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**Social Media: Establishing Criteria for Law Enforcement Use**  
By Robert D. Stuart, M.S.



Over the past decade, social media has become a widespread presence that touches the lives of countless people, including law enforcement officers. Certain risks and rewards face officers, as well as their departments, who use social media. Missteps in its use can endanger the safety of officers and compromise criminal cases, resulting not only in embarrassment to departments but exposure to civil and criminal liability. To combat these risks, law enforcement agencies must adapt to the social media outlets that affect the lives of officers every day. To do so departments must understand the forms of social media that exist, their benefits to law enforcement, the problems they may pose, and the need to establish criteria governing their use by law enforcement officers.

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**Understanding Social Media**

Media is a means of communication with the intent to influence a wide audience.<sup>1</sup> Historically, this referred to newspapers and television, but it now includes electronic forms, such as the Internet. The term *social* implies two-way communication in which the user interacts with a media source.

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One form of social media is social networking, which allows multiple people to share information with one another. Facebook, MySpace, YouTube, and Twitter serve as examples of social networking Web sites. Users on a site, like Facebook, first must establish a profile containing personal data, such as their name, interests, employment, and geographic area. Other information, such as pictures, video, and texts, also can be shared. Users can form online relationships with other people, sharing the information they have uploaded. As a security precaution, most social networking sites have settings enabling users to control what information is shared and who can see it.

Social media has crafted its own language with common words and unique definitions. For instance, a “tweet” is commonly known as the text-based sharing of information on Twitter. Likewise, a

“wall” is the public or semipublic area of Facebook users’ profiles in which information is shared in the social media world.<sup>2</sup>

Year after year social media sites continue to grow exponentially. For example, Twitter grew from 75 million registered users in 2010 to 175 million in 2011.<sup>3</sup> Facebook experienced similar growth, rising from approximately 350 million active users worldwide in 2010 to near 640 million a year later.<sup>4</sup> Additionally,

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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.<sup>5</sup> Similarly, photo-sharing site Flickr receives more than 3,000 image uploads every minute.<sup>6</sup>

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.<sup>7</sup> Of those, over 38 percent identified themselves on their profile as policing professionals.<sup>8</sup> 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.<sup>9</sup>

### 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.<sup>10</sup>

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.<sup>11</sup> They also have been known to share photos and videos of their criminal acts.<sup>12</sup> 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.<sup>13</sup>

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.<sup>14</sup>

### 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.<sup>15</sup> 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.<sup>16</sup>

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.<sup>17</sup> 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

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- weapons
- Employment, job assignment, work hours, or other related information
- Public or nonpublic information regarding police reports, criminal history, arrests, or calls for police service
- Profanity or unprofessional language and harmful images
- Derogatory comments or images about superiors or coworkers
- Work-related matters or other named officers in posts, blogs, or microblogs
- Personal social media activities while on duty and with agency resources
- Allowance by officers of the content of their social networking sites to be viewed by administrators during the course of an internal investigation

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.

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### Endnotes

- <sup>1</sup> *Random House Webster's College Dictionary*, 11th ed., s.v. "Media."
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- <sup>15</sup> Institute for Criminal Justice Education, "Social Networking Survey."
- <sup>16</sup> *United States v. Treasury Employees*, 513 U.S. 454 (1995).
- <sup>17</sup> *Connick v. Myers*, 461 U.S. 138 (1983); *City of San Diego v. Roe*, 125 S. Ct. 521 (2004).

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