



<p>Using Social Networks for Investigative Purpose</p>	<p>Related Policies: 1. Confidential Informants, 2. Bias -Based Policing, 3. Stop, Arrest, and Search of Persons, 4. Search and Seizure of Residences, 5. Motor Vehicle Stops and Searches, 6. Internet Postings and Social Networking 7. Hiring Practices</p>
<p><i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i></p>	
<p>Applicable Arkansas Statutes:</p>	
<p>CALEA Standard:</p>	
<p>Date Implemented:</p>	<p>Review Date:</p>

I. Purpose: The purpose of this policy is to establish guidelines for the use of social media in pre-employment background investigations, crime analysis, criminal intelligence development, and criminal investigations.

Social media may be used for community outreach events such as providing crime prevention tips, providing crime maps, and soliciting tips about unsolved crimes. Social media may also be used to make time sensitive notifications regarding special events, weather emergencies, or missing or endangered persons.

Social media is also a valuable investigative tool used to detect and prevent criminal activity. When conducting criminal investigations employees must adhere to this policy to protect individuals’ privacy, civil rights, and civil liberties and to prevent employee misconduct.

II. Policy: It is the policy of this Department to conduct criminal investigations for the purposes of preventing and solving crime in a manner that safeguards the constitutional protections of all persons.

III. Definitions:

A. Criminal Intelligence Information: Data which has been evaluated and determined to be relevant to the identification of criminal activity engaged in by individuals who, or organizations which, are reasonably suspected of involvement in criminal activity.

B. Crime Analysis and Situational Assessment Reports: Analytic activities that enable department personnel to identify and understand trends, causes, and potential indicia of criminal activity, including terrorism.

- C. Online Alias:** An online identity such as name, date of birth and photograph, differing from the employee’s actual identifiers, used by a member of this department on a nongovernmental Internet Protocol address. Online alias may be used to monitor activity on social media websites or to engage in authorized online undercover activity.
- D. Online Undercover Activity:** The utilization of an online alias to engage in interactions with a person via social media sites that may or may not be in the public domain (i.e. “friending a person on Facebook”).
- E. Public Domain:** Any Internet resource that is open and available to anyone.
- F. Social Media:** A category of Internet-based resources that integrate user-generated content and user participation.
- G. Social Media Websites:** Sites that focus on building online communities of people who share interests and activities and/or exploring the interests and activities of others. Social media websites are further categorized by Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, Twitter, etc.)
- H. Valid Law Enforcement Purpose:** A purpose for information/intelligence gathering development, or collection, use, retention, or sharing that furthers the authorized functions and activities of a law enforcement department, which may include the prevention of crime, conducting criminal investigations, ensuring the safety of the public, furthering officer safety, and homeland security.

IV. Procedure:

- A.** Regarding investigations: employees, as an official of the department, will only utilize social media to seek or retain information that:
 - a.** Will assist the department in conducting criminal investigations, and solving reported crime; or
 - b.** Is based upon reasonable suspicion that an identifiable individual, or organization has committed an identifiable criminal offense or is involved in or is planning criminal conduct or activity that presents a threat to any individual, the community, or the nation and the information is relevant to the criminal conduct or activity; or
 - c.** Is relevant to the investigation and prosecution of suspected criminal incidents; the enforcement of sanctions, orders, or sentences; or the prevention of crime; or
 - d.** Is relevant to pre-employment background investigations; or
 - e.** Will assist this department to identify and understand trends, causes, and potential indicia of criminal activity, terrorism, civil disturbances
- B.** The utilization of a department created online alias or social media monitoring tool will only be used for official business. The use of a department created online alias or social media monitoring tool for personal use is prohibited and considered employee misconduct.
- C.** This department will not utilize social media to seek or retain information about:

- a. Individuals or organizations solely on the basis of their religious, political, social views or activities; or
- b. An individual's participation in a particular non-criminal organization or lawful event; or
- c. An individual's race, ethnicity, citizenship, place of origin, disability, gender, age or sexual orientation unless such information is relevant to the individual's criminal conduct or activity or if required to identify the individual; or
- d. An individual's age other than to determine if someone is a minor.

D. Authorization to access social media websites:

- a. **Public Domain:** No authorization is necessary for general research, topical information or other law enforcement uses that do not require the acquisition of an online alias.
- b. **Authorization for an online alias:**
 - a. No online alias will be used by any member of this department without the written authorization of the Chief of Police or their designee.
 - b. Only sworn members of this department are authorized to submit a request to create an online alias.
 - c. The request to create an online alias will be submitted to the officer's supervisor who will determine whether an online alias would serve a valid law enforcement purpose. The supervisor will either deny the request or approve the request and forward the request up the chain of command for final approval or denial.
 - d. The supervisor must maintain the requests for online alias and their status (approved/denied) for two years from the date of deactivation of the online alias.
- c. **The request for an online alias must contain the following information:**
 - a. Purpose for the request (i.e. type of investigative activity);
 - b. Username;
 - c. Identifiers and pedigree to be utilized for the online alias, such as email address, username and date of birth.
 - d. Photograph to be used with online alias, if applicable.
 - i. State the purpose for which the photograph is being used
 - ii. State the source of the photograph and how it was obtained
 - iii. Attach a copy of the photograph
 - e. Officers with an approved online alias may use their online alias to make false representations in concealment of personal identity in order to establish social media accounts (i.e. a Facebook account). The establishment of a social media account with an approved online alias must be documented.
 - f. **The use of identifying information belonging to any person in constructing an online alias without their express written permission is strictly prohibited by this policy.**

- g. It is a violation of this policy to use a photograph, name, address, date of birth, social security number, or other means of identification that collectively belongs to another person and establishes that person's identity without their written consent.**
- h. The use of an existing photograph which has been digitally altered (ex. by means of photo shop) so as to render the identity of the person as unidentifiable, is not prohibited by this policy.
- i. The mere authorization to create an online alias does not grant the officer the authorization to conduct online undercover investigations. Each online undercover investigation using the approved alias must be approved by the supervisor.

d. Authorization for Online Undercover Activity:

- a. An officer who has an authorized online alias may also request authorization to engage in online undercover activity.
- b. Online undercover activity occurs when the officer utilizing the online alias interacts with a person via social media. Online undercover operations will only be utilized when there is reasonable suspicion to believe that criminal offenses have been, will be, or are being committed (e.g. internet chat rooms where child exploitation occurs) or to further criminal investigations assigned to the officer.
- c. The request to engage in online undercover activity must contain the following information:
 - 1. Online alias(es) to be used in the online undercover activity;
 - 2. Social media accounts utilized;
 - 3. Valid law enforcement purpose
- d. The supervisor must evaluate the request to determine whether online undercover activity is appropriate. If the request is approved, the authorization must be maintained in the file containing the record of the online undercover activity.
- e. In situations involving exigent circumstances, the supervisor may provide verbal authorization for online undercover activity. The supervisor shall provide written documentation of the request, the exigent circumstances, and the circumstances of the verbal authorization as soon as practical.
- f. A record will be maintained of all online undercover activity.
- g. All approved online undercover activity requests will be reviewed monthly by the supervisor to ensure continued need for the online undercover activity. Approved online undercover activity that does not provide information regarding a valid law enforcement purpose within thirty (30) days will be discontinued.
- h. A summary will be placed in the file indicating the date of termination of the online undercover activity.
- i. The online alias may be maintained if it is anticipated that it will be utilized again.

E. Source Reliability:

- a. Information developed from social media sites should be corroborated using traditional investigative tools including interviews, verification of address, verification of internet protocol address information, or other lawful means.

F. Documentation and retention of investigative information, files, documents:

- a. All information obtained from social media websites shall be placed within a case file, suspicious activity report, or intelligence report. At no time should personnel maintain any social media files outside of these authorized files.
- b. It is critical to evidence preservation that the investigating officer be aware that information on the internet can be changed or deleted at any time. Therefore, it is vital that evidence be seized and secured at the time it is discovered. Officers shall act to preserve and maintain proper custody of images, texts, photographs, or other potential evidence. Information identified as criminal in nature that is obtained in the course of an investigation from a social media site will be collected and retained using screen shots, photographs, printouts of chat logs, copying Uniform Resource Locators (URL's) for subpoena or investigatory purposes, or storing the information via secure digital means. When possible, employees will utilize investigative computer systems and software intended to record data from social media sites.

G. Personal equipment and personal social media websites and passwords.

- a. The use of employee's personal or family internet accounts, social media, or internet service for official department business is prohibited. All investigative activities shall be conducted while on duty and with department-authorized equipment.

H. Off Duty Activity:

- a. An employee who becomes aware of potential criminal activity via the Internet while off duty shall contact their supervisor if the activity involves a minor child or exigent circumstances to determine the best course of action.
- b. As soon as practical, following awareness of the potential criminal activity, the employee should prepare detailed notes to document a complete description of the information observed and specifics as to the events that occurred or action taken.
- c. Employees shall act to preserve and maintain proper custody of images, texts, photographs, or other potential evidence.

I. Employment Background Investigations: The purposes of cyber-vetting are to verify information provided by a candidate at various stages of the application process, to identify candidates who have posted material that indicates involvement in or association with criminal activity, and to identify candidates whose online behavior is contrary to the law enforcement mission.

- a. As part of the department's employment background process, employees will conduct a search of social media websites and profiles **in the public domain** regarding the applicant. Applicants will be notified that this search will be conducted.
- b. **No member of this department shall require, request, suggest, or cause a prospective employee to:**

- i. Disclose his or her username and password to the prospective employee's social media account;
 - ii. Add an employee, supervisor, or administrator to the list or contacts associated with his or her social media account; or
 - iii. Change the privacy settings associated with his or her social media account.
 - iv. Nothing in this policy prohibits the department from viewing information about a prospective employee that is publicly available on the Internet.
- c. Only criminal comments or images will be collected as part of the background investigatory process. Employees will not collect or maintain information about the political, religious, or social views, associations or activities of any individual or any group unless such information directly relates to criminal conduct or activity.

J. Sanctions for Misuse:

- a. Any employee who violates the provisions of this directive will be subject to disciplinary action.

K. Audits and Inspections:

- a. This department will conduct audits and inspections of the departmental systems utilized for conducting online investigations with an emphasis on undercover and alias investigations.
- b. The process of the inspection/audit shall respect the dignity of all department personnel and be conducted in a professional manner.
- c. Each audit/inspection report that identified a deficiency or area of concern shall result in a follow-up audit/inspection within one month of the discovery of the deficiency.
- d. All reports of audit/inspections shall be maintained in a secure location for a minimum of five (5) years or longer where required by state law.
- e. The Chief of Police will review this directive at least annually and direct the updating of the policy and procedures as necessary.