

Social Media in Community Supervision: Promising Practices for Policy and Implementation

Hosted by the National Reentry Resource Center and American Probation and Parole Association with funding support from the U.S. Department of Justice's Bureau of Justice Assistance

Speakers

PRESENTERS

Les Schultz: Director, Brown County Probation Department, Minnesota

Joe Russo: Researcher, University of Denver

Adam Matz: Research Associate, American Probation and Parole Association



MODERATOR

Heather Tubman-Carbone, PhD: Grantee Technical Assistance Manager, Corrections, CSG Justice Center

Agenda

Background

Why Social Media Matters

Using Social Media in Community Corrections

The Brown County Experience

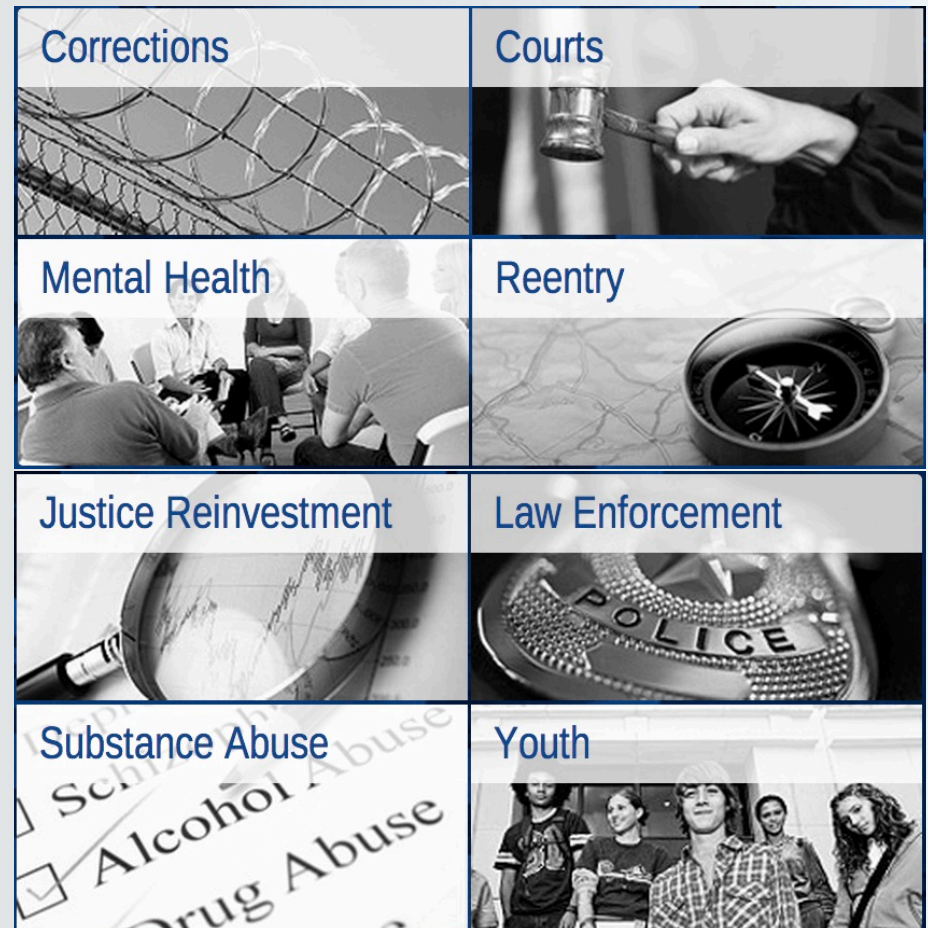
Q&A

The Council of State Governments (CSG) Justice Center

National **nonprofit, non-partisan** membership association of state government officials

Provides **practical**, non-partisan advice informed by **the best available evidence**

Engages members of **all three branches** of state government



National Reentry Resource Center (NRRC)

- Authorized by the passage of the Second Chance Act (SCA) in April 2008
- A project of the CSG Justice Center, supported by the Bureau of Justice Assistance
- Has supported more than 600 SCA grantees, including 40 state corrections agencies
- Provides individualized, intensive, and targeted technical assistance training and distance learning to support SCA grantees



Register for the monthly NRRC
newsletter at:

csgjusticecenter.org/subscribe/

Share this link with others in your
networks who are interested in
reentry!

American Probation and Parole Association (APPA)

- Member association representing community corrections professionals in all levels of government and in tribal agencies
- Regarded as the voice for pretrial, probation, and parole practitioners including line staff, supervisors, and administrators
- Public and private sectors in criminal and juvenile justice
- Members also include educators, volunteers, victim service providers, and interested citizens
- Provides training and technical assistance including a journal, research, information clearinghouse services, and advocacy
- Training Institute and Leadership Institute



A Force for Positive 
CHANGE.

appa-net.org/eweb/StartPage.aspx

APPA Technology Committee Involvement

- 2011 – The APPA Technology Committee begins exploring the topic of social media, with the goal to draft an issue paper elevating awareness of the potential of social media in the field of community corrections and the importance of establishing policies
- 2012 – APPA survey on current practices published (N=399)
- 2014 – APPA Board of Directors approves the ***Issue Paper on The Use of Social Media in Community Corrections***

Agenda

Background

Why Social Media Matters

Using Social Media in Community Corrections

The Brown County Experience

Q&A

What is social media?

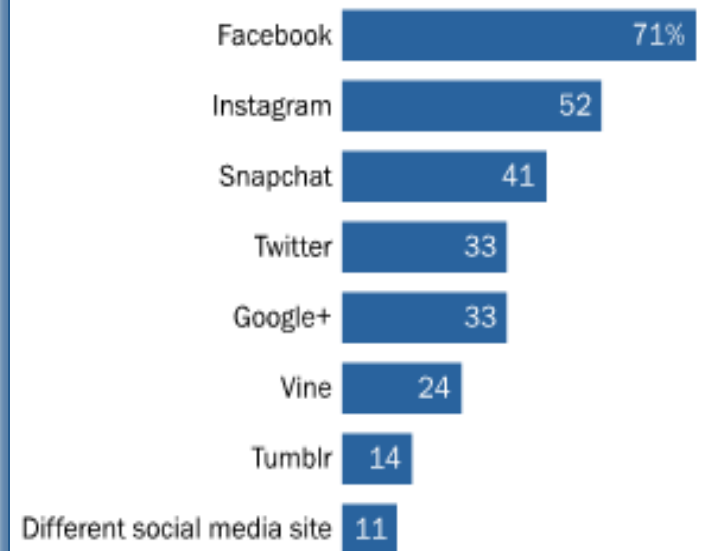
- A collective of online communications channels dedicated to community-based input, interaction, content-sharing and collaboration.
- Different types of social media include websites and applications dedicated to forums, microblogs, social networks, social bookmarks, social curation, and wikis.
- Common sites include Facebook, Twitter, LinkedIn, Pinterest, Google+, Tumblr, and Instagram.

Why is social media important?

- Online interaction is a primary method of communication, particularly for young people.
- 95 percent of teens were “online” in 2014.
- Instagram and Snapchat are growing, with Facebook being the most popular.
- 71 percent of teens use more than one social media platform.
- Mobile devices are driving the increasing use of social media.

Facebook, Instagram and Snapchat Top Social Media Platforms for Teens

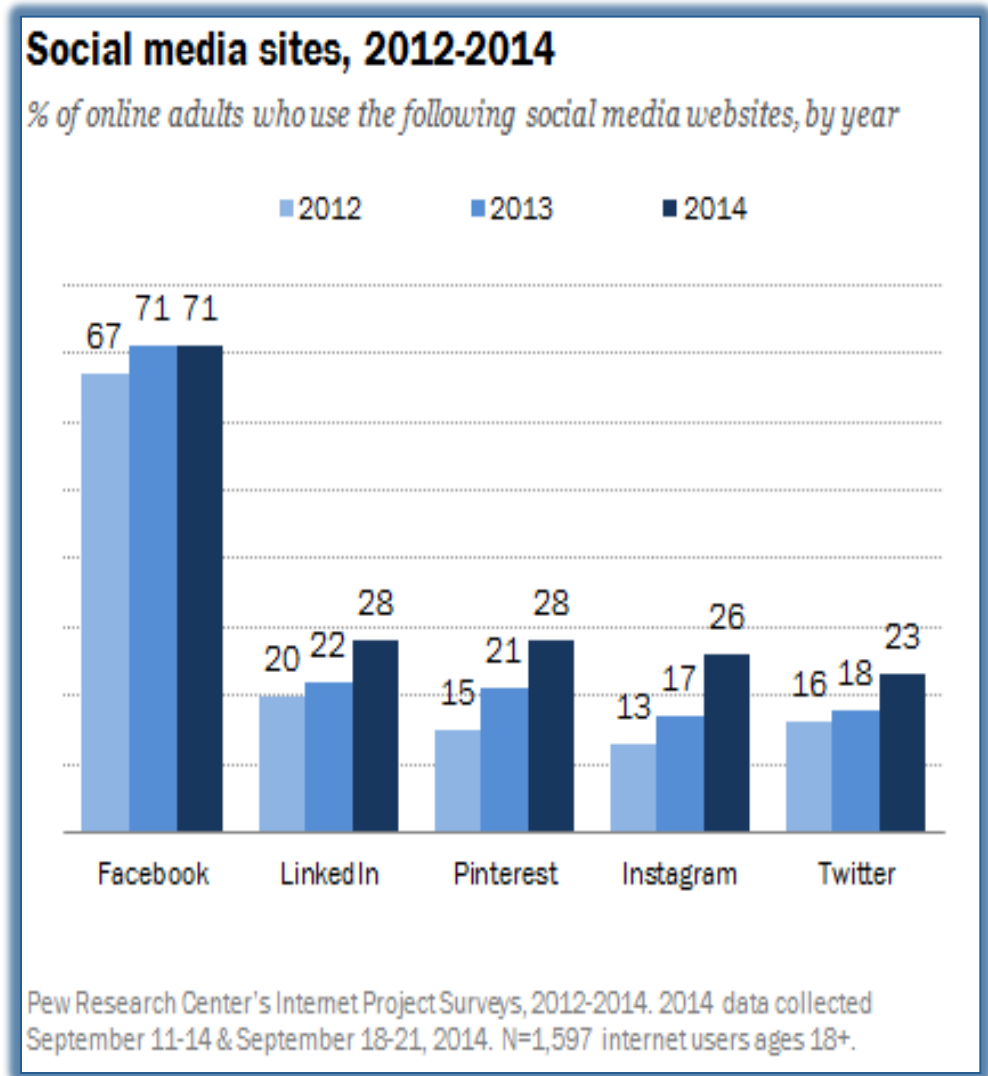
% of all teens 13 to 17 who use ...



Source: Pew Research Center's Teens Relationships Survey, Sept. 25-Oct. 9, 2014 and Feb. 10-Mar. 16, 2015. (n=1,060 teens ages 13 to 17).

Why is social media important?

- It's not just for kids!
- 87 percent of adults were “online” in 2014.
- 56 percent of adults 65 and older use Facebook.
- 52 percent of adults use more than one social media platform.



Why should we care?

- Social media is an important part of modern life and, like everyone else, supervisees maintain a virtual presence.
- What happens online can impact the physical world.
- People voluntarily share a significant amount of personal information online.
- If we are interested in understanding/changing/monitoring the person, we must be proactive about their virtual life.

Agenda

Background

Why Social Media Matters

Using Social Media in Community Corrections

The Brown County Experience

Q&A

How can community corrections use social media for investigations/supervision?

- Pre-Sentence Investigations
 - Can provide a more accurate portrayal of the person before the court
- Post-Conviction Supervision
 - Monitor conditions
 - Monitor associations
 - Monitor life status
- Absconder/Fugitive Apprehension
 - Used to monitor whereabouts
 - Used to solicit assistance from the public

Social Media as a Situational Awareness Tool



- Officers may use social media for personal safety purposes.
 - Example: Does the supervisee post information indicating drug use, threats, violent associates, weapons possession, and/or animals in the home?
- Further, agencies may use tools to monitor and analyze social media data across a geographic area.
 - Example: Is there a growing “anti-law enforcement” sentiment in a particular neighborhood?

Types of Information Shared

- More than you think!
- Including information supervisees wouldn't share in person:
 - **Geographic:** Where they are (past, present, and future)
 - **Relational:** Who they associate with (gang members, criminal partners)
 - **Real World Activities:** What they are doing (criminal activity, drinking)
- For some supervisees, any social media activity (or Internet use) is a violation.

Examples



‘Probation officer answers Facebook taunt, "Catch me if you can."’ – The Oregonian

- Signs an expletive-filled rant about the criminal justice system
- “The 1 who got away”
- “Fresh out of another state”
- “Catch me if you can”
- “I’m in Alabama”
- Posts a photo of the sonogram of his unborn son, which has the name of the hospital on it .



*Returned to Oregon.
Sentenced to 2.5
years in prison.*

Social Media Monitoring in Community Corrections

- APPA 2012 Survey – 66 percent (n=235) of respondents indicated that officers in their agency monitor social media sites as part of their supervision.
- Types of Monitoring
 - Apparent/overt use
 - Discrete use
 - Covert use
 - General Internet monitoring

Types of Social Media Monitoring

| Type of Monitoring | Direct Interaction | Characteristics | Survey Results |
|--|----------------------------|---|------------------|
| Apparent/ Overt Use | No (least intrusive) | <ul style="list-style-type: none"> Officer reviews supervisee’s public pages Information is public to anyone | 91% (n = 213) |
| Discrete Use | No (lurking) | <ul style="list-style-type: none"> Officer/agency identity is not apparent May use fictitious identity and anonymized IP address | No data |
| Covert Use | Yes (most intrusive) | <ul style="list-style-type: none"> Officer/agency actively creates a fictitious identity to directly interact with supervisee Essentially “undercover” work that requires specific training | 29% (n = 67) |
| General Internet Monitoring | No | <ul style="list-style-type: none"> Use of continuous Internet monitoring tools to determine whether a supervisee has been using social media | 29% (n = 67) |

Additional Survey Results

- 33 percent of officers (n=76) periodically required the supervisee to open their profile in the officer's presence
- 28 percent of officers (n=66) report “friending” supervisees to view private pages.

The Need for Guidance

Per the 2012 APPA survey:

- 44 percent of respondents indicate that their agencies use social media, yet 66 percent of respondents indicate that officers in their agency use social media in supervision
- Of those agencies using social media, only 26 percent had a policy and these policies focused on “administrative issues”
- Yet to find a policy that focuses specifically on investigations/supervision

Policy Development: 7 Elements to Consider

Global Justice Information Sharing Initiative: *Developing a Policy on the Use of Social Media in Intelligence and Investigative Activities*

1. Social media resources should be used in a manner consistent with applicable laws, regulations, and agency policies.
2. Define if and when the use of social media sites or tools are authorized.
3. Clearly define the authorization levels needed to use information from social media sites.

Policy Development: 7 Elements to Consider

4. Specify that information obtained from social media sites will undergo evaluation to determine confidence level (source and content).
5. Specify the documentation, storage, and retention requirements.
6. Identify the reason/purpose for off-duty personnel to use social media information in connection with their job duties, as well as how and when personal equipment may be used.
7. Identify procedures for gathering and disseminating information obtained via social media (personal information).

Policy Resources

International Association of Chiefs of Police (IACP) - Center for Social Media

iacpsocialmedia.org

- *Social Media Concepts and Issue Paper*
- *IACP Social Media Model Policy*

Global Justice Information Sharing Initiative

Developing a policy on the use of social media in intelligence and investigative activities: guidance and recommendations.

it.ojp.gov/gist/132/Developing-a-Policy-on-the-Use-of-SocialMedia-in-Intelligence-and-Investigative-Activities--Guidance-and-Recommendations66%

Implementation Issues

- Supervisee Disclosure of Email and Social Media Profiles
 - Only 34 percent (n=123) of respondents indicate that their department collects identifiers.
 - Must be vigilant about updates
- Access to the Internet
 - 56 percent (n=197) - all officers have access to the Internet
 - 12 percent (n=43) - no access at all
 - Movement to ban public employee use of social media on-duty
- Designated Computers
 - Stand-alone computers with separate Internet access
 - Only 5 percent (n=19) of agencies have dedicated computers for social media monitoring activities.

The Need for Training

- Per the 2012 APPA Survey (n=399)
 - The majority of respondents use social media in the supervision process (66 percent).
 - Of those, 30 percent report receiving some form of training.
 - Of that number, 21 percent report receiving specialized training (beyond the basics).
- Social media monitoring/investigations are a specialized task requiring specialized training.

Training Resources

- FBI Regional Computer Forensics Lab
- Fox Valley Technical College – National Criminal Justice Training Center
- International Association of Chiefs of Police (IACP)
- Law Enforcement Officer Technology Training Associates (LEOTTA)
- SEARCH
- U.S. Secret Service – National Computer Forensics Institute

Resources are listed as examples only and should not be considered endorsed.

Summary

- Social media can yield important information critical to the supervision of persons in the community.
- Guidance is needed to help officers understand whether they should monitor social media activity, and, if so, how to do it in a manner consistent with agency objectives.
- Training is needed.

Agenda

Background

Why Social Media Matters

Using Social Media in Community Corrections

The Brown County Experience

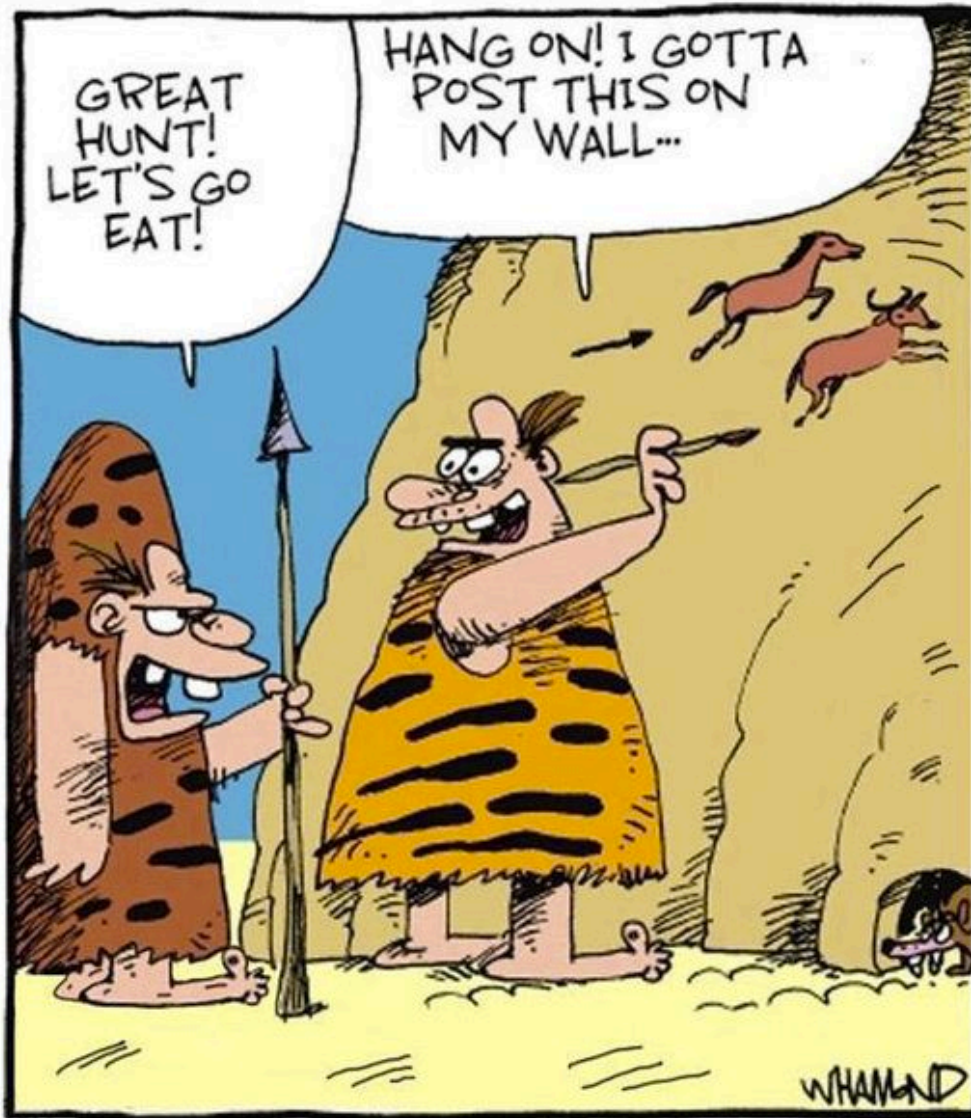
Q&A

The Brown County Experience





I LOVE My
Computer
Because My
Friends
Live In It



Early Facebook

Why We Wanted a Policy

Staff concerns:

- General use
- What could staff get in trouble for?
- Who do we report violations to?
- What is considered a violation?
- Can we participate in covert use?

Background on Developing Policy

In 2012, no probation policies were available to review

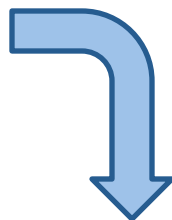
Collected policies from:

- Law Enforcement
- APPA
- Local School

Created a Committee

Committee:

- Probation director
- Assistant director
- One lead probation officer
- One newer probation officer
- One program staff member



Tasks:

- Draft a policy
- Address staff concerns
- Review with legal folks
- Review with HR
- Approve by County Board
- Implementation

Timetable

- Draft policy: six months
- Review with staff, feedback and revisions: three months
- Review with legal: two months
- Review with HR: two months
- Implementation: three months

Total time = 15 months

Real Timetable



24 months

Implementation happened on Jan. 1, 2014

Policy on Social Media

| | | |
|--|--|--|
| BROWN COUNTY PROBATION DEPARTMENT | Page 1 of 3 Effective Date: 01-01-14 Revision Date: | Table of Contents Policy #: 1 - 1650 |
| Section: General Operations | References: N/A | |
| Subject: Social Media | | |

Purpose

- To establish the department's position on the utility and management of social media. Also, to provide guidance on its management, administration, and oversight.
- Social media may be a valuable investigative tool when seeking evidence or information about:
 - Missing persons
 - Wanted persons
 - Gang participation
 - Crimes perpetrated online (i.e., cyber bullying, cyber stalking)
 - Photos or videos of a crime posted by an offender
- Social media may be used when considering candidates for hire.

Definition Section

The social media policy defined the following:

- Blog
- Page
- Post
- Profile
- Social media
- Social networks
- Speech

Policy/Procedure

Two sections

1. Internal sites maintained by probation
2. Personal use

Implementation Process

- Review with staff why the policy was developed
- Benefits of having standards
- Reviewed staff/agency concerns

Internal Sites Maintained by Our Agency

- All department created social media sites or pages (overt or covert) shall be approved by the director.
- When possible, overt social media pages shall clearly indicate they are maintained by the department and shall have contact information prominently displayed.

Internal Policies on Social Media

- Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
- Content is subject to public records laws.
- Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.

Internal Policies on Social Media

- If an opinion section is set up, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department or county.
- Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.
- Pages shall clearly indicate that any content posted or submitted for positing is subject to public disclosure.

Internal Policies on Social Media

- Staff members shall not discuss political activities or promote private business.
- Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

Policies on Personal Use of Social Media

Precautions and Prohibitions

Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following when using social media:

Personal Use Policies on Social Media

- Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important.
- Staff members may not impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.

Personal Use Policies on Social Media

- As public employees, staff members are cautioned that **speech** on or off duty, made pursuant to their official duties – that is, **that owes its existence to the employee's professional duties and responsibilities** – is not protected **speech** under the First Amendment and may form the basis for discipline **if deemed detrimental to the department.**
- Department personnel should assume that their speech and related activity on social media sites will reflect upon them as a professional and this department.

Personal Use Policies on Social Media

- Department personnel shall not post, transmit, or otherwise disseminate any confidential information to which they have access as a result of their employment without written permission from the director.
- Staff members shall not display department logos, uniforms, badges, or similar identifying items on personal web pages.

Personal Use Policies on Social Media

- When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's code of ethics is required in the personal use of social media.
- Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

Personal Use Policies on Social Media

- Department personnel should expect that **any information created**, transmitted, downloaded, exchanged, or discussed in a public online forum **may be accessed by the department at any time without prior notice.**
- Engaging in prohibited speech may provide grounds for undermining or impeaching an employee's testimony in criminal proceedings. **Department personnel are subject to discipline up to and including termination for violating these policies.**

Personal Use Policies on Social Media

- Department personnel should be aware that they may be subject to civil litigation for publishing or posting false information that harms the reputation of another person, group, or organization.

Reporting Violations

- Any employee having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify the director as soon as time permits and no later than the next working day.

Use of County Computers to Access Social Media

- The use of department computers by department personnel to access personal social media sites is prohibited unless permission is received by the director.

Not in the Policy: Covert Use

- Covert use is concealed, disguised, or secret.

Unwritten Policy in Practice

- Agents may “friend” or “follow” offenders but may not converse with anyone.
- Agents may use data shared by an offender in a violation hearing and/or for investigation/supervision purposes.

INSTEAD OF "FIRED", I PREFER
TO THINK OF IT AS BEING
"UNFOLLOWED BY MY JOB".



Agenda

Background

Social Media Matters

Using Social Media in Community Corrections

The Brown County Experience

Q&A

Q & A

Brown County Probation Department, Minnesota

- Les Schultz, Director
- les.schultz@co.brown.mn.us

University of Denver

- Joe Russo, Researcher
- jrusso@du.edu

American Probation and Parole Association

- Adam Matz, Research Associate
- amatz@csg.org

CSG Justice Center, National Reentry Resource Center

- Heather Tubman-Carbone, PhD, Grantee Technical Assistance Manager, Corrections
- htubman-carbone@csg.org