

Effects of Social Media in Law Enforcement

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Command and Staff College, Session #001

June 2018

TOP CAPSTONE AWARD RECIPIANT



Abstract

This study examined the effects of social media on law enforcement agencies and employees. The areas of focus are:

- Social media as a public relations tool.
- The potential for agencies to use social media in mass communications.
- How to use social media to promote a positive image for law enforcement agencies through public outreach.
- How to use social media as an investigative tool.
- The regulation of how agency personnel can use social media
- Responsibilities of law enforcement leaders and individual employees.

We assessed the positive and negative effects social media has on law enforcement and then identified ways to utilize its potential to assist agencies and individual officers. The study provides a course of action law enforcement executives can utilize to develop policy and procedures to help them maximize the potential of social media.

Effects of Social Media in Law Enforcement

Throughout history, law enforcement agencies have been forced to adapt to a multitude of variables and changes in order to protect and serve their communities. For example, the Los Angeles Police Department developed the concept for the Special Weapons and Tactics (SWAT) unit as a result of several sniping incidents against civilians and police officers around the country (LAPD Online, 2018). Social media may be the most significant variable ever encountered by law enforcement because it has allowed the public to post negative actions by police officers. Furthermore, it has also allowed vocalized individual personal opinions. The Merriam-Webster's Dictionary defines Social Media as "forms of electronic communication (such as websites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (such as videos)." (Social Media, n.d.). The world continues to become more connected and social media is now the norm instead of the exception.

Recent high-profile incidents show the negative effects social media can have on law enforcement. This is especially evident when police officers' actions are viewed by the public as being abusive or unethical. One example would be the incident which happened in April of 2015 when a white North Carolina police officer, named Michael Slager, shot an unarmed black male, named Walter Scott, in the back as he fled. Slager initially said he shot Scott in self-defense because he was trying to take his taser, but the event was captured on video by an innocent

bystander and it clearly showed Slager shooting Scott in the back. Slager would eventually enter a guilty plea for violating Scott's civil rights and be sentenced to 20 years in jail (Grabenstein, 2017).

Throughout the United States, law enforcement agencies are using social media to effectively communicate with their communities during times of disaster and civil unrest. Many agencies have found ways to regain the trust and improve relations with the people in their communities by effectively communicating via social media. During Hurricane Harvey in August of 2017, Houston-area agencies shared over 1,200 posts and 3,000 Urgent Alerts and received over 10,000 replies and 55,000 'Thanks' during the hurricane (Lee, 2017). By projecting a positive image for their departments and humanizing police officers, agencies are no longer restricted to be reactive to negative attention. Law enforcement agencies are also finding creative ways to use social media as an investigative tool and for crime deterrence. When law enforcement leaders embrace social media as the new normal, they can implement social media programs within their departments to create a positive culture and image both internally and externally.

Social Media as a Public Relations Tool

Law enforcement agencies can utilize social media to communicate a range of public relation topics to the citizens they serve. In today's world, billions of people rely on the virtual realm to stay connected and informed on a variety of topics, and the number of users continues to grow. More than 3 billion people around the world now use social media each month, with 9 in 10 of those users accessing their chosen platforms via mobile devices (Kemp, 2018). With this vast connection, law enforcement agencies can tap into the digital domain to educate and inform

the public. The use of social media as it pertains to informing and educating the public demonstrates the agency is invested in creating a positive culture between law enforcement and the citizens.

Providing education through crime prevention tips is a great use of social media by law enforcement. These tips can be updated periodically as they relate to events or holidays throughout the year. Providing “Trick or Treat” safety tips for Halloween, fireworks safety for Independence Day, boater safety for Labor Day, or burglary prevention tips at Christmas time, the use of social media can offer insight regarding how to reduce the chances of becoming a victim. Also, law enforcement can communicate what current crime trends are impacting particular areas or neighborhoods thus allowing citizens to become advocates through awareness. For example, if a certain area is experiencing a high rate of burglaries, law enforcement can provide this information, so the public can take the appropriate measures to properly secure their homes.

Social media can also serve as a digital billboard to advertise upcoming events sponsored or endorsed by law enforcement. Occasions such as National Night Out Against Crime, Drug Abuse Resistance Education Graduations, Neighborhood Watch Initiatives, and National Police Week can be promoted to encourage participation from the public. Utilizing social media to boost participation in these events is an excellent way to encourage interaction between police and the public to help grow community policing initiatives. Through these interactions, law enforcement agencies can use the opportunity to showcase new equipment, technology, and programs designed to proactively fight crime.

The effective use of social media can also show the human side of a law enforcement agency. In a perceived climate of increasing negative views towards law enforcement, social media can help in creating a positive culture regarding the public's perception of police officers. Providing insight regarding the people who protect and serve is an excellent approach to showcase that officers are more than just uniforms. Agencies can accomplish this by announcing promotions, achievements, and recognition of impeccable service on their social media outlets. Doing this allows the public to connect on an interpersonal level with the men and women who serve. The connection may encourage favorable exchanges with officers and the public outside of their normal day to day interactions and make officers more approachable.

Social media can also be utilized as a recruitment tool for agencies to acquire new employees. Luring potential candidates can be difficult for law enforcement agencies because of the perceived dangers of the profession, and the contemporary negative media coverage officers have received. To counteract these issues, agencies can promote the law enforcement profession from a positive viewpoint by showing what it truly means to serve. The use of videos uploaded to social media websites can highlight officers performing tasks that showcase how rewarding the profession can be. Additionally, agencies can publicize starting salaries, benefits, retirement and other incentives to entice prospective applicants.

Social Media used in Mass Communication

Social media has become an exceptional tool for disseminating information to a large number of citizens with just a few clicks of a keyboard. In today's ever-changing society, technology is becoming more and more advanced. Law enforcement agencies must adapt and use these new technologies to reach their goals and vision (Long, 2018). By using social media

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as a tool, law enforcement agencies can with very little effort, provide citizens with important information in emergencies. During natural disasters like hurricanes and ice storms, some agencies use social media to keep the public informed and to show them the dangerous situations law enforcement officers voluntarily choose to navigate in order to 'serve & protect'. These posts also help to deter a number of people from attempting to 'drive around & look' causing more problems on roadways. Weather events such as hurricanes are not uncommon in Louisiana therefore; law enforcement officers are familiar with the problems they can cause. The ice storms of 2017 presented new challenges for everyone, frozen bridges, iced over roadways, and drivers who believed they could navigate black ice were causing many headaches or problems on roadways. In this particular case, communication was paramount, not only with officers from within the agency but with the agencies social media followers as well.

Following the historic flood of 2016, social media, was the only form of communication for the majority of the impacted area. Evacuations, updates, photos, and video updates from law enforcement officials showed the public that they were working round-the-clock and that despite many officers losing their own homes, they showed up to work and were determined to persevere. Many agencies even started printing some of the positive comments and posted them on the walls in their meeting areas as encouragement to all personnel (Wooten, 2018). Agencies were consistent with updates from beginning to end and strengthened the 'earned trust' they have with the community. With each weather event, law enforcement agencies can consistently provide accurate information, confirm updates, squash rumors, let citizens hear from agency official's and build a strong trust with those in the community.

Many progressive thinking law enforcement agencies have begun to post updates or information on incidents involving their officers that they believe is most accurate. This is done

in response to inaccurate or bias media reports about the incident. These departments use their social media accounts to ensure that the citizens they serve receive an accurate version of what the news or media is reporting. These departments use these types of post to educate the public as to why an officer did what he did. They also take these opportunities to humanize their officers. Social media is allowing these agencies to take responsibility for their actions and provide the public with a clear who, what, when, where, and why (Sinek, 2018). While most men and women in law enforcement do not like to “toot their own horns”, the public likes to see the ‘human’ side of those who choose to ‘serve & protect’. When an award is bestowed, or an agency is recognized in some way, or one of the agency’s employees goes ‘above and beyond’, those achievements are shared as well. These types of stories usually generate lots of shares and positive feedback. When law enforcement personnel participate in community events, a point can be made to share those experiences with the agency’s followers. These types of posts demonstrate that officers who live in the community are as invested in the community as the people they serve. Any classes the agency offers, or public safety tips are also posted to get the public involved in what the agency has to offer.

Many agencies have assigned personnel who are solely responsible for posting and monitoring the agencies pages while others allow several different officers to post and update the agencies accounts (Kenyon, 2017). These assigned personnel should strive to be deliberate and consistent with every post ensuring and building upon the trust of the community they serve, improving morale within the department and promoting a positive working culture within the department

Social Media used for Pubic Outreach

There is no shortage of examples of social media challenges faced by law enforcement agencies throughout the United States, but fortunately there are ways to use it for public outreach. As law enforcement has become more impacted by social media, many have sought ways to utilize it as an asset instead of treating it as unavoidable. In 2014, commanders of the Dallas Police Department, led by Chief David Brown, emphasized using technology to fight crime and announced three initiatives: getting officers on Twitter and running a new website and a Pinterest page (Hallman, 2014). Social media has proved to be effective for many agencies who have chosen to use it as a tool for public relations, investigations, and recruiting. After the Oklahoma City Police Department launched a recruiting campaign via social media in 2014, Mst. Sgt. Mike Davis was quoted as saying “It just fits with the times. They tweet, they Facebook, they Shapchat, they do every kind of social media that’s out there” (Edwards, 2014).

The law enforcement agencies who have embraced the potential positive effects of social media have been able to use it as an effective public outreach tool. These positive effects run parallel to the community-policing model for today’s law enforcement. Porcelli (2016) stated,

These feel-good “air game” public relations–focused communications are important, as they humanize departments and help positively shape public perception. The question then becomes, is there a role social media can play to help neighborhood-based community policing officers inform, educate, and activate the residents with whom they are charged to protect and serve? The answer is yes!” (cops.usdoj.gov, The e-newsletter of the COPS Office | Volume 9 | Issue 5 | May 2016).

As more and more law enforcement agencies seek ways to interact with communities during times of normalcy, outreach through social media can be used as a very effective tool. In

fact, many agencies have made it a priority to grow their social media exposure and have even set goals to increase their following. These agencies understand how social media can be used to humanize their officers and explain challenges faced by law enforcement when conducting their duties. In 2016, new Laguna Beach Police Department Chief Laura Farinella made building a social media presence a priority for her department in order to “showcase its identity and tell stories of the people behind the badge” (Ritchie, 2018). Facebook, Twitter, agency websites, and other social media platforms allow agencies to put out the positive message they want, and in turn, control the narrative to the public. The people of their communities can now interact with law enforcement from the comfort of their home or on their smartphone instead of having face to face interaction with an officer.

Many law enforcement agencies may find it difficult to implement a public outreach strategy and policy to use social media as a tool to help inform, educate, and activate the people of their communities. This difficulty can be caused by a lack of resources, a lack of personnel, or a lack of technical knowledge. With that stated, law enforcement leaders must understand the connected world is creating an environment where their agencies are expected to be connected to their communities through social media. Before an agency can implement a policy to use social media, leaders must be willing to create a vision for how they want it to be used and then effectively communicate their desires to their personnel. They must then create a culture in their agencies where everyone understands why they must embrace social media and allow their personnel to find creative and innovative ways to work towards the common goal of creating positive public outreach.

Social Media used as an Investigative Tool

As the social media craze has blossomed over the years, law enforcement has increasingly realized the benefits of utilizing social media as an investigative tool for helping to solve both past crimes and crimes that have recently occurred. Targets of investigations are posting more information online and they are doing it voluntarily. If the investigator accesses the target's account with permission from the target, or an acquaintance of the individual under investigation makes the information from the target available to law enforcement, there is no reasonable expectation to privacy or illegal search issues. In some instances, social media has also taken the place of law enforcement officers having to do surveillance. The association of two or more people no longer has to be witnessed and photographed by investigators. Criminals often post these photographs of interest to investigators on their websites and share them with family and friends. The association between these people are often being documented for law enforcement well before we are aware of the need. At times the targets of the investigation post photos of themselves at the crime scene, with the fruits of the crime, and with others who they committed the crime with (Cohen, 2010).

As of 2012, 80% of law enforcement officers admitted to using social media as an investigative tool and at least ½ claimed to access social media once a week on cases they were actively investigating. As more and more people take to social media, an increasing amount of criminals are also using social media to commit crimes, brag about their crimes, and to memorialize events or occurrences that can be utilized in obtaining probable cause. By capturing metadata, photographs with geolocation, and check-ins at places, criminals cannot later deny having been there (Hughes, 2015).

In addition to being an investigative tool, using social media can also assist with manpower issues. The law enforcement agencies with the fewest number of officers are utilizing

social media in their investigations the most. One or two people can conduct an electronic canvassing of the area that would take numerous bodies to complete. Because there are no laws against misrepresenting oneself on social media, law enforcement agencies can establish one or more fabricated accounts under the pretense of being someone they are not. For example, a middle aged male law enforcement officer can create a Facebook account where he claims to be a thirteen-year-old female in an attempt to arrest pedophiles, or a twenty-year-old female hoping to friend young males suspected of criminal activity can obtain valuable information about them by gaining their confidence (Lally, 2017).

We are all familiar with the old style WANTED posters of suspected criminals who had avoided capture for extended periods. In the 1960's these posters were most commonly seen hanging in our local Post Offices (Cohen, 2010). Social media allows us to create the modern digital version by posting a clear color photograph of the individual with his/her real name, any monikers used by the individual and extensive information can be included as needed at no cost. Law enforcement can even post more than one photograph if there is reason to believe the individual recently changed his or her looks. Social media allows for digital editing, again at little or no cost (Cohen, 2010).

On the outside chance that none of the individuals who committed the crime have social media, interest and information is often generated on social media sites by others posting comments about the crime and by news reports of the crime. People post information often thinking that their post are anonymous, or they will never be tracked back to them. They are emboldened by not having people in the room with them and thus thinking there are no witnesses. Social media has also been useful in detecting crimes that are about to be committed

or are being committed in real time allowing law enforcement to thwart the crime or respond to it before it has been reported (Bires, 2017).

There are websites that allow law enforcement to identify individuals with just partial information available to the investigator. Law enforcement can use Twitter to monitor chatter in a certain area or at a certain event where they may have reason to believe there will be trouble. For example, law enforcement can access twitter and insert all appropriate hash tags at a concert or parade and read all post in the area just by putting the longitude and latitude coordinates into the Twitter site. All conversations about the concerned topic cannot only be read, but they can also be memorialized and the persons making the post are identified, along with their locations. It is that same sense of anonymity that has allowed people with information to provide that information about crimes to law enforcement without ever having to give their name or address. Some law enforcement agencies have established sites that allow people to contribute such information through web chat, texting their tips, and utilizing secure media publishing sites, all set-up to keep the contributor of such information anonymous. Facebook and other sites can be utilized in similar ways (Cohen, 2010).

Law enforcement is for the most part trusted by the public in the manner it has utilized social media as an investigative tool; however, there are those critics who believe law enforcement is simply an arm of the government that wants to continually track all of its citizens and eliminate all reasonable expectations of privacy (Turley, 2017). In order to maintain a predominately pro-law enforcement public opinion of the use of social media by our investigators, we must ensure our personnel continue to utilize it responsibly. It is imperative that our investigators not abuse this investigative tool in order to maintain the trust the public. For this reason, we must regulate the use of social media by our investigators who must

understand it should not be used to achieve revenge, inflict hardship, or allow them to misrepresent themselves for personal reasons.

Regulation of How Social Media can be used by Agency Personnel

Social media is helping change many aspects of law enforcement, from investigation tools to community awareness. Another issue that agencies are facing is officers posting to personal social media outlets in an unprofessional manner that is causing disgrace to the agency and to the officer. Most agencies are creating policies regarding what their officers are allowed to post to social media. Agencies across the country have a statement in their policy addressing conduct and standards. Example would be all employees are required to exhibit the highest level of character, honor, and personal responsibility to their agency.

Social media poses a new and challenging issue for agencies, managing risk and liability issues with officer's personal social media accounts is one of those challenges. Creating a policy governing social media and enforcing those policies is needed, but the obstacle is the first amendment. As Americans, we have the right to speak our minds and say what we want to say, but as an employee of a law enforcement agency we are required to have a high level of character and have a personal responsibility to the agency and the community.

So, what does the law of the land say about officers posting on social media? In December 2016, the Fourth Circuit Court of Appeals ruled on two officers' First Amendment challenge to their department's social media policy and subsequent disciplinary actions taken against them (Brocklin, 2017). The officers posted negative comments off-duty complaining

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about rookies with insufficient experience being promoted and the lack of leadership that fostered these decisions. On the chief's orders, the two officers were disciplined for violating a provision of the department's social media policy which stated, "Negative comments on the internal operations of the Bureau, or specific conduct of supervisors or peers that impacts the public's perception of the department is not protected by the First Amendment free speech clause..." (Brocklin, 2017). The court ruled this provision was an unconstitutionally overbroad prior restraint on protected speech -- describing it as "a virtual blanket prohibition on all speech critical of the government" that could encompass protected speech about matters of "public concern" such as whether the department enforced the law effectively and fairly and whether its procedures and tactics best protected and served the community. But the court concluded this language did not salvage the unconstitutional overbreadth of the social media policy taken as a whole. Accordingly, the department's social media policy could not be used as a management or disciplinary mechanism. (Brocklin, 2017). Yes, these officers had the right to express their opinion and it was protected under the first amendment, but keeping a high moral compass and maintaining ones' oath and character should come before posting unprofessionally.

Another court decisions on disciplining public employees for speech is:

Nixon v. City of Houston (Fifth Circuit 2007)-The Fifth Circuit concluded Nixon's speech was about matters of public concern and was made as a private citizen since it wasn't approved by the HPD nor part of his duties. The court next balanced Nixon's interest in the speech against the HPD's interest in positive working relations with the community and ruled in favor of the HPD.

The main point; when courts rule on a public employer's disciplinary action against a specific incident of a public employee's speech for purposes of First Amendment protection, the public employee must establish the speech:

1. Addressed a public concern, and;
2. Was made by the employee as a private citizen.

Even if the employee prevails on one and two listed above, the court must still balance the employee's interest in the speech against the agency's interest in accomplishing its mission. Given law enforcement's critical mission and the need for discipline, order, and community trust and cooperation to accomplish the mission – this three-prong test is a high hurdle for public employees to overcome (Brocklin, 2017).

So, what can we do as leaders to protect the agency and the employees from risk and liability? We can look to our attorneys for advice in helping set up a policy and we can look to the U.S. Military for direction.

Lauri Stevens with Lexisnexis.com says that social media communications policy should have three main areas. They are 1) on-duty or department authorized use of social media. 2) Personal use of social media and 3) Third-party considerations.

Her points for the personal use of social media are:

- Freedom of expression – Employees are free to express themselves as citizens with a few exceptions.
- Authority – Refrain from divulging information gained by reason of authority.

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- Undercover intentions – Personnel who may work undercover may not be allowed to if they've posted photos of themselves in social media.
- Post bad-behavior – posting evidence of themselves acting badly on or off-duty could negatively affect careers.
- Causing disrepute – employees should not post anything that would malign, embarrass or cause disrepute to the department.
- Department trademark – Employees should be encouraged not to post department images (uniformed personnel, logos, cruisers) for reasons of officer safety as well as trademark protection.
- Officer safety and career integrity – remind officers to be mindful of implication on one's career.
- Prohibited speech – Any speech that could undermine or impeach an employee's testimony in criminal and civil proceedings.
- Monitoring – employees should be reminded that much of what they post is publicly viewable and will be periodically monitored by the department without notice (Stevens, 2015).

The United States Army sends a message of “Think, Type, Post”. Think about what message is being communicated and who could potentially view it. Type messages that are consistent with our U.S. Army values and Post if the message demonstrates dignity and respect for self and others. The army also follows up their policy with action if violated. Army Regulation 600-20 authorizes commanders to punish Soldiers who are in violation of its direction, making failure to adhere to the Army's rules for online behavior a punishable offense under the UCMJ (Soldiers and Families, n.d.).

As law enforcement we can adopt some of the military's policy, but we must still adhere to the first amendment of the US constitution. We need to rely on training and creating our own policies that will reduce risk and liability for the agency. In the end it is up to the individual officer to make good decisions using emotional intelligence and display character that represents themselves and the agency in a positive way.

Leaders and Individual Responsibilities

The utilization of social media for a variety of topics by more than 3 billion individuals daily gives cause for law enforcement to adapt and adjust how they communicate effectively with the public. Everyone must understand the power of social media and know why it is necessary for them to conduct themselves in a manner that portrays their agencies in a positive light. Leadership plays a pivotal role in this responsibility. When leaders are knowledgeable of how social media is used by the public and their agency, they can then have open discussions with their subordinates on the positives and negatives of its usage. They must listen to the feedback of their teams and ensure everyone understands how to conduct themselves. Leaders must inform their subordinates to conduct a self-assessment, identify who they are, and practice the use of emotional intelligence.

Although the public will post positive and negative statements about law enforcement and politics on social media, employees must refrain from retaliation on anything they see as harmful. Employees must control their emotions before responding because the power of the tongue can affect employee and agencies credibility. Once the context leaves the individuals mouth, there is no way to take it back except for taking ownership and accountability for their actions (Roberson, 2018). There were several incidents whereby law enforcement employees

have posted inappropriate photographs and content on social media and found themselves in disciplinary actions situations due to social media policies in place. For instance, law enforcement employees have posted comments with racial slurs, comments that offended other genders, photographs of themselves in uniform acting like they are doing drugs, etc.

Defense attorneys can discredit a law enforcement employee on the stand because of present and previous inappropriate posting on social media (Link, 2017). For example, the posting of confidential information dealing with a case such as photographs of evidence that never went to trial can affect the case and possibly result in a mistrial. Law enforcement agencies and employees work hard for years to gain creditability and a simple post on social media can affect one's credibility (Link, 2017).

Social media is a good source for law enforcement agencies to use for communication, but there are risks involved. Leaders can create policies to protect the reputation of their agencies and minimize the inherent risks which might come as a result of inappropriate photographs, profile names, text messages, and videos. If possible, agencies should appoint a qualified employee to be a social media manager to handle specific core functions.

The social media manager should hold training on current issues, the hazards of social media, and self-protection is essential. Technology is constantly changing, and training should be conducted at least once a year. When technology changes the manager should update the policies and inform the agency employees through e-mails, memoranda, and training (Waters, 2012). Social media managers must correlate with the judges to obtain a petition to delete agency employees' personal data from social networking sites to protect them from criminals

gaining their personal information such as home addresses. When the websites are provided with the petition, then most websites will delete the personal information (Waters, 2012).

It is essential that all executive staff collaborate with each other to develop a social media policy design to assist employees on the proper use of social media. Leaders must explain to their subordinates the reason and intent for the policy. When all employees embrace the plan, social media will be a great tool for an agency to use to effectively communicate with their community.

Conclusions and Recommendations

In order to implement the goals outlined in this case study, Law enforcement leaders must be willing to implement social media regulation for their agencies in addition to using it as an investigative tool. Additionally, they must recognize the need for buy-in from their personnel and help them to understand why standard operating guidelines (SOG's) are necessary to protect them and the organization from criminal and civil action. It is also imperative they recognize this need in order for the organization continue to be viewed as professional.

Law enforcement leaders should always be willing to adapt and use all available tools to improve their agency's efficiency and the safety of those they command, and the citizens they serve. Social media has become an enormous part of today's society with people using social media to learn, communicate, and share their lives. Law enforcement leaders and their employers should be intimately familiar with the different social media platforms and use them to their benefit. If used correctly, social media can become an invaluable tool in solving crimes, saving lives, and sharing the agency's vision with the community.

The following recommendations are examples of how an agency can implement an effective social media policy.

First, it is necessary to form a team of nine individuals comprised of at least one detective who investigates crimes utilizing social media, one person of the rank of lieutenant from patrol, a member of the staff, one millennial each from corrections, clerical staff, and patrol, a sergeant from investigations, an investigator from any division chosen by the head of the agency, and a member selected by human resources (HR). All individuals will be selected by consensus of their peers, if not specifically noted otherwise.

Secondly, the team will formulate the actual SOG, subject to the approval of the head of the agency. The SOG must identify the current acceptable personal uses and should be flexible enough to allow future applications. Said SOG also needs to identify both professional and personal conduct, that is not acceptable as it could expose the organization and/or its employees to civil and/or criminal repercussions, or could result in either group being seen in an unprofessional light. This SOG should be developed without infringing on the otherwise free speech of each individual. Recognizing that employees should be given more freedom when acting solely as an individual private citizen with no connection to the organization should be included as part of the SOG.

The third responsibility of the team will be to progress through the task of developing the policy with specific deadlines for goals to be reached as established by the agency head, or his/her designee.

Lastly, the team will develop a way to implement the plan through education and training, and will also recommend the disciplinary action to be taken for violations of the social media SOG.

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