

# Friends, Faux Pas, Tweets and Traps

How Elected Officials Can  
Use Social Media and  
Comply with the Law



*This presentation is sponsored by  
AWC, the City of Everett, WA and the  
City of Lakewood, WA*

**Please Note: “This is presentation is not legal advice. Speak with your  
City Attorney before you venture into social media.”**



# Today's Presenters

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# Common Elements of Social Media

1. A Profile
2. Contacts (in Facebook, “friends”)
3. Direct, unfiltered communication with others



WORDPRESS



# Advantages

- You have an unprecedented ability to communicate \*immediately\*
- You can get instant feedback
- You may be among the first to know something
- You can reach people who don't feel part of the process now
- You can say whatever you want

- You can say whatever you want (no editor)
- Use of Time: Time spent communicating vs. time in research and action
- Your closest readers will be your critics
- Negativity can mushroom
- Security risks occur
- Today's Topic: The law is still evolving



# The Future

Standing still may only be a temporary option...



# Example



**TheyWorkForYou.com**

Keeping tabs on the UK's parliaments & assemblies

Search

e.g. a

Sign in Join

Overview

MPs

Lords

Debates

Written Answers and Statements

Bill Committees

## Search, create an alert or RSS feed

Go

e.g. word, phrase, or person | [More options](#)

Popular searches today: [Government agreed to publish online david taylor Steve McCabe expenses mark field mp hostel iraq war guidelines for writing george galloway David miliband](#)

## Your representative

Find out about your MP/ MSPs/ MLAs

Enter your UK postcode here:

Go

Read debates they've taken part in, see how they voted, more.

● Become a TheyWorkForYou volunteer in your constituency [Join DemocracyClub](#)

# Examples



**Cities embrace mobile apps, 'Gov 2.0'**  
By John D. Sutter, CNN  
December 28, 2009 8:09 a.m. EST

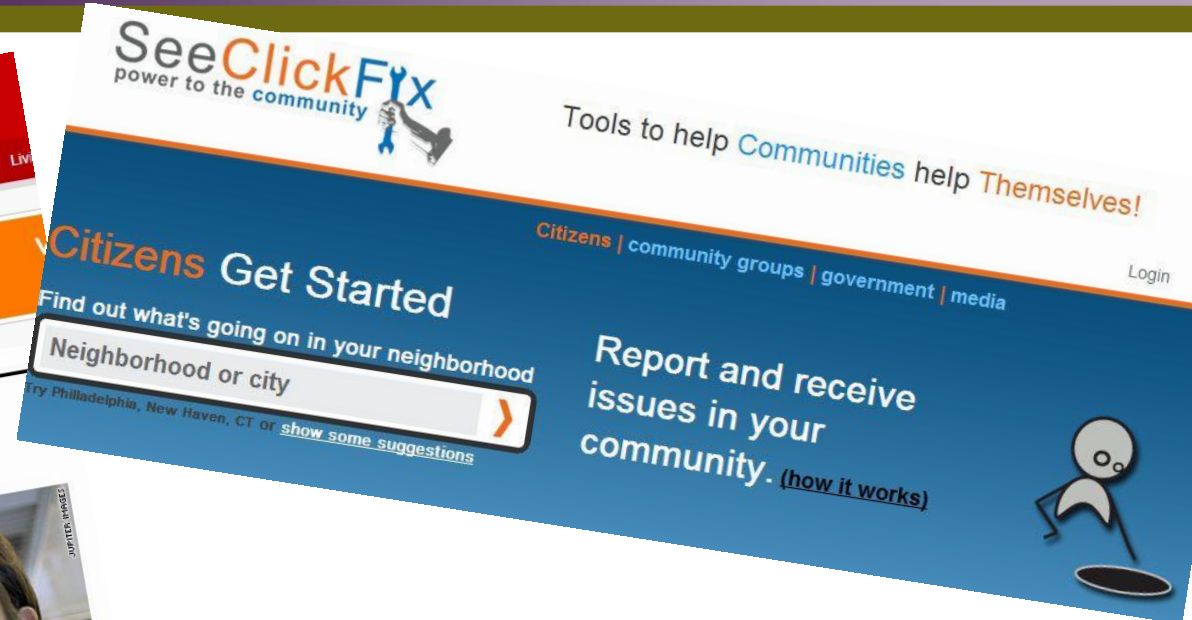


Web tools, mobile technology and GPS applications are giving citizens more of a say in how their local tax money is being spent.

**STORY HIGHLIGHTS**

- New phone apps help citizens

**(CNN)** — Craig Newmark, founder of Craigslist and a customer-service guru, was riding on a public train in San Francisco.



**President Obama on Technology:** “We need to connect citizens with each other to engage them more fully and directly in solving the problems that face us. We must use all available technologies and methods to open up the federal government, creating a new level of transparency to change the way business is conducted in Washington and giving Americans the chance to participate in government deliberations and decision-making in ways that were not possible only a few years ago.”

# President Barack Obama

facebook

Home Profile Friends Inbox 95

Walter Neary Settings Logout

Barack Obama [Become a Fan](#)

Wall Info Events Notes Photos

Barack Obama Just Fans



**Barack Obama** Best wishes to all those celebrating Kwanzaa t  
Yesterday at 9:27am · View Feedback (21,630)



**Barack Obama** To all those gathered in celebration today, Me  
December 25 at 11:07am · View Feedback (54,297)



**Barack Obama** The Senate just passed a historic health refo  
one last round of negotiations and final votes in the Senate and  
you celebrate this holiday season, remember that the work you  
our union more perfect, one step at a time.



**Sign a thank you note to the senators who a  
reform**

[my.barackobama.com](http://my.barackobama.com)

Organizing for America supporters are signing a no  
the senators who have worked so hard to pass ref

December 24 at 10:55am · View Feedback (17,677) · Share



Add to My Page's Favorites

Suggest to Friends



The screenshot shows a Twitter search results page for the query "lakewood police". The page includes a navigation bar at the top with links for Home, Profile, Find People, Settings, Help, and Sign out. Below the navigation bar is a search input field with the text "What's happening?" and a "140" character count. A "Latest" section shows a tweet from "JackInChicago" about a donation to the Lakewood Police Officers Fund. Below that is a "Real-time results for lakewood police" section with a "Save this search" button. The search results list several tweets, including one from "ikwdcizen" about DUI patrols, "chrisdonald30" about a benefit event, "SeattleCP" about fundraising, and "EmergCommNetwrk" about contributing to the fallen officers fund. A right-hand sidebar shows the profile of "wtneary" with 1,006 tweets, 1,579 following, 1,474 followers, and 61 listed. The sidebar also includes navigation links for Home, Direct Messages (461), Favorites, Retweets, Saved Searches, and Lists.

If you stand still,  
there are risks  
besides legal risks.  
The conversation is  
already going on...

# Social Networking Types - Facebook

**Facebook** is another free site where users can post information about themselves and share everything from a lot or a little with friends and strangers. Increasingly people network by means of groups with particular interests, ranging from hobbies to locations to political activities.



Invite People to Join  
Leave Group

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**Information**

Category:  
Organizations - Professional Organizations

Description:  
The LPIG is sole collective bargaining unit (Guild) for the Lakewood WA police officers and sergeants. We also have our non-profit Lakewood Police Independent Guild Charity Fund to help those truly in need in our community.

Privacy Type:  
Open: All content is public.

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**Admins**

- Brian Wurts (creator)

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**Officers**

Brian Wurts  
President

## Lakewood Police Independent Guild (LPIG)

Wall Info Discussions Photos

Write something...

Share



**Sean Riley** You are and always will be in our thoughts and prayers.  
<http://www.q13fox.com/videobeta/watch/?watch=a15f5c57-9810-480e-a28e-e28d65b8870a&src=front>  
 Please go to [www.safecallnow.org](http://www.safecallnow.org)  
 Sat at 11:45pm · Comment · Like · Report



**Richard Smith** Being retired from 23 years in law enforcement, and now working in retirement as a polygraph examiner, I understand all too well the pain and loss your department family has experienced. Your fallen heroes are in my thoughts, and their families in my prayers.  
 Sat at 11:34pm · Comment · Like · Report



**Cara Stinson** Lakewood Police Memorial Caps available. please contact me!  
 December 28, 2009 at 12:45pm · Comment · Like · Report



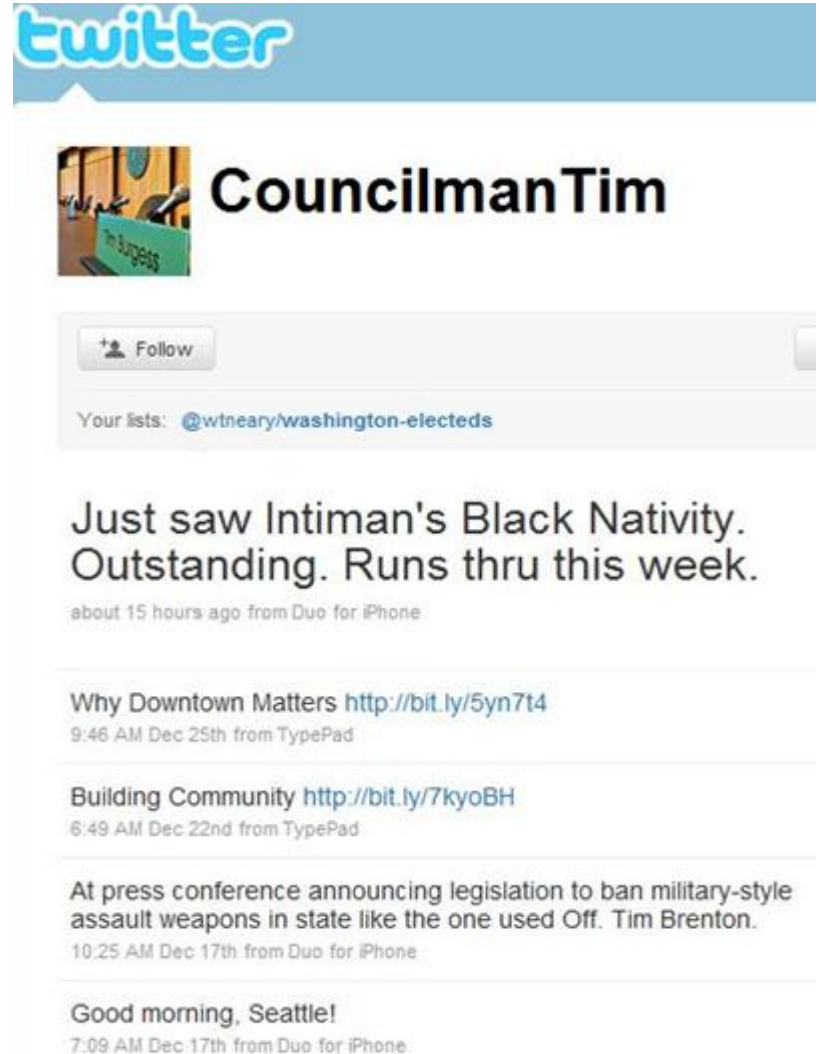
**Ryan Harter** As Christmas draws near, may peace be with the family, friends, and fellow officers of the recently fallen. Nobody is forgetting the sacrifice they all made, and you continue to make. Merry Christmas to all, and may God grant us all safety and comfort.  
 December 22, 2009 at 9:30pm · Comment · Like · Report

 Eugene Pestoni likes this.

Write a comment...

# Social Networking Types - Twitter

**Twitter** allows people to send and receive brief messages of 140 characters.



The image shows a screenshot of a Twitter profile for a user named "CouncilmanTim". The profile picture is a small image of a person at a podium with a sign that says "Tim Burgess". Below the profile picture is a "Follow" button. The user's bio is "CouncilmanTim". Underneath, there is a list of tweets. The first tweet reads: "Just saw Intiman's Black Nativity. Outstanding. Runs thru this week." followed by "about 15 hours ago from Duo for iPhone". The second tweet reads: "Why Downtown Matters <http://bit.ly/5yn7t4>" followed by "9:46 AM Dec 25th from TypePad". The third tweet reads: "Building Community <http://bit.ly/7kyoBH>" followed by "6:49 AM Dec 22nd from TypePad". The fourth tweet reads: "At press conference announcing legislation to ban military-style assault weapons in state like the one used Off. Tim Brenton." followed by "10:25 AM Dec 17th from Duo for iPhone". The fifth tweet reads: "Good morning, Seattle!" followed by "7:09 AM Dec 17th from Duo for iPhone".

**Bloggings** are commentaries that individuals or groups post on the Internet for easy accessibility.

▶ COUNCILMAN JON SNYDER  
SPOKANE, WASHINGTON // USA

FACEBOOK TWITTER RSS

Dec 30  
**Amber Takes The Oath Of Office**



The chamber was packed at City Hall. Amber's husband Tom emceed and her friend Karen said a few words. Amber gave a great speech where she learned a couple of new things. At 32 Amber

HOME  
PRIORITIES  
CALENDAR  
CITIZEN RESOURCES  
CONTACT JON  
SIGN UP FOR JON'S MONTHLY  
EMAIL NEWSLETTER

SEARCH  GO

# Audience Poll






1. Consider joining Twitter and just listen for a time. Search for interests and see what you learn
2. Talk to enough people or do research before you sign on as a politician into Facebook

## The Falls Church Controversy

Welcome to [www.FallsChurchVA.gov](http://www.FallsChurchVA.gov), the Official Website of the City of Falls Church, Virginia

En Español | Tiếng Việt | | Text Size:   



# Public Records Act

The Public Records Act broadly defines “public record” to include any:

1. “Writing”
2. That relates to the conduct of government
3. That is created, owned, used or retained by that government (including its employees)

# Facebook – A Public Record?

**facebook**

**Facebook helps you connect and share with the people in your life.**



Mayor Garner's Facebook has transformed into a public record...

# Is your Facebook a Public Record?

- Were public resources used?
- Is there a definable, well publicized, non-official use for the site (i.e. acting as a candidate, purely personal use, a separate business use)?
- Do users visit the site based on your personal contacts or official contacts?
- Is the site being used for any official purpose?

# Steps to Minimize Your Risk

1. Include a disclaimer that “this is not a city record”
2. Do not use your official title, except as a candidate
3. Do not solicit “friends” or use contacts gained through your duties at the city
4. Do not reference your site at public meetings or in any official city documents

# Steps to Minimize Your Risk

5. Never access your site from city-provided computers
6. Do not use your site to gain or disseminate information about official city business
7. If the site is a campaign site, only use it to discuss campaign issues, future promises and past achievements...not for the implementation of those issues, policies or achievements
8. Always keep your expectations of privacy low!

# Public Records Act

NATIONAL BRIEFING | SOUTHWEST

## Arizona: Show 'Metadata,' Court Says

By THE ASSOCIATED PRESS  
Published: October 29, 2009

Hidden data embedded in electronic public records must be disclosed under Arizona's public records law, the State Supreme Court ruled. The unanimous decision overturned lower courts' rulings and is one of the first decisions by a state appellate court on whether a public records law applies to so-called "metadata," or data about data. Metadata can show how and when a document was created or revised and by whom. The ruling came in a case involving a demoted Phoenix police officer's request for data embedded in notes written by a supervisor.

## What has to be produced?

- Any content that relates to the conduct of government.
- Entire web page that has any content related to the content of government.
- Entire website?

How do you produce a copy of a website?

- Printed screen shots if no format has been requested?
- Content published on your own site first if electronic version is requested?
- Electronic version of third-party site?

# Public Records Retention

- Retention guidelines are based on content and not on medium
- If content is first published on official website, content re-published on social media sites are secondary copies with a minimal retention value
- Remember comments...



# Do you Read User Agreements?

Do you have the authority to bind your city to these agreements?

- Mandatory arbitration
- Indemnification
- Application of laws from other states
- Liability limitations

washingtonpost.com > Technology > Personal Technology

paidContent.org mocoNews.net

## paidContent.org - Coming Soon: Social Networking With The Feds

Joseph Tartakoff  
paidContent.org  
Thursday, April 30, 2009; 10:07 AM

If all goes well, soon you'll be able to meet up with the folks from the Agricultural Research Service or the Office of Personnel Management on Facebook and MySpace! Thanks to agreements that the U.S. General Services Administration be lots of new profiles of government agencies on the social networking sites. The GSA says that the agreements resolve legal concerns on issues like advertising, endorsements, and liability that until now have deterred some government entities from using the sites. A Facebook spokesman says the agreement will enable federal agencies to "establish a presence on Facebook so that they may communicate more

**TOOLBOX**  
Resize E-mail Print

Constant Contact TRY EMAIL MARKETING FREE FOR 60 DAYS

**WHO'S BLOGGING** powered by sph  
» Links to this article

**Sponsored Links**  
Penny Stock Soaring 3000%  
Sign up for Free to find out what the ne  
3000% Stock Winner Is!  
www.PennyStocksUniverse.com

Grants For Education

First Amendment constraints on limited public forums **can prohibit**:

1. Obscene language
2. Harassing language
3. Threatening language
4. Commercial promotion
5. Illegal activity
6. Copyright violations
7. Personal attacks

First Amendment constraints on limited public forums **cannot prohibit**:

1. Comments critical of you or your city based on policy issues
2. Comments from your political opponents
3. Comments based on the viewpoint expressed

# Limitations on Subject Matter



If the site is being used for a specific topic, you probably can limit posters to comments on that subject *BUT* do not narrowly interpret a topic and be consistent.

# OPMA Meeting Definition

Any transaction of city business involving a quorum of a governing body



# What is a Transaction?

- Discussions
- Deliberations
- Evaluations
- Receipt of testimony

***Its not just  
decisions...***

LOCAL NEWS        

*Published: Thursday, June 18, 2009*

**'Tweets' bring possibly illegal  
meeting to light**

# What does Governing Body Include?

- City council
- Subcommittees that can act on behalf of the council or take evidence
- Multi-member bodies such as advisory committees created by official actions of the city council

# Illegal Meeting of a Quorum

- What could qualify as an illegal meeting?
- An email exchange - if the board makes substantive comments on an issue
  - If the board exchanges comments on a social networking site



# A Serial Meeting

A “serial meeting” is a series of communications that individually do not include a quorum but collectively do involve a quorum.

## In Summary

1. Social media sites can be public records subject to disclosure
2. Don't mix your personal site with city business
3. Social media sites can have retention values so post content on your city site first
4. Make sure you read the user agreements first and don't agree to something you don't have the authority to agree to
5. If you allow public comments, don't discriminate based on viewpoint
6. Avoid online contact with fellow board members
7. Talk with your city attorney before you proceed



# Expanding Communication Boundaries



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## NEWS RELEASE

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**CONTACT:** Doug Alder, Communications Manager  
425.649.4444 x 106 [douga@ci.newcastle.wa.us](mailto:douga@ci.newcastle.wa.us)

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### **NEWCASTLE BLOG WINS MUNICIPAL EXCELLENCE AWARD**

The City of Newcastle has been honored with a Municipal Excellence Award by the Association of Washington Cities (AWC) for its City blog [www.newcastle411.com](http://www.newcastle411.com). The award was given in the category of Community Service/Outreach.

### **NEWCASTLE GETS INTO THE BLOGGING BUSINESS**

The City of Newcastle has a new way to communicate with residents thanks to its new blog: [newcastle411.com](http://newcastle411.com). The blog is updated several times each day with news, police alerts, events, and neighborhood happenings. Newcastle was previously served by only a monthly newspaper.

# Your Questions Are Invited





Thank you for Attending Today's Session!

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