

 Kinston Police Department	<u>POLICY: Media & Public Information</u>						<u>POLICY #:</u> 100-11
	<u>NCLEA Standards: 4.02; 4.03</u>						
	<u>CALEA Standards: 54.1.3</u>						
	<u>NCLM Standards:</u>						
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised		Revision Dates:	01/01/21	01/07/25			Effective Date: 07-01-2019
Approval: Chief of Police							

I. PURPOSE AND SCOPE

This policy provides guidelines for the release of official office information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

II. POLICY

The Kinston Police Department strives to maintain public confidence, police actions and policy objectives must be disclosed in a full and open manner. The department will disseminate factual accounts of occurrences to the news media, while being cognizant of the public's right to know and the legal rights of involved individuals. Due consideration will be given to protecting the integrity of the police investigation and the confidentiality of statutorily protected records.

III. RESPONSIBILITIES (NCLEA 4.03)

The Chief of Police is the ultimate authority and is responsible for the release of information to the media. In situations where the Chief has given prior approval, Division Majors, Supervisors, and designated Person responsible for Public Information (PIO) functions may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

At major scenes, in the absence of the Public Information Officer, news media coordination is conducted by the highest-ranking supervisor or designated officer. When the highest-ranking supervisor on-scene contacts the Major or Chief of Police, a back-up PIO may respond to the scene or handle a telephone call from the media; depending on the nature of the event. When necessary, the highest-ranking supervisor or his/her designee is in charge of answering telephone news inquiries and is to disseminate updated information. The on-scene supervisor provides the media with timely information about the events on-scene.

IV. PROVIDING ADVANCE INFORMATION

To protect the safety and rights of office members and other persons, advance information about planned actions by law enforcement personnel, such as the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police. Prior to approving any exception, the Chief will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

V. MEDIA REQUESTS (NCLEA 4.02)

Any media request for information or access to a law enforcement incident shall be referred to the member given responsibility for information release at the time.

At no time shall any employee of the Kinston Police Department make any comment or release any official information to the media without prior approval from the Chief or the supervisor responsible for PIO function at the time.

In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this office. Under no circumstance should any department employee make any comment to the media regarding any law enforcement incident not involving Kinston Police Department without prior approval of the Chief.

Pre-Arrest Information Release

The following are established guidelines for the release of information to the media before an arrest, unless the release may hinder a criminal investigation.

1. A description of the exact offense including a brief summary of events;
2. Location and time of the offense
3. Injuries sustained or damages resulting from the action. Generally, release of a medical condition is prohibited;
4. Identity of the victim, except for a sex crime victim, at-risk adult victim or child abuse victim, any juvenile;
5. Whether or not there are suspects;
6. Information about unidentified suspects such as a physical description or vehicle description;
7. Identification of fugitive suspects for whom a warrant has been issued.
8. When the public should be alerted to possible danger; and,
9. Method of complaint (officer observation, citizen, warrant, indictment).

Post-Arrest Information Release

The following are established guidelines for release of information to the news media after an arrest:

1. Time and place of arrest;
2. Defendant's name, age, residence, usual occupation, marital status, and similar background;
3. The exact charge;
4. Facts and circumstances relating to the arrest such as resistance, pursuit, possession or use of a weapon, description of contraband discovered;
5. Duration of the investigations; Pretrial release or detention arrangements (including amount of bond, location of detention); and scheduled date for the defendant's initial court appearance.

VI. ACCESS (CALEA 54.1.3)

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Department personnel should not act to prevent the lawful efforts of the media to photograph, tape, record and televise adult subjects in a public place, i.e. while seated in a police car, being escorted through the lobby, etc. and/or a sealed crime scene from outside the sealed perimeter. The media shall not be allowed to photograph subjects in custody within areas of department buildings off limits to the public at large.

Access by the media is subject to the following conditions:

- a. Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.
 - Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the employee responsible for PIO function or other designated spokesperson.
- b. Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express written consent of the person in custody.
- c. No member of the department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

VII. CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department employees shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor who at the time is responsible for PIO function.

VIII. CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the person responsible for PIO function at the time to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Division Policy 100-17). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

Pre-Arrest Restricted Release Information

The following established guidelines are for information THAT MAY NOT be released before an arrest:

1. Identity of suspects who are interviewed but not charged;
2. Identity of witnesses where such information could subject them to danger or extreme embarrassment;
3. Identity of sex crime victim, at-risk adult victim, or child abuse victim (general information is sufficient: race, sex, age), any juvenile victim;

4. Exact address of sex offense or child abuse, where such information could lead to the identity of the victim;
5. Exact identifying information about the weapon or other physical evidence;
6. Any information that could be known only to the guilty party;
7. Information about valuable items not stolen;
8. Conjecture about suspects or fugitives or criminal record of person;
9. The amount taken in a robbery or burglary;
10. Identity of victims in death investigations until notification of relatives has been made;
11. Misleading or false information;
12. Forensic tests being performed, results of tests or failure or refusal to submit to such tests; and,
13. School records or school information contained in a report.
14. Information on juveniles under the age of 18.

Post-Arrest Restricted Release Information

The following established guidelines are for information that MAY NOT be released to the media after an arrest;

1. Name of defendant's employer;
2. Comments about the character or reputation of the defendant;
3. Prior criminal record of defendant (Records Section may release Kinston Police contacts on request of news media in accordance with state statutes) NCIC and CCIC information is not to be released;
4. Information about the existence or content of a confession, admission, or statement by the accused;
5. The refusal of an accused to make a statement;
6. The refusal of an accused to submit to tests or examinations;
7. Results of any examination or tests;
8. Description or results of laboratory examination of physical evidence;
9. Reenactment of the crime;
10. Revelation that the defendant directed investigators to the location of a weapon, contraband, or other evidence;
11. Any remarks about the assumed guilt or innocence of the defendant;
12. Comments about the credibility of testimony;

13. If the information for the arrest was derived from an informant;
14. Information or records obtained from DMV; and,
15. School records or school information contained in report;
16. Information on juveniles under the age of 18.

IX. EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media with the consent of the involved officer, in response to a formal request filed, and with approval of the Chief of Police in consultation with any outside investigating agency head and/or appropriate prosecutor (N.C.G.S. § 132-1.4).

X. RELEASE OF INFORMATION (NCLEA 4.02)

Kinston Police Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department social media sites or other electronic data sources.