



Virginia Department of Corrections

Human Resources

Operating Procedure 135.6

Use of Social Media

Authority:

Directive 135, *DOC Expectations of Employees*

Effective Date: January 1, 2024

Amended:

Supersedes:

Operating Procedure 135.6, January 1, 2021

Access: Restricted Public Inmate

ACA/PREA Standards:

None

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REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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DEFINITIONS

Fraternization - Employee association with inmates/probationers/parolees, their family members, or close friends of inmates/probationers/parolees, outside of employee job functions, that extends to unacceptable, unprofessional and prohibited behavior; examples include non-work related visits between inmates/probationers/parolees and employees, non-work related relationships with family members or close friends of inmates/probationers/parolees, connections on social media, discussing employee personal matters (marriage, children, work, etc.) with inmates/probationers/parolees, and engaging in romantic or sexual relationships with inmates/probationers/parolees.

Internet - A global collection of interconnected computer networks sharing a wide variety of resources (research and archived data, publications, news, weather, electronic mail, etc.) and functionality including “e-government”, communications, and entertainment. No one individual is in charge of, or owns, the Internet. Internet Service Providers (ISP s) offer the vehicle for access to the Internet.

Organizational Unit Head - The person occupying the highest position in a DOC organizational unit, such as a correctional facility, Regional Office, Probation and Parole Office, Virginia Correctional Enterprises, Academy for Staff Development, Infrastructure and Environmental Management Unit, Agribusiness Unit, and individual Headquarters units, e.g., Human Resources, Offender Management, Internal Audit.

Post (noun) - an item inserted in a blog, or an entry to any type of social media platform.

Post (verb) - the act of creating, uploading, editing, or adding information to any social media platform. This will include, but not be limited to, text, photographs, audio, video, or any other multimedia file.

Prohibited Speech - Categories of speech that are given lesser or no protection by the First Amendment, and therefore may be restricted, include obscenity, fraud, child pornography, speech integral to illegal conduct, speech that incites imminent lawless action, speech that violates intellectual property law, true threats, false statements of fact, and commercial speech such as advertising. Defamation that causes harm to reputation is a tort and a category which is not protected as free speech.

Social Media - Form of online communication or publication that allows for multi-directional interaction. Social media includes blogs, wikis, podcasts, social networks, photograph and video hosting websites and new technologies as they emerge. Examples of social media outlets include, but are not limited to, Facebook, Instagram, LinkedIn, Reddit, TikTok, Tumblr, Twitter, WhatsApp, and YouTube, etc.



PURPOSE

This operating procedure establishes protocols for employees, volunteers, interns, and others employed by or representing the Department of Corrections (DOC) for the acceptable use of Social Media.

PROCEDURE

I. General

- A. Nothing in this operating procedure will prohibit employees from engaging in their constitutional right to express themselves as private citizens on social media.
- B. Social media postings are public, not temporary, generally available to a broad audience, and have the potential to be read out of context. Therefore, employees will have no reasonable expectation of privacy when engaging in personal use of social media.
 - 1. Any information employees create, transmit, “like”, download, exchange, or discuss that is available online in a public forum or that is accessible by the public may be accessed by the DOC without prior notice.
 - 2. The content of social networking websites may be obtained for use in criminal trials, civil proceedings, and administrative investigations conducted by the DOC.
- C. Employees are advised to use their best judgment and exercise personal responsibility when posting on social media. They should assume their speech and related social media activity will reflect upon their employment with the DOC, even if they are not officially authorized to speak on behalf of the organization or Commonwealth.
- D. In accordance with Operating Procedure 135.3, *Standards of Ethics and Conflict of Interest*, “Employees in DOC supervisory and managerial positions must be especially mindful of how their words and deeds might be perceived or might affect or influence others.” Supervisors, unit heads, and other leaders within DOC often have managerial responsibility, and a higher level of decision-making authority and influence. Therefore, their outside activities, including social media activity, have greater potential to impact the DOC’s reputation and legal liability, morale of employees, and effectiveness in their position more than individual contributors who are not in supervisory and management positions.

II. Department Authorized Use of Social Media

- A. When using electronic communication tools and social media for business purposes, users will be responsible and professional in their activities. Employees will conduct themselves in a manner that supports the DOC mission and performance of their duties.
 - 1. When utilizing social media for posting and communicating information for business purposes, users will be professional and respectful of the DOC, other employees, customers, vendors, and others.
 - a. Be aware of any associated potential liabilities and obtain consent prior to communicating or posting information about the workplace.
 - b. Be cautious about the type and amount of information shared.
 - 2. Only employees with authorization to publish DOC materials to social media sites or the Internet are permitted to do so. Without exception, all DOC materials published to social media sites, or the Internet must go through their respective approval processes.

III. Personal Use of Social Media

- A. Employees are free to express themselves as private citizens on social media sites but will avoid engaging in prohibited speech, which is not protected under the First Amendment.
- B. Employees must be mindful, even when off-duty and/or posting on social media, that they do not adversely affect their capacity to effectively perform their responsibilities or undermine the public’s



confidence in the DOC's capacity to perform its public safety mission. Employees will assume that their speech and related activity will reflect upon their office and the DOC.

- C. Employees are required to conduct themselves in a professional, respectful manner when engaging in personal use of social media platforms and, whether on duty or off duty, not engage in conduct that is unbecoming of a state employee or that may reflect unfavorably on or impair operations of the Department.
- D. Employees are encouraged to represent the core values and business practices of the DOC, including but not limited to respect, constructive dialogue, civility, and professionalism, when making social media posts about the DOC, Commonwealth of Virginia, and any related matters; careful consideration, respect, tolerance, and patience for others' opinions and beliefs, especially when discussing controversial issues, e.g., religion, politics, must be shown.
- E. When accessing social media for communicating or posting information for personal use, personal email addresses, information technology equipment, and services must be utilized.
- F. When posting personal entries on the Internet, employees must ensure that they are representing themselves as individuals.
1. Employees must not imply or state that they represent the DOC.
 2. Employees should be cautious about the type and amount of personal and professional information shared.
 3. Any information, including but not limited to rank, title, or position, that in any way suggests they are representing themselves as an official spokesperson of the DOC and the Commonwealth of Virginia will not be posted, displayed, or transmitted without written permission from the Director of Corrections.
 4. Users may use a disclaimer when posting opinions or views for personal use such as, *"The views expressed on this (website, blog, social media site) are my own and do not reflect the views of my employer or the Commonwealth of Virginia"*, when appropriate to ensure their personal views are not perceived as official Commonwealth of Virginia communications. The use of a disclaimer does not guarantee avoidance of discipline if the posting violates other provisions of this Operating Procedure.
- G. Employees are strongly encouraged to resolve work-related complaints by speaking directly with co-workers or using the appropriate channels for addressing workplace conflicts or complaints, rather than by posting comments to social media.
1. For safety and security reasons, DOC employees are cautioned not to disclose their employment with the DOC.
 - a. DOC employees should not post personal photographs or provide similar means of personal recognition that may cause them to be identified as a sworn employee of the DOC.
 - b. Sworn employees who are or may reasonably be expected to work in undercover operations, surveillance, intelligence, or technical support positions will not post any form of visual or personal identification.
- H. Prohibited Activity
1. As a government entity, the DOC must balance our employee's interests as private citizens and the Commonwealth's interest in efficient public services performed by our employees. Any speech, including social media activity on personal accounts, may be considered a violation of Operating Procedure 135.1, *Standards of Conduct*, and result in disciplinary action if it meets any of the following criteria:
 - a. Is made pursuant to an employee's official duties.
 - b. Undermines the effectiveness of the DOC or the employee.
 - c. Impairs working relationships within and outside of the DOC.

- d. Impedes the performance of an employee's duties.
 - e. Undermines the authority of supervisors.
 - f. Diminishes harmony among co-workers.
 - g. Undermines the public safety mission of the DOC; or
 - h. Negatively affects the public perception of the DOC.
2. The following are some examples of what should not be published, posted, or displayed; this list is not all inclusive:
 - a. Comments or information regarding a specific inmate/probationer/parolee or information which could reasonably identify a specific inmate/probationer/parolee.
 - b. Confidential information about inmates/probationers/parolees, DOC programs, facilities, or offices.
 - c. Any intellectual property of the DOC or the Commonwealth of Virginia, including but not limited to any depiction or illustration of the Commonwealth or DOC seal, or the DOC's name, logo, uniform, ID Card or badge, patch, official photographs, audio or video files or any text documents (paper or electronic), without written consent from the Director.
 - d. Any references to another person's employment with the DOC without that person's consent.
 - e. Photos, videos, or audio recordings taken in the work environment without written consent from the Director.
 - f. Derogatory or offensive information or commentary about inmates/probationers/parolees in general.
 - g. Pictures, images, or information suggesting identification with security threat groups (gangs), or which portray security threat groups in a positive and appealing manner.
 - h. Information, images, or pictures related to DOC security procedures, security equipment or fixtures, building layouts or architectural drawings of facilities.
 - i. Any information, data, or photographs that purport, by word or presentation, to represent an official publication by, or the official position of, the DOC without express written authority of the Director of Corrections.
 - j. Pictures or images of staff with inmates/probationers/parolees under supervision.
 - k. Information, images, or pictures of conduct that is illegal.
 - l. Content that could be viewed as harassing, discriminatory, obscene, pornographic, threatening, intimidating, or malicious; see Operating Procedures 145.3, *Equal Employment Opportunity, Anti-Harassment, and Workplace Civility*, 135.5, *Workplace Violence*, or 135.1, *Standards of Conduct*, for additional information.
 - m. Information, images, pictures, or any other content that meets the criteria outlined in "Prohibited Activity".
 3. Engaging in prohibited speech noted herein will be considered a violation of Operating Procedure 135.1, *Standards of Conduct*, and may be subject to disciplinary action up to and including termination.
 4. Any employee becoming aware of or having knowledge of a posting, website, or web page in violation of this procedure must immediately notify their supervisor or Human Resources.
 5. Since other people tagging (or posting) items to a social media page or social media hacking is possible, it is recommended that employees review their site regularly and remove any information they believe is inappropriate.
 6. If the employee becomes aware of any suspicious activity or content, which violates any provision of this procedure, made or reflected on their social media account, it is strongly recommended that they notify their supervisor and take appropriate steps to mitigate the issue, e.g., change their password, notify their connections their account may be compromised, etc.

7. Organizational Unit Heads are expected to reinforce the importance of these guidelines with their employees on an ongoing basis. They should discuss any specific concerns or issues with the DOC Human Resources Office.
8. Employees who have any specific concerns or doubts about a potential or existing Internet posting should discuss it with their Organizational Unit Head.
- I. Any other activities designated as prohibited by the DOC, see Operating Procedure 310.2, *Information Technology Security*, are subject to disciplinary action under Operating Procedure 135.1, *Standards of Conduct*, up to and including termination.
- J. Connections on social media with inmates/probationers/parolees, their family members, or close friends of inmates/probationers/parolees is considered fraternization and prohibited under Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Inmates and Probationers/Parolees*.

IV. Sanctions for Prohibited Use of Social Media

- A. Any questionable social media content observed or witnessed by employees, volunteers, interns, and others employed by or representing the DOC will be reported to the Organizational Unit Head.
- B. Unacceptable or inappropriate use of social media will be investigated and subject to disciplinary action under Operating Procedure 135.1, *Standards of Conduct*, up to and including termination.

V. Access by Supervisor or Administrator

- A. The DOC has the authority to request an employee's username and password associated with their personal social media when relevant to a formal investigation or a related proceeding into allegations of an employee's violation of federal, state, or local laws or regulations, Commonwealth policies, or DOC operating procedures. COV §40.1-28.7:5, *Social media accounts of current and prospective employees*.
 1. Written approval from the Director of Corrections or designee, after evaluation of the request, must be obtained before requesting the employee's username and password.
 2. Employees who fail to provide the requested username and password associated with their social media account(s) will be subject to disciplinary action under Operating Procedure 135.1, *Standards of Conduct*, up to and including demotion or termination.
- B. Employees, prospective employees, volunteers, interns, and others employed by or representing the DOC will not be required to add an employee, supervisor, or administrator to the list of contacts associated with the person's social media account.

REFERENCES

COV §40.1-28.7:5, *Social media accounts of current and prospective employees*

Operating Procedure 135.1, *Standards of Conduct*

Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Inmates and Probationers/Parolees*

Operating Procedure 135.3, *Standards of Ethics and Conflict of Interest*

Operating Procedure 135.5, *Workplace Violence*

Operating Procedure 145.3, *Equal Employment Opportunity, Anti-Harassment, and Workplace Civility*

Operating Procedure 310.2, *Information Technology Security*

ATTACHMENTS

None



FORM CITATIONS

None

