

SOP #14 Release of Information

MIDDLE TOWNSHIP POLICE DEPARTMENT <i>Standard Operating Procedure</i>			
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SUBJECT: RELEASE OF INFORMATION			
EFFECTIVE DATE: February 14 th , 2017	ACCREDITATION STANDARDS: 1.7.1	REVISION DATE Feb. 14 th , 2017	PAGE # 2, 3
BY THE ORDER OF: Police Chief Christopher Leusner			
SUPERCEDES ORDER #: SOP #14 issued February 28 th , 2013			

I. Purpose

To establish a uniform procedure for releasing information to the print and broadcast news media.

II. Policy

Recognizing the demand for information relating to matters of public interest and concern, a productive working relationship with the media is of paramount importance and shall be earnestly pursued. Members authorized by this written directive to release information must cooperate fully and impartially with authorized news media representatives in their efforts to gather factual, public information pertaining to the activities of the department, as long as these activities do not unduly interfere with departmental operations, infringe upon individual rights or violate the law. The release of information to the public must be carefully coordinated and controlled, and only persons specifically authorized by this directive shall release information to the public.

III. PROCEDURE:

A. Definitions

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1. Public information - Information that may be of interest to the general public regarding policy, procedures or events involving the department or other newsworthy information that is not legally protected, 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.
2. News media representatives - Those individuals who are directly employed by agencies of the electronic or print media such as radio, television and newspapers. Freelance workers in this field are to be regarded as other members of the general public unless otherwise designated by the Chief of Police.
3. Public Information Officer (PIO) - The department's PIO 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. The PIO designation will be part of the ancillary duty assignments provided by the Chief of Police.
4. Press Release – Press releases are the initial step in supplying the media with information. A press release may be completed by any member of the department with the approval of a supervisor.

B. Responsibilities of the PIO

1. The PIO is authorized by the Chief of Police to release information to the public in a manner consistent with the procedures set forth in this directive. The PIO shall be available to:
 - a. Assist the news media in covering routine news stories, and at the scenes of incidents;
 - b. Assist the news media on an on-call basis;
 - c. Prepare and distribute press releases;
 - d. Arrange for, and assist at, press conferences;
 - e. Coordinate and authorize the release of information about victims, witnesses and suspects;
 - f. Assisting in crisis situations within the agency;
 - g. Coordinate the release of authorized information concerning confidential department investigations and operations;
 - h. Develop and implement procedures for releasing information when other public service agencies are involved in a mutual effort.
 - i. Ensure that information is released in a manner consistent with New Jersey Executive Order # 69 and the Open Public Records Act (OPRA).
2. The Operations Captain of the Department is designated as the PIO.
 - a. If the PIO is not available due to being on leave, the Administrative Captain, as well as the Operations or Administrative Lieutenants will be authorized to

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release information to the public in a manner consistent with the policies set forth in this directive.

C. Cooperation With the Media

1. Authorized news media representatives shall have reasonable access to the PIO and the Chief of Police or his designee. When information must be denied to a media representative, the basis for that denial must be fully and courteously explained.
2. This department recognizes authorized identification from all local, national and international news organizations. Information shall only be released to media representatives upon verification that the individual is a bona fide representative of a news organization or in situations where the individual has proof of a freelance assignment with a news organization. Failure of media personnel to present authorized identification may provide 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. All media representatives will be given fair and equal access to public information. Information shall be released upon request within 24 hours or sooner.
4. Public information may be provided to media representatives by telephone if the identity of the representative is known or can be authenticated.
5. Ranking officers at crime scenes or incidents scenes may release information of a factual nature to the media as governed by this written directive after consulting with the PIO or in his absence, another member of the Administrative staff.
6. Written press releases shall be released only following approval of the Chief of Police, his designee, the PIO or other member of the Administrative Staff.
7. The ranking officer should explain the circumstances regarding access restrictions, and access should be granted to news media personnel as soon as practical.
8. The Shift Supervisor, or the Officer in Charge in the Shift Supervisor's absence, is responsible for ensuring that the Chief of Police and department PIO are promptly notified of significant events that may have media interest.

D. Jurisdiction

1. Members authorized to release information in conjunction with the provisions of this written directive shall be guided by the following procedures:

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2. Members shall only release information that is of a police nature, or within the primary jurisdiction of the police.
3. When an incident is of such a nature that a joint investigation is being conducted by this agency and the Cape May County Prosecutor's Office, the Prosecutor's Office shall be consulted prior to any release of information.

E. Investigative Information

1. From the initial stage of a criminal investigation until the completion of trial or disposition without trial, police personnel shall refer all requests for information concerning investigative efforts to the department PIO who shall confer with the Chief of Police regarding authorization for release of information.
2. Information that **MAY** be released in connection with an investigation of an event or crime includes:
 - a. The type and nature of the event or crime;
 - b. The location, date and time, injuries sustained, damages and a general description of how the incident occurred;
 - c. Type of weapon used;
 - d. Requests for aid in locating evidence, a complainant or a suspect;
 - e. The number of officers or people involved in an event or investigation, and the length of the investigation;
 - f. The name of the officer in charge of the case, his supervisor and bureau or unit assignment (except the name of any undercover officer);
 - g. Unsolved crime information, such as type, time, location and type of weapon, if any, can be released.
3. Information that **may not be released** in connection with the investigation of an event or crime, unless authorized by the Chief of Police or his designee, includes:
 - 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 that, if divulged, could lead to the victim's identity;
 - 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 who is a suspect, witness or a defendant in any investigation; or a juvenile taken into protective custody;
 - 1) The names of juveniles appearing on arrest and investigation reports will not be open for review by news reporters or the public.
 - 2) The facts of the investigation and case will be verbally provided to the reporter or citizen seeking the information.

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- e. The identity of any critically injured or deceased person prior to notification of next of kin;
 - f. The results of any investigative procedure such as lineups, polygraph tests, fingerprint comparisons, ballistics test or other procedures (the fact that these tests have been performed may be revealed without further comment);
 - g. Information that, if prematurely released, may interfere with the investigation or apprehension of suspects, such as:
 - 1) Specifics of an “MO”;
 - 2) Details of the crime known only to the perpetrator and police; or
 - 3) Information that may cause the suspect to flee or more effectively avoid apprehension.
 - h. Information that may be of evidentiary value in criminal proceedings, and;
 - i. Specific cause of death unless officially determined by the medical examiner and authorized for release by the county prosecutor.
 - j. Information regarding the medical condition of a suspect.
 - k. Information concerning a search warrant.
 - l. Photographs or video footage of seized weapons, drugs or other contraband.
4. Arrest Information
- a. Following arrest, issuance of an arrest warrant or filing of an indictment, it is permissible to release the following:
 - 1) The defendant’s name, age, address, occupation and family status, unless there has not been sufficient opportunity for notification of next of kin
 - 2) The time and place of the arrest, whether pursuit or resistance was encountered, whether weapons were used, charges placed against the suspect and description of contraband seized;
 - 3) The identity of the arresting officers and the duration of the investigation unless the officers are engaged in undercover operations; and
 - 4) The amount of bond, scheduled court date, and location of suspect’s detention.
 - b. Following arrest and formal charging of a suspect, but prior to adjudication, the following types of information should **not** be released:
 - 1) Prior criminal conviction record, character or reputation of a defendant;
 - 2) Existence or contents of any confession, admission or statement of a defendant, or his failure or unwillingness to make a statement;
 - 3) Performance or results of any tests, or a defendant’s refusal or failure to submit to tests such as a polygraph;
 - 4) Identity, statement or expected testimony of any witness or victim;
 - 5) Any opinion about the guilt or innocence of a defendant or the merits of the case;
 - 6) Any opinion or knowledge of the potential for a plea bargain or other pretrial action.
 - c. Any and all requests for pretrial information concerning an indictable offense should be referred to the Cape May County Prosecutor’s Office as indicated by the prosecuting authority.

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F. Special Consideration – 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 that it does not interfere with the police mission or the movement of traffic.
2. At the scene of major 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.
3. The news media shall not be permitted 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, broadcast, 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. On private property, photography, film or videotape recording requires the permission of the owner or the owner's representative.
 - b. Suspects or accused persons in custody shall 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 Chief of Police.
4. The fact that a suicide or suspected suicide has occurred may, upon authorization of the Cape May County Prosecutor or their designee, be reported to the media, along with the factual information describing how it happened.
 - a. The name, age, address, sex and occupation of the victim may also be released following notification to the next of kin.
 - b. The fact that a suicide note exists may be acknowledged without further comment. The contents of such notes are personal and confidential and shall not be released except as provided by law.

G. Special Consideration – Non-criminal Matters

1. At the scene of significant accidents, man-made or natural catastrophes, 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.

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2. Media access to and movement within fire lines shall be controlled by the fire officer in charge. In consultation with the fire 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.
 - a. At the discretion of the fire officer in charge, an inner perimeter may be established for the media from which to record the event.
3. All media representatives seeking access to any crime or incident scene shall be required to produce a New Jersey Press Credential or other suitable identification.
 - a. Media representatives, vehicles and equipment may be granted access to the outer perimeter of a scene except when:
 - 1) Access to the area will interfere with the investigation, collection or preservation of evidence or the general flow of traffic.
 - 2) There is a danger of personal injury.
4. Sensitive information relating to internal investigation of police officers shall not be released without the express permission of the Chief of Police.
5. The information contained in summary administrative reports of criminal activity, such as police blotters, will be made available on a routine basis to media representatives. Statistical reports of criminal activity will also be made available to the media.
 - a. Motor vehicle accident reports as defined by N.J.S.A 39:4-131, which are considered public record, may be released.
 - b. Information regarding fire losses, to an insurer, pursuant to N.J.S. 17:36-19 may be released.
6. Media representatives will be **denied** access to the contents of investigative or incident reports and records where release of the information would:
 - a. Interfere with or compromise 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; or

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

H. Mechanics of Press Releases/Interviews

1. All requests for radio and television interviews shall be submitted to the PIO for consideration.
 - a. In circumstances regarding a request for an on-scene interview at a crime or incident location, another member of the Administrative Staff can approve the request if the PIO cannot be contacted.
 - b. The release of information in television and radio interviews is subject to all of the restriction set forth in this written directive.
2. Written press releases shall be prepared on the form authorized by the department for such activity and shall be prepared by those individuals authorized by this written directive.
 - a. The PIO shall review all written press releases concerning incidents that occur while he/she is on duty. The Shift Sergeant or OIC shall be responsible for notifying the PIO when a press release appears warranted.
 - b. When an incident or crime appears newsworthy, and the PIO will not be scheduled for duty within 24 hours, the Shift Sergeant or OIC shall prepare a written press release and forwarded to the PIO via e-mail.
 - 1) Executive Order No. 69, issued in May of 1997 concerning the release of information, states that appropriate information should be released “as soon as practicable”. This means within 24 hours of the incident and/or arrest for which the information was requested.
 - 2) In order to conform to the provisions of this Executive Order, the patrol Watch Commander must respond to requests for information from the media at times when the PIO is not scheduled for duty within the succeeding 24 hours.
3. The PIO or in his absence, another member of the Administrative Staff, will put out the Press Release via Nixle.
 - a. Nixle, is web based and does the following:
 - 1) Puts the Press Release on the Department’s Facebook Page and sends a message out via Twitter
 - 2) Emails and text messages of Press Releases are also sent out to those people who subscribe to Nixle.
 - 3) Nixle consists of 2 groups
 - a) News Media- which is updated by the PIO
 - b) Public- updated as people subscribe to Nixle
 - 4) All members of the Administrative Staff receive the Nixle message when sent.

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4. All requests for follow-up information on press releases that were made on previous dates shall be referred to the PIO.
5. Except where information conflicts with other provisions of this written directive, members and civilians are authorized to release the following basic information to the news media and public upon request:
 - a. Weather conditions.
 - b. Road Conditions
 - c. Traffic Conditions.
 - d. Traffic accidents – location and type only.

I. Other Media Contacts

1. Routine requests by media representatives, either telephonic or in-person, seeking unspecified information concerning potentially newsworthy events shall be directed to the PIO or, in his absence another member of the Administrative Staff.
2. Under no circumstances shall media representatives be permitted to peruse police reports for information.
 - a. The PIO or another member of the Administrative Staff shall review the completed reports and release information consistent with the provisions of this written directive.
 - b. All reports must be carefully screened to prevent the release of information concerning juveniles and other restricted information.

J. Crime/Hazard Alerts

1. Nothing in this written directive is intended to preclude the use of the media to disseminate information to the public in the following situations:
 - a. When a serious crime occurs and there is a description of a suspect or vehicle, and the Shift Sergeant or OIC feels that public assistance will expedite the identification and/or apprehension of the responsible party.
 - b. There is a serious traffic, road, weather or other condition present that would warrant prompt notification to the general public for informational and warning purposes.
2. The information shall be prepared for dissemination in the standard press release format and shall be distributed in the manner set forth in this written directive.
 - a. For crime alerts, the release shall contain a telephone number where members of the public can call with information relating to the incident.