

The Good, the Bad and the Ugly

The Role of Social Media in Today's Law Enforcement

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Abstract

In Today's Law Enforcement, the role of social media can become blurred. In times past, law enforcement used various means to accomplish their mission. They used wanted posters, flyers, and other various forms of less sophisticated media. One example of how law enforcement as a whole benefitted from the print media was in the form of serial articles. Newspapers and cheap periodicals would serialize the latest crime spree and infamous criminals to sell papers or magazines. In turn this drew a great deal of interest by the general public, and helped capture these criminals. As technology became more sophisticated, and inventions such as the internet, and modern personal computers were invented and widely used, the role of social media changed. The once idea of law enforcement controlling the flow of information by a limited group of print, radio, and television media changed. Now the everyday amateur citizen could take videos via smart phones, and report on stories they witnessed by posting these videos on social media. This has caused a great deal of controversy over the past few years, and has even started riots, and other related violent incidents across the United States. To compound the issue, hurting the reputation of law enforcement agencies across the country, has been the issue of officers posting inappropriate, and private information on their personal social media sites. Further some of these officers and deputies have posted pictures, and opinions that have been a detriment to their careers and law enforcement in general. Many of these officers have lost their jobs as a result of their actions. Today's law enforcement managers have a lot to consider concerning social media. One must tread cautiously not to interfere with the rights of their employees, at the same time protecting the reputation of their department and law enforcement as a whole.

Introduction

The role of social media in law enforcement today is ever changing rapidly. In times past, when law enforcement agencies wished to communicate with the public or society, other less technological means were used. Dating back to the late 1800's wanted posters was used. These posters were placed in various locations across a geographic location or state territory. The subjects of the "wanted poster" were usually accused of murders, robbery, and other heinous crimes. They were widely distributed, and used with a monetary reward system that promised compensation for the capture, or information leading to the capture of these outlaws.

In the early 20th Century, as technology became more advanced, these wanted posters were more widely spread throughout the United States, to include Post offices, all government offices, and buildings, and banks. Also the use of telegraph and telegram devices, as well as the telephone was used. Of course we cannot forget the use of the newspaper, and written press. Many times the press would publish front page articles about the latest high profile criminal, and their latest criminal deeds. A few examples of criminals that were featured at length in print media in the 1920's and 1930's that captured the American citizen's attention were: John Dillinger, Al Capone, Pretty Boy Floyd, Bonnie and Clyde. These people were considered "Public Enemy #1" The news media would print articles detailing their latest escapades. Mostly this brought about a great desire to see these people captured and brought to justice. Naturally the more these news media moguls printed, it also fueled the romanticized version of their story. This in turn made money because of the increased appetite for these sensationalized stories.

Americans were experiencing many hardships including the Great Depression, Prohibition. The print media capitalized upon this form of escapism and these stories were captured in many “serial type” or repeated news articles in various forms of news print including early periodicals and magazines featuring crime stories and articles.

We have come a long way from those days in the arena of social media. As technology has advanced, so have the methods of social media. With the advent of computers in the 1960's and it's proliferation in the 1980's, as well as the internet in the 1990's, social media and its role in law enforcement had exploded.

When I hired on with the North Little Rock Police Department in 1994, the department had a very simple plain forward policy concerning social media (news media). Basically the rule was as an officer you did not talk to the news media unless you had permission from the department's Public Information Officer, or the Chief of Police. This was a basic and easy rule to follow. You knew what the policy said, and you followed it because you knew that if you didn't it could spell trouble for the department and discipline for yourself. I can remember many times being at a crime scene, and being stationed at a perimeter, and have a member of the news media approach me and attempt to gather information for their story. Many times it was an active crime scene, most likely a homicide, or other serious crime. I knew that by releasing information, even just the slightest information either intentional or unintentional could hamper the investigation or put the department and myself at risk for unfavorable attention from the news media. I was very practiced in telling them that I could not give them any information and referred them to the appropriate people up the chain of command.

In the early 1990's a new form of social media became available. It was called America Online the internet was still relatively new, and with the widespread use of America Online, the Internet became a household name. With a rather inexpensive computer, and a telephone line, and cheap software installed, the user could access the World Wide Web with a dial up connection. America Online provided the user with a way to browse articles about most any topic they could think of, communicate with other users live in internet chat rooms, as well as instant messages. It was a revolution. As more and more people gained access to the World Wide Web, and other platforms of social media became available, so did the potential for social media to expand to the average ordinary citizen. Now private citizens could post and upload their own articles and communicate across the world pretty much instantly. With this, the need for law enforcement to stay abreast of these methods of technology became imperative. With every new technology, there are always those who would exploit that technology for the criminal enterprise. In the 1980's Xerox and photocopiers became prevalent. Due to that fact, criminals photocopied money and used it to trick change machines, and vending machines.

In 2003 a social media site called "Myspace" launched. It allowed the user to upload pictures, videos, and other graphic heavy items to their "profile" It basically took HTML and converted it to a user friendly format for those not computer programming savvy. This platform became extremely popular with the younger teen and early 20 something's crowd. As a law enforcement officer in 2004 I had the opportunity to serve as a school resource officer in a couple of middle schools. During my tenure as an SRO, I used Myspace to reach kids in my

schools that would never come to my office, or be caught talking to me. It became a tool for me to have my thumb on the pulse of the school, and what was happening.

In 2007 an article was published in the Arkansas Democrat Gazette by Kayla Carrick. IN this article the Use of Social Media was discussed, and I along with another NLRPD School Resource Officer was interviewed about our use of social media in outreach to kids. At the time Myspace had around 160 million profile pages, and approximately 24 Police Department pages were found on Myspace throughout the United States. In the same article I explained that some kids had posted “alarming things” very concerning things about themselves, and as a result another teen reported those postings to me via Myspace, and I was able to get help to those teens needing it, without revealing the source. This happened many times, and also allowed me to take care of situations that were brewing before they became full blown problems. In at least two of these cases, arrests of two high school students resulted and prevention of a serious crime of violence. Of course before I created my profile page, I received permission from my Patrol Captain at the time. I explained to him how I would operate, and use the page and the safeguards I had put into place to ensure no negative attention would arise that would injure the department’s public image.

As a result of utilizing social media, I along with two other School Resource Officers spent two years tweaking the department’s Junior Police Academy. It became a more informative and interactive experience for teens that was fun for them. In this endeavor, the Junior Police

Academy was split up into two different age groups. Ages 11-12 attended a 5 day academy, and ages 13-18 attended a 10 day course. In the academy, the teens, who were personally recruited and nominated by their school teachers via Myspace as well as applications that they filled out and completed. The target audience was teens who had a great deal of potential of becoming productive members in future society.

There was classroom teaching on the history of the North Little Rock Police Department, its organization, and each function. They got hands on training on the methods of solving crimes, by detectives. They got to witness several demonstrations from K-9's to SWAT live fire at the range. This allowed them to understand the difference between TV police and the real world field of law enforcement. The students got to visit the Juvenile Detention facility, and talk to a juvenile judge. At the end of the course, they got to ride along with a police officer for an afternoon. They also were required to complete an essay on what they learned in the academy. They competed for a plaque with these essays. There was one student who would later become an officer with the department.

As part of this effort, local news media showed great interest in what we were doing. I had the opportunity to interview live on KATV Channel 7 Morning Daybreak two years in a row as the students were watching a SWAT demonstration at a local range. This attention brought great credit upon the police department. It brought a lot of positive attention upon the department. As a result of this two year effort, I along with two of the other officers who worked with me received the 2007 Team Achievement Award for "innovative development of the new

junior police academy programs and working as a team which provided exemplary role models for these students.

THE GOOD

More and More police departments across the United States are using social media sites for a number of purposes from good old crime fighting, to information sharing and gathering, and of course as a public relations tool. In a Newsmax article dated July 2, 2015 by Brianna Noble, there were listed seven ways police departments use social media. They are:

Develop a trustworthy relationship and transparent communications with the community.

By allowing residents to see police officers at work on social media it helps to give them a sense of safety and security. This type of forum also allows citizens the ability to communicate with their police department representatives directly, and have a more positive interaction when questions arise.

Gain control over the department's reputation.

Social media can be used to give communities pertinent real time information such as accidents, or hazardous situations of great public interest.

Provide a forum to answer questions or publish tips

Police officers can be a great asset to their communities and its citizens. Officers typically know

how to make residences secure, and safe. They also typically are very observant of their surroundings at all times. Also this type of forum can be used to have a dialogue between the police and the citizens concerning items of interest such as neighborhood watch issues, and information related to crime watch meetings.

Spread information quickly.

Social media is a useful tool aid in locating missing juveniles, and endangered people. It also can be used to warn residents about dangerous situations such as floods, fires, or an ongoing criminal event. In the case of natural disasters it can be used to relieve the heavy load of calls to a police department by sharing what information is known about a situation.

Obtain information on suspects.

People sometimes post incriminating photos and statements on social media that can help police catch the right culprit. According to CNN, once a Facebook post is shared, a person's privacy is given up, and the information can be shared as evidence. Police have created fake accounts to follow and "friend" suspects online as well. Subpoenas and warrants are also used to obtain social media information directly from the companies that run the websites.

Prevent crime.

The following is an example of a police department using social media to prevent crime. By following and tracking gang members on social media, the Cincinnati Police Department located specific places and certain members involved, [preventing violence from starting, WXIX-TV reported.](#)

Increase transparency

In a controversial play by Dallas Police Chief David Brown, employee names and the reason why they were fired were tweeted to increase transparency, according to Entrepreneur.

In 2015 The International Association of Chiefs of Police conducted its 6th annual survey on social media. A total of 553 law enforcement agencies representing 44 states participated in the survey.

In the survey 96.4% of agencies surveyed use social media in some capacity. The most common use of social media is for criminal investigations at 88.7%. The most frequently used social media platforms are Facebook (94.2%), Twitter (71.2%), and YouTube (40.0%). 73.9% of responding agencies not currently using social media are considering its adoption. 77.8% of agencies surveyed have a social media policy and an additional 11.7% are in the process of crafting a policy. 85.5% of agencies report that social media has helped solve crimes in their jurisdiction. 83.5% of agencies state that social media has improved police-community relations in their jurisdictions. So as you can see social media is here to stay, and by the looks of things the use in law enforcement will continue to increase. There are many examples of police departments all across America that has used social media to bring a more positive image to their department as well as the profession of policing.

Police departments across the country have been using social media (SNS) sites for investigations. Some of these investigations are criminal investigations, as well as

intelligence gathering. According to Hanson (2013) a lot of bad guys boast about their criminal exploits on their personal SNS. Once posted and out there for all to see, this information is considered "open-Source" intelligence. A comparison of this is when a citizen places their household garbage out to the curb for collection by city or municipal collections systems. Anything found after it has been placed there freely, is open to be used and collected by law enforcement officers without the requirement of a search warrant. It is open for anyone to take at that point.

Police officers work really hard under pressure and stressful conditions. Many times, they dedicate themselves to perform their duties but many people in the society do not know or even do not want to know about that. So, when they do a good, amazing job, spreading the stories and photos of their hard work via social media channels can make them feel good about what they receive when they do a good thing. Next time, when they are on duty, they will perform duties with self-esteem. From my experience as a police officer, that will make them want to do the same thing repeatedly. And eventually it will help improve overall work performance of the station.

Overall Social media has had a great deal of positive influence on law enforcement. It has revolutionized how we do our jobs, with an emphasis on public relations. No longer is "media" just the concern of the Chief, or Public Information Officer.

THE BAD

Although social media can have a positive effect in changing the negative mindset towards law enforcement, there are examples where social media and police employees come into conflict. One such case

According to a 2016 PoliceOne article the Fourth Circuit Court of Appeals ruled on two officer's first amendment rights to their department's social media policy and subsequent disciplinary actions taken against them.

The speech at issue was off-duty Facebook postings by officers Liverman and Richards complaining about rookies with insufficient experience being promoted and the lack of leadership that fostered these decisions. Most of those who liked or commented on the posts were current or former officers.

On the chief's orders, the two officers were disciplined for violating a provision of the department's social media policy which stated, Negative comments on the internal operations of the Bureau, or specific conduct of supervisors or peers that impacts the public's perception of the department is not protected by the First Amendment free speech clause.

The court ruled this provision was an unconstitutionally overbroad prior restraint on protected speech -- describing it as "a virtual blanket prohibition on all speech critical of the government" that could encompass protected speech about matters of "public concern" such as whether the department enforced the law effectively and fairly and

whether its procedures and tactics best protected and served the community.

The City of Petersburg and the chief argued that a “public concern” provision sufficiently narrowed the “negative comments” provision by specifying, Officers may comment on issues of public concern (as opposed to personal grievances) so long as the comments do not disrupt the workforce, interfere with important working relationships or efficient work flow, or undermine public confidence in the officer. The instances must be judged on a case-by-case basis.

But the court concluded this language did not salvage the unconstitutional over breadth of the social media policy taken as a whole. Accordingly, the department’s social media policy could not be used as a management or disciplinary mechanism.

THE UGLY

With all the good and positive attention that social media has caused, there is always another side to that coin. Officers across the nation are becoming more and more concerned for their safety and social media is having a large role in that feeling. Many times officers are videoed by citizens while performing their job. Many times the situations are confrontational in nature like making arrests, or dealing with very violent or dangerous situations. The video footage can be edited, or shown in a light that is unfavorable for the officer. It is often times put on Youtube or other social media. This can sometimes cause others to retaliate against other law enforcement officers, putting them at risk for personal attack.

In the past couple of years, police officers have come under intense scrutiny concerning use of force, and specifically deadly force from some members in communities across the United States. Sometimes these inflammatory one sided videos has caused a mass violent response from some members of various groups. This type of rogue citizen reporting has played a part in large scale events such as in Ferguson, Missouri, and Dallas, Texas. As a result millions of dollars in damage occurred to entire neighborhoods and businesses, as well as injuries, and loss of life. On July 7, 2016 in Dallas Texas, 12 police officers were shot, and another 5 shot and killed. This was a result of recent unrest in certain minority groups, and was fueled by various types of "rogue" social media reporting.

Police Officers are citizens too, and as such have had issues with social media from another standpoint. There is case after case where police officers have not practiced good judgment when using social media, both on and off duty. We hear far too often of officers who are losing their jobs because they post their opinions concerning their job, or department online.

Many police departments across the country have policies concerning social media, and the do's and don'ts for their officers. A case can be made or argued that if the officers knew the

restrictions concerning social media, then it is on them, and they are getting what's coming to them. I am not here to argue for or against that viewpoint. I am simply bringing this up because it has become an issue within law enforcement today.

There is an alarming trend of officers finding themselves in hot water with their superiors and department concerning social media. In many cases this is specifically due to Facebook, Twitter, or other similar SNS (Social Media Sites). Because a great number of newer officers have grown up indoctrinated with social media, there does not seem to be a great deal of concern about utilizing social media on the job. Many law enforcement officers who have gotten disciplined for posting opinions, or other items on their personal SNS's have cited, and thought that they were protected by the 1st Amendment to the Constitution. Their thinking is in error due mostly because of a U.S. Supreme Court case ruling *Garcetti v. Ceballos*, 547 U.S. 410 (2006). This ruling dealt with the limits of public employees free speech, and narrowly defined the contours of that speech.

It further held: When public employees make statements pursuant to their official duties, they are not speaking as citizens for First Amendment purposes and the Constitution does not insulate their communications from employee discipline.

In Conclusion

Social media is here to stay. We cannot run from or ignore its presence. In our global society, social media has its place. Media platforms can be a great way for the masses to communicate, share ideas, exchange opinions, and report issues of concern as well as inspirational stories. From the early days of mass media there have always been controversial issues that have stirred the people in society. Today's social media platforms are no different. The difference today is the fact that current technology allows for social media users to instantly have access and communicate across the globe. This can be a double edged sword.

Social Media can be a useful tool when used properly by law enforcement. It can bring a swift resolution to a search for a criminal, or victim such as a missing person. It can also warn of impending or in progress incidents such as natural disasters, or man-made hazardous situations.

Today's police officer has many things to keep in mind as he or she navigates their career. Social media, the good, the bad, and the ugly, and its effects in law enforcement should never be too far from our minds. Law enforcement managers have a difficult job. They must ensure that the rights of their employees are protected, as well as those of the public. They must balance the need for control over their employees and at the same time not infringe on

rights afforded to them under the Constitution of the United States of America. As citizens of a free society, we must hold law enforcement along with other public servants to a high degree of accountability. After-all that is what separates us from less democratic societies where the police have full and free reign to act however they please. In a society that values freedom and justice, we must temper our need for instant gratification of information for the privacy of all citizens including law enforcement officers.

We must recognize that to be a law enforcement officer, a sheep dog if you will, is a job like no other on the face of the earth. We run toward danger where others run away from it. We put our lives on the line each and every day. We get up, put on our uniform, we strap on gun, and pin on a shield, kiss our kids and spouses and go into battle. Each and every tour of duty could be our last. We have taken an oath to protect others even with the very life's blood flowing through our veins. How we perform our job and how it is perceived or captured in the arena of social media affects us all, good or bad.

It has been said that courage is not the absence of fear, but action in the face of fear. As long as there are new and innovative methods of mass communication, it will always be necessary to examine the role of those methods, and the benefits and liabilities. If you ask me if social media is a good thing in law enforcement, I would tell you yes, I believe it is, but I also say we need to treat lightly with its use, and partnership of it.

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