

SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 54.1

MEDIA RELATIONS POLICY

ISSUED APRIL 2006

54.1.1 Policy

It is the policy of the Santa Clara Police Department to serve the community and to be accountable to the citizens for the fair and impartial enforcement of the law. This Department has an obligation to provide accurate, timely information regarding law enforcement activities to the people. Freedom of the press is essential to our democratic society and serves as the public informer and common advocate within established law and without compromise for justice or infringement on individual rights. Members of this Department will cooperate fully in meeting the relevant needs of the news media in providing public information.

54.1.2 Function and Notification

The Press Information Officers (PIO) shall be assigned as directed by the Chief of Police. The function of the PIO includes:

- Responsibility for making all prepared news releases to the media. All assistance possible should be given to news personnel who are covering news stories at the scenes of incidents. The PIO has the responsibility for establishing a close liaison with any newsgathering agency whose activities may involve contact with the Department.
- Preparation and distribution of news releases as directed.
- Arranging for, and assisting at, news conferences.
- Coordinating and authorizing the release of information about victims, witnesses, and suspects, pursuant to the Government Code and the District Attorney's protocol.
- Coordinating and authorizing the release of information concerning confidential agency investigations and operations.
- Being available to representatives of the news media to resolve possible problems involving the news media and the Department.
- Developing procedures for releasing information when other public service agencies are involved in a mutual effort.
- Remaining available at all times on an on-call basis to assist and respond to the media when the need arises; likewise, being available to all Divisions of the Department. He/she shall be notified by the major crimes callback investigator, the Watch Commander, or Traffic Lieutenant of any serious police incidents of an emergency nature or any incidents or accidents which could be considered newsworthy.
- The PIO, after a review of the circumstances involved, shall determine whether or not he/she will then respond immediately to assist the news media in the performance of their function, or wait until normal business hours.

Types of situation warranting notification of the PIO include (but not limited to):

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- Acts of terrorism.
- Demonstrations.
- Especially violent calls.
- Fatal/Serious injury accidents.
- Homicides.
- In-custody death.
- Kidnappings.
- Lifesaving acts by Department personnel.
- Missing person (Amber Alert Situations).
- Officer involved shootings.
- Officer involved injury accidents.
- Serious Gang Related Situations.
- SRT call-outs.
- Violent events occurring on a school/college campus.
- Any other situation likely to generate media interest.

54.1.3 Assignments and Duties

The assignment, primary duties and number of PIOs shall be the responsibility of the Assistant Chief of Police. The PIO has the authority to speak publicly on behalf of the Chief of Police.

When available, the PIO will coordinate dissemination of public information to the media concerning disasters, special events, unusual occurrences and significant Police Department operations. When the PIO is not available, the ranking officer in charge will assume the responsibilities.

Additional duties of the PIO are as follows:

- Coordinating all requests from the news media for special information and provide assistance in special news assignments, including in-depth looks at various police operations, personnel, or stories of a non-controversial nature.
- Prearranging all interviews for the news media so that their assignments can be completed in the most expeditious manner.
- Coordinating requests from the Department personnel for radio and television public service time.
- Providing all Division Commanders with copies of news releases.
- Screen daily local media, targeting articles pertaining to the Department for review by the Chief of Police.
- Screen media requests for interviews with the Chief of Police, obtain the purpose of the interview, the story line, and the context that the interview will be based upon.
- Provide all public service announcements to the news media on a variety of topics reflecting crime prevention efforts and proactive police programs and concerns.
- The PIO will obtain approval from the Office of the Chief of Police prior to releasing prepared press releases.
- Disseminate the weekly Police Blotter.

Within established guidelines and procedures, the Department shall notify, on a timely, fair and impartial basis, members of the news media on matters of public interest. The media shall have access to personnel at all levels in the Department who are fully informed about the subject of any press inquiry. The news media will be told all that can be told which will not impinge on a person's right to a fair trial, seriously impede a criminal investigation, imperil a human life, or seriously endanger the security of the people. In such cases, the minimum information will be given which does not impinge on the four areas and a statement that nothing more can be said, will be made.

Members of this Department will strive for consistency in releasing information to the media for public dissemination. Information that is normally released should not be withheld based solely on a decision relating to personal prominence of those involved. Conversely, information generally not routinely distributed should not be put forth solely as a result of personal prominence.

Normally, statements regarding Departmental policy and expressing the official position of this agency, official responses to criticism of the Department, or statements pertaining to pending or ongoing civil litigation involving the Department shall be made only by the Chief of Police or Press Information Officer. Likewise, statements about internal investigations, disciplinary matters, and officer-involved shootings, allegations of misconduct, suspensions, administrative leave, or the arrest of a police officer or any member of this agency, shall be made only by the Chief of Police, PIO, or an officer designated by the Chief of Police.

As the agency exists to serve the citizens, individually as well as collectively, consideration should be given to the victim's request for no publicity or no public disclosure of the crime to which they are a party. Victims should be informed, however, that the Government Code Section 6254(f) requires that information regarding complaints in criminal investigations be released to the public unless such disclosures would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of an investigation. No member of this Department should ever guarantee to any victim or reporting party that a reported case will not receive publicity. The decision not to release information about a particular crime or incident, or the name of the victim or reporting party must be made by the criminal investigator in charge of the investigation, the Watch Commander, the Chief of Police or his designated representative. This decision will be made only after due consideration is given as to whether such release would endanger the victim, witness or a successful investigation.

The efficient and effective operations of both law enforcement and the news media area, to a large degree, dependent upon a mutual relationship of understanding, honesty, and trust. It will be the policy of the Santa Clara Police Department to perpetuate such a relationship. When this relationship of mutual understanding, honesty, and trust exists, the public benefits the most.

54.1.4 Dissemination of Information to the Media

During major incidents, the PIO will obtain approval from the Chief of Police or designee on the frequency and content of media releases. Information shall be released to the media when it

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becomes available, is organized and is determined by the Chief of Police or designee to be of importance to the media. All disseminated information will be made available to all media sources on an equal basis.

Methods for disseminating information include:

- Printed releases may be faxed to Bay Area radio, television and newspaper media;
- Information may be released in interviews given to media sources over the telephone;
- Recorded audio press releases by use of Department's Media Info Line;
- Posted press releases on the Department's web page;
- Weekly Police Blotter distributed to local print media;
- Information may be disseminated during formalized press releases/press conferences.

54.1.5 Dissemination of Information in Absence of PIO

In the absence of the Press Information Officer, the Watch Commander will prepare and disseminate news releases concerning major crimes or incidents. The call-out Investigations Lieutenant or Captain at a major crime scene shall coordinate with the Watch Commander regarding media interviews or news releases.

Other Department members involved in criminal investigations or other events that fall within the scope of their assignment may, with the express knowledge and consent of the Watch Commander or call-out Investigations Lieutenant, be interviewed by the media.

Should a serious situation occur such as a hostage or barricaded suspect, criminal homicide, officer-involved shooting, natural disaster or other event that generates a great deal of media interest, the PIO should be called in to handle the media inquiries so that officers and investigators will be free to conduct their investigation. If the PIO is called to a scene of major importance, the on-duty Watch Commander or designee will be responsible for the release of information to the media until the PIO arrives.

In an officer-involved critical incident, the approval of the Chief of Police or designee is required before the name of the officer involved is released. In all cases, this information should not be released before involved officers are interviewed by investigators and debriefed by psychologists.

Written news releases will be utilized whenever possible regarding major incidents. These will be faxed to all recognized media outlets in the greater Bay Area. Copies of the news releases will also be posted in each division and a copy given to the Police Department's front desk so personnel can accurately respond to questions from other media that come in over the telephone.

Information regarding routine criminal investigations and the arrests of individuals may be released following Department guidelines and the D.A.'s protocol as a matter of public record.

54.1.6 Conduct of Media Representatives

Any Department member having a complaint regarding the conduct of any news media representative should write a memorandum to their Division Commander. The Division Commander will receive the complaint and make the appropriate investigation.

The Division Commander will forward the results of the investigation and a recommendation for Department action to the Chief of Police. The Chief of Police may elect to contact the management personnel of the news media organization regarding the complaint if it has a significant impact on the Department or the community.

54.1.7 Media Conduct at Crime Scenes

The Press Information Officer present at a disaster or crime scene is responsible for providing relevant, timely, and accurate information to the news media.

Disaster and accident scenes may be closed to the public pursuant to Penal Code Section 409.5. However, news media representatives are exempt from this restriction. As soon as a disaster (major fires, natural disasters, or other catastrophic events) or accident has been identified and secured, authorized media will be permitted free access to the affected area, after being advised of any existing danger. In general, authorized members of the news media are to be permitted free movement in the area, as long as they do not hamper, deter, or interfere with the law enforcement or public safety functions.

Crime scenes may be closed to all unauthorized persons including the news media. Crime scenes that are located in areas of public access may be opened for media inspection after any search, preservation, and processing of evidence has been completed and the scene is secured. Reporters and/or photographers will be kept sufficiently distant from a crime scene being searched or preserved to protect it from being disturbed, or evidence from being destroyed or contaminated. News media representatives have no right of access to private property greater than the general public, and therefore, are subject to any public access restrictions of the owner or person in charge of the property, when a crime scene is located on private property.

The scene of a Department tactical operation is the same as a crime scene, subject to any restrictions as set forth by the field commander. The news media, including reporters and photographers, will be allowed access to the best possible location as determined by the field commander. A PIO or other designated officer will be assigned to keep the news media briefed. Department members will not jeopardize a tactical mission in order to accommodate the news media, but every effort will be made to keep them well informed of the progress of the operation.

54.1.8 Media Participation in Policy Development

The contents of this directive and all subsequent changes shall be furnished to all local news media and to other media upon request.

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News agencies are invited and encouraged to participate in the formulation of policy and procedures relating to the news media by providing comments and suggestions.

54.1.9 Guidelines for Disseminating Public Information

According to 6254(f) of the California Government Code, “State and local law enforcement agencies shall make public the following information except to the extent that disclosure of a particular item of information would endanger the safety of the person involved in an investigation or would endanger the successful completion of the investigation, or a related investigation.” See [General Order 54.2](#) for additional information.

Pre-arrest: Information regarding the commission of a crime and the resulting investigation may be made available prior to the making of an arrest, the issuance of an arrest warrant, or the filing of formal charges. These releases may include:

- General information relating to the crime, e.g., type of crime, extent of injury or damage, value of property taken.
- Date and time the crime was discovered.
- Victim’s name and age (The victim’s address shall not be released).
- Apparent cause of death when applicable.

NOTE: Facts concerning the crime which could only be known by the perpetrator or which could be utilized as polygraph keys, should never be released. Releases should not contain vivid descriptions of facts that would unduly inflame public sensibilities; e.g., description of wounds sustained by victim.

Post Custody: When a person has been arrested for the commission of a crime, information that the public has an unquestionable right to know includes:

- The full name, current address and occupation of individuals arrested, except juvenile suspects.
- There are certain situations, especially violent or gang-related situations, where furnishing the suspect’s name and address might result in retaliation or other subsequent violent action. If this possibility appears to exist, the Press Information Officer, Detective in charge, the Division Commander or his designated representative should handle all inquiries from the news representative requesting information. Government Code Section 6254(f) also supports this as it applies to divulging information to victims.
- Arrestee’s date of birth and physical description.
- Time and date of arrest, time and date of booking.
- The location of the arrest and the factual circumstances surrounding the arrest.
- The amount of bail, the time and manner of release, the location where the person is presently being held.
- All charges the individual is being held on, any outstanding warrants from other jurisdictions, and any probation or parole hold.
- Date, time, substance and location of all complaints or requests for assistance received, the time and nature of response. The name, age and current address of the victim, except the

victims of sexual assault and rape. (Release of the identity of sexual assault victims is the sole responsibility of the Detective assigned to the investigation, or his/her commanding officer).

- The general description of the injuries, property or weapons involved.

NOTE: Information regarding physical evidence that corroborates or impeaches a confession, admission or other statement, will not be released. Standard practice is that no case is commented on once the case has been filed with the District Attorney's office. After filing, the D.A.'s PIO or the assigned Deputy D.A. is the only person to make comments.

Information that may not be released:

- Any prejudicial statements about suspects or arrestees.
- Any comment on a suspect's prior criminal history or arrest record.
- Any mug shots, except as an aid in the capture of a dangerous wanted person.
- Any information known to be inadmissible as evidence in a trial.
- The names of juvenile suspects or arrestees.
- The names of deceased persons, including suspects and victims, until confirmation has been received from the coroner's office that the next of kin has been notified.
- Any information that would endanger the safety of any person involved in the case, or the successful completion of an investigation.
- Any observations about the defendant's character or reputation.
- Any statements, admissions or alibis attributable to the defendant or any statements indicating the lack of any of the above.
- Any reference to investigative procedures such as fingerprints, polygraph examinations, ballistic tests, or any laboratory tests, or the accused's refusal to take tests.
- Any statements concerning the evidence in the case, whether or not it is anticipated that the evidence will be used in trial.
- Any hint or suggestion that the suspect is responsible for series of crimes that may have been in the news. If the suspect is arrested and charged, those specific charges may be released.
- Any statements concerning the identity, credibility, or testimony of a possible witness.
- Any statement indicating that the suspect has refused to make a statement or has invoked his Fifth Amendment rights.
- Any expression of an opinion of the defendant's guilt or innocence, or matters relating to the merits of the particular case.
- Contents of suicide notes may not be released. The fact that a note was found at the scene may be released.
- The identity of injury victims shall not be released pending the verification or knowledge that the victim's family has been notified.
- The possibility of a plea of guilty to the offense charged or a lesser offense.

NOTE: When a member of the media has a question regarding the propriety of releasing information not covered by these guidelines, he/she should be referred to the investigator in charge of the case, the Press Information Officer or the Watch Commander.

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54.1.10 Release of Information by Department Members

When information is disseminated by any other person but the PIO, the PIO will be notified in writing as soon as practical of the content of the material released, who released the material, and when it was released. Copies of all media releases will be maintained by the PIO.

54.1.11 Multiple Jurisdictions (Information Release)

In situations where multiple jurisdictions or agencies are present (Police, Fire, Medical Examiner), supervisory persons representing involved agencies shall be consulted by the PIO as to a plan for coordinating the dissemination of information to the news media. The agency with jurisdiction is responsible for the media plan and approval of media releases.

54.1.12 Rights of Citizen Groups and Onlookers at the Scene of an Incident

Onlookers shall be permitted to observe and overhear conversations in detention or arrest situations in public areas when it is reasonable to do so, and when these conversations are not of a sensitive nature. Onlookers may remain in the vicinity as long as the presence of these persons does not interfere with the officer's duties or create a safety concern for the officer, the person detained, or an onlooker.

Onlookers must maintain a reasonable distance when monitoring police activities depending on the circumstances and the type of incident. Onlookers are allowed to approach within hearing distance, provided that the control of the situation can be maintained by the officer. Onlookers who are clearly at a reasonable distance will not be subject to a "move-on" order or threatened with arrest.

Nothing in this order is meant to restrict an officer from arresting any person who willfully resists, delays, or obstructs any peace officer in discharging his or her duties according to the provisions of Penal Code Section 148. Nor does this order restrict an officer from arresting any person who willfully commits a trespass as defined in Penal Code Section 602.