



# GENERAL ORDER

DURHAM POLICE DEPARTMENT  
DURHAM, NC

NUMBER:

4060 R-4

## MEDIA RELATIONS

Effective Date: 12/15/1995

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### INTRODUCTION

It is the purpose of this policy to establish guidelines for the release and dissemination of public information to print and broadcast news media. It is recognized that many members of the Department engage in a variety of communications other than news media contacts (i.e. special programming, public presentations, administrative meetings, etc.) and this order is *not* intended to limit these communications.

Although it is the Department's intention to release information to the news media in a timely manner, the safety of the public, the protection of witnesses and victims, and the proper conduct of criminal investigations shall initially be the department's primary concern. This order specifically governs communications with members of the news media.

### DEFINITIONS

*News Media Representatives:* Individuals who are directly employed by agencies of the electronic or print media such as radio, television and newspapers. This specifically includes student-run or non-profit news media organizations. Freelance workers in this field, including bloggers, are to be regarded as other members of the general public. Questions of validity of credentials are to be resolved through the Public Affairs Unit.

*Public Affairs Unit:* The Department's Public Affairs Unit (PAU) is assigned to the Executive Office of the Chief and serves as a central source for coordinating the release of information to the news media and the community. The *Public Affairs Unit* is the primary point of contact for responding to requests from the media and assisting department personnel with the dissemination of information. Staff members consist of the *Public Affairs Manager, Public Affairs Specialists, the CrimeStoppers Coordinator, and the Chief's Executive Officer.*

### PUBLIC AFFAIRS NOTIFICATION REQUIREMENTS

Bureau, District and Division Commanders are responsible for ensuring that the PAU is notified in a timely manner of the initial occurrence of and subsequent development in all incidents and activities that have potential media interest. This includes but is not limited to:

- assaults with significant injury or death;
- sexual offenses;
- hate crimes;
- bomb threats;

- significant fires or explosions;
- homicides;
- kidnappings;
- suicides;
- unnatural deaths;
- shootings;
- robberies;
- barricaded subjects;
- research animal incidents;
- arrests of any city employees;
- charges of serious misconduct on the part of Department members; or
- any incidents involving persons who, by their position in society, are of interest to the public.

This would also include requests by the news media for feature or personal interest stories. Employees contacted directly by the media shall notify the Public Affairs Manager (or designee) and their immediate supervisor as soon as possible of any interview requests.

## **GENERAL RELEASE OF INFORMATION**

The Public Affairs Manager will be the Department's primary source of information to the news media. This individual will be responsible for coordinating all routine press briefings and bulletins, and for initiating news media contacts. This individual will also authorize and arrange other members of the Department to be interviewed by the media, to comment on programs or initiatives of special interest, or to participate in media-related events. The Public Affairs Unit will be responsible for all postings on the department webpage.

The Public Affairs Manager will have a schedule of Monday through Friday from 0800-1630 hours. After these hours, during weekends, and any time the Public Affairs Manager is unavailable, the point of contact will be the on-duty Watch Commander.

Command officers have the authority and responsibility to respond directly to inquiries from representatives of the news media concerning information relating to their respective commands within the guidelines of this policy. Command officers who will not be available to handle anticipated inquiries regarding major crimes or accidents and unusual events occurring within the purview of their command should provide the Public Affairs Unit with adequate information to respond to media requests.

Supervisory members of the Uniform Patrol and Investigations Divisions should respond to media inquiries and provide all reasonable assistance in accordance with this order. However, these individuals do not have authority to initiate media contacts, issue press bulletins or conduct pre-arranged news conferences without having first received authorization from the Public Affairs Unit or higher authority.

Any District, Division or Bureau Commander is authorized to initiate immediate contact with the news media if they deem such contact necessary in the interest of public safety. In these circumstances, notification shall be made to the Public Affairs Unit at the earliest opportunity.

A District, Division or Bureau Commander asked for information beyond his/her range of knowledge or who doubts the accuracy of his/her information should say so and refer the media representative to the correct

source. Where the Commander is unsure of the facts or the propriety of releasing information, he/she shall refer the inquiry to the Public Affairs Unit.

All conversations with members of the media should be considered “on the record” and subject to being quoted.

## **SCENES OF CRIMES, INCIDENTS, OR OPERATIONS**

The Incident Commander of the scene of a crime or incident is responsible for coordinating the release of accurate, factual information, within the guidelines of this policy, to representatives of the news media. If investigators from the Criminal Investigations Division are responding to the scene, they will first confer with the Incident Commander to determine what information should be released and by whom. The Incident Commander may delay providing information to media representatives when an emergency exists, but they should be told why the delay is necessary and be provided with appropriate information once the emergency is over. At the scenes of major incidents involving substantial media attention, the Public Affairs Manager will respond to the incident scene and under the direction of the Incident Commander coordinate relations with attending news media. All on-scene media inquiries shall be referred to the Public Affairs Manager. In addition, members of outside law enforcement agencies and the Durham Fire Department operating at the request of this Department should likewise be instructed by the Incident Commander to refer media inquiries to the Department’s Public Affairs Manager.

Agency personnel should be courteous and professional to news media representatives. Agency personnel should abide by the following guidelines:

- At such scenes, agency personnel shall ensure that the media respect the established perimeter. Members of the media have no greater or lesser access to an incident scene than members of the general public.
- The Public Affairs Manager, with the approval of the Incident Commander, may grant closer access to news personnel and their equipment, to the degree that it does not interfere with law enforcement operations.
- No member of this agency shall prohibit the media from news gathering practices, including photography and interviews, outside the established perimeter. No employee will willfully delay, hamper, or interfere with any person who is lawfully gathering information or reporting an event, subject to the conditions of this directive.
- Information at crime/critical incident scenes will be released by the Public Affairs Manager or Incident Commander.
- At critical incident scenes, a member of the PAU or Incident Commander will establish a media briefing area as close to the scene as safety and operational requirements allow.
- At critical incident scenes, members of the agency will work in close cooperation with the media to ensure that live broadcasts do not disclose any information that could endanger law enforcement personnel or the general public.

## **RELEASE OF INFORMATION INVOLVING JUVENILES**

The name, address, or telephone number of any juvenile *shall not be released* when:

- The juvenile (under 16) is suspected or accused of being delinquent or undisciplined, including traffic offenses;
- The juvenile (under 18) is the victim of a criminal offense or complaining witness and it is determined by the investigating officer that release would likely pose a threat to the mental health or personal safety

of the complaining witness or materially compromise the continuing or future criminal investigation or criminal intelligence operation. The investigating officer shall note on appropriate reports that such name and address is to be temporarily withheld from public disclosure and shall also notify the Public Affairs Unit to withhold disclosure;

- The juvenile (under 18) is the victim of neglect, dependency, or child abuse;
- The juvenile is a witness to an incident, except in the case of a traffic collisions as described below.

If a juvenile is a driver or passenger involved in a reportable traffic collision, his/her name, address, etc., can be included as part of the traffic collision report. However, the name and address of a juvenile passenger on a school bus involved in a collision shall not be publicly disclosed. If the juvenile is charged with a traffic offense, this information will not be included in the arrest portion of the traffic collision report. Rather, the arrest information will be included on a separate supplementary investigative report.

## **RELEASE OF INFORMATION IN PENDING CRIMINAL CASES INVOLVING ADULTS**

### **Non-Releasable Information:**

Information which shall not be released in connection with pending investigations of an event or crime, unless required by law or authorized by the Chief of Police or his/her designee includes:

- 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;
- The names and addresses of sex crime and other victims where release is reasonably likely to pose a threat to the mental or physical health, or personal safety of the victim, or is reasonably likely to compromise an investigation, shall be temporarily withheld;
- The name and address of complaining witnesses if such disclosure is reasonably likely to pose a threat to the mental or physical health, or personal safety of the complaining witness, or is reasonably likely to compromise an investigation to any significant degree shall be temporarily withheld;
- The identity of any critically injured or deceased person prior to notification of next of kin unless reasonable efforts to notify next of kin have failed;
- The results of any investigative procedure such as lineups, polygraph tests, fingerprint comparison, ballistics test or other procedures. The fact that these tests have been performed may be revealed without further comment;
- Information which, if prematurely released, may interfere with the investigation or apprehension such as the motive of the crime, nature of leads, specifics of an "MO," details of the crime known only to the perpetrator and the police or information that may cause the suspect to flee or more effectively avoid apprehension;
- Information that may be of evidentiary value in criminal proceedings;
- Records of criminal investigations or records of criminal intelligence information unless the lead investigator or supervising officer in his/her chain of command deems it permissible;
- Specific cause of death unless officially determined by the medical examiner;
- Contents of suicide notes;
- Personal opinions not founded in fact; conjectures, false or misleading information;
- The home address and/or telephone number of any member of the Department;

- Grand jury testimony and proceedings;
- Any other information that could jeopardize the successful conclusion of an investigation and prosecution, or reveal the identity of confidential or undisclosed sources or investigative techniques;
- Any other information prohibited by state law from being publicly disclosed.

**Releasable Information:**

Information that **may be released** in connection with pending 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, with the exception of disclosing the amount of money taken from commercial establishments;
- The name, sex, age and address of a victim or complaining witness. *NOTE: The names and addresses of sex crime and other victims or complaining witnesses shall be temporarily withheld if disclosure is reasonably likely to pose a threat to the mental or physical health, or personal safety, of the victim or complaining witness, or is reasonably likely to compromise to a significant degree a criminal investigation;*
- Requests for aid in locating evidence, a complainant or a suspect;
- Numbers 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/her supervisor and division or unit assignment. *The name of any undercover officer will not be released.*

**RELEASE OF ARREST INFORMATION INVOLVING ADULTS**

**Non-Releasable Information:**

Following an arrest and formal charging of a suspect, but prior to adjudication, certain types of information may create dangers of prejudice, without serving a significant law enforcement or public interest. Such information must be restricted to ensure constitutional guarantees of a fair and impartial trial. The following information **shall not be released** unless required by law or authorized by the Chief of Police or his/her designee:

- Prior criminal conviction record, character or reputation of a defendant;
- Existence or contents of any confession, admission or statement of a defendant or his/her failure or unwillingness to make a statement;
- Performance or results of any test, or a defendant's refusal or failure to submit to tests such as a polygraph;
- Identity, statement or expected testimony of any witness;
- 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.

**Releasable Arrest Information:**

Following an arrest, criminal charge or indictment, the following information **may be released**:

- The accused's name, alias, sex, age, residence, occupation, physical description, last known whereabouts, and warnings as to the subject's potential threat level to the general public;
- The date, time, and place of arrest, whether pursuit 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 operations;
- The amount of bond, scheduled court dates and place of the suspect's detention.

## **RELEASE OF PHOTOGRAPHS & COMPOSITE DRAWINGS**

Photographs, mug shots, or composite drawings may be released to the news media when authorized by the affected Unit Supervisor, Division or District Commander or higher authority when the assistance of the general public is deemed appropriate to locate a subject in connection with an active investigation. The Public Affairs Unit shall coordinate the release of such photographs to the news media.

Photographs, mug shots or composites of juveniles ***SHALL NOT*** be released, with the exception of those juveniles reported as runaways or missing.

## **INFORMATION TO BE RELEASED BY THE CHIEF OF POLICE**

The following types of information will only be released to the news media by the Office of Chief of Police:

- Information regarding civil litigation;
- Changes or official statements regarding departmental policy, procedures and/or administration;
- Internal disciplinary matters, internal investigations, personnel matters, and complaints against the Department to the extent such statement may lawfully be disclosed.

N.C.G.S. [§160A-168](#), "*Privacy of Employee Personnel Records*", provides that information about city employees which is public record is limited to: name, age, date of original employment or appointment to the service, title, current position, current assignment, current salary, date and amount of each increase or decrease in salary, date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification, and a copy of the written notice of the final decision of a municipality setting forth the specific acts or omissions that are the basis of a dismissal.

## **IDENTIFICATION OF MEDIA REPRESENTATIVES**

Members of the Department releasing information to members of the news media shall make a reasonable effort to ensure that such individuals have some form of official identification or credentials that confirms their status (unless the individual and their status is personally known to the member). In the instance of telephone conversations, reasonable judgment should be exercised in ensuring that the member is speaking to a bona fide member of the news media. Should such identification be in question, the individual should be referred to the Public Affairs Unit for assistance.

At Police Headquarters, media personnel are classified as visitors and as such, shall be issued a "visitor's pass" by the Desk Officer. Passes are to be affixed on an outer garment in plain view.

## **ACCESS TO CONTROLLED AND SECURED AREAS**

For the purpose of this directive, *controlled areas* are defined as areas not open to the public or unauthorized persons. The crime lab, property and evidence room, supply room, central records section, assembly or interview areas are examples of controlled areas. Media representatives may not be admitted to these areas except upon express approval of the Division or District Commander. *Secured areas* are defined as locations secured as crime or incident scenes or which have been lawfully barricaded or blocked by government officials. While media representatives have no constitutional right of access where the general public is excluded, they ***cannot be restricted*** from areas where the general public is allowed.

## **ACCESS OF NEWS MEDIA/PHOTOGRAPHERS ON PUBLIC OR PRIVATE PROPERTY**

No member of the Department shall deliberately pose a person under police control for photographs or filming. (This does not prohibit the Department from photographing for evidentiary or intelligence purposes).

***Public Areas:*** Media representatives will have access to the following public areas: streets, sidewalks, public access areas or those dedicated or open to the public, except when the area has been identified as a secure area or when such access is restricted by court order. No member of the Department shall attempt to deny or restrict media representatives or the general public from being in such unrestricted locations, or from taking photographs or other audio or video recordings from such locations unless the individual is causing an actual interference with the performance of a law enforcement function or reasonably poses a threat to the member's safety.

***Private Property:*** Members of the Department are not authorized to allow media representatives to enter private property. Private citizens having control of the property may allow access to anyone, except when the area has been identified as a crime scene or such access is restricted by court order. If allowed upon the premises, no member of the Department shall attempt to deny or restrict media representatives or the general public from taking photographs or other audio or video recordings unless the individual is causing an actual interference with the performance of a law enforcement function or reasonably poses a threat to the member's safety.

***Ride Along Access:*** Officers who have a media representative as a "ride-along," due to their participation in the Citizens Police Academy Program or other legitimate purpose, will have the responsibility to ensure that the representative's presence does not violate the conditions and restrictions of this general order. All such ride-alongs must be approved by the appropriate Bureau Commander.

## **SPECIAL CONSIDERATIONS**

Department personnel shall extend every reasonable courtesy to news media representatives at crime scenes. This may include closer access of personnel and strategic location of equipment than available to the general public to the degree that it does not interfere with the police mission or the movement of traffic.

At the scene of major crimes, such as hostage and barricade situations, the Incident Commander shall designate a preliminary press area under the control of the Public Affairs Manager or designee as early as possible and as close to the scene as safety and operational requirements allow.

Members of this agency who believe they were treated unethically by a member of the media should contact the Chief's Executive Officer. Unethical treatment by a member of the media would include knowingly publishing inaccurate facts and the reporting of a story where there is a conflict of interest.

## **NEWS RELEASES INVOLVING MULTIPLE AGENCIES**

In matters involving mutual efforts of the Durham Police Department and other departments or agencies, the release of information shall be made by the department or agency in charge unless otherwise agreed upon by the respective departments or agencies.

## **VICTIM / WITNESS ASSISTANCE PROGRAM**

The Community Services Commander or his/her designee shall coordinate with the Public Affairs Unit in an effort to inform the public and media about the Department's victim/witness assistance services.

## **POLICY REVIEW**

The Durham Police Department may involve the news media in the development and/or changes in policies affecting news media relations. The Executive Officer of the Chief of Police may solicit input from members of the media prior to making substantial changes in this *Media Relations* policy.



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*Jose L. Lopez, Sr.*  
*Chief of Police*