



POLICE/PUBLIC MEDIA RELATIONS

FC No.: 1141

Date: 01-01-13

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Policy

It is the policy of the department to establish and maintain cooperative working relationships with the ***community and*** members of the news media. In fact, to the extent possible, members of the media should be treated as invited guests at incident scenes rather than viewed as a hindrance. In most cases, their reporting of our involvement at newsworthy events will portray the work of our officers and employees in a positive light, which will help to enhance our image and reputation within the community. All employees will be cooperative with the media, subject to the restrictions outlined in this directive. This directive was written in conjunction with the County Attorney and the State's Attorney to be consistent with the Maryland State Government Article, ***Maryland Public Information Act***, Section 10 611-630, et seq.

II. ***Public Information Office***

- A. ***The Public Information Office*** has been designated by the Chief of Police as the official representative for the department. ***The Public Information Office*** is responsible for providing a focal point for inquiries from the news media and for discussing department policy.
- B. Office Hours
The office is staffed Monday through Friday, ***except holidays***, from 0800 to ***1900*** hours.
- C. On-Call PIO
A designated Public Information Officer (PIO) will be on call, through ECC, when the office is closed. The PIO having on-call responsibility shall be available during off-duty hours to department personnel by either ***cell, home, or alternative landline telephone***.

III. Responsibilities

A. ECC Responsibilities

Between 1900 to 0800 hours, and on weekends and holidays when ***the Public Information Office*** is closed, the responsibility for providing information to the news media shall first rest with on-duty

supervisory personnel at ECC. Most requests made by the news media for general information about incidents can be answered by ECC personnel. In those circumstances where ECC personnel are uncertain as to the propriety of the release of information, ECC personnel will request that the Duty Commander contact the news media requesting information.

B. Duty Commander Responsibilities

1. When requested by ECC personnel, the Duty Commander will ***first coordinate with the Director or the on-call PIO before contacting*** the news media requesting information about newsworthy events and release information in accordance with sections IV.C and D. Whenever necessary, and after consideration of the degree of immediate media attention generated by the incident, the Duty Commander may contact the on-call PIO for assistance.
2. To ensure that ***Public Information Office*** personnel are aware of newsworthy incidents that occurred after-hours, Duty Commanders will ***forward*** a copy of the press release and any related event reports, prior to completion of their tour of duty. A list of newsworthy incidents can be found in section IV.C.

IV. **Procedures**

A. On-Scene Authority of the Media and Public

On the scene of a newsworthy incident, members of the media should generally be allowed closer access to the scene than the public. Under no circumstances should the media be held back from an area where the general public has access. ***Officers in charge of a scene should plan to provide a safe and practical location for the media to stage. On a scene where members of the media and the public are present, the media, if possible, should be provided an area closer to the scene than the public. Officers should use yellow tape to define the areas for members of the media and the public. Media should always be given access to, and permitted to conduct interviews and videotape from all areas where the public is permitted, unless that activity would interfere with the safety of public safety personnel or the mission at hand.***

B. Suspects/Accused Persons

Interviews of person(s) in police custody shall not be granted to the news media.

C. Execution of Warrants

Officers will not bring members of the media into a home during the execution of a warrant. If the presence of media representatives is necessary during the execution of the search warrant, officers must obtain prior approval from the Chief of Police, or designee.

D. Notification of the Public Information Office

Certain newsworthy incidents require the immediate notification of ***the Public Information Office*** by an ECC supervisor during the hours of 0600 to 2000 hours. At all other times, the Duty Commander will first be notified about these incidents:

1. Homicides and deaths by other than natural causes (e.g., fire, electrocution, drowning, suicide).
2. Natural or man-made disasters resulting in loss of life and/or extensive property damage; major commercial fires and explosions.
3. Hostage/barricade situations; kidnappings; bomb plants or threats where a device is found.
4. Aircraft, railroad, and traffic collisions where serious injuries or fatalities result; school bus collisions involving any injuries.
5. Traffic problems (e.g., major collisions, road closures, traffic signals out, etc.) which are likely to tie up traffic (particularly important during rush hours).
6. Missing persons under 12 years of age or when foul play is suspected; or an elderly or mentally incapacitated person; or a manhunt when an extensive search is involved.
7. Raids, demonstrations, strikes, or disorders involving groups of people.
8. Shots fired (except legal target practice, hunting, etc.), under any circumstances, whether by police or citizens, and regardless of the shots taking effect or not.

9. Any incident involving prominent individuals, which by virtue of their position in society would be of interest to the news media.

E. Release of Information - General

1. Every effort will be made to establish and maintain a cooperative relationship in which the news media may freely obtain information unless such information is legally privileged or would violate the constitutional rights of an accused or is otherwise specifically prohibited in this directive.
2. From the commencement of the investigation of a criminal matter until the completion of trial or disposition without trial, an employee of this department shall not release or authorize the release of any extrajudicial statement, for dissemination by any means of public communication, if such statement poses a clear and present danger to the fairness of the trial. Further, in no event, shall department employees make extrajudicial statements or express their personal opinions.
3. ***All information released during ongoing tactical operations (barricade, large scale disorder, etc.) will be vetted and approved by the incident commander.***
4. The following information may be released:
 - a. The identity of an arrested adult to include age; home address; charges; circumstances of the arrest (time and place, whether or not pursuit was made, resistance offered, any injuries sustained, weapons used, etc.); bond information; and arresting officer's name and assignment. ***The identity of an arrested juvenile can be released when charged as an adult. The only exception is when such release would be in the best interest of public safety.***
 - b. ***The Public Information Office*** will discuss "current" arrests for seven days after charges are placed, including identifying the arrested person. After that time, any inquiries from the news media will be referred to the State's Attorney's Office.
 - c. Mug shots may be released, as they are public records. ***A mug-shot of anyone under the age of 18 years of age will not be released.***
 - d. The department's arrest information is public record and open to inspection at Records ***Management Section.***
5. Suspect Information - The existence of a suspect may be acknowledged without divulging names, as long as it will not interfere with the investigation. After apprehension and prior to being charged, a description of the suspect may be released without name or race (e.g., a 40 year old Silver Spring man is in custody).
6. Victim Information
 - a. Information concerning the name, address, occupation, and injuries ***will not be released.***
 - b. In cases involving a sexual assault, the victim's name and address will not be released. Only the age, sex, and geographic area may be released (e.g., a 39 year old Washington woman was assaulted while waiting at a bus stop in Wheaton).
 - c. Any death in the county, whether accidental, natural, or by homicide or suicide, automatically qualifies for media attention. (The crucial concern in releasing identity of the deceased is to first notify next-of-kin.) Once notification is made, the release of the decedent's name, age, home address, occupation (if known), cause and manner of death is proper. A release may be made when notification has been attempted, even though unsuccessful and within a reasonable period of time. (Twelve hours may be considered reasonable.)
7. Witness Information - The existence of a witness may be confirmed, but under no circumstances will a witness to a crime be identified.
8. Traffic Collisions/Non-Traffic Accidents - These incidents (automobile, construction, drowning, cave-in, etc.) frequently attract the attention of the news media. Information should be made available concerning the facts and circumstances of traffic collisions or non-traffic accidents as soon as they become available. The identity of victims (once notification has been accomplished), cause of the incident, and any charges (if appropriate) should be released. Of particular importance is a statement concerning use of seat belts or other safety equipment (e.g., helmet) and whether alcohol or drugs were a factor.

NOTE: Juveniles involved in these incidents are not exempted from public disclosure, and should be identified.

F. Information Not to be Released

1. Investigators or arresting officers shall not discuss their cases nor confirm arrest information with the news media prior to or during adjudication. Post-adjudication requests for interviews shall be coordinated with *the Public Information Office*.
2. Investigative or sensitive information from Internal Affairs Division will not be disclosed except by authorization of the Chief of Police, or designee.
3. Criminal History Record Information (CHRI) is not to be released or confirmed by the Montgomery County Department of Police per the Maryland Criminal Justice Information System Act, Maryland Annotated Code (Article 27, Section 742, et seq.). Penalties are provided. Requests by the media to inspect an individual's arrest record will be denied, and if further information is requested, referral to the State's Attorney's Office may be made.

NOTE: Charging documents filed with the court are considered public record.

4. The following is an extensive list of information that is not to be released:
 - a. The existence or the contents of any confession, admission, statement, or alibi given by an accused; or the failure to make same.
 - b. The results of, or failure of a defendant to submit to, any test such as a polygraph, breathalyzer, etc.
 - c. The testimony, credibility, or character of any witness or victim.
 - d. Any opinion as to the innocence or guilt of the accused or the merits of the case such as evidence and arguments, whether or not their use in court is anticipated.
 - e. Transcripts, reports, or summaries of judicial proceedings from which the public and press have been excluded by judicial proclamation (gag order).
 - f. The home address, telephone number, or photograph of any employee of the department, unless the employee (employee's family if employee is incapacitated) consents to its release.
 - g. The exact dollar value *and specific descriptions of items* stolen from commercial institutions or private residences *if it exposes* them to further vulnerability.
 - h. Information which, if prematurely disclosed, would significantly interfere with an investigation or apprehension. Especially prohibited are premature disclosures of unchecked leads, unverified information, specific facts of an "MO," details known only to a suspect, and information which may cause a suspect to flee or avoid apprehension.
 - i. The identity of an arrested juvenile (under 18 years of age). It is permissible to state the age, sex, and home town (e.g., a 17 year old male and a 16 year old female, both of Gaithersburg, were arrested in a stolen car after police stopped them for speeding. They were both released to custody of their parents).

NOTE: Inquiries concerning juveniles charged as adults should be directed to *the Public Information Office*.

- j. The existence, but not the contents, of suicide notes may be acknowledged.

V. **Media Ride-Alongs**

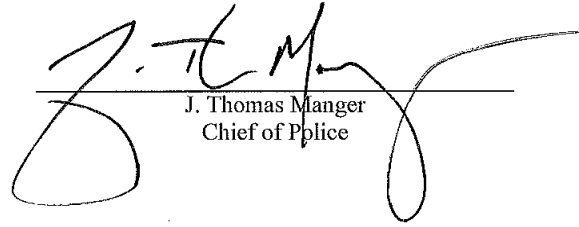
Whenever possible, *the Public Information Office* should be advised of all requests by the media to ride along or otherwise participate in police activities for purposes of a news story. This is to ensure that *the Public Information Office* can effectively respond to any follow-up questions by the news media regarding the interaction.

VI. **CALEA Standards:** 1.2.3, 41, 46, 54

VII. **Proponent Units:** *Public Information Office*

VIII. Cancellation

This directive cancels Function Code 1141, effective 12-29-2000



J. Thomas Manger
Chief of Police