

5.09
CRAIG POLICE DEPARTMENT
Office of Chief of Police
General Order

Date Issued: November 1, 1997
Subject: News Media
To: All Employees

Revision Date: April 1, 2009
Reference: None

I. POLICY:

The purpose of this procedure is to have a written, uniform guideline to foster a workable relationship between the Craig Police Department and the news media. This procedure is designed around three basic principals: (1) the public's right to know about police operations; (2) the police needs for privacy in its operations, and, (3) the defendant's rights to a fair trial. Employees shall make no statements to the media that they know or reasonable should know will have a substantial likelihood of materially prejudicing an adjudicative proceeding the matter.

II. PROCEDURE:

A. Normal News Releases and General Guidelines

1. News releases - Subject to the restrictions set forth in Section A, 4, information may be released concerning arrests and investigations to news media personnel provided such information will not jeopardize a continuing investigation, the apprehension of suspects or the prosecution of the case.

a. Monday-Friday, records personnel will copy and make available for distribution the CSP Craig Police Data sheets. Any restricted information will be redacted prior to release.

2. Who May Make News Releases - The Chief of Police, Public Information Officer, or their designate will be primarily responsible for news releases.

3. Releasable Information - The following information shall be made public, if available, in criminal cases that do not involve juveniles:

a. The name, age, place of residence, employment, or similar background information of a person charged with a crime.

b. The offense charged, the time, and place of arrest.

c. The name of the victim, place offense occurred type of offense, time of offense, items stolen, damaged, etc., and value and any other general information that would not be prejudicial to the outcome of the case.

d. The identity of investigators and arresting officers.

4. Non-Releasable Information - The following information shall not be made public:

a. Opinions or other statements as to the character, reputation, guilt or innocence of any person connected with an investigation.

b. Admissions, confessions, statements or alibis attributed to a person charged with an offense.

c. The results of any investigative procedure, polygraph examination or laboratory test involving a person charged with an offense.

d. The refusal of a person charged to submit to any test.

e. Opinions or other statements concerning the plea of a person charged or of possible disposition of a charge or case.

f. Opinions or other statements concerning evidence in a case or concerning points of argument to be presented in court.

g. Statements concerning physical evidence.

h. Names of juveniles who are under investigation or who have been taken into custody.

i. Names of sexual assault, child abuse and child neglect victims.

5. Photographs

a. Photographs of defendants shall not be presented in public places except in courtrooms and adjacent corridors as directed by a trial judge, or to assist in apprehension of fugitives.

b. An arrested person shall not be posed for a news media photograph.

c. Photographs shall not be prohibited if the photographer is taking a photograph from a public place if such photograph does not interfere with a law enforcement investigation or operation.

6. Releasing Names of Deceased Persons - The names of deceased persons shall not be released prior to notification of the person's next of kin.

B. Crime Scene News Releases

1. News Release - Subject to the restrictions set forth in Section A, 3 and 4, information may be released concerning arrests and investigations to news media personnel, provided such information will not jeopardize a continuing investigation, the apprehension of suspects or the prosecution of the case.

2. Who May Make News Releases – In the absence of the Chief of Police or Public Information Officer the officer in charge of the crime scene will be responsible for making any news release.

3. News Media Access on Public Property

a. All reporters and media representatives shall be treated equally.

b. It shall be the general policy that the presence of a media representative, including photographers, at an accident, crime or disaster scene and the taking of photographs of the scene shall not constitute unlawful interference by the media with the officers' duties, and officers must therefore permit media representatives access to the scene, except as outlined below:

i. News media may be restricted from public areas only under the following circumstances:

- a) When any representative of the news media attempts to resist, obstruct or oppose an officer in the lawful execution of a legal duty.
- b) When an officer deems it essential to restrict access to a scene in order to preserve important evidence.
- c) When any person would be placed in grave or immediate danger or the risk of harm to any persons or property would substantially increase.

NOTE: If a media representative is being unreasonable in his request for access to a scene or information about an incident or is obstructing an officer from performing their legal duties, the officer shall not be expected to cooperate with that representative. Protection of life and the crime scene are of utmost importance. An officer may use whatever means necessary within the scope of the law to accomplish this purpose up to and including arrests; however, officers should arrest only as a last resort.

If a particular representative of the news media continues to be unreasonable in his demands, the officer shall inform a supervisor and request that the supervisor contact the news media representative's supervisor and advise them of how their representative is dealing with law enforcement personnel.

4. News Media Access on Private Property

- a. The courts have ruled that news media photographers and reporters generally cannot enter private premises and homes along with law enforcement and public safety officers for the purposes of reporting. However, the presence of the news media at such investigations is often helpful to the investigation in developing leads, etc.
- b. Representatives of the news media will be expected not to enter private property when requested or ordered not to do so by the owner or person in lawful possession of the property, and will be expected to leave private property when requested to do so.
- c. Officers shall make every effort not to become involved in disputes between the possessor of property and a representative of the news media. However, if the possessor has asked the media representative to leave the premises and the representative has refused, the possessor is entitled to ask that you escort the representative off the property or, in an extreme situation, to place the media representative under arrest.
- d. If a media representative has left the property after being requested to do so by the possessor, but the possessor is still demanding that the representative be arrested, you should refer the possessor to the District Attorney for filing of charges.
- e. If a media representative is being unreasonable in his request for access to a scene or information about an incident or is obstructing you from performing your legal duties, you shall not be expected to cooperate with that representative.

5. Photographs - The news media shall be allowed to take photographs at crime scenes whether they are in public or private places unless the photographs will jeopardize a continuing investigation, the apprehension of suspects, the prosecution of the case or will identify a deceased person.

C. Employee Records (These provisions are under constant revision by the courts. The general trend is to make most of these records public. As a result, the department cannot guarantee that any of the following records will remain confidential.)

1. The following information with respect to each employee is a matter of public record:

- a. Name
- b. Date of original employment or appointment

- c. Current position title
 - d. Current salary
 - e. The office or division to which the employee is currently assigned.
2. All other information in an employee's personnel file is confidential and shall be open to inspection only in the following instances:
- a. The employee or his duly authorized agent may examine all portions of his personnel file.
 - b. The employee has signed an authorization waiver for access to their file.
 - c. A city employee having supervisory authority over the employee may examine all material in the employee's personnel file.
 - d. By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.
 - e. An official of an agency of the state or federal government, or any political subdivision of the state, may inspect any portion of a personnel file when such inspection is ordered through a court of competent jurisdiction.
3. The results of any internal or administrative investigation conducted on an employee is considered confidential and will not be released to the public.

D. Arrest Records - Information on arrests of persons and dispositions of these arrests should be obtained from the clerk of the court's office. Arrest records at the Craig Police Department shall be made available to the news media. They will show all arrests in our jurisdiction but may not indicate the final disposition.

Authorized By:



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Chief of Police