



Portsmouth, Virginia Police Department General Orders Manual

Media Relations and Public Information		ADM	15
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APPROVED: Edward G. Hargis, Chief of Police			

PURPOSE: This General Order establishes guidelines and procedures regarding release of information, media relations, and other public information activities.

GUIDELINES: The Police Department recognizes the right of the public to be fully and accurately informed in matters of crime and public safety, and will make every reasonable effort to serve the informational needs of the media without violation of individual rights, endangerment of human life or security, impediment to criminal investigation, or compromise to criminal prosecution.

PROCEDURES:

I. General

- A. Department personnel will strive to foster good working relations with media representatives, with an attitude of transparency and frankness, assisting where possible with the dissemination of information in accordance with Virginia's Freedom of Information Act (FOIA) and this General Order, and with minimum disruption to police services.
- B. Patrol Shift Commanders are responsible for coordinating release of information to the media at serious incident scenes, and will determine if immediate assistance from the Public Information Officer (PIO) is needed, due to either the nature or demands of the incident upon personnel at the scene. In cases where media interest and attention is likely, the PIO should be apprised as soon as possible of any information released by police to media representatives.

II. Public Information Officer (PIO)

- A. The PIO serves as the **primary** contact for routine information dissemination to the media and community during normal business hours. The PIO, or an alternate designee, is available after-hours for on-call response to serious incident scenes, if needed, and media inquiries regarding such incidents. Under the direction of the Criminal Investigation's Unit Commander, the PIO performs the following functions:
 - 1. Responds to inquiries and coordinates release of routine offense information regarding incidents handled by police;
 - 2. Maintains a roster of news agencies, agency phone numbers, and police beat reporters;
 - 3. Prepares and distributes news releases; (54.1.1. b)
 - 4. Coordinates news conferences upon Chief's request; (54.1.1 c)
 - 5. Assists as needed with any media related contact, activity, training, or problem;
 - 6. Provides relevant legal updates for supervisors' media relations manuals;
 - 7. Ensures media familiarity with departmental procedures or guidelines regarding release of information and access to incident scenes under police management.

III. Releasable Information

- A. Type of incident or crime, once accurately determined;
- B. General location and time of incident, and general description of items taken or damaged, or injuries sustained;
- C. Victim's identity, at the discretion of the PIO, except as noted in Section IV.A; (54.1.1 d)
- D. Identity of agencies involved in an incident or investigation, if such information is requested and will not hinder the investigation;
- E. When suspect identity is unknown, an available description, artist's sketch, or other information that could lead to the suspect's identity and arrest; (54.1.1 d)
- F. Request for aid in locating a suspect or evidence;
- G. Information on non-prejudicial items of evidence, such as money or weapons. A general statement that physical evidence is being examined may be made;
- H. Name, address, description, age, employment, and marital status of an adult for whom a warrant has been secured; (54.1.1 d)
- I. Exact charge(s), along with a brief description of the offense, and method of charges, e.g., warrant, indictment, summons;
- J. Photograph of a person accused by indictment or warrant, but with no police identification or number visible on the photograph;
- K. Information on fugitives, where publicity is desirable. As a general rule, information on prior convictions should not be released. However, where the belief exists that there are other unknown or even potential victims due to the suspect's pattern of activities or violent crimes, disclosure of such background may be warranted. Fugitives with a history of being armed or violent should be characterized as dangerous, with reasons provided, for the purpose of warning both citizens and eventual arresting officers;
- L. Following suspect arrest, brief information regarding circumstances of the arrest, such as location and identity of arresting officers, pre-trial or detention arrangements such as applicable bond or location of detention, and dates of various hearings;
- M. Questions regarding the release of specific, otherwise releasable information;
 - 1. Criminal incident information may be withheld under four circumstances where the release would; (1) jeopardize an ongoing investigation or prosecution; (2) jeopardize the safety of an individual; (3) cause an offender to flee or evade detection; or (4) result in the destruction of evidence.
 - 2. Criminal investigation information is generally exempt from release, but may be released with the concurrence of the PIO, the lead investigator, input from the Commonwealth's Attorney, and at the direction of the Chief of Police. Examples of criminal investigation information include: all complaints, memoranda, correspondence, case files or reports, witness statements, and evidence relating to a criminal investigation.

IV. Non-Releasable Information

- A. Identity of victims in the following situations: (54.1.1 d)
 - 1. The crime is of a sexual nature;
 - 2. The victim is endangered by the release of his/her identity;
 - 3. The victim has petitioned for non-disclosure;
 - 4. Identity of deceased prior to next of kin notification.

B. Suspect Identity/Information

1. Identity of any person considered suspect, or interviewed, but not charged;
2. Existence of any criminal record, or any information or comments concerning the character or reputation of the accused or establishing the defendant as a “professional” criminal (except as provided for in III.K above);
3. Existence or contents of any confession, admission, or statement of the accused, or any comments which suggest the defendant has aided in the investigation;
4. Performance of any examination or test by the accused, or that person’s refusal or failure to submit to an examination or test.

C. Witness Identity/Information

1. Identity of actual or prospective witnesses to crimes; (54.1.1 d)
2. Comments on character, credibility, or expected testimony of any victim or witness;
3. Any opinions regarding the innocence or guilt of the accused, the merits of the case, the possibility of pleas or other negotiations, or other speculative information.

D. Description of physical evidence, its value, or any disclosure related to evidence, if that information release could be prejudicial to the solution of a case.

E. Juvenile Information

1. Identity of any arrested juvenile.
2. Identity of any wanted juvenile unless a judge issues an order authorizing such release.

F. Protected (exempted) Police Agency Records

1. Information concerning the planning of raids or other specialized enforcement efforts.
Information may be released upon authorization by the Chief of Police or other commanding officer when such release will no longer affect the investigation or operation or the safety of officers involved; (54.1.1 e)
2. Information regarding any internal or personnel investigation, or regarding other city or government agencies involved with a police investigation, unless specifically authorized by the Chief of Police;
3. Identity of undercover officers;
4. Addresses and telephone numbers of police personnel;
5. Specific cause of death in any case until officially released by the Medical Examiner’s Office.

V. Media Access to Scenes (54.1.1 a, 54.1.3)

- A. Media representatives, including photographers, have the same rights of movement or presence as the general public, therefore, police cannot exclude or restrict them with a greater degree of limitation than applied to other citizens. In some situations, media representatives may have greater rights of access than would be granted to the public, e.g., disaster scenes, fire scenes.
- B. Care must be given to ensure that a crime scene perimeter is not expanded beyond the area actually necessary merely to keep media representatives at a further distance from the scene.
- C. While media representatives ordinarily may be permitted in the area of a crime scene, they do not have the authority to enter the crime scene, or to enter or remain in any restricted area where their presence jeopardizes police operations, or where access is denied for legitimate

investigative reasons.

- D. Media representatives should be advised against entering an area when there is legitimate concern for their safety, such as fire scenes, natural disasters, or catastrophic events. If they choose to ignore such advice, however, officers will not prevent their access to any area outside the actual restricted crime or operations scene, unless it imperils the police operation or investigation. Operational scenes where media presence can imperil police functions include hostage/barricaded subject scenes, manmade disasters, civil disturbances and mass arrests. Guidelines for media access should be communicated to media representatives to help ensure their cooperation.
- E. In any case where media access was originally denied, these representatives should be assisted as soon as possible in gaining access to the scene when it will not interfere with the law enforcement mission.
- F. Officers may not authorize the media to trespass on private property. The media is responsible for obtaining any permission necessary to enter private property once the law enforcement mission no longer prohibits access to the scene.

VI. Coordination with Other Agencies

(54.1.1 f)

- A. Incidents such as natural disasters, fires, or hazardous spills involve other city departments, and even outside agencies, in the response to emergency services. In some instances, responsibility for handling media coordination is clearly established, such as the Fire Department at fire scenes. In other situations, the primary responsibility is not defined as readily. As a general rule, the agency charged with controlling and managing operations at the scene will handle the media and release of information. The Police Department PIO will coordinate with the incident commander, the designated PIO, or the designated Joint Information Center of the controlling agency in all matters relating to the incident prior to releasing any specific information relative to the incident.
- B. In cases of a co-investigation involving another jurisdiction, or several law enforcement agencies, the PIO will coordinate any release of information with those agencies. If jurisdiction of the investigation is established as other than Portsmouth, the PIO will then refer media inquiries to that jurisdiction's designated media contact, unless requested specifically by that jurisdiction to provide further assistance with media contact.

VII. Records requests Under the Virginia Freedom of Information Act . It is critical to remember that any request for information, media or otherwise, is subject to the provisions of the FOIA.

- A. In accordance with Virginia Code Title 2.2, the Police Department will make reasonable efforts to accommodate requests for records under the FOIA.
- B. The initial point of contact for such requests is the Records Management Unit Commander.
- C. The Records Management Unit Commander will comply with the maximum time limits for providing requested information as set forth in the code. He/she will respond in writing to the request, advising of the release or non-release of the requested records, the conditions preventing the availability of releasable records within the code specified five-work-day period, or the specific code section authorizing the withholding of the records.
- D. The Unit commander will calculate reasonable charges for actual cost incurred in accessing, duplicating, supplying, or searching for the requested records.

- E. If the records requested are controlled by another unit of the department, the Records Management Commander will forward the request immediately to the appropriate administrative level of that unit's chain-of-command. In cases of pending or active litigation or criminal prosecution, the request will be referred to the City Attorney or Commonwealth Attorney as appropriate.
- F. Some records are excluded from the provisions of Title 2.2, and are outlined in § 2.2-3705.1 through 3705.8. Limitations on disclosure of criminal records are outlined in § 2.2-3706.
- G. The existence of litigation or criminal prosecution does not exempt the department from responding to the FOIA request. We may withhold criminal incident or criminal investigation information as noted above in III.M.1, III.M.2 and IV.F. Even if we refer the actual response to an attorney, the department is still required to respond within five (5) working days with the requested information, and extension statement, or a specifically cited exemption.
- H. If a citizen approaches an officer requesting information that the officer cannot provide, the officer shall refer the citizen to the Police Records Unit Commander.
- I. Records requested/demanded under a *subpoena duces tecum* are not subject to the exemptions/protections of the FOIA.

VIII. Release of Information by Communications Unit

- A. Dispatchers frequently receive media inquiries, especially regarding a currently operating situation. In order to foster a continuing cooperative relationship between media agencies and the department, it is important for dispatchers to employ a uniform standard designed to aid the news media in obtaining accurate information concerning **current** events. This procedure in no way supersedes other procedures contained in this General Order, nor does it negate the referral of media representatives to the PIO regarding the specifics of any incident. Dispatchers will release to inquiring media representatives the following information regarding any current or immediately concluded incident.
 - 1. Confirmation of an incident
 - 2. Type of incident, eg., homicide, assault, etc.
 - 3. Location of an incident, generally expressed as a block number or neighborhood
 - 4. Time of an incident

APPROVED: _____


Edward G. Hargis, Chief of Police