

TWEETS AND OPINIONS DON'T REPRESENT MY AGENCY*

-Captain Chris Hsiung, Mountain View PD

The majority of police departments in the United States now have some sort of presence on Twitter, and that's a good thing. When used correctly and effectively, departments big and small can successfully manage critical incidents by tweeting out timely information and dispelling rumors.

The rise of law enforcement on social media has also brought about many police officers, command staff, and chiefs who have created their own Twitter accounts. This is also a good thing as it fosters communication and engagement with the public and allows people to get to know the faces behind the badge. Some have "official" Twitter accounts bearing profile photos in uniform while others have "non-professional" accounts with Twitter bios that say something similar to, "tweets and opinions are my own and don't reflect my agency..." Those with professional accounts know (or should know) to stay away from tweeting about certain topics like politics, personal opinions, or religion. Those with non-professional accounts would be wise to stick to personal opinions, thoughts, or whatever they are comfortable sharing on social media. The problem, and the topic of this blog, is when the two overlap.

I have seen far too many police chiefs and officers who have "non-professional" or personal Twitter accounts blur these lines and this is what one of those accounts look like:

- Their twitter handle contains their rank (e.g. @ChiefJones_PD)
- Their profile or cover photos have them in uniform or portray their department patch, badges, or logos
- They tweet official incident information from their "non-professional" account (speaking with authority and their message can be construed as if it was from the department)
 - Secondly, they're responsible for their department's twitter account so you see identical tweets coming from the department and their account at the exact same time
- They tweet photos of themselves during their work day, in uniform, during the course of their normal duties
- There is almost always mention in the Twitter bio about, "...tweets and opinions are my own and don't represent my department..." (Opinion: I doubt this would stand up in court or in an internal affairs investigation)

This is not to say that law enforcement professionals should never tweet about law enforcement issues from their personal accounts. To the contrary, the issue is whether an examination of their twitter feed or profile has anything in it which would make the average person think they used the account in an official law enforcement capacity (think back to photos in uniform, tweeting incident information, etc). Now, mix this with a few personal opinions about politics, religion, promoting their personal side business or (fill in the blank). It's a potential recipe for

disaster. The takeaway is this: **don't mix the two**. Either keep your social media presence completely professional or completely personal (and private).

Recent case law has shown that law enforcement agencies are able to limit free speech rights of police officers and the topic has been [written about in the media](#). Most contemporary department social media policies draw a distinction between personal (constitutionally protected) free speech vs. speech made pursuant to their official duties. As an example, the Mountain View (CA) Police Department [social media policy](#) says the following:

Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.

and

*As public employees, department personnel are cautioned that speech on or off-duty, made pursuant to their official duties, "that is, that **owes its existence to the employee's professional duties and responsibilities**," is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel **should assume that their speech and related activity on social media sites will reflect upon their position and this department.**ⁱ*

To recap, I absolutely advocate for social media use, but where I would suggest the line be drawn is when you begin to see a confluence between your personal life and your professional one. If you are a legitimate source for news and updates from your agency with your professional account, maintain and hone that. Your account is a valuable asset to your organization in the realm of social media. But when the waters begin to become murky as a result of expressing personal opinions, remember this: Your job is about the protection, safety and service to your community, no matter what they believe or who they support. It is not your job to express your sole opinion about something in a way that seems to reflect the entirety of the department. That's not fair to your colleagues, and that's not fair to your community, no matter what you may say in your quick bio on your profile.

ⁱ Mountain View Police Department Policy 1055 – Social Media
<http://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=20335>