

# **Waltham Police Department**

## **CHAPTER 54**

### **PUBLIC INFORMATION**

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*Accreditation Standard #'s: 46.1.3, 54.1.1, 54.1.3, 54.1.4*

#### **POLICY:**

As part of the overall police mission, the department has a duty to be close to and must set an example for the public. It must communicate with the public concerning law enforcement problems and accomplishments. The department shall have as objectives the presentation to the public of accurate factual accounts of activities in crime and interesting aspects of investigations that will not prejudice court action or injure uninvolved innocent individuals. The department must also inform the public of dangers and safety concerns, and must encourage support for law, order, and efficient law enforcement. To this end it shall be the policy of the Waltham Police Department to make every effort to develop a constructive and professional working relationship with all the representatives of the news media. By providing the news media and the community with information on department administrations and operations, a continued relationship of mutual trust, cooperation and respect can be maintained. **[46.1.3-1F]**

#### **PROCEDURES:**

1. **PUBLIC INFORMATION OFFICER:** The Chief of Police shall designate a superior officer as the Public Information Officer. This officer shall report to the Commanding Officer - Investigation Division. The Public Information Officer should be trained as soon as reasonably possible upon assuming the position. The PIO job description is located in Regulations of the Waltham Police Department. **[54.1.4-3] [54.1.3-6]**
2. **MEMBERS AUTHORIZED TO RELEASE INFORMATION TO THE NEWS MEDIA:** **[54.1.3-6]** The release of police information to news media or persons outside the department is restricted to the following: The Chief of Police, the Deputy Chief, all Division Commanders, the Community Relations Officer, the Public Information Officer or persons directly designated by them. The public information officer shall arrange for and assist at news conferences when necessary.
3. **UNSCHEDULED RELEASE OF INFORMATION TO THE NEWS MEDIA:** On occasion the news media will request information at times other than those scheduled. Such requests shall be referred to a member authorized to release such information. In the event that no authorized member is available, the Officer-In-

Charge may if they deem appropriate release information consistent with these procedures. If the Officer-In-Charge has doubts concerning the request, they shall refer the media representative to the appropriate department spokesman during normal business hours or contact them at home if circumstances so warrant. [54.1.3-5]

4. **RELEASE OF INFORMATION TO MEDIA REGARDING MUTUAL EFFORTS:** When requests are made by the media for information concerning the efforts of more than one service agency (e.g., fire department, other law enforcement agencies, etc.) The department spokesman shall coordinate the release of information with the other agencies involved. [54.1.1-3]
5. **MEDIA RECIPIENTS:** The primary media recipients of information regarding activities of the department are the local newspapers. Members authorized to disseminate information to the news media shall make every effort to ensure that first release information is equally available to all interested news media representatives.
6. **MEDIA CREDENTIALS:** Officers shall honor press credentials issued by other departments or by the major media outlets to their staff. While this department does not issue credentials, irresponsible activity by news personnel shall be reported to the Chief of Police who shall take whatever action they deem necessary
7. **CONSIDERATION PRIOR TO RELEASE OF INFORMATION:** Certain statutes contain prohibitions and/or restrictions on the type of information that may be given to the public. Department members who have a public information function should familiarize themselves with: The Criminal Offender's Records Information Act (Mass. Gen. Law, Ch. 6, Sec. 167-168), The Rape Shield Law (Mass. Gen. Law, Ch. 41, Sec. 97D), The Public Records Definition (Mass. Gen. Law, Ch. 4, Sec. 7, Clause 26), Public Records Inspection Law, (Mass. Gen. Law, Ch. 66, Sec. 10), Fair Information Practices Law (Mass. Gen. Law, Ch. 66A, Sec. 1-3) and 950 C.M.R., SS32.01-32.09.

The following requirements shall be carefully considered before providing information:

- a. The necessity to prevent interference with or the hampering of an investigation.
- b. The necessity to preserve evidence.
- c. The necessity to protect the safety of the victims of crime.
- d. The necessity to protect the identity of informants.

- e. The necessity to successfully apprehend the perpetrators of crimes.
- f. The necessity to protect the constitutional rights of persons accused of crime.
- g. The necessity to avoid prejudicial pre-trial publicity.

**8. PROHIBITIONS:**

- a. No member of the media shall be given, or allowed to view any document or report without the express approval of the Chief of Police or their designee. This shall not be construed to mean that the public records access law shall not be complied with, but rather that the Chief or their designee shall be the appropriate authority of whom such request shall be made. [51.1.1-2]
- b. The identity of the following persons shall not be made public except with the express approval of the Chief of Police or their designee.
  - 1. Any person under 18 years of age taken into custody or accused of a crime.
  - 2. Any complainant.
  - 3. The victim(s) of child abuse or neglect. [54.1.1-2A]
  - 4. Any person taken into custody because of mental illness.
  - 5. Any victim of sudden or accidental death or serious injury prior to notification of next of kin.
  - 6. The names of any victims of rape or sexual assault, or any information which could be used to identify them.
- c. The following information shall not be released to the media.
  - 1. Any prior criminal record of the accused.
  - 2. The character or reputation of the accused.
  - 3. The existence or the contents of any confession, admission, or statement made by the accused or the failure or refusal of the accused to make any statements (except that it may be stated that the accused denies the charges made against them).

4. The results of any examination or tests made or the failure or refusal of the accused to submit to any examination or test.
  5. The identity, testimony, or credibility of any prospective witness. **[54.1.1-2B]**
  6. Any opinion as to the guilt or innocence of the accused or to the possibility that a plea of guilty may be made.
  7. Any opinion as to the merits of a case or of the evidence in a case.
  8. Information received from other law enforcement sources without their express consent to release that information.
  9. Confidential investigations and operations. **[54.1.1-2D]**
- d. The following is not to be authorized or permitted under any circumstances:
1. The deliberate posing of any person in custody.
  2. The interviewing of any person in custody by representatives of the news media, unless the accused requests or consents in writing to such interview, after being adequately informed of their right to refuse to grant such interview, and after being advised of their "Miranda" rights.

**9. INFORMATION THAT MAY BE RELEASED TO THE MEDIA SUBJECT TO AFOREMENTIONED PROHIBITIONS:** (The Department Public Information Officer if not the releasing person shall be advised of such release as soon as possible).

- a. The identity of a victim (after notification of next of kin, when appropriate). **[54.1.1-2A]**
- b. Information necessary to aid in the apprehension of the accused or to warn the public of any danger the accused may present. **[54.1.1-2C]**
- c. The facts and circumstances of an arrest, including the time, and place of arrest, any pursuit that took place, resistance offered and weapons used.
- d. The identity of the investigating and/or arresting officers and the length of the investigation.
- e. Description of evidence seized without further comment.

- f. A brief description of the offense charged.
- g. The time and place of any court hearing.
- h. Whether the arrestee was bailed and the amount.

10. **ACCESS OF NEWS MEDIA TO CRIME SCENES, ACCIDENT SCENES, ETC.:** A news person's primary responsibility is to report the news by obtaining information and photographs at the scenes of incidents. Officers shall not unnecessarily obstruct news personnel; however, members of the news media are not exempt from any state or federal statute. [54.1.3] Incident Commanders should consider establishing a staging area for the media to establish communication when appropriate. This is to preserve the integrity of crime scenes as well as ensure their safety. [54.1.3-5]

- a. **ENTRY INTO RESTRICTED AREAS: [54.1.3-2]** Whenever persons claiming to be representatives of the media or any news service seek entry into a restricted area, their credentials shall be checked and, if circumstances permit, a list of their names and professional affiliations kept. When it is safe to do so, media representatives may be admitted inside police lines by the scene commander [54.1.3-4] to make observations and to interview persons not in police custody, media representatives shall not be allowed to come in direct contact with any physical evidence, nor to enter the actual crime scene nor to interfere with or impede police interviews, operations, or the investigation generally. [54.1.3-3]
- b. **STATEMENT TO MEDIA REPRESENTATIVES AT THE SCENE:** Officers at the scene of any incident shall refer all media requests for statements or information to the appropriate department representative (PIO).

11. **CIRCUMSTANCES MANDATING, LIMITING OR PREVENTING MEDIA ACCESS:** Whenever officers reasonably believe it is necessary to prohibit all but emergency personnel near a crime scene or the scene of a calamity, they may bar entry by media representatives. Whenever possible this decision should be made by the officer in charge of the scene.

- a. **COMPLETE RESTRICTION OF NEWS MEDIA SHOULD BE LAST RESORT: [54.1.1-2]** A complete restriction on media representatives entering an area in question should be a last resort, one justified by the existence of a highly dangerous or volatile situation. In most instances, it will be sufficient to limit the numbers of media representatives allowed into the area in question or to provide vantage point from which they can make observations while minimizing the danger to their own safety.

- b. **MEDIA REPRESENTATIVES WHO ARE ALLOWED TO ENTER OR REMAIN NEAR A DANGEROUS OR VOLATILE AREA SHALL BE INFORMED THAT THEY DO SO AT THEIR OWN RISK.**
  - c. **RESTRICTIONS OF MEDIA ACTIVITIES:** The activities of media representatives may be reasonably restricted if those activities seriously hamper police operations or if those activities threaten to worsen a dangerous or volatile situation.
12. **CHANGES IN POLICIES AND PROCEDURES REGARDING NEWS MEDIA:** Should changes in policies and procedures regarding the news media become necessary, the department shall attempt to notify and involve the media representatives for their input and cooperation.
13. **PUBLIC ACCESS TO POLICE RECORDS:** Public dissemination of records may be accomplished weekdays during normal business hours by Records Unit Personnel and Community Services Division Personnel as appropriate. Fees may be collected and receipts issued for costs of copying documents in accordance with Mass. Gen. Law, Chap. 66, Sec. 10A. Personnel in the Records Unit and/or Community Services Division are authorized to receive these funds.
14. **SENSITIVE INFORMATION REGARDING NEIGHBORHOODS:** Members of the department often receive requests from prospective homebuyers or tenants concerning the type of neighborhood that they are considering. Any such requests shall be referred to the Planning and Research Unit Supervisor, and not answered by any officer over the phone. Officer's personal opinions concerning a neighborhood are sometimes not in fact based on accurate statistics that leads to inconsistent responses.
15. **SEX OFFENDER INFORMATION:** Distribution of sex offender information to the public shall be in accordance with Mass. Gen. Law, Ch. 6 Sec. 6B and 178K. Requests for this information shall be referred to the Chiefs designee. Reference Ch. 47 of the Waltham Police Department Manual.