

MITCHELL POLICE DIVISION

CHAPTER 27

PUBLIC INFORMATION

27.1 PRESS RELEASE PROCEDURES

- A. Consistent with protection of the legal rights of involved individuals and with consideration of the necessity for maintaining the confidentiality of Division records and of other primary Division responsibilities, the Division is to disseminate accurate and factual accounts of occurrences of public interest.
- B. Each incident must be considered in the light of the particular circumstances. Generally, we are concerned about whether the release of information will hamper an investigation, unnecessarily embarrass or jeopardize an innocent person, or promote pretrial prejudice that a fair trial becomes difficult or impossible. These concerns are weighed against the public's need and right to be informed.
- C. When contacted in person by a member of the news media, a member of this Division may ask for proper credentials prior to releasing information or allowing access to any restricted area.
- D. In cases where a newsperson requesting information over the telephone is not known to the Division employee receiving the call, the employee may, if he feels it is necessary, establish the identity of the caller by calling the person at his agency.
- E. Copies of police reports will not be given to members of the media. The only way they could be obtained is through the States Attorney or from the Clerk of Courts office from an open file.
- F. Officers may not prevent brief comments by arrestees to reporters while in public places, e.g., at the arrest scene, in the lobby, etc. However, officers will not arrange any access to the subject by the media.

27.2 INFORMATION RELEASE AUTHORITY

- A. The Chief, Major or Lieutenant normally will be available during daytime working hours. When they are not available, the following shall apply:

1. The on duty Shift Supervisor or his designee will assist news personnel with inquiries of an immediate, on-scene nature.
 2. The Chief or Division Commanders or their designee will release information from agency files.
 3. Media requests of a non-immediate nature will be deferred to the Assistant Chief or Division Commander.
- B. News media questions regarding ongoing investigations will be handled by the Chief, Major or Lieutenant or their designee and the States Attorney Office where appropriate.
- C. In the event of a major incident or operation generating considerable news media interest, all news media inquiries shall be referred to the Chief, Major or Lieutenant.

27.3 RELEASE OF ON-GOING INVESTIGATION INFORMATION

- A. The following procedures apply to the release of information to the news media from the time a person or action becomes the subject of an incident or investigation and until any proceeding resulting from such incident or investigation is terminated by trial or other disposition.
- B. Disclosures shall only include factual matters.
- C. Personnel of the Division, subject to specific limitations of the law, or by court order, may make public the following information:
1. An arrestee's name, age, sex, race or nationality, residence, usual occupation and marital status. Subject to administrative approval, names of people for whom warrants have been issued may be released.
 2. The substance, text, and source of the charge for which the arrestee is being held.
 3. The circumstances immediately surrounding an arrest, including time and place of arrest, resistance, pursuit, possession and use of weapons.
 4. The arrestee's Mitchell criminal history only.

- D. When background material or information relating to the circumstances of an Arrest or investigation would jeopardize that case, the information shall not be released.
- E. Disclosures shall not include subjective observations.
- F. Information that may tend to create an atmosphere of prejudice, without serving a significant public information function shall not be released.
- G. Any officer of the Division may make a statement to news media about routine or minor incidents. Traffic accidents would be an example. Officers may provide information about the factual elements of the incident such as how an accident occurred, a vandalism has occurred, etc.

Statements should be limited to observable facts. Officers should not speculate about unconfirmed causes or motives, discuss Division policy issues, or speak on behalf of Administration without prior approval.

No officer is obligated to make a statement to news media. If an officer is uncomfortable about making a statement, the matter may be referred up the supervisory chain of command.

- H. Press releases will be available equally to all media outlets.

27.4 INFORMATION RELEASE ON JOINT OPERATIONS

- A. Whenever an agency other than the Mitchell Police Division (i.e. Davison County Sheriff, FBI, Mitchell Fire Division, etc.) initiates an activity within the city of Mitchell regardless of the degree of Division assistance, that outside agency is responsible for releasing information about its activity to the news media.
- B. Whenever the Mitchell Police Division initiates an activity in another jurisdiction, the appropriate member of the Division is, after notifying and coordinating with any other involved agency, responsible for releasing information about that activity to the news media.
- C. In a situation where multiple jurisdictions or agencies are present (such as police and fire), responsible people representing such agencies shall be consulted as to a plan for coordinating the activities of the news media. Members of the media are referred accordingly.
- D. In death investigations within Mitchell involving the offices of the Coroner and States Attorney, the primary responsibility for the release of information to the news media lies with this Division, subject to prior notification of relatives by Division Personnel or the coroner.

27.5 NEWS MEDIA ACCESS

- A. Employees shall not interfere with the lawful activities of the news media at the scene of a crime or other event except where certain activities are excluded by this guideline.
- B. The news media, including photographers, shall not be allowed access to private property if the owner or agent of that property requests they be excluded.
- C. The news media shall not be allowed access to any area where there is a possibility that evidence may be damaged, destroyed or altered, until the evidence has been photographed and processed or has been removed or secured.
- D. The news media shall not be allowed access to any area where access would obviously disrupt tactical police plans or operations or would jeopardize the life of, or present the substantial possibility of injury to, any employee or any citizen. The news media should not be prevented from having access to an area solely due to the possibility of injury or death to himself. If that is the only consideration, he should be told of the danger, then allowed to make the decision to enter on his own.
- E. The responsibility of the Chief, Major or Lieutenant is to coordinate the activities of members of the news media at the scene of a crime or other event that is under the control of the Division. In the absence of the Chief, Major or Lieutenant, this responsibility shall lie with the officer in command of the scene or his designee.