



MONTPELIER POLICE DEPARTMENT

MEDIA RELATIONS	Related Policies: Internet Postings/Social Networking
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Analogous Vermont Statutes: 1 V.S.A. § 316	
CALEA Standard: 54.1.3, ACA 4-ALDF-7F-01	
Date Implemented: 10-01-2023	Review Date: 10-01-2023

- I. PURPOSE:** The purpose of this policy is to establish guidelines for the release of information to the news media and to provide the news media and the public with timely and accurate information regarding agency activities. The agency shall ensure that criminal investigations are not jeopardized by the premature release of information.
- II. POLICY:** It is the policy of the Montpelier Police Department to maintain a cooperative climate with the news media and the community regarding events within the public domain. The agency is committed to the needs of the news media and public interest as long as it shall not hamper the operations of the agency's law enforcement.
- III. PROCEDURES:**
 - A. Public Information Function:**

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police or designee. However, in situations when the Chief of Police or designee is absent, the department Deputy Chief of Police may assume the responsibility of overseeing the release of information. If the Deputy Chief of Police is not present, then the on-duty supervisor in charge of an incident or investigation is responsible for participating in media interviews and preparing press releases as part of the public information function in accordance with this policy and the applicable law.

Duties of this function include:

 - a) Assisting news personnel in covering routine news stories, and at the scene of incidents when so required.
 - b) Being available for on-call responses to the news media.

- c) Preparing and distributing formal news releases.
- d) Arranging for, and assisting at news conferences.
- e) Coordinating and authorizing the release of information about victims, witnesses, and suspects.

B. Freedom of Information Act (FOIA): The responsibility of FOIA rests with the Chief of Police, Deputy Chief of Police, or designee to:

- 1. Coordinate and authorize the release of information concerning:
 - a) Confidential agency investigations and operations.
 - b) Assisting in crisis situations within the agency.

C. News Media / On-Scene Access: [CALEA 54.1.3]

- a. News personnel and photographers covering stories at the scene of major incidents, disasters, or events will be directed to an area designated by the on-scene officer in charge.
- b. The area designated for the media should be convenient for the reporting of the incident so long as the investigation is not jeopardized and safety considerations are not compromised.
- c. The area will be outside of the crime scene perimeter.
- d. If other agencies are involved in a mutual effort, the agency with primary jurisdiction will be responsible for releasing information unless other arrangements have been agreed upon.
- e. Employees who are approached by members of the news media for information concerning official activities of the agency are to refer all such inquiries to the on-duty supervisor. Employees shall NOT communicate routinely with the media or representatives thereof without first consulting with and obtaining the permission of the on-duty shift supervisor to do so.

D. News Releases:

News releases are divided into three (3) categories: 1) ongoing investigations, 2) public relations, and 3) emergency news releases. The frequency and content of the release depend upon the objective desired. Normally, releases will be provided to those media agencies that have a direct relationship with the service community. The three types of news releases are:

1. Ongoing Investigations: It is important that all releases contain the same information. If possible, a printed release will be prepared for distribution to the media. The Chief of Police, Deputy Chief of Police, or their designees (the Shift Supervisor in their absence), MAY RELEASE the following information:

- a) The type of crime or nature of incident.
- b) The location (certain restrictions apply), date, time, injuries sustained, damaged property and a brief description of the incident.
- c) Amount and type of property taken, including value if known.
- d) The name, age, and address of any adult charged with a crime.
- e) The fact that a juvenile has been taken into custody, including sex and age.
- f) The nature, substance or text of the charge.

- g) The facts, time and place of arrest.
- h) The next step in the judicial process.
- i) Requests for aid in locating evidence, a complainant, or a suspect. The identity of a suspect before arrest will not be disclosed except to the extent necessary to aid in the investigation, to assist in the apprehension of the suspect, or to warn the public of any danger. A person's gender, general physical characteristics, and race may be released as descriptive information in such cases.
- j) Available photographs may be released only if they serve a valid law enforcement function such as the identity of an unknown victim or to enlist public assistance in the apprehension of the offender. Release of a photograph of an unknown victim requires the authorization of the Chief of Police or designee.
- k) Intake photographs (mugshots) of adult arrestees are available to the news media after an arrest, at the discretion of the lead investigator, or a supervisor. Other conditions for release of intake photographs include;
 - (1) Permission should be sought to release intake photographs of arrestees from the arresting agency.
 - (2) Releasing intake photographs of subjects who are juveniles charged as adults will be at the discretion of the prosecuting attorney having jurisdiction over the case.
 - (4) The release of intake photographs involving women, who have self-identified themselves of being of the Muslim faith, will be the intake photograph with their Hijab or Headscarf only. Any release of intake photographs without the religious Headscarf or Hijab must be approved by the Chief of Police or designee.

2. Public Relations: The Chief of Police or designee shall have final approval over issuing public relations news releases by agency public information / social media staff or city communications staff. Information should be provided to all media agencies that have contact within the agency's service area. The content of the news releases may include:

- a) Agency accomplishments.
- b) New program announcements.
- c) Crime prevention information.
- d) Relevant crime problems and statistics.
- e) Appointments and promotions.

3. Emergency News Release: Whenever there is an immediate need to inform the general public concerning an emergency, the on-duty supervisor may contact the news media and issue a press release. The need for such a release will depend upon the severity of the situation and the need for the public to be informed. In special situations of public concern such as a natural disaster (severe wind, snow emergencies, floods, or rainstorms, etc.), a major fire, or a chemical spill, the on-duty supervisor may issue a press release at their discretion. Comments to reporters should be comprised only of factual, on-the-record information. The on-duty supervisor will inform their superior of the emergency release as soon as practical. The superior will determine the level of further notification.

E. Withholding Information:

- a. In general, comments to the news media concerning investigations, indictments, arrests, and criminal incidents should be minimal, and consistent with the responsibility of keeping the public informed without jeopardizing the rights of individuals.
- b. The following information WILL NOT be released:
 - a) Any victim, complainant, or witness information such as identity, address, phone number, age, etc., in the following instances:
 - (1) The information is contained in an ongoing investigation whereby the release of such information may jeopardize the successful resolution and/or prosecution of the case.
 - (2) The information is contained in any sex offense or sex-related investigation, which, if divulged, would tend to lead to the victim's identification.
 - b) Law enforcement officers may not disclose the identity of any juvenile in releasing information to the general public as to the arrest, investigation, or disposition of any case involving a juvenile.
 - c) Medical information relating to health history, any diagnosis, medical condition, and treatment provided or evaluation made by health care providers.
 - d) The identity of any critically injured or deceased person before notification of the next of kin.
 - e) Personnel data relating to any sworn member or employee of the agency. Questions concerning personnel will be referred to the Chief of Police or designee.
 - f) Exact information concerning an ongoing investigation, whether it is a crime or traffic accident, will not be released if the information would jeopardize the investigation or prosecution of a subject.
 - g) Any law enforcement information released from other agencies that was furnished for confidential or law enforcement purposes.
 - h) Preliminary drafts, notes, impressions, memoranda, etc.
 - i) Confidential intelligence or operations will not be disclosed except by express permission of the Chief of Police or designee.
 - j) Sensitive or investigative information concerning internal investigations except by express permission of the Chief of Police or designee.
 - k) Any records required to be kept confidential by federal or state law or rule of the court.