**0311.50 Investigative Use of Social Media**

*First Universal Review: 03/01/23 – 03/31/23*

Refer:
- ORS § 181A.250 Specific Information Not to be Collected or Maintained
- City of Portland Human Resources Administrative Rule 4.08(A) Social Media
- Directive 0310.50 Truthfulness
- Directive 0311.40 Personal Use of Social Media
- Directive 0660.00 Management of Criminal Intelligence Files

Definitions:

- **Alien Social Media Account**: A social media account maintained by a Bureau member under a false or fictitious name, or persona.

- **Criminal Intelligence**: Investigative information that has been collected; analyzed and validated through police reports, field notes, records, systems, or databases to establish a link between entities and criminal activity. Intelligence includes information pertaining to the activities and associations of: 1) Individuals who, based upon reasonable suspicion, are suspected of being or having been involved in a) the actual or attempted planning, organizing, threatening, financing, or commission of criminal acts; or b) criminal activities with known or suspected crime figures. 2) Organizations, businesses, and groups which based upon reasonable suspicion are suspected of being or having been a) involved in the actual or attempted planning, organizing, threatening, financing, or commission of criminal acts; or b) illegally operated, controlled, financed, or infiltrated by known or suspected crime figures.

- **Social Media**: Websites and other forms of Internet communication used to provide or share information, ideas, messages, photographs, videos and other content. Examples of social media sites include, but are not limited to, Facebook, Twitter, Instagram, YouTube, Snapchat, Reddit, Tumblr and LinkedIn.

- **Social Media Search**: A Social Media search is any check or browsing of a social media site looking for information. This could include looking for a specific account, or specific information using a search engine, or checking a particular account. A “Social Media Search” is not inherently a search for 4th Amendment purposes, and members must evaluate whether any given use of Social Media implicates the 4th Amendment based on the totality of the circumstances and current case law.

Policy:

1. Social media can be an essential investigative tool, providing members with key evidence in criminal investigations, locating missing and endangered people, and safely resolving dangerous incidents. However, the use of social media also implicates core Bureau values of
privacy, freedom of expression, and association. As such the Bureau expects members to use social media judiciously and in accordance with the procedures laid out in this directive.

**Procedure:**

1. **Investigative Use of Social Media.**
   1.1. In accordance with ORS § 181A.250, members shall not collect or maintain information about the political, religious, or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.
   
   1.2. Criminal intelligence is distinct from information gathered for a specific investigation. Specific information gathered from social media as part of an investigation is not criminal intelligence unless it has been analyzed, validated, and is part of a broader profile of a person engaged in criminal activity or a criminal enterprise. Criminal intelligence gathered from social media must be gathered and maintained in accordance with Directive 0660.00, Management of Criminal Intelligence Files.
   
   1.3. Members may only use social media for investigative purposes while on duty, and using Bureau issued electronic devices.
   
   1.4. Members may access publicly available information on social media, (e.g. viewing a public profile), for a valid law enforcement purpose including, but not limited to the following:
   1.4.1. Conducting a criminal investigation.
   1.4.2. Locating a wanted, missing, or potentially suicidal person.
   1.4.3. Aiding the coordination of police resources.
   1.4.4. Conducting a pre-employment background check, or conducting an administrative investigation.
   
   1.5. **Alias Accounts.**
   1.5.1. Members may maintain an alias social media account for investigative purposes under the following conditions:
   1.5.1.1. The account has been approved by the member’s supervisor.
   1.5.1.2. The account, including username and password, has been registered with the Bureau.
   
   1.5.2. Members may use Alias Accounts to interact with persons when:
   1.5.2.1. There is reasonable suspicion to believe a crime has been committed or is going to be committed.
   1.5.2.2. The use has been noted in the appropriate report.
   1.5.3. When posting content, members shall act in accordance with the standards set forth in Directive 0310.50, Truthfulness.
1.6. Documentation:

1.6.1. Any search of social media for an investigative purpose must be documented. This documentation must include the case number of the investigation, the purpose, and general scope e.g. social media sites checked.

1.6.1.1. For members making only occasional, case specific investigative use of social media, the documentation should be made in an appropriate police report or as notes in the relevant CAD call.

1.6.1.2. For investigators who use social media as part of ongoing, complex investigations and intelligence gathering, they should maintain a log listing the above information.

1.6.2. Any information gathered from the investigative use of Social Media should be specifically noted in the appropriate police report, with the source listed.

1.6.3. Any posts made to an Alias Account shall be transcribed into an appropriate police report, criminal intelligence file system, or as a screenshot uploaded into the DIMS photo management system.

2. Refer to Directive 0311.40, Personal Use of Social Media for rules governing personal use of Social Media.

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