

Social Media and Media Inquiries for Civilian Police Review Board

Approved March 2023

Social Media

Social media can be a fun and rewarding way to share our lives and opinions with family, friends and the community at large. But the use of social media also carries with it certain responsibilities. It is important for Civilian Police Review Board members to remember that their external communications, may reflect on the Board and the City. The way Board members present themselves and portray the Board can affect the public's opinion of this critical work.

We respect the rights of Board members to express themselves as private citizens under the First Amendment. Accordingly, when speaking in the capacity of their official duties,¹ on a matter of public concern,² a board member's speech must not:

1. Impair working relationships with/among the Board and its members
2. Undermine the appearance of the collective neutrality of the board
3. Impede or interfere with the Board requirements³ or that of a city employee
4. Disclose confidential information such as criminal investigations, or legal or administrative proceedings

Whether a Board member's speech violates the above, will be governed by legal precedent.⁴

Media Inquiries

Board members are never required to speak to the media, nor should they speak as "the Board" before receiving approval from the Board Chair.

¹ When public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline. But where the speech ordinarily does not fall within the scope of the public employee's duties, he speaks in his role as a citizen even if his speech involves the subject matter of his employment.¹ *Stinebaugh v. City of Wapakoneta*, 630 F.Appx 522, 526 (6th Cir. 2015); *Boulton v. Swanson*, 795 F.3d 526, 534 (6th Cir. 2015).

² A public concern/private interest does not require that the communication be utterly bereft of private observations or even expressions of private interest.² The relevant analysis is whether the communication touches upon matters only of personal interest. Speech is of public concern if it involves issues about which information is needed or appropriate to enable the members of society to make informed decisions about the operation of their government.²

³ Including but not limited to Board Bylaws, Code of Conduct, Pledge of Ethics, Rules and Regulations, and other governing documents.

⁴ *Pickering v. Bd. of Education*, 391 U.S. 563, 568, 88 S.Ct. 1731, 20 L.Ed. 2d 811 (1968) provides the balancing test relevant to these discussions. Before an employee's speech can be deemed actionable. It must be shown to have: 1) impaired discipline by superiors or harmony among co-workers; 2) a detrimental impact on close working relationships for which personal loyalty and confidence are necessary; or 3) impeded the performance of the speaker's duties or interfered with the regular operation of the enterprise.

We recommend that no member of the Civilian Review Board shall communicate on social media or to the media in a manner that diminishes public confidence in the independence, integrity, and impartiality of the CRB regarding specific cases that may come before the CRB.⁵

Board members who are contacted by the media should reach out to Robin Davis, Deputy Chief of Staff of Communications (614-369-5613) or Mel Crabill, Director of Media Relations (614-419-0790) before speaking with reporters if at all possible.

⁵ Adapted from Canon 1 of the Canons of Judicial Ethics. "Impartiality" means the absence of bias or prejudice in favor of, or against, particular parties or classes of parties as well maintenance of an open mind in considering specific matters and specific cases that may come before the CRB.