

**CITIZENS' LAW ENFORCEMENT REVIEW BOARD  
POLICY RECOMMENDATION**

**PROACTIVELY REVIEW EMPLOYEE SOCIAL MEDIA ACTIVITY**

**BACKGROUND:**

In late October 2022, Catalyst California and the American Civil Liberties Union of Southern California released a study of four large California sheriff's departments, to include the San Diego County Sheriff's Department (SDSD), which indicated deputies from those departments conduct traffic and pedestrian stops of people of color at higher rates than white people. This is the third study over the past 18 months or so that suggests the SDSD engages in racially disparate policing. In early 2022, CLERB made seven policy recommendations to SDSD focused on reducing racially disparate practices; SDSD did not implement six of them.

The California State Auditor (CSA) conducted an audit of the Los Angeles County Sheriff's Department, the California Department of Corrections and Rehabilitation, and the municipal police departments in San Bernardino, San Jose, and Stockton to assess the departments' efforts to guard against biased conduct (CSA Report #2021-105, released on April 26, 2022). The audit identified a handful of officers who made biased statements or promoted biased content in their personal social media activity.

Biased statements and the promotion of biased content in social media posts by some law enforcement officers has also been documented nationwide, specifically by the Plain View Project during its examination of Facebook accounts of almost 3,000 active and at least 600 retired officers in eight departments across the country.

The San Diego Sheriff's Department (SDSD) has Policy and Procedures (P&P) pertaining to social media, as follows:

Policy Section 2.4, "Unbecoming Conduct," reads as follows:

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Department. Unbecoming conduct shall include that which tends to bring this Department into disrepute or reflects discredit upon the employee as a member of this Department, or that which tends to impair the operation and efficiency of this Department or employee.

Policy Section 7.14, "Social Media," reads as follows:

This policy defines the proper use and responsibilities for employees who may have the occasion to use social media sites under any of the following conditions:

- Official Department Presence on Social Media
- Use of social media for research or investigative purposes
- Personal use of social media while on and off duty

Employees are instructed to be sure that their use of social media complies with all laws and with other policies, particularly those relating to the dissemination of confidential information.

Procedure Section 7.14, "Social Media," reads as follows:

III. PERSONAL USE OF SOCIAL MEDIA

Employees are reminded that comments, photos and other postings to social media reflecting their nexus to the department may have the effect of diminishing the public's trust and confidence in the department. Accordingly, such postings may violate the Sheriff's Rules of Conduct.

Employee's personal use of social media should not be attributable to the County or the Sheriff's Department or to the employee's job function with the department. Employees shall conduct their social media use in such a manner that a reasonable reader would not think that the employee is speaking for or on behalf of the County or Department unless having been designated as such.

Personal use of social media must be in conformance with all laws, relevant department policies including those relating to harassment, discriminatory conduct and dissemination of information.

P&P Section 2.53, "Discrimination," reads as follows:

Employees shall not express any prejudice or harassment concerning race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, gender, age, political beliefs, sexual orientation, sexual or gender identity, lifestyle or similar personal characteristics. Examples of discriminatory acts which will not be tolerated include the use of verbal derogatory comments, slurs, or jokes, derogatory pictures, cartoons or posters and actions which result in a person being treated unequally.



These policies do not acknowledge that social media posts of biased conduct or other activity that would tend to indicate discriminatory conduct or beliefs undermines the credibility and legitimacy of SDSD and creates doubt that all communities will be served equitably.

The Citizens' Law Enforcement Review Board (CLERB) believes the SDSD must take all necessary and legal measures to establish and maintain the public's trust. The SDSD should amend current policy to mandate the routine review of employees' publicly available social media posts and department-issued cellphones and computers to ensure there is no biased content or other activity that would tend to indicate discriminatory conduct.

**POLICY RECOMMENDATION:**

Pursuant to Section 340.9(g) of the San Diego County Administrative Code, the Citizens' Law Enforcement Review Board (CLERB) shall have the authority to review and make recommendations on policies and procedures of the San Diego County Sheriff's Department (SDSD) and San Diego County Probation Department. As such, CLERB recommends the SDSD add the following, or words to that effect, to the Policy and Procedures (P&P) Section 7.14 "Social Media:"

Management will routinely review employees' publicly available social media posts and department-issued cellphones and computers to ensure there is no biased content or other activity that would tend to indicate discriminatory conduct, as such conduct undermines the credibility and legitimacy of SDSD and creates doubt that all communities will be served equitably.

Submitted by:  11-7-22	Date: 11-7-22	Reviewed by:  11-7-22	Date: 11-7-22
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