2-23-2023

Law Enforcement's Use of Social Media: It is more then just a post

Brad Litke
litkeb@csp.edu

Law Enforcement's Use of Social Media: It is more then just a post

Brad Litke

Concordia University - St. Paul

CJU 596: Criminal Justice Capstone

Diane Nelson and Nick Francis

February 24, 2023

Dedication

This capstone paper is dedicated to everyone (family, friends, and cohorts) that supported me during the past 18 months while I achieved my Master's Degree. Special consideration will always be given to the following people: Those in law enforcement who enjoy the job and give it their best every day. To the leaders, formal and informal, who are respected for their actions and know a leadership title does not make a leader. To those who I have used as inspiration over the years and never knew or probably will never know they did so.

Table of Contents

Abstract

Social media has become a preferred way to communicate for many and can be a look into the user's personal life. However, law enforcement also knows this. Law enforcement's use of social media for investigations has been proven to be effective in monitoring gatherings and helping to solve crimes. While legal, law enforcement also has an ethical responsibility to the community and have strong policies in place to prevent misuse of this tool.

This is not the only use of social media by law enforcement. Social media is also used to interact with the community. Reviewing the good and bad aspects of posting on social media helps build community support in a way to influence a positive reaction from the citizens. During a crisis law enforcement can send out press releases and provide information. To prepare for such an event the department should have plans that include pre-crisis, during crisis, and post-crisis. These plans will be used to provide information in a reliable fashion.

Keywords: law enforcement, social media, crisis, ethics, investigation, community

Chapter 1: Introduction

Communication dates back thousands of years before Christ (B.C.), when one of the earliest forms of communication was hieroglyphics. Through the years there have been significant improvements in communication from telephones to televisions and from newspapers to computers. Things changed drastically again for information and communication with the invention of the internet. The internet allows people to communicate from all around the world in a quick and effective manner. This led to one of the most significant advances in communication with the introduction of social media in the early 2000's. Since the inception of social media Facebook, Instagram, Twitter, or one of the many other social media sites usages has steadily been growing at rapid numbers.

Before social media and its use by law enforcement are examined, users must first determine what social media is. The 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" (Merriam-Webster, n.d.). The most common forms of social media are Facebook, Twitter, and YouTube. Although there is no specific data on how many law enforcement departments use social media, Facebook for example has 2.4 billion users, and other social media sites with over a billion users. There are approximately 7.7 billion individuals worldwide, with 3.5 billion online. This means that about 1/3 of the population uses social media (Ortiz-Ospina, 2018, para. 2). These numbers reflect the popularity of social media. Social media companies are more than just a way to communicate; they are also businesses that generate major revenue. Globally, social media companies made $153 billion in 2021. That number is expected to grow to $252 billion in 2026 (Zippia, 2022). Because of their big business status and privacy concerns

involving their users, they also have policies in place for providing information to law enforcement.

While social media platforms are changing and continually growing, according to a 2015 survey by the International Association of Chiefs of Police, 94% of responding agencies use Facebook, 71% use Twitter, and 40% use YouTube (Tiry et al., 2019, p. 7). Although there are no specific numbers available to show how many law enforcement departments use social media, it has become more widely used by departments in many ways. For some departments, it is used to deliver information to the public; for others, it is used as a form of community relations, and yet others use it for investigation purposes.

Information sharing on social media can be done through several different ways. A user can "post" information, although each platform may have their own term for a "post" such as a "tweet" on Twitter or share media and information. Since a user will be, at times, sharing intimate information regarding their life privacy is not only important to the social media company, but to the user as well. Most companies generally offer two types of privacy settings regarding social media accounts. An "open" profile means the account has few privacy controls. Therefore, anyone can view the comments, stories, photographs, and other information the user has posted. These would typically be the social media pages of businesses or promotions. The other is a "private" profile. This means the profile can only be accessed or viewed by individuals whom the user "friends" or the user allows to see it. The public cannot view the pictures, comments, stories, and other information the user has posted until they have accepted their "friend" request or approval. For the sake of this paper, the word "friend" or "friended" will be used as a term showing the user has approved an individual to view their profile. While the user will have difficulty arguing that an individual has a right to privacy if they have an "open"

account, concerns could arise when law enforcement accesses information within a "private" account.

Ethics and morals are important to individuals, and everyone has their own ethics and morals, which they believe are important. These ethics and morals are not universal and what some individuals would consider as ethically sound decisions, others may adamantly disagree with. The same is true when it comes to ethical decisions in law enforcement and criminal justice professionals. Most individuals agree criminal justice professionals should be held to a higher standard but what does this mean regarding law enforcement's ability to use social media as an investigative tool? Courts throughout the United States have ruled that law enforcement is legally able to use social media as an investigate tool, but is it ethical? And if so, what are the best practices/policies used with the use of social media by law enforcement as an investigative tool?

Examining the uses of social media as an investigative tool, the Supreme Court cases which have shaped laws throughout the country regarding the use, concerns of privacy groups, and ideas for adopting a social media policy will help law enforcement. Law enforcement has used social media as an investigative tool to monitor gatherings, identify criminal activity, and fictious accounts to pose as a friend to an individual thus gaining access to their information. This information has proven helpful to law enforcement in solving crimes and locating individuals.

While proven to be a legal way to obtain information, privacy groups have begun to take note of the use of social media as an investigative tool. Privacy groups, such as the American Civil Liberties Union, have valid concerns about the use of data/information law enforcement collects and what they are doing with it. These concerns were proven in multiple states when

law enforcement collected information and used social media as surveillance on minority groups more frequently, when compared to their white counterparts (Brennan Center for Justice, 2022).

One of the best ways for law enforcement to counteract some of the concerns of the community is to have strong policies in place. These policies should be crafted using best practices and with the rights of the individuals in mind. For departments that craft their own policies, resources such as the International Association of Chiefs of Police, have published recommendations for social media policies. Some departments across the United States have taken transparency one step further by posting their policies regarding the usage of social media on their department website for all to review.

Meta's, the parent company of Facebook and Instagram, has a policy that is provided as a reference to the protections users have under normal circumstances relating to their use of social media. Likewise, examples of policies in place from multiple law enforcement agencies are provided for policy reference as well, as are recommendations for policy writing, information the policy should contain, and other resources needed regarding this topic. While this remains a valuable tool for law enforcement, an individual can conclude a policy must be in place for transparency and to prevent misuse like they would for any investigate tool.

Law enforcement uses social media for more than an investigative tool. It can be used to build relationships with the community as well. Community-orientated policing is one of the many things law enforcement agencies focus on to build relationships with the community. In the past the "beat cops" would provide this type of interaction. Law enforcement walking the neighborhood or "beat" would interact with citizens, learn who they are, hear their feedback, and spend time with them. However, most cities do not have "beat cops", and citizens have limited interaction with law enforcement, sometimes in a negative light. This is where the benefits of

social media are highlighted. Social media allows law enforcement to interact with the public and community they serve through communication previously done by the beat cop. The difference is law enforcement can reach a larger population through social media and provide a forum for citizens to interact with law enforcement, hopefully helping to build trust.

With an understanding of the ethical and legal concerns regarding law enforcement's use of social media for investigations and the policies that should be in place, it is also important to understand law enforcement can use social media to positively impact the community. This could include posting photos of events around the city, such as high school graduation, posting pictures of the officers at the graduation posing with students, highlighting the work that is done around the community by its residents, and even showing support for local businesses.

However, adapting law enforcement's use of social media to the community can be a challenge. Law enforcement may find it is simply not as easy as posting information on the jurisdiction's social media page; it requires a working knowledge of social media's use and learning how to use it. Luckily, there are resources and articles provided for departments to review to determine what the is the best use for social media. The goal is unity between the department and the community. This can be achieved by posting information regarding local law enforcement and their activities within the community, including the human side of the officers within the department.

Law enforcement wants to have positive interactions with the public to build trust, which can be done through positive or lighthearted social media posts. Likewise, community trust could dimmish if the posts are negative or perceived to be negative. To understand this better, examples of both a positive and negative post from Wyoming Minnesota Police Department will be provided to help the reader understand the consequences of both. A cognitive behavior chain

will be used to further demonstrate the effects on the community and thought process of a social media post.

A cognitive behavior chain helps us to understand the situation, thoughts, feelings, actions, and consequences of an action. In this case, the situation would be a post on social media, the thought would be the mindset behind the social media message, the feelings are the emotions attached to it (such as funny, anger, sadness), and the action would include the posting of the message for the community to see, and the consequence would be the community reaction. Using this method helps to understand and evaluate the possible effect the department's social media messages may have on the community, which will better assist in using social media in a positive way.

Building a relationship with the community through social media will also assist during trying times. When a crisis hits a community, it may be too late for law enforcement to become familiar with social media and its uses. Citizens are looking for information, and local law enforcement should become a reliable source for that information. However, will that agency be prepared? Will they have the resources, policies, procedures, and proper plans in place to handle a large-scale event? It would be safe to assume most agencies have planned for a crisis regarding staffing and officer deployment, but have they planned for getting the necessary information to the public and media? This paper will examine the planning stages identified as: pre-crisis, crisis (during), and post-crisis.

Planning is essential to law enforcement and their response through social media during a crisis. This information should be replayed through a member of the law enforcement agency that has been designated by the department to be their spokesperson. This person should be knowledgeable of the situation (event), be trusted by the department, and have a good

understanding of the uses of social media. This allows law enforcement the opportunity to work through the problems, establish a process for relaying information, and determine where changes need to be made to become a better source of communication.

In a pre-crisis the law enforcement spokesperson should understand the best practices when using social media and have an established social media account the public knows how to access. During a crisis the law enforcement spokesperson will need to keep the public up to date on the investigation, provide accurate and timely information, correct inaccurate information, and meet with the administration, so all stakeholders know the message which is being relayed. Depending upon the nature of the crisis, the law enforcement spokesperson should provide resources/information and connect with the community. This may also provide a format for the community to be heard regarding their concerns. Post crisis should be a time to reflect on the situation as a whole and determine what changes need to be made for an effective release of information. Communication during a crisis can benefit the largest stakeholder for any law enforcement agency which is the public they serve.

This was seen during the 2013 Boston Marathon bombings in which Boston Police Department used social media as a platform to provide a wide variety of information. The Boston Police Department used social media to provide information regarding the bombings, suspect information, correct inaccurate information, and announce partnerships (Davis III et al., 2014). Boston Police Department was widely praised for their use of social media. At that time, social media was still something new that most departments were not using; however, presumably after this incident it caused other departments to take a deeper look into social media and its use during a crisis to provide information.

Clearly the popularity of social media has expanded since 2013, and so have the expectations of law enforcement to provide information. In an age where the community expects and, in some cases, demands information be readily available social media is a valuable option. Gone are the days when the community waited for information through press conferences or press releases. Information during a crisis cannot wait when time is important and so is the message from law enforcement.

Looking at social media through three different lenses (ethics/policies, community engagement, and crisis planning) will help to understand law enforcement's use of social media. The first lens we will look at is law enforcement's use of social media to investigate crimes and policies that should be in place, the second is community engagement, and the third is crisis planning, including pre-planning, during, and post-crisis. By looking at law enforcement's use of social media through multiple different lenses or better understood as aspects, a fuller picture can be developed regarding law enforcement's social media use.

Chapter 2: Three Lenses of Law Enforcement's Social Media Use

Law enforcement's use of social media is generally thought of by the public as law enforcement's ability to post stories to communicate with the community. However, many individuals do not think of it as a tool for law enforcement to use during investigations. Research into this topic produces many debates over the ethical use of social media as an investigative tool, which means the use of fictitious accounts by law enforcement, law enforcement's use of social media to monitor groups, track criminal activity and to investigate crimes.

Aside from notifying law enforcement regarding child sexual abuse material, commonly referred to as child pornography, social media platforms do not proactively work with law enforcement. Typically for information to be shared with law enforcement, a legal process in the form of a subpoena or search warrant is needed for information in non-emergency situations that do not involve an immediate threat to life or great bodily harm. For example, one of the larger social media companies, Meta (who owns both Facebook and Instagram), outlines what is needed legally to produce information for law enforcement:

We disclose account records solely in accordance with our terms of service and applicable law, including the federal Stored Communications Act ("SCA"), 18 U.S.C. Sections 2701-2712. Under the SCA:

- A valid subpoena issued in connection with an official criminal investigation is required to compel the disclosure of basic subscriber records (defined in 18 U.S.C. Section 2703(c)(2)), which may include: name, length of service, credit card information, email address(es), and any recent login/logout IP address(es), if available.

- A court order issued under 18 U.S.C. Section 2703(d) is required to compel the disclosure of certain records or other information pertaining to the account, not including contents of communications, which may include message headers and IP addresses, in addition to the basic subscriber records identified above.

- A search warrant issued under the procedures described in the Federal Rules of Criminal Procedure or equivalent state warrant procedures upon a showing of probable cause is required to compel the disclosure of the stored contents of any account, which may include messages, photos, comments, and location information.

It is important to note that some information we store is collected automatically, while other information is provided by the user. We do not require email or phone verification, and we do not require people to use real names or identities (Meta, n.d., para. 2).

       Meta's example is not the exact wording used by every company, but after reviewing other social media companies' requirement for law enforcement to obtain information they have the same or similar language regarding the requirements to provide information to law enforcement.

       Compared to other aspects of law enforcement, social media is a newer concept. However, some privacy issues have already been decided by the courts. In United States vs. Meregildo, the defendant Melvin Colon moved to suppress evidence seized from his Facebook account via a search warrant. The issue was not the search warrant, but the evidence used in the probable cause statement was argued as being illegally obtained and violating Colon's Fourth Amendment rights. Colon's Facebook page had a privacy setting that allowed only his "friends" to access to his photographs and messages. In this case, the government used a cooperating

witness, Colon's "friend", to access his Facebook information. This information was later used in a search warrant applied for law enforcement. The opinion of the courts, in this case, was that Colon did not have a reasonable expectation of privacy because Colon's expectation of privacy ended since his "friends" were free to use the information he posted however they wanted, which included sharing it with the government. Thus, the motion to suppress evidence was denied and could be used in the search warrant and against Colon (*United States v. Meregildo*, 2012).

While that case involved the government using a cooperating witness to view the Facebook profile, the courts have also ruled on using fictitious social media accounts used by law enforcement. In Everett vs. the State of Delaware, the court affirmed detectives could use a fake social media account to monitor a suspect and obtain information for prosecution and future search warrants. In Everett, the government made a fake Facebook account and "friended" Everett, thus accessing his photographs and account. In the court's opinion, cases from other jurisdictions suggest that a Facebook user does not have a reasonable expectation of privacy when they share information with their "friends," even if they are undercover law enforcement. In Everett, it was determined by the court that a detective's viewing of Everett's Facebook page did not violate his Fourth Amendment rights (*Everett vs. the State of Delaware*, 2018).

Rulings from other courts where law enforcement has "friended" a suspect through social media have been consistent with the ruling in Everett. In Commonwealth v. Carrasquillo, the Massachusetts Supreme Judicial Court ruled a criminal defendant lacked a reasonable expectation of privacy in an incriminating social media post he unwittingly shared with an undercover police officer, even though the defendants account was set to private (Embree, 2022, para. 1). United States v. Daniel Gatson had the same ruling as the previous two court cases ruling Gatson did not have a right to privacy when he "friended" law enforcement.

While the judicial system has ruled multiple times in favor of law enforcement on the use of law enforcement making fake or fictitious accounts to "friend" a suspect, which allowed them access to gain the information they would generally need a warrant to obtain, what are the ethical implications of law enforcement's use of this information? In Joycelyn Pollock's textbook, *Ethical Dilemmas and Decisions in Criminal Justice,* five steps were outlined when analyzing an ethical dilemma. The five steps are: identify the facts, identify relevant values and concepts, identify all possible difficulties, identify the most immediate moral and ethical issue facing the individual, and resolve the ethical or moral dilemma by using an ethical system or some other means of decision making. These steps will be outlined in more detail as follows:

- Identify the facts: make sure that one has all the facts that are known

- Identify relevant values and concepts: concepts are things that cannot be proven empirically but are relevant to the issue at hand

- Identify all possible dilemmas: identifying all possible dilemmas can help us see that sometimes one's own moral or ethical dilemma is caused by other's actions.

- Identify the most immediate moral or ethical issue facing the individual: this is always a better choice, not an option.

- Resolve the ethical or moral dilemma by using an ethical system or other means of decision-making (Pollock, 2022, p. 179).

First, the facts must be identified. Law enforcement uses social media to investigate crimes, stay current on crime trends, and monitor criminal activity. Social media use by law enforcement for investigative means is also legal. This means using social media to monitor public chats/posts as well as "friend" suspects and learn private information regarding that individual. Almost unanimously, courts have favored law enforcement when they use social

media to friend suspects, thus gaining access to information they may generally need a warrant to obtain, as seen in Everett vs. the State of Delaware (*Everett vs. the State of Delaware*, 2018) and can monitor social media for criminal behavior as seen in Commonwealth vs. Carrasquillo (Embree, 2022). This has caused concern for the American Civil Liberties Union (ACLU) and other watch groups regarding the information law enforcement collect.

Second, identify the values and concepts. Individuals could value legality, honesty, safety, protection, trust, and justice in this case. However, in identifying those values, we also have dilemmas. The significant difficulty we face in this instance is public trust. What is law enforcement doing with this information? Are there any restrictions or policies based on the department? Could it be used to track specific groups, races, or ethnicities? Are people safer when law enforcement does this? Is information being obtained on innocent parties or those not the subject of the investigation? The Department of Justice noted in an abstract of the article *Privacy and Police Undercover Work,* "Police undercover work involves the use of deception by a police agent that may result in the obtaining of information and evidence used to build a criminal case against those targeted by the undercover activity. The courts do not require a warrant before the police initiate an undercover assignment, nor is the obtaining of incriminating information and evidence of a crime considered a violation of privacy rights or search and seizure laws" (Schoeman, n.d., para. 2). As technology changes, so does law enforcement's approach. Could this simply be the modern era of undercover operations? These are all questions that arise from law enforcements use of social media for investigative purposes.

The most immediate moral or ethical issue regarding using social media for investigative means by law enforcement is whether law enforcement should be able to use social media to collect information on individuals. Utilitarianism believes that the morality of the action should

be determined by how much it contributes to the good of the majority (Pollock, 2022). Using this ethics theory, an individual would argue that law enforcement's use is ethically acceptable. Most people, maybe nearly everyone, will never be subject to law enforcement's use of social media to follow them, gain information, or friend them to access their profile. Additionally, law enforcement's primary use of social media is to solves crimes, locate people (sometimes in danger), and determine where resources may be needed to protect the public, thus benefiting the majority of the community they serve.

Utilitarianism is a teleological ethical system. The saying "ends justify the means" is a teleological ethical statement (Pollock, 2022). The association between the phrase "ends justify the means" and law enforcement is troubling. When using social media, a law enforcement officer may be exposed to the innocent lives of individuals, potentially investigate innocent people, and possibly monitor groups. While it helps in investigations, it also creates an environment where individuals could be spied at times for the benefit of society.

The Brennan Center for Justice has expressed concerns about law enforcement's use of social media. Social media has become a significant source of information for the United States law enforcement and intelligence agencies for purposes ranging from conducting investigations to screening travelers. This raises a host of civil rights and civil liberties concerns, which could include someone's social media presence that can reveal an astounding amount of personal information: beliefs, professional and private networks, health conditions, sexuality, and more.

With that in mind, this growing and largely unregulated use of social media by the government is rife with risks for freedom of speech, assembly, and religion, particularly for Black, Latino, and Muslim communities, who are already targeted the most by law enforcement and intelligence efforts. Many of the agencies currently conducting social media surveillance

today have a history of using this and other types of monitoring to target minorities and social

movements (Brennan Center for Justice, 2022, para. 2).

The Brennan Center's concerns were proven correct in Minnesota, where a recent

Department of Human Rights report investigated the social media practices of the Minneapolis

Police Department (MPD). The allegations include several details and anecdotes gathered from

MPD's covert social media accounts from January 2010 to December 2020. The report shows the

department did not track and surveil white individuals unrelated to criminal activity the same

way it did with black individuals (Ryan-Mosley, 2022, para. 2).

The ACLU of California reported that police departments targeted groups during the

protests that followed the Michael Brown and Freddie Gray killings, monitoring hashtags like

#BlackLivesMatter and #DontShoot. The ACLU of Massachusetts uncovered evidence of

prejudice in social media surveillance efforts by the Boston Police Department (BPD). Between

2014 and 2016, the BPD tracked keywords on Facebook and Twitter to identify terrorist threats.

Looking for "Islamist extremist terminology," the BPD targeted keywords including "ISIS" and

"Islamic State," but also phrases like #MuslimLivesMatter" and "ummah," the Arabic word for

the community (Bousquet, 2018, para. 7).

The concerns involving the impact on minorities in the community, which the Brennan

Center and the ACLU have expressed, are legitimate. A law enforcement agency should address

these concerns to ensure public trust. The Brennan Center for Justice also published a document

entitled "Civil Rights Concerns about Social Media Monitoring by Law Enforcement". The

Brennan Center argues monitoring tactics and law enforcement secrecy lead to civil rights and

civil liberties harms. They also provide six of the harmful impacts of social media surveillance

which are:

- Social media monitoring can have a chilling effect on First Amendment protected activities

- Social media monitoring disproportionately impacts communities of color and other marginalized communities

- Police are monitoring social media without the public's input or approval

- Suspicion-less monitoring of individuals threatens privacy and allows invasive and persistent tracking

- Fake accounts and other undercover law enforcement activity pose particular threats

- Social media can be highly context-dependent, raising the stakes when it is used for criminal justice purposes

This same document states that a recent survey revealed that 70% of responding departments used social media to gather intelligence, while a separate view of law enforcement agencies that use social media, fewer than 15% had publicly available polices. Brennan Center argues police are keeping track of public gatherings and political protests and could disseminate this information to other law enforcement agencies (Brennan Center for Justice, n.d.).

The "Policing Project" NYU School of Law promotes transparency with law enforcement. The Policing Project states regulation of fake accounts by law enforcement has been done by the social media platforms and not the courts. Facebook, for example, states that fake profiles are a violation of their community guidelines and claims to delete these profiles. Facebook sent Memphis Police Director Michael Rallings a letter on September 19th, 2018, demanding the agency "cease all activities on Facebook that involve the use of fake accounts or impersonation of others". A similar letter was sent to the Drug Enforcement Agency after they had been using a real persons account for investigative means (Maass, 2018). However, the

practice of using fake accounts continues to this day. The Policing Project states that many jurisdictions do not have a policy in place for social media use during undercover operations. The Policing Project believes police departments should have public policies that cover the issue of when officers can view public profiles versus information shared only to an individual's connected friends (Murillo et al., 2018).

Clearly, privacy groups have taken notice of law enforcement using fake or fictious accounts on social media, monitoring social media, and using it as an investigative tool to follow suspects and monitor criminal activity. Information regarding citizens responses, not privacy groups, to law enforcement using social media in investigations is limited. Therefore, no conclusion can be made regarding the citizen's response to this matter. However, it would be safe to say criminals or those who are the subject of these investigations would most likely be opposed to law enforcement investigating or surveillance of their account.

A summary of a 2011 Institute for Criminal Justice Education survey by Robert Stuart in the article *Social Media: Establishing Criteria for Law Enforcement Use* found that less than 40 percent of responding agencies had policies regarding social media use, and less than 15 percent provided training when it came to posting information (Stuart, 2013). This has led to guidance and best practices for the use of social media by law enforcement. By doing a quick Google search of best practices for social media by law enforcement, several sources are located which contain information. Sources from Police Magazine, urban.org, policeforum.org, and the International Association of Chiefs of Police all provide information on how law enforcement should use social media.

Understanding both the legality and the ethical concerns of law enforcement's use of social media for investigative purposes demonstrates the importance of having clear policies

which will be made available to the public for review, crafted from recommendations from the International Association of Chiefs of Police. Ashlin Oglesby-Neal and Chloe Warnberg summed up that there are five considerations when adapting a social media policy from the recommendations of the International Association of Chiefs of Police: identifying the scope of the policy, outlining guidance on official use, outlining guidance on personal service, addressing relevant legal issues, and referencing related policies already in place (Oglesby-Neal & Warnberg, 2019).

Using the five considerations for adopting a social media policy, first identify the uses of social media for investigations. This outline would include the acceptable use of data collection, including the retention of information. When social media is used in an investigation, it could be documented in a police report (pictures of social media evidence would be encouraged to be included) so there are no secrets about information being collected. If law enforcement is using fictitious social media accounts, the department should outline the benefits to law enforcement and acknowledge the department's use of fictitious accounts for investigations. This helps with transparency within the community on what is being collected and the uses of information obtained.

Several law enforcement agencies have begun posting policies publicly on their department webpage for the public to read, including policies on the use of social media for investigations. Examples of investigative social media policies from Honolulu, Seattle, and the University of California – Santa Cruz police departments can be used as a guide (**see Appendix A**). The mentioned police department policies require the Chief of Police approval when using a fictitious social media account; another requires a log kept of postings, and in some cases documented in a police report. These are just a few examples of policies in place for departments

that use social media accounts as an investigation tool. Unfortunately, many departments do not have a policy regarding social media use for investigations, leading to the concern of privacy groups. The Urban Institute, with help from the International Association of Chiefs of Police, followed up on surveys with 70 different agencies and obtained their social media policies. From this, they learned that only 63% have policies regarding using social media for investigations (Oglesby-Neal & Warnberg, 2019).

Law enforcement must understand there is a liability when using social media. This is important, so we know past procedures and best practices and have a clear policy to minimize these risks. This is related to the ethical theory of *ethical formalism,* a deontological ethical system. Although it may not be a popular argument, with best practices and a transparent policy, law enforcement would act using goodwill or good faith, assuming the policies and procedures are being followed when using social media for/during an investigation. A deontological ethical system tells us that if the act is from goodwill (good faith), it is still considered a good act, even if it results in adverse consequences (Pollock, 2022). The effects, unfortunately, will involve collecting information sometimes on innocent individuals.

Past procedures, best practices, training in the subject matter, and a clear policy will be combined with positive leadership. Including clearly explaining the department's purpose through core values and a mission statement will promote ethical accountability and expectations. It is incumbent on the chiefs of police and managing supervisors to foster an environment within their departments in which ethical behavior is expected. Everyone is responsible for meeting those expectations. Police chiefs who are transparent (i.e., clear, concise, and open about their department's Internal Affairs process) with their constituencies, acknowledge misconduct, appropriately deal with misconduct when it occurs, and include the

public in response to misconduct will not only obtain, but also sustain, the respect and confidence of the citizens in their jurisdictions (United States Department of Justice, n.d., p. 5).

In addition to strong policies/practices, law enforcement's involvement with community engagement would help with any potential concerns arising from social media investigations and provide citizens with information about the department's use of social media. Leadership and community engagement could also highlight social media investigation's positive effects on the community, such as solving property crimes and locating people. This will help the citizens realize that many present-day crimes are attached to social media as are the victims, suspects, and witnesses as users of social media.

However, after positive community engagement, there are concerns community members can express to the leadership of the department. Positive community engagement creates an environment where citizens are comfortable (or more comfortable) speaking with leadership as potential concerns or questions arise, they can be addressed. This could include speaking with leadership during meetings or calling and speaking with them. The community holds the department accountable for its actions and ethics in this form.

Having a proper plan that is ethically sound can be beneficial when applying the use of social media as an investigative tool to my police department agency. To effectively do this, combine the ideas and thoughts above (policies, training, practices). Using social media as an investigative tool will require a policy covering topics of concern, including surveillance, when it will be used, and what will be done with the information collected. This policy could be similar to the use of other investigative tools, for example, a driver's license database, second-hand resellers database, or other law enforcement databases, to ensure proper use. The policy, like the use of force or pursuit policy, will be available for review on the department's website.

The ethical values of the department are promoted through the core values and mission statement and displayed by the work officers do. While not necessarily directed toward social media investigations, these values will lay the groundwork for the department and its expectations. Likewise, abuse of social media may result in community distrust. If this were to happen or social media was being used outside of its scope of investigations, it should be addressed and department expectations should be reiterated to its officers.

It is essential to realize that although it is legal, it does not mean it is ethical. Law enforcement sometimes walks a fine line between unethical and ethical behavior. Even ethics is subjective at times; however, the community needs to hold law enforcement to a high standard. If that is not happening, there will be unintended consequences and a lack of trust. The best thing that law enforcement is to maintain that trust. In the case of using social media as an investigative tool, transparency, best practice, and firm policy appear to be the best approach.

Social media has also been widely used by law enforcement to promote the good deeds of the department and inform the public about public safety concerns. This paper has already focused on the use of social media to investigate crimes and now the focus will be on the use of social media to promote a law enforcement department. It is no secret that law enforcement has struggled to connect with the communities they serve at times, so how can social media be used by law enforcement to connect with the community? Is it possible to use evidence-based practices such as, models, cognitive behavioral interventions, and thought behavioral links used in probation to assist in this message? Exploring the relationship between the two will expose both the good and bad regarding the use of social media by law enforcement.

First, there must be an understanding of how many law enforcement agencies are using social media and its application. Twitter and Facebook have been widely adopted by police

departments in the U.S. A 2014 nationwide survey of social media use by the International

Association of Chiefs of Police of 500 U.S. law enforcement agencies reported that 95.4% use

Facebook, followed by Twitter (66.4%) and YouTube (38.5%). In a 2016 survey, the

International Association of Chiefs of Police notification of public safety concerns tops the list of

social media uses (91%) followed by community outreach and citizen engagement (89%), public

relations (86%) and notification of non-crime (traffic) issues (86%) (Williams et al., 2018).

Some of the benefits of law enforcement using social media were highlighted in a study

titled "Best Practices in Police Social Media Adaptation" which outlined nine areas that social

media can be used by law enforcement to improve operations which are:

- As a source of criminal information

- As a voice in social media

- To push information

- To leverage the wisdom of the crowd

- To interact with the public

- For community policing

- To show the human side of policing

- To support police IT infrastructure

- For efficient policing

These nine examples show the many uses law enforcement has when using social media

to help build their status with the community (Government Technology, n.d., para. 3). However,

simply having a social media account is not enough. Law enforcement's use of social media has

evolved over the past few years. Most agencies understand the need for and importance of

having a presence online on platforms such as Nextdoor, Facebook, Instagram, or Twitter.

However, a huge chasm still exists in the criminal justice industry's collective understanding of what true engagement looks like online versus simply using social media platforms to blast information to the public.

To maximize the potential of social media, Police One recommends agencies must understand posting information online does not equate to "engaging" online. For example, reviewing his or her agency's last few posts and looking at the number of people commenting. Has your agency responded to any of those comments? If the answer is "no," then the agency must up their engagement game. Imagine, if someone walked into the department's lobby to ask a question but was met with silence and ignored by your front office staff. This is what happens if the department posts something online and someone takes the time to ask a follow-up question, but no one responded. In the social media world, "no response" is a response, never forget that (P1 Staff, 2019, para. 6).

Engaging and positive reinforcement should be the focus. Cognitive behavioral interventions explore the "cognitive principle"; which in a nutshell, is "thinking controls behavior". Learning to control thoughts and feeling can control actions. This process is sometimes explained with a cognitive behavioral chain. The graphic, demonstrated later in this paper, starts with the situation. Thoughts and feelings are associated to the situation which result in an action. From the action there are the consequences both negative and positive. This helps us to understand the cognitive thought process, through our actions, and consequences (J. Arvidson, personal communication, May 2022). While cognitive behavioral interventions were not crafted for law enforcement's use of social media, it works to benefit law enforcement with its philosophy of thinking controls behavior.

Law enforcement realized by showing the human side of officers, the good work they do, participating in the community, and local events they can build trust with the citizens they serve. This may change the thoughts of the citizens, benefit the department, and enhance its standing with them. An article from the State of Michigan entitled "*Local police use social media to build better relationships with community"* outlines how three law enforcement agencies use social media to bolster their standing within the community. While the days of the "beat cop" are over, social media allows agencies to reach the community in ways the former beat cop used to do. Two officers interviewed for this article, Officer Avery Lyon and Officer Michael Lapham, stated that social media allows them to have a standing within the community even though they are not walking the streets. Officer Lyon stated the relationships they have built using social media were possible through "their ability to have a presence online and in person helps them gain followers and build a far stronger relationship with their community" (Shead, 2017, para. 6).

There are local examples of the benefits from law enforcement's use of social media for community engagement. Re-enforcing the positive work that law enforcement performs has helped Minnesota's own Wyoming Police Department come to the front of social media usage to get their message across. Wyoming Police Department has previously been recognized as a leader in this area and won awards from the Minnesota Police Chief's Association for Excellence in Innovation for the department's use of social media. The department's focus has always been engaging with their community. Citizens have thanked and recognized the work the Wyoming Police Department has done on Twitter via tweets or posting of information. As a matter of fact, the Wyoming Police Department Twitter page has over 36,000 followers, while the actual city of Wyoming has a population of 7,976 in 2020 (Davis, 2017).

When reviewing past tweets involving the Wyoming Police Department's Twitter page, users can see officers dressed up like video game characters, public service announcements, pictures of local events, stories about lost dogs, funny depictions, officers at lemonade stands, and comical graphics about unofficial holidays. Presumably these posts aid in the way the public thinks of local law enforcement and allows them to have positive contacts with them. However, the social media message can be interpreted as either positive or negative depending on the context. To better illustrate this, two completed behavior chains regarding two different social media posts, one negative and one positive, are shown below. Both posts are from the Wyoming, Minnesota Police Department; this illustrates the power of message, or context, when law enforcement posts on social media.

First is the negative post. To give it some background, this post was posted shortly after the murder of George Floyd in Minneapolis. The State of Minnesota and the nation were debating about defunding the police, to the extent that some activists were calling the complete abolishment of the Minneapolis Police Department. The Wyoming Police Department believed it would be humorous to post a "tweet" (Twitter) regarding a lost dog:
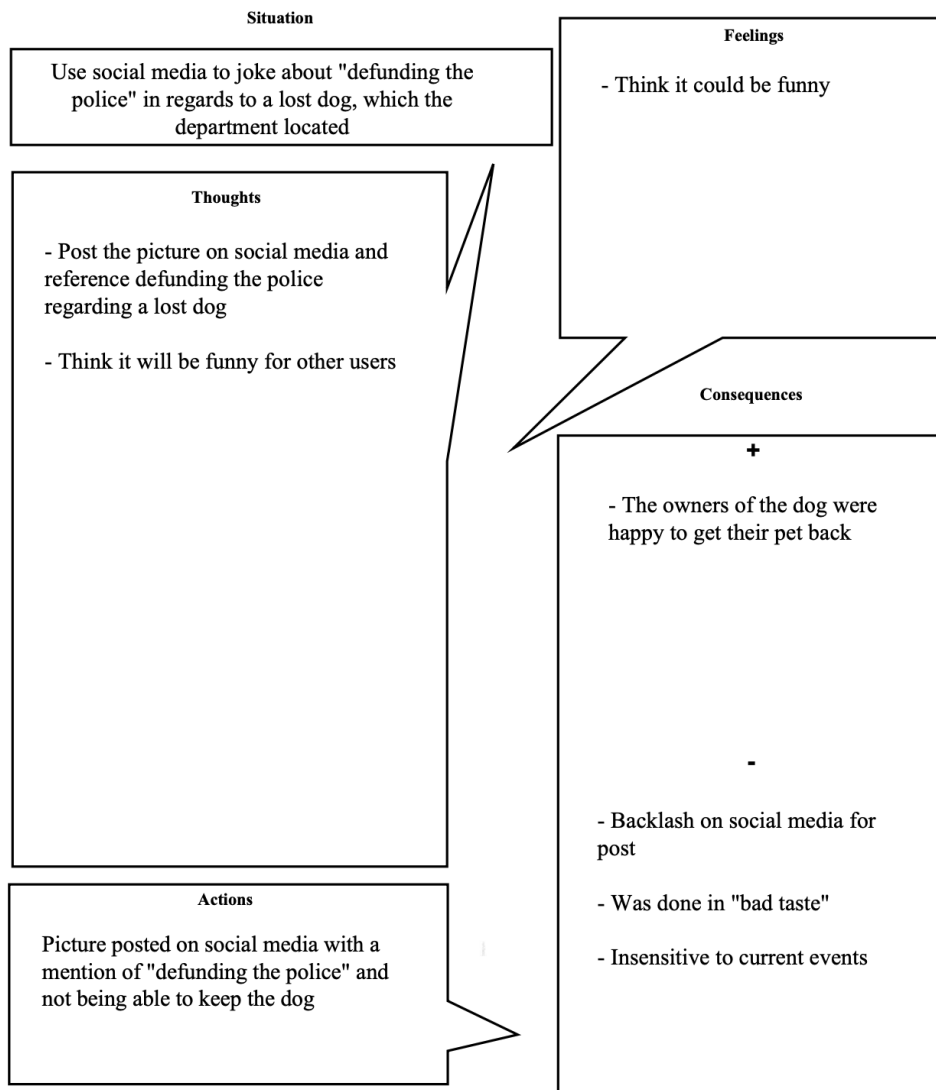
While this attempt at humor received a reaction to the post, it did not go as planned.

Below are some of the comments regarding the above post:
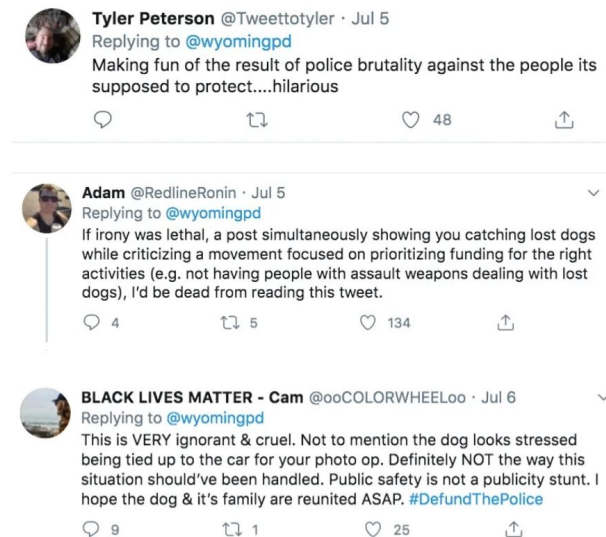
Regarding the above tweet comments, presumably this action created the exact opposite of what social media should be used for by law enforcement to create community engagement, trust, and help to possibly change the minds of those who are skeptical of their local law enforcement agency. Using a behavioral chain will help the reader understand how this played out:

Situation

Use social media to joke about "defunding the police" in regards to a lost dog, which the department located

Feelings

- Think it could be funny

Thoughts

- Post the picture on social media and reference defunding the police regarding a lost dog

- Think it will be funny for other users

Consequences

+

- The owners of the dog were happy to get their pet back

-

- Backlash on social media for post

- Was done in "bad taste"

- Insensitive to current events

Actions

Picture posted on social media with a mention of "defunding the police" and not being able to keep the dog

A post perceived as negative can show the department in a bad light and may cause the community to lose support of their law enforcement officers. The second example is a positive post. This tweet involves a police officer visiting a lemonade stand:
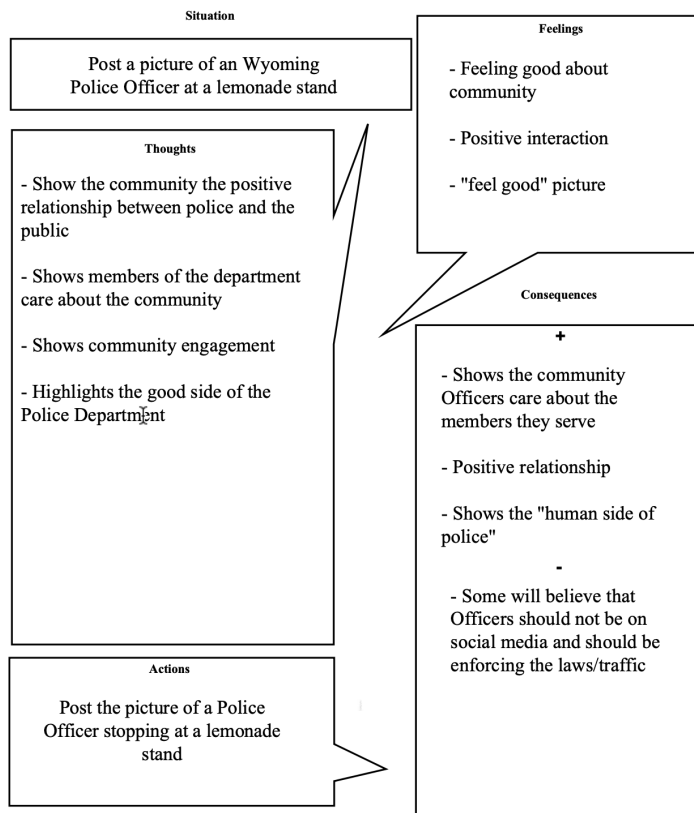
This tweet had the exact opposite as the above tweet had. It had multiple comments, dozens of re-tweets, meaning other Twitter users posted it, and several hundred "likes". This "tweet", without a doubt shows the community how much the Wyoming Police Department values their citizens, shows community engagement, and the lighter side of law enforcement many will never see. In summary, it brings the community and police department together. A behavioral chain demonstrates the reaction how this tweet played out:

Situation		Feelings
Post a picture of an Wyoming Police Officer at a lemonade stand		- Feeling good about community - Positive interaction - "feel good" picture

Thoughts

- Show the community the positive relationship between police and the public

- Shows members of the department care about the community

- Shows community engagement

- Highlights the good side of the Police Department

Consequences

+

- Shows the community Officers care about the members they serve

- Positive relationship

- Shows the "human side of police"

-

- Some will believe that Officers should not be on social media and should be enforcing the laws/traffic

Actions

Post the picture of a Police Officer stopping at a lemonade stand

These two examples can show the power social media has in law enforcement to build and unfortunately break relationships within the community. So, what does that mean for law enforcement? Social media can be used to maintain community support, but also to support those in the community. For example, in June local high schools will be celebrating the seniors with a graduation ceremony. This is the perfect opportunity for school resource officers or officers to post pictures from the graduation ceremony, pictures showing the valedictorians, and show support for the seniors who are beginning their lives. Even better, the post can show the officers in attendance in uniform showing support for the graduating class. Outside of high school graduation, citizens are doing good work within the community and should be highlighted. Feature these citizens or local businesses who are making a change in the community through the department's social media page. Read the local paper and re-post or congratulate those who are working hard, making a positive impact, or completed an unthinkable

task in the community. It could be more than just citizens; it could be businesses too. New business opening? Show pictures of officers enjoying a meal or getting a tour, this builds bridges within a community. There could really be an endless supply of ideas that could show officers in the community as well as the police department supporting the good deeds of the community.

This could be a persuasive way social media can positively impact law enforcement. Much like the probation officer re-enforcing the positive values to their client, social media may be leveraged to show the positive side of a local police department. This can lead to positive thoughts regarding the department and change the behavior towards officers when they are seen on the street, out eating, or grabbing coffee. The impact on the community will draw support from the community, even during difficult times. It is without question that having a supportive community of their officers pays dividends.

Social media has many bad traits; however, it has many positive ones too. Law enforcement needs to be aware of this and highlight the department or community in a positive light. Many people will only have contact with local law enforcement in times of crisis, during traffic stops, or in a limited capacity. Thus, showing the officers and department members in a positive light may change the thinking of the citizens. And maybe, it might draw support from the most unlikely people especially in times of need, such as a crisis.

A crisis comes in many different forms, as seen with the Boston Marathon bombing, mass shootings, and even weather-related incidents, to name a few. Building community support, having proper procedures, and best practices in place before a crisis hit will be beneficial when tragedy happens. It is in the departments best interest to review the best practices and adapt a policy in times pre-crisis when information can be gathered and reviewed at a pace that will benefit the department. This paper will examine some of the proper policies,

education, and crisis use prior to, during, and after regarding social media accounts of a law enforcement agency and not accounts of the personal officer. While there should be policies or at least best practices put in place by a department when it comes to personal use of social media, this paper will only examine the department's use.

The pre-crisis phase, which occurs before the onset of the emergency, is the best time for a communicator to prepare by creating a crisis communication plan, drafting messages, identifying possible audiences, and predicting communication needs. When a new disaster happens, these ready resources can help communicators respond rapidly (Center for Disease Control and Prevention, n.d.). However, developing the message is only part of this pre-crisis planning.

According to the International Association of Chiefs of Police, these are the five considerations when adapting a social media policy: identifying the scope of the policy, outlining guidance on official use, outlining guidance on personal use, addressing relevant legal issues, and referencing related policies already in place (Oglesby-Neal & Warnberg, 2019, p. 2). Topics covered within the policy differ from organization to organization, however, they cover a wide range of topics. Topics include the type of content allowed and not allowed, approval process, and engagement with other social media users to name a few. The Urban Institute, with help from the International Association of Chiefs of Police, followed up on surveys with 70 different agencies and obtained their social media policies, below is a table indicating the most common topics within social media policies:

Topic	Percentage including
Type of content allowed and not allowed	93%
Who manages social media	84%
Professional use	83%
Personal use	83%
Definition of social media and other related terms	77%
Approval process	69%
Use for investigations	63%
Who is allowed to use social media	61%
Records retention	50%
Oversight and enforcement	47%
Obligation to report violations of policy	46%
Recruitment	43%
Privacy concerns	39%
Employment background check	23%
Training	17%
Engaging with social media users	6%

(Oglesby-Neal & Warnberg, 2019)

Establishing a social media officer, public information officer, or administrator of the social media account should be part of the initial implication as well. These authority figures are often referenced as those responsible for approving content, determining who is authorized to post on behalf of the department, and setting specific objectives and initiatives related to social media (Oglesby-Neal & Warnberg, 2019, p. 4). Since social media will be communication from the department to the public, it is important to have someone in this position that can be trusted, can communicate effectively, and will be willing to engage with the public and media. This individual also needs to be able to communicate and be accessible to administration. If their role is to be the buffer between the public and media with the department, they will have to be able to answer the questions which are posed and be trusted in the message they deliver. Having one individual run the social media accounts for the department allows the information to remain consistent.

This is also important in developing relationships within the community. Social media is unique because a single message can be spread to multiple people in a very short period. In times of peace/pre-crisis the ability to speak directly to the public with can be viewed as an additional form of community orientated policing. Using social media, heartfelt stories, and even updates of what is going on around the department law enforcement can build the trust of the community and the leaders within. These relationships may benefit the police department in times of crisis.

With a basic understanding of the initial steps taken by law enforcement to create and establish social media prior to a crisis, it is time to move into communications during a crisis. While there may be panic in the streets, the police department can provide accurate information and help to locate suspects and identify problem areas. Law enforcement during a crisis or high-profile instances have a unique position as they have information that individuals want. The information is accurate and "straight from the source", thus they have an advantage when it comes to releasing it. This hopefully will prevent "non-credibility of the source" when the individual has given out inaccurate information in the past (Stojkovic et al., 2015).

During a crisis, law enforcement can provide information on the incident, road closures, and places to avoid using social media. Social media also allows others to share that information and get it out quickly to others in the interest of public safety. This was never more apparent than the Boston Marathon bombing of 2013. During this incident, the Boston Police Department utilized social media in many ways and is now highly regarded for doing so.

In a 2014 article entitled "Social Media and Police Leadership: Lessons from Boston" by Edward Davis, Alejandro Alves, and David Sklansky, positive uses of social media by the Boston Police Department were highlighted. After the bombing, a Boston Police Department Commander on scene knew the use of social media would play a role in how the department

reacted to the crisis. During the crisis, law enforcement continued to keep the public apprised of what was going on and the steps which were being taken. For example, when the Federal Bureau of Investigations partnered with the Boston Police Department, this was noted on social media. The Boston Police Department updated their social media with the number of individuals that had been killed during the incident, which corrected reports by other sources.

Information was also supplied using the Boston Police Department Twitter page regarding false leads and later supplied pictures of the individuals suspected of committing the bombing. When the first suspect in the bombings was killed by law enforcement this information was shared as well as the identity of the remaining suspect. On April 19th, 2013, the remaining suspect was captured. The Boston Police Departments Twitter page had gained more than 260,000 users within the week of the marathon bombing (Davis III et al., 2014, p. 5).

One of the many successful social media uses by the Boston Police Department was information sharing. According to the 2014 article, there was a 24 hour "digital hub" that was setup and staffed by two sworn officers and three civilians (Davis III et al., 2014, p. 3). All communication came from the official Boston Police Twitter page and was overseen by the public information bureau chief, a lawyer, and a former television journalist. In addition to the steady supply of information, the staff in charge of the account was briefed by commanders three to five times a day to ensure information was accurate and often shared thousands of times (Davis III et al., 2014).

The Boston Marathon bombing demonstrated the power of social media when used effectively. However, this must be done with the best interest of everyone in mind. While Boston Police were applauded for providing accurate information in a timely fashion. However, in the past, agencies have not been as successful or applauded for using social media.

After the shooting of Michael Brown in Ferguson, Missouri, the public began to pay more attention to police-involved shootings, especially when they led to the death of younger African American males. In 2015 in Minneapolis, Jamar Clark was fatally shot by Minneapolis Police Officers. Rumors began to circulate on social media and in the news that Mr. Clark was unarmed and police "executed" him. Later, police released a video of a struggle during which Mr. Clark grabbed for the gun of a responding officer, leading to his fatal shooting. In 2020, the death of George Floyd caused riots within the City of Minneapolis, leading to buildings being burnt down and civil unrest. Still dealing with the effects of the murder of Mr. Floyd, in August of 2020, rumors began to circulate on social media about an African American male being shot to death by Minneapolis Police in a shopping area of downtown Minneapolis. As protests began to form the Minneapolis Police Department took a bold step in posting the video of the man, who had been rumored to have been killed by police, committing suicide.

While Minneapolis Police provided accurate information to dispel rumors and counteract reports that had led to looting and vandalism throughout the city, it created several other problems including a negative public perception of the Minneapolis Police Department and the dignity of the male who had killed himself (Divine, 2020). Thus, the message was lost and did additional harm to the integrity of the Minneapolis Police Department. Although it is unknown to the public who made the final call or decision to post the video of an individual killing themselves, one would suspect this was not in the best practices of social media usage.

Best practices should be in place as a part of the pre-crisis planning for use of social media in a crisis; however, James Dudley of Police One offers advice on general guidelines in these scenarios/crisis moments. First, pre-plan for the worst-case scenario for public information release. Second, be transparent, correct false narratives or incorrect information that may have

been given out and explain laws or procedures. Third, verify the facts, and confirm information before it is released to the public and/or media. Finally, speak with one voice, choose one spokesperson for the police department, and allow them to be the voice of the department to prevent conflicting information. This individual does not need to be in the command staff with the department, but rather someone the department can trust to relay the information to the community and media. Explain the release of information policy throughout the department and be sure all officers and members of the department know the policies regarding sharing information to ensure it is accurate and not false. Get the message out quickly, once an initial investigation has been conducted, make a press release, and send it to the media (Dudley, 2018).

Knowing the benefits, criticisms, best practices, and guidelines will help when a crisis within your jurisdiction arises. However, how law enforcement handles communication after a crisis is equally important. Not every crisis is the same and can have different effects on neighboring communities. It is vital for law enforcement to remain a reliable source of information for the community it serves.

After natural disasters, communities rely heavily on local governments to provide the necessary resources and information to respond to such disasters, but these approaches are not well-equipped to meeting individual needs. As a complement to traditional methods, social media can provide a more personalized resource as well as foster a sense of community in response to the crisis (Frontiers, 2016, para. 2).

Members of the community look to law enforcement to determine where to find resources. In cases of a natural disaster, fire, or tragic event, law enforcement can be a reliable resource to find services, shelter, first aid, and loved ones. The community knows law enforcement coordinates these resources for the public; thus, they can be viewed as a reliable

source and one that will provide accurate information. This is critical in times of mass casualty, where a center can be setup to receive information regarding loved ones. Social media can be used to heal the community. It can be used as a resource to organize and collaborate with others within the community to provide a space where community members can be heard, differences can be addressed, and improvements can be made.

Post-crisis also allows law enforcement time to debrief and evaluate what worked and what did not. It is important to hold such debriefs where rank does not matter, and individuals are allowed to discuss possible improvements. This is also important regarding communication, information, and how it was disseminated. Changes can be made to policies and procedures to better communicate with the public in times of need. Feedback can be sought from the citizens who were affected by a tragedy through comments on social media so their voices are heard with their concerns as well. The goal should be to better communication and provide the most reliable and accurate information possible in a timely fashion.

To better understand the process and to summarize it, an infographic including the three steps of social media use by law enforcement before, during, and after a crisis:

Social Media and Law Enforcement

Before, During, and After Crisis

1 **Pre-Crisis**

- Identify special interest groups and leaders in the city
- Establish a social media account
- Best practices and uses for account
- Establish social media officer or public information officer

2 **During Crisis**

- Keep public to date on investigation
- Provide accurate and timely information
- Correct inaccurate information appropriately
- Information officer meets with adminstrators

3 **Post Crisis**

- Provide resources and information
- Connect with the community
- Provide ways for the community to be heard

Traditionally, law enforcement has only communicated with the public through the media and press conferences. However, social media offers an alternative to the old-school method of communication in a relatively cost-effective and efficient way. First, most social media platforms are accessible without a cost. Second, a law enforcement agency does not need someone whose only job is to be the public information officer or one voice. Smaller agencies or those who may lack resources can appoint a member of the department to convey the message. Communicating on social media will require the spokesperson to be the voice for the department,

and this individual needs to be trusted to convey the message of the department and answer questions from the community and/or media.

Finally, training that individual could be as simple as having them shadow a larger agency with a social media presence, work with the communication department (if the jurisdiction has one), or attend in person or online training. Simply searching for law enforcement social media training online will find training costs anywhere from $240 to $595 for a multi-day course. A neighboring agency, such as the Bureau of Criminal Apprehension or St. Paul Police Department in Minnesota, with a training department may also have in-person courses.

When comparing social media to traditional media, there are other advantages for law enforcement. According to the National Institute of Mass Communication & Journalism there are four major differences. First, both reach a large population however, social media reaches more people than traditional media. Second, the center of attention in social media is connect users with known and unknown people, whereas traditional media typically has one individual disseminating the message. Third, the way of communicating has changed, traditional media allows for the message to be supported in only one way; an example of this would be a newspaper's inability to show a video, whereas social media supports all types of documents and media. The fourth and final change, is the reliability of the information. Information from a traditional news outlet goes through multiple layers before being released to the public. With social media the message is controlled by the user, meaning a law enforcement agency would provide the information thus the community knows it is from the source and not 3rd party or relayed information (National Institute of Mass Communication and Journalism, n.d.).

To summarize, there is no-one-size fits all when it comes to crisis management and the use of social media. However, it is important to put policies in place, know the best practices, understand the benefits and uses of social media, and connect with the community prior to a crisis. The community may end up being your best asset, and during a crisis it is important to understand information will be shared hundreds if not thousands of times. Information must be reliable, accurate, timely, and when the information provided by law enforcement, it will travel quickly and most likely generate a response. To ensure this information is accurate, designated officers or civilians should oversee the social media accounts. Post-crisis resources should be available to the community which social media will help to push. Community members should have a voice that can be heard regarding their concerns, which social media can provide.

Law enforcement is an unpredictable job with scenarios the department may never be able to plan for. However, if a department is ready and understands what its limitations, communication strategies, tactical considerations, and community needs are, a department can do the best it can to make it through whatever is thrown its way.

Chapter 3: Recommendations and Conclusion

Law enforcement has a responsibility to the community to keep them safe and informed. Social media can provide solutions to both issues. Law enforcement could argue it keeps the community safe by using social media to stay current on trends, criminal activity, and to investigate suspects. Additionally, law enforcement keeps the community informed by using social media to provide resources in times of need, notify citizens about potential hazards in the community, and allow people to see the good work that is done every day.

Interacting with the community is not just as easy as registering a social media account nor is using social media for investigative purposes. Law enforcement should also have policies in place and best practices as guidelines for its use to ensure public trust. For guidance, policies were presented for a reader's review and to provide examples for understanding. Policies need to be strong and in the best interests of the community and department, not to mention need to contain legal information (if applicable), case law, and be in line with the mission statement of the department. These policies could include the use of social media in investigations, data privacy implications, who is the spokesperson for the department, expectations, and communication standards.

Aside from policies that govern the use of social media, the spokesperson of the department needs to be trained in the use of social media. This includes having a working knowledge of the social media platform, being responsive to comments and concerns, and be trusted as someone in the department who has the authority to comment on behalf of the department. Information on social media, especially from a law enforcement source, will travel quickly, as seen in Boston after the Boston Marathon bombings. It would be safe to say, the community expects their local law enforcement to comment during a crisis, provide information,

and resources. Information from an official law enforcement social media account needs to be efficient and accurate. Therefore, it is important to have a working knowledge of social media by the spokesperson before tragedy hits. Equally important and a good time to practice the uses of social media is interacting with the community prior to a crisis.

Social media is a very powerful resource and can be a tremendous assist to law enforcement in provide support to the community. As the world continues to move into a more digital age, law enforcement needs to embrace this trend and, in some cases, be a leader. Using social media should be a priority for any department that wants to take community engagement and public safety seriously. Law enforcement must remember though, there are liabilities when using social media which is why the need for a strong policy is needed. It is up to each department to craft policies, best practices, and uses for their department. Unfortunately, there is no one size fits all approach, but in keeping the best interests of the community in mind, each department can use social media to better the community they serve.

References

Bousquet, C. (2018, April 27). *Mining Social Media Data for Policing, the Ethical Way*.
Government Technology. https://www.govtech.com/public-safety/mining-social-media-data-for-policing-the-ethical-way.html

Brennan Center for Justice. (2022, February 9). *Federal Government Social Media Surveillance, Explained*. https://www.brennancenter.org/our-work/research-reports/federal-government-social-media-surveillance-explained

Center for Disease Control and Prevention. (n.d.). *The Crisis Communication Lifecycle*.
Emergency Preparedness and Response.
https://emergency.cdc.gov/cerc/cerccorner/article_051316.asp

Davis, H. (2017, June 26). How the Wyoming PD's Twitter has bolstered its police work. *Forest Lake Times*.
https://www.hometownsource.com/forest_lake_times/news/publicsafety/how-the-wyoming-pd-s-twitter-has-bolstered-its-police-work/article_e677b156-8306-50a5-9b09-60767dd27b2a.html

Davis III, E. D., Alves, A. A., & Sklansky, D. A. (2014). Social Media and Police Leadership: Lessons from Boston. *New Perspectives in Policing*.
https://www.ojp.gov/pdffiles1/nij/244760.pdf

Divine, M. (2020, August 27). *Minneapolis Police Department's release of graphic suicide video questioned*. Pioneer Press. https://www.twincities.com/2020/08/27/minneapolis-police-departments-release-of-graphic-suicide-video-questioned/

Dudley, J. (2018, August 2). *After the news breaks: 6 steps for police leaders*. Police One.

https://www.police1.com/chiefs-sheriffs/articles/after-the-news-breaks-6-steps-for-police-leaders-hJvJLtygWAbtiB12/

Embree, D. (2022, February 10). *Massachusetts high court won't suppress 'private' social media post*. Westlaw Today.

https://today.westlaw.com/Document/I1ea3d2248a8811ec9f24ec7b211d8087/View/FullText.html?transitionType=CategoryPageItem&contextData=(sc.Default)&firstPage=true

Everett vs. the State of Delaware, Cr. I.D. No. 1511002499 (2018).

https://courts.delaware.gov/Opinions/Download.aspx?id=273550

Frontiers. (2016, August 25). *In the aftermath of disaster, social media helps build a sense of community.* ScienceDaily.

https://www.sciencedaily.com/releases/2016/08/160825100939.htm

Government Technology. (n.d.). *9 Ways Social Media Benefits Police*.

https://www.govtech.com/public-safety/9-ways-social-media-benefits-police.html

Honolulu Police Department. (n.d.). *Policy organization, management, and administration*.

https://www.honolulupd.org/wp-content/uploads/2020/01/SocialMedia-05-22-2019-14-34-07.pdf

Maass, D. (2018, September 24). *Facebook Warns Memphis Police: No More Fake "Bob Smith" Accounts*. Electronic Frontier Foundation.

https://www.eff.org/deeplinks/2018/09/facebook-warns-memphis-police-no-more-fake-bob-smith-accounts

Merriam-Webster. (n.d.). *Social Media*. Dictionary. https://www.merriam-webster.com/dictionary/social%20media

Meta. (n.d.). *Information for Law Enforcement*. Facebook.

https://www.facebook.com/help/instagram/494561080557017

Murillo, M., Rosenberg, L., & Rebuck, M. (2018, December 17). *Undercover policing in the age of social media*. Policing Project. https://www.policingproject.org/news-main/undercover-policing-social-media

National Institute of Mass Communication and Journalism. (n.d.). *Traditional Media vs. Social Media Similarites and Differences*. https://www.nimcj.org/blog-detail/traditional-media-vs-social-media-similarities-and-differences.html

Oglesby-Neal, A., & Warnberg, C. (2019, February). *Law Enforcement Social Media Policies*. Urban Institute.

https://www.urban.org/sites/default/files/publication/99788/law_enforcement_social_media_policies_5.pdf

Ortiz-Ospina, E. (2018, September 18). *The rise of social media*. Our World in Data.

https://ourworldindata.org/rise-of-social-media

P1 Staff. (2019, May 2). *Roundtable: How to match your agency's social media strategy with community needs*. Police One. https://www.police1.com/community-policing/articles/roundtable-how-to-match-your-agencys-social-media-strategy-with-community-needs-LJrIB21CrcBFdx48/

Pollock, J. (2022). *Ethical Dilemmas and Decisions in Criminal Justice* (11th ed.). Cengage.

Ryan-Mosley, T. (2022, April 29). *Dept. of Human Rights report looks into social media practices of Minneapolis Police Department*. Kare 11.

https://www.kare11.com/article/news/local/breaking-the-news/dept-of-human-rights-

report-looks-into-social-media-practices-of-minneapolis-police-department/89-413ca135-8b0a-4aa7-99c9-6c1702ad2c27

Schoeman, F. (n.d.). *U.S. Department of Justice*. Privacy and Police Undercover Work.

https://www.ojp.gov/ncjrs/virtual-library/abstracts/privacy-and-police-undercover-work

Seattle Police Department. (n.d.). *5.125 Social Media*. Seattle Police Department Manual.

https://www.seattle.gov/police-manual/title-5---employee-conduct/5125---social-media

Shead, J. (2017, December 19). *Local police use social media to build better relationships with community*. Spartan News Room. https://news.jrn.msu.edu/2017/12/local-police-use-social-media-to-build-better-relationships-with-community/

Stojkovic, S., Kalinich, D., & Klofas, J. (2015). *Criminal Justice Organizations* (6th ed.). Cengage Learning .

Stuart, R. (2013, February 5). *Social Media: Establishing Criteria for Law Enforcement Use*. Federal Bureau of Invesitgations - Law Enforcement Bulletin.

https://leb.fbi.gov/articles/featured-articles/social-media-establishing-criteria-for-law-enforcement-use

Tiry, E., Oglesby-Neal, A., & Kim, K. (2019, February). *Social Media Guidebook for Law Enforcement Agencies*. Urban Institute.

https://www.urban.org/sites/default/files/publication/99786/social_media_guidebook_for_law_enforcement_agencies_0.pdf

Tucker, M. (2021, June 2). *Understanding how law enforcement uses social media*. Degree Choices. https://www.degreechoices.com/blog/law-enforcement-social-media/

UC - Santa Cruz. (n.d.). *600.1Investigation and Prosecution*. US Santa Cruz Police Department.

https://police.ucsc.edu/report/policies/chapter-600/investigation-and-prosecution.html

United States Department of Justice. (n.d.). *Building Trust Between the Police and the Citizens They Serve*. U.S. Department of Justice. https://www.theiacp.org/sites/default/files/2018-08/BuildingTrust_0.pdf

United States v. Meregildo U.S. (2012). https://casetext.com/case/united-states-v-meregildo

Williams, C., Fedorowicz, J., Kavanaugh, A., Mentzer, K., Thatcher, J. B., & Xu, J. (2018). Leveraging social media to achieve a community policing agenda. *Government information quarterly*, *35*(2), 210–222. https://doi.org/10.1016/j.giq.2018.03.001

Zippia. (2022, June 28). *How much money do social media companies make from advertising?* https://www.zippia.com/answers/how-much-money-do-social-media-companies-make-from-advertising/

Appendix A. Examples of Social Media Policies

Honolulu Police Department:

G. Investigative use of social media

1. Officers may use social media to conduct investigations. Prior authorization shall be obtained from the Chief of Police or designee.

2. Officers using social media in an undercover capacity shall adhere to the guidelines set forth in the manuals of operations for their respective elements.

3. Search methods for social media shall not involve techniques that violate existing laws. (Honolulu Police Department, n.d.)

Seattle Police Department:

Any employees using non-official social media accounts for investigative purposes will obtain written permission from the Chief of Police, regardless of duty assignment. These employees will maintain a log of all social media postings to non-official accounts (Seattle Police Department, n.d.).

University of California – Santa Cruz:

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered (UC - Santa Cruz, n.d.).