



POLICY RECOMMENDATION

TO: Chief Lisa Davis, Austin Police Department
FROM: Director Gail McCant, Office of Police Oversight
DATE: May 2, 2025
SUBJECT: OPO Policy Recommendation: 455 SOCIAL MEDIA FOR OFFICIAL USE

Dear Chief Davis:

This memorandum provides feedback and recommendations for improving the Austin Police Department's (APD) General Order (GO) 455 SOCIAL MEDIA FOR OFFICIAL USE.

The specific policies reviewed in this memorandum are as follows:

- 455 SOCIAL MEDIA FOR OFFICIAL USE

It is commendable that APD has a public policy regarding using social media for official purposes. This policy analysis and ensuing recommendations address various aspects that can be improved upon to prevent misuse or abuse and to ensure the protection of and respect for individual and community rights. APD has a valuable opportunity to enhance these policies in ways that could help place it at the forefront of nationwide best practices and support its efforts in building trust with the community.

The OPO trusts that this APD policy can be improved and that it benefits the City of Austin, APD, and community members. We look forward to improving policies to enhance APD's transparency and accountability.

Sincerely,

Gail McCant
Director
Office of Police Oversight



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455 SOCIAL MEDIA FOR OFFICIAL USE

Recommendation #1:

OPO recommends APD modify GO 455.4 to define certain missing terms.

The terms “social media monitoring tool,” “deconflicted,” and “online undercover activity” are used throughout GO 455, but they are not necessarily defined. APD should add these terms and definitions to GO 455.4.

Recommendation #2:

OPO recommends APD modify GO 455.4 to broaden the definition of the term “post.”

Best practices indicate that the term “post” should also be understood to include any reactions, comments, or sharing to/of others’ posts.

455.4 DEFINITIONS

(...)

Post- Content an individual shares on a social media site or the act of publishing content on a site, including the sharing, re-posting, forwarding, “liking” or similar reactions, and comments to/of others’ posts.

Recommendation #3:

OPO recommends APD modify GO 455.5 to include a restriction on the use of personal devices and accounts when using social media for official purposes.

Best practices indicate that employees should use only Department-issued equipment and accounts (and not personal devices or accounts) when using social media for official purposes.

Recommendation #4:

OPO recommends APD modify GO 455.6(b) to require authentication of information intended to be used in criminal investigations.

Best practices indicate that information gathered from social media should not only be evaluated for its source reliability and content validity but also authenticated if it is intended to be used in a criminal investigation.

Recommendation #5:

OPO recommends that APD modify GO 455.6(c) to prohibit the personal use of Department social media aliases and tools both on and off duty.

OPO notes that current policy only prohibits on-duty use of an online alias or social media monitoring tool for personal use. Best practices indicate that both on- and off-duty personal use of Department-issued/owned social media aliases and tools should be prohibited.



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Recommendation #6:

OPO recommends APD modify GO 455.6(c) to include a restriction on the use of personal devices and accounts when using social media for investigation purposes.

Best practices indicate that employees should use only Department-issued equipment and accounts (and not personal devices or accounts) when using social media for investigation purposes. Personal devices lack chain of custody protections, and secure log ins etc.

Recommendation #7:

OPO recommends APD modify GO 455.6 to limit its community-oriented use of social media monitoring to criminal investigations and the preparation of significant public events.

OPO notes that the “valid law enforcement purposes” (listed in GO 455.6(a)) and the scenarios in which social media may be used to seek or retain information (listed in GO 455.6(d)) are excessively broad and could entail unwarranted mass surveillance. GO 455.6 should be modified to limit the viewing, monitoring, or collection of community members/organizations’ social media information exclusively to aid in criminal investigations or in preparing for significant public events (with clear safeguards for constitutionally protected classes, characteristics, and activity).

Recommendation #8:

OPO recommends APD modify GO 455.6 to clarify the scope of permissible uses of social media for official purposes.

OPO notes that current policy does not clearly distinguish to what extent it is permissible to use social media for gathering open-source information and what the threshold or trigger would be to require the use of an online alias to attempt to access restricted or private social media sources of information. GO 455.6 should be clarified to draw clear distinctions between the proper use of open-source social media and the permissible uses, means, and objectives in attempting to access restricted or private social media sources.

Recommendation #9:

OPO recommends APD modify GO 455.8(a) to shorten the review period for previously authorized online aliases.

OPO notes that current policy requires online aliases be reviewed not less than every 90 days. Best practices indicate that authorized online aliases should be reviewed more frequently based on activity level, case sensitivity, and duration of use. APD should modify GO 455.8(a) to align its policy with best practices.

Recommendation #10:

OPO recommends APD modify GO 455.8 to include limitations on interacting with others via social media online aliases.

OPO notes that current policy lacks any restrictions or limitations on interacting with others through the use of social media online aliases. Best practices indicate that restrictions should be in place, at least, regarding people who may or may not be contacted via social media online aliases



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(e.g. minors, witnesses, defense attorneys, among others without express authorization from a commanding supervisor or designated supervisor). APD should modify GO 455.8 to establish clear guidelines and limitations as to authorized subjects and permissible interactions.

Recommendation #11:

OPO recommends APD modify GO 455.9 to prohibit the deletion or destruction of records of interactions and communications made using social media online aliases.

Best practices indicate that records of interactions and communications made using social media online aliases should, like other forms of evidence, be properly preserved and, therefore, their deletion or destruction should be prohibited. APD should modify GO 455.9 to categorically prohibit the deletion or destruction of records of interactions and communications made using social media aliases.

Recommendation #12:

OPO recommends APD publish a regular written report on its use of social media for investigative, intelligence, and/or event-planning purposes.

Best practices indicate that law enforcement agencies that use social media for investigative, intelligence, and/or event-planning purposes should publish a regular (at least every two years) written report that includes, at a minimum: the number of criminal investigations and cases in which social media was used; the number of online aliases used, by which units, and the average length of time they were used; the number of criminal investigations and cases in which online aliases were used, the length of time of their use, and the categories of crimes for which they were used; the number of significant public events for which social media information was viewed, monitored, or collected, and their dates; among other relevant data. Releasing this and other information publicly could improve public trust and perception.