

	Policy & Procedures				No. 1.39	
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CALEA STANDARDS

46.1.2 54.1.3 Action Item #1
 54.1.1 54.1.4

1. Background

To operate effectively, the department must have the support of the community. The goal of the public information function is to obtain this support through a positive relationship of mutual trust, cooperation, and respect with the news media and the community. This can be accomplished by providing them with accurate and timely information on events that affect the lives of citizens in the community, and on the administration and operations of the Department.

While ensuring the privacy rights of individuals, and the integrity of criminal investigations, authorized personnel will be expected to release public information with openness and candor.

This directive does not pertain to the sharing of work-related information with other law enforcement agencies, with equal access rights under the law. Such sharing of relevant information is an important investigatory and crime prevention tool.

2. Policy

The department is committed to informing the community and the news media of events within the public domain that are handled by or involve the department.

It is the policy of the Canton Police Department to cooperate fully and impartially with authorized news media representatives in their efforts to gather factual, public information pertaining to activities of the department, as long as these activities do not unduly interfere with departmental operations, infringe upon individual rights, or violate the law.

3. Public Information

Information that may be of interest to the general public regarding policy, procedures, or events involving the department; or otherwise newsworthy information that is not legally protected; which does not unduly interfere with the mission of the department, infringe upon the rights of a defendant, or compromise the legitimate safety and privacy interests of officers, victims, witnesses, or others.

4. Public Records

A. Overview & Advisory

Specific statutes define “public records”, required disclosures, and prohibitions or restrictions on the type and amount of information that can be released by the Department.

Written Directive Records (Policy #4.08) provides guidance on the release of records, generally handled by administrative support staff, and may further clarify issues discussed in this section.

Department members who may be authorized to act as the Public Information Officer (PIO) designee shall: **54.1.4**

- Receive proper training to be an effective liaison between the agency and the media. This shall be documented; training certificate suffices.
- Training will include basic guidelines, skills and knowledge needed to capably perform their duties as PIO.
- Familiarize themselves with the following statutes in order to effectively comply with those requirements and exclusions, including those laws summarized in the following sections:

-CORI- MGL C 6 §167–168 and 803 CMR 2.00-9.00 (CORI) (summarized)

"Criminal offender record information", CORI, consists of records and data; compiled by a criminal justice agency; which concern an identifiable individual; and relate to the nature or disposition of a criminal charge, arrest, or other judicial proceedings. Such information may only be released to agencies or individuals as defined by statute.

- MGL C 41 § 97D (Rape Shield Law); (summarized)

All reports of rape, sexual assault or attempts; and all conversations between police officers and victims of said offenses shall not be public reports and shall be maintained in a manner which will assure their confidentiality.

- MGL C 4 § 7 (26) Public Records Definition (summarized)

Public records shall mean all books, papers, maps, photographs, recorded tapes, or other documentary materials or data, made or received by any officer or employee, unless exempted as noted below:

- Specifically exempted from disclosure by statute;
- Related solely to internal personnel rules and practices of the dept.;
- Personnel and medical files or information;
- Any materials relating to a specifically named individual, where disclosure may constitute an unwarranted invasion of personal privacy;
- Inter/intra-agency memos relating to policy positions being developed;
- Personal notebooks and materials which are not maintained as part of the department files;
- Investigatory materials necessarily compiled out of the public view, whose disclosure would probably prejudice effective law enforcement;
- Trade secrets or commercial or financial information;
- Contract or agreement proposals and bids, prior to public opening;
- Appraisals of real property to be acquired until an agreement is executed;
- The names and addresses of any persons regarding applications, licenses, transfers or sales of firearms;
- Questions and answers, scoring keys, etc. to administer or score a test or examination if the materials are intended to be used for another test;
- Contracts for hospital or related health care services regarding employee benefits;
- Records relating to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, etc.; relating to the security or safety of persons, buildings, structures, transportation, etc.; the disclosure of which is likely to jeopardize public safety;
- Home address and telephone number of an employee;
- Name, address and phone number of employee's family members;
- Adoption contract information;
- Information and records acquired under chapter 18C by the office of the child advocate;
- Trade secrets or confidential, competitively-sensitive or other proprietary information;
- Statements filed under section 20C of chapter 32

- MGL C 66 §10 (Public Records Inspection); (summarized)

This specifies that public records shall be furnished, upon request of the keeper of records, in a reasonable time period, and upon payment of fees as defined by statute. This refers primarily to non-critical records requests, which will be handled by clerical support staff, and this is more fully described in GEN-6 Records.

- MGL C 66A §1-3 (Fair Information Practices); (summarized)

This defines practices and procedures for maintaining and providing access to data files on individuals; and assuring the accuracy and

availability of those files upon proper request and payment of fees as allowed by statute. These are commonly applied in the case of “background check” requests, by or about individuals, and are further described in the Written Directives Policy (#4.08).

-MGL C 41 § 98F (Daily Logs); (summarized)

The Department shall keep a daily log, in a form that is easily understood, recording all responses to valid complaints received, crimes reported, the names, addresses of persons arrested and the charges against such persons arrested. All entries shall, unless otherwise prohibited by law, be public records available without charge to the public during regular business hours and at all other reasonable times. (Example of prohibited entry: References to mentally and physically disabled individuals shall not be disclosed.)

-950 CMR 32.00 (Public Records Access) (summarized)

This Code of Massachusetts Regulation defines the terminology, process and fees for public records requests. It ensures that the Custodian of Records provides available information, in a timely manner, upon receipt of a proper request. This process is covered in further detail in the Written Directives Policy (#4.08).

-18 USC § 2721 (DPPA)

The “Driver Privacy Protection Act” prohibits the disclosure of “Motor Vehicle Records” and “Personal Information”, obtained from nationwide Registry of Motor Vehicle files, to unauthorized recipients.

- Authorized recipients include law enforcement agencies, insurance companies and rating boards, etc.
- 'Motor Vehicle Record' means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by a department of motor vehicles;
- 'Personal Information' identifies an individual, including an individual's:
 - Photograph,
 - Social security number,
 - Driver identification number,
 - Name,
 - Address (but not 5-digit zip code),
 - Telephone number, and
 - Medical or disability information,

‘Personal Information’ does not include information on:

- Vehicular accidents,
- Driving violations, and
- Driving status

5. Chief of Police

The Chief of Police has the ultimate responsibility for public comments, oral or written, concerning the Department, and serves as the primary spokesperson. However, to properly satisfy the need for release of information to the public, others within the Department, such as the Public Information Officer (PIO) are authorized to release information to the media as noted in this directive. **54.1.1; 54.1.4**

6. Public Records Officer/Custodian of Records / Holder of Records

Under 950 CMR 32.00, the custodian of records is the employee who, in the course of their duties, has access to all department records, and controls their proper dissemination.

The Deputy Chief is the Department Custodian of Records, as well as the holder of records.

7. Public Information Officer (PIO)

The Department's Public Information Officer (PIO) holds primary responsibility for handling the public information function, and acts as the official spokesperson for the department. By maintaining an active liaison with the news media, the PIO serves as a central source of information for release by the department, and responds to requests for information by the media and the community. The PIO will be responsible for establishing a media staging area for locations where and when warranted. **54.1.3 (3); 54.1.4**

The Chief of Police may exercise the authority to act as, or may designate other personnel to act as, the PIO.

The PIO shall be the Deputy Chief, serving at the direction of the Chief, except as otherwise noted within this directive. **46.1.3, 54.1.1 (1)**

8. Delegation of PIO Duties

The Chief of Police may temporarily designate another member of the Department to serve as the PIO in the absence of the Deputy Chief; or to serve as the PIO for a specific event or activity.

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9. PIO Duties: Off Hours

A. Supervisory Officers- Supervisory personnel may release information of a factual nature to the media as governed by this policy, including media briefings during evenings, weekends, or whenever the PIO is unavailable. **54.1.1**

- Where the supervisor is unsure of the facts or the propriety of releasing information, they shall refer the inquiry to the PIO.
- Supervisors will be responsible for providing the Daily Activity Log, redacted as necessary, to all persons requesting same, whenever the PIO or designee is unavailable.
- When major events of interest to the media or public occur outside of normal business hours, the patrol supervisor shall be responsible for alerting the Chief of Police, the PIO or other designated on-call Department staff, so they are prepared to respond to media inquiries.

B. Police Officers and Others (off hours, cont.) 54.1.1

- If a Patrol Supervisor or other ranking officer is present and available, it is preferable that they disseminate any information on the event or ongoing shift activity rather than a patrol officer.
- Interviews regarding road and weather conditions may also be given.
- All other interviews shall be approved / coordinated through the Public Information Officer.

10. Copies of Reports

- Requests for copies of arrest, incident and accident reports; with the exception of those afforded by law to domestic violence victims, and arrested criminal defendants; shall be processed through the Records Bureau, as governed by the Written Directives Policy (#4.08).

11. Duties of the Public Information Officer 54.1.1

The Public Information Officer (PIO) is responsible for the coordination and timely completion of the following: **54.1.1**

- Oversee and/or coordinate Department personnel as needed to accomplish these tasks.
- Prepare and distribute information and news releases on routine activity, such as the Daily Activity Log.
- Prepare and distribute information regarding “Public Safety Alerts”, special events, unusual occurrences, and newsworthy investigations. **46.1.2**
- Be alert for positive news stories involving the Department and personnel, and distribute same.
- Review and coordinate information provided to the public via interviews, media releases, internet electronic mail (email) and the Department website.

- Coordinate with the Information Technology Coordinator to ensure that the Department website content is continuously reviewed and updated.
- Serve as the department's liaison to members of the media; review and coordinate information provided to the public; and arrange or assist at incident scenes and media events as needed; **46.1.2; 54.1.3 (6)**
- The public information function is responsible for coordinating and authorizing the release of information about: **54.1.1 (2A-C)**
 - Victims
 - Witnesses
 - Suspects
- The public information function is also responsible for coordinating and authorizing the release of information concerning confidential agency investigations and operations such as Internal Affairs investigations, drug raids, search warrants, etc. **54.1.1 (2D)**
- The public information function is also responsible for developing procedures as well as coordinating and authorizing the release of information when other public service agencies are involved in a mutual effort (e.g. mutual efforts involving the Fire Department, another police agency, the Medical Examiner's Office, the District Attorney's Office, etc.) **54.1.1 (3)**
- Assist or oversee the preparation and distribution of all required reports, such as NIBRS crime statistics related material; public relations brochures, pamphlets; and such other informational reports as required by the Chief.

12. Cooperation with the Media

- Authorized news media representatives shall have reasonable access to the PIO and the Chief of Police. The PIO will serve as the primary contact for the media at locations in the field. **54.1.3 (4)**
- When information must be denied to a media representative, the basis for that denial shall be fully and courteously explained.
- Public information shall be released to the media as promptly as circumstances allow, without partiality and in as objective a manner as possible. **54.1.3 (5)**
- Public information may be provided to media representatives by telephone if the identity of the representative is known or can be authenticated.
- When more than one law enforcement agency or other public service agency is involved in a mutual effort, the agency with primary jurisdiction should be responsible for the release, or coordinating the release, of information, unless otherwise specifically arranged. **46.1.2, 54.1.1 (3)**

13. Media Access to Crime and Incident Scenes 54.1.3 (1), 46.1.2

Recognized media representatives may be granted access to crime, incident or special events scenes.

- This may include closer access for personnel and equipment than is available to the general public, provided that it does not interfere with the police mission, other emergency personnel, or the movement of traffic. **46.1.2**
- Failure of media personnel to provide credentials may be cause for denial of the enhanced access.
- Departmental personnel shall extend every reasonable courtesy to media representatives.
- The activities of media representatives may be reasonably restricted if those activities would seriously hamper police operations, or those activities threaten to worsen a dangerous or volatile situation. **46.1.2; 54.1.3 (2)**
- The media shall not be allowed access to any area, event, or crime scene where there is a possibility that evidence may be damaged, altered, destroyed, or otherwise prejudiced by its existence being published or portrayed. **54.1.3 (2)**
- Once evidence has been processed, removed, and secured by the department, the media may be allowed to enter by permission of the commanding officer at the scene.
- Media representatives shall not be permitted to accompany police onto private property, or into restricted areas, with personnel attempting to execute a search or arrest warrant.

14. Photography

- Photography and other recording on private property require permission of the owner or their representative. It is permissible for the media to photograph or record from public property.
- News media have a right to photograph a person in custody in a public place. However, suspects or accused persons shall not be posed nor arrangements made for photographs or other recordings.
- Officers shall not pose with persons in custody.
- Officers shall not deliberately shield a suspect from media view unless eyewitness identification or other valid investigative needs are a concern.

15. Disclosure Guidelines

A. Overview

- Before providing information to the media or public, the following police necessities will be carefully considered, in order to:
 - prevent interference with, or hampering of, a police investigation;
 - preserve evidence;
 - protect the safety of the victims of the crime;
 - protect the identity of informants;
 - successfully apprehend the perpetrators of crime;
 - protect the constitutional rights of persons accused of a crime;
 - avoid prejudicial pretrial publicity.

B. Acceptable

Information generally appropriate for disclosure includes:

- Information from the Daily Log (except for information that is classified as prohibited as outlined in the following section);
- To warn the public of imminent danger;
- In connection with serious or violent offenses, to expedite the location and apprehension of such a person;
- The type or nature of an event or crime;
- Incident location, date and time, injuries sustained, damages, and a general description of how the incident occurred;
- Type and quantity of property taken, excluding specific cash amounts from robberies or property value of items taken without specific approval of property owners;
- Information disclosed by the public records;
- The identity, address, and age of a complainant or victim unless it involves a sexual crime, a juvenile, or where reprisals or intimidation may occur;
- Road and weather information;
- The finding of bodies, weapons, contraband, and similar physical items;
- To other federal, state, or municipal agencies as authorized by the CORI laws.

— The circumstances of an arrest, including information concerning:

- The time and place of arrest;
- Whether or not the subject offered resistance;

- Whether or not a pursuit was involved;
- Whether or not weapons were possessed or used; and,
- A description of the items seized at the time of arrest.
- An arrested adult's name, age, residence, employment, marital status and other booking information, as well as charges filed, citations issued, and bail status;
- The identity of the investigating and arresting officers (except for undercover officers), assisting agencies and the length of the investigation.

C. Do Not Release

Employees shall not give out information on:

- Sensitive information relating to internal investigation of police officers without the express permission of the Chief; **Action Item #1**
- The prior criminal records or driver history of a person, or the existence or nonexistence of a prior criminal record;
- The identity of a deceased victim, before confirmation that the next of kin has been notified, and a positive identification has been made;
- The name or address of a juvenile (under 17 years of age) who is a suspect, defendant, complainant, or victim;
- Any information concerning responses to reports of domestic violence, rape or sexual assault – all communications between victims and police are confidential.
- Any arrest information concerning the arrest of a person for assault, assault and battery or violation of a protective order under 209A.
- The name or photograph of an undercover officer;
- The existence or contents of any confession, admission, or statement given by a suspect (It may be stated that the defendant “denies the charges”);
- Opinions about the guilt, innocence, character, or reputation of a suspect;
- Statements predicting or influencing the outcome of the trial;
- Results of any examinations or tests, or the defendant's refusal or failure to submit to any examinations or tests (such as a breath test, or a polygraph examination);
- Statements or opinions concerning the credibility or testimony of prospective witnesses;

- Information that may adversely affect an investigation or prosecution of a case;
- Information about ongoing litigation;
- Confidential medical information with privacy rights; (e.g., if a person has HIV, or mental health issues);
- Specific causes of death, until officially determined by the Medical Examiner;
- Per M.G.L. C41 § 98F; the identity of any handicapped individuals being physically or mentally incapacitated, and requiring mobility assistance devices, or is bedridden;
- The home address or telephone number of any member of the department, or their family.

D. Suicides

The fact that a suicide or suspected suicide has occurred may be reported to the media together with factual information describing the event.

Although public record, release of the name and identifying factors should be avoided or delayed when possible, through cooperative agreement with the requesting media or public, out of respect for the family and survivors of the victim.

The name, age, address, sex and occupation of the victim may be released following notification of next of kin.

The fact that a suicide note exists may be acknowledged without further comment. The content of such note shall not be released except as provided by law.