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<b>Effective Date</b>	<b>January 1, 2010</b>		



## **Wilkesboro Police Department**

### **Electronic Written Directives Document**

#### I. PURPOSE

To have a written, uniform guideline to develop a workable relationship between the Wilkesboro Police Department and the news media in Wilkes County and to ensure equal access to news events in The Town of Wilkesboro.

#### II. POLICY

It is the policy of the Wilkesboro Police Department to cooperate fully and impartially with accredited representatives of the news media in their efforts to gather and disseminate factual information, where consistent with established procedures, and where such activities do not subvert the ends of justice or infringe upon individual rights of privacy or upon individual rights to a fair and impartial trial.

#### III. DAILY NEWS RELEASES

##### A. News Releases

1. Subject to the restrictions set forth in Section III.D... of this policy, information may be prepared, distributed and released concerning arrest and investigations to news media personnel provided that such information will not jeopardize a continuing investigation, the apprehension of suspects or the prosecution of a case.
2. On all occasions of major crimes such as homicide, other death investigations, sexual assault and break-ins resulting in property loss of \$50,000.00 or more, the on-duty supervisor shall contact the Department Public Information Officer and coordinate with the investigator of the incident to issue a news release. The format of the information to be included or excluded from a press release is covered in sections C. and D. Once complete, copies should be distributed to the media by telephone or in person by the Public Information Officer or his designate. Additionally, copies should be sent to the affected divisions within the department.
3. In the event of an incident requiring on-call responses to the news media, the on duty supervisor shall activate notification of news media representatives. The agency shall assist news media representatives at the first available time, in covering news stories at the scenes of incidents.

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4. To benefit both the agency and the news media representatives in the dissemination of information regarding major crimes or incidents. In lieu of a release, the agency may notify the news media and conduct a news conference. It shall be the responsibility of the PIO to arrange for, and assist at such events with prepared statements, composites, photographs or other adequate information designed to provide the media with resource material.
5. In the event of crisis situations within the agency such as mass layoffs, criminal charges against employees, etc., the PIO shall assist in designing a news release or news conference as described above. The Chief of Police or his designate shall be responsible for coordinating and authorizing the release of information concerning confidential agency investigations and operations in accordance with this policy and state law.

**B. Who May Make News Releases**

1. The Chief of Police shall appoint a person to serve in the capacity of Public Information Officer (PIO) who shall be responsible for all the information releases from the department. This person shall work with all supervisors and affected division personnel when preparing news releases and conferences. This person shall also serve as a point of control for information dissemination to the community, to the media, and to other criminal justice agencies. Therefore, the PIO may release information at a crime scene, from agency files or ongoing criminal investigations as long as section D. of this policy is adhered to. The PIO responsibilities are part-time functions in addition to regular duties. The Wilkesboro Police Department PIO shall be the officer holding the position of Captain of Support Operations.
2. In the event that the PIO officer is not available, or at events requiring an immediate agency spokes person, it shall be the responsibility of the ranking on-duty supervisor, or his designee, to prepare and provide media information, keeping in mind section D. of this policy.
3. Copies of news releases or contents of any statements to the press will be forwarded as soon as possible to the PIO.
4. When more than one agency is involved in an activity, the agency having primary jurisdiction will be responsible for releasing or coordinating the release to the media.

**C. Information which may be released to the public, if available, in criminal cases which do not involve juveniles:**

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1. The name, age, place of residence, employment, marital status or similar background information of a person charged with a crime, the offense charged, the time and place of arrest.
2. Whether weapons were found or used, and description of evidence or contraband seized if not prejudicial to the outcome of the case.
3. The name of the victim, residence, and the place offense occurred, type of offense, items stolen, damaged, etc., and value, and any other general information that would not be prejudicial to the outcome of the case.
4. The identity of investigators and arresting officers.

D. Information not to be released to the public:

1. Opinions or other statements as to the character, reputation, guilt or innocence of any person connected with an investigation.
2. Admissions, confessions, statements or alibis, attributed to a person charged with an offense.
3. The results of any investigative procedure, polygraph examination or laboratory test involving a person charged with an offense.
4. The refusal of a person charged to submit to any test, except that information concerning refusal to submit to a chemical test for alcohol impairment may be released.
5. Opinions or other statements concerning the plea of a person charged or of possible disposition of a charge or case.
6. Opinions or other statements concerning evidence in a case or concerning points or argument to be presented in court.
7. Statements concerning physical evidence.
8. Names of juveniles who are under investigation or who have been taken into custody.
9. The identity, testimony or credibility of any perspective witness.
10. Name or other personal information which will identify a witness if it will jeopardize the investigation.

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11. Information received from other law enforcement agencies without the concurrence to release that information.
12. Names of victims of sexual assaults.
13. The names of deceased persons shall not be released prior to notification of the person's next of kin.

E. Photographs

1. Photographs of defendants shall not be prevented in public places except in courtrooms and adjacent corridors as directed by a trial judge.
2. An arrested person shall not be posed for a news media photograph.
3. 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.

IV. CRIME SCENE/INCIDENT NEWS RELEASES

A. News release

Subject to restrictions set fourth in section I.D., information may be released concerning arrest 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. Press releases shall be prepared as soon as practical and released upon request.

B. Who may make news releases

The senior ranking officer on the crime scene or his delegate will be responsible for making any news releases.

C. Information which may be released

The information that may be released is the same as in section I.C. of this policy.

D. Information not to be released

The information that may not be released is the same as in section I.D. of this policy.

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E. News media access on public property

The following policies shall be adhered to in dealing with the news media on public property.

1. You shall cooperate equally with all reporters and media representatives. You shall not favor a selected reporter at the expense of others who are also covering a story.
2. 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 and the asking of questions relative to the incident shall not constitute unlawful interference by the media with the members' duties, and members must therefore permit media representatives access to the scene, except as outlined below:

F. You may restrict or exclude the news media from public areas only under the following circumstances:

1. When any representative of the news media attempts to resist, obstructs or opposes a member in the lawful execution of a duty.
2. When a member deems it essential to restrict access to a scene in order to preserve important evidence. Unnecessary traffic about or through a crime scene can destroy valuable physical evidence such as fingerprints, foot and tire impressions, or cloth or paper scraps. Even something as seemingly insignificant as non-native dirt can be of prime importance to preparing a criminal case. In instances of this nature, members shall explain their reasons for restriction to the representatives of the media and attempt to conclude the reason for the restriction at the earliest possible moment in order to permit access by the media.
3. When a person would be placed in grave or immediate danger, or the risk of harm to any persons or property would substantially increase.
  - a. 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. 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

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purpose up to and including arrest; however, officers should arrest as a last resort.

- b. If a particular representative of the news media continues to be unreasonable in his demands, you shall inform your supervisor and request that your supervisor contact the supervisor of the news media representative in order to let him know how his employee is dealing with law enforcement personnel.

G. News media access on private property

1. Generally the policy shall be that you will concern yourself with the law of trespass in dealing with members of the news media at the scene of a crime, accident or disaster.
2. When you are engaged in performing responsibilities at the scene of a crime, accident or disaster which require entry into private property, you should keep in mind the common usage, custom and practice throughout the county for news media photographers and reporters to enter private premises and homes along with law enforcement and public safety officers for the purpose of reporting on matters of public interest or a public event.
3. You should realize that the presence of the news media at such investigations is often helpful to the investigation in developing leads etc.
4. It must be recognized that if the owner or person in lawful possession of private property should make an objection and request or order the news media representatives not to enter the private premises, you would not have authority to invite representatives of the news media onto the private property.
5. 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 or ordered to do so by the owner or possessor of the property.
6. You shall make every effort not to become involved in disputes between the possessor of the property and a representative of the news media. If the possessor has asked the news media representative to leave the premises and the representative has refused, the possessor is entitled to ask that you escort that representative off the property, or in an extreme situation, to place the media representative under arrest.

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7. If a media representative has left the property after being requested to do so by the possessor, but the possessor is demanding that the representative be arrested, you should advise the possessor to see a magistrate about a trespassing warrant to be served by the appropriate law enforcement agency.
8. 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.
9. If a particular representative of the news media continues to be unreasonable in his demand, you shall inform your supervisor and request the supervisor to contact the supervisor of the news media representative in order to let him know how his employee is dealing with law enforcement personnel.

#### H. Photographs

The news media shall be allowed to take photographs at crime scenes whether they are in public or private places except in instances set forth in Section IV. E. and IV. F. of this policy.

#### V. EMPLOYEE RECORDS

- A. Employees' records are under the control of the chief administrator.
- B. The following information with the respect to each employee is a matter of public record:
  1. Name
  2. Age
  3. Date of original employment or appointment
  4. Current position title
  5. Current salary
  6. Date and amount of most recent increase or decrease in salary

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7. Date of most recent promotion, demotion, transfer, suspension, separation or other change in position classification
  8. The office or division to which the employee is currently assigned
- C. All other information in an employee's file is confidential and shall be open to inspection only in the following instances:
1. The employee or his duly authorized agent may examine all portions of his personnel file except: (a) letters of reference solicited prior to employment, and (b) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
  2. A licensed physician designated in writing by the employee may examine the employee's medical record.
  3. A city employee having supervisory authority over the employee may examine all material in the employees personnel file.
  4. By order of a court of competent jurisdiction, any person may examine all material in the employees file.
  5. An official of an agency of a state or federal government, or any political subdivision of the state, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be inspected to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or in an investigation of the employees tax liability.
  6. The results of any internal or administrative investigation conducted on an employee is to be considered confidential and will not be released to the public. City code and county code personnel matters will take precedence over this section.

## VI. ARREST RECORDS

- A. Information on arrest of persons and dispositions of these arrests should be obtained from the Clerk of Courts Office.
- B. Arrest records at this agency shall be made available to the news media. They will show all arrests in their jurisdiction but may not indicate the final disposition.

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VII. NEWS MEDIA IDENTIFICATION

- A. In order that there will not be any question whether an individual is an authorized agent of the news media, an identification system is established.
- B. Members of the news media who will be working with law enforcement personnel will be issued a news media identification card. When they are at a crime scene or other area that the general public is not allowed, they shall attach the identification card with supplied clip to an outer garment of their clothing.
- C. Credentials shall be revoked when media representatives habitually violate this policy and the appropriate agency head notified. Grievances shall be filed with the editor/representative of the violators' agency.
- D. The PIO shall be vested with the responsibility of controlling credentials. Representatives of each media will coordinate with the PIO to ensure control with those possessing credentials.

VIII. Selected media representatives shall be permitted to participate in the development of changes in policy and procedure relating to news media. The chief administrator in conjunction with the PIO shall select at a minimum, one representative from each of the various media (television, radio, newspaper) to assist in this capacity. They shall also be provided with a copy of any changes after such are approved and completed.

IX. ACCESS TO NEWS MEDIA AT MAJOR CRIMES OR INCIDENTS

- A. In the event of major fires, natural or man made disasters, tornados, hurricanes, civil disorders and major crime scenes such as barricade and hostage situations, the media shall not be allowed into inner perimeters or hot zones. The media shall be allowed in the outer perimeter and a Press Information Center established. The following information may be released in regards to catastrophic events:
  1. Casualty information - casualty figures to include known dead or injured may be released to the media. Names and/or addresses will not be released until confirmed notification of next of kin.
  2. Eminent or present hazards to the public.
  3. Property damage.
  4. Warnings to potential looters or other criminal acts.

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5. Other information as deemed necessary by the PIO or in charge supervisor.

X. REFERENCES

CALEA 54.1.1, 54.1.2 and 54.1.3