

How To Eliminate Social Media Mistakes On/Off Duty

Instructor: Social Media Attorney Mark Fiedelholz

Length of Training: This is a one-day course (time frame decided by host agency)

Method of Instruction: Methods include video, PowerPoint, lecture, and Q&A

Handout Material: The handouts are very precise and tightly structured. They include foundational social media liability concepts that are codified by federal and state case law.

Training Objective: The primary objective of the course is to mitigate social media risk for both the officer and department.

Covered Mandates: Civil Rights, Const. Use of LE Authority, Cultural Competency, Legal Updates, Procedural Justice, Implicit Bias, Privacy, Community Policing

Evaluation Process: The students will be given a pre-test and then a post-test.

Abstract Summary: Attendees will be introduced to a powerful “Red Flag System” that shatters costly social media myths and filters out harmful social media content formulated on and off-duty. Officers should walk away with new skills to differentiate between protected and unprotected First Amendment speech and a clear understanding of their true scope of social media privacy, especially using regarding off-duty speech on personal devices.

Training Summary: One Day Seminar

Hour 1: In this hour I shatter the myths regarding social media liability and policies. More specifically, I address federal and state cases that re-classify social media as a weapon, not just a benign PIO issue: Also, I discuss in detail the issue of “Qualified Immunity” in the context of social media posts:

- ✓ Pre-test
- ✓ Why Federal/State Courts Rule Social Media A Weapon, Not A PIO Issue
- ✓ Understanding The New Federal Social Media Policy And Training Laws
- ✓ How Posts Undermine Community Policing Efforts
- ✓ Why Infliction Of Emotional Harm Claims Are So Prevalent
- ✓ Why Personal Liability Insurance Is Not Your Safety Net
- ✓ Social Media Civil Rights Violations (42 U.S.C.S. 1983)
- ✓ Why Qualified Immunity Isn't A Guarantee With Social Media Harm Cases
- ✓ How Certain Posts Violate Your State Human Rights Act
- ✓ Review

Hour 2: In this hour I introduce participants to the complex area of social media defamation:

- ✓ Understanding Your State Libel Laws In The Context Of Social Media
- ✓ Differentiating Between A Social Media Opinion And Fact
- ✓ Learning The Nuts And Bolts Of Social Media Libel
- ✓ What You Must Know About Social Media Libel By Implication Claims
- ✓ The Costs Of Forwarding, Liking, And Sharing Social Media Libel
- ✓ Specific Social Media Libel Examples
- ✓ Review

Hour 3: In this hour I lay the groundwork for understanding social media First Amendment Laws, especially on personal accounts.

- ✓ Fundamental First Amendment Laws Guiding Social Media Speech
- ✓ Clearing Up Confusion About Off-Duty Free Speech on personal accounts.
- ✓ Specific Social Media First Amendment Examples
- ✓ Review

Hour 4: In this hour I discuss the important issue of social media evidence and its impact on privacy and state public record laws:

- ✓ Federal And State Laws Regarding Social Media Evidence
- ✓ Collecting Social Media Evidence On Personal Devices And Accounts
- ✓ Social Media Admissibility Issues
- ✓ Basic Social Media Public Record Laws You Must Know
- ✓ Creating Off-Duty Public Records
- ✓ Rules Of The Road If You Are Using Cloud Storage For Public Records
- ✓ Review

Lunch

Hour 5: In this hour I address specific posts and tweets that trigger implicit bias, viewpoint discrimination and other discriminatory content. I also address the thorny issues of blocking and deleting social media content:

- ✓ What Social Media Content Triggers Implicit Bias Claims
- ✓ Triggers for viewpoint discrimination
- ✓ Strategies to completely avoid discriminatory content
- ✓ What Social Media Humor Is Considered Discriminatory (i.e., Tik Tok)
- ✓ The Laws On Social Media Blocking
- ✓ The Laws On Social Media Deleting
- ✓ Review

Hour 6: In this hour I focus on what social media content constitutes harassment, and cyberstalking under federal and state statutes:

- ✓ Why Social Media Is A Lightning Rod For Harassment Claims
- ✓ Understanding Federal And State Social Media Harassment Laws
- ✓ Understanding Federal And State Social Media Cyberstalking Laws
- ✓ Basics Of Government Speech
- ✓ Case Law Defining The Government Speech Doctrine
- ✓ The Hidden Liabilities Of “Real Time” Engagement
- ✓ The Hidden Liabilities Of Social Media Privacy
- ✓ Defining The Parameters Of Off-Duty Social Media Privacy
- ✓ Specific Social Media Social Media Privacy Examples
- ✓ What You Must Know About Copyright And Trademark Infringement
- ✓ The Laws Regulating Use Of Department Logos On Social Media
- ✓ Short Review Of The Total Course
- ✓ Questions and Answers

End Of Session