



YARMOUTH POLICE DEPARTMENT POLICY AND PROCEDURE

MEDIA RELATIONS/PUBLIC INFORMATION OFFICER

Date of Issue: 12/31/19

Review Date: 2/6/2020

Revised: 2/6/2020

Issuing Authority:

Chief Frank G. Frederickson

Certification Standards:

Accreditation Standards: 54.1.1d-f; 54.1.3; 81.2.5

Optional Accreditation Standards: 45.2.4; 45.2.5

Policy

It is the policy of this Department to cooperate fully and impartially with authorized news media representatives in their efforts to gather factual, public information pertaining to activities of the department, as long as these activities do not unduly interfere with departmental operation, infringe upon individual rights, or violate the law.

Duties of the Public Information Officer

541.1.d e

The Chief of police will designate an officer to act as, the department's Public Information Officer. The PIO will be responsible for, with the authorization from the Chief, coordinating information to the media and will be available to:

- Assist news media personnel in covering routine news stories, and at the scenes of incidents;
- Prepare and distribute news releases;
- Arrange for, and assist at, news conferences;
- Coordinate and authorize the release of information about victims, witnesses and suspects;[54.1.1d]
- Assist in crisis situations within the agency; and
- Coordinate the release of authorized information concerning confidential agency investigations and operations such as internal investigations , drug raids, and search warrants.[54.1.1e]

Cooperation With the Media 54.1.1d-f 81.2.5

Authorized news media representatives shall have reasonable access to the Public Information Officer, as governed by this policy. When information must be denied to a media representative, the basis for that denial shall be fully and courteously explained.

Public information shall be released to the media as promptly as circumstances allow, without partiality and in as objective a manner as possible.

The Public Information Officer should be the primary contact to release information to the press. When the PIO is unavailable, information may be disseminated through the Chief or his designee.

Shift Commanders or desk officers when receiving telephone calls from media personnel may release any information that would be available in the daily log, i.e. accident locations, storm damage. Shift Commanders are encouraged to release information and assist media personnel when information is requested. Any further details must be referred to the PIO.

Before providing information to the news media or responding to inquiries from media representatives, the following police requirements will be carefully considered:

- The necessity to prevent interference with, or hampering of a police investigation[54.1.1 e]
- The necessity to preserve evidence
- The necessity to protect the safety of the victims of the crime[54.1.1 d]
- The necessity to protect the identity of informants[54.1.1 e]
- The necessity to successfully apprehend the perpetrators of crime
- The necessity to successfully apprehend the perpetrators of crime; and
- The necessity to avoid prejudicial pretrial publicity.

Public information may be provided to media representatives by telephone, if the identity of the representative is known or can be authenticated.

The Shift Commander shall be responsible for ensuring that the department's PIO and the Chief of Police are informed of major events that may have media interest.

In instances where more than one agency is involved in a mutual effort, the agency having primary jurisdiction should be responsible for release, or coordinating the release, of information. In the event that the Yarmouth Police Department has primary jurisdiction, the Chief of Police and or the Public Information Officer, shall meet with involved agencies. Prior to a press conference, shall discuss what information is to be released, who will be speaking on behalf of the represented agencies, and the order of speakers.[54.1.1 f]

In instances where several agencies from the Town of Yarmouth are involved, the Town Manager will designate a PIO to coordinate the dissemination of information.[54.1.1 f]

Investigative
Information
54.1.1 e d

From the initial stage of a criminal investigation until the completion of a trial or disposition without trial, police personnel shall refer all requests for information to the Public Information Officer.

Information ***which may be released*** in connection with investigations includes:

- The type or nature of an event or crime;
- The location, date and time, injuries sustained, damages, and a general description of how the incident occurred;
- Type and quantity of property taken;
- The identity and approximate address of a victim with the exception of sex crime victims, victims under 18, victims of domestic violence, information pertaining to a violation of a restraining order, or in cases where reprisals or intimidation may be employed [54.1.1 e]
- Requests for aid in locating evidence, a complainant, or a suspect;[54.1.1.d]
- Number of officers or people involved in an event or investigation, and the length of the investigation
- Name of the Officer-in-Charge of a case, his supervisor, and his division or unit assignment. (Exception: The name of any undercover officer will not be released).[54.1.1 d]

Information ***which may not be released*** in connection with investigations of an event or crime, unless authorized by the Chief of Police include:

- The identity of a suspect prior to arrest unless such information would aid in apprehending the suspect or serve to warn the public of potential danger [54.1.1 d]
- Any information relating to domestic abuse or violation of a restraining order
- The identity of any victim of a sex crime or any related information which, if divulged, could lead to the victim's identity [54.1.1 d]
- Any information that relates to a domestic violence incident [54.1.1d]
- The identity of victims or witnesses if such disclosure would prejudice an investigation to any significant degree, or if it would place the victim or witness in personal danger.[54.1.1 d]

- The identity of any juvenile, under 18, who is a suspect or defendant in a case subject to the jurisdiction of the juvenile court;[54.1.1 d]
- The victim of child neglect or abuse[54.1.1 d]
- The identity of person taken into custody under mental illness, protective custody, alcohol evaluation or drug dependent evaluation.
- The identity of any complainant under 18;
- The identity of any critically injured or deceased person prior to notification of next of kin;
- The results of any investigation procedure such as lineups, polygraph tests, or other procedures (the fact that these tests have been performed may be revealed without further comment);
- Information that may be of evidentiary value in criminal proceedings;
- Specific cause of death unless officially determined by the medical examiner;
- The identity of undercover officer, informants or confidential investigations or operations.

The fact that a suicide or suspected suicide has occurred may be reported to the media together with factual information describing how it happened. The name, age, address, sex and occupation of the victim may also be released following notification of next of kin. The fact that a suicide note also exists may also be acknowledged without further comment. The content of such note is personal and confidential and shall not be released except as provided by law.

Sensitive information relating to internal investigation of police officers shall not be released without the express permission of the Chief of Police.

Arrest
Information
54.1.1 e/

Release of
mug shots

Following arrest, issuance of an arrest warrant, or indictment, it is permissible to release:

- The accused's name, age, residence, occupation, and family status, unless the accused is under 18 or is taken into custody because of mental illness or protective custody.
- The time and place of arrest, whether pursuit was involved or resistance was encountered, whether weapons were used, charges placed against the suspect, and description of contraband seized;
- The identity of the arresting officers and the duration of the investigation, unless the officers are engaged in undercover situations; [54.1.1 e]

- The amount of bond, scheduled court dates, and place of the suspect's detention.

803 CMR 7.10 (2) as follows:

“A Criminal Justice Agency with official responsibility for a pending criminal investigation or prosecution may disseminate CORI that is specifically related to, and contemporaneous with, an investigation or prosecution.”

Booking photos/ mugshots are considered CORI; however, pursuant to the above provision, it is within the discretion of a department to release the photo as long as it fits into the regulatory parameters.

Following arrest and formal charging of a suspect, but prior to adjudication, the following types of information shall not be released:

- Prior criminal conviction record, character, or reputation of the defendant;
- Existence or contents of any confession, admission, or statement of a defendant or his failure or unwillingness to make a statement;
- Performance or results of any tests, or a defendant's refusal or failure to submit to tests such as a polygraph;
- Identity, statement, or expected testimony of any witness or victim;
- Any opinion about the guilt or innocence of a defendant or the merits of the case;
- Any opinion or knowledge of the potential for a plea bargain or other pretrial action.

Media Access
Crime/Incident
Scenes
54.1.3

Departmental personnel shall extend every reasonable courtesy to news media representatives at crime scenes. This may include closer access of personnel and equipment than is available to the general public to the degree that it does not interfere with the police mission or the movement of traffic. The activities of media representatives may be reasonably restricted if those activities seriously hamper police operations or if those activities threaten to worsen a dangerous or volatile situation. Whenever police reasonably believe it is necessary to prohibit all but emergency personnel near a crime or incident scene, they may bar entry by media representatives.[54.1.3]

The news media shall not be allowed access to any area or scene of an incident or crime where there is a possibility that evidence may be damaged, altered, destroyed, or otherwise prejudiced by its existence being published or portrayed. Once evidence has been processed,

removed, and secured by the department, the media may be allowed to enter by permission of the Officer in-Charge at the scene. On private property, photography, film, or videotape recording requires the permission of the owner or the owner's representative.[54.1.3]

Suspects or accused persons in custody shall not be posed or arrangements made for photographs, telecasts, or interviews, nor shall department personnel pose with suspects or accused persons in custody. When an individual is charged with a criminal offense and is sought by law enforcement authorities, photographs or mug shots may be released to the media to help locate the individual. Consideration shall be given when releasing photographs whether it may prejudice a witness identification procedure by the department or District Attorney's Office.

At the scene of significant accidents, man-made or natural catastrophes, the principles of media cooperation shall be maintained to the degree that they do not interfere with the mission of the police, fire, medical, or other emergency relief workers. Media access to and movement within fire lines shall be controlled by the fire officer-in-charge.

News media representatives should not be prevented from access to any area solely because of the possibility of their injury or death. The media representative should be advised of the danger and allowed to make the decision to enter on his own volition.

Access to
Public Records
and Logs

In compliance with M.G.L. c. 41, s. 98F, the Department will maintain a Daily Log. This Daily Police Log and such administrative reports of criminal activity as specified by the Chief of Police will be made available on a daily basis to media representatives (as well as members of the public). Media representatives or public shall not be denied access to the contents of investigative or incident reports except as required by the public records laws or where release of the information would:

- Interfere with law enforcement proceedings, including pending investigations;
- Deprive a person of the right to a fair trial or an impartial adjudication or give one party to a controversy an undue advantage by exclusive access to such information
- Constitute an unwarranted invasion of the personal privacy rights of another person
- Reveal the identity of an individual who has furnished information to the department under confidential circumstances;

- Disclose investigative techniques and procedures, thereby impairing the future effectiveness of the department; or
- Endanger the life or physical safety of any person

Citizen Survey
 45.2.4
 45.2.5

The Yarmouth Police Department shall conduct a documented citizen survey once every three years. The survey questionnaire shall consist of question addressing, but not limited to, the overall agency performance, competence of the agency, agency employees, and citizens' perception of officer's attitude, officer's behavior, and community concerns over safety and security with the agency service area, and citizens' recommendations and suggestions for improvement. [45.2.4] Surveys shall be made available to the public at the police station lobby and web page. They may also be distributed at public buildings, senior center, town meeting, and polling precincts. The police department shall tabulate the results of all returned surveys and provide a written summary addressed to the Chief of Police.[45.2.5]