

PUBLIC INFORMATION / PRESS RELEASES

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I. PURPOSE

- A. Steadily increase public awareness of the Police Department’s accomplishments by accurate and timely dissemination of information through the radio, television and newspaper media.
- B. Continue enhancement of community and public relations through the coordinated efforts of the Public Information Officer and the Chief of Police.
- C. Enhance the existing relationships with all media agencies.

II. POLICY

- A. **Public Information Officer’s Responsibilities**
The Cheswold Police Department continually seeks a cooperative relationship with members of the news media in order to facilitate timely and accurate dissemination of information on matters of public interest. The Public Information Officer must be sensitive to police/community relations, and the impact of any information that may be released.
- B. **Cheswold Police Policies Affecting News Media**
 - 1. The Department’s goal is to maximize the flow of information to the public through press, radio, and television services with a minimum of disruption of police activity. The public is very interested in police activities. A police department that fails to provide complete information on its activities will limit its public relations capabilities. The public depends on press, radio and television news services to provide information, and the Cheswold Police Department is an integral part of this information chain.
 - 2. Every member of the Department must deal fairly with news persons, operate openly, and allow the reporter to be the judge of what represents news for the public. Members should have the necessary and proper liaison with press representatives so that we may provide them with proper service and for them to understand our concerns.
 - 3. Most matters handled by the Cheswold Police are not secret and will become public eventually, so every effort should be made within the limits of these guidelines to cooperate with the news media to facilitate the prompt release of factual information.

However, certain information must be withheld from the news media in order to protect the constitutional rights of an accused, to avoid interfering with a departmental investigation or because it is legally privileged.

III. PROCEDURES

A. News Release

The Department recognizes the right of the public's safety and that they are accurately informed on all matters of public safety and that the news media is responsible for providing this information to the public. The policy of the Department shall be to maintain a relationship with the members of the news media that is built on trust, cooperation, and mutual respect, and one which will generate a free flow of information between the Department and the news media. To accomplish this, the Department will provide complete and accurate information, within legal and investigatory limitations, as quickly as practicable, to all accredited media representatives. These representatives shall judge whether or not the information is newsworthy.

B. Release of False Information

1. Government agencies are largely dependent on the news media for dissemination of information to the public regarding agency activities. These same agencies have a right to expect fair and objective reporting by the news media. The news media, in turn, has a right to expect that the information being officered by government agencies in news releases, or by other means, has not been compromised or knowingly intended to mislead the public.
2. Due to the fact that most of our law enforcement and investigative activities are a prelude to possible prosecution of cases by the Attorney General, it is necessary that we coordinate our activities with the Attorney General. When such uncommon circumstances exist that the release of false information to the news media or other unusual techniques are being considered, after obtaining approval from the Chief of Police and the Town Administrator, the proposed action will be submitted to the Attorney General for his/her review and approval. If the Attorney General approves of such action, the complete circumstances will be described to the news media to seek their assistance and to justify the release of a false story. If the news media refuses to cooperate, the "false story" technique will not be used.

C. Names of Juveniles, Victims, Suspects and Defendants (*involving crimes of violence*).

The names of all juveniles arrested for felonies, regardless of age, may be released to the news media. The names of juveniles arrested for crimes other than felonies will be withheld from public disclosure unless otherwise directed by State law.

D. Multiple Agency Investigation

1. When more than one agency is involved in an investigation or public assistance, the agency having primary jurisdiction shall be responsible for organizing all pertinent information into a proper format to release to the news media in a timely manner.

2. The releasing of the cause of death in an investigation will be an exception to the above policy. In all incidents, the State Medical Examiner's Office will release the cause of death to the news media.
- E. **Uniform Treatment of Media**
It is absolutely necessary that all accredited representatives of the news media be treated equally and that no favoritism or discrimination be shown to one media over another. If one newspaper, radio station or television news bureau is furnished information by the Department, then other news media representatives must be furnished with identical information in order to protect the Department from allegations of favoritism.
- F. **Sensitive and Confidential Operations Within the Division**
Information concerning the activities of drug investigations, or any special police operations necessarily deemed to be confidential by the officer in charge of the operations, shall not be disclosed, except by the Chief of Police or his designee.
- G. **Withholding of Information**
 1. At the time information is denied to the press in the course of a legitimate inquiry, the denial shall be supported by a courteous, logical and adequate explanation, which can be justified upon further inquiry. Failure to do this can unnecessarily damage the positive efforts to build good police/press relations.
 2. Comments will not usually be made in reference to ongoing investigations, due to possible interference into the successful conclusion of said investigations, including due process.
- H. **Apparent Suicide Investigations**
 1. The Public Information Officer will make available information on all apparent suicides investigated by this agency.
 2. The information released will be limited to the victim's age, the Town in which he/she lived, the location, date and time of the incident, and general method of death (e.g., a gunshot wound to the chest).
 3. The name of the victim will be included in the news release.
 4. All incidents will be referred to as "apparent" suicides and the media will be referred to the Medical Examiner's Office for a final determination on cause of death.
 5. The contents of a suicide note or electronically recorded message is to be considered personal and confidential. No member shall make such written or recorded statements public. The fact that a suicide note exists may be reported without further comment.
- I. **Armed Forces Personnel and Events**
 1. Requests for information directly concerning the military (such as names, ranks and missions of military personnel involved) should be referred to military authorities. Only accurate, factual information directly concerning the Cheswold Police investigation is to be given and, whenever possible, that information should be coordinated with the proper military authorities.

2. Information concerning military personnel involved in a civilian automobile, train or plane crash will be released in the same manner as though the serviceman was a civilian.
 3. Cooperation of the news media photographers should be requested, but no force should be used by Cheswold Police personnel to prevent their taking photographs outside the protective area at military crash scenes. Military authorities should, however, be advised that photographs have been taken and, if possible, they should be supplied with the name of the photographer and the agency for which he/she works.
- J. **Releasing Department Member's Names to the Media**
1. Names of members should be incorporated into news releases by the Public Information Office only on a case-by-case basis, dependent upon the circumstances and approved by the Chief of Police.
 2. Following a shooting incident involving a member of this Department, or a weapon assigned to a member of this department, the Public Information Officer will not release the officer's name pending approval of the Chief of Police and only on a case-by-case basis considering all factors involved and the totality of the surrounding circumstances.
- K. **Publication by Police Personnel**
Members are prohibited from releasing stories or statements concerning the policies and/or operations of the Department to magazines, periodicals, newspapers or other similar publications without the approval of the Chief of Police.
- L. **Alcohol Information in News Releases**
1. If a test (blood or breath) is administered prior to the release of information to the news media and the result is a positive (0.08% BAC or higher), the news release will include the statement, "A preliminary Police investigation suggests alcohol was involved."
 2. If a blood test, or no test at all, was administered prior to the news release, but alcohol consumption is suspected, information will include the statement, "Alcohol involvement is unknown."
- M. **Policy Concerning Police Pursuits**
All news releases concerning vehicle pursuits will be handled by the Public Information Office and the Chief of Police.
- N. **Allowing News Persons, Including Photographers, to Enter Areas of a Serious Police Incident or Crime.**
1. Police lines may be established to prevent persons from entering the area of a serious police incident or crime scene. Dependent upon the tactical situation and the likelihood of jeopardizing police operations, members of the news media may be allowed in such areas. In no instance will members of the press be restricted from scenes where the general public is allowed access. The Officer in Charge at the scene will decide what access will be afforded to the media dependent upon such facts as safety, protection of crime scene, evidence, and general welfare.

2. *Crime Scene / Police Operations* – While a news person may be permitted in the area of a crime scene or a serious police incident, he/she does not have the authority to be within a crime scene or area which has been secured to preserve evidence or at any location where his/her presence jeopardizes police operations.
3. *Media Responsibility* – A news person's primary responsibility is to report the news by obtaining information and photographs at newsworthy incidents. His/her opportunity to do so is frequently momentary at an emergency scene; however, members of the news media are not exempt from any local, state or federal statutes.
4. If a member of the news media fails to obey the orders of an officer at the scene, he/she may be arrested for either disorderly conduct (11-1301) or failing to obey a lawful order (11-1321{1}). This action should be a course of last resort after explaining to the news person of the action to be taken if he/she does not comply.
5. *Request to Withhold Information* – A news person may photograph or report anything they observe when legally present at an emergency scene. Where publication of such coverage would interfere with an official investigation or place a victim, suspect, or others in jeopardy, the withholding of publication is dependent upon a cooperative press, officer should advise the news person or their superiors of the possible consequences of publication.
However, officers may not interfere with news persons activities as long as that performance remains within the confines of the law.
6. *Press Credentials* – The Cheswold Police do not, at present issue a press identification card. The Department encourages the media representatives to carry their employer identification card and display it when at a crime scene.

O. Photographing or Television (general and crime scene)

In public places and places where the press may otherwise lawfully be, no member shall take any action to prevent or interfere with the news media in photographing or televising an event, a suspect, or an accused, or any other person or thing except that the presence of cameramen and crews shall not be allowed to significantly interfere with the police mission at hand.

1. Members shall not deliberately pose a suspect or accused in custody to be photographed, televised or interviewed.
2. Members shall not deliberately pose themselves with a suspect or accused, nor shall they enter into any agreement to have a suspect or accused in custody at a prearranged time or place to be photographed, televised or interviewed.
3. Police photographs or films of the following shall not be released, except by the Chief of Police, or his designee:
 - a. Crime Scenes;
 - b. Suspects or accused person prior to actual arrest;
 - c. Victims of any crime, accident or suicide;
 - d. Juveniles (under 18 years); or
 - e. Members of the Department.

P. Press Conferences

When events dictate, the Cheswold Police will conduct a news conference to disseminate information to the news media with the approval of the Chief of Police or his designee. The Public Information Office will schedule the news conference at a convenient time for as many of the news media as possible, keeping in mind their deadlines.

Q. Scope and Content of News Releases

Members will make every effort to cooperate with the press, radio, television or other public information media; however, sound judgment must be exercised. Information will not be released which would serve to weaken, or in any way hinder, an investigation being brought to a satisfactory conclusion, or endanger the lives of investigating officers and/or victims, suspects, or the general public. All information released shall be based upon fact, not supposition or rumor. If there are any questions, do not release until the facts have been verified.

General: The following information shall not be disclosed to the news media unless authorized by the Chief of Police or his designee:

1. The identity of any deceased or seriously injured person prior to notification of the next of kin. Every effort must be made to notify the next of kin of the deceased before the news media is notified of the name(s.)
2. The only legal responsibility for notification of next of kin lies within the Medical Examiner under Title 29 of the Delaware Code.
3. The specific cause of death until announced by the State Medical Examiner or his/her deputy.
4. The identity of any victim of a sex crime.
5. The home address or telephone number of any member of the department
6. Personal opinion not founded by fact.
7. Unofficial statements concerning internal affairs, policy and/or personnel matters concerning the Division and/or the Department of Public Safety.
8. The name and address of a victim of a violent crime who is not already known by the defendant.

R. Public Information Office - Responsibilities

1. Reviewing completed news releases concerning criminal and traffic events and other newsworthy events, in a professional and timely manner.
2. Dissemination of these news releases through written and electronic (telephonic) means.
3. Completion of "special" projects (e.g., requested articles for information, publications, etc.) by local media, FOP journals, other police agencies, etc.
4. Completion of radio, TV, and newspaper interviews with media representatives.
5. Attend meetings and functions as assigned by the Chief of Police.

S. Investigating Officers Responsibilities

1. The investigating officer of any accident, crime or incident shall be responsible for relaying to the Public Information Officer the basic information required for a news release as soon as possible.

2. If the investigation is of such a nature that it would draw the immediate attention of the news media, information for a news release shall be relayed by the officer-in-charge of the investigation to the on-call supervisor who will contact the Lieutenant, Chief of Police or Town Administrator for authorization.
3. Upon return to headquarters, the investigating officer shall, as soon as possible, prepare a detailed news release and leave it with the Public Information Officer or Supervisor, before resuming routine patrol or going off duty.
4. Every news release shall be kept by the Public Information Officer where it will be maintained on file for a period of one (1) year.

T. Contents of News Releases

1. *Pre-Arrest Procedures – Basic information to be released:*
 - a. The type of event or crime, when accurately know;
 - b. The location, time, items or amount taken, injuries sustained, or damages incurred;
 - c. The identity of the victim (except when release of identity would endanger the life of the victim);
 - d. Whether or not there are suspects, without further comment;
 - e. Number of officers or people involved in an event or investigation and the length of the investigation, if such information is requested and would not hinder the investigation or performance of duty.
 - f. Request for aid in locating a suspect or evidence;
 - g. The name, address, description, employment and marital status of a person for whom a warrant has been issued (if the release would not jeopardize the apprehension of the offender).
 - h. The exact offense charged, brief description of the offense, and method of complaint (i.e., officer, citizen, warrant, indictment, summons, etc.);
2. *Information of Investigations*
 - a. Items of evidence which, if disclosed, would be prejudicial to the solution of the case, should not be made public. Photographs of a person accused by indictment or warrant, without police identification on them, may be furnished. Where the identity of a suspect has not been established, it may be desirable to publicize descriptions, artists' sketches, or other information which could lead to identification and arrest of the suspect.
 - b. Suspects who are interviewed but not charged should not be identified.
 - c. The finding of physical evidence, such as weapons or proceeds of the crime, the issuance and service of a search warrant, and the positive or negative results of the search, may be released. Information as to how a weapon or proceeds of the crime was location should be withheld if this involves information which is prejudicial.

- d. Fugitive cases may require wide publicity/prior records of convictions should not be publicized . Common sense should dictate the manner in which fugitive cases are handled, with a positive view, toward the public interest and safety and the protection of other law enforcement agencies.
- e. Fugitives who have a past history of being armed or who have shown a propensity for violent acts, shall be characterized as being dangerous and why, so that an arresting officer will be well aware of the dangerous aspects involve in the apprehension of such a subject. This normally is handled by teletype.
- f. The amount of money taken in a robbery will not be released. This is because of investigative and prosecutorial reasons and so as not to encourage similar crimes in the community. The terms “undetermined amount” or “undisclosed amount” will be used to describe the loss.

U. Post-Arrest Information

- 1. To avoid jeopardizing prosecution of a criminal matter by prejudicing the right of the defendant to a fair trial, members shall not make statements to the news media in the period between arrest and trial relating to the following:
 - a. Pre-trial, prejudicial publicity;
 - b. Character or reputation of a suspect or the existence, if any, prior criminal record.;
 - c. Existence or absence of a confession, admission or statement bu an accused person;
 - d. Reenactment of a crime, or the fact that a defendant may have shown investigators where a weapon, property, or other evidence was located
 - e. References to a defendant as (i.e., a sex crazed maniac, a depraved character, a typical gangster, professional burglar, shakedown artist, etc.)
 - f. The existence or contents of any confession, admission or statement given by the accused or his refusal or failure to make a statement and/or the performance or results of any examinations or tests or the refusal or failure of the accused to submit to examinations or tests;
 - g. Information may be given out only if requested as to whether an individual arrestee refused or submitted to the normal test in DUI cases. No results of any such test shall be disclosed to the news media.
 - h. Information may be given out concerning the general facts that physical evidence is being examined; however, the description of such evidence and the results of such examinations shall not be disclosed without the concurrence of the Attorney General’s office.
 - i. Guilt or innocence of a defendant, or the possibility of a guilty plea to the offense charged, or to a lesser offense (i.e., pleas bargains) or possibilities of other dispositions such as “nolle proesse”.
 - j. Identity, credibility or testimony of any prospective witness.

- k. Testimony, credibility or character of any victim witness.
- l. Information of a purely speculative nature;
- m. The merits of the case, such as evidence and arguments, whether or not it is anticipated to be used in court.
- n. Transcripts, reports or summaries of occurrences taking place during the course of judicial proceedings from which the public and press have been excluded.

2. *What can be released:*

- a. Personnel authorized to deal with the news media should supply any relevant information on the arrest, provided it cannot be construed as prejudicial to a fair trial. Information which may be given out, but is not required, includes the following:
 - 1) Defendant's name, age, residence, employment, marital status, and similar background information;
- b. Substance or text of the charge on which the arrest was made and the identity of the person preferring the charge (when such information does not constitute a danger to the complainant);
- c. Members dealing with the press shall withhold identification on person preferring charges when such persons are victims of a sex crime and publication of their identity would be a matter of serious embarrassment to them or jeopardize their security.
- d. Identity of the investigating and arresting agency, the duration of the investigation.
- e. The facts and circumstances immediately surrounding an arrest – time, place, resistance, pursuit, possession or use of weapons, and a general description of contraband seized, if disclosure is not prejudicial.
- f. Pretrial release or detention arrangements (i.e., amount of bond, location of detention);
- g. The scheduled dates or results of the various stages in the judicial process.
- h. Photographs of defendants (without police identification) may be furnished to the news media. Members shall not assist in posing defendants for news or television cameramen, but the efforts of such cameramen should not be hindered during the course of any normal movements of members or defendants which expose defendants to public view.
- i. When there is a question as to whether an item should be released, the decision may be made by the Chief of Police, Lieutenant, or Town Administrator on the general principle that information should be made available unless it reasonably could be construed as prejudicial to the defendant, harmful to prosecution or endangers the lives of persons involved in the case.

IV. ADDENDUM

- A. It shall be the responsibility of the Public Information Officer to complete a news release for each of the following incidents by the completion of that officer's tour of duty.

1. A news release form will be completed for each of the following incidents:
 - a. All serious personal injury accidents and all personal injury accidents involving multiple victims (three or more).
 - b. All unusual property damage crashes causing extensive damage to public buildings and/or property, or causing detour of traffic over a long period of time.
 - c. Major traffic detours.

 2. A criminal news release shall be completed for each of the following crimes which are investigated and found to actually have occurred:
 - a. Robbery.
 - b. Assault on a police officer.
 - c. Aggravated assault resulting in injury requiring medical attention.
 - d. Arson, no injuries and minor damage.
 - e. Burglary. All burglaries over \$500 in property taken extensive criminal mischief, unusual circumstances, or multiple burglaries.
 - f. Theft – felony.
 - g. Counterfeit money.
 - h. Suicides.
 - i. All drug arrests.
 - j. Public disorder or disturbance involving a group of individuals and resulting in arrests.
 - k. Any other incident that a Supervisor feels is newsworthy.
- B. The Chief of Police or his designee will be contacted upon verification of any one of the following incidents for assistance in preparing news releases and handling of media personnel:
1. Natural disaster.
 2. Aircraft or train crash.
 3. Bank robbery.
 4. Shipwreck.
 5. Homicide.
 6. Racial disturbance, riots, violent picket, etc.
 7. Injury to Departmental personnel (on-duty or off duty).
 8. Fatal accidents.
 9. Personal injury accidents involving popular or well-known personalities.
 10. Pursuits involving arrest, personal injury, or property.
 11. Major criminal investigations and clearances involving felonies.
 12. Kidnapping.
 13. Unlawful sexual intercourse.
 14. Assault on a police officer resulting in injury to either party (on-duty or off-duty).
 15. Arson involving injuries or major damage.
 16. Any situation which is likely to arouse special media attention.
 17. Any situation which involves special personages or public figures.

- C. Upon verification of one of the aforementioned incidents, and where the Public Information Officer is needed, it shall be the responsibility of the staff Deputy Officer to have the investigating officer or himself contact the Chief of Police, his designee or the Town Administrator using the following guidelines:
1. Have basic information available concerning the incident and transmit same to the Public Information Office immediately. After the staff Duty Officer has determined that sufficient details of the incident exist, he/she will contact the Public Information Officer so a completed news release can be disseminated to the media.
 2. In investigations which may not require the Public Information Officer to respond to the scene, notification may still take place to allow the Staff Duty Officer to make a determination as to the appropriate action.
 3. Once the Public Information Officer has been notified of a specific incident, no information concerning that incident is to be disseminated by anyone other than the Public Information Officer unless authorized by the Chief of Police or his designee.
 4. In situations where a Public Information Officer has been contacted, and when questioned concerning the case, the Officer will tactfully inform the reporter that the Public Information Officer is working on his/her behalf. Upon receiving such a call, the officer will take the caller's name and telephone number so his/her call can be returned by his/her deadline.
 5. No interviews will be granted to any member of the media by any employee without first informing the Public Information Officer who will gain authorization from the Chief of Police.
 6. When in doubt as to whether to release information, contact the staff duty officer or Public Information officers, if on duty.

ORDERED and EXECUTED this 15th day of April, 2013

Christopher Workman
Chief of Police