



# POLICY AND PROCEDURE

# NO.305

## Media Relations

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### **POLICY:**

Fostering transparency through the dissemination of accurate and timely information to recognized news media.

### **DEFINITIONS:**

#### **News Media Personnel:**

Official news media personnel are those persons accredited by the Massachusetts Department of Public Safety or who have recognized news organization identification or authorization by the Chief of Police.

#### **Routine Information:**

Information dealing with the specific routine facts of an incident, accident, or arrest. Information such as when and where an incident took place and who was involved may be considered routine information, as long as the information is not prohibited from disclosure by law (e.g., Rape Shield Law), or protected by a privilege. Routine information is NOT information dealing with judgments of fault, opinions or the policies, procedures, directives, values, personnel matters, and rules and regulations of the department.

#### **Non Routine Information:**

Information dealing with, but not limited to, department policy, personnel matters, disciplinary matters, and inquiries which exceed routine information. Examples include information for feature stories, in-depth analysis, and commentary.

### **REQUESTS FOR ROUTINE AND NON-ROUTINE INFORMATION:**

#### **Routine Information:**

All routine requests for information made by the media to Records Bureau shall be processed in the same manner as similar requests from the general public. Records requests for information of an investigative nature shall be referred to the department's information officer. The Chief or his designee will determine the proper response and act as the Department spokesperson with respect to these requests.

#### **Non-Routine Information:**

All requests for non-routine information from the news media shall be referred to the department's information officer. The Chief or his designee will determine the proper response and act as the Department spokesperson with respect to these requests.

#### **Non-Routine Interviews:**

The news media and members of the public frequently direct inquiries to the department seeking interviews with department personnel on a variety of general police subjects. Requests for interviews

are to be referred to the information officer. The Chief or his designee will determine the proper response and act as the Department spokesperson with respect to these requests.

**Formal Public Records Requests:**

Any written request submitted to the department or its Keeper of Records shall be forwarded to the Chief's Office for review. Once received and reviewed by the Chief or his/her designee, a written response will be submitted to the requesting party, in accordance with statutory and case law requirements, and the guidelines published by the Secretary of State's Office, Public Records Division, insofar as is possible. If an apparent conflict exists between the Secretary's guidelines and statutory and case law requirements, the latter considerations shall prevail if and until a decision to the contrary is issued by a court of competent jurisdiction.<sup>1</sup>

Special care should be taken by all personnel when dealing with requests for information regarding criminal records. Information that is specifically exempted from disclosure includes all records that come under the Criminal Offender Record Information Law, Chapter 6, Section 167. This law prohibits disclosure of summaries of criminal records or probation records, regardless of whether obtained from Worcester Police files, or by Worcester Police from any other agency. Also prohibited from disclosure, by statutory intent and departmental policy, are the names of juveniles arrested.

**THE FOLLOWING INFORMATION WILL "NOT" BE RELEASED:**

1. The existence or contents of any prior criminal record of the accused.
2. The identity of the accused if under 17 years old.
3. The identity of suicide victims until such time as positive identification has been made, all required official notifications have been made in accordance with Department procedures, and next of kin notified.
4. Comments about the character or reputation of the accused.
5. The existence of a confession, admission of guilt or other statement made by the accused.
6. The performance of any examination or test, the refusal of the accused to submit to such examination and/or the results of any such examination.
7. The possibility of a guilty plea.
8. The opinion of Department personnel concerning the guilt or innocence of the accused.
9. The opinion of Department personnel concerning the quality of the evidence of the case.
10. The identity, testimony, or credibility of prospective witnesses.
11. Statements or testimony of witnesses.
12. Police pictures of persons arrested or pictures that have been made a part of a criminal record (unless published to aid in the capture of a wanted suspect) or the locating of a missing person.
13. Details of an ongoing investigation when the release of such information would jeopardize the investigation.
14. Names or addresses of rape victims, as set forth by the Rape Shield Law, M.G.L. Chapter 265, Section 24C.

**THE FOLLOWING INFORMATION "MAY" BE RELEASED BY THE DEPARTMENT'S INFORMATION OFFICER, THE CHIEF, OR HIS DESIGNEE:**

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<sup>1</sup> See "A Guide to the Massachusetts Public Records Law," Published by William Francis Galvin, Secretary of the Commonwealth, Division of Public Records, Updated December 2006.

1. Facts and circumstances of an arrest or incident.
2. Identity of investigating and arresting officers.
3. Length of the investigation leading to the arrest.
4. General description of physical evidence seized.
5. Identity and description of the accused, if 17 or over.
6. The age and sex (but not the name) of the accused, if under 17.
7. Nature of the charge(s).
8. Schedule of results of any stages in the judicial process (including quotations from public records of the court).
9. Photographs of persons sought by police IF publication of such photos could aid in the apprehension of the wanted persons.
10. Identities of persons badly injured or killed, ONLY after all required official notifications have been made in accordance with Department procedures (District Attorney, Medical Examiner etc.), and the next of kin.

**Rights of News Media Personnel:**

A news media has primary responsibility to report the news by obtaining information and photographs. Since the opportunity to do so is frequently momentary, particularly at an emergency scene, officers sharing these circumstances with a news person should not unnecessarily obstruct the news media in the performance of their duties; however, members of the news media are not exempt from any municipal ordinances, state statutes, or federal laws.

News representatives may photograph or report anything they observe when legally present at an emergency scene. When publication of such coverage would interfere with an investigation or place a victim, suspect, or other person in jeopardy, withholding publication is dependent upon a cooperative press. Under such circumstances, officers should advise the news person or his superiors of the possible consequences of publication; officers may not, however, interfere with news personnel as long as their activities remain within the confines of the law.

**Access for News Media Personnel:**

The Worcester Police Department will not allow official news media personnel to enter areas normally closed by police lines.

**Photographing Prisoners:**

In public areas, news media personnel have the right to photograph persons in police custody. However, officers will not pose prisoners for news photographs nor will they allow prisoners to be photographed by news persons inside of police buildings.

**Reporting Of Procedural Violations:**

News media representatives who do not follow established procedures, or who unduly interfere with or disrupt a police operation shall be reported to the Chief via a written report.

**Police Actions with Outside Agencies:**

When the Department is involved in a police action which involves one or more other agencies, all information released to the news media will be handled by the agency having primary jurisdiction.

The word "agencies" as used above is meant to refer to all public service agencies (e.g., fire departments, medical examiner's office, etc.).

**Use of Police Facilities:**

Without the express permission of the Chief, department personnel, equipment, or facilities are not to be used for television, motion pictures, or other entertainment productions.


All requests relative to this type of activity are to be referred to the Chief's Office.

**Endorsement of Commercial Products:**

The department does not endorse commercial products or allow its facilities or personnel to be used for such endorsements. Department personnel shall not make any endorsements of commercial products in their capacity as members of the Department.

All requests relative to this type of activity are to be referred to the Chief's Office.

Per:



Gary J. Gemme  
Chief of Police

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\*Policy #305 Media Relations July 11, 2001, was revised September 15, 2009, and on October 20, 2009

\*Updated October 13, 2015: *“All routine requests for information made by the media to Records Bureau shall be processed in the same manner as similar requests from the general public”*