



UNDERSTANDING NEW LEGAL DEVELOPMENTS FOR PUBLIC SECTOR SOCIAL MEDIA

TUESDAY, OCTOBER 18, 2022 | 12:30 PM – 2:00 PM

HOSTED BY:



IN PARTNERSHIP WITH:



THANK YOU FOR JOINING US!



Host & Moderator

MELISSA KUEHNE
Senior Program Manager
Institute for Local Government



WEBINAR OVERVIEW

Welcome

Understanding the Brown Act, First Amendment, Due Process & More

Perspective of the Riverside County District Attorney's Office

Best Practices for Public Sector Social Media

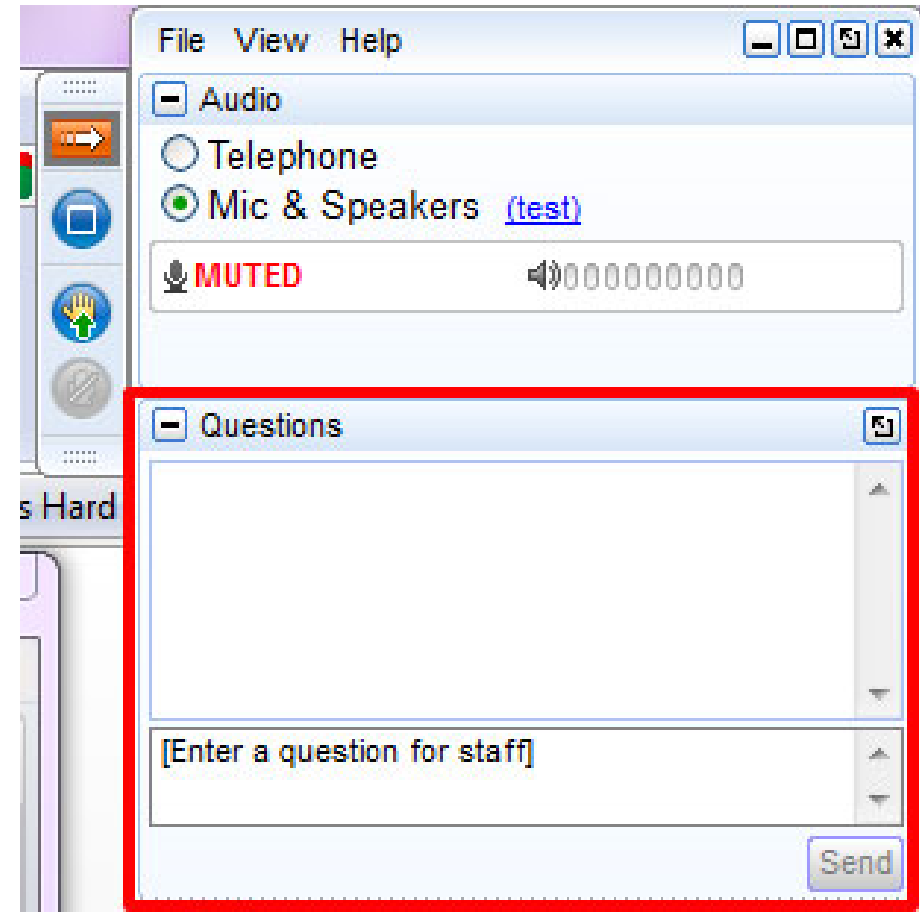
Audience Q&A

Wrap Up & Adjourn

We welcome your written questions and comments in the question box throughout the webinar

HOW TO ASK A QUESTION DURING THE WEBINAR

- All webinar participants will be on MUTE during the entire call.
- Please TYPE any questions into the question box at any time during the webinar.
- The moderator will read your questions during the question period at the end of the webinar.



ABOUT ILG



NON-PROFIT, NON-PARTISAN AND HERE TO HELP

- The Institute for Local Government is the non-profit training and education affiliate of three statewide local government associations
- Together with our affiliates, we serve over 2,500 local agencies – cities, counties and special districts
- We provide practical and easy-to-use resources so local agencies can effectively implement policies on the ground



**California Special
Districts Association**
Districts Stronger Together

ILG'S PROGRAMS AND SERVICES

Program Areas

Leadership & Governance

Civics Education & Workforce

Public Engagement

Sustainable & Resilient Communities



Services

Education & Training

Technical Assistance

Capacity Building

Convening

Our mission is to help local government leaders **navigate complexity**, **increase capacity & build trust** in their communities

TODAY'S PRESENTERS



HONGDAO NGUYEN
Partner
Best Best & Krieger



KRISTEN ALLISON
Deputy District Attorney
Riverside County DA's Office



JAYLI BARKLEY
Information Specialist
Riverside County DA's Office



HONGDAO NGUYEN
Partner
Best Best & Krieger





Understanding New Legal Developments for Public Sector Social Media

ILG Webinar, October 18, 2022



Best Best & Krieger



Company/BestBestKrieger



@BBKlaw



BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW

Disclaimer: BB&K presentations and webinars are not intended as legal advice. Additional facts, facts specific to your situation or future developments may affect subjects contained herein. Seek the advice of an attorney before acting or relying upon any information herein. Audio or video recording of presentation and webinar content is prohibited without express prior consent.

Presenter



HongDao Nguyen
Attorney
P: (949) 263-2614
E: hongdao.nguyen@bbklaw.com

Disclaimer: BB&K presentations and webinars are not intended as legal advice. Additional facts, facts specific to your situation or future developments may affect subjects contained herein. Seek the advice of an attorney before acting or relying upon any information herein. Audio or video recording of presentation and webinar content is prohibited without express prior consent.



www.BBKlaw.com
© 2020 BEST BEST & KRIEGER LLP

Overview

- Social Media Overview
- Social Media & The Brown Act (AB 992)
- Social Media & the First Amendment (*Garnier v. O'Connor-Ratcliff*)
- Social Media & Due Process
- Social Media & the Public Records Act (*San Jose*)
- Social Media & Records Retention



Social Media Overview



Social Media Overview

- Social media....
 - is the “modern public square”
(*Packingham v. North Carolina* (2017) 137 S.Ct. 1730, 1737)
 - represents a revolutionary space for civic discourse
(*Packingham, supra*, 137 S.Ct. at 1736)
 - provides “the principal sources for...current events...and otherwise exploring the vast realms of human thought and knowledge”
(*Packingham, supra*, 137 S.Ct. at 1737)
 - provides the “most important places...for the exchange of views” today
(*Packingham, supra*, 137 S.Ct. at 1735)



Social Media & The Brown Act (AB 992)



AB 992 – Brown Act and Use of Internet-Based Social Media Platforms

- Effective January 1, 2021.
- Addresses permitted and prohibited public official communications via social media.
- Applies to Internet-based social media platforms that are “open and accessible to the public” such as Facebook and Twitter.
- Legislative History: Facilitate communication between public officials and constituents/community via social media



AB 992 – Brown Act and Use of Internet-Based Social Media Platforms

- Permitted: A member of a legislative body may communicate with the public using an internet-based social media platform that is open and accessible to the public regarding a matter that is within the subject matter jurisdiction of the agency (“agency business”).



AB 992 – Brown Act and Use of Internet-Based Social Media Platforms

Prohibited communications via social media:

- NO: A majority of the members may not use an internet-based social media platform to discuss agency business.
- NO: A member may not respond directly to any communication posted or shared by another member regarding agency business on an internet-based social media platform.

Includes: NO likes, thumbs up, emojis or other symbols.



Social Media & The First Amendment



Social Media & First Amendment: *Garnier v. O'Connor-Ratcliff*

Facts

- Two school board trustees created campaign pages on social media
- Once elected, they used the pages for official business and blocked parents who posted repetitive, negative comments
- Holding - there was a First Amendment violation

Source: Garnier v. O'Connor-Ratcliff
(9th Cir. 2022) 41 F.4th 1158 (writ for
Supreme Court Cert., Oct. 4, 2022)



Social Media & First Amendment: *Garnier v. O'Connor-Ratcliff*

Analysis

- Trustees acted under color of state law, but had qualified immunity against damages
- Court used a public forum analysis to find that the pages were either designated fora or limited public fora
- They weren't personal campaign pages; there were no disclaimers or personal touting

Source: Garnier v. O'Connor-Ratcliff
(9th Cir. 2022) 41 F.4th 1158 (writ for
Supreme Court Cert., Oct. 4, 2022)



Takeaways



- A public official's personal social media site may transform into a limited public forum
- Court will probably look at factors including:
 - How the public official is referenced on the site (i.e., is he or she referenced as “Mayor” or “Chair”, or simply “Jane Doe”?);
 - How the page is titled (i.e., is the account registered as a governmental account or a private account?);
 - How the public official “invites” users to use the page (i.e., in cases in which the account was deemed a public one, the public official solicited the public’s opinion on agency matters);



Takeaways



- Whether the public official is “transacting” agency matters on the site (i.e., posting about matters before the agency);
- Whether agency employees help maintain and operate the site; and
- Whether the public official uses the site to engage directly with the public (i.e., replying to constituent comments regarding agency business).





Takeaways

- Consider separating personal pages from public ones
- Consider hiding before deleting or blocking
- Consider putting together a policy that governs the page
 - Provide a clear purpose for the page
 - Add disclaimers
 - Comments should reasonably relate to the initial post
 - No violent or threatening content or other content restrictions that are viewpoint neutral
- Consider not allowing third party comments, at all.



Social Media & Due Process



Social Media and Due Process

- The U.S. Constitution provides that life, liberty, and property cannot be taken away without due process of law (14th Am. and 5th Am. to U.S. Const.)
- When acting in a quasi-judicial manner (i.e., appeals, variances, conditional use permits), the legislative body must provide due process, meaning that it must provide an opportunity to be heard and an impartial decision-maker (neutrality; no bias)
- The standard for bias arising from personal or political views is a showing of probability of bias, regardless of whether a particular decision-maker was actually biased. (*Haas v. County of San Bernardino* (2002) 27 Cal.4th 1017)



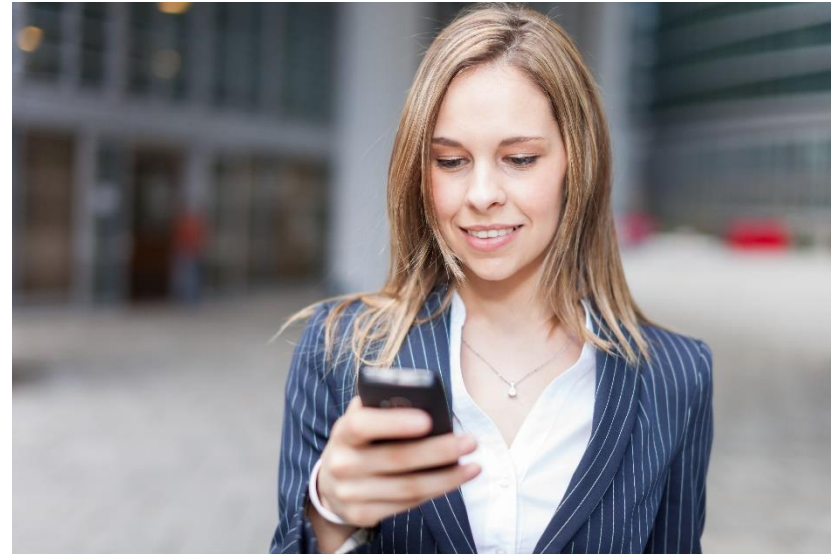
Social Media & The Public Records Act



Social Media & the Public Records Act – *San Jose v. Superior Court*

Holding:

“[W]hen a city employee uses a personal account to communicate about the conduct of public business, the writings may be subject to disclosure under the California Public Records Act....”



Source: San Jose v. Superior Court
(2017) 2 Cal.5th 608



www.BBKlaw.com
© 2020 BEST BEST & KRIEGER LLP

Social Media & the Public Records Act – *San Jose v. Superior Court*

Factors:

“Factors” that may be considered when deciding whether a record is public or personal:

- Content.
- Context/Purpose.
- Audience.
- Scope.



Each record must be reviewed on a case-by-case basis to determine whether it is a public or personal record.

Source: *San Jose v. Superior Court*
(2017) 2 Cal.5th 608



www.BBKlaw.com
© 2020 BEST BEST & KRIEGER LLP

Social Media & the Secretary of State

- The Secretary of State has weighed in on what state agency records should be retained on social media. Per the Secretary of State, retention turns on the following considerations:
 - Does the social media content contain information or evidence concerning an agency's mission or policies?
 - Is the information unique or available elsewhere?
 - Does the social media content contain evidence of official agency business?
 - Does it document a controversial issue?
 - Does it document a program or project that involves prominent people, places or an event?
- This is a separate question from what constitutes a record under the Public Records Act, but it illustrates how agencies are approaching a similar and related question.



Questions?

HongDao Nguyen
hongdao.nguyen@bbklaw.com
(949) 263-2614



www.BBKlaw.com
© 2020 BEST BEST & KRIEGER LLP



KRISTEN ALLISON
Deputy District Attorney
Riverside County DA's Office





SOCIAL MEDIA:
***PERSPECTIVE OF THE
RIVERSIDE COUNTY DISTRICT
ATTORNEY'S OFFICE***

DEPUTY DA KRISTEN BUIE ALLISON

DISCLAIMER:

I am not your lawyer 😊

The Riverside County District Attorney's Office is not, and will not provide legal advice. This presentation is merely intended to provide the perspective of the DA's Office only. This presentation shall not be distributed without express written consent of the Riverside County District Attorney.



Benefits of Social Media Presence for Riverside County DA's Office:

- ▶ Public trust in our agency's quest for justice is assured
- ▶ Increased awareness of consequences can help deter crime
- ▶ Transparency

TYPICAL INFORMATION PROVIDED

- ▶ The who, what, when, and where of the case
- ▶ Defendant's name, DOB, and hometown
- ▶ Victim's name unless prohibited by law
- ▶ Description of crime
- ▶ Arrest information (arrest decs)
- ▶ Charges filed (complaints)
- ▶ Potential exposure
- ▶ Court dates and explanation of judicial process

THINGS NOT TO SAY – incl. social media

- ▶ Personal opinion of the defendant or guilt
- ▶ Plea agreement information
- ▶ Confessions and polygraphs or refusals
- ▶ Names or credibility of witnesses
- ▶ Juvenile court matters (with exceptions)
- ▶ Grand jury (until indictment is unsealed)
- ▶ Gag orders
- ▶ Info that could compromise an investigation
- ▶ Info “that will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter” Rules of Professional Conduct, Rule 5-120 (soon to be Rule 3.6)

Social Media Posts

- ▶ We are very active. We post Monday-Friday and sometimes on weekends.

Posts can include:

- ▶ News releases
- ▶ Case updates (significant cases and those of interest)
- ▶ Court photos
- ▶ Task force arrests
- ▶ Employee features
- ▶ Death of a law enforcement member
- ▶ Articles or segments done by mainstream media involving our office
- ▶ Recruitment
- ▶ Hashtage days
- ▶ Employee retirements
- ▶ Various PSA campaigns.

News Releases and Case Updates



 www.RIVCODA.com

NEWS RELEASE



CASE UPDATE



RIVCODA.ORG
RIACODV.ORG



#nationaldogday

Hashtag
days

Fentanyl campaign

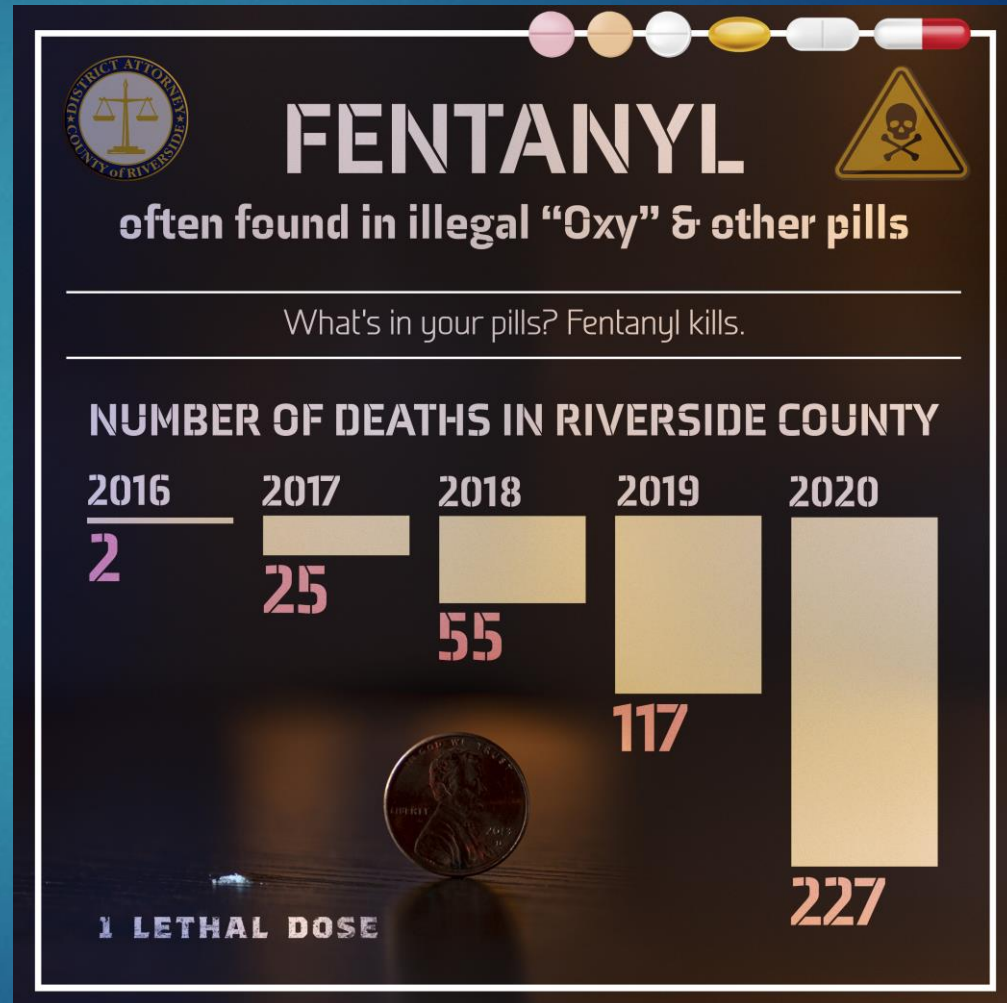


Fentanyl's deadly impact

5.6 pounds of fentanyl is more than enough to kill everyone in Riverside County.

2.47 million people

Twice.



CA State Bar Rules for Attorneys

- ▶ RCDA has even more limitations on it, but we are still able to convey impactful content.

TRIAL PUBLICITY ETHICS RULE

Rule of Professional Conduct 5-120 (new rule 3.6)

- ▶ Section (A) **prohibits** extrajudicial statements which the attorney knows or reasonably should know will (i) be disseminated by means of public communications and (ii) have a **substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.**

TRIAL PUBLICITY ETHICS RULE

Rule of Professional Conduct 5-120 (new rule 3.6)

- ▶ Section (B) **permits** an attorney to state:
 - ▶ (1) the offense involved and, **except when prohibited by law**, the identity of the persons involved;
 - ▶ (2) information contained in a public record;
 - ▶ (3) that an investigation is in progress;
 - ▶ (4) the schedule or result of any step in litigation;
 - ▶ (5) a request for assistance in obtaining evidence and information necessary thereto;

TRIAL PUBLICITY ETHICS RULE

Rule of Professional Conduct 5-120 (new rule 3.6)

- ▶ Section (B) permits an attorney to state:
 - ▶ (6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the **likelihood of substantial harm** to an individual or to the public **but** only to the extent that dissemination by public communication is **reasonably necessary** to protect the individual or the public; and

TRIAL PUBLICITY ETHICS RULE

Rule of Professional Conduct 5-120 (new rule 3.6)

- ▶ Section (B) permits an attorney to state:
 - ▶ In a criminal case, in addition to subparagraphs (1) through (6):
 - ▶ (i) the identity, general area of residence, and occupation of the accused;
 - ▶ (ii) if the accused has not been apprehended, the information necessary to aid in apprehension of that person;
 - ▶ (iii) the fact, time, and place of arrest; and
 - ▶ (iv) the identity of investigating and arresting officer or agencies and the length of the investigation.

TRIAL PUBLICITY ETHICS RULE

Rule of Professional Conduct 5-120 (new rule 3.6)

- ▶ Section (C) **permits** an attorney to make a limited statement necessary to mitigate the effects of recent adverse publicity not initiated by the attorney or the attorney's client. The test is whether a reasonable attorney would believe the reply is required to protect a client from the substantial undue prejudicial effect of the recent publicity.

TRIAL PUBLICITY ETHICS RULE

Rule of Professional Conduct 5-120 (new rule 3.6)

- ▶ Factors to be considered in determining whether there is a violation of this Rule:

(1) Whether the statements presents **info clearly inadmissible as evidence** in the matter for the purposes of proving or disproving a material fact in issue;

(2) Whether the statement presents information the attorney knows is **false, deceptive**, or the use of which would violate B&P section 6068(d);

(3) Whether the statement **violates a lawful “gag” order, protective order, statute, rule of court, or special rule of confidentiality** (juvie, DV, mental disability, certain criminal proceedings); and

(4) The **timing** of the statement.

AB 1475: New Social Media Law for Law Enforcement

- ▶ AB 1475 (created Penal Code Section 13665)
- ▶ Effective Jan. 1, 2022
- ▶ (1) Prohibits law enforcement from posting on social media some booking photos of individuals arrested on suspicion of committing nonviolent crimes, and
- ▶ (2) Requires law enforcement to remove some booking photos posted to social media upon request.

The Turpin Case



TURPIN CASE TIP LINE

Anyone with any information about the Turpins is asked to call toll-free, (888) 934-KIDS (5437), or in Riverside County, (951) 955-4KID (4543).



The Riverside County District Attorney's Office has set up a tip line for any information the public may have regarding the case of David and Louise Turpin, charged in a child and adult torture case in Perris involving 13 victims. The Turpins lived in the Fort Worth, Texas area for 17 years before moving in 2010 to Murrieta, Calif. and then to Perris, Calif. in 2014.



JAYLI BARKLEY
Information Specialist
Riverside County DA's Office



SOCIAL MEDIA AND YOU

How to post like you're "sup-post" to!



Jayli Barkley

Community Outreach
Programs, Public Relation
Projects, Social Media, Cultural
Involvement, and more.

District Attorney
Information Specialist





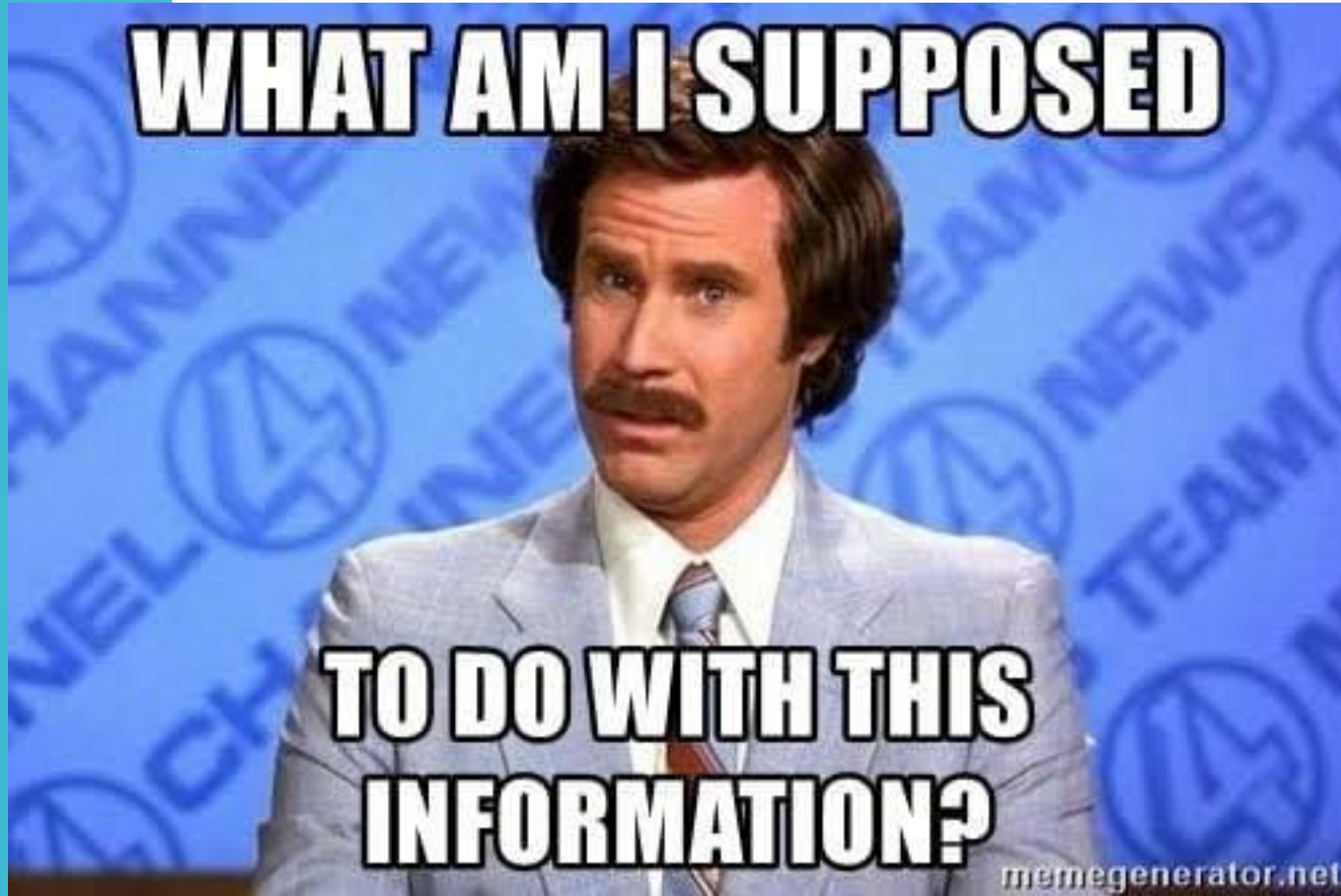
10 SOCIAL MEDIA STATISTICS YOU NEED TO KNOW IN 2022

1. There are currently 4.49 billion social media users (equates to about 58% of the world population).
2. With over 2.94 billion monthly active users, Facebook remains the most widely used social media platform
3. 84% of US adults aged from 18 to 29 are active social media users. This number falls slightly to 81% for the 30- to 49-year-old age group and further to 73% for those aged 50 to 64. US adults who are 65 years old and above use social media the least.
4. The latest social media statistics show that an average of two hours and 25 minutes are spent per day per person on social media.
5. 73% of marketers believe that their efforts through social media marketing have been “somewhat effective” or “very effective” for their business.
6. 75% of internet users use social media to research products.
7. 71% of consumers who have had a positive experience with a brand on social media are likely to recommend the brand to their friends and family.
8. 49% of consumers claim that they depend on influencer recommendations on social media to inform their purchasing decision.
9. The number of daily active Instagram Stories users increased from 150 million in January 2017 to 500 million in January 2019.
10. 91% of all social media users access social channels via mobile devices. Likewise, almost 80% of total time spent on social media sites occurs on mobile platforms.

*<https://www.oberlo.com/blog/social-media-marketing-statistics>



YOU MAY BE ASKING YOURSELF...





ESTABLISH YOUR “WWWVWH’S”

- W- WHO is your target audience?
- W- WHAT do you want to say to them?
- W- WHEN do you want to say it to them?
- W- WHERE do you want to connect with them?
- W-WHY is social media important to you?
- H- HOW do you want to connect with them?



PLATFORM TERMS AND CONDITIONS, POLICIES AND PROCEDURES

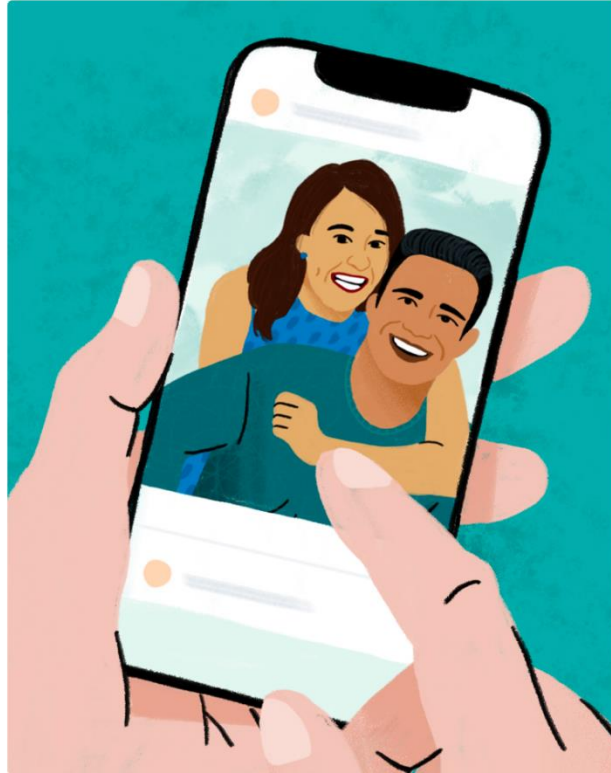


HOW WE WORK



Terms of Service

Terms you agree to when you use Facebook.



Privacy Policy

Information we receive and how it's used.



Community Standards

What's not allowed and how to report abuse.



CREATE YOUR OWN TERMS AND CONDITIONS, POLICIES AND PROCEDURES

This screenshot shows the profile page of the Riverside County District Attorney's Office on Facebook. The profile picture is the official seal. The name is "Riverside County District Attorney's Office" with a verified badge. It shows 16K followers and 44 following. Navigation tabs include Posts, About, Mentions, Followers, Photos, Videos, and More. A "Switch Now" button is present to manage the page. A featured post is visible, containing the same "TERMS OF USE" text as shown in the second screenshot.

This screenshot shows a specific post from the Riverside County District Attorney's Office. The post is titled "TERMS OF USE" and was updated on April 22, 2019. The text of the post reads: "It is the intent of the Riverside County District Attorney's Office to use all forms of social media only to share information about various office-related programs, activities, and/or matters that the DA's Office deems to be matters of public interest. Any comments posted by the public to any of the DA's Office social media platforms do not necessarily represent the views of the District Attorney or the DA's Office nor do they necessarily constitute any form of endorsement of sa... See more". The post is displayed in a mobile app interface with navigation icons at the bottom.



CREATE YOUR OWN TERMS AND CONDITIONS, POLICIES AND PROCEDURES



MICHAEL A. HESTRIN
DISTRICT ATTORNEY

OFFICE OF THE DISTRICT ATTORNEY COUNTY OF RIVERSIDE

Social Media Account Request Form

Riverside County District Attorney's Office (RivCoDA) divisions, bureaus, or units that wish to create and/or maintain an official RivCoDA social media account must complete this form and submit it to the Communications Manager prior to accessing any social media account. All social media account administrators and representatives must adhere to the RivCoDA [Social Media Policy](#) and Procedures.

Employee Name/Title: _____ Date: _____
Division/Bureau/Unit account is requested for: _____

What social media platform(s) are you requesting accounts for? (Facebook, Twitter, Instagram, or others): _____

**If approved, the Communications Division will assist in setting up the account(s) and will maintain access/password in case of emergency or employee separation.*

Proposed account name: _____

What is the intended purpose of the social media account? Is there an already existing account that you could use to share your message (such as the main RivCoDA platforms)? Why or why not? Please be specific and use an additional page if necessary.

Who is your target audience? What are your goals for growing the number of account followers? How often will you post? Please be specific and use an additional page if necessary.

Approval Signatures:

Employee/Applicant Signature: _____ Date: _____

Department Head Name/Title: _____

Department Head Signature: _____ Date: _____

PLEASE RETURN THE COMPLETED AND SIGNED REQUEST FORM TO THE DA COMMUNICATIONS MANAGER FOR APPROVAL.

3960 ORANGE STREET • RIVERSIDE, CA 92501
951-955-8400

ADDENDUM A

ADDENDUM A

This section is to be completed by the DA Communications Manager:

Approval: YES NO
Reason: _____

Communications Manager Name: _____

Communications Manager Signature: _____ Date: _____

Approved social media account(s). This section is to be completed after review by the DA Communications Manager and approval has been given. DO NOT set up an account beforehand.

Account Name	Password
_____	_____
_____	_____
_____	_____
_____	_____

A copy of this form will be retained by the Communications Division. Approved applicants must also complete a Social Media User Authorization Form prior to activating the account(s).



MICHAEL A. HESTRIN
DISTRICT ATTORNEY

OFFICE OF THE DISTRICT ATTORNEY COUNTY OF RIVERSIDE

Social Media User Authorization Form

Riverside County District Attorney's Office (RivCoDA) employees who wish to have access to an official RivCoDA social media account must complete this form and submit it to the Communications Manager prior to accessing any social media account. All social media account administrators and representatives must adhere to the RivCoDA [Social Media Policy](#) and Procedures.

Employee Name/Title: _____ Date: _____

Requesting access to all social media accounts under the name (example: K9 Chewie or K9 Rachel): _____

I agree to regularly communicate to my audience at least two (2) times per week and to respond to comments and messages in a timely manner, preferably within 24 hours.

I agree to following the RivCoDA social media policies and procedures and understand that my account may be disabled if I do not comply.

Approval Signatures:

Employee/Applicant Signature: _____ Date: _____

Department Head Name/Title: _____

Department Head Signature: _____ Date: _____

PLEASE RETURN THE COMPLETED AND SIGNED AUTHORIZATION FORM TO THE DA COMMUNICATIONS MANAGER FOR APPROVAL.

This section is to be completed by the DA Communications Manager:

Approval: YES NO
Reason: _____

Communications Manager Name: _____

Communications Manager Signature: _____ Date: _____

A copy of this form will be retained by the Communications Division.

3960 ORANGE STREET • RIVERSIDE, CA 92501
951-955-8400

ADDENDUM B



CREATE YOUR OWN TERMS AND CONDITIONS, POLICIES AND PROCEDURES



MICHAEL A. HESTRIN
DISTRICT ATTORNEY

OFFICE OF THE DISTRICT ATTORNEY COUNTY OF RIVERSIDE

Notice of Posting Terms of Use

The following Riverside County District Attorney's Office "Terms of Use" must be visibly posted on all official Riverside County District Attorney's Office social media platforms whenever possible. If posting these Terms of Use is impossible, the Riverside County District Attorney's Office shall make these Terms of Use available for review by social media users via a link and/or reference displayed on a social media home-page with reasonable prominence.

TERMS OF USE

The exclusive intent of the Riverside County District Attorney's Office (RivCoDA) in using social media is to share information about various office-related programs, activities, and/or matters that the RivCoDA deems to be matters of public interest. Comments and content posted by the public on any social media platform used by the RivCoDA do not represent the views of, or an endorsement by, the District Attorney, the RivCoDA, or any of its employees. Comments and content posted on social media are public and the RivCoDA advises against posting sensitive personal identifying information, such as a home address and/or a personal email address, on any social media account that it uses.

Public comment and content moderation creates a place online where users can engage in a discussion of ideas, policies, and topics without significantly infringing on the ability of other users to do so. A social media user should report comments or content that they believe violates a social media platform's terms of use to the platform itself for review. Comments and content that violate a social media platform's terms of use may also violate these RivCoDA terms of use. RivCoDA will independently moderate some public comments and content pursuant to these terms of use and may moderate others in response to which a social media platform may also act.

Social media is a 24 hours a day, seven days a week medium, but the ability of RivCoDA's to review and moderate public comments and content responsive to RivCoDA postings is limited. We may not immediately respond to every comment or form of content that violates these terms of use. However, public comments and content posted on each RivCoDA social media platform are regularly reviewed and may be deleted or hidden pursuant to these terms of use for a variety of reasons at any time. Comments or content that may reasonably be described as follows are subject to potential removal and/or restriction by the RivCoDA:

- Off topic or irrelevant to the initial social media post
- Offensive, obscene, vulgar, profane, defamatory, or containing nudity, involving or including hate speech, name calling, or personal attacks

ADDENDUM C
(MODIFIED 10-12-21)

3960 ORANGE STREET • RIVERSIDE, CA 92501
951-955-5400

ADDENDUM C
(MODIFIED 10-12-21)

- Promotion or advertisement of any business or commercial interest
- A threat, express or implied, against any person or organization
- False or misleading information
- "Spam" posts including repeated copies of the same comment
- Infringement upon a copyright or inclusion of personal identifying information such as email addresses, phone numbers, physical addresses, etc.
- Links to websites or photos unless authorized by RivCoDA
- Conduct in violation of any federal or state law
- Advocacy, promotion, or encouragement of illegal activity
- Any potential compromise of the safety and/or security of the public or any public system in any way

Further, a particular violation of these terms of use may prompt the RivCoDA to hide an entire post (e.g., the original content posted by the RivCoDA and all responsive public comments and content). If someone has five or more comments hidden or removed in violation of these terms of use, that person may be banned from our social media platforms.



MICHAEL A. HESTRIN
DISTRICT ATTORNEY

OFFICE OF THE DISTRICT ATTORNEY COUNTY OF RIVERSIDE

MEDIA RELEASE FORM FOR MINORS

RELEASE FOR MINORS

I, Parent/Legal Guardian of (child's name) _____ hereby grant permission to the Riverside County District Attorney's Office (RivCoDA), and others working for or with RivCoDA or on its behalf, to use the above named child's photo or video, and likeness for the purpose of promotion by RivCoDA for all forms, media and manners, for the following, but not limited to, news releases, photographs, video, audio, website, marketing, or exhibition for an indefinite period of time.

I give unrestricted permission for images, videos, and recordings of the child to be used in print, video, digital and internet media. I agree that these images and/or voice recordings may be used for a variety of purposes and that these images may be used without further notifying me.

I further acknowledge that I will not be compensated for these uses and RivCoDA, and others working for or with RivCoDA or on its behalf, owns all rights to the images, videos, and recordings, and to any derivative works created from them.

I waive any right to inspect the uses of any printed or electronic copy. I hereby release RivCoDA, and others working for or with RivCoDA or on its behalf and assigns from any claims that may arise from these uses, including without limitation claims of defamation or invasion of privacy, or of infringement of moral rights or rights of publicity or copyright.
This Release expresses the complete understanding of the parties.

Name of Minor: _____
Address: _____
City: State: Zip Code: _____
Tel.: _____

Release for Minors (those under the age of 18). I, the undersigned, being a parent or guardian of the minor, hereby consent to the foregoing conditions and warrant that I have the authority to give such consent.

Name of Parent/Legal Guardian (please print): _____
Relationship to minor: _____
Signature of Parent/Guardian (Required): _____
Date: _____
Parent/Legal Guardian E-Mail Address*: _____

*Will not be used for any other purposes or distributed to third parties.

PLEASE RETURN COMPLETED AND SIGNED RELEASE TO RIVCODA.

ADDENDUM D

3960 ORANGE STREET • RIVERSIDE, CA 92501
951-955-5400



CREATE YOUR OWN TERMS AND CONDITIONS, POLICIES AND PROCEDURES

GENERAL OFFICE RELATED POLICIES

The following policy was approved by the District Attorney on July 21, 2020, and replaces all previous Policies and Guidelines

MEDIA RELATIONS

The public has an interest in receiving accurate reporting from information sources. Accurate information about the Office of the District Attorney can help citizens and officials make informed decisions. Providing information to the public must be discharged without compromising our duties as prosecutors.

- I. **Spokespersons for the District Attorney's Office:** The District Attorney (DA), Chief Assistant District Attorney (CADA), Assistant District Attorneys (ADA), Chief Deputy District Attorneys (CDDA), Managing Deputy District Attorneys (MDDA) and their designee(s) are the spokespersons for the District Attorney's Office and as such are responsible for appropriately representing the policies, positions, and/or viewpoints, of the District Attorney. No other member of the staff, without prior authorization from an MDDA or above, shall discuss with any member of the media, any case or investigation involving the District Attorney's office, whether pending or concluded. Nor shall any member of the staff otherwise directly or indirectly publicly represent themselves to be a spokesperson for the District Attorney's Office, without the prior authorization of their MDDA or above. DDAs shall not comment to the media about juvenile court matters. Spokespersons should coordinate their communications with the Public Information Officer.
- II. **News Releases:** News releases on policy, investigations, and other non-case specific matters shall only be issued at the direction of the District Attorney. News releases regarding an individual case shall be coordinated with the assigned DDA's MDDA and the PIO.
- III. **Gag Orders:** A gag order is a protective order that restricts the dissemination of all or most information about a case and, therefore, the decision to grant them is important to the District Attorney and to the public.
 - A. **Approval Needed:** A DDA shall not, without prior approval from the District Attorney or their designee, consent to the issuance of a gag order. A DDA shall request the court to postpone the issuance of a gag order until they are able to notify their MDDA and to confer with the District Attorney or their designee. Specific authorization from the District Attorney or their designee must be obtained before a DDA acquiesces or requests the issuance of such an order.
 - B. **All DA staff shall comply with any protective order.** The DDA's MDDA shall notify and forward a copy of the order to the District Attorney and the District Attorney Public Information Officer.
- IV. **Media Coverage of Cases:** When a DDA becomes aware that a case they are handling is receiving media coverage, they should promptly notify the PIO directly or through their MDDA.

GENERAL OFFICE RELATED POLICIES

- V. **Subpoenas Issued to Media:** No subpoena or subpoena duces tecum for non-published materials on any media business (i.e. newspaper, television, or radio station) will be issued without the prior approval of the District Attorney or their designee.
- VI. **Sealing Orders:** A DDA does not need approval to consent to or request that any indictments, arrest warrants, and search warrants be sealed.
- VII. **Rules of Professional Conduct & Marsy's Law:** In addition to this policy, all attorneys must adhere to the California Rules of Professional Conduct, Marsy's Law, and any other applicable laws or rules.



BUILD YOUR TEAM





CREATE YOUR CONTENT AND SOLICIT PARTICIPATION

- Invite **EVERYONE** to participate
- Knock on familiar doors
- Engage your immediate pool of connections
- Break out the “big guns” (supervisors and managers- least favorite option)
- Use previous content to promote upcoming content
- Encourage participation in multiple opportunities
- Include featured staff in the promotion of their content
- **PREPARE YOURSELF TO HAVE A TOUGH TIME RECRUITING PARTICIPATION** 😞 (Don't be too hard on yourself!)





DIFFERENCES BETWEEN POSTING PLATFORMS

Social media features (posts)

- Posted directly to social media pages
- Public can comment and interact with the post and its contributors
- Memorialized on page



Patrick Stephens
Videographer,
specializing in live-
streaming video, social
media, and more.



Devin Michaels
Graphic designer,
videographer,
photographer, social
media, and more.



Social media features (posts)





DIFFERENCES BETWEEN POSTING PLATFORMS

Blogs

- Caters to the traditional media crowd
- More in-depth content
- Allows interested parties without social media to be in the loop



John Hall

Traditional media; blog articles, photographer, social media, and more.



Blogs

Riverside County District Attorney's Office
March 31 · 🌐

As Women's History Month comes to an end, we want you to meet a truly historic woman in our office. Last November, Natasha Crawford became the first female Assistant Chief in the 75-year history of the Riverside County District Attorney's Bureau of Investigation.

Please check out this brief video about her and read our new blog article to learn even more about Natasha and her story. The blog article can be found here: <https://bit.ly/3Dsnlxa>

Redlands Police Department

Riverside County District Attorney's Office is with County of Riverside - Government.
May 31 · 🌐

NEW BLOG ARTICLE!

As Asian American Pacific Islander (AAPI) Heritage Month comes to an end, we'd like for you to meet Deputy DA Sophia Choi and learn about her many accomplishments and what AAPI means to her.

Our office is proud to have Sophia as an important part of the office and the community - including the outstanding work she does for and in support of the Asian American Pacific Islander community.

Please read the article here: <https://bit.ly/3M5rlvy>

HS Choice



DA BLOG LIBRARY

BLOG HOME

Women's History Month: Meet Natasha Crawford, assistant chief in our Bureau of Investigation

Natasha Crawford has been a part of the Riverside County District Attorney's Bureau of Investigation since 2001. Read this blog article to learn about her historic path.

DA BLOG LIBRARY

HOME

Celebrating Asian American Pacific Islander Heritage Month: Please Meet Deputy DA Sophia Choi

As Asian American Pacific Islander (AAPI) Heritage Month comes to an end, we'd like for you to learn about Deputy District Attorney Sophia Choi, her many accomplishments, and what AAPI means to her.



DIFFERENCES BETWEEN POSTING PLATFORMS

Social media "stories"

- 24 hour run
- No longer than one minute
- No comments can be seen by the public (just the account holder)
- Ideal for capturing users who prefer the casual social media scroll instead of going to the account page
- Can be archived



Jayli Barkley

Community Outreach
Programs, Public Relation
Projects, Social Media, Cultural
Involvement, and more.



Social media "stories"





DIFFERENCES BETWEEN POSTING PLATFORMS

Tik Tok

- More casual than other social media platforms
- Content can be VERY short
- Condense and diversify content to have its own identity
- In app editing



Jayli Barkley

Community Outreach
Programs, Public Relation
Projects, Social Media, Cultural
Involvement, and more.



Tik Tok

I'm honored to be
returned to office by the
voters of Riverside
County



When you find out we
file approximately
60,000 cases a year 🤯





WHEN IT'S ALL SAID AND DONE...

Review, Review, REVIEW!

- Take advantage of an additional set of eyes
- Be receptive to feedback
- Send to the featured staff member(s) for final approval
- HAVE FUN WITH IT!



Amy McKenzie
Manages vision,
strategy, operations,
and staff.



WHY WE DO IT!



Tamela R. Cash-Curry

Come on through with Black HERstory/HIStory...I'm balling like a baby!!! You know this L.A. County Deputy Public Defender LOVES you both! **Congratulations** and I hope your story inspires others to stay the course and work for justice!

Like Reply Hide 26w Edited



Author

Riverside County District Attorney's Office

Tamela R. Cash-Curry we hope so as well - thank you!

Like Reply 26w



Meiko J Daire

I love this! You both are such an inspiration to the youngsters following in your footsteps you both are the first and are paving the way for our future leaders in your field. Two Diamonds 💎💎 Shining bright!

Like Reply Hide 26w



Author

Riverside County District Attorney's Office

Meiko J Daire thank you for the kind words - we agree!

Like Reply 26w



Top fan

Khali Love Frenchies

One day I hope to make my family proud working with you!

Like Reply Hide 20w



Top fan

Dominguez Deanna

Very inspiring and I agree Riverside is wonderful city

Like Reply Hide 20w



Author

Riverside County District Attorney's Office

Dominguez Deanna thank you!



RivCoDA Social Media



Facebook

@RivCoDA



Twitter

@rivcoda



Tik Tok

@rivcoda



LinkedIn

Riverside County District
Attorney's Office



Instagram

@rivcoda

***Also on Nextdoor and YouTube**

THANK YOU FOR YOUR TIME!

Jayli
Barkley

Cell- (951) 205-7526

Email- JayliBarkley@RivCoDA.org



Q&A

What questions or comments do you have for us?



ILG RESOURCES AND TRAININGS

Public Engagement Resources

- www.ca-ilg.org/engagement
- Basics of Public Engagement
- ILG's TIERS Public Engagement Framework

Other ILG Resources

- Article: [Making the most of the post: Ways to boost your city's social media strategy](#)
- Leadership Resources: www.ca-ilg.org/leadership
- Building Trust through Public Engagement

JOIN OUR WIDESPREAD NETWORK OF LOCAL GOV'T LEADERS



58 Counties

482 Cities

2,500+ Special Districts

20,000+ Local Agency Leaders

www.ca-ilg.org/stayinformed



@instlocgov



Institute for Local Government



@InstituteForLocalGovt



RECORDING AVAILABLE SOON



The recorded presentation and materials will be shared electronically with all attendees a few days after the webinar.

Thank you for joining us!



HONGDAO NGUYEN

hongdao.nguyen@bbklaw.com



KRISTEN ALLISON

KristenAllison@rivcoda.org



JAYLI BARKLEY

JayliBarkley@RivCoDA.org



MELISSA KUEHNE

mkuehne@ca-ilg.org