



Effective: 12/01/2016
Last Revised: 09/15/2019

**CSU FULLERTON POLICE DEPARTMENT
GENERAL ORDER NUMBER 1-11**

**EMPLOYEE SPEECH, EXPRESSION
AND SOCIAL NETWORKING**

SUBJECT: Social Networking

PURPOSE: To address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

SCOPE:

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

PROCEDURE:

I. Application

- A. This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.
- B. Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Cal State Fullerton Police Department will carefully balance the individual employee's rights against the Department's needs and interests when

exercising a reasonable degree of control over its employees' speech and expression.

II. Safety

- A. Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Cal State Fullerton Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties.
- B. Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.
- C. Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

III. Unauthorized Endorsements and Advertisements

- A. While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Cal State Fullerton Police Department or identify themselves in any way that could be reasonably perceived as representing the Cal State Fullerton Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):
 - 1. Endorse, support, oppose or contradict any political campaign or initiative.
 - 2. Endorse, support, oppose or contradict any social issue, cause or religion.
 - 3. Endorse, support or oppose any product, service, company or other commercial entity.
 - 4. Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.
- B. Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Cal State Fullerton Police Department.
 - 1. Political Activity

- a. Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.
- b. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

IV. Privacy Expectation

- A. Employees forfeit any expectation of privacy while on-duty with respect to photographs or videos, by any electronic recording devices, that are to be used as promotional or information sharing functions of the Department's social media tools or for normal Department promotional processes. The Department will make attempts to address Department employees by title and last name when possible. Use of these same photos, videos, etc., by third party organizations as promotional tools should request their release through the Chief of Police's office.
- B. Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, Twitter, Instagram, etc.) that is accessed, transmitted, received or reviewed on any department technology system.
- C. The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes:
 1. The department e-mail system, computer network or any information placed into storage on any department system or device.
 2. Records of all key strokes or web-browsing history made at any department computer or over any department network.
- D. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network. However, the Department may not require an employee to disclose a personal user name or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

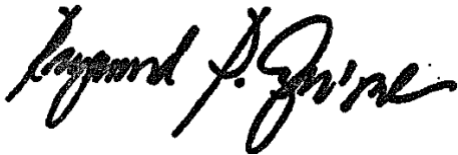
V. Considerations

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- A. Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- B. Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- C. Whether the speech or conduct would reflect unfavorably upon the Department.
- D. Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- E. Whether similar speech or conduct has been previously authorized.
- F. Whether the speech or conduct may be protected and outweighs any interest of the Department.

REVIEWED BY:
S. Willey

APPROVED:

A handwritten signature in black ink, appearing to read "Raymund J. Aguirre". The signature is written in a cursive, flowing style.

Raymund Aguirre
Chief of Police