



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 1-2

Effective: 09/05/19 Review: 09/05/20 Replaces: 01/14/16

1-2 Social Media

Related SOP(s): None

1-2-1 Purpose

The purpose of this policy is to establish employee rights and responsibilities as it pertains to social media/employee speech. Additionally, it is intended to protect the Department from content or speech that would impair its efficiency or damage the reputation and trust the Department has or is building with the community. This policy will help guide employees as they post content and speech on social media.

1-2-2 Policy

It is the policy of the Department to support employees' First Amendment rights while protecting the Department's ability to function in a manner that preserves the public trust efficiently, harmoniously, and maintains relationships necessary to serve the public.

1-2-3 Definitions:

A. Concerted Activity

The right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their choosing, and to engage in other concerted activities for collective bargaining or other mutual aid or protection, as well as the right to refrain from any or all such activities. Refer to Article 7E of the New Mexico State Statutes, Public Employee Bargaining.

B. Pornography

Pornography is printed or visual material containing the explicit description or display of sexual organs or activity, intended to stimulate erotic rather than aesthetic or emotional feelings.

C. Public Domain

The term "public domain" refers to creative materials that are not protected by intellectual property laws such as copyright, trademark, or patent laws. The public owns these works, not an individual author or artist. Anyone can use a public domain work without obtaining permission, but no one can ever own it.

D. Protected Classes



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Protected classes are a group of people with a common characteristic who are legally protected from discrimination. In this section protected classes are race, color, national origin, religion, sex, age, citizenship status, sexual orientation, gender identity, and serious medical condition.

E. Social Media

A category of internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social network sites, microblogging sites, photo, and video sharing sites, wikis, blogs, and news sites.

F. Substantive Speech

Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, video, or related forms of communication. A “like” or response to a post is considered substantive speech. Clicking on the like button suggests that the user concurs, supports, or agrees with the speech. Similar responses such as up-voting, down-voting or using an emoji are speech in favor of or against a post.

1-2-4 Permitted Social Media Use

Department personnel may speak out on issues of public concern when acting as a private citizen. Department personnel shall include a disclaimer if he or she is commenting on City business in his or her personal capacity and state the comments represent their own opinions and do not represent those of the city.

It is not possible to list every possible permitted use; therefore, employees should contact the Public Information Officer’s (PIO) office or Internal Affairs when they have doubt about speech that may violate this section of the Standard Operating Procedure (SOP). Refer to the Use of Computer Systems and Personnel Code of Conduct SOP and the City of Albuquerque’s Social Media Policy regarding restrictions on using social media during work hours or using Department-issued equipment for social media.

- A. Concerted activity;
- B. Politics, unless otherwise prohibited;
- C. Social issues, unless otherwise prohibited;
- D. Personal issues, unless otherwise prohibited;



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- E. Viewing legal content, adult or otherwise;
- F. Linking to and/or re-posting content unless otherwise prohibited;
- G. Linking to and/or re-posting content from Department sanctioned websites; or
- H. Administering a Department authorized website.

1-2-5 Prohibited Social Media Use

Employees may only express themselves as private citizens on matters of public concern to the degree that this expression does not violate the prohibitions laid out in this section.

Posting the below content is prohibited for Department personnel, regardless of whether the post is publicly accessible or not. Personnel using online aliases or otherwise obfuscating their employment and/or identity are still mandated to follow the SOP and are responsible for the content they post, substantive speech, or link to. It is not possible to list every possible circumstance that may violate the SOP. Therefore, employees should contact the PIO's office or Internal Affairs when they have doubt about speech that may violate this section of the SOP.

Only when necessary during official investigations, such as internet crimes against children, narcotics, gangs, or intelligence investigations, may content be posted that would otherwise violate this policy:

- 3 A. Speech or content that ridicules maligns, disparages, or otherwise discriminates against a protected class of people;
- 2 B. Uploading, displaying, and/or distributing any pornography;
- 1-7 C. Viewing and/or downloading on a social media platform any content which would violate federal, state, or local law;
- 6 D. Speech that impairs working relations of the Department for which loyalty and confidentiality are important;
- E. Speech that impedes the performance of duties;
- 7 F. Speech that impairs discipline and harmony among Department personnel;
- G. Speech that negatively impacts or tends to impact the Department's ability to serve the public;
- 5 H. Uploading, displaying, and/or distributing information about any Department, criminal or administrative investigation that is otherwise confidential or would compromise the



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investigation. This excludes necessary conversations among employees that are part of the investigation and not publicly accessible, for example, text messaging on Department issued phones;

- 5 I. Revealing the identities or displaying photographs of Department personnel who work in an undercover or covert capacity to non-employees of the Department;
- J. Disclosing information about any other member of the Department without permission of the affected member (to include posting photos, or “tagging” in text or photos);
- 6 K. Uploading, displaying, and/or distributing any crime scene photographs, not in the public domain;
- 6 L. Substantive speech, linking to, or reposting content that would violate this policy;
- 6 M. Uploading, displaying, and/or distributing any copyrighted material not owned by the employee;
- N. The use of a City email account or password in conjunction with a personal social media account;
- 5 O. Revealing police practices or procedures, such as Special Weapons And Tactics (SWAT) or narcotics tactics, that could hinder the operation of the Department and/or jeopardize officer safety; or
- 7 P. Uploading, displaying, and/or distributing on social media, photographs of themselves in uniform or displaying official Department identification including, but not limited to, patches, badges, emblems, logos, or marked/unmarked vehicles on internet sites while engaging in conduct in violation of SOP Personnel Code of Conduct. This excludes photographs taken at official Department ceremonies (e.g., promotions, awards, medals/citations, etc.).

7 **1-2-6 Department Sanctioned Social Media Use**

Department personnel approved to run or administer a Department sanctioned social media site and speak on behalf of the Department are reminded their speech is not protected by the First Amendment. Therefore, due diligence and coordination with the PIO’s office should take place before releasing any information. All Department sanctioned social media use will comply with Administrative Instruction 2-25(2016) and the City social media policy.

- 7 A. All Department sanctioned social media, not used for investigations, shall be approved by the PIO’s office. The approval can be revoked at the discretion of the PIO’s office at any time.



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- B. Social media for individual officers (in their official capacity), units, sections, divisions, and bureaus, shall be approved by the PIO's office before being published. These websites shall:
1. Include an introductory statement specifying the purpose and scope of the website;
 2. Contain a link to the Department's official website;
 3. Provide contact information for the website's administrator;
 4. Not promote products or political candidates; and
 5. Comply with all federal, state, and local laws.