



Law Offices of the Public Defender

Bennett J. Baur
Chief Public Defender

TITLE: 400 HUMAN RESOURCES ADMINISTRATION

CHAPTER: 108 EMPLOYMENT PRACTICES

PART 5 SOCIAL MEDIA POLICY

EFFECTIVE DATE: January 17, 2020

PURPOSE: To establish protocol for formal department social media profile management in support of the department's client-centered advocacy. To provide guidance to LOPD employees regarding their personal use of social media in relation to the department and its clients.

APPLICABILITY: All LOPD employees and interns

AUTHORITY: Section 31-15-7 NMSA 1978

CROSS -REFERENCES: 10.12.1.14 NMAC Human Resources Policies; 10.12.11 NMAC Discipline; 10.12.6.13 NMAC Employee Complaints; Human Rights Act, § 28-1-7, NMSA 1978; Title VII of the Civil Rights Act of 1964; LOPD Code of Conduct; LOPD Computer Information Systems, Internet, Intranet and Email Usage

RELATED FORMS: Social Media Policy Acknowledgment

DEFINITIONS:

Social media or social media platform – internet-based technologies that allow a network of users to create, consume, comment on and share content. Prominent examples include Facebook, Twitter, Instagram, LinkedIn, YouTube and Snapchat. It can also include personal blogs, comments on news sites or podcasts.

Social media activity or actions – the creation, promotion, posting or sharing of online content to, in, or on a social media platform

Social Media Team – the group of people assigned by the Chief Public Defender to maintain the department's social media profiles.

POLICY

1. Employee social media use:
 - A. Each individual is responsible for his/her/their social media actions.
 - B. Posts or comments that violate professional ethical codes or the LOPD Code of Conduct are prohibited in any circumstance, including during non-work time. Social media actions must not adversely affect clients. Content that is discriminatory, harassing or threatening, or that suggests or encourages illegal activity of any kind, or that divulges confidential case or client information or images is prohibited.
 - C. Be aware that all social media posts and comments do not carry a reasonable expectation of privacy, are reportable by news media, and are subject to this policy. Posts and comments made anonymously or in groups that appear private also should not be treated as if they have a reasonable expectation of privacy.
 - D. Care should be taken that social media use does not distract from or interfere with business during work hours in accordance with LOPD's Computer Information Systems, Internet, Intranet and Email Usage policy.
 - E. No personal social media accounts shall be established using an LOPD email address.
 - F. Any social media conduct, including during work and non-work time, that violates the LOPD Code of Conduct or adversely affects the department, clients, or their cases, may result in disciplinary action up to and including termination.
 - G. Employees must acknowledge their understanding of the Social Media Policy by signing the Social Media Policy Acknowledgement.
 - H. This policy does not abrogate an employee's rights to due process as provided by the Public Defender New Mexico Administrative Code and/or the Collective Bargaining Agreement between LOPD and American Federation of State, County and Municipal Employees (AFSCME), if applicable.

2. Department social media:
 - A. The Chief Public Defender in coordination with the Communication Specialist and other selected Social Media Team (Team) members will manage the department's official social media profiles to further the mission of the department.
 - B. The Team will be the only official social media voice of the department and no other employee should engage in social media on formal behalf of the department unless authorized to do so by the Team.
 - C. The Team is responsible for content creation, curation, and error management and tracking. Editorial discretion lies ultimately with the Chief.
 - D. The Team or its selected member will maintain account login information and agreed-upon analytic reports.
 - E. Only the Chief and Communication Specialist will have the authority to delete content, including comments that violate this policy. Before deleting anything from any LOPD profile, a screenshot of the target pre- and post-delete will be saved as a .jpeg and stored in Team records for a period of at least 1 year organized by date.
 - F. Posts that contain typos or grammatical errors can be corrected without saving a screenshot. Posts that contain an error of substance must be corrected. To do this, save a screen shot of the original post as a .jpeg in the Team files. Repost

with the correction and a note that the post has been corrected. Save a picture of the corrected post along with the original post.

- G. Comments will be monitored daily by noon and moderated as needed by the Communication Specialist and/or Team.
- H. The department reserves the right to delete comments that are off-topic, graphic, explicit, abusive, violent, vulgar, obscene, profane, hateful, or racist; that threaten or defame any person or organization; that violate the privacy of another individual; solicitations, advertisements, or endorsements of any financial, commercial, or non-governmental agency; that suggest or encourage illegal activity; include phone numbers, email addresses, residential addresses, or similar information; multiple, successive off-topic posts by a single user; or repetitive posts copied and pasted by multiple users.
- I. Comments or social media behavior that violate this policy should be brought to the attention of the Team by email, with a screen shotscreenshot if possible, the media email LOPD-media@lopdnm.us.
- J. Department profiles will include a platform-appropriate disclaimer: "We do not discriminate against any views, but we reserve the right to delete comments and posts that violate our department media policy, which can be found on our website." or "Likes,RTs ≠ endorsements."
- K. The following disclaimer will be included on every formal department social media profile: "Messages, comments and posts sent through this site are not confidential and do not amount to formal legal notice or advice."
- L. Any content maintained in a social media format related to agency business, including communication via the accounts, is a public record. The department is responsible for responding accurately to any public records request and will comply to the best of its ability following New Mexico State Records Center and Archives guidelines.
- M. Because LOPD is a state agency, the department's social media profiles may not block users or accounts.
- N. No pictures of juveniles or clients shall be posted on social media without explicit written consent.
- O. Employee photographs may appear in department social media. The team will honor the employee's right to request their photograph not be shared on social media.

Authorized Signature

APPROVED: _____

Bennett J. Baur, Chief Public Defender
Law Offices of the Public Defender

Social Media Policy Acknowledgement

I, _____, have received, read, and understand the terms of the LOPD Social Media Policy. I agree to adhere to the policy, and I understand that violations of the policy may lead to appropriate discipline up to and including termination. I understand that I am responsible for all of my social media actions.

I understand that I have no right to privacy with respect to any information sent, received, created, accessed, obtained, viewed, stored, or otherwise found at any time on LOPD systems.

I understand that my photograph may appear in social media posts and that I have the right to request my photograph not be shared on social media.

Employee Signature

Date