

POLICE MEDIA RELATIONS

POLICY & PROCEDURE NO. 4.03	ISSUE DATE: 07/01/03
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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 54.1.1, 54.1.3	REVISION DATE: 07/01/14

I. GENERAL CONSIDERATIONS AND GUIDELINES

To operate effectively, the department must have the support of the community. The goal of the public information function is to obtain this support through the development and maintenance of a positive relationship of mutual trust, cooperation, and respect with the news media and the community by providing them with accurate and timely information on events that affect the lives of citizens in the community and on the department's administration and operations. While maintaining the privacy rights of individuals and the integrity of criminal investigations, authorized personnel will be expected to release public information with openness and candor. The department is committed to informing the community and the news media of events within the public domain that are handled by or involve the department.

II. POLICY

It is the policy of this department to cooperate fully and impartially with authorized news media representatives in their efforts to gather factual, public information pertaining to activities of the department, as long as these activities do not unduly interfere with departmental operations, infringe upon individual rights, or violate the law.

III. DEFINITIONS

- A. Public Information: Information that may be of interest to the general public regarding policy, procedures, or events involving the department or otherwise newsworthy information that is not legally protected, which does not unduly interfere with the mission of the department, infringe

upon the rights of a defendant, or compromise the legitimate safety and privacy interests of officers, victims, witnesses, or others.

- B. News Media Representatives: Official news media personnel are those individuals who are directly employed by agencies of the electronic or print media, such as radio, television, news magazines and newspapers, and who have credentials identifying themselves as such. Freelance workers in this field may be regarded as other members of the general public unless otherwise designated by the Chief of Police.
- C. Public Information Officer (PIO): The department's Public Information Officer is responsible for handling the department's public information function, acts as the official spokesman for the department in conducting and maintaining an active liaison with the news media, serves as a central source of information for release by the department, and responds to requests for information by the news media and the community.

IV. PROCEDURE

A. Duties and Responsibilities

1. CHIEF OF POLICE

The Chief of Police may be the department's Public Information Officer.

The Chief of Police may designate one or more employees to act as the department's Public Information Officer (PIO).

The Chief of Police may authorize certain employees to release information to the media.

2. PUBLIC INFORMATION OFFICER: It is the responsibility of the PIO to: [54.1.1]

Assist news media personnel in covering routine news stories, and at the scenes of incidents;

Assist the news media on an on-call basis;

Prepare and distribute news releases;

Arrange for, and assist at, news conferences;

Coordinate and authorize the release of information about victims, witnesses and suspects;

Assist in crisis situations within the agency;

Arrange media access to incident scenes, as appropriate;

Coordinate and authorize the release of information concerning confidential agency investigations and operations; and

Develop procedures for releasing information when other public service agencies are involved in a mutual effort.

3. SHIFT SUPERVISOR: The shift commander shall be responsible for ensuring that the department's PIO and/or the Chief of Police are informed of events that may have media interest.

B. Agency Cooperation with the Media

1. GENERAL CONSIDERATIONS: Before providing information to the news media or responding to inquiries from media representatives, the following police requirements will be carefully considered:

The necessity to prevent interference with, or hampering of a police investigation;

The necessity to keep confidential police investigative practices and activities from being disclosed;

The necessity to preserve evidence;

The necessity to protect the safety of the victims of the crime;

The necessity to protect the identity of informants;

The necessity to protect the identification of undercover police officers;

The necessity to successfully apprehend the perpetrators of crime;

The necessity to protect the constitutional rights of persons accused of crime; and

The necessity to avoid prejudicial pretrial publicity.

2. ACCESS TO THE PIO: Authorized news media representatives shall have reasonable access to the PIO and the Chief of Police, as governed by this policy. When information must be denied to a media representative, the basis for that denial shall be fully and courteously explained.

3. ACCESS TO RECORDS:

Public records shall be available for view and copying by members of the public at reasonable times and without unreasonable delay.

The daily log shall be available to the public during normal business hours.¹

The arrest log shall be available to the public during normal business hours.²

For further information, see the department policy on ***Report Management***.

C. Release of Information

1. GENERALLY

Information which may be released shall either be public information or comply with the department policies on **Report Management** and **Criminal Offender Record Information**.

In addition to the PIO, the following employees are authorized to release information as specified by the Chief:

Administrative Officer: Records function, daily log and arrest log;

Shift Supervisor: daily log, arrest log, accident and arrest information; and/or

2. ROUTINE RELEASE OF PUBLIC RECORD INFORMATION

Members of the media shall, as do members of the public, have access to public records during normal business hours. See the department policy on **Records Management**. Among such records are:

The daily log; and

The arrest log.

Information considered to be public information shall generally be released to the media as promptly as circumstances allow.

Circumstances may cause a reasonable delay in the release of such information, such as withholding the release of the name of an accident victim until family can be notified.

Public information may be provided to media representatives by telephone if the identity of the representative is known or can be authenticated. Such public information includes:

Arrest information, such as the name, address and charges of persons arrested; and

Information in the daily log which could be obtained by coming to the police station and reading the log made available to the public.

For release of information which is not obviously public information, see the department policy on **Records Management**.

Written press statements shall be released by the PIO only with the approval of the Chief of Police.

3. INVESTIGATIONS [54.1.1(d)(e)]

From the initial stage of a criminal investigation, police personnel shall refer all media requests for information to Chief of Police or Designee.

Police employees not specifically authorized to release information shall not do so.

Information Which May be Released: Information which may be released by authorized personnel in connection with investigations includes:

The type or nature of an event or crime;

The location, date and time, injuries sustained, damages, and a general description of how the incident occurred;

The general type and quantity of property taken, excluding specific cash amounts from robberies or property value of items taken without specific approval of property owners;

The identity and municipality of residence of a victim, with the exception of sex crime victims or cases where reprisals or intimidation may be employed;

Requests for aid in locating evidence, a complainant, witnesses or a suspect;

Release of C.O.R.I.:

- a) When an individual is charged with a criminal offense and is sought by law enforcement authorities, C.O.R.I. information, as well as photographs or mug shots, may be released to the media to warn the public and to help locate the individual.; ³ and
- b) No departmental photographs, mug shots, videotape, film, or composites of subjects in custody shall otherwise be released to the media unless authorized by the Chief of Police or [IDENTIFY];

Number of officers or people involved in an event or investigation, and the length of the investigation; and

Name of the officer-in-charge of a case, supervisor, and division or unit assignment. (Exception: The name of any undercover officer will not be released).

Information Which May Not Be Released: The following information may not be released unless authorized by the Chief of Police or Designee.

The identity or booking photo of a suspect prior to arrest unless such information would aid in apprehending the suspect or serve to warn the public of potential danger; ⁴

The identity of any victim of a sex crime or any related information which, if divulged, could lead to the victim's identity;

The identity of victims or witnesses if such disclosure would prejudice an investigation to any significant degree, if it would place the victim or witness in personal danger, or if confidentiality of such victim or witness has been ordered by the court;⁵

The identity of any juvenile, under age 17, who is a suspect or defendant in a case subject to the jurisdiction of the juvenile court;

The identity of any complainant under age 18;

The identity of any critically injured or deceased person prior to notification of next of kin;

The results of any investigative procedure such as lineups, polygraph tests, or other procedures (the fact that these tests have been performed may be revealed without further comment);

Information which, if prematurely released, may interfere with the investigation or apprehension such as the nature of leads, specifics of a "modus operandi," details of the crime known only to the perpetrator and the police, or information that may cause the suspect to flee or more effectively avoid apprehension; ⁶

Information that may be of evidentiary value in criminal proceedings; and

Specific cause of death unless officially determined by the medical examiner.⁷

4. ACCIDENTS

Major Accidents: For vehicle accidents resulting in death or serious bodily injury, see Investigations in this policy.

Accidents Generally: Information may be released, to include:

Names, address, and age of persons involved in accidents;

Make, model, and year of vehicles involved; and

A basic explanation of what happened.

5. SUICIDE

The fact that a suicide or suspected suicide has occurred may be reported to the media, together with factual information describing how it happened.

The name, age, address, sex and occupation of the victim may also be released following notification of next of kin.

The fact that a suicide note also exists may also be acknowledged without further comment. The content of such note is personal and confidential and shall not be released except as provided by law.

6. ARREST, ARREST WARRANT AND INDICTMENT

Information Which May be Released

Identification of the Accused:

- a) Name;
- b) Age;
- c) Residence;
- d) Occupation; and

e) Family status;

NOTE: Identification of juveniles shall not be released. The identity of persons taken into custody because of mental illness shall not be released.

The time and place of arrest;

Whether pursuit was involved;

Whether resistance was encountered;

Whether weapons were used;

The charges placed against the suspect;

A description of contraband seized;

The identity of the arresting officers;

The duration of the investigation, unless the officers are engaged in undercover situations; and

The amount of bail, scheduled court dates, and place of the suspect's detention.

Information Which May Not be Released

Prior criminal conviction record, character, or reputation of the defendant;

Existence or contents of any confession, admission, or statement of a defendant or his failure or unwillingness to make a statement;

Performance or results of any tests, or a defendant's refusal or failure to submit to tests such as a polygraph;

Identity, statement, or expected testimony of any witness or victim;

Any opinion about the guilt or innocence of a defendant or the merits of the case; and

Any opinion or knowledge of the potential for a plea bargain or other pretrial action.

7. JOINT OPERATIONS WITH OTHER ENTITIES [54.1.1(f)]

Municipal Agencies: In instances where the police department is involved in operations with other municipal departments, unless otherwise restricted, authorized police officials may release information relating to the police participation in the operation. Members of the press should be referred to other municipal agencies unless other arrangements have been determined.

Other Law Enforcement Agencies: In instances where more than one law enforcement agency is involved, the agency having primary jurisdiction should be responsible for the release, or coordinating the release, of information, unless otherwise specifically arranged.

District Attorney's Office: For operations involving the office of the District Attorney, members of the press should be referred to the District Attorney's office unless other arrangements have been determined.

Medical Examiner: For operations involving the office of the Medical Examiner, authorized police officials may only release general statements regarding deaths. Members of the press should be referred to the office of the Medical Examiner unless other arrangements have been determined.

D. Information Which May Not Be Released [1.2.3]

1. PERSONNEL: The home address or telephone number of any member of the department may not be released. ⁸
2. INTERNAL INVESTIGATIONS: Sensitive information relating to internal investigation of police officers shall not be released without the express permission of the Chief of Police. ⁹
3. VICTIM INFORMATION: The following information may not be released:

The identification of any sexual assault victim. ¹⁰

Home addresses and telephone numbers, places of employment or education of victims of adjudicated crimes. ¹¹

Home addresses and telephone numbers, places of employment or education of victims of domestic violence. ¹²

4. RECORDS OR REPORTS: Entries pertaining to handicapped individuals who are physically or mentally incapacitated to the degree that they are confined to a wheelchair or are bedridden or require the use of a device designed to supply mobility, shall not be made available to the media or general public. ¹³

5. OTHER RESTRICTIONS include:

Interfering with law enforcement proceedings, including pending investigations;

Depriving a person of the right to a fair trial or an impartial adjudication or giving one party to a controversy an undue advantage by exclusive access to such information; [1.2.3]

Constituting an unwarranted invasion of the personal privacy rights of another person;

Revealing the identity of an individual who has furnished information to the department under confidential circumstances;

Disclosing investigative techniques and procedures, thereby impairing the future effectiveness of the department; or

Endangering the life or physical safety of any person.

E. Media Access to Crime/Incident Scenes [54.1.3]

1. ACCESS GENERALLY

The Constitution grants no greater right of access to media representatives to the scenes of crimes or disasters than those granted the public.¹⁴

Adequately identified representatives of the news media may be granted access to crime or accident scenes, major fires, or man-made or natural emergency situations at the discretion of a supervisor.

This may include greater access to personnel and equipment than is available to the general public to the degree that it does not interfere with the police mission or the movement of traffic.

Failure of media personnel to provide authorized identification may provide grounds for restricting access to requested information or to incident scenes.

The activities of media representatives may be reasonably restricted if, in the opinion of the officer-in-charge:

Those activities seriously hamper police operations;

Those activities threaten to worsen a dangerous or volatile situation;

The presence of the press personnel would create an unreasonable risk of serious bodily injury or death to the media representatives, public safety employees, or the public; or

Whenever police reasonably believe it is necessary to prohibit all but emergency personnel near a crime or incident scene.

The news media shall not be allowed access to any area or scene of an incident or crime where there is a possibility that evidence may be damaged, altered, destroyed, or otherwise prejudiced by its existence being published or portrayed.

Once evidence has been processed, removed, and secured by the department, the media may be allowed to enter by permission of the commanding officer at the scene.

2. CRIME OR INCIDENT SCENES

At the scene of major crime or incident scenes, initially, the officer-in-charge may designate a preliminary press area as early as possible and as close to the scene as safety and operational requirements allow.

The PIO shall be responsible for arranging press access and escort, as appropriate, when the PIO function is established.

The principles of media cooperation shall be maintained to the degree that they do not interfere with the mission of the police, fire, medical, or other emergency relief workers.

For further information, see the department policy on ***Incident Command***.

News media representatives should not be prevented from access to any area to which other members of the public have access solely because of the possibility of their injury or death. If this is the only consideration, the media representative should be advised of the danger and allowed to make the decision to enter on his/her own volition.

3. SEARCH WARRANTS: News media representatives shall not be permitted to enter private property with department personnel attempting to execute a search or arrest warrant.¹⁵

4. FIRE SCENES

Media access to and movement within fire lines shall be controlled by the Fire Department officer-in-charge.

In consultation with the Fire Department officer-in-charge, a ranking police officer at the scene may establish an observation point from which the media may observe and photograph the incident.

At the discretion of the Incident Commander, an inner perimeter may be established for the media from which to record the event.

Ranking officers at crime or incident scenes may release very basic information of a factual nature to the media as governed by this policy unless authorized or directed by a superior officer. News releases or briefings shall be the responsibility of the PIO.

5. PHOTO AND VIDEO

Public Areas: It is permissible for the media to photograph or film from public property.

Private Property: Photography, film, or videotape recording on private property requires the permission of the owner or the owner's representative.

Municipal Property: Persons may be prohibited from municipally owned property.

6. PERSONS IN CUSTODY

News media have a right to photograph a person in custody.

Suspects or accused persons in custody shall not be posed nor shall arrangements be made for photographs, telecasts, or interviews.

Department personnel shall not pose with suspects or accused persons in custody.

Officers shall not act deliberately to shield a suspect from media view unless eyewitness identification is a concern.

¹ M.G.L. c. 41, §98F.

² M.G.L. c. 41, §98F.

³ 803 CMR 2.04(3); (5)(b).

⁴ 803 CMR 2.04(3); (5)(b).

⁵ M.G.L. c. 258B, §3(h).

⁶ M.G.L. c. 4, §7(26)(f).

⁷ M.G.L. c. 38, §2.

⁸ M.G.L. c. 66, §10(d).

⁹ M.G.L. c. 4, §7(26)(C).

¹⁰ M.G.L. c. 41, §97D.

¹¹ M.G.L. c. 66, §10(d).

¹² M.G.L. c. 66, §10(d).

¹³ M.G.L. c. 41, §98F.

¹⁴ *Branzburg v. Hayes* 408 U.S. 665, 92 S.Ct. 2646 U.S. Cal. (1972).

¹⁵ *Wilson v. Layne*, 119 S.Ct. 1692 (1999); *Hanlon v. Berger*, 119 S.Ct. 1706 (1999).