



## **Cover Memorandum**

### **Personal Use of Social Media & Electronic Devices, JHPD Directive #105**

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#### **Purpose of the Directive**

The purpose of this Directive is to provide all members of the Johns Hopkins Police Department (JHPD) with guidance regarding personal use of cell phones and other personal electronics during work periods, as well as use of social media.

#### **Summary of Directive Requirements**

This Directive does not prohibit a member from engaging in acts of expression protected by the First Amendment. Instead, it provides members of the JHPD with specific guidance to ensure that their personal use of social media does not interfere with their JHPD duties or interfere with the JHPD's ability to provide public safety service to the Johns Hopkins (JH) community. It also provides guidance to members of the JHPD that are not authorized to create social media content for the JHPD on how to avoid the appearance that their social media content is on behalf of any part of JH or JHPD.

This Directive specifically prohibits members of the JHPD from posting privileged or confidential information they have obtained from their employment or affiliation with JHPD, making representations on behalf of the JHPD, or giving the impression of making a representation on behalf of the JHPD on any social media platform, without authorization.

In addition, this Directive prohibits posting or supporting any social media content that: (1) includes criminal conduct, threats of violence or otherwise violates any law, (2) disparages any race, religion, sex, gender, sexual orientation, nationality, or any other protected class of persons or any historically underrepresented community, (3) includes any information or rumors known to be false about coworkers, and the JHPD, including but not limited to its organizations, affiliates, patients, students, etc., (4) includes any videos or images, in any format, that violates rules, laws, or procedures regarding employee confidentiality obligations, (5) is associated with any organization, group, or body on social media that engages in or promotes violence, unlawful activity, or any other conduct that may impede the JHPD or its members from performing their official duties, or (6) includes any information which could be used to impeach them as witnesses in court proceedings.

Furthermore, pursuant to this Directive, members of the JHPD are prohibited from engaging in social media activities for personal use while on duty, unless such activities are work-related or authorized by their manager or supervisor.

In addition, this Directive provides guidance to JHPD members regarding their use of personal, portable communication devices while on duty, as well as the use of their devices for JHPD-related purposes, including photographing evidence, recording interviews, and accessing JHPD databases.

## **Blueprint for the Policy Development Process**

The draft JHPD policies (hereinafter referred to as “directives”) shared for community feedback are based on examples of 21st century best practices in public safety policy, identified through extensive benchmarking of university and municipal law enforcement agencies across the nation. Taken together, they represent a comprehensively progressive approach to policing that prioritizes equity, transparency, accountability, and community-based public safety strategies.

The JHPD’s draft directives embody approaches that community advocates and leading experts have championed locally and in law enforcement reform efforts across the nation. The draft directives have also been developed based on input received through robust community engagement in prior phases of JHPD development, including suggestions received in the legislative process as well as last fall’s Memorandum of Understanding (MOU) public comment period and feedback opportunities.

In addition, the directives were drafted to exceed the minimum requirements of the Constitution and laws of the United States and the State of Maryland, to align with the Community Safety and Strengthening Act (CSSA) and to fulfill the requirements of the MOU between the Johns Hopkins University and the Baltimore Police JHPD. The Hopkins community and our neighbors throughout Baltimore can help improve and strengthen these directives further through their feedback and input.

Material that was considered in the drafting of the Directive and Procedure Manual, include:

- a. **Publicly available policies from municipal police JHPDs that have undergone substantial reform efforts**, including: the New Orleans Police Department; Seattle Police Department; Portland Police Department; Detroit Police Department; Ferguson Police Department; and Baltimore Police Department;
- b. **National guidance on best practices and model policies from criminal justice reform efforts, social science research centers, and civil rights organizations**, including: the Leadership Conference on Civil and Human Rights; American Civil Liberties Union (ACLU), including the ACLU of Massachusetts’s “Racially Just Policing: Model Policies for Colleges and Universities”; the International Association of Chiefs of Police (IACP); the Police Executive Research Forum (PERF); U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office); The Justice Collaboratory (The JC) at Yale University Law School; and The Center for Innovation in Community Safety (CICS) at Georgetown Law School.
- c. **National and local higher education institutions that are based in comparable environments and make policies publicly available**, including: Carnegie Mellon University; Morgan State University; Towson University; University of Chicago; University of Cincinnati; University of Maryland, Baltimore County; University of Pennsylvania; and Yale University.

To ensure that the proposed directives captured national best practices in community-focused public safety services, the development team collaborated with independent experts from two organizations: National Policing Institute (the Institute), a non-profit dedicated to advancing excellence in policing through research and innovation, and 21CP Solutions, an expert consulting team of former law enforcement personnel, academics, civil rights lawyers, and community leaders dedicated to advancing safe, fair, equitable, and inclusive public safety solutions. Each directive was reviewed by experts

selected by both organizations, who provided feedback, suggestions, and edits that were fully incorporated into the current draft.

Finally, individuals and organizations representing the diversity of the Johns Hopkins University community provided feedback to ensure the policies and procedures reflect and respond to the values of our institution and to our community's public safety service needs.

Now they are available for your review. Johns Hopkins is committed to adopting, incorporating, or otherwise reflecting recommended changes and feedback in the final version of policies so long as feedback is aligned with our values and commitments, permissible within legal parameters, and supported by national best practices for community policing and public safety.



# POLICE DEPARTMENT PERSONAL USE OF SOCIAL MEDIA & ELECTRONIC DEVICES

## CONDUCT & RESPONSIBILITY #105

Responsible Executive:  
Chief of Police  
Responsible Office:  
Vice President for Public Safety  
Approved by:  
Dr. Branville G. Bard, Jr.  
Issued: [full date]  
Revised: [full date]

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## Policy Statement

Johns Hopkins Police Department (JHPD) recognizes its members’ rights to use social media personally, and the significant role that social media, the use of smart phones, and other portable electronics have in members' personal lives. This Directive does not prohibit a JHPD member from engaging in personal social media activity. Instead, it addresses only such social media activity that bears on a member's official duties or suggests that the JHPD authorizes a posting, or that the member is posting on behalf of any part of Johns Hopkins (JH) or the JHPD.

## Who is Governed by this Policy

All personnel, including sworn, non-sworn and contractual or voluntary persons in service with the JHPD are governed by this Directive.

## Purpose

To provide all members of the JHPD, when acting within the scope of their lawful authority as a JHPD member, with guidance on the personal use of cell phones and other personal electronics during work periods, including the personal use of social media on or off duty, and only to the

extent that personal use of social media sites or platforms may bear on a member's official duties. Notwithstanding, members have a duty to adhere at all times to the higher standards of ethics and code of professional conduct of JH and the JHPD.

## Definitions

<b>Member:</b>	All members of the JHPD, including employees, officers, and volunteers, unless the term is otherwise qualified (e.g., member of the public, member of the Baltimore Police Department, etc.).
<b>Officer:</b>	All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.
<b>Post:</b>	Content a person shares on a social media site or the act of publishing content on a site. For purposes of this Directive, the term "post" may include either: (1) the action of submitting information to the Internet or a social media site, or (2) a collective name for all or part of any information already displayed on the Internet or a social media site.
<b>Personal Communication Device:</b>	Portable electronic media or communication devices like, but not limited to cell phones, smart phones, tablets, notepads, laptop computers, pagers, text pagers, and other wireless devices not issued to members by the JHPD.
<b>Profile:</b>	Information that a user provides about themselves on a social networking site.
<b>Social Media:</b>	A collective term referring to various online platforms, applications, or technologies enabling the "sharing" of electronic, user-generated text, audio, photographic, video or multimedia files that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites, microblogging sites, photo and video sharing sites, wikis, blogs, and news sites. Examples include Facebook, TikTok, LinkedIn, Twitter, Instagram, YouTube, Reddit, Tumblr, etc.
<b>Social Networks:</b>	Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
<b>Speech:</b>	Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
<b>Spokesperson:</b>	Any member of the JHPD who has been authorized by the Vice President of Public Safety, their designee, or the Johns Hopkins Office of Communications, to communicate with and/or deliver information to the general public and social/news media on behalf of JH.

## Policy

All members of the JHPD are free to express themselves as private members of the public on social media sites to the degree that their speech does not impair the working relationships of the JHPD, disclose confidential information, impede the performance of duties, impair discipline,

interfere with harmony among coworkers, or negatively affect the public trust and perception of the JHPD.

## Procedures

### I. General

The JHPD recognizes that emerging and evolving trends of technology have changed how people communicate and convey information on a daily basis. This evolution has led to the use of social media platforms as a significant communication method for the vast majority of the public, including members of the JHPD. This Directive is not meant to address one (1) particular form of social media, rather it addresses social media in general, as advances in technology will occur and new tools will emerge. While concerns of member speech and behavior are addressed in the Code of Conduct, the ability or possibility that the content of a social media post may be publicly available or go "viral" creates specific concerns that the JHPD addresses in this Directive.

#### A. Members of the JHPD shall not:

- Post or share any pictures, video, audio, comments, discussion, or other digital media of any incident, inquiry, investigation, or all other information relating to the official business of JH. Doing so is prohibited without authorization of the Vice President of Public Safety, their designee, or the Johns Hopkins Director of Media Communications.
- Post or share privileged or confidential information they have obtained from their employment or affiliation with JH, to include but not limited to any pictures, video, audio, comments, discussion, or other digital technology media of any incident, inquiry, investigation, investigative reports, or any other information relating to the JHPD or JH's activities, investigations, and/or university and health system operations.
- Unless authorized, make representations on behalf of the JHPD or JH, or give the impression of making a representation on behalf of the JHPD or JH, on any social media platform.
- Make, share, or comment in support of any posting that includes criminal conduct, threats of violence, or otherwise violates any law.
- Make, share, or comment in support of any posting disparaging of any race, religion, sex, gender, sexual orientation, nationality, or any other protected class of persons.
- Post any information or rumors known to be false about coworkers, JH, or the JHPD, including but not limited to its organizations, affiliates, patients, students, etc.
- Post, transmit, or otherwise disseminate any information, videos, or

images, in any format, that violates rules, laws, or procedures regarding member confidentiality obligations.

- B. Members shall not engage in social media activities for personal use while on duty unless such activities are related to work and authorized by their manager or supervisor.
- C. Members must maintain high standards of professional and personal conduct while on and off duty.
- D. Members utilizing, posting to, commenting on, or creating a social networking site(s), blogs, and/or comment oriented websites, must conduct themselves at all times in a manner to not bring embarrassment, disgrace, or doubt as to their individual credibility or impartiality, or that of the JHPD.
- E. Members shall also refrain from posting or commenting on any material which may be used to impeach them as witnesses in court proceedings, *Giglio v. United States*, 405 U.S. 150 (1972).
- F. Members are personally responsible for any content they "like," publish, forward, or post to the Internet and/or a social media site.
- G. Members shall not knowingly engage in any type of social media contact with suspects, witnesses, or victims (e.g., "friending," "following," "liking", etc.) that would hamper, interfere with, or otherwise prejudice an open or ongoing investigation, case, or court action until the case is either resolved or closed.
- H. Members are cautioned that they should not assume any expectation of privacy when posting information to the Internet or engaging in social media activity, regardless of their user privacy settings or other access controls.
- I. Members are advised that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum or during social media activity may be accessed by the JHPD or others without prior notice and may be used or subpoenaed for use in criminal, administrative, or civil proceedings.

## **II. JHPD Affiliation**

- A. The JHPD strongly recommends that members do not disclose or allude to their status as members of the JHPD on social media.
- B. The JHPD strongly recommends that all members use a disclaimer on all their social media accounts and activity that states, "**All content, posts, likes, forwards, etc. are my personal opinion(s),**" or uses other words to that affect.

- C. If a member reveals their affiliation with the JHPD or JH or that affiliation is revealed in any way when engaging in any social media activity or posting personal content or opinions on the Internet, members shall use a disclaimer that states:
- **“All content, posts, likes, forwards, etc. are my personal opinion(s) and not that of the JHPD or Johns Hopkins, and I am not, and do not represent myself as, a spokesperson for the JHPD or JH in any way whatsoever.”**
- D. Members should refrain from revealing, in any manner or for any reason, that any other JHPD member (e.g., a supervisor, partner, coworker, etc.) is a JHPD member without the express written consent of that other member, to include the posting of photos.
- E. Members shall not create or maintain a JHPD or JH social media site, unless directly authorized to do so by the Vice President of Public Safety.
- F. Members shall not use a JH email address to register with or join a social media site.

### **III. Portable Electronics & Communications Devices**

While on duty and in the workplace, JHPD members are expected to limit their use of personal social media, as it can interfere with attentiveness to public safety and security concerns, patient care, member productivity, and be distracting to others.

- A. Personal usage during worktime should be limited to personal emergencies. Flexibility under such circumstances may be provided with the approval and authorization of the member's immediate supervisor in circumstances demanding immediate attention. Nothing shall prohibit such use during nonworking time and authorized breaks.
- Personal communication devices shall not be used while members are on a call for service or during an investigation.
- B. Members are prohibited from using personal communication devices while operating motor vehicles or other motorized equipment. In addition, all laws and regulations concerning the use of personal communications devices while operating a motor vehicle must be observed.
- C. Members may use personal mobile and electronic devices to access JH resources such as Prodensity, LiveSafe, email, or websites, etc.
- D. Members are prohibited from using personal mobile and electronic devices to access secured networks and databases containing criminal history record information, such as ARMS, local state and federal Criminal Justice Information



Systems (CJIS), or other secured networks or websites.

- Personal electronic and communications devices shall not be used to store sensitive personnel information related to work such as social security numbers, salary and benefits, disciplinary actions, account passwords, or any information that if compromised could cause significant harm to another person or the JHPD. The storage of criminal history data, including but not limited to, report numbers, identification numbers, and names and nicknames of suspects, personal identifying information of victims and witnesses is also expressly prohibited.
- Members must immediately notify their immediate supervisor if any mobile device with the potential to expose criminal justice and/or personnel record information is lost.

**E. Camera Phones & Video Recorders** - The use of JHPD owned cameras and video recorders is strongly preferred during the collection of digital evidence. However, the JHPD recognizes that personally owned cameras, video recorders, and/or smart phones may in some circumstances be the only equipment available to public safety personnel at the time evidence is discovered. Under such circumstances:

- All pictures, audio, video, or other digital evidence recorded, collected, captured, or stored by a JHPD member in relation to any official business of the JHPD specifically while the member's duty, is considered evidence and, is the property of the JHPD even when captured on a personal device.
- Personnel capturing such pictures, audio, video, or other digital evidence on a personal or work device shall ensure that it is treated, collected, stored, and documented in conformance with JHPD Directive #468 Collection & Preservation of Evidence. Any such pictures, audio, video or other digital evidence that was collected on a personal device shall be downloaded onto a JHPD server and then such evidence shall be erased from the personal device where it was originally stored and/or collected.

## Policy Enforcement

<b>Enforcement</b>	JHPD managers and supervisors are responsible for enforcing this Directive.
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<b>Reporting Violations</b>	Suspected violations of this Directive should be reported to the Public Safety Accountability Unit (PSAU).
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## Related Resources

<b>University Policies and Documents</b>
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Conduct & Responsibility #103, Rules of Conduct Administrative Procedure #202, Written Directive System Operational Procedure #468, Collection & Preservation of Evidence
<b>External Documentation</b>
<b>Police Department Forms and Systems</b>
<a href="https://powerdms.com/ui/login">https://powerdms.com/ui/login</a>

## Contacts

<b>Subject Matter</b>	<b>Office Name</b>	<b>Telephone Number</b>	<b>E-mail/Web Address</b>
Policy Clarification and Interpretation			

DRAFT