

Perceptions, Pitfalls, and Policies
Social Media for ESDs



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PURPOSE

To help leaders understand how social media affects reputation, operational risk, and legal exposure, and how to implement smart policies that protect personnel and the organization.



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Why Social Media Matters



- Social media influences public trust and organizational reputation
- It can support recruitment, transparency, and community outreach
- But mistakes can lead to crisis situations or legal challenges

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The Public Expectation & Perception Shift



- Social media is the "modern public square."
- The public expects real-time info and transparent communication.
- Perceptions can change in seconds with one post.

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Social Media's Power and Risk



Benefits	Risk
<ul style="list-style-type: none">• Brand building• Education & awareness• Recruitment	<ul style="list-style-type: none">• Viral controversies• Policy gaps• Off-duty conduct posted on social media

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What if social media is done right?



- Highlight mission & culture
- Showcase training & community engagement
- Community interaction and relationship building
- Helps with recruitment
- Informs and educates the public

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What if something goes wrong? 

What are your crisis response protocols?

Crisis Plan

- Who speaks
- Messaging templates
- Media monitoring

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Social Media Pitfalls

Pitfalls and common mistakes made by first responders and agencies on social media, including off-duty posts, scene photos, and unclear boundaries between personal and professional accounts that can lead to reputational damage, disciplinary action, or public mistrust.



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Practical Pitfalls Seen in Fire/EMS 

- Off-duty posts are interpreted as representing the agency
- Unfiltered commentary on controversial topics
- Posting emergency scene photos without authorization
- Unclear boundaries between personal and professional accounts

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Practical Pitfalls Seen in Fire/EMS



Philadelphia Police Department Ruling:
A federal judge upheld discipline for officers with racist or violent posts, finding they posed a risk to operations and trust.

90 Philadelphia Police Officers Placed on Desk Duty Amid Investigation of Racist Facebook Posts, Source Says



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Practical Pitfalls Seen in Fire/EMS




“Who cares? Another dead cop, probably against gun control. They didn't give an [expletive] when kids were dying in that school shooting they stood outside. Cops exist for the government to exercise its monopoly on violence. They want the whole world to stop when one of theirs goes down. How many idiots I had to transport with honor guard their dead bodies from coronavirus because they all were too stupid to wear masks or get vaccinated? All cops are good for is protecting the rich property owners and the status quo. Everything else is a farce. [Expletive] the police.”

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Practical Pitfalls Seen in Fire/EMS



A 'sick, juvenile' game: Florida paramedics snapped selfies with unconscious patients for fun, police say

FELONY CHARGES
This goes beyond department policies and disciplinary actions.

Dubois has been charged with a third degree felony for two counts of interception and disclosure of oral communications. She was arrested in Navarre, Fla., on Thursday morning. Wimmer, who Okaloosa authorities say turned himself in later that afternoon, faces the same charge -- on seven counts -- plus misdemeanor battery.



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Pitfalls and Policy Gaps 

- No account definitions
- No differentiation between official vs personal accounts
- Vague language (risking overreach or chilling lawful speech)
 - Restricting behavior the organization doesn't have the authority to restrict
 - Deterring lawful expression through overly broad or vague rules

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Social Media Policies

Clear, consistent social media policies set expectations for employee conduct, define official versus personal use, and help protect the organization, its personnel, and public trust in a digital-first environment.



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What a Good Policy Should Do 

- Define official accounts and role holders
- Clarify expectations for personal posts
- Provide examples of prohibited conduct
- Describe consequences clearly and enforce them
- Have your attorney review your policy

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Training and Awareness



- Regular policy briefings
- Scenario-based training (what posts go wrong?)
- Leadership role modeling

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Social Media and the Law

This section outlines the legal landscape that governs social media use by public employees and agencies, with a focus on First Amendment protections, employer rights, and evolving case law.



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First Amendment Basics for Public Employees



- Public employees don't lose constitutional protections, but speech may be limited
- Courts balance speech rights vs. operational needs

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**Foundational Case Law:
Garcetti v. Ceballos (2006)** 

Facts of the Case

- A prosecutor wrote a memo (as part of his job) criticizing a warrant; he was reassigned and claimed First Amendment retaliation.

Rule

- When a public employee speaks pursuant to official duties, that speech is not protected by the First Amendment, so the employer can control or discipline it.

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**Foundational Case Law:
Garcetti v. Ceballos (2006)** 

Example: If a PIO posts incident information on the official department Facebook page, that is work speech; the department can set strict rules and discipline deviations under Garcetti.

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**Foundational Case Law:
Garcetti v. Ceballos (2006)** 

BOTTOM LINE

Speech made as part of official duties receives no First Amendment protection.

If it's work-related, the employer generally can regulate it

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**Foundational Case Law:
Pickering v. Board of Education (1968)** 

Facts of the Case: A public school teacher Marvin Pickering wrote a letter to a local newspaper criticizing the school board's handling of bond proposals and allocation of funds between athletics and academics. The board fired him, claiming the letter contained false statements and harmed the school system's interests, and Illinois courts upheld the dismissal. The U.S. Supreme Court reversed, holding that Pickering's letter was citizen speech on matters of public concern and that the board had not shown sufficient disruption to justify his termination.

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**Foundational Case Law:
Pickering v. Board of Education (1968)** 

Rule

- Applies when an employee speaks **as a private citizen** on a matter of public concern.
- Courts weigh the employee's free-speech interest against the government's need for efficient, disciplined, and trusted operations.
- Speech that is purely personal (workplace gripes) or highly disruptive gives the employer much more room to discipline.

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**Foundational Case Law:
Pickering v. Board of Education (1968)** 

Fire/EMS Example

- A firefighter posts on a personal Facebook page, off-duty, criticizing a proposed county tax rate or statewide emergency-response funding model; that is citizen speech on a public concern, so the Pickering balancing test is likely to apply.
- A firefighter posts a personal rant naming supervisors and accusing them of being "idiots" about the shift schedule; that looks more like an internal personnel dispute than a public policy issue, making it less likely to be protected as "public concern" speech.

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**Foundational Case Law:
Pickering v. Board of Education (1968)** 

BOTTOM LINE

- Public employee speech on matters of public concern may be protected.
- Courts balance employees' speech interests against the employer's need for efficient services.
- Used to evaluate discipline over social media posts.

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**Foundational Case Law:
Pickering v. Board of Education (1968)** 

BOTTOM LINE

Even when the topic is public concern (for example, criticism of department leadership or tactics), discipline may still be justified if the posts demonstrably damage public trust, cause serious disruption in the station, or undermine the close working relationships required for safe operations.

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**Supreme Court Update:
Lindke v. Freed (2024)** 

Facts of the Case

- A city manager used Facebook to post about city business and blocked a critic; the question was whether that blocking was "state action" subject to the First Amendment.

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**Supreme Court Update:
Lindke v. Freed (2024)** 

Rule

1. The official has actual authority (by law or custom) to speak for the government on that subject, and
1. The official is using that authority in the specific social-media interaction (post, comment, blocking, etc.).

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**Supreme Court Update:
Lindke v. Freed (2024)** 

Fire/EMS Example

- A chief's account used routinely for official announcements, where the chief is authorized spokesperson, will likely be treated as an official account when blocking comments.
- A line firefighter's personal Instagram, even if it mentions the job, usually is not government action because the firefighter lacks authority to speak for the department.

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**Supreme Court Update:
Lindke v. Freed (2024)** 

BOTTOM LINE

- Public officials' social media actions are subject to the First Amendment only if:
 - They actually had the authority to speak for the agency, and
 - They exercised that authority in the challenged social media interaction.
 - Authority must be actual, not implied or assumed
- This clarifies when an official's account is treated as government speech vs. private speech.

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**Supreme Court Update:
Lindke v. Freed (2024)** 

- An employee’s social post may be personal — NOT government action — if they lack official authority on that topic.
- Blocking accounts or deleting posts on official accounts still carries First Amendment risk.
- Policy must define accounts, roles, and responsibilities

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**Foundational Case Law:
O’Connor-Ratcliff v. Garnier (2024)** 

Facts of the Case

- School board members used public Facebook/Twitter pages to discuss school business and blocked persistent critics; the critics sued for First Amendment violations.

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**Foundational Case Law:
O’Connor-Ratcliff v. Garnier (2024)** 

Outcome after Lindke

- The Supreme Court vacated the earlier decision and told the lower court to apply the Lindke two-part test for state action.

Fire/EMS Example

- If an ESD board member runs a Facebook page branded with their title, regularly posts board business, and then starts deleting critical comments, those moderation decisions may be subject to First Amendment limits.

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Foundational Case Law:
O'Connor-Ratcliff v. Garnier (2024)



BOTTOM LINE

Accounts that are heavily used for official business and presented as official, run by people who are authorized to speak, are likely to be treated as government accounts when they block or delete comments.

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Foundational Case Law:
Hedgepeth v. Britton (2025)



Facts

- A high school teacher with prior discipline history posted inflammatory comments about racial protests on her personal Facebook; the district fired her; she claimed First Amendment protection.

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Foundational Case Law:
Hedgepeth v. Britton (2025)



Ruling

- Her posts were on a matter of public concern and outside her job duties, so the court applied the Pickering balancing test.
- The district's interests (avoiding disruption, protecting students, and preserving public trust) outweighed her speech interests, especially given her prior discipline.

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Foundational Case Law: Hedgepeth v. Britton (2025) 

Fire/EMS Example

- An off-duty firefighter posting memes that appear to endorse violence or show contempt for parts of the community can be disciplined if those posts reasonably undermine public trust or disrupt operations, even if the account is "personal."

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Foundational Case Law: Hedgepeth v. Britton (2025) 

Lessons from [Hedgepeth v. Britton](#)

- Posts that encourage violence will be less likely to receive First Amendment protection than posts that offer opinions on political issues.
- Posts from teachers, police officers, and other public-facing positions of trust will be less likely to receive First Amendment protection than those from clerical employees with little public interaction.

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First Amendment Protections 

- The First Amendment for Government Employees
 - A Matter of Public Concern
 - Complaining about the president's speech = public concern
 - Complaining about your boss (generally does not) = public concern
 - Outside the employee's job duties

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First Amendment Protections 

- **Balancing Test**
 - Did the speech disrupt the government's operations?
 - Did the speech create problems in maintaining discipline or harmony among co-workers?
 - Is the employment relationship one in which loyalty and confidence are necessary?
 - Does the speech impede the employee's ability to perform their responsibilities?
 - When, where, and in what manner the speech was given.

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Employee Discipline & Speech: 

Court Outcome:
 Courts upheld the department's disciplinary action, finding that the posts undermined public trust, damaged the department's reputation, and impaired the firefighter's ability to serve the community effectively.

Off-duty social media activity can still justify discipline when it compromises public confidence, operational effectiveness, or the agency's mission, even when posted from a personal account.

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Summary & Key Takeaways 

- Social media is powerful, but can be risky
- Legal landscape continues to evolve
- Strong policy + training = protection and clarity
- Leadership sets the tone for policy, enforcement, and culture.

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