

BETHLEHEM POLICE DEPARTMENT GENERAL ORDERS

SUBJECT: MEDIA RELATIONS

AMENDS/SUPERSEDES: CALEA STANDARD: 54.1

EFFECTIVE DATE:9/2007 APPROVED:9/2007

NOTE: In any civil action against any individual, agency or governmental entity, including the State of New Hampshire, arising out of the conduct of a law enforcement officer having the powers of a peace officer, standards of conduct embodied in policies, procedures, rules, regulations, codes of conduct, orders or other directives of a State, County or local law enforcement agency shall not be admissible to establish negligence when such standards of conduct are higher than the standard of care which would otherwise have been applicable in such action under State law. (RSA. 516:36).

INDEX WORDS: Information (releasable, non-releasable); juvenile information; media relations

I. POLICY:

One of the first and most fundamental considerations of the nation's founders in drafting the Bill of Rights was to provide for a free press as an essential element of the First Amendment to the Constitution. They recognized that a well-informed citizenry is vital to the effective functioning of a democracy. Police operations profoundly affect the public and, therefore, arouse substantial public interest. The police should make every reasonable effort to assist the needs of the media in informing the public about crime and other police problems. This should be done with an attitude of openness and frankness whenever possible. They should be told whatever will not impinge on a person's right to a fair trial, impede a criminal investigation, imperil a human life, or seriously endanger the security of the people.

In all other matters dealing with the media on current news, the department should make every reasonable effort consistent with accomplishing the police task in providing the media representatives with full and accurate material.

II. PURPOSE:

The purpose of this order is to provide guidelines as to types of information which may be released to media representatives, to specify some types of information which may not be released, to identify who may release information, and to establish procedures for media relationships with the department.

III. PROCEDURE:

A. General

1. 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. (NH Constitution Pt. 1, Art. 8).
2. The public information function includes:
 - a. Cooperating with news personnel uncovering routine news stories.
 - b. Responding to news media inquiries, in person or telephonically.
 - c. Preparing news releases.
 - d. Arranging for news conferences, as may be necessary.
 - e. Releasing information about victims, witnesses, and suspects as allowed by law.
 - f. Controlling release of information concerning sensitive departmental investigations and operations, pursuant to RSA 91-A. (See *Lodge v. Knowlton* 118 NH 574).
3. The Chief of Police will function as the primary contact for information dissemination to the community and media.
 - a. In cases of suspected homicide, no information will be released without the authority of the Attorney General.
4. All employees of the department have individual responsibilities concerning the release of information as defined by the Chief of Police.

5. Inquiries concerning departmental policies, procedures, practices or relationships with other criminal justice agencies will be referred to the Chief of Police. Similarly, the Chief of Police will coordinate all responses to inquiries or release of information pertaining to department involvement with other public service agencies (e.g., fire department, medical examiner, County Attorney, New Hampshire Attorney General's Office etc.).
6. The Chief of Police shall coordinate responses to inquiries and release of information concerning confidential departmental investigations and operations, pursuant to RSA 91-A. (See *Lodge v. Knowlton* 118 NH 574).

B. Information not releasable: The following information will not be released due to 6th Amendment, statutory (RSA. 91-A, 169-B) or other restrictions. (See *Lodge v. Knowlton*, 118 NH 574; *State v. Smith*, 124 NH 509) (See also U.S. Freedom of Information Act):

1. Exempted are investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would:
 - a. Interfere with enforcement proceedings.
 - b. Deprive a person of a right to a fair trial or an impartial adjudication.
 - c. Constitute an unwarranted invasion of privacy.
 - d. Disclose the identity of a confidential source, and in the case of a record compiled by a law enforcement authority in the course of a criminal investigation, or by any agency conducting a lawful national security investigation, confidential information furnished only by a confidential source.
 - e. Disclose investigative techniques and procedures.
 - f. Endanger the life or physical safety of law reinforcement personnel.

2. Specific information that is not releasable is listed below:
 - a. The identity of victims of sex-related crimes.
 - b. The identity of any suspect for whom a warrant or summons has not been issued, or indictment returned.
 - c. The existence of any criminal record or any information concerning the character or reputation of the accused or remarks which tend to establish the defendant as a "professional" criminal.
 - d. The existence or contents of any confession, admission or statement of the accused.
 - e. The performance of any examination or test by the accused or the refusal or failure to submit to an examination or test.
 - f. The identity of actual or prospective witnesses to crimes, other than the victim as mentioned above, or comments on the expected testimony or credibility of any witness.
 - g. Any opinions as to the innocence or guilt of the accused, the merits of the case, the possibility of any pleas or negotiations or the value of any evidence.
 - h. The identity of any juvenile arrested who has not been certified as an adult.
 - i. The names of deceased before the notification of next of kin.
 - j. Opinions relating to fault in motor vehicle accidents.
 - k. Comments which suggest that a defendant has aided in the investigation.
 - l. Information concerning the planning of raids or other specialized enforcement efforts.

C. Information may be released as follows:

1. Only the Chief of Police, or in his absence, the officer in charge of the department may release information:
 - a. At the scene of an incident.
 - b. From agency files.
 - c. Concerning an ongoing criminal investigation.
2. Every officer is expected to complete a Press Release, for approval of the Chief of Police, on any incident handled that is newsworthy or should be of significant public interest.

D. Release of information pertaining to juveniles (RSA. 169-B, 169-C, 169-D):

1. Criminal Offense: Normally, juvenile's name, address, or other distinctly unique information which would serve to identify a juvenile **SHALL NOT** be released. Age, sex, Town of residence and details of the offense **MAY** be released. (RSA. 169-B:46 allows publication of a child's name, address, and parent name and address if found to have committed vandalism. This will be done only after a finding of delinquency by the court.
2. Traffic infractions, committed by persons under the age of sixteen (16) years shall not be released. Motor vehicle related felonies committed by persons under eighteen (18) years shall not be released. (State v. Smith 124 NH 509).

E. Crime or incident information release: Crime or incident information to be released upon media request includes:

1. The type of event or crime and when and where it occurred, to include a brief synopsis of known facts concerning the incident.
2. The identity of the victim or the name of the person who reported the crime, notwithstanding the limitations in this chapter. If the victim or complainant requests that his or her name not be used in the media, this request will be given to

the media. The media are not obligated to respect this request.

(NOTE: Departments will be reluctant to release names of children, sexual assault victims, or victims of domestic violence. In some cases, no legal bar exists to releasing such information, but rather the news media have policies forbidding the printing of such information. The release of victim information is an evolving area of law; departments should seek legal advice on what constitutes information appropriate for release.)

3. General information concerning property loss, physical injuries or death (after notification of next of kin).
4. General information concerning the type of investigation and length of investigation.
5. Information concerning the existence of suspects may be released (not identity).
6. If a warrant has been executed then the name, address and description of that person will be released. If a warrant has been issued but not executed, and the officer anticipates that the public may provide information to assist in locating the person, this information may be released.

F. Release of individual arrest information: After arrest of a person other than a juvenile, the following may be released upon media request:

1. Arrestee's name, age, residence and other factual background information.
2. The nature of the charge upon which the arrest is made.
3. The identity of the investigative agency of the police department and any assisting agencies.
4. The circumstances surrounding the arrest, including the place of arrest and the identity of the arresting officers.
5. Custody status.

6. The dates of various hearings.

G. Names of police officers:

Names of officers providing information to the media may be given to the media and published, unless the officer(s) involved is/are on an undercover assignment. Addresses and telephone numbers of police personnel will not be released.

H. Media contacts/procedures:

1. Normally, media representatives either visit the department in person or call seeking information about newsworthy items. Routinely, they should be referred to the Chief of Police.
2. Normally, media representatives will not read the offense reports since non-releasable information may be on the report (e.g., suspect information). Offense reports and accident reports should be carefully checked concerning involvement of juveniles before releasing information.
3. At scenes of major fires, natural disasters, or other catastrophic events, or at crime scenes, officers may establish perimeters and control access. Any such limitations should be clearly explained to media representatives preferably in meetings with them before any emergencies, by sending editors and managers copies of this policy. News media representatives should not interfere with law enforcement operations at the scene of an incident. As soon as possible, however, media representatives should be assisted in gaining access to the scene when it will not interfere with the law enforcement mission. Officers may deny access for legitimate investigative or safety reasons; additionally, they may not authorize the press to trespass on private property. The media representative is responsible for obtaining any permission necessary once the legitimate law enforcement mission allows access to the scene on private property.