

# Employee Speech, Expression and Social Networking

## 1028.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites and provides guidelines for the regulation and balancing of member speech and expression with the needs of the St. Mary's County Sheriff's Office.

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Nothing in this policy is intended to prohibit members from running for elected office.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

## 1028.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the St. Mary's County Sheriff's Office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Office will carefully balance the individual member's rights against the needs and interests of the Office when exercising a reasonable degree of control over its members' speech and expression.

## 1028.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of St. Mary's County Sheriff's Office members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of a deputy who is working undercover
- Disclosing the address of a fellow office member
- Otherwise disclosing where another deputy can be located off-duty

#### **1028.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT**

To meet the safety, performance, and public trust needs of the St. Mary's County Sheriff's Office, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Office or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Office and tends to compromise or damage the mission, function, reputation or professionalism of the Office or its members. Examples may include:
  1. Statements that indicate disregard for the law, the State of Maryland, the United States of America, the U.S. Constitution, or the Maryland Constitution.
  2. Expression that demonstrates support for criminal activity.
  3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness (e.g., posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior).
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Office (e.g., a statement on a blog that provides specific details as to how and when a prisoner transport is made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Office.
- (f) Use or disclosure, through whatever means of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the Office for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses, or images of office logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the St. Mary's County Sheriff's Office on any personal or social networking or other website or web page

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that reflects a negative image of the Sheriff's Office or perceived to be connected to political activity in any manner.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

### **1028.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS**

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the St. Mary's County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Office in order to do any of the following, unless specifically authorized by the Sheriff (Md. Code LG § 1-303; Md. Code LG § 1-304; Md. Code PS § 3-110; Md. Code SP § 2-304):

- (a) Endorse, support, oppose, or contradict any political campaign, political candidate, or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social, or nonprofit publication or any motion picture, film, video, public broadcast, or any website.

Additionally, when it can reasonably be construed that a member, acting in the member's individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this office, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the St. Mary's County Sheriff's Office.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of a recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

### **1028.5 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy regarding emails, texts, or anything published or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

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However, the Office may not request or require that a member disclose any username, password, or other means for accessing a personal account or service through an electronic communications device (Md. Code LE § 3-712).

#### **1028.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Office.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of the member's duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

#### **1028.7 TRAINING**

Subject to available resources, the Office should provide training regarding the limitations on speech, expression, and use of social networking to all members of the Office.