

Donna Belton

17-1368

From: Cynthia Moore <opra+request-789-6a0d257a@requests.opramachine.com>
Sent: Tuesday, December 05, 2017 8:08 PM
To: clerkforms
Subject: Open Public Records Act request - Facebook Policies and Procedures

Dear Howell Township,

This is a request for public records made under OPRA and the common law right of access. I certify under penalty of NJSA 2C:28-3 that I have not been convicted of an indictable offense. Please acknowledge receipt of this message.

Records requested:

1. A copy of policies and/or procedures regulating the Police Department's public facebook page.
2. List(s) of names of people who are/were hidden, blocked, banned from the Police Department's public facebook page.
3. List(s) of any deleted, hidden, blocked, banned comments that were on the Police Department's public facebook page for the time period of 7-1-2016 to 12-5-2017.
4. List(s) of the authors' names of any deleted, hidden, blocked, banned comments that were on the Police Department's public facebook page for the time period of 7-1-2016 to 12-5-2017.
5. Copies of all messages and author's names sent via the Police Department's facebook messenger and responses for the time period of 7-1-2016 to 12-5-2017.

Yours faithfully,

Cynthia Moore

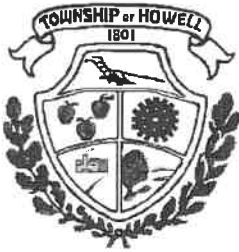
TOWNSHIP OF HOWELL
RECEIVED
2017 DEC - 6 A 7 39
CLERK'S OFFICE

Please use this email address for all replies to this request:
opra+request-789-6a0d257a@requests.opramachine.com

Is clerkforms@twp.howell.nj.us the wrong address for Open Public Records Act requests to Howell Township? If so, please contact us using this form:
https://linkprotect.cudasvc.com/url?a=https://opramachine.com/change_request/new%3fbody%3dhowell_township&c=E,1,mEyEnsmeb9ehRnlufeP1-44cgwLkwEOQiE1RzuN4zhfMyW_gvXVHDkkdEAqK0SES_V9uVjwQs8Zy3nIEyOQIb_HNRIuBpcCx0SetkYaOqHAHIVyxu-W-f4,&typo=1

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https://linkprotect.cudasvc.com/url?a=https://opramachine.com/help/officers&c=E,1,np1ureyMlvDoV3CVS3QEjKdlcuO_GQTlqC5nJj4fhrO3wliDYCMq0BMKI-72ScTdU-EGfgtB73v9PG-faWxtrPQTLlyr2_1zAQOfQEIZt82DzIYH2R-g&typo=1

If you find this service useful as an OPRA officer, please ask your web manager to link to us from your organisation's OPRA page.



TOWNSHIP OF HOWELL

4567 Route 9 N. 2nd Fl
Post Office Box 580
Howell, NJ 07731-0580

(732) 938-4500
FAX (732) 414-3232
Website: www.twp.howell.nj.us

December 15, 2017

VIA EMAIL

Ms. Cynthia Moore

Opra+request-789-6a0d257a@requests.opramachine.com

Re: OPRA Request to Township of Howell dated 12/5/17

Dear Ms. Moore,

The Township of Howell received your Open Public Records Act (OPRA) request on December 6, 2017. The official Records Custodian, Penny Wollman, received your OPRA request on December 6, 2017. As such, the seven (7) business day deadline to respond to your request is December 15, 2017. This response to your request is being provided to you on the 7th business day after the custodian's receipt of said request.

The following records are being provided in their entirety and are responsive to your request for procedure, code of conduct, duties:

1. A copy of policies/procedures regulating the Police Department's public facebook page. These records are being transmitted to you via electronic mail, as per your request.

With regard to your requests 2-4, a list of those who have been "banned" by the administration for violation of the terms of use is being provided.

With regard to "a list of those who have been "hidden" along with comments" OPRA allows public agencies to impose special service charges whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or when fulfilling a request requires an extraordinary expenditure of time and effort. See N.J.S.A. 47:1A-5.c. Special service charges must be based upon the actual direct cost of providing the copy or copies.

OPRA mandates that the requestor shall have the opportunity to review and object to the charge prior to it being incurred. See N.J.S.A. 47:1A-5.c. Here, compiling a list of those who have been "hidden" along with comments would require extensive research. The site automatically filters words and terms that would be found to be derogatory and offensive to the general public. The settings are in place because the site is not constantly monitored. Consequently, each post would

have to be reviewed to determine what, if any, comments were "hidden". This would require numerous hours and a special service charge would apply that would be, at a minimum, at least five hundred dollars. Kindly respond in writing with your acceptance or rejection of this estimated charge. We will not begin to process your request relating to "a list of those who have been "hidden" along with comments" until we receive your written acceptance.

With regard to request number 5, which seeks "copies of all messages and author's names sent via the Police Department's facebook messenger and responses for the time period of 7-1-2016 to 12-5-2107," the Police Department regularly receives information via Facebook Messenger concerning investigative leads and tips as well as general information provided by citizens. Releasing such information would adversely affect the operations of the police department as well as the identity of those who provide it. Citizens provide this information with the expectation it will remain confidential and not released for the public's view.

Consequently, the requested records may fall within the criminal investigatory records exemption - records which are not required by law to be made, maintained or kept on file that are held by a law enforcement agency which pertain to any criminal investigation or related civil enforcement proceeding. They may also pertain to ongoing investigations - any records pertaining to an investigation in progress by any public agency if disclosure of such record or records shall be detrimental to the public interest. And finally, confidential informants have a reasonable expectation of privacy as to their identity - "a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy." A list of OPRA's exemptions is attached to this response letter.

If you reject the estimated charge and you wish to challenge the special service charge, you have a right to challenge the decision. Moreover, if your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,

A handwritten signature in black ink that reads "Penny Wollman". The signature is fluid and cursive, with the first name "Penny" and last name "Wollman" clearly distinguishable.

Penny Wollman
Township Clerk
Custodian of Records

HOWELL POLICE DEPARTMENT GENERAL ORDER			
VOLUME: 1	CHAPTER: 30	# OF PAGES: 8	
SUBJECT: ELECTRONIC SOCIAL MEDIA / NETWORKING			
EFFECTIVE DATE: February 2, 2017		ACCREDITATION STANDARDS: N/A	SUPERSEDES ORDER #:
BY THE ORDER OF: Chief Andrew A. Kudrick, Jr.			

PURPOSE The purpose of this general order is to provide guidance to the employees of the Howell Township Police Department concerning their personal web pages, websites, and other electronic social networking sites. A further purpose is to regulate this department's procedures concerning its social media/networking site(s).

POLICY While employees have a right to maintain personal web pages and websites, their status as members of the Howell Township Police Department requires that the content of those web pages and websites are not in violation of existing agency rules, regulations, policies, procedures, or create a potential conflict of interest. The Chief of Police reserves the right to restrict an employee's involvement in electronic social networking sites for the good of the agency.

It is further the policy of the Howell Township Police Department to utilize electronic social media to advise the public on matters of concern, foster community outreach efforts, investigate crimes, and to provide a mechanism for citizen feedback while safeguarding the Howell Township Police Department's professionalism.

PROCEDURES

I. GENERAL

A. Definitions:

1. Avatar – A computer user's representation of himself/herself, or an alter ego.
2. Administrator – The person primarily responsible for the content posted on the Howell Police Department site. The Chief of Police and/or his designee is the administrator for all police department social media sites. The administrator determines who has access to the Howell Police Department site.
3. Blog – A series of electronic entries, diary or commentary, written by one or more persons in an on-line journal that may permit visitors to post responses, reactions or comments. The term is an abbreviated version of 'web-log'.
4. Comments – Responses to a blog post, news article, social media entry or other social networking post.
5. Commenting – The act of creating and posting a response to a blog post, news article, social media entry or other social networking post. Commenting can also entail the act of posting an original composition to an unrelated post or article.
6. Forum – An online discussion site.
7. Identity – An online identity, Internet identity or Internet persona that a social networking user establishes. This can be a real name, an alias, a pseudonym or a creative description.
8. Mobile social networking – Social networking using a mobile phone or other cellular based device.
9. Howell Township police personnel – Includes all sworn and non-sworn personnel, including SLEO personnel.
10. Page – The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.
11. Post – The content a person shares on a social media site or blog; an entry to any type of computerized bulletin board; the act of publishing content on a social media site.
12. Posting – The act of creating, uploading, editing or adding to any social media outlet. This includes text, photographs, audio, video or any other multimedia file.
13. Profile – Information that a user provides about himself or herself on a social networking site.

14. Social networks – Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
 15. Social media – A category of Internet-based resources that integrate user-generated content that allow people to communicate, share information, share photos, share videos, share audio and exchange text and other multimedia files with others via some form of online or cellular network platform. This includes, but is not limited to social networking sites (Facebook®, LinkedIn®, MySpace®), micro-blogging sites (Twitter®), photo and video sharing sites (Flickr®, Snapchat®, Instagram®, YouTube®), wikis (Wikipedia®), dating sites (Tinder®, Plenty of Fish®, Bumble®, etc.) blogs, and news sites (Digg®, Reddit®).
 16. Speech – Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
 17. Web 2.0 – The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.
 18. Wiki – Web page(s) that can be edited collaboratively. Post: an item inserted to a blog or an entry to any type of computerized bulletin board or forum.
- B. All pages, sites, passwords, links, access permissions and emails associated with each Howell Township Police media outlet are the property of the Howell Township Police Department.
 - C. Any unauthorized use will result in corrective/disciplinary action being sought.
 - D. **There are no reasonable expectations of privacy while engaging in social media activities. All social media is subject to public view and comment, criminal defense and prosecutorial review, and review by this agency.**
 - E. Conduct both on and off duty is subject to the rules and regulations of this agency. Any electronic social networking activity that brings discredit to the Howell Township Police Department and/or of an employee's status as an employee of this agency is prohibited.
 - F. Employees shall not express personal opinion as official agency policy or position.
 - G. Employees shall not display or post any image or comment involving a reference concerning any form of bias, hatred, or derogatory comments about any protected class of persons.
 - H. Except while in the course of official law enforcement business (e.g., intelligence gathering, criminal investigation, homeland security, etc.), employees shall not assume the identity of another or an identity that could be assumed to be a factual (e.g., alias, penname, avatar, etc.) while posting any comments.

II. DEPARTMENTAL USE OF SOCIAL MEDIA

- A. Sanctioned Presence

1. Determine strategy
 - a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
 - b. Where possible, the page(s) should link to the Howell Township Police Department's official website.
2. Procedures
 - a. All Howell Township Police Department social media sites or pages shall be approved by the Chief of Police or his/her designee and shall be administered by the Chief's designee.
 - b. Where possible, social media pages shall clearly indicate they are maintained by the Howell Township Police Department and shall have Howell Township Police Department contact information prominently displayed.
 - c. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
 - d. Pages shall clearly read 'terms of use' indicating that posted comments will be monitored and that the Howell Township Police Department reserves the right to remove obscenities, off-topic comments, personal attacks, and any posts that may identify juvenile offenders, endanger victims, or jeopardize an active investigation. This will also include users being banned/blocked from the site for violating the terms of use.
3. Sanctioned Use
 - a. Howell Township Police Department personnel representing the Howell Township Police Department via social media outlets shall:
 - 1) Except where officially sanctioned by the Chief of Police (department managed sites), identify themselves as a member of the Howell Township Police Department and shall adhere to all existing federal, state, and local laws policies, standards of conduct, and procedures of Howell Township and the Howell Township Police Department, laws regarding public information on arrests, investigations, and personnel data, and shall observe conventionally accepted protocols and proper decorum.
 - 2) Under no circumstances, make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions.

- 3) Not post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to Howell Township Police Department training, activities, or work-related assignments, including crime or crash scenes, without the permission of the Chief of Police or his/her designee.
 - 4) Not conduct political activities or private business.
 - 5) Not endorse any product or service without the prior written permission of the Chief of Police or his/her designee.
- b. The Chief of Police shall designate personnel to manage the department's social media. The designee is authorized to access such media from personally owned devices.
 - c. Besides the site administrator, personnel who have access to the department's social media sites shall only post information such as hazardous conditions, fires, road closures, missing/endangered persons, lost/recovered pets/items, or any other important information that public should be made immediately aware of or at the direction of a supervisor.
 - d. Supervisor approval must be obtained prior to posting any other information not contained in (c.)
 - e. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

III. PERSONAL USE

- A. Barring state law or binding employment contracts to the contrary, Howell Township Police Department personnel shall abide by the following when using social media while on or off duty and using privately owned electronics.
 1. Howell Township Police Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair any working relationships within the Howell Township Police Department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers or negatively affect the public perception of the Howell Township Police Department.
 2. **As public employees, Howell Township Police Department personnel are cautioned that speech, dealing in matters of public concern, on or off-duty, made pursuant to their official duties, that is, that owes its existence to the employee's professional duties and responsibilities, is not protected speech under the 1st Amendment and may form the basis for discipline if deemed detrimental to the Howell Township Police Department. Howell Township Police Department personnel should assume that their speech and related activity on social media sites could adversely reflect upon their office and the Howell Township Police Department. THIS APPLIES REGARDLESS OF THE PRIVACY SETTING ON THE ACCOUNT.**

3. Employees are prohibited from using Howell Township Police Department computers, cell phones, personal data assistants, mobile data computers/terminals or any other devices for any unauthorized purpose, including participation in personal social media or social networking.
4. This prohibition shall include the use of departmental computers for bidding, buying and / or selling of personal items on such sites as eBay or similar activities that shall instead be conducted on an employee's personal computer.
5. Employees are prohibited from updating / posting to any personal social media or social networking platform from an electronic device while on duty, (except while on an approved break or meal period, but not using a department-owned device) unless supervisory permission is granted for investigative or public information purposes.
6. Howell Township Police Department personnel shall not post any information concerning their employment with the Howell Township Police Department that would be deemed inappropriate, offensive, or in violation of any rule, regulation or general order of the Howell Township Police Department, nor shall they post information pertaining to any other member of the Howell Township Police Department without that employee's permission. As such, Howell Township Police Department personnel shall not:
 - a. Post personal photographs, or provide similar means of personal recognition that would cause them to be identified as a police employee of the Howell Township Police Department that would be deemed inappropriate, offensive, or in violation of any rule, regulation or general order of the Howell Township Police Department. Some exceptions to this shall be the announcements of appointment, promotions, honors, graduations, retirements, or other such professional recognitions.
 - b. Post false or improper personal or professional information (e.g., college degree when one was not earned, training certification when one was not earned, etc.)
 - c. Unless granted explicit permission, employees of the Howell Township Police Department are prohibited from posting any of the following on any social networking platform, either on their own sites, the sites of others known to them, the sites of others unknown to them, news media pages, or other information exchange forums:
 - 1) Any text, photograph, audio, video, or any other multimedia file related to any investigation (criminal, quasi-criminal, or administrative), both current and past, of the Howell Township Police Department.
 - 2) Any text, photograph, audio, video, or any other multimedia file related to any past or current action of the Howell Township Police Department, either in homage or critique.

- 3) Logos, badges, seals, uniforms, vehicles, equipment or any item or symbol that is affiliated with the Howell Township Police in an inappropriate or offensive manner or in a way that is in violation of any rule, regulation or general order of the Howell Township Police Department.
 - 4) Any item, symbol, wording, number, likeness or material that is identifiable to the Howell Township Police Department in an inappropriate or offensive manner or in a way that is in violation of any rule, regulation or general order of the Howell Township Police Department.
 - 5) Any text, photograph, audio, video, or any other multimedia file that is related to any occurrence within the Howell Township Police in an inappropriate or offensive manner or in a way that is in violation of any rule, regulation or general order of the Howell Township Police Department.
 - 6) Weaponry, owned by this department and/or owned personally or privately, shall not be displayed or referenced to, in any multimedia format, on social media or social networking sites if such displays or depictions promote or glorify violence.
 - 7) Any text, photograph, audio, video or any other multimedia file included on a social media or social networking site that infers, implies, states, opines or otherwise expresses the officer's views on the public shall not be detrimental to the department's mission, nor shall it in any way undermine the public's trust or confidence in this department.
 - 8) Any text, photograph, audio, video or any other multimedia file included on a social media or social networking site that implies that the employee is representing and/or associating with persons/groups known to engage in unlawful conduct to include but not limited to, outlaw motorcycle gangs, street gangs, extremist's groups, etc.
7. When using social media, Howell Township Police Department personnel should be mindful that their postings become part of the worldwide electronic domain. Therefore, adherence to the Howell Township Police Department's code of conduct and rules and regulations is required in the personal use of social media. In particular, Howell Township Police Department personnel are prohibited from the following:
- a. Postings containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, ethnicity, religion or religious belief, sexual orientation, sexual identity, or any protected class of individuals.
 - b. Postings involving themselves or other Howell Township Police Department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.

8. Engaging in prohibited postings noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal, civil, and administrative proceedings. Personnel thus sanctioned are subject to discipline up to and including termination of office.
 9. Howell Township Police Department personnel may not divulge information gained by reason of their authority, make any statements, speeches, appearances, and endorsements, or publish materials that could reasonably be considered to represent the views or positions of the Howell Township Police Department without the expressed written authorization from the Chief of Police.
 10. Personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Howell Township Police Department at any time without prior notice.
- B. Employees have the potential to be called as a witness in court proceedings related to their employment as a member of this agency. Credibility and character are subject to challenge and potential impeachment based upon the nature of postings on personal webpages, websites and other electronic social networking sites from any time, past or present and the person(s) or organization(s) with whom the employee networks.

IV. REPORTING VIOLATIONS

- A. Any employee becoming aware of or having knowledge of a posting or of any website or webpage in violation of this general order shall notify his or her supervisor immediately for follow-up action.

V. APPROVAL PROCESS

- A. Any employee seeking approval to use any item, object, or material described in subsection III.A.6 on a personal webpage or website shall submit a written request through the chain of command to the Chief of Police.
1. Describe the proposed reference to the agency and purpose.
 2. Provide a list of media to be used on the web page.
 3. Provide a printed layout of the material that is the subject of the request.
- B. The Chief of Police will approve or deny the request based upon the merits of the request and its compliance with existing agency general orders or policies.

Here's where you can see people and other Pages that like Howell Township Police Department. From the list of people who like your Page, click the  to remove someone from people who like the Page, or ban them. A person who's banned can't post, comment or take other actions on the Page.

Banned People and Pages

Search

	Name	Banned
	Jeffrey Tawil	05/25/16
	Geer Communications	04/10/16
	Tom Patti Britt	02/02/16
	Frederick Hare	08/20/15
	Janet Taylor Cda	04/04/14
	Tu Pai	02/09/13

+ Ban a Person