


FORT SMITH POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	Public Information		
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APPROVED BY		CALEA STANDARDS	LE 52.1.4; LE 54.1.1; LE 54.1.2; LE 54.1.3; COM 1.4.12; COM 2.6.6; COM 2.6.7; COM 6.7.1

I. Purpose and Scope

- A. The purpose of this policy is to establish procedures pertaining to the Fort Smith Police Department's release of information to the public and/or to the news media. This policy shall apply to all members of the Fort Smith Police Department.

II. Policy

- A. The Fort Smith Police Department acknowledges that law enforcement agencies must have the support of their communities in order to operate efficiently. By providing the public with accurate information on departmental administration and operations, the Fort Smith Police Department can better foster a relationship of mutual trust, cooperation, and respect with the members of our community. Therefore, it is the policy of the Fort Smith Police Department to inform the community of newsworthy events that occur within the jurisdiction of the police department and about events that involve the police department.

III. Definitions

- A. *Public Records* – All writings, recorded sounds, films, tapes or data compilations in any form, required by law to be kept or otherwise kept, and which constitute a record of performance or lack of performance of official functions which are or should be carried out by a public official or employee, a governmental agency, or any other agency wholly or partially supported by public funds or expending public funds. All records maintained in public offices or by public employees within the scope of their employment shall be presumed to be public records.
- B. *Criminal Investigative Information* – Information relating to an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including but not limited to the following:
1. Information derived from laboratory tests;
 2. Reports of investigators or informants; or
 3. Any type of surveillance.

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Such information is considered “active” as long as it is related to an ongoing investigation, which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.

- C. *Criminal Intelligence Information* – Information concerning an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity. Such information is considered “active” as long as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities.

IV. Procedures

- A. The Fort Smith Police Department’s Public Affairs Officer will act as the single authoritative source of media contact for the Police Department in the following manner:
1. During normal business hours, the Public Affairs Officer will attempt to comply with media requests for information by conferring with the appropriate person in order to obtain the requested information. Sources of information include the Chief of Police, the officer in charge of a particular case, the appropriate Division Commander, or a shift supervisor.
 2. Members of the media may occasionally respond to a news scene that normally would not require the Public Affairs Officer’s presence. However, if the supervisor in charge requests the assistance of the Public Affairs Officer, the Communications Center should be directed to make the appropriate contact as soon as practicable.
 3. When the Public Affairs Officer is unavailable during normal business hours, the Chief of Police or their designee may release information from police department files.
 4. The Division Commander or ranking on-duty supervisor will handle all media requests after normal business hours. In the event of a particularly newsworthy incident, the Division Commander or ranking supervisor will determine the need for the Public Affairs Officer’s response. If such response is deemed necessary, the Division Commander will notify the Communications Center to make contact with the Public Affairs Officer.
- B. Agency reports are available through the Fort Smith Police Department’s Information Desk, providing equal access to all members of the news media. These reports contain offense and arrest information as well as information about other newsworthy incidents. The news media may view these reports during the Information Desk’s normal business hours, Monday through Thursday, from 8:00 am to 7:00 pm, and Friday, from 8:00 am to 6:00 pm. After normal business hours, to include weekends, the Division Commander or on-duty supervisor may facilitate the viewing of agency reports contingent on the supervisor’s availability and call load.
- C. At the scene of any event of public interest, members of the Fort Smith Police Department will permit members of the news media to conduct interviews, take photographs or film, or otherwise perform their assigned tasks, provided their activity does not interfere with ongoing law enforcement operations.
- D. Pertinent information shall be released to the news media as promptly as circumstances allow in an impartial, courteous and objective manner. These news releases shall be conducted in the following manner:

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1. The investigating officer shall prepare a report of the event and forward a copy of the report, through his/her supervisor, to the Public Affairs Officer in a timely manner.
 2. After normal business hours, the Division Commander or on-duty shift supervisor will ensure that a copy of any newsworthy incident or arrest is placed in the media file at the Information Desk within a reasonable time from the occurrence of the incident.
 3. A copy of offense reports concerning the following types of incidents shall also be forwarded to the Public Affairs Officer immediately upon completion:
 - a. Homicide;
 - b. Aggravated Robbery;
 - c. Fatality accidents;
 - d. School-related incidents;
 - e. Disasters or catastrophes;
 - f. Officer injuries; and
 - g. Any police incident that will likely attract media attention.
 4. To prevent duplication of effort or providing conflicting information, Division Commanders or shift supervisors shall ensure that information concerning newsworthy events which has been released to the news media in the absence of the Public Affairs Officer is reported to the Public Affairs Officer as soon as possible.
 5. Releases to the media concerning new departmental policies or programs will be coordinated through the Public Affairs Officer.
 6. News releases concerning incidents involving agency policy, the official interpretation of agency policy, or investigations of an internal nature will only be made by the Chief of Police or their designee.
 7. In cases of traffic accidents or other incidents in which the Public Affairs Officer would not normally be called to the scene, the investigating officer or the ranking officer on the scene may release information pertaining to the incident to the news media.
- E. When representatives of the news media desire interviews with agency personnel other than the Public Affairs Officer, such interviews may be conducted only with the approval of the appropriate Division Commander and should be coordinated through the Public Affairs Officer.
- F. In those instances where more than one agency is involved in an incident, the agency having primary jurisdiction will be responsible for releasing and/or coordinating the release of information to the news media.
- G. All Fort Smith Police Department news conferences will be conducted only upon the approval of the Chief of Police. These scheduled news conferences will be conducted in the following manner:

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1. All news media sources within the jurisdiction of the Fort Smith Police Department will be informed as soon as is practicable of the date, time, and location of the scheduled news conference.
 2. The Public Affairs Officer will be responsible for supplying media representatives with appropriate press packets that should include, but not be limited to, the following:
 - a. When appropriate, a general press release detailing the incident, with correctly spelled names, age and address of suspect(s).
 - b. Applicable statistics; and
 - c. Photographs of the suspect(s), news clippings, and other visual objects that will meet the special needs of the media.
 3. In most cases, the Chief of Police, a Division Commander, or the investigator in charge of the case, as well as any other knowledgeable personnel will be present with the Public Affairs Officer during the news conference to provide additional background information on the case.
 4. The Public Affairs Officer will respond to any improper questions or adversarial situations that may arise during the news conference.
- H. Unless a release of information would compromise an investigation, the Public Affairs Officer, the Division Commander, or shift supervisor is authorized to release the following types of information involving criminal matters to news media personnel:
1. The accused/arrested person's name (if an adult), age, residence, employment, marital status and any similar background information.
 2. The date, time, location, and nature of the reported crime.
 3. The identity of the investigating or arresting agency, and the length of the investigation.
 4. The circumstances surrounding the arrest including the date, time, and place of arrest; whether there was any resistance involved, possession or use of weapons, pursuit, and the descriptions of any items seized in connection with the arrest.
 5. The name, sex, age, and address of any victim or complaining witness, unless the release of such information is likely to pose a threat to the mental health, physical health, or personal safety of the victim or complaining witness, or compromise a future criminal investigation.
 6. ***With regard to sex crimes, the identity of the victim of a sex crime is not considered public information and will not be released.*** A.C.A 16-90-1104 prohibits a law enforcement agency from disclosing information either directly or indirectly relating to the identity of a victim of a sex crime except to the extent the disclosure is of the site of the crime, is required by law, is necessary for law enforcement purposes, or is permitted by the court for good cause.
 7. The Public Affairs Officer will coordinate the release of information and statistics concerning confidential agency investigations and operations when such material becomes public record.

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- I. During crisis situations occurring within the jurisdiction of the Fort Smith Police Department, the Public Affairs Officer will channel official information by memorandum or other appropriate means of internal communication, and/or disseminate this information to the general public through the news media.
- J. Neither the Public Affairs Officer, nor any other person authorized to release information for the Fort Smith Police Department, shall release the following types of information:
1. Any information which might jeopardize the successful conclusion of an investigation or its subsequent prosecution. Unless approved by the lead investigator or a supervisor, employees will not release information concerning ongoing investigations for which they do not have ultimate responsibility.
 2. The identity of any suspect prior to arrest or the results of any investigative procedures, except to the extent necessary to aid the investigation, to assist in the apprehension of the suspect, or to warn the public of potential dangers.
 3. Any opinion as to the guilt or innocence of the accused, the merits of the case, or the evidence involved in the case.
 4. Any information revealing the substance of a confession by an arrested person until such time as adjudication, dismissal, or other final disposition finally determines the case.
 5. The possibility of a plea of guilty to the offense charged, or to a lesser offense.
 6. Information that reveals the identity of the victim of any sex offense, pursuant to A.C.A. 16-90-1104, as stated previously.
 7. *Records of arrest or detention of juveniles, except as authorized by a written order of the Juvenile Court, or if, the juvenile is formally charged as an adult in Circuit Court for a felony offense, or if the juvenile is charged with a traffic offense only.*
 8. *The name and address of a minor occupant who is under eighteen (18) years of age involved in a motor vehicle accident. Act 1229 took effect January 1, 2015 and amended A.C.A 27-53-202. Act 1229 prohibits the release of the name and address of a minor unless the requestor is:*
 - a. *The parent, legal guardian, or legal custodian of the minor; or*
 - b. *A representative of an insurance company that insures a person involved in the accident.*
 9. The home address, telephone number, photograph, social security number, and place of employment of active or former member of the Fort Smith Police Department personnel without the consent of that member. *However, if a present or former member of the Police Department is arrested, his/her name and photograph may be released to the media in that regard.*
 10. The identity of person(s) killed or seriously injured, until a reasonable attempt has been made to notify the next of kin.

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11. "Confidential" information received by the Fort Smith Police Department from another law enforcement agency.
 12. Information revealing the identity of confidential informants or surveillance techniques utilized by the Fort Smith Police Department.
- K. Any release of information concerning confidential information, investigations or operations of the Fort Smith Police Department must be authorized by the Chief of Police or their designee and may be conducted explicitly by the Public Affairs Officer.
- L. It is important to build a good rapport between the media and the Fort Smith Police Department. The Public Affairs Officer will meet periodically with representatives of the news media to review or discuss any past or developing issues. The Public Affairs Officer shall be responsible for identifying problems that may occur between the agency and the news media. If these problems are the result of a policy failure, the Public Affairs Officer shall solicit ideas and suggestions from the media and submit a written evaluation of the problem(s) and input from the media to the Chief of Police.
- M. In the event of a major crime, incident, or disaster, police lines are often established for the purposes of crowd control, to permit investigation, and to preserve evidence. Keeping in mind the purpose of a secure crime scene and dependent upon the tactical situation, the Public Affairs Officer or ranking officer on the scene should try to make an affirmative effort to provide news photographers timely access to the crime scene. This access, which is to be considered with sensitivity to the scene and to the public's interest, is to be handled in the following manner:
1. The news photographers will be escorted into specific areas by only those investigators in charge of the scene. These investigators will be most familiar with potential evidence and would be able to direct the news personnel away from such evidence.
 2. While news media representatives may be permitted in the area of a crime scene, they do not have the authority, without an escort, to be within a crime scene or area that has been secured to preserve evidence. This shall include any location where their presence jeopardizes law enforcement operations, or on private property (i.e. an apartment or house) without the consent of the owner or lessee.
 3. Media representatives shall not be excluded from the vicinity of major incidents, natural disasters, or other catastrophic events. For safety purposes, the news media should coordinate their activities with the Public Affairs Officer who will act as a liaison during these types of incidents. ***The decision to assume the risk of possible danger remains with the individual news person involved and it is not the responsibility of the Fort Smith Police Department to provide for the safety of any news media personnel who voluntarily choose to subject themselves to danger.***
- N. The Fort Smith Police Department shall make available information to the public on the procedures to be followed in registering complaints against the Fort Smith Police Department or its members. This information will be made available to the community through the Police Department's website, or in response to questions from the news media or citizens through community relations programs when appropriate. Additionally, all Police Department personnel receive training on the procedures to be followed in the event an individual desires to register a complaint.

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