

INTRADEPARTMENTAL CORRESPONDENCE

April 14, 2021

1.14

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: PERSONAL USE OF SOCIAL MEDIA

RECOMMENDED ACTION

It is recommended that the Board of Police Commissioners REVIEW and APPROVE the policy regarding the Personal Use of Social Media by Department personnel.

DISCUSSION

Due to the increased use of social media and the power of influence it has on the community we serve, the Department has established this Notice to remind all Department employees to carefully consider the implications of their personal use of social media. This Notice also advises personnel of the serious ramifications that improper use of social media, even personal use of social media while off-duty, can have for personnel. The Department and the community have high expectations for the conduct of Department personnel, and they shall at all times, conduct themselves in a manner consistent with the Law Enforcement Code of Ethics and the Department's Core Values.

Additionally, this Notice contains reminders that all social media posts can become publicly accessible. Department personnel are also prohibited from personal social media that undermines the reputation and mission of the Department, that compromises officer safety, that uses Department trademarks or insignia, that breaches confidentiality, or that represents or speaks on behalf of the Department. The Notice also contains considerations for family members of Department personnel and references to related Department policies. This Notice has been reviewed and approved by the City Attorney's Office and the Los Angeles Police Protective League.

Should you have additional questions regarding this matter, please contact Director Lizabeth Rhodes, Office of Constitutional Policing and Policy, at (213) 486-8730.

Respectfully,

A handwritten signature in blue ink, appearing to read 'MICHEL R. MOORE', with a stylized flourish extending from the end.

MICHEL R. MOORE
Chief of Police

Attachment

OFFICE OF THE CHIEF OF POLICE

NOTICE

2.2.5

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: PERSONAL USE OF SOCIAL MEDIA

PURPOSE:

The purpose of this Notice is to provide guidance about the expectations for Department personnel regarding their personal use of social media and to balance employees' rights with the needs of the Department in fulfilling its public safety mission. This Policy is crafted with the recognition that police department employees, both sworn and civilian, occupy a position of trust within the community and their statements therefore carry significant weight and impact – often more than may be intended by the employee. While nothing in this Policy is intended to infringe on employees' freedom of speech or expression, employees are reminded that such freedoms are not absolute. Rather, based on the nature of the Department's work (e.g., maintain public safety, public trust, good community relations), Department personnel must be mindful that even their personal use of social media is subject to reasonable limitations. These limitations include prohibitions regarding posting any information that would undermine our ability to serve the public, or indicate disregard for the law, the United States Constitution, or Constitution of the State of California. Department personnel, at all times, shall conduct themselves in the manner that is consistent with the Law Enforcement's Code of Ethics and the Department's Core Values.

As the digital landscape continues to evolve and new online communication platforms emerge, the impact and influence of social media within the community increases. It is therefore important that all personnel carefully consider the implications of their use of social media.

PERSONAL USE OF SOCIAL MEDIA:

Social media is a category of internet-based services that incorporate user-generated content and user participation. This includes, but is not limited to, social networking sites, photo and video sharing sites, wikis, blogs, and websites such as Facebook, Instagram, Flickr, YouTube, LinkedIn, Snapchat, Twitter, as well as any other new and emerging social platforms.

Social Media is Publicly Accessible. Department personnel should assume that any activity on social media is publicly accessible. This includes anything on a "private account" or on a strict "privacy setting" because it could be viewed and/or later transmitted by a colleague, supervisor, partner, or a member of the public. Social media occupies a public space and any statements, photographs, video clips, or other content posted on social media becomes part of the worldwide digital public domain. Remarks, images, and information originally intended "just for friends

and family” are often shared with others, and **content that is edited or deleted by the user may remain available for viewing and dissemination by anyone.**

Department Personnel Responsibilities. Department personnel are reminded that expressing themselves on social media sites can impair working relationships, impede the performance of their duties and negatively affect the public perception of the Department and the safety of its employees. Whether on or off-duty, in real life or virtually, personnel are accountable for their words and actions. This is true even when they believe their words or posts to be private or anonymous on a digital platform. Regardless of the forum, if the Department becomes aware of words or conduct that violate the policies or stated core values of the Department, disciplinary action will be initiated.

PROHIBITED USES OF SOCIAL MEDIA:

Department personnel have a duty to maintain public trust. Therefore, personal social media activities (e.g., comments, likes, tweets, memes, statements, videos, screenshots, shared links, hashtags, and animated graphics) shall be consistent with the Law Enforcement’s Code of Ethics and the Department’s Core Values. Regardless of the forum, if the Department becomes aware of words or conduct that violate the policies or stated core values of the Department, disciplinary action may be initiated and may result in discipline, up to and including removal from the Department.

(1) Personal Social Media That Undermines the Reputation and Mission of the Department in Providing Service to the Public.

Department employees are reminded that they serve a diverse population, and it is the employees’ responsibility to serve every member of the community in a fair and unbiased manner. Social media activities of any kind that are harassing, discriminatory, disparaging and/or defamatory, or that contain ethnic slurs, personal insults, threats, or bullying violates numerous Departmental policies and values and undermines our ability to serve the public and perform the Department’s mission in a cohesive manner.

Note: Department personnel’s activities on social media sites may be used against them to undermine their credibility in court (including evidence that an officer has a racial, ethnic, sexual orientation, religious, or personal bias against a defendant individually or as a member of a group may be used to cross-examine the officer).

(2) Personal Social Media that Compromises Officer Safety. Due to the inherent risks of being identified as a member of a law enforcement agency, Department personnel shall not reveal Department affiliations of other individuals (e.g., partners, co-workers, supervisors) without the express consent of those individuals. These restrictions include, but are not limited to commenting on, posting, “tagging” and/or “sharing” pictures of other employees of the Department that identify one or more of the individuals in the photo or post as a member of the Department. Divulging identifying information (e.g., name, address, phone number) on social media sites may endanger other employees and may also limit their eligibility for certain assignments such as undercover work.

(3) Personal Social Media That Uses Department Trademarks and Insignia. Department personnel shall not use any LAPD trademarks or insignia materials in their personal account name, or in any other way that could reasonably imply the account is officially endorsed by the Department. Trademarks and insignia include any material consisting of the words “Los Angeles Police Department,” the letters “LAPD,” the LAPD uniform, the motto “To Protect and to Serve,” the LAPD badge, or any other mark, design, motto, insignia that is readily identifiable with and/or associated with the Los Angeles Police Department.

(4) Personal Social Media that Breaches Confidentiality. Department personnel shall not post any non-public material that was obtained as a result of their official duties with the Department (e.g., witness statements, crime scene photographs, videos).

Note: Department personnel are reminded effective January 1, 2021, California Assembly Bill 2655 established Penal Code Section 647.9, **Invasion of Privacy: First Responders**. This statute prohibits sworn personnel, who respond under color of authority to the scene of an accident or crime, from taking photographs or capturing digital images of a deceased person for any purpose other than an official law enforcement investigation, or articulable public interest. Department members are encouraged to comply with the spirit and not just the letter of the law and be respectful of people they encounter and consider the privacy of those they serve.

(5) Personal Social Media Representing the Department. Department personnel shall not represent or imply they are speaking on behalf of the Department with their personal social media posts, comments or any other online activity.

Note: The Department is aware and will comply with the parameters of *Moser v. LVMPD*, 984 F.3d 900 (9th Cir. 2021). This policy will be used prospectively from the effective date; however, the Department retains the ability to discipline for activity on social media prior to the effective date of this notice if that activity constitutes conduct unbecoming or violates any other Department policy, notice, directive or code of ethics in effect at the time of the activity.

OTHER CONSIDERATIONS:

Existing Related Policies. Department personnel shall also familiarize themselves with and adhere to the following directives and policies:

- The City of Los Angeles Executive Directive No. 23, *Harassment and Discrimination*, dated on April 30, 2018, which prohibits acts or speech that are derogatory or demeaning to any employee based on their race, gender, sexual orientation, disability or other protected class;
- The Los Angeles Police Department Training Bulletin, Volume XLII, Issue 2, *Anti-Discrimination and Retaliation* dated May 2012;
- The City of Los Angeles Executive Directive No. 8, *A Safe and Healthy Workforce and Risk Management*, dated February 1, 2017;
- Department Manual Sections 1/210.10 *Law Enforcement Code of Ethics*; 1/210.35 *Conduct Unbecoming an Officer*; 1/270.20 *Endorsement of Products & Services*; 1/270.25 *Officer*

Contacts with the Public; 1/330 Role of the Individual Officer; 3/405 Confidential Nature of Department Records, Reports and Information; 3/406.10 Guidelines and Restrictions for the Release of Police Record Information, and 3/788.40 Internet Usage Guidelines;

- Operations Notice No. 12, *Posting or Publishing of Advertisement for Department-Sponsored Events*, dated October 16, 2008; and,
- Legal Bulletin Volume 32, Issue 1, *Limitations on a Police Officer's First Amendment Right to Freedom of Expression*, dated February 27, 2008.

This Notice supersedes and replaces any previous guidelines governing personal use of social media to the extent that personal use of social media is addressed in the *Social Media User Guide*, dated March 12, 2015, the Office of the Chief of Police Notice, *Use of Social Media Sites*, dated March 28, 2012; and, Office of the Chief of Police Notice, *Procedures and Guidance for Official Department and Personal Social Media Accounts*, dated October 19, 2018.

Any questions regarding this Notice shall be directed to Public Communications Group, at (213) 486-5900.



MICHEL R. MOORE
Chief of Police

DISTRIBUTION "D"