

FEDERAL LAW ENFORCEMENT TRAINING CENTER

Department of the Treasury



POLICE NEWS MEDIA RELATIONS HANDOUT

Behavioral Science Branch

9PT (Land Mgmt)

PNMR 307

Revised 9/82

1 Hour

TRAINING DIVISION: Police/Investigator Division - BSB
COURSE TITLE: Police News Media Relations
PROGRAM: 9PT (Land Management)
TIME: 1 Hour

AGENCY POLICIES

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(A)

BUREAU OF LAND MANAGEMENT
RESOURCE PROTECTION STAFF

POLICY FOR DEALING WITH THE NEWS MEDIA

Release of Information to the Media. The Law Enforcement Program will be well served if a policy of openness with the news media is adopted. The media should be regarded as important allies in achieving law enforcement goals.

Freedom of Information. We are required to be open with the media. The First Amendment guarantees Freedom of the Press. The Freedom of Information Act requires that information be released unless there is good and specific reason for withholding it. On the other hand, the Sixth Amendment guarantees a defendant a right to a fair trial, and the Freedom of Information Act recognized certain exceptions to release of information with regard to investigations.

Names of Defendants. Generally, names of persons arrested for minor offenses will not be released. The determination of whether a news release will be issued about an incident or arrest will not be made unilaterally. The decision will not be made solely on the basis of public reaction but also on criteria pertaining to the protection of the investigation or prosecution or the safety of the enforcement officers themselves.

* Withholding Information. Only certain kinds of information can be withheld under the Freedom of Information Act, as amended in 1974. Information may only be withheld if its release would:

- A. Interfere with enforcement proceedings;
- B. Deprive a person of a right to a fair trial or impartial adjudication;
- C. Constitute an unwarranted invasion of personal privacy;
- D. Disclose the identity of a confidential source, or disclose confidential information;
- E. Disclose investigative techniques; or,
- F. Endanger the safety of the law enforcement officer.

Prohibited Statements: The Department of Justice, in its regulations, prohibits any statement or information being issued for the purpose of influencing the outcome of a defendant's trial, or if the information may reasonably be expected to influence the outcome.

Prejudicial Information. These regulations (28 CFR 50.2) say that the following types of information generally would prejudice a case without serving a law enforcement function:

- A. Observations about character;
- B. Statements attributable to a defendant or his refusal to make a statement;
- C. Reference to investigative procedures such as fingerprinting, ballistics tests, polygraphs;
- D. Statements on the character or credibility of witnesses; and,
- E. An opinion as to the defendant's guilt.

The regulations make an exception, however, that these kinds of information can be released if the defendant is a fugitive, or if the determination is made by high level officials that the information not be prejudicial.

After Arrest. Generally, the following information can be released after arrest: the defendant's name, age, residence, substance or text of the charge against him, identity of the investigating agency, length and scope of the investigation, circumstances immediately surrounding an arrest, including time, place, resistance, pursuit, possession and use of weapons, and description of seized physical items.

Questionable Cases. The U.S. Attorney's Office should be contacted in any matter where the published guidelines do not specifically cover the subject matter being considered for release.

Control of Releases. In any investigation where an indictment has been obtained and/or an arrest warrant issued, the U.S. Attorney's Office in the District where the indictment was obtained and/or warrant issued has control of any media releases relative to that particular investigation.

Content. The purpose of issuing any press release is to inform the general public about Federal law enforcement activities. No press release may be issued with a view toward influencing the outcome of a future or pending trial. All press releases should be factual, concise, and clear. Where appropriate, the name of the Special Agent-in-Charge (or equivalent), the case agent, and the Assistant United States Attorney assigned the case should be indicated. All press releases must contain the following paragraph (in the following or similar language):

- A. "(Name of issuing official) emphasized that the indictment contained charges which the Government would be required to prove beyond a reasonable doubt at the time of trial in order for a conviction to result."

(B)

-NATIONAL PARK SERVICE-

LAW ENFORCEMENT
NPS-9

Guideline
Chapter 31
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PUBLIC INFORMATION AND MEDIA RELATIONS

It is the policy of the National Park Service to provide upon request the public and news media representatives with all information available concerning law enforcement activities and incidents. The release of any information cannot be contingent upon the credentials, purpose, relationship, or identification of persons requesting the information. The Freedom of Information Act, 5 U.S.C., Sec. 552, and the Department of the Interior Regulations, 43 CFR Sec. 2.13, are based upon a longstanding recognition of the people's right to know what their Government is doing and the results of its activities. Generally speaking, disclosure of investigative records compiled for law enforcement purposes is not required by the Freedom of Information Act, but these records shall be made available unless such disclosure would:

- * 1. Interfere with enforcement proceedings.
 - 2. Deprive a person of a right to a fair or an impartial adjudication.
 - 3. Constitute an unwarranted invasion of personal privacy.
 - 4. Disclose the identity of a confidential source and in a criminal case, confidential information furnished only by the confidential source.
 - 5. Disclose investigative techniques and procedures not generally known.
 - 6. Endanger the life and physical safety of law enforcement personnel.
- I. In order to maintain the proper balance between the right of the people to know what their Government is doing and the need for the Service to keep certain law enforcement information confidential without acting in an arbitrary or capricious manner, information will, if desirable and justified, be withheld if the information:

- A. Falls into one of the above 6 categories listed, and
- B. A sound reason for the withholding of it exists beyond the mere meeting of the technical criteria of one of the categories.

II. Reports

- A. Must be clearly written, concise, and contain factual information on the incident and its investigation.
- B. Must be written carefully to clarify noninvolvement by persons whose reputations would suffer by innuendo or projection of incorrect impressions as to the nature of the incident.
- C. A person requesting information is entitled to see the document the information is contained in or see or receive a copy thereof. Therefore, if there is information in the document which is to be withheld, it should be covered over on the original or deleted from the copy. The requestor should be informed that a deletion has been made.

III. In releasing information, a distinction must be made between non-criminal and criminal actions. Protection personnel handle both types of cases. In a non-criminal case (missing persons, drownings, falls, etc.), incident reports are generally available, except for:

- A. Names of deceased or serious injured until next of kin are notified.
- B. Grisly details not necessary to publicize which do not alter basic facts of the incident.
- C. When the possibility of criminal action is still under investigation and information released would hinder the investigation or conflict with other provisions of these guidelines related to criminal cases.
- D. Home address and home telephone number of Service personnel.
- E. Data from individual personnel files and/or medical records of employees.

- F. Confidential sources of information.
 - G. Investigative information going beyond general incident reporting may be withheld even when an incident is settled if such revelation would expose agency techniques provided that they are generally not known to the public and the disclosure of which would raise the reasonable possibility of hindering future efforts (i.e., disclosure of backcountry patrol schedules, etc.).
 - H. Requests for information contained in reports of concern to other bureaus or agencies shall be immediately referred to the superintendent.
 - I. If a requested record was obtained by the Service from a person or entity outside of the Government, the official responsible for processing the request shall, when it is administratively feasible to do so, seek the views of that person or entity on whether the record should be released before making a decision on the request.
- IV. Information available to the public in criminal cases
- A. General complaint records giving facts of incidents; i.e., date, time, place, type of incident, circumstances, officers dispatched, etc.
 - B. Records of lost, stolen, or missing property.
 - C. Arrest records associated with an incident:
 - 1. Case number, date and time of arrest.
 - 2. Name, date of birth, color, birthplace, occupation, and marital status of persons arrested.
 - 3. Location of arrest and nature of charge filed.
 - 4. Name of complainant.
 - 5. Name of arresting officer.
 - 6. Disposition of case if available.

- V. Information in criminal cases which may generally be withheld (unless part of a public record or made available by court actions).
- A. Home address and home telephone number of Service personnel.
 - B. Information relating to a subject's previous arrest record.
 - C. Statements, admissions of confessions made by subjects following arrest.
 - D. Names and addresses of subjects wanted for crimes, unless the assistance of the news media is needed in locating suspects.
 - E. Names and addresses of witnesses.
 - F. Requests for information contained in reports of concern to other bureaus or agencies shall be immediately referred to the superintendent.
 - G. If a requested record was obtained by the Service from a person or entity outside of the Government, the official responsible for processing the request shall, when it is administratively feasible to do so, seek the views of that person or entity on whether the record should be released before making a decision on the request.
 - H. Data from individual personnel files and/or medical records of employees.
 - I. Names of informants, undercover agents, other confidential sources of information, or other data which could identify them.
 - J. Investigative information going beyond general incident reporting may be withheld even when an incident is settled if such revelation would expose agency techniques provided that they are generally not known to the public and the disclosure of which would raise the reasonable possibility of hindering future efforts.
 - K. Names and addresses of victims of sex crimes.
 - L. Names of deceased or seriously injured until next of kin are notified.

- M. Grisly details not necessary to publicize which do not alter basic facts of the case.
 - N. Information that could hinder the investigation of a case if released.
 - O. Information that could endanger the life or physical safety of law enforcement personnel.
 - P. Information that could deprive a person of a right to a fair trial or an impartial adjudication.
 - Q. The address and telephone number of any living person.
 - R. Whenever a juvenile is charged with an offense, his name shall not be released to the news media or public. Also, any information concerning the incident that may identify the juvenile, prejudice his hearing, reveal any information relating to the proceedings, or any record of the proceedings shall not be released to anyone other than the judge, counsel for the juvenile, and counsel for the Government.
 - S. Generally, all information contained in an accident report will be released (including names, addresses, and telephone numbers) to any party involved in the accident or their representative. Representatives of insurance companies are considered to be representatives of parties involved in the accident.
- VI. While there is no distinction made between the general public and representatives of the news media as to criteria or restrictions for release of information, a distinction is applicable to the gathering of information in field situations. On the scene at incidents, bona fide representatives of the news media will be allowed access to areas normally and legally restricted to the general public as long as such access does not interfere with recognized law enforcement procedures, apprehension of suspects, or the preservation of evidence. If the safety of the media representative would be jeopardized, he should be so informed and may be restricted from the scene. If Service personnel would be jeopardized by media presence in hazardous areas "due cause" exists to restrict the media representatives from the area.

- VII. Prisoners or suspects will not be posed or stationed for the purpose of photographing or televising by the news media. The news media will not be allowed to interview them unless it is at the request or agreement of the prisoner or suspect and such interview does not interfere with the due process of the law, delay any proceeding, or create a security or safety risk.
- VIII. Each area and/or office should designate personnel responsible for handling law enforcement informational requests. Such personnel shall familiarize themselves with revised Part 2, Title 43, Code of Federal Regulations. (See Federal Register, Vol. 40 No. 34 - Wednesday, February 19, 1974 - 7304 through 7311.) Such designated personnel should establish close cooperation and liaison with news media in order to communicate Service policies and to foster sound working relations in advance of actual situations. Such advance preparation can only assist good understandings and aid in avoiding frictions on the job. When possible, only one individual should release information on any law enforcement incident.
- IX. Requests for information must be specific to the extent they are sufficient as to identify what particular record is sought. If such a request is of such a broad category or scope that it would put an undesirable strain on efficient administrative operations to fill, the requestor should be immediately instructed to make the request in writing to the superintendent (i.e., all accident records for a 10-year period, etc.). In some instances, the superintendent may find it necessary to charge for services of a document search, the making of copies, etc., as set forth in Title 43 CFR.

(C)

-U.S. FOREST SERVICE-

TITLE 1600 - INFORMATION SERVICES

CHAPTER 1650 - PRESS, RADIO, AND TELEVISION

1650 - PRESS, RADIO, AND TELEVISION

*-For purposes of this chapter, the term "media" applies to all non-Government communications activities in print and broadcast media.

1650.2 - Objective. To provide factual and timely information on forestry and related programs, activities, and issues to the American people through the media.

1650.3 - Policy. It is Forest Service policy to:

1. Seek out opportunities to generate media interest and coverage of programs, projects, and activities of the National Forest System, State and private forestry, and related research.

2. Seek out opportunities to provide factual and timely information to the media on potential or current problems and issues related to management, protection, and use of the Nation's forests and related resources.

3. Cooperate fully with the media in responding to requests for information, and make Forest Service officers, including scientists, freely available for interviews, statements, panel discussions, etc.

1650.4 - Responsibility.

1650.41 - Chief. The Chief will develop and maintain contacts with representatives of the national print, television, and radio media, and either respond directly, or coordinate responses, to requests from national media representatives. The Chief is also responsible for developing and maintaining contacts with and responding to the Washington, D.C., local media and representatives of syndicated newspapers, magazines, news services, and newsletters and freelance writers based in Washington, D.C.

-FSM 8/78 AMEND 53-

1650.41a

TITLE 1600 - INFORMATION SERVICES

1650.41a - National Media Offices. The eastern and western National Media offices assist the Washington Office in serving as field liaison with national media outlets. The National Media offices provide assistance and coordination for all Regions, Stations, and Areas in generating or servicing requests for national media coverage of program or project activities. The National Media offices do not, however, provide field liaison services with representatives of the national media on current news subjects; this responsibility rests either with Region, Area, or Station Offices or with the Washington Office, as appropriate.

National Media offices work with motion picture companies; independent television and movie producers; radio and television networks; national circulation newspapers, such as the New York Times, Wall Street Journal, and Christian Science Monitor; newspaper syndicates; and publishers of national magazines on feature stories concerning Forest Service activities. They assist motion picture and television production companies in selecting filming locations, and act as coordinators between the Forest Service officers and filming companies. They also review and approve films and scripts to ensure that both accurately depict the programs and activities of the Forest Service. Field offices shall notify either of these offices when contacted by a motion picture or television producer planning to film in a National Forest. Also see FSM 2724.15.

Planning and coordinating of the National Media offices program of work are carried out jointly with the Washington Office.

1650.42 - Regional Foresters, Station Directors, Area Directors, Forest Supervisors, and District Rangers. These designates will develop and maintain day-to-day contacts with representatives of *the media within their designated zones of influence. Field offices will identify story ideas of potential interest to the public, bring them to the attention of the media, and cooperate in providing related information. Contacts that occur with representatives of national television or radio networks, representatives of national magazines, or representatives of motion picture producers will be coordinated with the National Media offices or the Washington Office (FSM 1650.41a).

-FSM 8/78 AMEND 53-

1652.2

TITLE 1600 - INFORMATION SERVICES

*-1651 - USE OF MEDIA

1651.1 - Print Media. For the purposes of FSM 1651.11 -.13, the term "print media" includes newspapers, news and wire syndicates, newsletters, magazines and journals, book publishers, freelance writers, and association publications and newsletters.

1651.11 - Press Releases. All units shall issue appropriate press releases to keep the public informed of current management actions or program development. The issuing unit should send copies of releases to all other units which may have significant interest in, or be affected by, release of the information. If the information to be released is likely to have a major impact on the policies, programs, or activities of another unit, copies of the press release should be sent to that unit prior to release. Regions, Stations, and Areas shall furnish the Washington Office with six copies of each press release issued.

Major press releases issued from the Washington Office, Office of Information with Department implications must be cleared by the Department's Office of Governmental and Public Affairs. Other releases limited to Forest Service activities and actions may be released without Department approval. If policy is involved, the releases must be approved by the concerned Deputy Chief.

1651.12 - Clippings. Selected newspaper, magazine, and trade and technical journal clippings shall be sent to the Regions, Stations, and Areas for forwarding to the Washington Office. Clippings must be current, have a broad interest, and deal with activities or matters in which the Forest Service is concerned.

1651.13 - Articles Produced by Others. Reprints of articles in non-Federal Government publications may be purchased for use in answering correspondence or for distribution to field units. Two copies of reprints purchased by field units should be sent to the Washington Office, Office of Information.

1652.2 - Television and Radio

1652.21

TITLE 1600 - INFORMATION SERVICES

1652.21 - Appearances and Interviews. Forest Service employees are encouraged to take part in radio or television interviews and other programs. Field units should seek out and encourage opportunities for radio and television appearances that could be useful in gaining greater public awareness and understanding of resource management policies, programs or actions; significant ongoing research programs or significant research results; and potential problems or current issues affecting natural resource management.

Forest Service employees shall not endorse a product, directly or indirectly, nor take part in a program that could lead the public to believe that a sponsor had given air time to the Forest Service in exchange for special consideration.

1652.22 - Presenting Story Ideas

1652.22a - Target Audience. To determine what is a potential story for a particular type of program, it is essential to select the type of television or radio program desired, as well as to identify the target audience. Otherwise, it may be turned down by the television or radio station. Some examples of *-program types aimed at specific audiences are newscasts, local talk shows, current issues, civic interests, homes, gardening, and outdoor recreation news.

1652.22b - Materials. There are several different formats for television and radio programs. Some examples are talk shows, interviews, public service, panel discussions, and news shows. Each of these usually has different requirements for story length and the use of film clips, audio tapes, slides, charts, etc. Story length and audio or visual materials must be specifically targeted to meet specific format needs.

1652.22c - Contacts. As mentioned in FSM 1652.22a and .22b, there are a number of different types of television and radio programs. Usually a specific individual at a station has responsibility for only one or two types at most. This may not be true at stations in small communities. It is important to know the contact for each type of program, and it is best to deal directly with the program manager responsible for the program of interest.

-FSM 8/78 AMEND 53-

-TENN. VALLEY AUTHORITY-

MEDIA RELATIONS

Department Policy For U.S. TVA's Land Between The Lakes (LBL) Patrol

The department recognizes that law enforcement matters in general are matters of public interest and concern. The news media represents the primary means by which information relative to such matters is disseminated to the public. It shall be the policy of the LBL Patrol to permit the free-flow of information to the media relative to official administrative and criminal proceedings of the department. It is important that such information does not jeopardize either the rights of any individual or the prosecution of any criminal case.

Media Relations: Legal Guidelines

In releasing information regarding the occurrence of a crime - who, what, when, where, why, and how - law enforcement agencies should solicit the cooperation of the news media in avoiding pre-judicial pre-trial publicity. Just as important is our responsibility to accurately and fairly report the occurrence of crime. To that purpose, it is necessary that the LBL Patrol, in cooperating fully with the news media, at all times, observe and comply with two fundamental legal guidelines, as derived from the Constitution of the United States. Any information released in regard to any phase of a criminal investigation or proceeding must be in accordance with the following provisions:

1. The first amendment of the Constitution which guarantees the right to free speech, a free press, and the importance of the public's right to know what their police departments and the courts are doing.
2. The sixth amendment of the Constitution which guarantees the right to a fair trial, free of public pressure or a jury biased by news heard or read that a person is guilty.

Media Relations: Control Provisions - General

Maintaining positive media relations in general shall be accomplished through observance of the following provisions:

1. In all criminal matters, a member of LBL Patrol directly involved and with accurate information pertaining thereto shall be authorized to give facts relative to said criminal matter, so long as the aforementioned legal guidelines are observed.
2. In all administrative matters, a member of LBL Patrol will advise members of the news media that information pertaining thereto may be obtained from the LBL Public Services Supervisor and/or the Chief of Patrol or an appointed representative.

3. A member of the LBL Patrol must exercise common sense and discretion to avoid rendering statements which, if later quoted, may create misunderstanding or reporting inaccuracies.
4. A member of the LBL Patrol shall not give preferential treatment to any representative of the news media.

Media Relations: Photography

A member of LBL Patrol will not prevent the photographing of any defendant in a public place. It is important that a member will neither encourage nor discourage pictures or televising; however, he must not pose the accused.

Media Relations: Releasing Names of Persons Killed or Injured

1. An LBL Patrol member will first obtain identification of the deceased and then cause notification of the next of kin of a deceased victim of a criminal act or accident prior to releasing the name and address to the news media.
2. An LBL Patrol member will first cause notification of the next of kin of a living and seriously injured victim of a criminal act or accident before releasing the name and address to the news media.

Media Relations: Permitting Media Representatives on the Scene

1. In the event of a major crime, incident or disaster, wherein official barriers are established for crowd control and/or to preserve evidence, a member of LBL Patrol, upon authorization from a higher authority, may allow members of the news media to enter the area. This will depend upon the tactical situation, or the likelihood of jeopardizing patrol operations relating to investigation and collecting evidence.
2. A member of LBL Patrol shall not allow members of the news media to be within a crime scene or area that has been secured to preserve evidence, or any location where their presence jeopardizes LBL Patrol operations.

Media Relations: News Representatives Not Exempt from the Law

The primary responsibility of the news media is to gather information and photography at any newsworthy event, and a member of LBL Patrol must not unnecessarily obstruct authorized media representatives from carrying out their assignments. LBL Patrol members recognize, however, that such news representatives are not exempt from law enforced by the LBL Patrol.

(E)
U.S. FISH AND WILDLIFE SERVICE

REFUGE MANUAL

PUBLIC USE MANAGEMENT

8 RM 14.24

14. Law Enforcement

- 14.24 Privacy Act as related to law enforcement matters. No publicity regarding the names and addresses of persons apprehended violating Federal or State game laws should be given out except where the offender has been arrested and arraigned before a United States Magistrate or the case against him has been finally disposed of in a Federal or State Court.

As a general rule, the Service makes no comment on pending cases. The following statement may be used to express Service policy: "In accordance with existing law and policy it is not the practice of the U.S. Fish and Wildlife Service to discuss publicly any pending criminal or civil investigation. The U.S. Fish and Wildlife Service considers it improper for an investigative body to engage in public disclosure of such matters because of the possibility of irreparable damage to an individual who may be cleared as a result of an investigation or the prejudicial affect on any prosecution that may result."

Where practical, inquiries should be referred to the appropriate U.S. Attorney handling the case for the Service.

At no time should refuge personnel furnish any statement or information for the purpose of influencing the outcome of a trial.