



GENERAL ORDER

Social Media: Personal Use

Purpose and Scope

This order provides guidelines for the personal use of social media as it relates to employees of the Sacramento County Probation Department. The order identifies prohibitions on use, a code of conduct, and the actions to be taken subsequent to inappropriate use.

Affected Personnel

All employees

Authority

U.S. Constitution, First Amendment
Government Code
Welfare and Institutions Code
Labor Code
Administrative Directive

Effective Date

February 14, 2016

I. Definitions

Social Media: A form of electronic communication through which users create online communities to share information, ideas, personal messages, videos and other content.

Social Network Sites: Websites that provide a venue for people to share their activities with family, friends and colleagues or to share their interest in a particular topic. Internet-based social networking sites include, but are not limited to, Facebook, Twitter, Flickr, YouTube, Instagram, Snapchat, Google+, LinkedIn and Reddit.

II. Guidelines

- A. Employees are free to express themselves as private citizens on matters of public concern to the degree their speech does not impair working relationships of this department, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.
- B. All employees shall use computers, computer applications, computer programs, internet resources and network/internet communications in a lawful manner both on- and off- duty.

- C. Any employee who becomes aware of or has knowledge of a posting or of any website or web page in violation of the provisions of this order shall notify his/her supervisor immediately in accordance with Department policy.
- D. Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression protected or privileged under the law. This includes speech and expression protected under the state or federal constitutions as well as labor or other applicable laws.¹

III. Prohibitions

- A. A public employee's communications made pursuant to the employee's official duties is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Department.²
- B. While on duty, while representing themselves to be an employee of the County of Sacramento or the Sacramento County Probation Department, or where a nexus to their employment exists, employees shall not:
 - 1. Use social media to communicate in a manner that is vulgar, obscene, threatening, intimidating, harassing, libelous, defamatory, or discriminatory on the basis of age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any protected basis under federal, state, or local laws, regulations, ordinances, or County policies.
 - 2. Use social media to make comments or communications involving themselves or other employees reflecting behavior that would reasonably be considered reckless or irresponsible.
- C. Employees shall not divulge information in any form that reasonably could be foreseen as endangering the safety of County employees, their families, or associates, such as information on internal Department operations and procedures, or the home address or other personal information of another County employee.
- D. Employees shall not divulge information gained by reason of their authority nor make any statements, speeches, appearances, and endorsements or publish materials that could reasonably be considered to represent the views or positions of the department without express authorization from the Chief Probation Officer or his/her designee.

IV. Legal Issues and Law Enforcement Sensitive Information

- A. Laws and regulations which shall be adhered to include, but are not limited to, Constitutional rights, records retention and public records laws, and other federal and state statutes.

¹ E.g. Government Code § 3300-3313; Labor Code § 232-232.5

² *Garcetti v. Ceballos*, 547 U.S. 410 (2006)

- B. Employees shall take proper care not to disclose any information that is confidential or law enforcement-sensitive³ without written permission from the Chief Probation Officer or his or her designee. Such information includes, but is not limited to, names, addresses, personal information, photographs, and any other identifiers such as x-reference or CDC numbers.
- C. Employees should comply with laws regarding copyrights, trademarks, rights of publicity, libel, defamation of character and other third-party rights.
- D. Employees may not use the Department's logos or other identifying items related to their employment without first obtaining written permission from the Chief Probation Officer or his/her designee.

V. Precautions


- A. Employees should use caution in all communications, particularly on a website or social networking site accessible to anyone.
- B. Any information created, transmitted, downloaded, exchanged, or discussed on a public website may be accessed by the Department at any time without prior notice.
- C. For safety and security reasons, employees should not post information pertaining to any other member of the department without their permission. Officers who work or who reasonably may be expected to work in undercover operations should not post any form of visual or personal identification of themselves.
- D. Engaging in prohibited speech or communications noted herein may provide grounds for undermining or impeaching an employee's testimony in criminal proceedings. Employees thus sanctioned are subject to discipline, up to and including termination.
- E. Privacy settings on social media sites are constantly in flux, and employees should never assume personal information posted on such sites is protected.

Attachments

N/A

Amends/replaces

New

Authorized By _____  _____ **Date** 12/17/15
Lee Seale, Chief Probation Officer

³ Welfare & Institutions Code § 827; Government Code § 3300
Page 3 of 3