



**Division of State Patrol  
Policy and Procedure**

Number  
**5-13**

Subject <b>SOCIAL MEDIA</b>	
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**I. POLICY**

It is the policy of the Division of State Patrol (DSP) to endorse the secure use of social media to enhance communication, training, collaboration, recruiting, training, and information exchange; streamline processes; and foster productivity. This policy establishes the Division’s position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

**II. BACKGROUND**

Social media provides a valuable means of assisting the DSP and its personnel in meeting training needs, recruiting and community outreach, problem-solving, investigative, crime prevention, training, and other related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The DSP also recognizes the role that these tools play in the personal lives of Division personnel. The personal use of social media can have bearing on DSP personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by DSP personnel.

**III. DEFINITIONS**

- A. **Blog** – a self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “web log.”
- B. **Page** – the specific portion of a social media website where content is displayed and managed by an individual or individuals with site administrator rights.

- C. **Post** – content an individual shares on a social media site or the act of publishing content on a site.
- D. **Profile** – information that a user provides about himself or herself on a social networking site.
- 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 networking sites (Facebook, Google+, Pinterest, etc.), microblogging sites (Twitter, Foursquare, Nixle, etc.), photo and video sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).
- F. **Social Networks** – online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- G. **Speech** – expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videos, or related forms of communication.
- H. **Web 2.0** – describes World Wide Web sites that emphasize user-generated content, usability and interoperability. Allows users to interact and collaborate with each other in a social media dialogue as creators of user-generated content in a virtual community. The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages.
- I. **Wiki** – web page(s) that can be edited collaboratively.

#### IV. ON-THE-JOB USE

- A. Division of State Patrol-Sanctioned Presence
  - 1. Determine a Strategy
    - a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
    - b. Where possible, the page(s) should link to the DSP's official website.
    - c. Social media page(s) shall be designed for the target audience(s) such as youth or potential law enforcement recruits.

2. Procedures
  - a. All new DSP social media sites or pages shall follow the process to set up social media accounts as addressed in TAM section COM 105. This process will consist of the following:
    - 1) Division users identify and analyze a business need for a Wisconsin Department of Transportation (WisDOT) social media site.
    - 2) Users submit [Request for a WisDOT-sponsored Social Media Site \(DT1273\)](#) form together with the [Request for Restricted Internet Site Access \(DT1066\)](#) form (identifies staff needing access to the WisDOT-sponsored site).
    - 3) The Office of Public Affairs approves the *Request for a WisDOT-sponsored Social Media* site and forwards copies of both the forms to the Division of Business Management (DBM) Bureau of Human Resource Services (BHRS).
    - 4) BHRS authorizes Bureau of Information Technology Services (BITS) to unblock sites to allow Division user access to social media sites.
    - 5) BHRS returns copies of the approval forms to the BITS Web Content Group which then provides assistance to Division users to establish social media accounts (accounts may be established by a contracted vendor operating under the direction of WisDOT staff).
    - 6) Ongoing monitoring, maintenance and administration of social media sites are handled according to specified roles and responsibilities described in TAM section COM 105.
  - b. Where possible, social media pages will clearly indicate they are maintained by the DSP and shall have DSP contact information prominently displayed.
  - c. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
    - 1) Content is subject to public records laws. Relevant records retention schedules apply to social media content.
    - 2) Content must be managed, stored, and retrieved to comply with open records laws, e-discovery laws and policies.

- d. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the DOT, DSP, or any of its agents.
  - 1) Pages shall clearly indicate that posted comments will be monitored and that the DSP reserves the right to remove obscenities, off-topic comments, and personal attacks.
  - 2) Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
3. Division of State Patrol-Sanctioned Use
  - a. DSP personnel representing the Division via social media outlets shall do the following:
    - 1) Conduct themselves at all times as representatives of the DSP and shall adhere to all DSP standards of conduct, policies, and observe conventionally accepted protocols and proper decorum.
    - 2) Identify themselves as a member of the Division of State Patrol.
    - 3) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to DSP training, activities, or work-related assignments without express written permission from a DSP supervisor.
    - 4) Not conduct political activities or private business.
  - b. The use of DSP computers by Division personnel to access social media is prohibited without supervisory authorization.
  - c. Division personnel use of personally-owned devices to manage the DSP's social media activities or in the course of official duties is prohibited without express written permission from a supervisor.
  - d. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

## B. Potential Uses

1. Social media is a valuable investigative tool when seeking evidence or information about:
  - a. Missing persons
  - b. Wanted persons
  - c. Gang participation
  - d. Crimes perpetrated online (i.e., cyber bullying, cyber stalking)
  - e. Photos or videos of a crime posted by a participant or observer
  - f. Crash investigation
2. Social media can be used for community outreach and engagement by:
  - a. Providing highway safety tips
  - b. Providing crime prevention tips
  - c. Offering online-reporting opportunities
  - d. Sharing crash data, crime maps, and related data
  - e. Soliciting tips about unsolved crimes, traffic issues, or on-going violations
3. Social media can be used to make time-sensitive notifications related to:
  - a. Road closures
  - b. Special events
  - c. Weather emergencies
  - d. Missing or endangered persons
4. Persons seeking employment and volunteer positions use the Internet to search for opportunities. Social media can be a valuable recruitment mechanism.
5. The Division of State Patrol has an obligation to include Internet-based content when conducting background investigations of job candidates. These

checks shall only be conducted by assigned Division background investigators.

6. Persons authorized to search Internet-based content should be deemed as holding a sensitive position.
7. Search methods shall not involve techniques that are a violation of existing law and/or not in accordance of WisDOT/DSP policy.
8. Vetting techniques shall be applied uniformly to all candidates.
9. Every effort must be made to validate Internet-based information considered during the hiring process.

## V. PERSONAL USE

### A. Precautions and Prohibitions

1. Barring state law or binding employment contracts to the contrary, DSP personnel shall abide by the following when using social media:
  - a. DSP 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 the DSP 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 DSP.
  - b. As public employees, DSP personnel are cautioned that speech on- or off-duty, made pursuant to their official duties—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 Division of State Patrol. DSP personnel should assume that their speech and related activity on social media sites will reflect upon themselves and the Division.
  - c. DSP personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Region Commander or his/her designee.
  - d. For safety and security reasons, DSP personnel are cautioned not to disclose their employment with the Division of State Patrol nor shall they post information pertaining to any other member of the Division without their permission. As such, DSP personnel are cautioned not to do the following:

- 1) Display Division of State Patrol logos, uniforms, license plates or similar identifying items on personal web pages.
  - 2) Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a sworn officer of the Division of State Patrol. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
- e. When using social media, DSP personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the DSP's code of conduct is required in the personal use of social media, texting, or other electronic means of communication including iPhones, iPads, or other devices. In particular, DSP personnel are prohibited from the following:
- 1) Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against gender, any race, any religion, or any protected class of individuals.
  - 2) Speech involving themselves or other Division personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
- f. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in court proceedings. DSP personnel thus sanctioned are subject to discipline up to and including termination of employment.
- g. DSP personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of the Division of State Patrol without express authorization from the Region Commander. This includes but is not limited to photographs, videos, or official reports.
- h. DSP personnel should be aware that they may be personally liable and subject to civil litigation for:
- 1) Publishing or posting false information that harms the reputation of another person, group, or organization (defamation).

- 2) Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person.
- 3) Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose.
- 4) Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner (copyright violations).
- 5) DSP personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
- 6) DSP personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public forum may be accessed by the Division of State Patrol at any time without prior notice.

## VI. REPORTING VIOLATIONS

Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy is encouraged to notify his or her supervisor immediately for follow-up action.

## VII. REFERENCES

IACP Social Media Concepts and Issues Paper, Sept. 2010  
WisDOT Work Rules, Ch IX, Employee Responsibilities and Personal Conduct  
DOA Internet Services Standards  
Wis. Stat 943.70 Computer Crime  
Wisconsin Open Records Law  
TAM: COM 105, Social Media  
TAM: FRM 101, Electronic Records Management Policy  
TAM: FRM 103, Public Records  
TAM: IT 101, general technology Use, Access and Security Policy  
*Brady v. Maryland*, 373 U.S. 83 (1963)  
*Giglio v. United States*, 405 U.S. 150 (1972)  
IACP survey paper, *Brady v. Maryland and Officer Credibility* (2008).  
*City of San Diego v. Roe*, 543 U.S. 77 (2004);  
*Dible v. City of Chandler*, 502 F.3d 1040 (9th Cir. 2007)