



1-2 SOCIAL MEDIA

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 1-1 Personnel Code of Conduct (Formerly 1-04 and 1-4)
- 2-9 Use of Computer Systems (Formerly 1-37)

B. Form(s)

None

C. Other Resource(s)

Albuquerque, N.M., Administrative Instruction No. 1-19 Social Media Policy
NMSA 1978, §§ 10-7E-1 to 10-7E-26 Public Employee Bargaining Act

D. Rescinded Special Order(s)

None

1-2-1 Purpose

The purpose of this policy is to outline Albuquerque Police Department (Department) employee rights and responsibilities as they pertain to social media. Additionally, it is intended to protect the Department from content or speech that would impair its efficiency or community trust. This policy guides Department personnel as they post content and speech on social media.

1-2-2 Policy

It is the policy of the Department to support each Department employee's First Amendment rights while protecting the Department's ability to function in a manner that preserves the community's trust.

N/A 1-2-3 Definitions

A. Concerted Activity

The right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their choosing, and to engage in other concerted activities for collective bargaining or other mutual aid or protection, as well as the right to refrain from any or all such activities (Refer to the Public Employee Bargaining Act).

B. Pornography



Printed or visual material containing the explicit description or display of sexual organs or activity intended to stimulate erotic rather than aesthetic or emotional feelings.

C. Protected Classes

A group of people with a common characteristic who are legally protected from discrimination. In this section, protected classes are race, color, national origin, religion, sex, age, citizenship status, sexual orientation, gender identity, and serious medical condition.

D. Public Domain

Inventions and creative works that are not protected by intellectual property rights and are therefore available for anyone.

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 network sites, microblogging sites, photo, and video sharing sites, wikis, blogs, and news sites.

F. Substantive Speech

Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, video, or related forms of communication. A “like” or response to a post is considered substantive speech. Clicking on the like button suggests that the user concurs, supports, or agrees with the speech. Similar responses such as up voting, down voting, or using an emoji are speech in favor of or against a post.

6 1-2-4 **Rules and Responsibilities**

A. Permitted Social Media Use

1. Department personnel may speak out on issues of public concern when acting as a private person. Department personnel shall include a disclaimer if they are commenting on City business in their personal capacity and state the comments represent their own opinions and do not represent those of the City.
2. If social media use can be associated or identified as relating to the Department or its personnel, that use should conform to the mission statement of the Department, as well as the values and code of conduct of the Department. Individual employees shall be responsible for assessing potential social media content to ensure that it contributes to the values of the Department and neither could nor tend to cause harm or disruption to the mission and function of the Department. For any



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GENERAL ORDERS

SOP 1-2 (Formerly 1-44)

P&P Draft 12/14/2022

questions regarding the suitability of social media content, the Department Public Information Officer (PIO) shall be contacted prior to any social media posts.

3. It is not possible to list every possible permitted use; therefore, Department personnel should contact their chain of command when they have questions about speech that may violate this Standard Operating Procedure (SOP). Examples of permissible social media uses include, but are not limited to:
 - a. Concerted activity;
 - b. Politics, unless otherwise prohibited;
 - c. Social issues, unless otherwise prohibited;
 - d. Personal issues, unless otherwise prohibited;
 - e. Viewing legal content, adult or otherwise; or
 - f. Linking to and or re-posting content unless otherwise prohibited.

Department personnel are permitted to administer a Department-authorized website (Refer to SOP Use of Computer Systems, SOP Personnel Code of Conduct, and City of Albuquerque Administrative Instruction Number 2-25 Social Media Policy regarding restrictions on using social media during work hours or using Department-issued equipment for social media).

4. Department personnel are permitted to upload, display, and or distribute on social media photographs of themselves in uniform or display official Department identification, as long as the photographs do not reflect behavior that is otherwise prohibited while on-duty or that violates SOP Personnel Code of Conduct.
 - a. By identifying themselves as a Department employee, they are creating perceptions about the Department. Therefore, the use of titles, logos, or identification as an employee of the Department that creates the impression that the employee is a spokesperson of the Department without permission of the PIO, is prohibited.

B. Prohibited Social Media Use

1. Information posted on personal social media sites can be accessed by a wide audience, and Department personnel should be aware of the limited ability to restrict access to posts. Personal social media posts may be viewed, copied, forwarded, printed, or otherwise shared with the public, Department personnel, and Department supervisors.
2. Department personnel may only express themselves as private persons on matters of public concern to the degree that this expression does not violate the prohibitions in this section. Department personnel shall be mindful that they are public servants and should ensure that their personal social media activities do not interfere with their work or with their workplace environment.



3. Posting the content below is prohibited for Department personnel, regardless of whether the post is publicly accessible or not. Department personnel using online aliases or otherwise obscuring their employment and/or identity are still mandated to follow this SOP and are responsible for the content they post, substantive speech, or content they link to their social media post. It is not possible to list every possible circumstance that may violate the SOP. Therefore, Department personnel shall contact the PIO or the Internal Affairs Professional Standards (IAPS) Division when they have doubts about speech that may violate this section of the SOP.

a. The following use of social media on either personal or Department social media accounts is not permitted:

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- i. Hate speech or speech or content that ridicules, maligns, disparages, or otherwise discriminates against a protected class of people;
- ii. Viewing, downloading, or posting on a social media platform any content which would violate federal, state, or local law, consistent with SOP Personnel Code of Conduct;

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1. The sanction imposed for violation of this section is dependent on the nature and severity of the offense.

2. Felony Crimes

3. Misdemeanor Crimes

4. Petty Misdemeanor Crimes

5. The reasons for imposition of the sanction shall be clearly articulated by the disciplinary authority.

iii. Speech that impedes the performance of duties;

iv. Speech that impairs discipline among Department personnel;

v. Speech that negatively impacts or tends to impact the Department's ability to serve the public;

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vi. Uploading, displaying, and/or distributing information about any Department, criminal or administrative investigation that is otherwise confidential or would compromise the investigation. This excludes necessary conversations among personnel who are part of the investigation and not publicly accessible (for example, text messaging on Department-issued phones);

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vii. Revealing the identities or displaying photographs of Department personnel who work in an undercover or covert capacity to non-employees of the Department;

viii. Disclosing information about any other member of the Department without permission of the affected member, including posting photos or "tagging" in text or photos;

ix. Uploading, displaying, and/or distributing any crime scene photographs not in the public domain, without approval from the PIO;

x. Uploading, displaying, and/or distributing any copyrighted material not owned by the employee;

xi. The use of a City-issued email account or password in conjunction with a personal social media account;

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xii. Revealing police practices or procedures, such as Special Weapons And Tactics (SWAT) operations or narcotics tactics, which could hinder the operation of the Department and/or jeopardize officer safety; or



- xiii. Posting information that can be used as impeachment material.
 - 1. Anything posted on personal or Department social media can be used to impeach Department personnel in a case in which they are a witness.
 - 2. Because impeachment material can result in the dismissal of criminal cases, posting material that results in the inability to testify in court is subject to termination.

- 4. Only when necessary during official investigations may content be posted that would otherwise violate this SOP. Permissive uses for investigative units may include, but are not limited to:

- a. Internet Crimes Against Children;
- b. Child Exploitation Detail;
- c. Narcotics Section;
- d. Tactical Section;
- e. Gang Unit; and
- f. Intelligence investigations.

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C. Department Authorized Social Media Use

- 1. Department personnel approved to run or administer a Department-authorized social media site and speak on behalf of the Department are reminded that their speech is not protected by the First Amendment. Therefore, due diligence and coordination with the PIO should take place before releasing any information. All Department-authorized social media use shall comply with City of Albuquerque Administrative Instruction Number 2-25 Social Media Policy.
- 2. All Department authorized social media not used for investigations shall be approved by the PIO. The approval can be revoked at the discretion of the PIO at any time.
- 3. Department personnel shall forward all proposed Department posts to the PIO for approval and shall not upload the post within twenty-four (24) hours of sending it to the PIO.
- 4. Social media posts for individual officers in their official capacity, units, sections, divisions, and bureaus shall be approved by the PIO before publication. These websites shall:
 - a. Include an introductory statement specifying the purpose and scope of the website;
 - b. Contain a link to the Department's official website;
 - c. Provide contact information for the website's administrator;
 - d. Not promote products or political candidates;
 - e. Comply with all restrictions in this SOP; and
 - f. Comply with all federal, state, and local laws.



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B. Form(s)

None

C. Other Resource(s)

City of Albuquerque, N.M., Administrative Instruction Number No. 1-192-25 Social Media Policy
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D. Rescinded Special Order(s)

None

1-2-1 Purpose

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REDLINED