

Social Media

Twitter, Texting, and Instagram... Oh My!

Shannon Tufts, PhD
Associate Professor of Public Law & Government
tufts@unc.edu

UNC SCHOOL OF GOVERNMENT
www.sog.unc.edu

Agenda

- I. Basic Social Media Overview
- II. "Investigatory" Tools & Useful Apps
- III. Legal Issues Re: Social Media
 - I. Public records law and implications
 - II. Employee rights and social media usage

How Social RU?

UNC SCHOOL OF GOVERNMENT

Social Networks

Empower the People

UNC SCHOOL OF GOVERNMENT

Texting Video

Logos for Viber, Periscope, kik, WhatsApp, and Vine.

UNC School of Government

Self-Destructing Secret

Logos for Badoo, Yik Yak, secret, poof!, Snapchat, and WhatsApp.

UNC School of Government

Dating Meeting

Logos for meet me, GRINDR, SKOUT, tinder, DOWN, and omegle.

UNC School of Government

What else are you using?

A person's head with a barcode on their forehead.

UNC School of Government



Hw
Social
 DY wan2B ?







A Little Facebook Story




Do You Know This One?

SYPHILIS CASES
 SPIKE IN WAKE
 COUNTY, DATING
 APPS MAY BE TO
 BLAME
 (MAY 20, 2015)

Social Media “Investigative” Tools



Get To Know These Tools!

- * socialmention.com
- * pipl.com, spokeo, etc
- * social-searcher.com
- * Knowem.com (i.e. ladykill96)
- * Facebook’s graph search

Get To Know These Tools!

- * Google Advanced Search
site:www.facebook.com inurl:<name you are looking for>
- * UVRX.COM (searches online file repositories)
- * [Google's reverse image search](#)



Other Useful Apps

- LiveSafe
- Geo360: location based SM monitoring
- Emotive
- NextDoor
- HootSuite Amplify
- ChatFuel (FB Messenger and Telegram AI Bot)
- BotLetter (send newsletter via FB Messenger using AI)
- Planoly (visual planner for IG)
- AR/VR/AI will be the next big things!

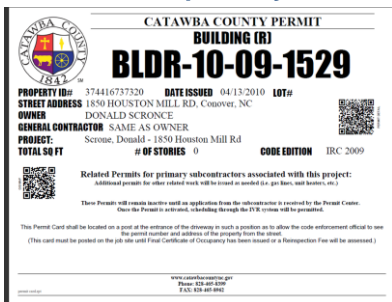
Government Apps



SM Purposes for Govt

1. Building a trustworthy relationship and a sense of community by engaging with each other
2. Gaining control over the gov't's reputation with the community
3. Providing a forum for people to ask questions and for you to share tips you otherwise wouldn't share
4. Spread knowledge quickly and with minimal effort that could protect your community
5. Mine data for various public purposes

Social Media and Technology to Disseminate Information and Provide Transparency



Monitoring Social Media During Crisis Events. What #hashtag do people use to talk about you?



How about Burlington?



SeeClickFix?



Police beat 0423 | chicagocrime.org - Mozilla Firefox

http://www.chicagocrime.org/beat/0423/

CHICAGOCRIME.ORG A freely browsable database of crimes reported in Chicago.

District 4 / Beat 0423

Latest reported crimes

MAY 5 12:31 p.m.	Battery	8200 block S. Exchange Ave. Sidewalk
MAY 5 9 a.m.	Battery	9000 block S. Exchange Ave. School building (public)
MAY 5 5 a.m.	Assault	2700 block E. 89th St. School building (public)
MAY 5 1:30 a.m.	Criminal damage	8400 block S. Marquette Ave. Street
MAY 4 6:18 p.m.	Weapons violation	8900 block S. Muskegon Ave. Park property
MAY 4 2:50 p.m.	Criminal damage	8600 block S. Essex Ave. Street
MAY 4 1 p.m.	Battery	9000 block S. Exchange Ave. School building (public)
MAY 4 9:55 a.m.	Sex offense	2700 block E. 89th St. School building (public)
MAY 3 9:20 p.m.	Assault	8300 block S. Marquette Ave. Residence, Porch/hallway
MAY 3 7 p.m.	Criminal damage	8500 block S. Essex Ave. Street
MAY 3 7:9 p.m.	Battery	8500 block S. Essex Ave. Street
MAY 3 2:45 p.m.	Assault	9300 block S. Marquette Ave. Street
MAY 3	Robbery	

Most common crimes for this beat

Battery - Simple battery	80 crimes
Criminal damage - Criminal damage to property	53 crimes
Assault - Simple assault	40 crimes
Criminal damage - Criminal damage to vehicle	39 crimes

Legal Issues and Social Media



The Legal Stuff

- Must we archive comments, twitter posts, blog posts?
 - Is everything a public record?
- Can we delete comments?
- Can we restrict employee behavior?



Organization Facebook Pages



Facebook Postings and Public Records Guidelines



UNC
SCHOOL OF GOVERNMENT

www.sog.unc.edu

Is it a public record?



Definition of a Public Record (NCGS 132-1)

- All documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.
- Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.



Basic Information

- Government Facebook postings are public records.
- The retention period for the record is determined by the content of the posting (not the type of media).
 - The schedule related to website retention does not apply to Facebook postings.
- Most Facebook postings will be of short-term value or considered under the Routine Correspondence and Memoranda.
- Retention requirements under litigation holds (e-discovery) are different than public records requirements.
- Metadata associated with social media postings remains a concern, as most archiving methods do not capture it.



Examples of Facebook Postings and Retention Requirements

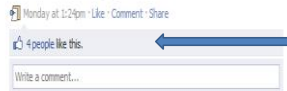


“Short-Term Value” or “Routine Correspondence and Memoranda” Categories

Catawba County, North Carolina
Check out the new Catawba County Parks Spring eNewsletter!



The “likes” would either be considered public records of “Short-Term Value or “Routine Correspondence and Memoranda” per the County/Municipal Agency retention schedules. The record can be destroyed per the jurisdiction’s defined “short term or administrative value” policy.



Citizen Complaints & Service Requests

Catawba County, North Carolina
Public Health brings flu immunization to 2500 students after cases increase in schools.

In early February, after flu cases in school spiked in late January, Public Health worked with all three local school systems to offer flu vaccines free of charge to children enrolled in pre-kindergarten through fifthth grade.

<http://www.catawbacountync.gov/eweb/ty/schoolflu.pdf>
www.catawbacountync.gov

Monday at 9:04am · Like · Comment · Share

April Williams Seems like it would have been nice to have offered the shots before the spike in flu. By the time they were given, my child already had the flu and missed 3 days of school.
Monday at 9:38am · Like

Write a comment...

This comment could be considered a citizen complaint and would be categorized under "Citizen Complaints and Service Requests". The record can be destroyed one year after resolution of the complaint.

Correspondence and Memoranda

Catawba County, North Carolina
UPDATE: Everett Health is now in custody. Thanks to everyone for your tips!

March 16 at 10:24am · Like · Comment

40 people like this.

Shane Laif Big thanks to our sheriff's dept.!!
March 16 at 9:33am · Like · 2 people

Margaret Cavanaugh Kevin Good news!
March 16 at 9:16am · Like · 1 person

Kim Kilian Great job!!
March 16 at 9:14am · Like · 1 person

Katasha Lynn Cowley Thank u!! Such good news to hear!!
March 16 at 9:09am · Like

Helle Hicelod Great job by all the departments involved with the search. Thank you for all your hard work!!
March 16 at 10:05am · Like · 1 person

FL David Brittain Great job by all the departments involved with the search. Thank you for all your hard work!!
March 16 at 10:12am · Like

Myra H H Frazer Congratulations to Sh. Reed and his department and all the others who helped in the search. Hopefully this will put him away for a long time. Will be thinking and praying for the families of those who he shot.
March 16 at 10:24am · Like

Roger Carmo Great news!!
March 16 at 10:24am · Like

Write a comment...

The comments and "likes" would either be considered public records of "Short-Term Value" or "Routine Correspondence and Memoranda" per the County/Municipal Agency retention schedules. The record can be destroyed when administrative value or reference value ends.

County/Municipal Management Schedule: pages x and 3

Public Safety "Daily Bulletins"

Catawba County, North Carolina
Catawba County authorities are looking for Everett Health (pictured) in connection with a deadly home invasion this morning in Catawba. Health is described as a thirty-two year old black male, about five feet ten inches tall with a large growth near his left ear and neck. He was last seen wearing a white shirt and silver shorts. Call the Catawba County Sheriff's Office at 828-464-5241 or 911 if you know his whereabouts.

March 15 at 9:11pm · Like · Comment · Share

4 people like this.

Angel Eckels Bungeemmer Catch this dirt bag!
March 15 at 10:09pm · Like

Shawana Kravus (Kavanaugh) Where was he last seen???

Dawn Kirby There was a guy on Emmanuel Church Rd just before the bridge about 2 hours ago, white t-shirt but light blue shorts to identify could not see about changing his, but possibly. Hope the shorts were silver instead of light blue, difficult to say since it was dark and cloudy then.

March 15 at 10:09pm · Like

Jennifer Cault (Kavanaugh) I hope that you contacted the police with this information!
March 15 at 10:09pm · Like

Catawba County, North Carolina Dawn, we passed this information on to the communications center. Thanks for the tip! Feel free to call the Catawba County Sheriff's Office at 828-464-5241 or 911 with any information.

The nature of this posting and the citizen tips would be considered "Daily Bulletins" per the County Sheriff's and Municipal Law Enforcement retention schedules. The record can be destroyed when administrative value or reference value ends.

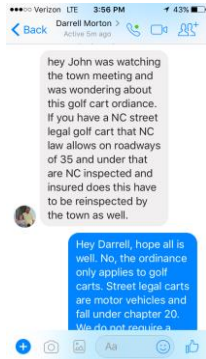
County Sheriff's Schedule: page 50
Municipal Law Enforcement Schedule: page 63

What About My Personal FB Account?



And here we go...

- If you are transacting public business, then it constitutes a public record, be it a FB post and comments, private message, etc.



NC Public Records Retention Schedule

- [Municipal Law Enforcement Specific](#)
- [General Municipal Schedule](#)

Can They Censor Me?



Is It a Public Forum?

- Purpose statements are needed!
- Can comments be deleted?
- See Frayda's blog on this topic @ <http://canons.sog.unc.edu/free-speech-rights-in-government-social-media-sites/>

Rules of the Game: Limited/Designated Forum

- Government defines purpose and allowed expression.
- Courts defer to government's choices if rational in relation to the stated purpose.
- Viewpoint discrimination is always prohibited.



A Sample Disclaimer



We welcome you and your comments to [Fairfax County's Facebook Pages](#).

The purpose of this site is to present matters of public interest in Fairfax County, including its many residents, businesses and visitors. We encourage you to submit your questions, comments, and concerns, but please note this is **a moderated online discussion site and not a public forum**.

Once posted, the Fairfax County **reserves the right to delete submissions** that contain:

- vulgar language;
- personal attacks of any kind;
- offensive comments that target or disparage any ethnic, racial, or religious group.



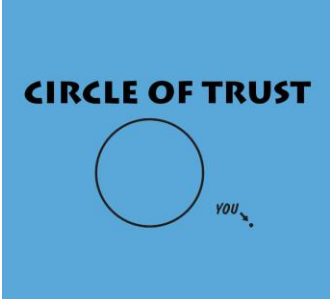
Further, the County also reserves the right to delete comments that are:

- spam or include links to other sites;
- clearly off topic;
- advocate illegal activity;
- promote particular services, products, or political organizations;
- infringe on copyrights or trademarks;
- use personally identifiable medical information; We recommend you not share any of your medical information on our Facebook Pages.

Please note that the comments expressed on this site do not reflect the opinions and position of the Fairfax County government or its officers and employees. If you have any questions concerning the operation of this online moderated discussion site, please contact the [Office of Public Affairs](#) at publicaffairs@fairfaxcounty.gov.



Personal Pages and Opinions



CIRCLE OF TRUST

YOU →

UNC
School of Government

Employee Behavior?



Government Workers are DIFFERENT!

UNC
School of Government

First Amendment

- Three prong test (Pickering, Garcetti cases)
 - Is the issue a matter of public concern?
 - Is the employee speaking as a function of their job duties?
 - Whose interests are more important—government or individual?
 - Location/time of posting matters
 - Position matters
 - Two blog postings at sog.unc.edu

UNC
School of Government

Conduct Becoming

- The more important you are, the more your behavior matters
- Blurring of personal and professional lines
- Many issues are emerging
 - Judicial behavior
 - Teacher actions
 - Public safety professionals (Savannah firefighter case)
- Policies governing speech/behavior cannot be overly broad

UNC
School of Government

Sample PD Social Media Policy Section V. Personal Use

A. Precautions and Prohibitions

Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following when using social media.

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.



2. As public employees, department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee’s professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
3. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the chief executive or his or her designee.



4. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As such, department personnel are cautioned not to do the following:
 - a) Display department logos, uniforms, or similar identifying items on personal web pages.
 - b) Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.



5. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department’s code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
 - a) Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
 - b) Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
6. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer’s testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.



Apply the Policy: Round 1



Officer A's FB Posting

"Sitting here reading posts referencing rookie cops becoming instructors. Give me a freaking break, over 15 years of data collected by the FBI in reference to assaults on officers and officer deaths shows that on average it takes at least 5 years for an officer to acquire the necessary skill set to know the job and perhaps even longer to acquire the knowledge to teach other officers. But in todays world of instant gratification and political correctness we have rookies in specialty units, working as field training officer's and even as instructors. Becoming a master of your trade is essential, not only does your life depend on it but more importantly the lives of others. Leadership is first learning, knowing and then doing."

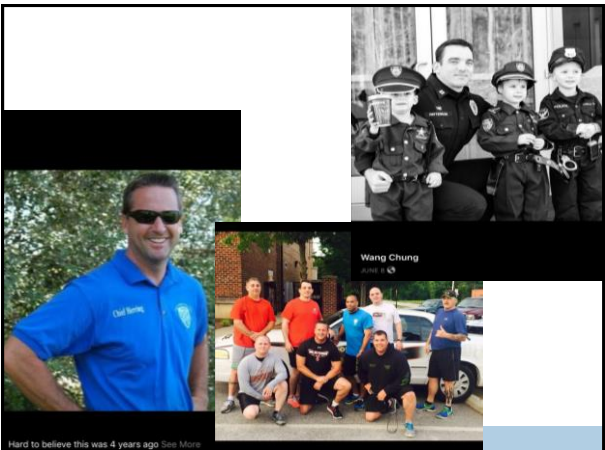
Officer B's FB Response

Well said bro, I agree 110%... Not to mention you are seeing more and more younger Officers being promoted in a Supervisor/ or roll. It's disgusting and makes me sick to my stomach DAILY. LEO Supervisors should be promoted by experience... And what comes with experience are "experiences" that "they" can pass around to the Rookies and younger less experienced Officers. Perfect example, and you know who I'm talking about..... How can ANYONE look up, or give respect to a SGT in Patrol with ONLY 1 1/2yrs experience in the street? Or less as a matter of fact. It's a Law Suit waiting to happen. And you know who will be responsible for that Law Suit? A Police Vet, who knew tried telling and warn the admin for promoting the young Rookie who was too inexperienced for that roll to begin with. Im with ya bro.....smh*

Policy Violation?



Apply the Policy: Round 2



Policy Violation?



Apply the Policy: Round 3



My Apologies in Advance

These are a police officer's public FB postings



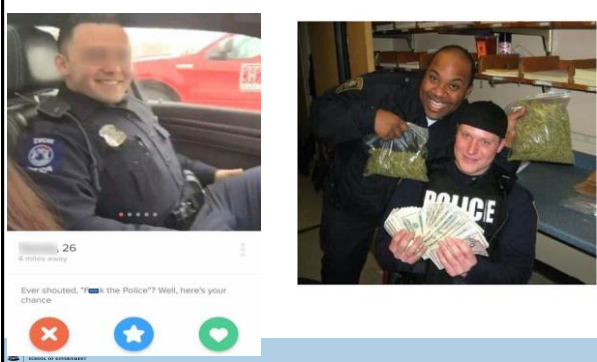
Policy Violation?



Apply the Policy: Round 4



Profile Pictures



Policy Violation?



Other Items

- Requiring employees to identify their association with the agency whenever they are commenting on official services/products as part of official job duties (example: FB engagement)
- If postings are not officially sanctioned and reviewed by agency Executive, then the employee should be required to use clear disclaimers that his/her views do not represent the views of the agency
- Use caution when posting photographs and names of co-workers or citizens (i.e. gain consent from co-workers/citizens)
- Reminder that agency has the right to lawfully and respectfully monitor employee social media postings and other online activities for compliance with agency policies. This monitoring usually occurs if the agency staff have "friended" one another or if a citizen brings in material from a person's postings

Check Your Facebook Settings!

- Turn on "Approve all tagged posts or photos prior to posting to my page"
- Limit who can send you a friend request
- Limit searching for your account on search engines

