

PITTSFIELD POLICE DEPARTMENT
PROCEDURE

POLICY & PROCEDURE: 25	SUBJECT: Media
EFFECTIVE DATE: 01/01/2008	EXPIRATION DATE: Indefinite
THIS POLICY RESCINDS ANY PREVIOUSLY ISSUED MEMORANDUM, DIRECTIVES, NOTICES, SPECIAL OR GENERAL ORDERS IN CONFLICT WITH THIS POLICY.	
AUTHORIZED BY:	Matthew E. Harshberger Director of Public Safety
REVISIONS: 12-01-10, 01-01-13	

POLICY:

This policy shall be followed by all Department Personnel. Adherence to any and all procedures related to this policy are required and hereby incorporated by reference for the purpose of determining compliance.

PURPOSE:

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

I. DEFINITIONS:

- A. **Public Information:** Information that may interest the general public regarding policy, procedures, or events involving the department or other 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:** Individuals who are directly employed by agencies of the electronic or print media, such as, radio, television, or newspapers. Freelance workers in this field are to be regarded as members of the general public unless otherwise designated by the Director of Public Safety or his/her designee.

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- C. **Public Safety Community Coordinator:** A civilian employee of the Department of Public Safety who is authorized by the Director of Public Safety to address crime and fire prevention issues and neighborhood and business watch programs; authorized to work with the media in each of these areas, to establish a calendar of events, as well as determination of helpful tips.

II. COOPERATION AND RELEASE OF INFORMATION

A. Cooperation With The Media

1. Authorized news media representatives shall have reasonable access to the agency's Director of Public Safety, or his/her designee, and operations of the department 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.
2. This department recognizes authorized identification from all local, national, and international news organizations. Failure of media personnel to present authorized identification may be grounds for restricting access to requested information or to incident scenes.
3. Public information shall be released to the media as promptly as circumstances allow, without partiality, and in as objective a manner as possible. The daily police blotter will be made available.
4. Public information may be provided to the media representatives by telephone if the identity of the representative is known or can be authenticated.
5. Ranking officers at crime or incident scenes may release information of a factual nature to the media as governed by this policy. If the officer is unsure of the facts or the propriety of releasing information, he/she shall refer the inquiry to the Director of Public Safety or his/her designee.
6. Written press statements shall be released by the officer in charge of the investigation.
7. The department's communications center shall inform the shift supervisor as soon as possible upon receipt of information about events or activities that may interest the media.

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8. The shift supervisor is responsible for informing the Director of Public Safety or his/her designee about events or activities that may involve media interest.

B. **Investigative Information:** From the initial stage of a criminal investigation through completion of trial or disposition without trial, public safety personnel shall refer all requests for information to the officer in charge of the incident.

1. Investigative information that **may be** released includes, but is not limited to:

- a. The type or nature of an event or crime;
- b. Location, date and time, injuries sustained, damages, and a general description of how the incident occurred;
- c. Type and quantity of property taken, damaged, or destroyed;
- d. The identity and approximate address of a victim, with the exception of sex crime victims, or in other cases where reprisals or intimidation may be employed;
- e. Requests for aid in locating evidence, a complainant, or a suspect;
- f. Numbers of officers or people involved in an event or investigation, and the length of an investigation; and
- g. The name of the officer in charge of a case, and his/her supervisor and division or unit assignment. However, the name of any undercover officer will **not** be released.

2. Unless authorized by the Director of Public Safety or his/her Designee, the following information **will not** be released:

- a. The identity of a suspect prior to arrest unless such information would aid in apprehending the suspect or serve to warn the public of potential danger;
- b. The identity of any victim of a sex crime, or any related information which, if divulged, could lead to the victim's identity;

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- c. The identity of victims or witnesses if such disclosure would prejudice an investigation to any significant degree, or if it would place the victim in personal danger;
- d. The identity of any juvenile suspect or defendant in a case subject to the jurisdiction of the juvenile court;
- e. The identity of any critically injured or deceased person prior to the notification of the next of kin;
- f. The results of any investigative procedure such as line-ups, polygraph tests, fingerprint comparison, ballistics test, or other procedures (the fact that these tests have been performed may be revealed without further comment);
- g. Information which, if prematurely released, may interfere with the investigation or apprehension of suspects, such as the nature of leads, specifics of a modus operandi (MO), details of the crime known only to the perpetrator and the police, or information that might cause the suspect to flee or more effectively avoid apprehension;
- h. Information which may be of evidentiary value in criminal proceedings;
- i. Specific cause of death unless officially determined by the Medical Examiner; and
- j. The home address or telephone number of any member of the department.

C. Arrest Information

- 1. Following arrest and after arraignment has taken place, it is permissible to release:
 - a. The accused person's name, age, residence, occupation and family status;

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- b. The time and place of arrest, whether a pursuit occurred or resistance was encountered, if weapons were used, charges placed against the suspect, and a description of contraband seized;
 - c. The identity of the arresting officers and the duration of the investigation unless the officers are engaged in undercover operations; and
 - d. The amount of bond, scheduled court dates, and place of the suspect's detention.
 - e. The prosecuting attorney shall be consulted prior to releasing any additional details pertaining to major crime incidents.
2. Following arrest and formal charging of the suspect, but prior to adjudication, the following types of information should not be released:
- a. Prior criminal conviction record, character, or reputation of a defendant;
 - b. Existence or contents of any confession, admission, or statement of a defendant, or failure or unwillingness to make a statement;
 - c. Performance or results of any tests, or a defendant's refusal or failure to submit to tests, such as a polygraph examination;
 - d. Identity, statement, or expected testimony of any witness or victim;
 - e. Any opinion regarding the guilt or innocence of a defendant or the merits of the case; and
 - f. Any opinion or knowledge of the potential for a plea bargain or other pretrial action.
- D. Special considerations – criminal matters
1. Departmental personnel shall extend every reasonable courtesy to news media representatives at crime scenes. This may include closer access of personnel and equipment than available to the general public to the degree it does not interfere with the police/fire mission or the movement of traffic.

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2. The news media shall not be allowed access to any crime or fire scene if there is any possibility 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.
 - a. The permission of the owner or the owner's representative is required prior to photographic, film or videotape recording of private property.
 - b. Suspects or accused persons in custody will not be posed or arrangements made for photographs, telecasts or interviews, nor shall departmental personnel pose with suspects or accused persons in custody.
 - c. When an individual is charged with a criminal offense and is sought by law enforcement authorities, photographs or mug shots may be released to the media to help locate the individual. No departmental photographs, mug shots, videotape, film or composites of subjects in custody shall otherwise be released to the media unless authorized by the Director of Public Safety or his/her authorized designee.
3. At the scene of major fire/rescue or crimes, such as hostage and barricade situations, the officer in charge shall designate a preliminary press area as early as possible, and as close to the scene as safety and operational requirements allow.
4. 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 notes is personal and confidential and will not be released except as provided by law.

E. Special Considerations – Non-Criminal Matters

1. The principles of media cooperation shall be maintained to the degree to which there is no interference with the police, fire, medical, or other

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emergency relief workers at the scene of significant accidents and man-made or natural catastrophes.

2. Media access and movement shall be controlled by the officer in charge. The ranking police officer at the scene shall establish an observation point from which the media may observe and photograph the incident. At the discretion of the officer in charge, an inner perimeter may be established for the media from which to record the event.
3. News media representatives should not be prevented from access to any area 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 the area on his/her own volition.
4. Sensitive information relating to internal investigation of police officers shall not be released without the express permission of the Director of Public Safety or his/her designee.
5. Daily administrative reports of criminal activity will be made available on a routine basis to media representatives. Statistical reports of criminal activity will also be made available to the media.
6. Media representatives shall be denied access to the contents of investigative or incident reports and records where release of the information would:
 - a. Interfere with law enforcement proceedings, including pending investigations;
 - b. Deprive a person of the right to a fair trial or an impartial adjudication, or give one party to a controversy an undue advantage by exclusive access to such information;
 - c. Constitute an unwarranted invasion of the personal privacy rights of another person;
 - d. Reveal the identity of an individual who has furnished information to the department under confidential circumstances;
 - e. Disclose investigative techniques and procedures, thereby impairing future effectiveness of the department; and/or

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- f. Endanger the life or physical safety of any person.

III. REVISION RESPONSIBILITY

- A. Responsibility for the continuous updating and revision of this Order lies with the Director of Public Safety. Continuous shall mean when necessary or when mandated by law.
- B. In the event that this Policy conflicts with, or supersedes, any previous Departmental Order, Procedure, or Directive, to that extent, the conflicting or superseded Order is cancelled.



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