

**Procedure
11.18**

**EFFECTIVE
DATE
7-1-02**

**Eugene
Police Department**



News Media

11.18.1 PURPOSE AND SCOPE

The Eugene Police Department recognizes the importance of the community's right to know about activities involving this department, and the essential role that the media play in providing information to the public. Therefore, it is the policy of the department to assure media access to information and events to the greatest extent reasonably possible. We will work cooperatively with members of the news media to facilitate their attempts to gather factual information of public interest pertaining to the department, as long as these activities do not violate the law, infringe upon individual rights, or unduly interfere with departmental operation.

PART I - Responsibilities and Procedures for All Personnel

- A. Responsibility for release of information
- B. Release of information
- C. Media access
- D. Seizure of media information
- E. Employee's responsibility to supply information
- F. Mechanisms for release of information

11.18.2 RESPONSIBILITIES AND PROCEDURES ALL PERSONNEL

a. Responsibility for release of information

1. Generally, public information is the responsibility of the PIO. Refer any problems with media or news releases there.
2. At an incident scene, the senior officer at the scene will generally be responsible for liaison with the news media. If the situation warrants, the assistance of the PIO may be requested via the Watch Commander.
3. When an investigation passes from one area of the department to another (e.g., from Patrol to Investigations), the responsibility for news media liaison follows the investigation.

4. When multiple agencies are involved in an incident, the agency having primary jurisdiction will normally handle the release of information. If another law enforcement agency (e.g., FBI, State Police) initiates an activity within the City, regardless of our degree of involvement, they will be responsible for releasing information. Conversely, if we initiate activity in another jurisdiction, we will assume that responsibility.

b. Release of information

1. We will generally release information to representatives of the media unless the information is exempt from public disclosure, release of the information would interfere with an ongoing investigation, or release would infringe upon the rights of any person. For information that is conditionally exempt from release, carefully balance non-disclosure decisions with the public's interest in the information. Contact the PIO if you are unsure how to respond to a request for information.
2. General release of information will be made equitably, without favor to any particular news agency or media representative. However, specific inquiries made independently by media representatives ("exclusives") may be honored. If information related to such an inquiry is related to a forthcoming news release intended for all news media, the reporter making the inquiry should be so informed.
3. The investigating officer may determine what information is releasable. In sensitive cases, a supervisor should be consulted.
4. In any case, you may release only facts, and not suppositions.
5. You may release:
 - a. An arrested person's name, age, sex, ethnicity, address, and normal occupation.
 - b. The crime for which you are holding the person and a brief description of the circumstances of the crime.
 - c. The amount of bail, or the fact there is no bail.
 - d. The arresting agency and the length of the investigation.
 - e. The immediate circumstances of the arrest, including the time and place, resistance, pursuit, and possession/use of a weapon.
 - f. The identity of the victim or complainant. We do not normally reveal the identity of victims of sex offenses or child abuse, or names of individuals involved in cases where reprisals or intimidation may be employed.
 - g. The type of item(s) taken, but generally not a dollar amount. You may not reveal specific information about specific stolen items, unless such information might lead to their return.

6. Prior to trial, you may not reveal:
 - a. Background information, including statements of involved parties, follow-up investigatory information, or other information which might jeopardize an investigation.
 - b. Information which could cause bias or which could influence a verdict, such as the arrestee's criminal record, statements, admissions, confessions, or refusal to make a statement.
 - c. Photographs of subjects in custody, if there may be a need for a photographic or in-person line-up.
7. You should not release at any time:
 - a. Opinions about the character of an arrestee.
 - b. Opinions about guilt or innocence, or the possibility of plea negotiations.
 - c. Information about tests the arrestee took or refused to take.

c. Media access

1. At the scene of any incident:
 - a. Remember that the job of the news media is to report the news. They have no right to interfere with your duties, and they must still obey the law.
 - b. In the event that access by the general public to a scene or event is restricted, members of the media who possess and display media identification meeting the standards listed below will be granted as much access as circumstances allow. For purposes of this policy, the term "news-gathering organization" means any print, broadcast, or on-line operation that shares information with the public on a periodic basis. Media identification must meet the following minimum requirements:
 - be at least 3" x 5" with a white background, with the term "MEDIA" or "PRESS" in 1" letters
 - contain the true name printed legibly, a photograph with a front view of the person's face (at least 1" x 1"), and the signature of the media representative
 - list the name of the issuing or affiliated news-gathering organization
 - be displayed and clearly visible while the person is in any area from which the general public has been restricted

- c. If a decision is made to allow media representatives inside police lines which normally protect the public from hazards, you should advise them, when feasible, that:
 - 1. They are still required to obey your instructions, and may be removed if their actions interfere with police operations;
 - 2. They are potentially at risk by being in the area, and they are assuming any risks incurred by doing so; and
 - 3. They should not expect any special effort to protect or assist them.
 - d. You may not allow media representatives to accompany you on private property (including during the execution of arrest or search warrants) without the consent of the resident or other person in lawful control of the premises or property.
 - e. News media representatives may photograph or report anything they observe when they are legally present. You may restrict the use of flash, strobe, or high-intensity lights when the use of such equipment would hinder a police operation, endanger officers or others by exposing them to unnecessary risks, or create a hazard (e.g., could cause an explosion in a gaseous atmosphere). If you believe the publication of certain information would interfere with an investigation or place someone in danger, you can advise the newsperson of that fact. The decision of whether to use the information, however, rests with the news media.
 - f. To the extent possible, explain your reasons for not revealing information to media representatives. Refer them to the PIO or the supervisor in charge of the incident if they have further questions.
 - g. Media access to and movement within fire lines will be determined by the fire officer in charge. We will assist in controlling access to such scenes, as resources allow.
 - h. You should attempt to accommodate all members of the media requesting access to an incident. If the number of media representatives requesting media access cannot be accommodated, but a smaller number could be, a "media pool" may need to be established. The PIO (or, if s/he is not available, the Incident Commander) will determine the logistical parameters of the pool (e.g., number of media members that can be accommodated), and the members of the media present will decide who the members of the pool will be.
2. At crime scenes
- a. Do not allow media access to any area or scene where there is a possibility that evidence may be damaged, altered, destroyed, or

otherwise prejudiced by its existence being published or portrayed.

- b. Once evidence has been processed, removed, or secured by the department, media may be allowed access at the discretion of the person in charge of the investigation.

3. At other incidents

- a. Media will be granted access to the greatest extent possible without jeopardizing police operations. In the event media access must be limited, criteria to be considered in determining the specifics of media access include, but are not limited to:
 - Whether media access would disrupt tactical plans or operations, or create a danger to officers or others
 - Ability to accommodate the number of media personnel requesting access
 - Whether live broadcast of police operations could jeopardize the operation or endanger police personnel
- b. Any restrictions should be in place only to the extent and for the length of time reasonably necessary, and should be equitable and content-neutral. Whenever possible, line-of-sight access should be provided. As an event progresses, periodically assess any restrictions placed on the media, and determine whether the restrictions should be modified or lifted.
- c. If a person who has been granted media access becomes a participant in the event, or acts in a manner which a reasonable police officer would believe could jeopardize the police operation or someone's safety, the person will not have media access for the duration of the event. A person will not be denied access solely due to affiliation with a particular group.

4. Use of a police facility

- a. We will not allow the use of a police facility for any entertainment media; we may allow news media access for interviews, or background footage or photographs.
- b. Division Managers may allow access to their areas and personnel.

d. Seizure of media information

1. *ORS 44.520* prohibits seizure of information (including, but not limited to, any written, oral, pictorial, or electronically recorded news or other data) from any person connected with, employed by, or engaged in any medium of communication to the public unless there is probable cause to believe that person has committed, is committing, or is about to commit a crime.

2. In order to seize any of the items listed above from a media representative, all of the following conditions must be met:
 - the legal requirements under *ORS 44.520* and other statutory and case law to make the seizure;
 - probable cause to believe that the item(s) being seized constitute evidence of *significant* criminal conduct on the part of the person from whom they are seized;
 - a reasonable belief that the seizure in this instance outweighs the right of the media representative to retain his/her information; *and*
 - supervisory approval.

e. Employee's responsibility to supply information

1. If you are going to be interviewed or are asked for information by a news media person, ascertain the scope and details of what you can and cannot release, and determine whether you are the appropriate person to respond to the request:
 - Do you have sufficient facts to respond?
 - Are you qualified to provide the information?
 - Is the information that has been requested releasable public information?
2. If so, you may supply the requested information, exercising care and discretion. If not, refer the inquiring party to a more appropriate source.

f. Mechanisms for release of information

1. The PIO will have overall responsibility to establish mechanisms of information release to members of the media, and to work with members of the media to ensure they are provided with information.
2. The Watch Commander will ensure that a news release is prepared and faxed to the media (by using the "all media" button on the fax machine) for any major incident or other event which may generate media interest. Copies of the news release should be routed to:
 - Chief
 - PIO
 - Operations Analysis
 - Patrol Captain
 - Watch Commander
 - Patrol Briefing
 - Communications

- Detective Administration
 - Involved detective unit
3. Another tool which can be used to disseminate information is the hotline (which is essentially a voice-mail box which can be accessed by the media). This is a particularly useful way for supervisors to provide information to the media from the field (e.g., preliminary information on a major incident, street closures.)
- a. Recording a message will erase any previous message. Therefore, if the previous news release information is to be retained, it will have to be read along with the new message.
 - b. To use this, press the following numbers (which are in *italics* below):
 - Dial *682.2300*
 - (mailbox number and password)
 - (selected options in voice-mail menu)
 - dictate message
 - # #