



# Helen Police Department

## Standard Operating Policies and Procedures

Chapter A-080 Public Information	Effective Date:	August 1, 2022	# of Pages:	7
	Revised Date:		Distribution Authorization:	<i>Alonna C. Barrett</i>
	Special Instructions:			

### I. PURPOSE

The purpose of this policy is twofold. First, it establishes the Department's procedure regarding the release of any current newsworthy Department information to the news media. Second, this policy will establish the Department's procedure concerning the confidentiality of documents maintained by the Department and its employees.

The news media's major responsibility is to gather information and photographs at any newsworthy event. Occasionally, the opportunity to carry out these assignments is short lived. Therefore, members of the Department must not unnecessarily obstruct news representatives in carrying out their assignments. However, news media representatives are not exempt from any of the laws / ordinances enforced by the Department. This policy is applicable to all employees.

### II. POLICY

It is necessary to recognize that public safety matters generally are of public interest and concern. The purpose of this policy is to permit the free flow of information to all news media personnel while protecting the cases of both the accused and the prosecution from possible prejudicial publicity. The problem in a public safety incident, especially criminal cases, is seeking a balance between:

The First Amendment right to free speech, a free press and the importance of the public's right to know about public safety matters; and,

The Sixth Amendment right to a fair trial, free from public pressure or a jury biased by news heard or read that a subject is guilty; or any privacy rights guaranteed to any individual by federal or state law.

It is important that the news media have access to information about the occurrence of any public safety incident: who, what, when, where, why, and how. However, the

Department needs the cooperation of the news media to avoid prejudicial pretrial publicity just as the news media needs Department cooperation to report accurately and fairly, the occurrence of any incident.

It will be the policy of the Helen Police Department and its employees to cooperate with news media personnel, whenever possible, in the release of information. Release of such information will be made without partiality. Information will not be withheld in favor of a particular agency or representative. Information may be withheld only when public knowledge may jeopardize an investigation, may inflame a critical situation, violates any privacy right, when the next of kin of a fatality has not been notified, or when otherwise required by Federal, State or local law. This policy is not intended to abridge any right of free speech as guaranteed by the Constitution of the United States.

The Helen Police Department is committed to informing the community and the news media of events within the public domain that are handled by or involves the Helen Police Department. The Department fosters a relationship of mutual trust, cooperation, and respect through its efforts to provide the news media and the community with information of Department administration and operations. Pursuant to A-080-V (K), and other applicable policies contained in A-080 regarding the distribution of information, all included members of the department are authorized to release certain information to members of the news media. If a matter deals with departmental policy, has impact on the dignity of the department or its personnel, is not relevant to public safety, or is such that publicity might be detrimental or defeat the ends of justice, the news inquiry should be directed to the Chief of Police and the Public Information Officer (PIO). The Chief of Police or his or her designee will serve as the PIO.

### **III. RESPONSIBILITY**

The public information function of the Helen Police Department falls under the Chief of Police. The Chief of Police will be generally responsible for all matters of public information with the Helen Police Department. In the absence of the Chief of Police, public information relating to police matters will be handled as set forth in this policy.

The Chief of Police shall inform all local news media of policy or procedure changes concerning the release of information or media access and shall encourage local news agencies to participate in the formulation of information policy. He / she will provide local news agencies with updated news release policies and procedures.

The Chief of Police shall assist news personnel in covering routine news stories and shall make arrangements for or assist at news conferences.

Duties of the Chief of Police as they relate to police matters will include, but not be limited to, the following:

- A. Assists news media personnel at the scene of police incidents and in the coverage of newsworthy items;

- B. Being available for on-call responses to the news media;
- C. Preparing and distributing Department news releases;
- D. Arranging and assisting with news conferences;
- E. Coordinating and authorizing the release of information about victims, witnesses and suspects;
- F. Assisting in crisis situations within the Department;
- G. Coordinates and assists news media photographers in preparing photo sessions;
- H. Participates in the preparation of open houses, dedications and other Department special events and meetings;
- I. Coordinates with the appropriate Department personnel for the release of any information concerning confidential Department investigations and operations;
- J. Periodically solicits input from and involves news media personnel for the development of changes in Departmental policy and procedures relating to news media matters;
- K. Establishes and maintains a close and effective working relationship with the Chief of Police, Field Operations Commander, Departmental employees, other City officials and employees, other agencies, civic leaders, members of the press and the general public; and
- L. Whenever this department is involved in a joint operation with other departments or agencies, the Chief of Police or person designated to represent the department in the release of newsworthy information will coordinate this effort with other personnel or departments involved.

#### **IV. MEDIA ACCESS**

- A. Access of Media to Enter Scenes of Major Incidents, Natural Disasters, or Other Catastrophic Events

In the event of a major incident, crime or disaster, police lines will be established for crowd control and to preserve evidence. While news media representatives may be permitted in the area of a serious incident or crime scene, the tactical situation or the likelihood of jeopardizing Department operations will determine if and when members of the news media may or may not be allowed to enter these areas. Permission to enter a secured crime scene will only be granted by the Chief of Police or designee.

Upon completion of any scene (crime scene, fire, or other emergency or disaster), only the owner, legal occupant, or their agents, may grant permission to news people to enter private property to gather news.

**B. Where Media is Not Authorized**

While the media may be permitted in the area of a crime scene or a serious police incident, he does not have the authority to be within the perimeter of a crime scene or area which has been secured to preserve evidence or at any location where his presence jeopardizes police operations or safety.

In hostage or barricade situations, the officer in charge shall designate a preliminary press area at the scene and may establish it closer to the scene when safe to do so.

**C. News Media Not Exempt from Laws**

The media's primary responsibility is to report the news by obtaining information and photographs at newsworthy incidents. The opportunity to do so is frequently momentary at an emergency scene. An officer, sharing these circumstances with the media, should not unnecessarily obstruct the media in the performance of their duty. However, members of the news media are neither implicitly nor expressly exempt from any municipal, state or federal statute.

**D. Requesting Withholding of Publication**

Newsmen 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, not upon censorship by the department. Upon such circumstances, officers should advise the newsmen or their superiors of the possible consequences of publication. However, officers may not interfere with newsmen's activities as long as that performance remains within the confines of the law.

**V. RELEASE OF INFORMATION TO NEWS MEDIA**

- A. Department personnel will not be restricted from responding directly to the news media in regard to their daily operations; however, the Chief of Police must be informed by the Commanding Officer at the scene, as soon as possible, of any major or newsworthy incident and any follow-up regarding that incident.
- B. The Commanding Officer on the scene of any newsworthy police incident, at which reporters are present, will give only basic information to those reporters or designate someone to fulfill this obligation. (Refer to Section VI of this policy to determine what information may or may not be released.)

- C. In administrative matters, such as internal affairs investigations, disciplinary action, etc. information should only be released by the Chief of Police.
- D. Members of the Department must exercise care, common sense and discretion to avoid rendering statements or information, which if later quoted, may create a misunderstanding or compromise the effectiveness of service.
- E. No preferential treatment will be accorded any representative of the news media. This statement will not be construed to prohibit initiative reporting, nor will it require notifying all news media prior to the release of information.
- F. All actual press releases will be issued by the Chief of Police or other person designated by the Chief of Police.
- G. Communications Section personnel may be authorized to confirm an incident of newsworthy event to members of the news media; however, they are bound by this policy and procedure.
- I. The Communications Section will handle the release of general information regarding current working accidents and street hazards or closings during traffic rush hours.
- J. For unusual newsworthy events, the Chief of Police may be called to make such media release. Police personnel will provide the Communications Section with all basic facts and general information regarding the event in a timely manner so that the Chief of Police can be notified.
- K. Only the Chief of Police may authorize members of the department other than the Chief of Police to appear on pre-recorded or live video or audio mediums in the form of, but not limited to, interviews or information delivery. This shall not prevent members of the department from appearing in "still" photographic images taken with or without their consent, or printed records of statements made during the disclosure of information pursuant to this policy. Members of the department other than the Chief of Police must obtain permission from the Chief of Police or his or her designee to appear or be heard on such mediums.

## **VI. NEWS RELEASE GUIDELINES**

### **A. Criminal /Arrest Cases**

The following information **may** be made available to news media in criminal matters:

1. The type, or nature of an incident such as fire, accident, suicide, rape, robbery assault, or burglary.
2. The location, date and time, injuries sustained, damages and a description of how the incident occurred

3. The identity and general address of a victim (see exceptions).
  4. Casualty figures, to include known dead or injured, may be released.
  5. The name of any adult charged with a crime
  6. The type of force used against the victim and extent of injuries to either victim or assailant.
  7. The fact that a juvenile has been taken into custody and substance of the charge(s), age and sex, and general area of residence only.
  8. Requests for aid in locating evidence, a complainant or a suspect.
  9. A person's race may be released as descriptive information in such cases.
  10. Numbers of officers, or people, involved in an event or investigation and the length of the investigation.
- B. The following information **should not** be released to the news media in criminal matters:
1. The identity of any victim of a sex crime, abduction, spouse or child abuse, or related information which, if divulged, would tend to lead to the victim's identification.
  2. The identity of any juvenile under the age of 17 who is a suspect or a defendant in any case over which a Juvenile Court has jurisdiction.
  3. The identity of any critically injured or deceased person prior to the notification of next of kin. (Exception: When notification has been attempted but is not possible within a reasonable time as determined by the Chief of Police.)
  4. The performance or the results of any test(s) or the refusal of the accused to take a test or tests, or to participate in a lineup.
  5. The specific cause of death until determined by the White County Coroner's Office.
  6. Investigative information and information of an evidentiary nature.
  7. Opinions concerning guilt of a suspect or evidence or any argument in the case whether or not it is anticipated that the evidence or argument will be used at trial.

8. Name and address of witnesses of: homicide, rape, robbery, aggravated assault, burglary, auto theft, and larceny.
  9. Name and address of any subject sought for a crime, but not yet formally charged, unless help is wanted from the news media in an effort to locate the subject.
  10. Home addresses and telephone numbers of members of the Helen Police Department.
  11. The contents of any suicide note.
  12. Amount of cash or valuables taken or overlooked by crime perpetrators.
  13. Unofficial statements or information concerning personnel or internal affairs matters.
  14. Any information from another agency that is considered confidential.
- C. The following information **may** be released to the media in arrest cases:
1. The accused's name, age, description, residence, employment, and marital status (except juveniles).
  2. The substance or text of the charge as contained in a complaint, warrant, or indictment.
  3. The identity of the investigating and arresting officer(s) and agencies involved, and the length of the investigation.  
  
***Exception:** The identity of undercover officers will not be released.*
  4. The circumstances immediately surrounding an arrest. Time and place of arrest; methods of apprehension; resistance, and any resulting injury.
  5. Possession and use of weapons by the suspect.
  6. Description of items or contraband seized.
  7. Amount of bond, scheduled court dates, place of detention.
- D. The following information **should not** be released to the media in arrest cases:
1. The identity or location of any suspect. The existence of a suspect may be acknowledged without further comment.

2. Results of investigative procedures such as lineup, polygraph, fingerprinting, lab or ballistics test. The fact that tests were performed may be acknowledged without further comment.
  3. Information which if prematurely disclosed, would significantly interfere with an investigation or apprehension, particularly; unchecked leads, unverified information, specifics of "MO", details known only to suspect or officer, information which may cause a suspect to flee or avoid apprehension.
  4. Identity of a prospective non-victim witness.
  5. Identity of a victim / witness if such disclosure would prejudice an investigation to any significant degree, or it would place the victim in clear personal danger. (Consider "degree" and "danger" carefully, and state reasons clearly, when withholding information.)
- E. After an arrest and formal charging, but prior to adjudication, certain information is restricted to insure constitutional guarantees of a fair and impartial trial. Also, improper disclosure could form the basis for a legal defense.

Therefore, during this sensitive period, information should not be released concerning:

1. Prior criminal record, character or reputation of a defendant, information identifying juveniles and mug-shots of accused; or
2. Existence, or contents, of any confession, admission, statement of a defendant, or the failure to make such; or
3. Performance or results of any tests, or a defendant's refusal or failure to submit to investigative tests such as a polygraph and other types; or
4. Identity, credibility, character, statement(s) or expected testimony of any victim, witness, or prospective witness; or
5. Any opinion about the guilt or innocence of a defendant, or the merits of the case, including arguments and evidence, or whether their use in court is expected; or
6. Possibility of plea bargaining or other disposition; or
7. Reports, transcripts, or summaries or proceedings from which the press and public have been excluded by judicial order; or
8. Information received from other law enforcement agencies without their consent.

#### F. Requesting the Withholding of Publication



1. The news media may photograph and report anything they observe when legally present at an emergency or crime scene.
2. When publication or broadcast of such coverage would interfere with an investigation or place a victim, suspect or others in jeopardy, the Commanding Officer at the scene or the Chief of Police will explain the situation to the news media representatives and request they withhold release of the story.
3. Withholding of broadcast or publication is dependent upon a cooperative press, not upon censorship by the Helen Police Department.
4. Personnel of the Helen Police Department will not interfere with a newsperson's activities as long as those activities remain within the confines of the law and the boundaries of Department policy.

#### G. Photographs and Televising

1. Members of the Department will not prevent the photographing of defendants when they are in public places. They will neither encourage nor discourage photographing or televising, but must not pose the accused.
2. Department photographs of a suspect or arrested person may be released provided the photograph will not jeopardize an investigation. Photographs may also be released if a valid police function is served. It is proper to disclose this type of information to enlist public assistance in apprehending fugitives from justice. Such disclosure may include photographs or other pertinent information, unless otherwise prohibited by policy or law. Any release of Department photographs of a suspect or arrested person must be done after approval from the Chief of Police or the Chief of Police. Any Department arrest photos released outside the Department will have all identifying data removed from the photo, i.e., case number, date, agency name, etc..

#### H. Interviewing Persons in Custody

News media representatives will not be permitted to interview persons in custody.

### **VII. CONFIDENTIAL AND INTERNAL INVESTIGATIONS**

#### A. Confidential Operations

Confidential intelligence or investigative information from the Criminal Investigation Division will not be disclosed except by express permission of the Chief of Police.

#### B. Internal Investigations

Sensitive or investigative information (particularly the identity of officers involved) from internal investigations will not be disclosed except by express permission of the Chief of Police or his designee.

#### C. Suicides

The fact that a suicide has occurred may be acknowledged, along with factual information describing how it happened. The name, address, age, sex, and occupation of the victim may also be released after notification of next of kin. The fact that a suicide note exists may also be acknowledged, without further comment. Contents of all such messages are considered personal and confidential and shall not be made public.

#### D. Citizens Requests

Should a citizen request that information on an incident not be released or reported to the media, officers will explain that crime information is generally considered public information and therefore, available to the news media. The decision to publish unrestricted information about the event shall be left to the media.

### **VIII. PROFESSIONAL BEHAVIOR AND COURTESY**

Personnel of this Department will treat media representatives with respect. The media has a job to perform just as our personnel have their duty to perform. Any complaint of rudeness, hostility or deliberate harassment toward the media will be investigated. If substantiated, appropriate disciplinary action will be taken.

Media personnel are also expected to treat our employees courteously and to obey lawful commands. Any complaints of discourtesy will be made in writing. If the nature of the complaint is significant, the Chief of Police or Chief of Police will contact the reporter's news agency and relay the complaint.

### **IX. NEWS RELEASES, FEATURES AND ANNOUNCEMENTS**

Responsibility for planning, developing, writing and distributing informational releases and articles about the programs and activities of the Helen Police Department and its members rest with the Chief of Police. Press releases shall be prepared as needed by the Chief of Police and disseminated to local media recipients on an equal access basis. When time permits, information concerning promotions, projects, programs or other activities, should be forwarded to the Chief of Police in writing in advance of effective dates, or by telephone when time does not permit or there is an urgent need to release the information by the Chief of Police. Subject matter in press releases shall conform to guidelines described in this policy.

#### A. Notification Requirements

Certain particularly newsworthy incidents require immediate notification of the Shift Supervisor, Division Supervisor, appropriate Division Commander(s) and the Chief of Police by the officer in charge of an incident scene through the Communications Center:

1. Any death investigation (i.e. - homicide, suicide, natural);
2. Natural or manmade disasters;
3. Any spectacular incident or unusual occurrence (e.g. - aircraft accidents; major fire; explosion; tornado; etc.);
4. Deaths of persons in custody;

5. School bus accidents involving any injuries;
6. Manhunts when extensive search is involved;
7. Strikes, riots, or disorders;
8. All shootings involving Helen Police Officers and all incidents involving use of force by Helen Police Officers resulting in serious injury or death;
9. Bomb threats when a device is found;
10. Hostage, barricade situations;
11. Auto accidents involving any Helen law enforcement vehicle;
12. Auto accidents involving serious injuries, fatalities, potential fatalities, or hazardous materials;
13. Robberies or rapes;
14. Death or any serious illness or injury to any member of the Helen Police Department or his / her immediate family;
15. Injury or death to any on-duty Helen Police Officer;
16. Children under the age of twelve (12) or elderly adults over the age of seventy (70) that have been missing for two (2) or more hours;
17. Any death or serious injury of any person in the custody of the Helen Police Department;
18. Any law enforcement action involving a public / elected official or another law enforcement officer;
19. Day-care facility incident involving death, injury, or suspected abuse;
20. Kidnapping;
21. Incident involving multiple fatalities or serious injuries;
22. Drive-by shooting;
23. Violent gang activity;
24. Aggravated child abuse or molestation; and
25. Escape of a prisoner from the custody of a Helen Police Officer.

## **X. INVESTIGATION INFORMATION RELEASE AUTHORIZATION**

Only the Criminal Investigator working the case or the Chief of Police shall authorize the release of investigative information (BOLO's, Requests for Citizen Aid, Wanted Posters, Case Information, Security Footage, etc.). When the Investigator wishes to release such information, he / she shall notify the Chief of Police as soon as possible to coordinate the release of the information. Investigative information that may be released is applicable only to cases over which the Helen Police Department has primary responsibility and jurisdiction. In investigations where there is a mutual effort by the Helen Police Department and another agency, and the other agency has primary responsibility, the other agency will determine guidelines and control the release of information.

Only the Chief of Police or his or her designee will authorize members of CID to directly release investigative information to news outlets.

## **XI. CONFIDENTIALITY OF DEPARTMENT DOCUMENTS**

For the most part, police matters are of public interest and public concern. Under the Georgia Open Records Act, Ga. O.C.G.A. 50-18-70, all information is available to the public unless (1) it is confidential by law, (2) an invasion of someone's privacy, or (3) protected by a court order.

Therefore, unless one of these exceptions apply, police matters will be open for personal inspection by any person at a reasonable time and place. Those in charge of such records will not refuse this privilege to any person. The purpose of this policy is to examine all documents created and maintained by the Department and to determine the degree of confidentiality associated with each document. The public's "right to know" must be weighed against the City's need to protect the integrity and the confidentiality of its documentation and to avoid privacy violations.