappropriate information may lead to undesirable attention from the media and other parties. In one such instance, a defense attorney in Texas found the MySpace page of his client’s arresting officer. The page listed the officer’s occupation as “super hero/serial killer” and included expressions of interest in intense violence and graphic pictures of women with carvings in their skin. The defense attorney claimed this was evidence of the officer’s excessive force against his client.

Criminals also can capitalize on private information publicly shared by law enforcement officers. For example, a 2011 arrest in Arizona led to the discovery of a CD containing information on over 30 officers and law enforcement support employees, all obtained through Facebook.

**Developing Solutions**

Officers cannot be expected to refrain from maintaining a social presence on the Internet. Therefore, law enforcement agencies must establish criteria for social media usage that balances the constitutional rights of officers while protecting the integrity of departments and investigations. The 2011 ICJE survey found that less than 40 percent of responding agencies had policies regarding social media use, and less than 15 percent provided training on what is appropriate to post. These findings point to the development and implementation of a comprehensive agencywide policy on social media use as a logical first step. This policy should be sufficiently broad to address the use of social media today and in the future. Consideration must be given to protect the free speech rights of off-duty officers using their own computers. However, personnel who choose to provide information about their work on social media sites will be open to scrutiny from their departments.

Government entities can restrict the speech of their employees under certain circumstances, such as if the expression interferes with or compromises the mission of the department or brings into question the professionalism of the officers or the agency. Social media policy should clearly delineate between protected free expression and the speech that could impact departments or officers. Agencies generally are permitted to regulate officers’ conduct on social media sites if the individuals list law enforcement as their occupation or post law enforcement-related content. Administrators must decide the conduct and information to regulate.

- Photos or videos of officers, suspects, evidence, police facilities, equipment, uniforms, or
An agency’s social media policy also should address the official purpose for use and the desired objectives. It should define the person or group authorized to create and maintain the social media presence on behalf of the agency. The policy also must provide guidance on what officers can share and when.

Training officers on social media guidance can be done in two steps. The first should address general computer, Internet, and social media security and privacy issues, while the second should look at the practical application of social media policy as related to officers. The training curriculum should be frequently updated and repeated to keep up with evolving technology and ensure the information remains fresh in officers’ minds. Once educated, officers can take the initiative to properly protect themselves and their departments. Compliance can occur when officers understand the problem and buy into the solution.

Conclusion

Law enforcement administrators must establish appropriate controls over the use of social media to increase its benefits for their departments and reduce incidents of misuse by officers. This can be accomplished by setting criteria for social media use and training personnel on these policies. In doing so, the potential of social media as a law enforcement tool that can help departments better serve the public may fully be realized.

Endnotes


4 Hird, “20+ Mindblowing Social Media Statistics: One Year Later.”

5 Hird, “20+ Mindblowing Social Media Statistics: One Year Later.”

6 Hird, “20+ Mindblowing Social Media Statistics: One Year Later.”


11 Highland, “KSP Turns to Facebook as Investigative Tool.”

12 Highland, “KSP Turns to Facebook as Investigative Tool.”


