



February 15<sup>th</sup>, 2023

Tina Skahill  
Executive Director  
Office of Constitutional Policing and Reform  
Chicago Police Department  
3510 South Michigan Avenue  
Chicago, Illinois 60653

Re: Chicago Police Department Social Media Policy (G09-01-06)

Dear Executive Director Skahill,

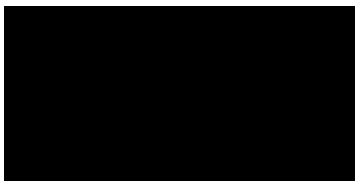
COPA thanks CPD for an opportunity to consider its current social media policy (G09-01-06) and provide feedback. COPA has closed a handful of cases related to complaints about members posting content to social media that violates department policy, including Log #2020-0002942 and Log #2021-0002220 (both available on COPA's case portal). There are some identifiable gaps in the policy and areas to elaborate on based on a reading of the current policy and an understanding of past issues and existing guidance from organizations like the International Association of Chiefs of Police (IACP). COPA would suggest the following:

1. Add language noting that members are held to a higher standard as public servants (this comports with CPD standards of conduct) and that what is posted on social media has the potential to impact the department's ability to function properly and achieve its mission as well as impact individual members' safety (Section II).
2. Add to prohibitions (Section II, Subsection C) on posting content that is any of the following:
  - a. a risk to the Department's working relationships for which loyalty, trust, and confidentiality are important
  - b. an impediment to the performance of a member's duties
  - c. an impediment to disciplinary investigations
  - d. disruptive to harmony among co-workers
  - e. content containing sexually explicit language, images, acts, jokes, or messages
  - f. personal insults
  - g. profanity
  - h. material that is harassing, defamatory, fraudulent
  - i. threats of violence
  - j. demonstrates reckless or unlawful behavior
3. Consider also explicitly expanding Section II, Subsection C, Subsection 2 to include groups explicitly promoting breaking the law or bias towards a protected class.
4. Specify up to what level of discipline members may be subject to if violating the provisions of the directive (see Section II, Paragraph A).

5. Consider incorporating more definitions to clarify and standardize language throughout the policy. This could include “blog,” “post,” “profile,” “speech,” and others. The IACP provides several relevant definitions in Section III of its model policy.<sup>1</sup>
6. Add a section about quality control or review of department social media that includes an audit of department social media posts. This should ideally speak to how the department will ensure consistency, appropriateness, and accuracy of information distributed through its social media channels.
7. Expand requirements for department members authorized to administer Department social media outlets to include that they 1) complete training related to using department social media and 2) facilitate auditing of department social media posts (see Section IV, Subsection D).
8. Provide a clearer indication about what is meant by “relevant privacy protections” that are supposed to be maintained by members authorized to administer Department social media outlets (see Section IV, Subsection D, Paragraph 4).
9. Consider how the department plans to train officers and what that training will consist of. The IACP recommends employees should be made fully aware of the potential consequences of their online behaviors and in addition that the training should “...reinforce existing agency policies and guidelines related to social media while providing an opportunity for employees to learn about emerging social media technology and contemporary best practices.”<sup>2</sup> Members may specifically benefit from clearly understanding the three primary elements used in determining if their speech is constitutionally protected as a public employee as well as what factors play a role in determining whether department interests outweigh their free speech.<sup>3</sup>
10. Add a section that specifies how members should report suspected or known violations of the social media policy.

COPA is open to discussion with CPD about capacity building and planning toward the goal of operationalizing any of the above suggestions.

Respectfully,



Justin Escamilla  
Deputy Chief of Policy, Research and Analysis Division  
Civilian Office of Police Accountability

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<sup>1</sup> See <https://www.theiacp.org/sites/default/files/all/s/SocialMediaPolicy-1.pdf>

<sup>2</sup> See page 4 of Law Enforcement Policy Center. (2019). *Concepts and issues paper: Social media*. International Association of Chiefs of Police. <https://www.theiacp.org/sites/default/files/2019-05/Social%20Media%20Paper%20-%202019.pdf>

<sup>3</sup> See pages 9 through 11 of COPA complaint Log# 2020-0002942 at <https://www.chicagocopa.org/case/2020-0002942/>.

cc:

Dana O'malley, General Counsel, Chicago Police Department

Matthew Burke, Deputy Director of Litigation, Chicago Police Department

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