

**LITTLE ROCK POLICE DEPARTMENT
GENERAL ORDER**

G. O. 109 MEDIA RELATIONS AND INFORMATION RELEASES

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I. Purpose

- A. This Order shall establish guidelines for relations with members of the media, the release of police information and response to F.O.I. Act requests.
- B. In all matters of interest to the public, the Little Rock Police Department will maintain open communications emphasizing a balance between the citizen's right to know and the constitutional rights of the accused.
- C. The Department will work with the media to ensure that information is provided on a timely and factual basis whenever possible by arranging for, and assisting at, news conferences.
- D. Contacts between the news media and the police will be conducted in a courteous, professional manner.
- E. Whenever changes are made concerning public information policies and procedures, the Public Affairs Section may seek input from the news media in order to establish a more effective working relationship.
- F. The Public Affairs Section, when requested, shall assist in crisis situations within the Department as well as outside the Department.

II. Major Incidents

- A. Public Affairs Officer Notification
 - 1. The Public Affairs Officer (P.A.O.) will serve as the primary point of contact for staff information and notification of critical incidents, as detailed in this Policy.
 - 2. It is the responsibility of on-duty supervisors to notify the P.A.O. of the following listed events. The P.A.O. will then notify the Chief of Police of these incidents.
 - a) All murders;
 - b) Attempted murders or shootings of more than one person in a single incident;
 - c) All police-related deadly force incidents;
 - d) All incidents in which any City employee, is injured or arrested;
 - e) All traffic accidents involving fatalities and City vehicle accidents which results in death or serious injury to any person;

- f) Any incident, which constitutes a civil disturbance or disaster, such as riots, large-scale demonstrations, natural disasters, or any other type of civil disorder or disaster, which threatens human life or property in the City; and,
 - g) Any incident where there may be a question as to the agency's liability or those which may result in heightened community interest.
- 3. The P.A.O. will notify the City Manager, or designee, of the facts by telephone immediately, if before 2100, or at 0600 hours the following morning. The P.A.O. will also ensure that a brief summary of the incident is provided to the Chief of Police by 0900 hours the same day. This summary shall indicate that City Manager notification was made pursuant to this Order.
- 4. All other Chain of Command incident notification requirements, prescribed throughout the General Orders, will remain unaffected by this Order.
- 5. In the event the P.A.O. is not available, the Assistant Public Affairs Officer will be the point of contact.

B. Media Safety

- 1. If an incident may attract media attention, a supervisor will respond to the scene, evaluate the situation, and determine the need for notification of the P.A.O. or their designee.
 - a) The P.A.O. or their designee should be notified whenever their services will assist the on-scene officers in handling media requests.
 - b) When the Little Rock Police Department is not the primary investigating agency, information concerning the investigation will be referred to the primary investigating agency.
- 2. If media representatives are at the scene, a supervisor and/or the P.A.O. or their designee shall determine the best assembly point for media members.
 - a) For safety, media members will be directed to an area adjacent to the command post, if one has been established, or to the on-scene commander or P.A.O. or their designee.

C. Police Scene Access

- 1. Access by media representatives to a police scene will be controlled by the supervisor in charge of the incident.
 - a) Yellow crime scene tape should be used to define all restricted areas.
 - b) Media access to any specific area wherein evidence could be destroyed or compromised will be temporarily denied.

- c) Media access may be limited when the presence of the media would interfere with a police operation.
- 2. Media representatives should not be excluded from the general vicinity of crime scenes, accident scenes, major fires, natural disasters and other catastrophic events. For safety purposes, the news media should coordinate their activities with the P.A.O. or their designee. The P.A.O. will act as a liaison during these types of incidents. The P.A.O. will be responsible for the information gathering, preparation, and dissemination of information to the news media representatives.
- 3. Photographers will not be restricted from taking pictures at a crime or accident scene.
- 4. The media shall not be denied access to an area where the public is allowed.
 - a) There are no restrictions that apply to taking pictures from public property.
 - b) If any media representatives (including photographers) are on private property and the owner or custodian of that property requests that they leave the premises, officers shall ask the media to move to public property.
- 5. Photographs may be taken of a suspect in transit but the suspect will not be posed by an employee.
- 6. Officers at the scene of an incident may answer general questions from the media concerning the facts surrounding the incident. This information should be restricted to that detailed in this General Order.

D. Reports to the Public Affairs Section.

- 1. A copy of Offense Reports concerning the following types of incidents will be forwarded to the P.A.O. immediately after completion:
 - a) Homicide;
 - b) Bank robbery;
 - c) Fatal accidents;
 - d) School related incidents;
 - e) Major fires;
 - f) Disasters or catastrophes;
 - g) Officer injuries; and,
 - h) Any police incident which attracted media attention.

III. Release of Information

A. Departmental Operations

1. Statements of policy and information regarding organizational changes or disciplinary actions shall originate from the Office of the Chief of Police.
2. Employees shall not make a public address or write for publication concerning the affairs of the Department without the written authorization of the Chief of Police.
3. Employees, both sworn and civilian, will not communicate, disclose or release information involving departmental matter(s) that may lead to public scrutiny without authorization by the Office of the Chief of Police or their designee. At no time shall; employees comment on any rumor(s) relating to any Departmental activities or matters. Any violation(s) of this General Order may result in discipline, up to and including termination
4. Disclosure of job related information to other members of the Department will be on a need-to-know basis only. Work papers and documents within an office, on or in a desk, or computer files and disks are not intended for general viewing and all employees are prohibited from attempting to observe or read such papers. This Order is not intended to restrict the flow of information within the Department, but is necessary to preserve the confidentiality of information.
5. The disclosure of recorded information or any information concerning departmental operations is prohibited unless there is a determined "need to know"; the information is needed by another criminal justice agency; or it is required by law to be disclosed. Personnel are expressly prohibited from the disclosure or discussion of departmental information of a confidential nature, information that might jeopardize the success of a tactical operation, investigative information, or information that might violate the individual's right to privacy. Unless specifically authorized, no information will be released without a request in writing from the person/agency seeking the information
6. The following information may be released upon request:
 - a) The facts and circumstances of an arrest including time and place, any resistance, pursuit and the use of weapons by either the suspect or the officer;
 - b) The suspect's name, age, residence and occupation (except related to juveniles as outlined in this Order);
 - c) The identity of the arresting and investigating officer if it does not compromise the officer and/or a police operation;
 - d) The charges on the suspect and a brief description of the elements of the offense; and,
 - e) Any victim and/or witness information listed on a police incident report, except for sexual assault victims.
 - f) For arrest information concerning juveniles refer to this Order.

7. Employees shall not instruct a victim or complainant not to talk to the media unless special circumstances exist that would affect the prosecution of the case. The Public Affairs Section shall be notified to facilitate media liaison relating to the particular incident and the special circumstances.
8. The following information shall not be released:
 - a) Contents or existence of any statement, admission or confession;
 - b) Personal opinions regarding the suspect, evidence or any matter pertaining to an investigation;
 - c) Any statements concerning anticipated testimony or the truthfulness of witnesses;
 - d) The results of laboratory tests except official Medical Examiner's reports on cause of death or blood/breath results; and,
 - e) The names of victims, both civilians and officers, injured or killed until the next of kin has been notified.
9. The Chief of Police may authorize the release of any information deemed appropriate.

IV. Information from Police Files

- A. Employees shall not release information from Departmental files except in the following cases:
 1. Offense Reports, including Supplemental Reports as required;
 2. Accident Reports;
 3. Conviction information;
 4. Pursuant to Freedom of Information request as governed by Arkansas State Statutes and Departmental Policy; and,
 5. No report will be copied for distribution outside the Department until a supervisor has signed it, listed on a submission form and verified that the original report has been received in the Records Section.
- B. Arrest information related to juveniles shall not be disclosed to the public unless:
 1. Authorized by a written order of the Juvenile Court; or,
 2. The arrest or proceedings result in the juvenile being formally charged in Circuit Court for a felony; or,
 3. The juvenile is charged with a traffic offense.

- C. Offense Reports involving juveniles may be released only when the name and all pertinent identifying information has been deleted or authorized under the guidelines of this order.

V. Internal Investigation Information

- A. Inquiries into personnel investigations shall be referred to the Office of the Chief of Police.
- B. Employees shall not discuss these matters with non-Departmental personnel.

VI. News Releases

- A. News releases concerning the Department will be coordinated with the Public Affairs Section. All information released will be documented and forwarded to the office of the P.A.O. before the end of the shift.
- B. Routine newsworthy information should be released by the Public Affairs Section. In their absence, a supervisor may release routine newsworthy information. This section shall not apply to officers at the scene of an incident described in section II, B, of this Order.

VII. F.O.I. Requests

- A. The Arkansas Freedom of Information Act ("FOIA") requires that all public records not subject to an exemption from the FOIA be made available immediately upon request unless the records are in active use or in storage. If in use or in storage, the public records must be made available within three working days of the time the request is received. The following guidelines will govern all FOIA requests.
 - 1. The Police Chief is the custodian of Little Rock Police Department records. Any department personnel who receive a written request for documents under the FOIA, with the exception of police reports, which will continue to be handled at the divisional level, shall immediately forward the request directly to the Chief's office using the quickest method of delivery. If possible, the request should be transmitted by fax machine so as not to delay the decision as to whether the records must be released. Upon receipt of the request by the Chief's office, it shall be immediately referred to the Public Affairs Section for further handling.
 - 2. If the FOIA request is made orally, the employee receiving the request shall ask that the request be made in writing in order to expedite the department's response. However, if the person making the request refuses to do so, the employee shall complete an Officer's Report Form containing the date and time of the request, the identity of the person making the request, a means of contacting the person and the information requested. This form shall then be forwarded to the Chief's Office in the same manner as written requests.

- B. Upon receipt of the FOIA request, the Public Affairs Section shall determine the type of records requested. If the request is for the personnel records of department employees, the person making the request shall be informed that the department maintains some personnel records which may be subject to disclosure but that the City of Little Rock Human Resources Department is the custodian of the official personnel files of all City employees. The person should also be advised that before personnel records maintained by the department can be disclosed, the employee whose records are requested must be notified and the City Attorney's Office consulted. The person should also be informed that this process will be handled according to the provisions of the FOIA. If they have immediate questions about that process, they may call the City Attorney's Office.
- C. If the request is for documents contained in an ongoing criminal investigative file or a file compiled by the Internal Affairs Division, the Public Affairs Section shall follow the following guidelines:
1. Files involving ongoing criminal investigations are not subject to disclosure; however, when the investigation is closed by administrative action, or closed by arrest, the records become subject to disclosure. Any F.O.I.A. request for a case file will be forwarded by the Public Affairs Section to the investigating unit's Division Commander who will inquire as to the status of the file. The Division Commander will determine the following:
 - a) If the case is open, open case files are not releasable under F.O.I.A. Open cases are cases where arrest(s) have not been made, arrests have been made but more are anticipated, or the case has been transferred to other agency investigators for further investigation. If the case is open, the Division Commander will forward a memo to the Public Affairs Section stating the reason the file is not releasable at this time. The memo will be attached to the original F.O.I.A. request and the Public Affairs Section will notify the requestor of the outcome of the request in writing, if necessary.
 - b) If the case is closed and releasable, the Division Commander will forward a copy of the file to the Public Affairs Section. The Division Commander will make sure all ACIC, NCIC, and other protected information is redacted from the copied file before forwarding. The Public Affairs Section will also review the file for information that is not releasable under the F.O.I.A. laws.
 2. Internal Affairs investigative files contain employee evaluations or job performance records which are not releasable under the F.O.I.A. law unless the investigation resulted in the suspension, demotion or termination of an employee and then only certain documents in that file are releasable. If a request is received for information from an Internal Affairs file, the Public Affairs Section will forward the request to the Internal Affairs Unit where the Internal Affairs Commander will review the file and determine if it resulted in a suspension, demotion or termination. If the file resulted in a suspension, demotion or termination, the Internal Affairs Commander will forward a copy of the Notice of Intent and the suspension, demotion or termination letter to the Public Affairs Section. If the investigation did not result in a suspension, demotion or termination, the Internal Affairs Commander will forward a memo to the Public Affairs Section stating the reason the file is not releasable. The memo will be attached to the original F.O.I.A. request and the Public Affairs Section will notify the requestor of the outcome of the request in writing, if necessary.
- D. Official F.O.I.A. requests should not be confused with normal questions asked by news reporters on a daily basis. Questions concerning crime, accidents and other normal police operations will continue to be handled as established by policy.

- E. If a F.O.I.A. request is made and there is some uncertainty about whether the information is subject to release, the request will be forwarded as soon as possible to the Public Affairs Section. The Public Affairs Section will inform the Chief of Police of the request and the request will be forwarded to the City Attorney for determination if the documents requested are releasable under F.O.I.A. If the City Attorney determines the information requested is releasable, the information will be released according to this policy. If the City Attorney determines the information is not releasable, the Public Affairs Section will attach the opinion of the City Attorney to the original F.O.I.A. request and notify the requestor in writing, if necessary, of the City Attorney's decision.

Additions and revisions are *italicized and underlined.*