



ACTON POLICE DEPARTMENT

DEPARTMENT MANUAL; P&P: Operations		
POLICY & PROCEDURE # 1.31	DATE OF ISSUE: 1/28/2024	EFFECTIVE DATE: 2/9/2024
SUBJECT: Media Relations & Public Information	ISSUING AUTHORITY: Chief James Cogan	
REFERENCE(S): Massachusetts Police Accreditation Commission # 54.1.1; 54.1.3; 54.1.4; 82.1.1	__X__NEW __AMENDS __RESCINDS	

I. POLICY

The only person(s) authorized to coordinate and release information to the public are the Chief of Police, Deputy Chief, Lieutenants, or the Chief's designee. The Special Services Lieutenant is responsible for preparing the weekly police log to be disseminated to the local newspapers.

The general public may request copies of police reports through email or by submitting a records request through mail or in person pursuant to the Public Records Law (M.G.L. c. 66 s. 10). All requests shall be forwarded to the Acton Police Department's Records Clerk. **[82.1.1]**

II. MEDIA EVENTS

Any major incidents likely to attract widespread news media attention shall be brought immediately to the attention of the Chief of Police, the Deputy Chief, and the Lieutenants by the shift supervisor. The Chief of Police and the Deputy Chief are the only members of the Department authorized to release any information regarding the activities of the Department in a major event. In the absence of the Chief of Police or Deputy Chief, the Chief may delegate this responsibility to a Lieutenant or a specific individual. No information regarding confidential investigations or operations shall be released. The Chief of Police or Deputy Chief are the only personnel authorized to release information regarding confidential investigations or operations including, but not limited to internal affairs, drug raids, organized crime, vice activities, or search warrants in conjunction with the directives in this policy. **[54.1.1(1A)(2D)] [54.1.3(6)]**

News media representatives will be allowed access to designated media areas during major incidents only when they openly display identification that identifies them as news media representatives. The Patrol Shift Supervisor in coordination with other agencies involved will designate a media staging area. **[54.1.3(1)(3)]**

News media representatives may be denied access to areas other than the assembly points when in the judgment of the ranking police officer or Incident Commander (IC) on scene determine their presence will interfere with the police operation. **[54.1.3 (1)(2)]**

If the major incident involves other agencies (including but not limited to the Acton Fire Department, other Law Enforcement Agencies, or the District Attorney's Office) all affected agencies shall be notified prior to the release of any information to the public. At times, the Chief of Police may authorize for a specific incident the press releases to be handled and coordinated through another agency. [54.1.1(3)] [54.1.3(6)]

It shall be the policy of the Acton Police Department to provide representatives of the news media with information about the activities of the Department in accordance with the procedures outlined in this section.

Before providing information to the news media or responding to inquiries from media representatives, the following policy requirements will be carefully considered:

1. The necessity to prevent interference with or the hampering of a police investigation.
2. The necessity to preserve evidence.
3. The necessity to protect the safety of the victim(s) of the crime.
4. The necessity to protect the identity of informants and witnesses.
5. The necessity to successfully apprehend the perpetrators of crime(s).
6. The necessity to protect the constitutional rights of persons accused of committing a crime(s)
7. The necessity to avoid prejudicial publicity. When being interviewed by media representatives, it may be advisable to refer to the suspect as "the subject" and refer to the offense as the "alleged crime."

The media, other government agencies, and private citizens often call upon Police Departments to divulge information and records. The way in which local police departments maintain information and records, and whether and to whom information or records may be lawfully released, are matters governed by such laws including: [82.1.1]

- *The Massachusetts Freedom of Information Act* – found in Chapter 4, Section 7, paragraph 26 of the General Laws
- *The Criminal Offender Record Information ACT (CORI)* – found in Chapter 6, Section 167-168 of the General Laws
- *The Fair Information Practices Act* – found in Chapter 66A of the General Laws

- *The Personal Data Systems Report Act* – found in Chapter 30, Section 63 of the General Laws
- *The Rape and Sexual Assault Reporting Laws* – found in Sections 97B, 97C, and 97D of Chapter 41 of the General Laws
- *Driver Privacy Protection Act*
- *The “Public Records” Law* – found in Chapter 66, Section 10 of the General Laws

III. PROCEDURE

A. NOTIFICATION AND RESPONSE

In the event of a major incident, the Incident Commander (IC) is responsible for implementing the Incident Command System (ICS) protocols. The Public Information Officer will be the point of contact for the media. If no Public Information Officer is appointed, the IC shall be responsible for the release of information to the media and establishing a media assembly area and will notify the dispatcher of this location. Any personnel that is assigned as the Public Information Officer shall receive training for the position. **[54.1.3(3)(4)] [54.1.4]**

When notified of a major incident, the Chief of Police or designee will respond to the assembly point and will coordinate with the ranking officer of the Command Post any additional areas to which the news media representatives will be admitted. At no time will news media representatives be permitted to interfere with the functions of the Command Post.

If mobile television or radio transmitting units arrive at the scene of a major incident, operators should be directed to proceed (on foot) to the news media representative’s assembly point in order to receive assistance in determining the most strategic locations in which to stage their mobile units. Once the location has been established, assistance should be provided by department personnel to advance such mobile units to the location, if assistance can be made available.

Situation briefings will be provided at a designated location on a timely basis. Such briefings will be conducted by the Chief of Police or their designee. When possible, such briefings will include key personnel involved in the situation who can give factual firsthand, updated reports of the situation.

B. RELEASE OF INFORMATION [54.1.1(2)]

When deemed to be applicable the Chief of Police or their designee will provide the following information (press release) to news media representatives at the scene of an incident: **[54.1.3(5)]**

1. Known facts and circumstances relating to the crime which will not hinder or prejudice the investigation, but will aid in the apprehension of the accused or to warn the public of any danger the accused may present.
2. A general description of the suspect(s), if known. **[54.1.1(2C)]**
3. Facts and circumstances of the arrest, including the time and place of arrest, any resistance encountered, or pursuit.
4. The race, gender, age, occupation, and family status of the suspect(s) **[54.1.1(2C)]**
5. The nature, substance, or text of the charges brought against the suspect(s), including a brief description of the offense(s) and an announcement of the scheduling or result of any stage in the judicial process.
6. The identity of the investigating and/or arresting officer, providing such information does not jeopardize or compromise personnel assigned to undercover operations.
7. The identity of the victim after next of kin have been notified and the Chief of Police or the Deputy Chief has approved the release of names. **[54.1.1(2A)]**
8. No photographs of suspects or witnesses will be permitted in any working areas of the department facility.

C. CONFIDENTIAL INFORMATION **[54.1.1(D)]**

Information regarding the following areas will not be released

1. A detailed description of suspects or evidence which could hinder or prejudice the investigation.
2. Prior record of the accused.
3. Accused date of birth (their age is permitted)
4. The evidence which led to the arrest of the accused.
5. Whether a polygraph test has been given or offered.
6. Comments or statements regarding prospective testimony, character or credibility of any victim) or witness.

7. Any opinion about the guilt or innocence of any person charged in any crime, the merits of any case including arguments and evidence, or whether their use in court is expected.
8. Possibility of a guilty plea, plea bargain, or other disposition
9. Reports, transcripts, or summaries of proceedings from which the press and public have been excluded by judicial order.
10. The character or reputation of the accused (if the accused has not been apprehended, an officer associated with the investigation may release any information necessary to aid in the apprehension of the accused or to advise the public of a potential danger).
11. The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement to perform any examination or submit to any test.
12. The identity, testimony, or credibility of prospective witnesses.

It will be the responsibility of the investigating officer to consult with their immediate supervisor before releasing information not covered by this order, or information that may adversely affect the outcome of the current investigation. Requests for information, regarding any investigation, not released at the scene may be directed to the Chief of Police or Deputy Chief for follow-up. News media access to the working elements of the investigations section will be limited except when accompanied by a member of the Department.

During the periods of limited access, the Chief of Police or Deputy Chief will be provided timely briefs to be forwarded to the members of the news media, via telephone, personal interview, and/or news released information desk.

D. PROHIBITED EVENTS

The following events shall not be authorized or permitted under any circumstances:

1. The deliberate posing of any person in custody for photographing or televising by representatives of the news media.
2. The interviewing of any person in custody by representatives of the news media, unless the accused requests or consents (in writing) to such an interview. The interview may take place only after the individual has been adequately informed of his/her right to consult with any attorney and his/her right to refuse to grant such an interview.

E. IDENTITY

The identity of the following persons shall not be revealed to the news media except with the direct approval of the Chief of Police or Deputy Chief:

1. Any person under eighteen (18) years of age taken into custody accused of a delinquent act.
2. Any complainant under eighteen (18) years of age
3. Any neglected child.
4. Any victim or witness of a crime. **[54.1.1(2A) (2B)]**
5. Any person taken into custody because of mental illness.

F. CRIME AND MAJOR EVENT SCENES

News media representatives may be given guided access to crime scenes when it is determined practical by the Chief of Police or Deputy Chief except in the following instances:

1. When the crime scene is on private property and the owner of the property clearly requests that news media representatives not be given access.
2. When the presence of news media representatives might adversely affect the preservation of evidence at the scene or interfere with the investigation.

Crime scenes will be secured by Department personnel and access will not be permitted within the outer limits. News media coverage will be permitted adjacent to any barriers.

At all major crime scenes and media events, news media representatives will be provided information about the crime by the Chief of Police the Deputy Chief. In the event neither is present, the Supervisor, only after consulting with the Chief of Police or Deputy Chief will provide the information. Supervisors providing such information will respect the aforementioned protocols, and rules of evidence relate only to factual information and omit assumptions, speculations, and opinions.

G. INTERNAL AFFAIRS

Requests for information regarding investigations (which may lead to the filing of criminal charges against Department Personnel) will be treated as any other criminal investigation insofar as the release of information is concerned.

1. Because an investigation could be conducted by internal affairs, such requests should be directed to the Chief of Police.
2. The officer or employee of the Department undergoing an internal investigation shall not release information concerning the investigation.

All other inquiries about internal investigations involving Department Personnel will be addressed to the Chief of Police.

H. AREAS OF ACCESS FOR NEWS MEDIA REPRESENTATIVES **[54.1.3(3)]**

News media representatives present within the confines of the Acton Police Department facility are restricted to:

1. Any areas open to the public.
2. Any area(s) designated or set aside for news media briefings.
3. Any area to which a member of the Department provides the news media representative(s) guided access.

Officers will discourage victims and witnesses from speaking to the media voluntarily, as it may have a negative impact on the prosecution of the case and the victims themselves emotionally. However, news media representatives may be permitted to interview victims of a crime or disaster scenes who have consented to such interviews providing:

1. The victim is not undergoing medical attention.
2. The victim appears able to make sound decisions and is not visibly upset, severely injured, or emotionally distraught.
3. Investigative personnel have completed their interviews.
4. If victims do not want to be interviewed, the media will be advised and the Officers will assist the victim in all reasonable ways to avoid media attention and publicity.

MEDIA RELATIONS & PUBLIC INFORMATION

History: None