

# ELIZABETH POLICE DEPARTMENT GENERAL ORDERS



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**CHAPTER: 10**

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**SUBJECT: PUBLIC INFORMATION**

**EFFECTIVE DATE:**

**January 12, 2023**

**ACCREDITATION STANDARDS:**

**NJSACOP - 1.7.1**

**CALEA (LE1) - 54.1.3**

**BY THE ORDER OF**

**CHIEF GIACOMO SACCA**

**BY AUTHORITY OF:**

**POLICE DIRECTOR EARL J. GRAVES**

**SUPERSEDES ORDER #: G.O. 81, 162**

**PURPOSE:** The law enforcement community recognizes the importance of providing the public prompt and accurate information, particularly during emergencies. In order to maintain accuracy and to ensure that any information released to the public is consistent with legal and operational requirements and these guidelines, only the Police Director, Chief of Police, his/her designee, and/or the designated PIO may release information to the public.

**POLICY:** It is the policy of the Elizabeth Police Department to ensure that the release of information to the public and the media is carefully coordinated and controlled to avoid confusion and to promote the department in a positive manner. Employees specifically authorized by this policy to release information must cooperate with authorized news media representatives in their efforts to gather factual, public information pertaining to the activities of the department, as long as these activities do not unduly interfere with department operations, infringe upon individual rights or violate the law.

## PROCEDURE:

### I. DEFINITIONS

- A. Public Information: Information that may be of interest to the general public regarding, events involving the department, or other newsworthy information that is not legally protected, does not unduly interfere with the mission of the department, infringe upon the rights of defendants or compromise the legitimate, rights, safety and privacy interests of employees, victims, witnesses, or other applicable persons.
- B. News Media Representatives: Those individuals who are directly employed by agencies of the electronic or print media such as radio, television and newspapers. Media representatives must possess and present authorized identification from either a local, national or international news organization.
- C. Public Information Officer (PIO): The department's PIO serves as a central source of information for release by the department and responds to requests for information by the news media and the community. The Police Director or Chief of Police shall designate an employee(s) to serve as the department's PIO.

### II. AUTHORITY TO RELEASE INFORMATION TO MEDIA

- A. Unless otherwise authorized by the Police Director or Chief of Police, no press releases will be issued and no interviews with media will be granted.
- B. Normally, the law enforcement agency having primary jurisdiction over an investigation or scene should be responsible for releasing information to the news media. However, if it is a joint investigation involving the Union County Prosecutor's Office or the Division of Criminal Justice, as a lead agency, the Union County Prosecutor or Division of Criminal Justice will take the lead in dealing with the media, issuing press releases, and scheduling and conducting press conferences.
- C. The Police Director, Chief of Police, his/her designee and/or the designated PIO are authorized to release information to the media.
  - 1. Detective Lieutenant
    - a. The Detective Lieutenant may release information to the news media that is not contrary to law or policy.
    - b. The Detective Lieutenant or their designee shall prepare written news releases, as needed.
  - 2. If none of the authorized individuals are available, all requests for information must be referred to the shift commander or Desk Lieutenant.
    - a. The patrol shift commander or Desk Lieutenant may be authorized to respond to inquiries from the media regarding major in progress events, with authorization from the Police Director, or Chief of Police, on a case by case basis.
    - b. The Desk Lieutenant is also responsible for ensuring the Police Director, Chief of Police, his/her designee and/or the designated PIO

are informed of events having potential for widespread media interest.

- c. All other pertinent requests from the media should be made to the Police Director, Chief of Police, his/her designee and/or the designated PIO during normal business hours.

### III. RESPONSIBILITIES OF THE PIO

#### A. The PIO shall be responsible for:

1. The overall coordination of release of all information from the department to include the preparing and distributing news releases, as needed.
  - a. Authorized individuals specified in this general order shall be responsible for the preparation of the written press releases.
  - b. The Police Director, Chief of Police, his/her designee and/or the designated PIO may review written press releases concerning incidents prior to release.
  - c. Copies of press releases shall be maintained by the Police Director, Chief of Police, his/her designee and/or the designated PIO in a readily accessible area and retained for at least one year.
2. Assisting media coverage of "routine" and "emergency" situations;
3. Being available during crisis situations, including availability on an on-call basis;
4. Arranging and assisting at media briefings;
5. Coordinating the release of information regarding confidential investigations and operations;
6. Promoting and maintaining positive relations with the media;
7. Involving the media in the development or changes of policies affecting the release of information when possible;
8. Ensure that information is released in a manner consistent with Executive Order # 69 and the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., and keeping in mind the right of citizens to be aware of events occurring in their community.

### IV. RELEASE OF INFORMATION

#### A. The following information **shall not be** released except as permitted by law:

1. Juvenile records;
2. Child Abuse records;

3. Criminal history records;
4. Domestic Violence records;
5. Names of victims of sex crimes;
6. The name of a victim of an incident resulting in serious injury, crime or fatal accident, where there has been no notification of next of kin, until the proper notifications have been made;
7. Any information that is likely to compromise the safety of an individual or investigation;
8. Identity, statement, or expected testimony of any witness or victim;
9. Any information pertaining to a defendant's prior arrest record, character or reputation;
10. Existence or contents of any confession, admission, or statement of a defendant or his/her failure or unwillingness to make a statement;
11. Performance or results of any tests or a defendant's refusal or failure to submit to tests;
12. Opinions given by any employee of the department as to the guilt or innocence of the accused, nor any opinion, knowledge, or speculation of the potential for a plea bargain or other pretrial action;
13. Any information received from other law enforcement agencies without that agency's concurrence in releasing such information;
14. Information which, if prematurely released, may interfere with the investigation or apprehension such as the nature of leads, specifics of a modus operandi, details of the crime known only to the actor(s) and the police, or information that may cause the suspect to flee or more effectively avoid apprehension;
15. Information that may be of evidentiary value in criminal proceedings;
16. Specific cause of death, unless officially determined by the medical examiner;
17. Information regarding a search warrant;
18. Photographs or video footage of seized weapons, drugs, or other contraband;
19. Information regarding the suspects' medical condition;
20. The home address or telephone number of any member of the department;
21. Photograph of a suspect or defendant in public places is neither encouraged nor discouraged, but the accused shall not be posed;

22. If an indictable arrest has been made and the suspect arraigned, (Pre-trial Disclosure) all future inquiries of the case should be referred to the Union County Prosecutor's Office or Office of the New Jersey Attorney General unless otherwise determined by the Police Director, Chief of Police, his/her designee and/or the designated PIO.
- B. The following information may be released by the designated PIO as soon as practicable unless it shall appear that the release of such information will jeopardize the safety of any person or any investigation in progress or be otherwise inappropriate. For the purposes of this directive, the term "as soon as practicable" shall generally be understood to mean within 24 hours:
1. Where a major crime has been reported but no arrest yet made, information as to the type of crime, time, location and type of weapon, if any;
  2. If an arrest has been made, information as to the name, address and age of any victims unless there has not been sufficient opportunity for notification of next of kin of any victim of injury and/or death to any such victim or where the release of the names of the victim would be contrary to existing law or court rule, such as the identification of a sex crimes victim. In deciding on the release of information as to the identity of a victim, the safety of the victim and the victim's family, and the integrity of any ongoing investigation, shall be considered. These concerns are heightened when a crime has been reported but no arrest yet made;
  3. If an arrest has been made, information as to the defendant's name, age, residence, occupation, marital status and similar background information and, the identity of the complaining party unless the release of such information is contrary to existing law or court rule;
  4. Information as to the text of any charges such as the complaint, information and indictment unless sealed by the court;
  5. Information as to the identity of the investigating and arresting personnel and agency and the length of the investigation;
  6. Information of the circumstances immediately surrounding the arrest, including but not limited to the time and place of the arrest, resistance, if any, pursuit, possession and nature and use of weapons and ammunition by the suspect and by the police;
  7. Information as to circumstances surrounding bail, whether it was posted and amount thereof;
  8. Title 39:4-131 provides that Motor Vehicle Accident Report Forms completed by police and forwarded to the New Jersey Motor Vehicle Commission shall not be privileged or held confidential. This does not pertain to any investigative reports dealing with an accident investigation such as a motor vehicle fatality or DWI, which are not forwarded to the New Jersey Motor Vehicle Commission;
  9. Under special circumstances, 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. No department photographs, mug shots, videotape, film, or composites of subjects in custody shall otherwise be released to the media unless authorized by the Police Director, Chief of Police, his/her designee and/or the designated PIO.

- a. Photographing of a suspect or defendant in public places is neither encouraged nor discouraged, but the suspects or accused persons in custody shall not be posed or arrangements made for photographs, telecasts or interviews, nor shall agency personnel pose with suspects or accused persons in custody.
- C. Before providing information to the news media or responding to inquiries from media representatives, the following requirements should be carefully considered:
  - 1. The necessity to prevent interference with or hampering of an investigation;
  - 2. The necessity to preserve evidence;
  - 3. The necessity to protect the safety of the victims or witnesses of the crime;
  - 4. The necessity to protect the identity of informants;
  - 5. The necessity to successfully apprehend the perpetrators of a crime;
  - 6. The necessity to protect the constitutional rights of persons accused of a crime;
  - 7. The necessity to avoid prejudicial pretrial publicity;
  - 8. The necessity to preserve the privacy for certain victims and witnesses; and
  - 9. Any decision whether to release information shall take into full account the privacy interests and the protection of victim(s) of the crime. N.J. Const. Art. 1, sec. 22; N.J.S.A. 52:4B-36.
- D. The Union County Prosecutor, as Chief Law Enforcement Officer of the County, shall promptly resolve all disputes as to whether or not the release of records would be "otherwise inappropriate," between the custodian of any records referred to herein and any person seeking access thereto. Where the County Prosecutor determines that the release of records would be "otherwise inappropriate" the Prosecutor shall issue a brief statement explaining his/her decision. Any disputes over the public release of information shall be referred to the Prosecutor's Media Officer for resolution.

## **V. COOPERATION WITH THE MEDIA**

- A. Members of the department shall display a high degree of cooperation to members of the news media. No preferential treatment of certain members of the news media to the exclusion of others will be tolerated.

- B. The release of information should only be provided upon verification that the individual is a bona fide representative of a recognized news organization or has proof of freelance assignment with a recognized news organization.
- C. Information should be released to the media as promptly as circumstances allow, within appropriate legal and operational guidelines.
- D. Authorized personnel may provide information over the telephone to media representatives, provided the identity of the representative is known or can be verified.
- E. Nothing in this general order is intended to preclude the use of the media to disseminate information to the public in the following situations:
  - 1. When a serious crime occurs and there is a description of a suspect or vehicle, and the officer feels that public assistance will expedite the identification and/or apprehension of the responsible party. For crime alerts, the release shall contain a telephone number where members of the public can call with information relating to the incident.
  - 2. There is a serious traffic, road, weather or other condition present that would warrant prompt notification to the general public for informational and warning purposes.

## **VI. CONTROL OF MEDIA ACCESS**

- A. Authorized news media representatives shall have reasonable access to the Police Director, Chief of Police, his/her designee and/or the designated PIO. When information must be denied to a media representative, the basis for that denial should be fully and courteously explained when circumstances allow.
- B. All officers should confirm authorized identification from local, national and international news organizations, as well as press credentials issued by the New Jersey State Police and New Jersey Press Association. Failure of the news media personnel to present authorized identification may provide grounds for restricting access to requested information or to incidents scenes.
- C. Reasonable courtesy will be extended to the media representatives who are at the scene actively covering an incident.
- D. Access to the active scene will be restricted to emergency personnel. The news media, upon scene stabilization, may be allowed access to the scene for photographic opportunities. The decision as to authorize access will be made by the highest ranking on scene member of the lead investigative agency. The law enforcement designee should explain the circumstances regarding access restrictions.
- E. The news media shall not be permitted 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, broadcast, or portrayed.

- F. Media representatives, vehicles and equipment may be granted access to the outer perimeter of a scene, except when:
  - 1. Access to the area will interfere with the investigation, collection or preservation of evidence, or the general flow of traffic.
  - 2. There is danger of personal injury.
- G. If the Chief of Police or his designee has granted approval, media access to investigative personnel for interview purposes shall be arranged at a secured off-site location, preferably one that gives law enforcement the ability to screen persons entering the press area by verifying that they have proper State of New Jersey Press Credentials.