



Florida Fish and Wildlife Conservation Commission  
Division of Law Enforcement

**TITLE: SOCIAL MEDIA**

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	Applicability
66	May 16, 2017	N/A	ALL MEMBERS

References  
CFA 32.05

**1 POLICY**

- A** It is the policy of the Division of Law Enforcement to establish the Division’s procedures for the utilization, management, administration and oversight of the use of social media.
- B** This policy is not intended to address one specific form of social media, as advances in technology will occur. The absence of, or explicit reference to, a specific social media or social network does not limit the extent of the application of this policy.
- C** The Division recognizes the role of social media in the personal lives of some members. The personal use of social media can have an impact on employees in their official capacity. This policy provides information of a precautionary nature as well as prohibitions on the use of social media by members.
- D Definitions:**
- (1) **Blog** – A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions or comments. The term is short for “Web log”.
  - (2) **Off Duty** – A time period in which a member is not engaged in on-duty employment or any type of secondary employment.
  - (3) **Page** – The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.
  - (4) **Post** – Content an individual shares on a social media site or the act of publishing content on a site.
  - (5) **Profile** – Information that a user provides about himself or herself on a social networking site, which identifies or tends to identify personal and/or biographical information.
  - (6) **Social Media** - A category of internet-based and/or cellular-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, Google+, etc.), on-line internet based information sharing (Twitter, Skype, YouTube, Craigslist, etc.), and cellular data exchange networks (cellular phone texting, Blackberry Messenger, Mobile Data Computers, etc.), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

- (7) **Social Networks** - Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- (8) **Speech** - Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

## 2 RESPONSIBILITIES

- A All members are responsible for ensuring their social media and social networking activities adhere to the established code of conduct as found in General Order 7, *Code of Conduct*, *Code of Ethics and Oath of Office*.
- B All members are responsible for adhering to all policies and procedures found in this General Order and applicable FWC Internal Management Policies and Procedures (IMPP).
- C A member having knowledge of any violation of this General Order or applicable IMPP(s) shall be responsible for notifying a supervisor as soon as practicable.
- D The FWC Social Media and Creative Services Manager, and the Director of the Office of Community Relations are responsible for overall maintenance of all FWC managed social media sites including security and inappropriate postings.

## 3 PROCEDURES

### A Commission or Division Managed Social Media

- (1) Authorized members may use approved social media or social networks for a legitimate employment related purpose.
  - (a) Members shall abide by all copyright, trademark, and service mark restrictions.
  - (b) Members shall not use personally owned devices to manage Division social media or social network activities.
  - (c) Members shall ensure that communications through division managed social media will not impair working relationships of the Commission or Division, compromise confidentiality, impede the performance of duties, or negatively affect the public's perception of the Commission, Division, or the member.
  - (d) The Community Relations Social Media Coordinator or designee shall be the only authorized member to respond to comments, on behalf of the Division, made by the public on Commission or Division social networking sites.
- (2) Members shall not utilize Commission or Division managed social media to;
  - (a) Comment about the guilt or innocence of any suspect or arrestee, or comment concerning pending prosecution(s) unless approved by the Director, Deputy Director, or Regional Commander.
  - (b) Post, transmit, or otherwise disseminate any public record exempt from release pursuant to Florida State Statute(s), including photographs or videos, related to Division training, activities, or work-related assignments, unless approved by the Director, Deputy Director, or Regional Commander.

### B Division Member Personal Use of Social Media

- (1) Division members are free to express themselves as private citizens while utilizing social media to the degree that their speech does not impair working relationships of the Commission or Division, compromise confidentiality, or impede the performance of duties.

- (2) Members shall not utilize Division equipment to participate in any personal and/or off duty social media or social networking activities.
- (3) Members shall not post, transmit, or otherwise disseminate any information which they have access to as a result of their employment. This includes, but is not limited to:
  - (a) Any information which divulges law enforcement tactics
  - (b) Locations of active law enforcement operations, investigations or details.
  - (c) Photos or descriptions of evidence or potential evidence.
  - (d) Any other information which could possibly compromise law enforcement operations.
- (4) As public employees, Division members are cautioned that speech on or off duty, made pursuant to their official duties (speech that owes its existence to the employee's professional duties and responsibilities) may form the basis for Division discipline. Members are advised that their speech and related activity on social media may reflect upon their employment with the Division.
  - (a) The United States Supreme Court in their 2006 decision in the case of Garcetti v. Ceballos has held that speech made by public employees pursuant to their official duties is not protected by the First Amendment from employer discipline.
  - (b) Members shall not use social media to create, comment, disclose, post, transmit, or otherwise disseminate any information which ridicules, mocks, derides, disparages, or otherwise expresses bias against any race, sex, religion, or protected class of individuals.
- (5) Grievances and/or negative comments on the internal operations of the Division, or specific conduct of Division members, are not protected by the First Amendment from employer discipline.
  - (a) The United States Supreme Court in their 1983 decision in the case of Connick v. Myers has held that speech made by public employees which affect the good order of the agency is not protected by the First Amendment from employer discipline.
- (6) Division members shall not use social media to depict the Division uniform, badge, patch, vehicle, or any other Division or Commission graphic mark or emblem in any manner which reflects a lack of good moral character, or may negatively affect the public's perception of the Division or Commission.

### **C Recommended Precautions**

- (1) When using social media, Division members shall be aware that their speech becomes part of the public domain. Social media is utilized by private citizens, public officials, government, businesses, media, defense attorneys, criminals, etc. Content and/or information posted using social media has been used to discipline employees, and impeach law enforcement testimony.
- (2) For safety and security reasons, Division members should use caution if/when disclosing their employment with the Division on personal social media.
  - (a) As a matter of officer safety and to foster protection provided under Florida Statute Chapter 119, it is recommended that sworn members not intentionally use a photo of themselves in uniform as a profile photograph.
- (3) Division members should be aware that they may be subject to civil litigation or criminal prosecution for:

- (a) Publishing or posting false information which harms the reputation of another person, group, or organization.
  - (b) Publishing or posting private facts and/or personal information about someone without their permission that has not been previously revealed to the public, which is not of legitimate public concern, and would be offensive to a reasonable person.
  - (c) Using another person's name, likeness, or other personal attributes without that person's permission.
  - (d) Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- (4) Division members should be aware that privacy settings and social media security features are constantly changing, and should never assume that personal information which is disclosed, posted, transmitted, or otherwise disseminated using social media is protected and private.

#### 4 FORMS

FORM NUMBER	FORM TITLE
	N/A