

# Employee Speech, Expression and Social Networking

## 759.1 PURPOSE AND SCOPE

This policy is intended 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 Yolo County Probation Department.

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.

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

### 759.1.1 APPLICABILITY

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.

## 759.2 POLICY

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 Yolo County Probation 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.

## 759.3 SAFETY

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 Yolo County Probation Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officers who is working undercover.

# Yolo County Probation Department

## Policy Manual

### *Employee Speech, Expression and Social Networking*

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- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

#### **759.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the Department's safety, performance and public-trust needs, the following speech or expression made by an employee is prohibited:

- (a) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation or professionalism of the Department and/or its employees.
- (b) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, discrimination or illegal behavior.
- (c) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (d) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by this Department.
- (e) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief Probation Officer or his or her designee.
- (f) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked and/or unmarked Department vehicles, equipment or other material that specifically identifies this Department on any personal or social networking or other website or web page, without the express authorization of the Chief Probation Officer or his or her designee.

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).

#### **759.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS**

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

# Yolo County Probation Department

## Policy Manual

### *Employee Speech, Expression and Social Networking*

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not represent the Yolo County Probation Department or identify themselves in any way that could be reasonably perceived as representing the Yolo County Probation Department i to do any of the following, unless specifically authorized by the Chief Probation Officer (Gov. Code §§ 3206; 3302):

- (a) Endorse, support, oppose or contradict any political campaign or initiative
- (b) Endorse, support, oppose or contradict any social issue, cause or religion
- (c) Endorse, support or oppose any product, service, company or other commercial entity
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website

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 Yolo County Probation Department.

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.

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.)

#### **759.5 PRIVACY EXPECTATION**

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, My-space) that is accessed, transmitted, received or reviewed on any Department technology system (e.g. desktop, laptop, smart phone, tablet, etc.).

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 the County e-mail system and intranet, Department e-mail system, computer network or any information placed into storage on any Department system or device.

All messages, pictures and attachments transmitted, accessed or received over Department networks are considered Department records and, therefore, are the property of the Department. The Department reserves the right to access, audit and disclose for whatever reason all messages, including attachments, that have been transmitted, accessed or received through any Department system or device, or any such information placed into any Department storage area or device. This includes records of all key strokes or web-browsing history made at any Department computer

# Yolo County Probation Department

## Policy Manual

### *Employee Speech, Expression and Social Networking*

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or over any Department network. 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.