

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: DUTY MANUAL REVISIONS:
HISTORICAL ONLINE PRESENCE**

DATE: November 1, 2022

APPROVED

Memo #2021-058

BACKGROUND

A review of Duty Manual chapter C 2400 ONLINE PRESENCE discovered revisions were necessary to address Department members having historical posts (created before the implementation of the policy) that are a violation the policy.

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are show in *italics and underlined*. Deletions are shown in ~~strike-through~~ form.

C 2401

DEFINITIONS

Revised 11-01-22

Defamatory Material – For purposes of this policy, “defamatory material” includes the intentional posting of material containing statements of fact that are false and which have a tendency to injure or cause harm to a person’s reputation. For example, false statements that accuse a person of criminal conduct are considered to be defamatory.

Derogatory or Offensive Material – For the purposes of this policy, “derogatory or offensive material” includes material disparaging to, detracting from, insulting to, or disrespectful of a class or group of people (e.g., a racial slur, ethnic slur, disparaging comment regarding a person’s national origin, gender, sexual orientation or gender identity, disability, age, religious or political beliefs, or other types of disparaging comments or images regarding a group or class of people).

Online Presence – For the purposes of this policy, “~~O~~online ~~P~~presence” includes all websites, social media, photos, video, audio, blogs, vlogs, wikis, listservs, images, or any presence on the dark web.

The Department’s Online Presence are those authorized by the Chief of Police or their designee to represent the Department (e.g., the Department website or the Recruiting Unit Facebook page).

Personal Online Presence are those accounts created and/or maintained by individual Department members or groups of Department members that are personal in nature and not authorized by the Chief of Police or their designee.

Material – Any posted item including, but not limited to, written text, emoticons or emoji, photos, videos, audio, or images. Material includes items added to existing posts (e.g., a “like” or “boost” on another person’s post).

Post – Material published, ~~or~~ shared, or currently available to be viewed by any other person on a website, social media, blog, vlog, wiki, listserv, on the dark web, or photo or video sharing site.

Sensitive Information – Any material that may be potentially damaging to an ongoing investigation, compromising of officer safety, discloses future Department activities (e.g., a warrant service), or compromises the identity of Department members. This includes all records and information that is created, maintained, or retained by the Department where access, use, and dissemination of the records are regulated by the Department pursuant to the provisions of the Duty Manual and as authorized or required pursuant to State or Federal law. Sensitive information includes all records and information regulated pursuant to Duty Manual Chapters C 1900, C 2000, C 2100, and C 2200.

Sexually Explicit Material – For the purposes of this policy, “sexually explicit material” includes depictions or descriptions of sexual references, sexual acts, uncovered genitalia, or other nudity of a sexually explicit nature. Works of art or material of anthropological significance are not sexually explicit material.

C 2404

PROHIBITIONS

Revised 11-01-22

Department members shall not post any information online that would adversely reflect upon the Department, impair the working relationships of the Department, or inhibit the Department’s ability to operate efficiently and effectively. This includes, but is not limited to:

- Posting Sensitive Information
- Posting Sexually Explicit Material
- Posting Defamatory Material
- Posting Derogatory or Offensive Material

Prohibitions apply to the actions of Department members. They do not apply to the actions of a third party.

Example 1: A Department member posts defamatory material two years before the Online Presence policy was written. The defamatory material remains online and was not removed by the Department member. The Department member is in violation of this chapter.

Example 2: A Department member posts defamatory material two years before they were hired. The defamatory material remains online and was not removed by the Department member. The Department member is in violation of this chapter.

Example 3: A Department member posts defamatory material two years before the Online Presence policy was written. A third party re-posts the defamatory material. The Department member removes the original post pursuant to the Online Presence policy. The re-posted defamatory material remains online but is no longer in the possession of the Department member. The Department member is not in violation of this chapter.

ORDER

Effective January 1, 2023, all Department personnel shall adhere to the above Duty Manual sections.

A handwritten signature in black ink, appearing to read 'A. Mata', is positioned above the printed name and title.

Anthony Mata
Chief of Police

DT:SD:JJ