



# NEWS MEDIA RELATIONS / RELEASE OF OFFICIAL INFORMATION

**General Order Number: 36.1**

**Effective Date: 04/09/2024**

The purpose of this policy is to outline the process by which official information shall be released to the news media or to other persons outside the Brookline Police Department while recognizing the rights of news personnel at the scene of emergencies or other police activities.

The Brookline Police Department will establish and maintain a cooperative climate in which information on matters of public interest may be obtained in a manner that does not hamper police operations or violate the rights of the accused. The Deputy Superintendent of the Community Service Division acts as the Public Information Officer for the Department.

Crimes, and police efforts to prevent it, are matters of public concern. The Brookline Police Department is regularly involved in events in which the news media needs information and / or photographs. Under such circumstances, the Brookline Police Department has three responsibilities:

- 1. To bring the police operation at hand to a successful conclusion.**
- 2. To protect the constitutional rights of persons accused or involved.**
- 3. To cooperate with media efforts to obtain and disseminate factual information.**

This policy does not pertain to the sharing of information with other law enforcement agencies for law enforcement purposes.

- 1.** The Chief of Police has the ultimate responsibility for public comments, oral or written, concerning the Department, and serves as the primary spokesperson. However, to properly satisfy the need for release of information to the public, others within the Department are authorized to release information to the media as noted in this policy.
- 2. Custodian of Records / Holder of Records:** Under MGL c.66 s2 and 950 CMR 32.00, the custodian of records is the employee designated to be in charge of maintaining, storing and keeping the public records of the Department. The Deputy Superintendent – Traffic Division is the Department Custodian of records, as well as the holder of records.
- 3. Public Information Officer:** The Department's Public Information Officer (PIO) holds primary responsibility for handling the public information function, and acts

as the official spokesperson for the Department. The PIO serves as a central source of information for release by the Department, and responds to requests for information by the media and the community. The Chief of Police may exercise the authority to act as, or may designate other personnel to act as the PIO. The PIO shall be the Deputy Superintendent – Community Service Division, serving at the direction of the Chief, except as otherwise noted within this policy.

The Public Information Officer position requires proper training to be an effective liaison between the Brookline Police Department and the media. Agency personnel assigned as the Public Information Officer shall receive training for the position.

4. **Delegation of PIO Duties:** The Chief of Police may temporarily designate another member of the Department to serve as the PIO in the absence of the Deputy Superintendent – Community Service Division; or to serve as the PIO for a specific event or activity.
5. **PIO Duties: Off Hours:**
  - A. **Supervisory Officers:** When major events of interest to the media or public occur outside of normal business hours, the Commanding Officer – Platoon on Duty shall be responsible for alerting the Chief of Police, the PIO or other designated on-call Department staff, so they are prepared to respond to media inquiries.
  - B. **Police Officers and Others:** If a Patrol Supervisor or other ranking officer is present and available, it is preferable that they disseminate any information on the event or ongoing shift activity after it is approved/coordinated through the Public Information Officer.
6. **Copies of Reports:** Media requests for copies of arrest, incident and accident reports; with the exception of those afforded by law to domestic violence victims and arrested criminal defendants; shall be processed through the Community Service Division.
7. **Duties of the Public Information Officer:** The Public Information Officer (PIO) is responsible for the coordination and timely completion of the following:
  - A. Oversee and/or coordinate Department personnel as needed to accomplish these tasks.
  - B. Prepare and distribute information and news releases on routine activity, such as the Daily Activity Log.
  - C. Prepare and distribute information regarding special events, unusual occurrences, and newsworthy investigations.

- D. Be alert for positive news stories involving the Department and personnel, and distribute the same.
  - E. Review and coordinate information provided to the public via interviews, media releases, internet electronic mail (email), the Department website and blog as well as the social media networks.
  - F. Coordinate with the Crime Analyst to ensure that the Department website content is continuously reviewed and updated.
  - G. Authorize and coordinate the release of information to the media regarding victims, witnesses and suspects.
  - H. Coordinate and authorize the release of information concerning confidential Department investigations and operations after review with the Chief of Police.
  - I. Assist or oversee the preparation and distribution of all required reports, such as NIBRS crime statistics related material; public relations brochures, pamphlets; and such other informational reports as required by the Chief.
  - J. Assist the news media on an on-call basis; and assist in crisis situations within the agency.
8. **Policy Sharing and Revision:** The PIO may make this policy available to any person or agency, and may consult with the Office of Town Counsel, as well as media representatives, when formulating changes to this policy, or information release procedures.
9. **Cooperation with the Media:**
- A. Authorized news media representatives shall have reasonable access to the PIO and the Chief of Police.
  - B. When information must be denied to a media representative, the basis for that denial shall be fully and courteously explained.
  - C. Public information shall be released to the media as promptly as circumstances allow, without partiality and in as objective a manner as possible.
  - D. Public information may be provided to media representatives by telephone if the identity of the representative is known or can be authenticated.
  - E. When more than one law enforcement agency or public service agency is involved in a mutual effort, the agency with primary jurisdiction will

attempt to coordinate with the other agencies involved for the release, or coordinating the release, of information, unless otherwise specifically arranged.

## 10. PUBLIC RECORDS:

M.G.L. c. 4 s& and M. G. L. c. 66 s 10 define “**Public Records**” These statutes give the public access, including the right to inspect and copy, all records made or received by any public agency, except those exempted from public disclosure by any other statutes.

There are a number of exemptions under the public records law and personnel must take care not to disclose non-public record information. Personnel should direct questions to the Department’s record custodian, the Deputy Superintendent-Traffic Division.

Examples of exemptions include an exemption for an identifiable individual’s private information, the disclosure of which may pose an unwarranted invasion of privacy. This could include information concerning a person’s medical or psychiatric condition, and under this policy will include information such as a person’s social security number, date of birth, driver’s license number or state-issued identification number, financial account number, or credit card or debit card number.

Also, there are a number of statutory exemptions, such as those protecting Criminal Offender Registry Information, or sexual assault victim information, and personal information protected by the Driver Privacy Protection Act (see below).

**The home address and telephone number of law enforcement personnel and their family members are not public records under the Public Records Law and shall not be disclosed.**

Also exempt under the **Public Record Law** are records that are “investigatory materials necessarily compiled out of the public view by law enforcement or other investigative officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest.” Investigative materials that may qualify as such should be brought to the attention of the division commander who shall notify the Chief of Police, who shall make the final determination as to the release of information. Once determination is made, the Community Service Division shall be notified to hold back all media request for such materials. Information to be held may include original investigative report, public record of arrest data, and the arrest booking sheet. All three are separate and should be considered on a case by case basis. It is the policy of the Brookline Police Department to release investigatory materials to news media personnel concurrent with such incidents and as may be consistent with the Public Record Law, the CORI Law and the Sexual Assault exemption and the Juvenile Identification exemptions. Information

released to the news media in accordance with the provisions of the foregoing laws shall thereafter be available to members of the public in accordance with the provisions of such laws. Information that would interfere with active police investigations need not be released.

**11. CORI LAW:**

Specifically exempted from disclosure are all records that come under the “**Criminal Offenders Record Information Law.**” This law prohibits disclosure of criminal offender record information (“CORI”), which the law defines as records and data compiled by a criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, arrest, a pre-trial proceeding, or other judicial proceedings, sentencing, incarceration, rehabilitation, or release. CORI only includes information that is recorded as the result of the initiation of criminal proceedings or any consequent proceedings and only concerning offense that are punishable by incarceration. It does not include evaluative information, statistical and analytical reports and files in which individuals are nor directly or indirectly identifiable, or intelligence information. Criminal offender record information does not include information on persons who are not at least 18 years of age unless the person is adjudicated as an adult. An example of CORI is Board of Probation Records.

**12. SEXUAL ASSAULT VICTIM and/or JUVENILE IDENTIFICATION:**

**The disclosure of names of victims in sexual assault cases, as well as details of sexual assaults is prohibited by law. The disclosure of identification of juveniles is prohibited by departmental policy. Juveniles are considered to be those persons less than seventeen (18) years of age. Exception to this rule may only be made by the Chief of Police or the Deputy Superintendent-Community Service Division.**

**13. DRIVER PRIVACY PROTECTION ACT (18 USC s2721):** The Driver Privacy Protection Act prohibits the disclosure of “Personal information” in connection with “Motor Vehicle Records”, to unauthorized recipients. Authorized recipients include law enforcement and other governmental agencies, for the purpose of carrying out their functions, insurance companies in connection with claims investigation activities, anti-fraud activities, rating, or underwriting, and rating boards.

Motor Vehicle Record means any record that pertains to a motor vehicle operator’s permit, motor vehicle title, motor vehicle registration, or identification card issued by a department of motor vehicles.

Personal Information identifies an individual, including an individual’s:

- A.** Photograph
- B.** Social Security number

- C. Driver identification number
- D. Name
- E. Address (but not 5-digit zip code)
- F. Telephone number, and
- G. Medical or disability information

**But does not include information on:**

- A. Vehicular accidents,
- B. Driving violations, and
- C. Driving status

**FINAL DECISIONS ON RELEASE OF SUCH INFORMATION WILL BE MADE BY THE CHIEF OF POLICE.**

**14. Information that may be withheld from public dissemination:**

- A. The existence or contents of a prior criminal record of the accused (C.O.R.I.);
- B. The character or reputation of the accused;
- C. The existence or contents of any statement, admission or confession of the accused;
- D. The accused participation in or refusal to submit to any examination or test and or the results thereof;
- E. Possibility of a guilty plea;
- F. Opinions as to guilt, innocence, character, or reputation of the suspect;
- G. Opinions as to the quality of evidence of the case;
- H. Identity of possible or known witnesses if the information is exempt under section (f) of the public records law;
- I. Statements of testimony of witnesses except as part of the record of a public court proceeding;
- J. Names or addresses of victims of sexual assaults or of persons on whom attempts to commit such offenses has been made;
- K. Confidential medical or psychiatric information or confidential information regarding a person's physical or mental condition;

- L. Specific causes of death, until officially determined by the Medical Examiner;
  - M. Per MGL c.41 s98F; the identity of any handicapped individuals being physically or mentally incapacitated, and requiring mobility assistance devices, or is bedridden;
  - N. Information about ongoing litigation;
  - O. Information contained in an Officer's Internal Affairs file; (exceptions listed in following section);
  - P. Photographs of police personnel unless provided with permission of the individual involved, by the individual's immediate family, or in special circumstances, by the Chief of Police;
  - Q. Specific addresses, family data, or other personal data regarding police personnel unless the individual involved gives permission;
  - R. Police pictures of persons arrested or pictures that have been made part of a criminal record, unless published to aid in the capture of a wanted suspect. Exceptions may be made only with the authorization from the Chief of Police, Superintendent of Police or the Deputy Superintendent of the Community Service Division.
- 15. Information that may be released in relation to an incident or with the approval of the Commanding Officer of the Community Service Division:**
- A. Nature of charges;
  - B. Basic facts and circumstances of an arrest;
  - C. Identity of investigating and arresting officers;
  - D. Length of the investigation leading to the arrest;
  - E. Description of physical evidence seized, unless release of such information would jeopardize a case;
  - F. Identity of the arrested, if 18 years of age or older; if under the age of 18, approval must be made by the Chief of Police, Superintendent of Police or Deputy Superintendent-Community Service Division.
  - G. The age, sex and hometown (but not the name) of the accused if under the age of eighteen;

- H. Schedule of and results from any stages of the judicial process. (Including any quotations from public records of the court);
  - I. An officer's awards or commendations date of appointment and date of retirement;
  - J. Any criminal charges pending against an officer;
  - K. Nature of charges against an officer in an on-going OPR investigation if the release would not jeopardize an on-going investigation;
  - L. Results of a completed OPR investigation only with the approval of the Chief of Police;
  - M. Identities of persons seriously injured or killed only after obtaining confirmation that the next of kin have been properly notified.
16. **Photographing Prisoners:** News media have the right to photograph persons in police custody. Brookline Police Officers or any person employed by the Brookline Police Department will not pose prisoners for news photographs nor will they allow prisoners to be photographed by news media personnel inside police buildings.
17. **News Media Access:** A news media person's primary responsibility is to report the news by gathering information and/ or taking photographs. Since the opportunity (especially at an emergency scene) is often momentary or transitory in nature, an officer should not unnecessarily obstruct a newsperson in the performance of his or her duties.

**TO PRESERVE THE INTEGRITY OF A CRIME SCENE UNTIL ALL NECESSARY EVIDENCE CAN BE COLLECTED; NEWS PERSONS SHALL NOT BE PERMITTED WITHIN FIFTY (50) FEET OF AN ACTIVE CRIME SCENE.**

Newspersons may photograph or report anything they observe when at an emergency scene. When publication or broadcast of such coverage may interfere with an investigation or place a victim, suspect, witness or other person in jeopardy, withholding publication is dependent upon willingness of the press.

Under such circumstances, officers shall immediately advise their supervisor to notify the Community Service Division (or the Commanding Officer – Platoon on Duty when Community Service Division is not available.) These persons will relay departmental concerns to the media supervisor involved. Officers shall not, however, interfere with or obstruct news media personnel as long as their activities remain within the confines of the law.

News media / photographers and their equipment have the right to protection from assaults and unnecessary interference or obstruction while engaged in the performance of their duties at the scene of a crime or other major events. An officer observing any such activity directed at a member of the media shall immediately take the appropriate action necessary to resolve the situation. A report of the incident shall be submitted to the officer's immediate supervisor who shall send a copy of the report to the Community Service Division as soon as possible. **Members of the media are not exempt from any municipal, state or federal statutes.**

It is the responsibility of all news media personnel to clearly display their media credentials at emergency scenes or special events. Failure to do so can cause the police to request that person to leave the restricted area immediately.

18. **News Media Access and Crowd Control:** In order to ensure public safety, police personnel will establish police lines where necessary at all major events. The ranking officer at the scene of the event may allow duly accredited representatives of any news service, newspaper, television or radio stations to enter areas normally closed to the public by police line. **This policy shall be dependent upon the tactical situation at hand and the likelihood that the success of the police response will not be jeopardized.** In certain situations there may be a separate area set aside for news media representatives in order for them to cover an event.

It is the responsibility of the police to check media persons for the approved media credentials and to require the display of these credentials on their outermost garment. (Questions relative to credentials should be directed to the ranking officer at the scene.)

**The Brookline Police Department shall not assume the responsibility of providing safety for those members of the media who choose to subject themselves to danger while covering an event.**

19. **Request for Information:**

1. **When the Community Service officer is available:**

More media outlets are web based, generating an increase for media release that may be requested on a daily basis. All such request shall be forwarded to the Community Service Division. All requests for information or interviews should be directed to the Deputy Superintendent- Community Service Division. During the day to day operation of the Brookline Police Department, Commanding officers, Patrol Supervisors and On-Scene Supervisors shall make every effort to get pertinent information on any newsworthy incident/arrest to the Deputy Superintendent - Community Service Division as soon as possible. This

will allow the timely dissemination of facts to the media and relieve all other police personnel of this responsibility.

**2. In the event of a major incident and the Community Service Division is not open:**

The Commanding Officer of the Community Service Division or his or her designee shall be contacted by the Commanding Officer – Platoon on Duty (determination as to whether or not a situation will be classified as “major” shall be determined by the Commanding Officer.) If the incident is not classified as major, basic information (as listed in section 15) may be given to members of the media by the Commanding Officer.

**3. POLICE OFFICERS SHALL NOT GRANT INTERVIEWS AT THE SCENE OF ANY POLICE ACTION.** All media inquiries shall be directed to the Police Supervisor on scene who may choose to speak with the media about the event.

**20. Requests for Interviews:** The news media and members of the general public frequently direct inquiries to the Police Department seeking interviews on a variety of general police matters or requesting police officers to appear as guests. The decision to grant such interviews or to allow guest appearances by Brookline Police Personnel shall be made by the Chief of Police, Superintendent of Police or the Deputy Superintendent - Community Service Division.

**21. Request to hear dispatch recording:** If a media outlet places a request to hear radio or phone call playbacks regarding a recent press release or incident, all requests shall be forwarded to the Community Service Division. If the incident in question is not recent then an FOIA (Freedom of Information Act) may be needed and submitted to the Deputy Superintendent-Traffic Division.

**22. Tours of Police Facilities:** Requests for tours of police facilities are a common occurrence and should be directed to the attention of the Community Service Division for approval and scheduling.

**23. Endorsement of Commercial Products:** The Brookline Police Department does not endorse commercial products or allow its facilities to be used for such purposes. Department personnel shall not make any endorsements of commercial products in their capacity as members of the Brookline Police Department without the expressed permission of the Chief of Police.

**24. Participation in Movies, Commercials, Etc.:** All requests for the use of Brookline Police Department personnel and / or equipment for use in movies, documentaries, docudramas, commercials, advertisements, television or radio shows, or any similar projects must be cleared through the Deputy Superintendent of the Community Service Division or his/her designee.

The Brookline Police Department will not normally allow its personnel, equipment and facilities to be used by the media production industry. It may, however, allow the news media to operate cameras and recording equipment inside of the police facility with the expressed permission of the Deputy Superintendent - Community Service Division or his/her representative.

**News media representatives have the right to be present outside of the police station at any time as long as they are not interfering with officers in the performance of their duties.**

- 25. Maintaining Social Networking Sites:** In an effort to maintain a climate of cooperation and transparency regarding public information, the Brookline Police Department will utilize the channels offered by Social Networking Sites such as Facebook, Twitter, Instagram, the Brookline Police News Website, Community/Business Listserv and the Brookline Police Website. The use of these sites will augment the Brookline Police Department's ability to provide timely, accurate and up-to-date information to the community by broadcasting breaking news to the community in the event of an emergency. They will be used to provide the public with information about The Brookline Police Department as well as recent crimes. These sites will also provide a forum for members of the community to share their opinions and insight to the Department.

The Community Service Division is responsible for utilizing and monitoring these Social Networking Sites. A designee of the Chief of Police may also be granted access to the sites for the purpose of updating relative police information.

The Brookline Police News Website will host crime reports, press releases and other information that is considered to be important to the community. Brief narratives will be written by the Community Service Division based on approved police reports, and reviewed prior to posting by the Deputy Superintendent - Community Service Division or his/her designee. All web pages will be linked to one another.

The same description of the information that may or may not be released discussed in sections 14 and 15 shall apply to the above section with the addition of the following:

- 1. The names of the suspects shall not be placed on the internet without the approval of the Chief of Police or his/her designee.**
- 2. Medical information shall not be released.**

Individual employees should familiarize themselves with **Special Order #2011-4**. This order establishes a policy concerning personal web pages or internet sites maintained by individual employees and their use when referencing the Department. It is also intended to ensure that any information released on those sites does not violate Department policies and procedures or state law. An

employee's personal sites shall not be considered an official Brookline Police website, nor is it endorsed or supported by The Brookline Police Department.