

# SPECIAL ORDER



DISTRICT OF COLUMBIA

<b>Title</b>	<b>Social Media Checks for Background Investigations</b>
<b>Number</b>	<b>SO-16-06</b>
<b>Effective Date</b>	<b>June 3, 2016</b>
<b>Rescinds:</b>	SO-13-03 (Social Media Checks for Background Investigations), Effective Date: April 2, 2013
<b>Related to:</b>	GO-PER-201.19 (Employee Personnel Records)

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## I. BACKGROUND

In the past decade, the number of social media websites and their use have grown exponentially. The Metropolitan Police Department (MPD) understands the importance of integrating social media vetting procedures into the background investigation process for sworn and civilian applicants for employment with the MPD.

Recent court decisions have resulted in civil judgments against police departments for negligent hiring, based upon the fact that they did not conduct social media checks as part of the background investigation process. Conversely, courts have ruled that social media checks for background investigations must be conducted in a manner that does not discriminate against the applicant, and protects the applicant's right to privacy.

A majority of applicants maintain accounts with various social media platforms. These social media accounts offer the MPD additional insight regarding the suitability of prospective applicants and may help to corroborate other aspects of the background investigation, while minimizing potential liability for the Department resulting from negligent hiring allegations. When used properly, social media checks enhance the background investigation process by helping to ensure the appointment of the highest caliber of employees.

There are inherent risks regarding the use of information obtained through social media during the background investigation process. These risks include, but are not limited to: the information posted may not have been authored by the applicant, information posted (including pictures) may be altered or manipulated, information obtained may be misconstrued from original intention, and the information posted

may be inaccurate. The procedures outlined in this order are intended to mitigate those risks to the greatest degree possible.

## **II. PURPOSE**

The purpose of this order is to implement procedures to ensure the social media checks of MPD employment applicants utilized during the background investigation process are conducted in a consistent, and equitable manner, and to ensure that these checks do not discriminate against applicants or violate their privacy.

## **III. DEFINITIONS**

When used in this directive, the following terms shall have the meanings designated:

1. Applicant – applicant for the position of police officer including Reserve Corps officers or a civilian applicant for a position with MPD.
2. Background investigator – member assigned or detailed to the Recruiting Division responsible for conducting background investigations of applicants that include, but are not limited to, social media checks as outlined in this order.
3. Derogatory information – any information, if credited to a member of the MPD, would bring discredit upon the Department.
4. Information – social media content generated by the applicant that is accessible to the general public including, but not limited to, postings, comments, expressions and photographs.
5. Mass processing – applicant multi-station processing event that includes the physical ability test, body fat screening, suitability screening, fingerprinting, and photograph station.
6. Member – sworn or civilian MPD employee or Reserve Corps member.
7. Social media – forms of electronic communication through which users create on-line communities to share information, ideas, personal messages, and other content.
8. Social media check – process where a trained background investigator who is assigned or detailed to the Recruiting Division reviews an applicant's social media accounts on various platforms.
9. Web-based account – paid or free internet social media account that may or may not require a username and password.

#### IV. REGULATIONS

- A. Investigators shall only conduct social media checks on applicants during the course of a background investigation.
- B. All information obtained through the use of social media shall be kept confidential. Background investigators shall ensure that the confidentiality of this information is strictly maintained.
- C. Both derogatory and favorable information obtained through social media checks shall be factored into the final hiring decision; however, information obtained **shall not** be used as the sole reason to disqualify an applicant.
- D. A photograph alone **shall not** be used as the sole reason to disqualify an applicant. Any photographs used to substantiate engagement in derogatory activities must be corroborated with additional investigation.
- E. **Under no circumstances** shall members request applicants to provide their username and/or password to any web-based accounts.
- F. **Under no circumstances** shall members require applicants to log in to a web-based or social media account so they may view personal information as if they were the applicant.

#### V. PROCEDURES

- A. The Commanding Official, Recruiting Division, shall ensure that applicants are notified that their background investigation will include social media checks by placing information on their online application, [joinmpd.dc.gov](http://joinmpd.dc.gov) and covering information during the mandatory New Candidate Orientation sessions.
- B. During mass processing or during preliminary processing stages, applicants shall sign an authorization/waiver form acknowledging and permitting the MPD to conduct social media checks to identify any potential suitability concerns.
- C. Applicants shall be required to provide a listing of any social media sites used and e-mail addresses and shall be given the opportunity to describe in writing any derogatory information that they wish to explain before the checks are conducted.
- D. Background investigators shall conduct social media checks on all applicants who have been given a conditional offer of employment.
- E. Background investigators shall check the following social media websites:

1. Facebook;
  2. Twitter;
  3. LinkedIn;
  4. YouTube; and
  5. Instagram.
- F. Additional websites may be added to the routine checks by the Commanding Official, Recruiting Division, (e.g., a Google search); however, the additional websites must be checked for all applicants to ensure consistency and fairness.
- G. Background investigators may search any other site that they identify as relevant through the course of the investigation; however, investigators must always begin with the sites identified above.
- H. Background investigators **shall not** search for information on an applicant related to actual and/or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, health status, disability, source of income, or place of residence or business.
- I. In the event that a member discovers information related to an applicant's actual and/or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, health status, disability, source of income, or place of residence or business during the course of a social-media checks, this information **shall not** be used to guide further Internet-based searches and/or form any basis for a final determination of the qualification and/or suitability of an applicant.
- J. If perceived derogatory information is identified (e.g., hate speech, derogatory postings and/or pictures) during the social media checks, the background investigator shall corroborate the information through other sources (e.g., a personal or professional reference, criminal database, personal interview).
- K. Following the conclusion of the social-media checks, background investigators shall notify applicants in writing regarding any derogatory information found.

- L. Upon notification that derogatory information has been found, applicants shall be afforded 10 business days to provide a written explanation (e.g., e-mail) regarding the information found.
- M. Polygraph examiners shall include questions regarding social media in the polygraph examination to ensure the accuracy of information provided to the Department by each applicant for police officer or reserve police officer positions.
- N. Background investigators shall log the following information regarding social media checks with the applicant's file:
  - 1. The search terms used for each applicant;
  - 2. A list of all sites searched; and
  - 3. The date of the search.
- O. Background investigators shall expend a reasonable amount of effort to conduct social media checks.
  - 1. When conducting a check on an applicant with a common name (e.g., John Smith, Mary Jones) the investigator shall make a reasonable attempt to locate any pertinent records based upon additional identifying information.
  - 2. Background investigators shall use known information (e.g., college/university attended) to assist in locating information.
  - 3. If a record cannot be located, the social media investigator shall record the attempts made and the search criteria used.



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