To: Honorable Mayor and Members of the City Council

From: Councilmembers Jesse Arreguin and Gordon Wozniak

Subject: Referral to City Manager: Social Media Policy

RECOMMENDATION:
Refer to the City Manager the attached Social Media Policy adopted by the elected Rent Stabilization Board for consideration in developing a policy for City departments, and direct the City Manager to provide a report to Council on staff efforts to create a Social Media Policy and an implementation plan for use of social media by City departments.

BACKGROUND:
Social media is becoming an increasingly widespread and important means of communication and outreach. Many government agencies have embraced social media as a way to easily disseminate information to residents including crime alerts, and information on community events and public works projects. A February 19, 2014 article on Berkeleyside talked about how the Oakland Police Department and other law enforcement agencies have used social media to improve community-police relations and to help solve crimes.

The February 19, 2014 article also quoted Chief Meehan who expressed his desire to use social media but stated that prior to the Berkeley Police Department implementing social media the city needed to develop a formal policy. The article also mentioned that Berkeley city staff are currently developing a policy. While social media platforms are an effective means of communication, there are issues with allowing employees to speak officially on behalf of the city, and potential legal issues with using social media given that members of the public may post on social media pages, and such content is protected under the First Amendment. Some of the challenges that have been raised in the past include:

- Who is designated to develop content?
- The development and review of content before posted
- Not creating public forums, but rather a social media platform to send out information
- First amendment issues, and how to supervise content posted by the public
- Not using public resources for personal or campaign purposes
However, all of these issues can be addressed with clear administrative guidelines that specify who writes and approves content and conditions of use. Many cities have looked at these issues and developed policies that allow for the use of social media by city staff, but subject to regulations to minimize potential liability.

On December 19, 2011 the elected Rent Stabilization Board adopted a Social Media Policy to allow staff use of social media programs such as Facebook and Twitter. Specifically the policy:

- identifies a chain of command by designating a content author
- specifying that the content created by the public on a social media page is the sole responsibility of the user creating it and not the Rent Board
- that the Rent Board does not guarantee the accuracy, integrity or quality of the content posted by the general public
- That the content posted reflects the opinion of the user only and publication of the content does not imply endorsement or agreement by the agency
- That the Board does not assume any liability regarding any event or interaction between participants on a Rent Board social media site
- It specifies the type of content that would be prohibited and removed
- And that the Board maintains the right if the conditions of use are violated to terminate the site

The Rent Board’s policy addresses some of the First Amendment challenges with a social media site by designating a staff person to post and maintain the site and supervise its content to make sure that it is following the adopted Social Media Policy. By specifying that content posted on a site by a member of the public is not the responsibility of the agency and reflects the opinion of the user only and does not imply endorsement or agreement by the agency, it makes it clear that the public has a right to post content but that does not mean they are speaking officially on behalf of the Rent Board. Also, by specifying conditions of use it is clear what the guidelines are for people to post on a social media page, and what the consequences are if someone posts prohibited content.

The City could adopt this approach of creating a legal distinction between the content the city posts and that users may post, or it may block people posting to the site at all.

Given that Berkeley is a university town and a large number of residents use social media as a primary means of communication, it is critical that Berkeley move ahead in adopting a social media policy and implementing the use of social media by the Berkeley Police Department, Public Works and other city departments. Utilizing social media will further connect the City government to the community and furthers the goals of open and transparent government stated in the city’s Open Government Ordinance (BMC Chapter 2.06) and the city’s Mission Statement.
FINANCIAL IMPLICATIONS:
Staff time associated with developing reviewing the Rent Board’s Social Media Policy and developing a policy for use by City departments, as well as an implementation plan for city use of social media for communication with Berkeley residents.

CONTACT PERSON:
Jesse Arreguin, Councilmember, District 4 981-7140

Attachments:
1. Social Media Policy adopted by Rent Stabilization Board
RENT STABILIZATION BOARD

DATE: December 19, 2011

TO: The Honorable Members of the Berkeley Rent Stabilization Board

FROM: Jay Kelekian, Executive Director

By: Chanée Franklin Minor, Staff Attorney

SUBJECT: Proposed Social Media Policy

Recommendation:

Staff recommends that after discussions, the Board adopt the attached resolution outlining the Board's social media policy.

Background

In April 2009, a tenant survey revealed that 95% of long-term Berkeley tenants knew that their units were rent controlled, as compared to only 55% of tenants who were newer to Berkeley. Many of these new Berkeley residents were students and often the most vulnerable to exploitation. As a result, staff initiated discussions to brainstorm outreach strategies targeted at students and newer Berkeley residents. Last year, the Outreach Committee and staff began to explore the possibility of using social media as an outreach tool to reach the targeted demographic. Social media is but one strategy currently being evaluated. Staff is also examining other outreach strategies including Constant Contact, improving current website capabilities, and enhancing multi-media outreach in general.

The committee expressed strong interest in the development of a social media platform - the primary goal of which would be to implement a more relevant and efficient outreach strategy targeted at students. The Outreach Committee requested that staff
develop a social media policy for their review. The City does not currently have a social media policy in place and initially, prohibited the Rent Board from establishing a Facebook page. Legal staff met with the City to discuss its concerns and reservations about the Rent Board’s use of social media. After continued discussions, the City agreed to allow the Rent Board to develop a page under certain restrictions and conditions discussed below.

In September of this year, staff presented a draft social media policy to the Outreach Committee. The committee discussed the policy and recommended that it be presented to the full Board for review.

Discussion

The Berkeley Rent Board will be one of the first agencies in the City of Berkeley (other than the public library), to launch a Facebook page or employ any other social media platform. The term “social media” refers to various activities that integrate technology, social interaction and content creation. Social media allows people to create online content and organize, edit or comment on it, as well as combine and share it. Examples of social media websites include Facebook, Twitter, Linkedin and YouTube.

I. Discussions With The City Concerning Rent Board’s Proposed Social Media Policy

Currently, the City of Berkeley does not have an official social media policy. As such, representatives from the City expressed deep reservations against the Rent Board’s use of social media. First, the City was concerned with the possibility of misuse by the public and the posting of inappropriate, and/or offensive speech. Second, the City expressed that it did not have the resources to manage a social media platform and it did not want to accept liability for any legal or administrative issues that might arise as a result of the implementation of a Rent Board Social Media Site. However, after several follow-up discussions with staff, the City authorized the Rent Board to adopt a social media policy under the condition that the Board pass a resolution stating that its intent to participate in social media was independent of the City’s policies. Further, the City requested that the resolution include the following language:

1. Whereas, the Rent Stabilization Board wants to use all available tools for outreach, etc;

2. Whereas, staff has begun a Facebook page to do this;
3. Whereas some of what Rent Board staff may do with social media is not consistent with City of Berkeley policy;

4. Whereas, City Manager and Rent Board staff agree it is appropriate to use Rent Board’s legal department for advice on any legal issues that might arise as a result of the use of social media, and to maintain maximum independence from the Berkeley City Council and accountability to elected Rent Board;

5. Wherefore, be it resolved that Rent Board approves of Rent Board staff's use of social media and directs that it be run according to Rent Stabilization Board policy and advice of Rent Board staff, and not City of Berkeley policy or the advice of the City Manager or City Attorney;

6. Be it further resolved that along with full authority and control over Rent Board social media outlets, Rent Board assumes full responsibility for said outlets.

II. Legal Consideration

There are three important legal issues that the Board should consider in adopting a social media policy. The first concerns First Amendment issues relating to government restrictions of speech. The second relates to the Brown Act’s open meeting requirements. Finally, the Board should be aware of potential issues concerning the perceived use of public resource for personal and/or political gain.

A. First Amendment Issues

The goal of adopting an outreach strategy that employs the use of a social media platform is to get information to the public in a more effective and efficient manner. If the public agency allows others to post materials of their choosing on a website, blog, or social networking site such as Facebook, the argument can be made that the agency is creating a public forum. This would mean that the agency is bound to existing laws protecting individual First Amendment rights. The courts have ruled that the agency could not impose restrictions on material based on its content unless the restrictions serve a compelling state interest that is narrowly tailored to achieve that interest. *Perry Ed. Assn. v. Perry Local Educators’ Assn.*, 460 U.S. 37,45 (1983)(“For the state to enforce a content-based exclusion it must show that its regulation is necessary to serve a compelling state interest and that it is narrowly drawn to achieve that end.”) Even if the agency creates a “limited public forum” for certain topics, it cannot delete posts simply because they are critical of the agency, or because the agency otherwise dislikes what the posts say.
As such, staff has drafted a social media policy which adopts a “limited public forum” theory. Section V of the proposed policy, outlines the “Conditions of Use” and specifies the types of content that are prohibited and will be removed without advance notice. This includes:

a. Any material unrelated to the stated purpose of the Rent Board Social Media Site;
b. Content that violates any applicable federal, state or local law, including but not limited to the Electronic Communications Privacy Act of 1986;
c. Profane, obscene or pornographic content and/ or language;
d. Content that promotes, fosters, or perpetuates discrimination on the basis of race, age, religion, gender, sexual orientation, or national origin;
e. Threats to any person or organization;
f. Defamatory statements as defined by applicable law;
g. Private, personal information published without consent of the individual identified;
h. Content that violates a legal ownership interest of any other party;
i. Information that is likely to compromise the safety or security of the public or public systems;
j. Solicitation of commerce, including but not limited to advertising of any business or product for sale; except as provided for on certain Social Media Sites and/or blogs;
k. Content that intimidates or harasses, or is intended to do so;
l. Advocacy with respect to specific political parties or candidates, whether local, state or national;
m. Photos or other images that fall in any of the above categories; and
n. Hyperlinks to material that falls in any of the above categories.

Similar language is included in the social media policies adopted by the City of Santa Monica Rent Control Board and the Berkeley Public Library.

B. Open Meeting Laws and the Use of Social Media

California’s open meeting law, the Brown Act, provides that public officials may not hold a meeting (i.e. hear, discuss, deliberate, or take action on an item within their subject matter jurisdiction) unless the public is properly noticed and all other Brown Act requirements are met. Cal. Gov. Code § 54952.2. The courts have not specifically
ruled on the intersection of comments posted on the internet and the Brown Act. However, case law governing email communication between public officials may be instructive. Section (b)(1) of the Brown Act reads as follows:

“A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.” Ca.Gov. Code § 54952.2(b)(1).

Based on the opinion of the attorney general, the Brown Act prohibits a quorum of a legislative body to discuss agency business over email. 84 Ops. Cal. Atty. Gen. 30 (2001) p. 1 (“A majority of the board members of a local public agency may not e-mail each other to develop a collective concurrence as to action to be taken by the board without violating the Ralph M. Brown Act...”)

With the speed of online communication, a simple post by a Board Commissioner on a Facebook page or other social media platform can easily turn into a discussion about city business by a quorum of the Rent Board Commissioners. For example, a member of the public may post an entry about an upcoming Rent Board agenda item. Proponents and opponents both weigh in on the comment. A rent board commissioner reads the entry and also posts a comment about the item. A second commissioner also decides to post a comment, and then a third commissioner responds to the first two commissioners. Thus, a discussion among the three commissioners ensues on Facebook. The problem is that the electronic conversation was not held pursuant to a noticed meeting. Instead, it was a result of a series of communications to discuss and deliberate on an item within the rent board’s subject matter jurisdiction. This would violate the Brown Act. As such, staff recommends that rent board commissioners do not post comments on any Rent Board social media site.

Issues Related to Use of Public Resources

State law prohibits elected officials and staff from using public resources for personal or campaign purposes. Ca. Gov. Code § 8314(a). Under the statue, “public resources” means “any property or asset owned by the state or any local agency...” Ca. Gov. Code § 8314 (b)(3). This would include an agency’s website or social media platform. The law is silent as to whether a public officials use of a government social media platform would constitute improper use for political and/or personal gain. However, it is important to keep in mind public perceptions. The public might allege that a commissioner’s use of an agency social media site as use of public resources for personal political gain. It is unclear how the courts would rule in such a matter.
Conclusion

In light of the above considerations, should the Board decide to adopt the proposed social media policy, staff will begin to implement and develop a Rent Board Social Media Site.
RESOLUTION ADOPTING PROPOSED RENT BOARD SOCIAL MEDIA POLICY.

BE IT RESOLVED by the Rent Stabilization Board of the City of Berkeley as follows:

WHEREAS, the Rent Stabilization Board Commissioners have expressed a desire to use all available tools for outreach; and,

WHEREAS, the Commissioners have instructed staff to craft a social media policy and to develop a strategy utilizing social media as an outreach tool, where Facebook is one such tool; and,

WHEREAS, the City has expressed that the Board’s use of social media might not be consistent with City of Berkeley policy; and,

WHEREAS, the City Manager and Rent Board agree that it is appropriate to use the Rent Board’s legal department for advice on any legal issues that might arise as a result of the use of social media, and to maintain maximum independence from the Berkeley City Council and accountability to the elected Rent Board;

NOW, THEREFORE BE IT RESOLVED, That the Board directs staff to implement and develop a Rent Board Social Media Site; and,

BE IT FURTHER RESOLVED, That the Board directs that the administration of the social media site is conducted according to the adopted social media policy and the advice of Rent Board staff, not the advice of the City Manager or City Attorney; and

BE IT FURTHER RESOLVED, That this policy is independent from any City of Berkeley policy; and,

BE IT FURTHER RESOLVED, That along with full authority and control over Rent Board social media outlets, Rent Board assumes full responsibility for said outlets.

Dated: December 19, 2011.

Adopted by the Rent Stabilization Board by the following vote:

Lisa Stephens, Chairperson
Rent Stabilization Board

Attest:

Jay Kelekian
Executive Director
Subject: Use of Online Social Media

I. Purpose

The Berkeley Rent Stabilization Program (Rent Board) has an overriding interest in deciding what is spoken on behalf of the Rent Board on Social Media Sites. To further this interest, this administrative instruction sets guidelines governing User-generated Content within various Social Media Sites managed and administered by the Rent Board, or on its behalf pursuant to contract. In utilizing social media the Rent Board is not establishing a traditional public forum, rather the intent is to create a social media platform limited to subjects and Users determined by the Rent Board, as discussed below.

II. Scope

This administrative instruction applies to all Rent Board employees who use Social Media Sites in a professional capacity. This instruction does not apply to social media such as Facebook, YouTube, Flickr, Twitter, etc. that are controlled and moderated by third parties whose decisions are not within the control of the Rent Board. However, this instruction does apply to such social media to the extent the Rent Board has the ability to control or regulate User Content.

III. Definitions

Rent Board Social Media Site: Any Social Media Site that any Rent Board employee established, managed or maintained, or causes to be established, managed, or maintained on behalf of the Rent Board, to serve the public, regardless of whether or not the Rent Board owns the servers, equipment, network or software platform on which such site resides.

Content: Any information, data, text, music, sound, photographs, graphics, video, messages, or other material posted on a Rent Board Social Media Site.

Social Media Site: A website containing Content designed to be disseminated through social interaction, which allows the creation and exchange of User-generated Content. Examples of Social Media Sites include Facebook, Twitter, MySpace, YouTube, Linkedin, and Flickr.
Conditions of Use: Sets rules and regulation for the use of Rent Board Social Media Sites.

User: Any member of the public using a Rent Board Social Media Site.

IV. Policy for Establishment and Use of Social Media on behalf of the Rent Stabilization Program

A. The Berkeley Rent Stabilization Program website at www.ci.berkeley.ca.us/rent, or any successor website, will remain the Rent Board’s primary and predominant Internet presence. Wherever possible, Rent Board Social Media Sites should link back to the Berkeley Rent Stabilization Program’s website for forms, documents, information, and other online services.

B. Rent Board employees may not establish a Rent Board Social Media Site without prior approval of the Executive Director.

C. If the Rent Board establishes a Rent Board Social Media Site, the Executive Director shall designate at least one Rent Board employee to manage and maintain the site.

D. Any Rent Board employee, other than the Designated Employee, creating content on behalf of the Rent Board must obtain authorization from the Executive Director or the Designated Employee. No Rent Board employee may represent that he or she is speaking on behalf of the Rent Board unless authorized to do so consistent with the terms of this Administrative Instruction.

E. Rent Board staff shall use the Rent Board’s legal department for advice on any legal issue that might arise as a result of the use of social media, and shall maintain maximum independence from the Berkeley City Manager, City Attorney, and City Counsel.

F. The Rent Board assumes full authority and control over Rent Board social media outlets, and assumes full responsibility of said outlets. The City of Berkeley, City Manager, and City Attorney assume no liability for any Rent Board Social Media Site or policy as it relates thereto.
G. Unless the Information Systems Department determines it is technically infeasible, the Designated Employee shall prominently post the following language on the Rent Board Social Media Site:

In addition to the Service Provider’s terms or conditions of use, Users of this site agree to the Berkeley Rent Stabilization Program’s policies regarding Social Media Sites and the Conditions of Use, which may be found at [insert link to our website]. This site is intended to serve as a mechanism for communication between the public and the Rent Board on topics posted by the Berkeley Rent Stabilization Program. Any comment posted on this site is solely the opinion of the person posting such comment.

V. **Conditions of Use for Rent Board Social Media Sites**

1. **Purpose**: The Rent Board has the right to set and enforce rules and regulations for the use of Rent Board Social Media Sites. Rent Board Social Media Sites are not traditional public forums.

2. **Agreement to Conditions of Use**: By accessing, participation in, or using any Rent Board Social Media Sites, User agrees to abide by these Conditions of Use.

3. **User-created Content**: All User-created Content is the sole responsibility of the User creating such Content. This means that each User, and not the Rent Board, is entirely responsible for all Content that he or she uploads, posts, emails, or otherwise transmits via Rent Board Social Media Sites. The Rent Board does not guarantee the accuracy, integrity, or quality of such Content. Content posted by a User on any Rent Board Social Media Site reflects the opinion of the User only, and publication of any Content does not imply endorsement of, or agreement by, the Rent Board, nor does such Content necessarily reflect the opinions or policies of the Berkeley Rent Stabilization Program.

As is the case with all Social Media Sites, there is a risk that a User may be exposed to offensive, indecent or objectionable Content. Each User is solely responsible for his or her own interaction with other Users. The Berkeley Rent Board assumes no liability regarding any event or interaction that takes place by participants in any Rent Board Social Media Site.
4. **Improper Use:** The following types of content are prohibited and will be removed without advance notice:

a. Any material unrelated to the stated purpose of the Rent Board Social Media Site;

b. Content that violates any applicable federal, state or local law, including but not limited to the Electronic Communications Privacy Act of 1986;

c. Profane, obscene or pornographic content and/or language;

d. Content that promotes, fosters, or perpetuates discrimination on the basis of race, age, religion, gender, sexual orientation, or national origin;

e. Threats to any person or organization;

f. Defamatory statements as defined by applicable law;

g. Private, personal information published without consent of the individual identified;

h. Content that violates a legal ownership interest of any other party;

i. Information that is likely to compromise the safety or security of the public or public systems;

j. Solicitation of commerce, including but not limited to advertising of any business or product for sale; except as provided for on certain Social Media Sites and/or blogs;

k. Content that intimidates or harasses, or is intended to do so;

l. Advocacy with respect to specific political parties or candidates, whether local, state or national;

m. Photos or other images that fall in any of the above categories; and

n. Hyperlinks to material that falls in any of the above categories.

In addition, Users are advised to protect privacy and not post personally identifying information. Persons under age 18 and their guardians, especially, should not post information such as last name, school, age, phone number, or address.

5. **Termination; Suspension:** The Rent Board has the right to terminate or suspend any User's access to Rent Board Social Media Sites immediately, without prior notice or a hearing, if such User violates any of these conditions.
6. **Compliance with Law:** Any violation of applicable federal, state, or local laws or regulations will be prosecuted. Illegal activity will be reported to proper legal authorities.

7. **Privacy:** Content posted on Rent Board Social Media Sites is not private and may be disclosed by the Rent Board at any time.

8. **Entire Agreement; Severability; Waiver:** These Conditions of Use comprise the entire agreement between User and the Rent Board regarding the use of Rent Board Social Media Sites. If any portion of these Conditions of Use is found to be unenforceable, the remainder will be in full force and effect. Failure on behalf of the Rent Board to enforce any of these Conditions shall not be considered a waiver.
3 years on, city of Berkeley still stuck on social media

February 19, 2014 2:12 pm by Emile Raguso

Nearly three years after Berkeley city staff said the municipality was working on a social media policy to allow for greater transparency and communication, the city still has virtually no online presence apart from its official website.

In the meantime, surrounding cities have taken up the challenge, particularly in the area of crime fighting, with Oakland, Emeryville and Albany using sites like Twitter, Facebook and alert network Nixle to increase the public trust and share information.

Many other Bay Area law enforcement agencies, including the Alameda County district attorney’s office and the San Francisco office of the FBI, are also using social media to various degrees. That's because social media is
widely considered one of the best ways to reach the public, whether the goal is to share breaking news, crime tips or agency successes.

According to a 2013 survey by the International Association of Police Chiefs, 96% of 500 participating law enforcement agencies, across 48 states, said they use social media. Of those, 80% said it has helped solve crimes and 73% said it has improved community relations. Facebook, Twitter and YouTube are the most commonly used platforms, with Nixle following close behind. Most agencies report that social media takes 1-5 hours per week to manage.

Berkeley, however, is not one of those agencies. An analysis of the Berkeley Police Department, which was completed by Cornerstone Communications in January 2013 — after being hired by the city to study the department’s media practices — concluded that the department has failed to embrace social media despite broad consensus from employees that it should.

“Prohibited from using social media of any kind, so information doesn’t go out as wide/well as it could,” noted one respondent, identified only as a Berkeley Police manager. “Seems like almost every day or two there’s some good police work/interesting story that we could be putting out. Why aren’t we doing that?”

North Oakland shines with public outreach via social media
Locally, the Oakland Police Department in particular has made great strides in recent years, and is using several different social media sites — including Facebook, Twitter, private social network Nextdoor, and alert service Nixle — to make sure residents have timely information about crime, as well as many other resources and direct access to top officials. (Nixle is a free service that allows community members to sign up to receive alerts from authorities by phone and email. It can also be used to submit tips anonymously to law enforcement.)

North Oakland’s police leaders, in Area 2, have spearheaded the effort, which they say can be time consuming but is well worth it.

Area 2 Lt. Chris Bolton said the last few years have seen a "culture shift" within the department, resulting in a wide range of timely public information sharing that would not have happened in the past.

He said he could count at least six instances where "actionable, good intelligence" has come from local residents. It was a community tip via Nixle that alerted police to the discovery of a human skull up on Grizzly Peak, he said. (That incident is still under investigation.)

And when an at-risk man went missing from Berkeley in January, Berkeley officers got in touch with Oakland police to help spread the word, which they did via Nixle and Twitter, Bolton said. Almost immediately, a Nixle subscriber spotted the man in Oakland — with the help of her 10-year-old son — and called local authorities to report it.

“He was found in Oakland safely entirely due to social media broadcasting,” said Bolton.

Trust, credibility key to police-community relations
Bolton also recalled a recent alert about a bank robbery on Grand Avenue in Oakland that was posted on Nixle and Twitter, along with a surveillance photograph, within two hours of the crime.

“Five years ago, that never would have been released,” he said. “Someone would say, ‘You’re screwing up the investigation.’ That’s not the case now. You get a big bang for your buck by putting out timely, accurate information.

http://www.berkeleyside.com/2014/02/19/3-years-on-city-of-berkeley-still-stuck-on-social-media-2/
so people feel engaged.”

And the traditional method of holding back information can backfire when trying to build relationships, Bolton said.

“The absence of communication doesn’t make people feel safer,” he said. “In some cases, they feel even more distrustful. Do people view the absence of information as something needed to protect an investigation, or is it seen as a lack of empathy, trust or dedication? I would err on sharing more information than none at all for that reason.”

In January, Area 2’s Capt. Anthony Toribio put out more than 20 notices on Nextdoor, a private social media network that’s increasingly used by neighborhoods to share a variety of information.

Toribio’s posts included crime statistics, news about crime suspects — including mugshots, pictures of vehicles believed to have been involved in crimes, details about shootings, invitations to meet with police, requests for feedback about law enforcement practices and tips about crime-related resources.

Toribio also posts similar information regularly on Twitter to ensure it’s readily accessible.

“I don’t believe you can be effective as a law enforcement agency in the 21st century, in terms of reaching out, without using social media,” he said. “Everyone is using it.”

Toribio said the department began outreach efforts in recent years by using Nixle to spread the word about local crime. Last summer, Toribio added Twitter to his arsenal, which Bolton also uses. Most recently, he and Bolton began posting directly to neighborhood groups using Nextdoor.

“One of the goals of every police department is to be credible to the community, to be seen as legitimate by the community we serve,” Toribio said. “To do that, we have to build trust. One of the best ways to do that is to provide timely, accurate information frequently in an honest manner. That really engages the community. It’s a great way to be transparent and to provide an understanding of what is going down in Oakland beyond what’s available from the media.”

Toribio posts extensively online, and two of his watch commanders also regularly put out information. He said, in time, problem solving officers will likely be using the tools as well. Others in the department are slated to roll out similar efforts, though perhaps to a lesser degree. (The captain for Area 3, which includes Lake Merritt, Fruitvale and other parts of Oakland, recently launched his own Twitter account.)

Toribio said Oakland Police Department Chief Sean Whent has been supportive of the Area 2 social media efforts, which helped push the endeavor forward.

Dialogue from social media outreach brings more tips to officers

Community members have responded positively, as well, added Toribio.

“We’re getting more tips and information about what’s going on,” he said. “We receive a lot of information from the community that we otherwise would not hear about. Social media is really not a one-way street. We provide
Lt. Bolton said there have been vast improvements in outreach and with community-driven tips since social media efforts began. In addition to tips about the missing at-risk Berkeley man and the human skull on Grizzly Peak, noted above, information about narcotics, drug dealing, prostitution, crime-related vehicle descriptions and specific addresses related to suspicious activity has also been reported. Much of it comes in anonymously, he added, which he described as “the magic of the Nixle tips.”

Being on social media has other benefits, too, Bolton said, such as humanizing the police force.

“People not only know who their commanders are, and what we look like, they know we’re engaged in what we’re working on,” he said. “And having a personal relationship, built only through social media in some cases, makes it more likely that people will share information.”

Bolton said having a social media presence also serves to decrease demand on the department’s limited media outreach team, and gives the public another way to get information and find answers to their questions.

Bolton said the department has looked into creating a social media policy but, currently, has found existing rules and standards that govern how to communicate with the public more than sufficient.

In addition to online efforts, Area 2 police officials also meet regularly each month with community members during informal chats over coffee and in more formal crime-related meetings organized by different Neighborhood Crime Prevention Councils, which is the structure that governs grassroots public safety efforts throughout the city. (In the past, some Berkeley residents have lobbied for a similar system in Berkeley, but the effort didn’t take off. Berkeley does, however, have the Berkeley Neighborhoods Council — which includes more than 40 smaller neighborhood groups — to help residents organize in response to crime, as well as a wide range of other local issues.)

City staff say Berkeley is going slow to ensure “thoughtful approach”

The Berkeley Police Department does make its four area commanders available to the public at some community meetings and, occasionally, during informal chats over coffee that are promoted via neighborhood email lists managed by police officers. Though appreciated by residents, the coffee events are held somewhat irregularly, are not widely publicized, and are somewhat poorly attended, generally drawing just a handful of attendees.

Police Chief Michael Meehan told Berkeleyside in March 2011 that he would like his department to start using some form of social media, but was unable to do so until the city manager’s office created a formal policy. In
preparation, multiple Berkeley Police officers who deal with the media have attended social media trainings to learn how to proceed. But, so far, the department has not acted.

Meehan said earlier this month that city spokesman Matthai Chakko is in the process of drafting Berkeley’s social media policy.

“It’s possible to do it wrong so we are trying to take a thoughtful approach designed to provide the most helpful service,” Meehan said, via email. He said any additional questions would best be answered by Chakko.

Chakko said, also via email, that Berkeley, which does not yet have a Facebook page, is still developing a policy for general city-wide use. The Berkeley Public Library and city Rent Board do have Facebook pages, he said. (The library has an active page with more than 2,200 fans. The rent board, on the other hand, has just three fans, and hasn’t posted an updated since Dec. 14, 2012, when the page was first created.)

“We’re developing a social media policy, including an analysis of the resources necessary to properly support the use of social media as a part of our overall communication strategy,” Chakko wrote. “We want to deliver information to the community in the most effective ways, and social media is one tool that we’re interested in.”

He noted that different departments have various publications that are “already popular.” In the Police Department, he said, those include a newsletter and the email lists of each area coordinator. (Find local area coordinator contact information here to join the relevant lists.)

The newsletter is supposed to come out monthly but is not sent on a regular schedule, and the email lists are used relatively infrequently, however.

Chakko said the city aims to choose tools that are efficient and effective, and wants to make sure those tools are assigned in “an equitable manner.”

He said the goal would be to make sure that “every area/district of the City receives the same level of service. We would not want to rely on staff using this communication tool voluntarily, or only as they have available time, only to see that some areas of the City receive the service, but others do not. Additionally, we want to have our policies in place first so that all staff are aware of the rules and expectations about how the tool will be used.”

The majority of Berkeley Police Department employees who took a survey in 2012 said the department should be using social media, according to Cornerstone Communications. Image: Berkeleyside/Infogr.am
According to the 2013 Cornerstone analysis of the Berkeley Police Department, “the department needs to participate in social media” to help “fight crime, protect citizens and engage the public.” The report noted that, at that time, more than 2,000 police departments were using Facebook “to communicate directly — and consistently — with community members,” with many others using Twitter and Nixle: “The public has embraced social media. It’s time for the police department to do the same.”

The report concludes that, though taking these steps will require time, money and staff resources, “the result can be a highly effective way to engage those the Department serves, while underscoring its legacy of transparency, respect and service.”

Berkeley Police Association: “We have to embrace it"

The Berkeley Police Association, which is separate from the city, launched its own Facebook and Twitter pages about a year ago. Association president Sgt. Christian Stines said those resources, while still in development, have been beneficial in terms of connecting to the public and getting different types of information out.

“It helps the public know what’s going on and allows them to help us with things,” he said. “We have to embrace it. That’s the bottom line. We have to find ways to harness that technology to communicate with a community that’s growing up using it.”

Geneva Bosques, spokeswoman for the Fremont Police Department, runs a regional organization of more than 50 Northern California law enforcement agencies that are exploring how to use social media in different ways. The Bay Area Law Enforcement Social Media Group arose from strategy conversations between the Fremont and the Redwood City police department in late 2011, Bosques said.

She said many departments and agencies are using social media creatively and effectively, and pointed to the Mountain View Police Department, the Palo Alto Police Department and the Alameda County Fire Department as among the best.

Initially, Bosques said, investigators were somewhat hesitant to share information. But as they’ve seen the successes that can result from community tips, the perspective has shifted.

“We have detectives and officers coming in with photos and videos, and they’re saying, ‘Will you put this out?’” she said. “I no longer have to solicit stories or information. I’m getting phone calls now from officers out in the street saying, ‘I just took a third report about the same scam. Can we put something out?’ If there were two of me, I think we’d be putting even more out.”

Bosques recalled one case during which she posted a surveillance video after a crime. Within 45 minutes, she said, tips were coming in. Within another couple hours, a suspect was in custody.

“It takes a little bit of trust but, once you start to have some victories,” said Bosques, “it really solidifies the potential of the tool.”

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3/10/2014

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63 Comments

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bgal4  •  19 days ago

EXCELLENT reporting and analysis!! thanks Emilie, you're a gem!

Thoughtful is Berkeley speak for NON-Transparent

12  •  Reply  •  Share

Alan_Tobey  •  19 days ago

Seemingly no consequential way to improve city function can avoid becoming Berkeleyized -- studied to death for fear of offending some constituency somewhere.

What if we tried "maximizing service to the public" instead? There's a first time for everything.

11  •  Reply  •  Share

bgal4  •  19 days ago

check out Santa Cruz which has very timely community updates and has implemented predictive policing.
http://www.predpol.com/categor...

5  •  Reply  •  Share

Guest  •  19 days ago

We used to get regular updates, about once a month, from the police via our neighborhood email list (the Neighbors of Ohlone Park mailing list), but I honestly can't remember the last time they sent one out.

In addition to the good work surrounding cities are doing with social media (a complete no-brainer for us to just copy, policies and all, if you ask me) I hope someone from BPD or the City Manager's office is also tracking the good work the Federal Communications Commission is doing to roll out text-to-911. See http://www.fcc.gov/text-to-911 for more details on that, and http://transition.fcc.gov/cgb/... for a list of cities that are already piloting that service. Given the apparently luddite inclinations of our city leaders cited in this article, though, I'm not particularly hopeful.

Honestly, this is really embarrassing for a city so close to Silicon Valley, where so much of the technology that enables modern communications was invented; and where so many of the people continuing to push the envelope of what's possible were and are being educated.

5  •  Reply  •  Share

Tony Walnuts  •  Guest  •  19 days ago

Honestly, this is really embarrassing for a city so close to Silicon Valley, where so much of the technology that enables modern communications was invented; and where so many of the people continuing to push the envelope of what's possible were and are being educated.

The people you're describing are the last people who are going to apply for (and be offered) a job in the City of Berkeley. The same problem appears on the City Council and the BUSD School Board, neither of which is staffed by our best and brightest. Both of those groups are completely irresponsible when it comes to their core duties -- huge budget gaps, excessive compensation for mediocre staff, reductions in services despite high taxation, decades of fraud. But very few people who are actually capable of course correcting the ship are going to devote their creative energies to that mess.

This comment has been moderated. —Eds.

7  •  Reply  •  Share

Elizabeth  •  19 days ago

"In January, Area 2’s Capt. Anthony Toribio put out more than 20 notices on Nextdoor, a private social media network that’s increasingly used by neighborhoods to share a variety of information."

http://www.berkeleyside.com/2014/02/19/3-years-on-city-of-berkeley-still-stuck-on-social-media-2/

7/14
Generally speaking, and not based on research, a younger population uses Twitter and Facebook. Over here on Southside we have many active "neighborhoods" on Nextdoor and again, generally speaking, some of us are a bit older. (And there is always crossover and many, no matter what age, use Facebook, Twitter as well as Nextdoor.)

I'm hoping that BPL will consider actively using Nextdoor for announcements from all "Areas", and corresponding Nextdoor "neighborhoods", in Berkeley.

Guest → Elizabeth • 19 days ago
I liked the idea of Nextdoor, but in my West Berkeley area it seems to be overrun with elderly political cranks who want to use it as a loudspeaker for their political rantings and bizarre demands of the community and I find myself avoiding the site. A real shame.

TN → Guest • 19 days ago
You might find the "mute" button on Nextdoor very useful and calming. The "mute" applies to individuals so that you can not see their posts. And it is private. The target of your muting can not see that you have muted them.

West Bezerkeley → Guest • 17 days ago
As TN suggested, the mute button on NextDoor is wonderful. I no longer see any of the posts from a W. Berkeley political crank that ran against Darryl Moore.

Elizabeth → Elizabeth • 19 days ago
Here is the link, from Nextdoor, that explains how our local Berkeley Police Department can contact Nextdoor in order to set up a link through Nextdoor for the city program. There is no cost.

https://help.nextdoor.com/cust...

barkeditor • 19 days ago
Yes, this is excellent reporting. It's such a shame that Berkeley can't be more up-to-date, especially for offering important community services online, such as one for the animal care services. Berkeley still doesn't have a website featuring animals to be adopted. So we have this wonderful new shelter but no way of featuring its "guests"? Most other cities our size have a website for their shelters. Hard to believe that there isn't a volunteer out there who could help out or that there isn't money that can be used for this.

TN → barkeditor • 19 days ago
Have you seen these two links that appear on the BAS facebook account?

http://www.petfinder.com/pet-s...
(This link is to a list specific to BAS.)

http://norcalpetadoptions.com/ (you will need to specify the shelter on the website.)

The two links point to the animals available for adoption at the shelter. The list is maintained by the shelter.

mom → TN • 18 days ago
And I got a great dog using the first one. What's the problem?

TN → mom • 18 days ago
When I went to the shelter this morning to try to adopt a dog, I was told that the most up to date listing of animals available from BACS is on petharbor.com. The listings on that site are tied directly to the shelter's internal computer system.

Alas, I got to the shelter too late. The animal I was interested in was adopted in the first minute of the first day he was available for adoption. The shelter opens at 10 am. He was adopted immediately by someone waiting at the door. I couldn't get there until 11am.

Parent → TN • 18 days ago
For such a big building there really aren't that many animals at the Berkeley Animal Shelter. Too many pit bulls, too. I would love to get a shelter dog but I don't want one of those things around my children.
BACS maintains an extremely active Facebook page maintained by volunteers where they post pictures and bios of their adoptable animals.
https://www.facebook.com/berke...

Michael O'Heaney • 19 days ago
This is just plain pitiful. Three years to develop a social media policy? The city spokesman and policy creator is a frequent Twitter poster with 2,500 followers. Matthai, just pull a couple of policies from other agencies and get going already.

Mbfarrel • 19 days ago
I called the BPD yesterday to report a screaming cursing fool who got in my face and also in my wife's. After giving all the pertinent info to the dispatcher asked "What is your phone number?"
"Use the one I'm on" I replied. I was using my mobile and had called BPD directly.
Her response?
"WE DON'T HAVE CALLER ID"

emraguso • Mod • Mbfarrel • 19 days ago
That's pretty shocking.

iicisco • Mbfarrel • 19 days ago
Did you dial the non-emergency phone number? Or your call settings may be set to network determined which might set your outgoing calls to restricted, except when dialing 911.

West Bezerkeley • iicisco • 18 days ago
I called from my mobile last week to report an injury accident on Ashby at I80 and I called (510) 981-5911, the emergency number for mobile phone users. They still asked me for a telephone number. My caller ID is not blocked when making calls from my mobile

Mbfarrel • iicisco • 17 days ago
Called the Berkeley number for dispatch, my phone not blocked. I actually know what I'm doing despite being a "legacy" citizen of Berkeley.

Brad • Mbfarrel • 18 days ago
I've called dispatch a few times and they always know my number.

Guest • Brad • 18 days ago
Were you calling from a landline, or from a cell phone? I know they do have that capability from landlines, but apparently not for cell phones, at least from what I gather from this comment thread. As more and more people eliminate landlines from their home (for example, we have one, but only for our security system. We never use it for calls), it seems that this would be a bigger and bigger problem.

Really, it seems to me that the BPD and the City of Berkeley are stuck someplace in the mid 1990s in terms of their use of information technology. We can and must do better--being 20 years out of date is simply unacceptable.

Brad • Guest • 17 days ago
I've always called from mobiles. I think its SOP to ask the caller to confirm their number. BPD doesn't know you're using your phone, and they want it for the records and to get in touch with you.

Also, it's a nice test to see if you are operating in our universe. You have to remember the segment of the population the PD works with.
3 years on, city of Berkeley still stuck on social media | Berkeleyside

Also, I usually call the non emergency dispatch number- once for somebody casing my house, once for an obviously impaired driver. Perhaps the setup is different.

bgal4 • 17 days ago

I have called dispatch over the last 30 years hundreds of times for serious crime and problem solving assistance. Dispatch always asked for my number and when I challenged asking doesn’t your system automatically record the number and address from the landline they said No.

West Bezerkeley • 18 days ago

OPD posts mugshots, but BPD policy continues to leave neighborhoods in the dark on the issue. This city should be embarrassed and ashamed of its outdated policies and inability to act faster than a much larger and very dysfunctional city next door.

I continue to have high hopes for our city manager who is a big improvement over our last, but the log jam of bureaucrats in the city protecting their individual fiefdoms is out of control. I hope the city manager can find a method to increase the speed of change in Berkeley government or we'll remain in the dark ages of 20th century processes and technologies at City Hall...and we’ll continue to waste millions in taxpayer dollars.

West Bezerkeley • 18 days ago

Personally I find the BPD homepage to be rather good. While they don’t have mugshots (photos of criminals already captured) they have photos of criminals still loose. More important, IMO.

Also, they have neighborhood officers who (in my neighborhood) write weekly and rather detailed reports of crime in the neighborhood. They include suspect descriptions.

If you email them I’m sure they’ll put you in direct contact with your neighborhood watch officer.

Guest • 18 days ago

But why should I have to go to the BPD homepage to check? That’s such an antiquated technology. One of the greatest things about social media is that it allows the information that I’m interested in to come to me, rather than forcing me to go find it.

And it sounds like you’ve got a better than average neighborhood officer. Ours hasn’t sent out an update for many, many months. And yes, I’m on several neighborhood mailing lists as well as BPD's list. So much for “We would not want [...] to see that some areas of the City receive the service, but others do not.”

emraguso • 18 days ago

Of the 22 press releases posted by BPD last year, just two included images of suspects. Those were surveillance photos, not mugshots. I think there's value in posting both, and it's standard practice in many cases in many surrounding agencies. When we ask for mugshots we're most often told they will not be released because it could jeopardize the investigation. But I've spoken to people who work in many surrounding agencies as well as the district attorney’s office, and have been told that, while suspect identification can at times be challenged in court if a photo has been released, no one has been able to think of a case where releasing mugshots has affected the outcome of prosecution. Are you seeing photographs elsewhere?

http://www.ci.berkeley.ca.us/P...

emraguso • 18 days ago

thanks Emilie, can you get the lowdown on the question of whether or not the dispatch/call taker system, 911 and NEN, record the caller's number. I suspect it is more a problem of policy than technology.

bgal4 • 18 days ago

I will ask now.

Brad • 17 days ago

My point is more that I think BPD is doing an OK job, great in some places, bad in others. My family are/were cops, btw.

Here are photos:

http://www.ci.berkeley.ca.us/P...
I prefer police websites which post arrests and case closing data.

Thanks Brad. I used to be a neighborhood watch block captain. There have been many times in the course of clearing out gun toting gang members from the H20 Waterfront and the Norteño gangs in my neighborhood when making mugshots available would have helped us enormously. I'm a big BPD supporter, but there are times when their policies work against law abiding residents that are living in high crime areas.

Interesting, I used to live at San Pablo and Francisco. The guy living below us was on the CA top 10 most wanted for rape.

I didn't know about that until I stumbled across is mug shot on some CA statewide criminal justice page. When I called BPD (he had a "stay away") order, they nearly missed a warrant he had out of Richmond. But when they figured it out about 25 cops showed up.

The mug shot was *super* helpful in this case. In Des Moines, IA, the PD releases photos of DUIs. A family member has died in a traffic accident and I take DUI seriously, but I think that's problematic case where these people's lives are ruined, *before* they are convicted.

Police departments walk a tough line. It's a tough job.

"Police business is a hell of a problem. It's a good deal like politics. It asks for the highest type of men, and there's nothing in it to attract the highest type of men."

-- Chandler

What does social media have to do with transparency and information? Can't that be accomplished using any one of dozens of mediums?

I think one of the problems is social media is a meaningless buzzword in a lot of cases. We spend more time worrying if we are doing "it" right than worrying about what we want to be doing.

BPD in this case reminds me of a lot of clients who are convinced they have to be doing "it", but don't really know what "it" is, why they must be doing it, or what they are going to do when "it" isn't cool anymore.

The city government is addicted to talking about things. Doing things, eh, not so much.

I'd be happy with a website created this millenium.

There really is no good excuse for the City to be so far behind on its public facing technology. This deficiency is not acceptable in the 21st century, and unforgivable given the fact that the Bay Area is so rich with technical know how. It speaks to a lack of interest on the part of the upper management of the IT department, and also a lack of vision. It also seems to be fear based--if we allow citizens to contact us electronically, and if we share more information electronically, then the floodgates are open and we loose control...i.e. "more work for us".

I actually think this is more that fault of the city attorney being rather out of touch with social media and as a result far too cautious about risk. They are missing an excellent opportunity for connecting with local citizens.
As someone noted above, the Berkeley Unified School District is also way behind in this area: [http://tyalper.org/2014/02/20/...](http://tyalper.org/2014/02/20/...)

SHOCKING...Because Berkeley politics are still stuck in the 70's with some of the same people still around, I would expect nothing less!

I wouldn't give Emeryville too much credit. Sure they HAVE a Facebook and Nixle account. Do they use them effectively? That's another story:

I actually included Emeryville because I'd seen one of your reports (perhaps from Nixle?) that included some good information. There's always room for improvements but I'm glad they're at least making some use of the outreach tool. (Looking forward to reading your story, too -- thank you for sharing that.)

As somebody who does some of this for a living, I want to point out that "doing social media" doesn't really mean anything concrete. And it's not as easy as you think.

For example, Facebook. Facebook has an *aging* user base. It hasn't been cool for a long, long time. It's mostly used by adults, from my experience. And it's very noisy. Most things I've heard suggest at least 7 posts a day to get any kind of traction. That's a new, unique post every hour, one that doesn't harm an investigation or violate rights. I'd rather that officer be outside.

And now Facebook charges for promoted posts. If you look, you'll find your default sort order to be constantly changed to "most important". In other words, even if you put tons of hours into Facebook, you'll likely be drowned out by those who pay. So really, Facebook only works if your people are checking out your content on purpose -- exactly like a web page -- or if you are putting massive amounts of time into it.

So "doing social media" isn't as always easy. And it's *really* tough to figure out if it actually makes any difference at all, other than putting a veneer of "techy" onto whatever you're doing.

As the City and BPD are doing effectively zero outreach these days (not even via the prehistoric medium called "email"), anything would be better than nothing.

And what's so hard about having a communications staffer post a few updates a day to the various social networks out there (Facebook, Twitter, Instagram, Snapchat, WhatsApp, whatever the current trendy tool is)? There are even tools (e.g., Hootsuite) that make spreading a message across multiple social networks pretty trivial. Yes, doing it does take a small amount of money and effort, but it's pretty far from rocket science. For example, it'd be pretty easy--and very cheap--for the city to hire a Mass Communications or Business major from Cal at 15-20 hours a week to just do it for them. But that would apparently be way too risky/scary....

People who make a living off social media like to make it sound like a much more difficult task than it really is.

I make my living as a developer, mostly programming in Ruby. I just get sucked into the social stuff as part of overall web development.

It is difficult if you try to do it strategically and measure results. If you just do it to do it, it is easy, I agree. My point is I'm not excited about BPD spending taxpayer dollars to go do social media just because.

BPD neighborhood officers routinely send email, btw.
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Tracey Taylor — KT: We will definitely try to do that in future. I agree this pie looks just scrumptious!

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Emraguso — I got to see the BENS system, to a certain extent, at work last night. It's an antiquated system where (from what I could …