



DEPARTMENTAL REGULATIONS
CONCORD POLICE DEPARTMENT

GENERAL ORDER 4
EFFECTIVE DATE: 12/2010
REVISION DATE: 12/2010
REVIEW DATE: 12/2012
I.D. NUMBER: 305

Chief of Police

PRESS POLICY

A. POLICY STATEMENT

This agency exists to serve the people and is accountable to the people for the fair and impartial enforcement of the law. Likewise, this agency has an obligation to provide accurate, timely information regarding law enforcement activities to the people. A free 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 upon individual rights, members of this department will cooperate fully in meeting the relevant needs of the news media in providing public information.

B. GENERAL

1. The department shall make information respective to the guidelines of this General Order available to the media 24 hours a day. Release of such information shall be in a manner consistent with established law, and City and Police Departmental policy.
2. The department shall make information available to the media on matters of public interest. Such notification will not be made during time that the notice would compromise the integrity of an ongoing criminal investigation or department operation. In such cases, media notification will be made as soon as practical.
3. Public information and communication is a direct responsibility of command personnel. This responsibility may be delegated operationally within established procedures. The department member, rank notwithstanding, who is most familiar with an investigation, crime, or incident should be designated to respond to immediate inquiries. When this is not practical, an immediate supervisor or superior should respond after being fully informed by knowledgeable subordinates. At no time will members of this department intentionally mislead or misinform members of the media.
4. Members of this agency 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 the personal prominence of those involved. Conversely, information generally not routinely distributed should not be put forth solely as a result of personal prominence.
5. Statements of policy expressing official positions of the department, official responses to criticism of the department, statements pertaining to pending or ongoing civil litigation involving the Department or release of information concerning confidential agency investigations and operations shall be made exclusively through the Office of the Chief. Likewise, statements concerning crisis situations, internal investigations, disciplinary matters, and officer-involved fatal incidents as defined by Procedure No. 57 shall be made through the Office of the Chief or his/her designee.
6. Since this agency exists to serve the citizens individually as well as collectively, consideration should be given to a victim's request for no publicity or no public disclosure of a crime to which they are party. Victims should be informed, however, that Government Code Section 6254(f) requires that information regarding complaints and criminal investigations be released to the public "unless such a disclosure would endanger the safety of a witness or other persons involved in the investigation, or unless

disclosure would endanger the successful completion of an investigation." Members of this department should never guarantee any victim or reporting party that a reported case will not receive publicity. The decision to not release information about a particular crime or incident or the name of a victim or reporting party shall be made by a Command Officer. The decision will be made only after due consideration is given to whether such release would endanger the victim, witness, or a successful investigation.

7. The designated department Public Information Officer (P.I.O.) present at a disaster or crime scene is responsible for providing relevant, timely, and accurate information to the news media.
 - .1 Disastrous accident scenes, including major fires, natural disasters or other catastrophic events, may be closed to the public pursuant to 409.5 PC; however, news media representatives are exempt from this restriction. As soon as a disaster or accident has been identified and secured, media personnel, including photographers, who possess legitimate media identification shall be permitted free access to the affected area after being advised of any existing danger.
 - .01 Said access must be permitted as long as media personnel do not hamper, deter, or interfere with the law enforcement or public safety functions.
 - .02 In the event free movement is not appropriate for the circumstances, the on-scene Commander may provide a police escort for the media personnel.
 - .2 Crime scenes may be closed to all unauthorized personnel, including the news media. Crime scenes which are located in areas of public access may be open for immediate inspection by media representatives after any search, preservation, and processing of evidence has been completed and the scene is secured. Reporters and their photographers shall 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.
 - .3 The scene of a department tactical operation is the same as a crime scene, except that authorized news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the on-scene Commander. The news media, including reporters and photographers, shall be allowed access to the best possible location as determined by the on-scene Commander. A designated officer or other person shall be assigned to keep the news media briefed. Department members shall not jeopardize a tactical mission in order to accommodate the news media, but every effort should be made to keep them well informed of the progress of the operation.
8. When the department is involved with other agencies regarding matters of mutual responsibility and concern, department personnel shall cooperate and coordinate fully with those agencies in releasing public information. Generally, the agency of primary jurisdiction should make appropriate news releases citing assisting or secondary agencies. When other agencies assist this department in an operation or investigation, the assistance will be noted in any news release.
9. The department will involve news media representatives in the review of proposed changes to this General Order.

C. GUIDELINES RELATING TO THE WITHHOLDING OF INFORMATION

1. Prohibitions relating to a fair trial.
 - .1 Members of this department shall not release information pertaining to the identity of a suspect prior to the arrest or the filing of formal charges, except to the extent necessary to aid in the investigation, to assist in the apprehension of a suspect, or to warn the public of danger.

- .2 Members of this department shall not require or otherwise deliberately cause a person in custody to pose for photographing or television by representatives of the media.
 - .3 Members of this department shall not require or otherwise deliberately cause a person in custody to be interviewed by representatives of the news media. This prohibition shall not apply to those instances where a person requesting an interview has been informed of his right to consult an attorney and right to refuse to grant an interview.
 - .4 Members of this department shall not release information or make statements which may pose a clear and present danger to the fairness of a trial. For example:
 - .01 The existence of, or contents of, any confession, omission, or statement given by the accused or the refusal or failure of the accused to make any statement.
 - .001 If asked, the employee who is acting as the Public Information Officer may inform the media if an interview has taken place; however, the content of the interview shall not be divulged, unless authorized by the Investigations and Administrative Services Division Commander or his/her designee.
 - .02 The possibility of a plea of guilty to the offense charged or a lesser offense or any other disposition.
 - .03 The existence of a prior criminal record; the character, the reputation of the accused; or any opinion as to the accused's guilt or innocence or as to the merits of the case or evidence in the case.
 - .04 The results of an examination or test or the accused's refusal or failure to submit to an examination or test.
 - .001 Exception: Blood alcohol results of a person arrested for suspicion of driving while under the influence of alcohol may be released to the media.
 - .05 The identity, testimony, or credibility of a prospective witness.
 - .06 Information which an officer knows or has reason to know would be inadmissible as evidence in a trial.
 - .07 The identity or any personal information regarding a juvenile arrested as a suspect in a criminal offense.
 - .001 The department employee may release the following information:
 - .0001 The age of the juvenile.
 - .0002 The juvenile's city of residence.
 - .0003 The custody status of the juvenile.
 - .0004 Charges filed, if any.
 - .08 Any photographs or mug shots unless it meets the requirements of Paragraph C.1.1. of this Order or is authorized by the District Attorney's office.
2. Prohibitions relating to specific cases.

- .1 Information regarding a crime may be withheld from the media if any of the following conditions exist:
 - .01 Where a disclosure would endanger the successful completion of the investigation or a related investigation.
 - .02 Any portion of any investigation file which reflects the analysis or conclusions of the investigating officer.
 - .03 Where the disclosure of a particular item of information would endanger the safety of a person involved in the investigation.
- .2 In instances where the safety of a witness or victim is involved, any doubt shall be resolved in favor of withholding the information.
- .3 The name of a victim of any crime defined by Section 261, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, or 422.75 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor.

D. GUIDELINES PERTAINING TO THE RELEASE OF INFORMATION

1. In instances other than those referred to in Paragraph C of this Order, the following information shall be released, as provided for in Section 6254(f) of the Government Code:
 - .1 The facts and circumstances of an arrest.
 - .01 The time and place.
 - .02 Resistance by the suspect.
 - .03 Pursuit necessary to apprehend.
 - .04 Use of weapon by an officer or suspect.
 - .05 Any quote from or referral to a public document which the releasing officer believes is pertinent to the issues.
 - .06 The schedule or result of any stage of the judicial process.
 - .07 Any request for assistance from the public to obtain evidence.
 - .08 The identity of a victim or complainant if the release of that information is not otherwise prohibited by law.
 - .09 The full name, current address, occupation of the arrestee, the individual's physical description, including date of birth, color of eyes and hair, sex, height, weight, the amount of bail set, the time and manner of release or the location where the individual is currently being held, where, or whether or not, there are any probation or parole holds.
 - .010 The time, substance, and location of any complaint or request for assistance received by the Police Department. The nature of the response thereto, including to the extent such information regarding crimes alleged or committed or any other incident investigated is recorded. The time and date of the report, the name, age, and current address of the victim, except the address of the victim of any crime as defined by Sections 261, 264, 264.1,

273(a), 273(d), 273.5, 286, 288(a), 289, 422.6, 422.7, or 422.76 of the Penal Code shall be withheld.

2. At the direction of the Chief of Police, or his/her designee, the department may arrange for, or assist at, news conferences. Such conferences may be held for the following reasons:
 - .1 To seek public assistance in an investigation.
 - .2 To inform the community on issues of public concern.
 - .3 To provide information regarding police/community relations.
 - .4 To provide public information on any issued deemed appropriate by the Chief of Police.
3. The City Manager and the City's Community Relations Manager shall be notified in advance of any pre-planned news conference.
4. Release of information in response to events involving multiple agencies:
 - .1 When personnel of the Concord Police Department participate in an event involving multiple agencies, representatives of each of the involved agencies should agree upon one source for release of information to the media and the public.
 - .2 The designated Public Information Officer, as well as the means by which that person can be contacted, should be made known to all participating agencies. In addition, the Public Information Officer's name and contact information should be listed in all press releases.
 - .3 All media and public requests for information regarding the specific event should be referred to the designated Public Information Officer.
 - .4 If the Concord Police Department is the agency designated to release information, and the designated Public Information Officer is not available, the inquiry should be referred to the Commander of the division to which the Public Information officer is assigned.

E. ROUTINE INQUIRIES BY THE MEDIA

1. Personal contact
 - .1 The department provides copies of the daily log for use of reporters and we should encourage reporters to utilize this means of obtaining information relative to the activities of the department.
 - .01 The daily press log will include a printout of the Press Desk Arrest Log, the Press Desk Arrest log with Address of Arrest and the Burglary Log.
 - .02 The press logs will be available at the Records Bureau desk during normal business hours and will be posted on the city's website.
 - .03 The Community Service Desk Corporal may assist the press with the information obtained above when they have questions regarding those log entries.
 - .2 Reporters should not wander about the interoffice of the department.
 - .01 Violations of this provision shall be reported to a Command Officer as soon as practical.
2. Telephone inquiries

- .1 All routine inquiries shall be referred to the on duty Watch Commander, his/her designee or The Community Service Desk Corporal who shall:
 - .01 Advise media "nothing of consequence" has occurred if this is true to the best of his or her knowledge.
 - .02 Read to the media any available press release.
 - .03 Review the Electronic Daily Log and provide information regarding events of legitimate public interest.
 - .001 Such information may include, but is not limited to:
 - .0001 Crimes that have resulted in an arrest.
 - .0002 Crimes that have resulted in a significant police pursuit.
 - .00001 Only the on-duty Watch Commander, patrol supervisor or Community Service Desk Corporal are authorized to release such information.
 - .0003 Arrest of a public figure, not defined in Section I.2 of this policy.
 - .00001 Only the on-duty Watch Commander, patrol supervisor or Community Service Desk Corporal are authorized to release such information.
3. All employees shall advise the on duty Command Officer and/or supervisor where events have occurred which are likely to be of interest to the media and no press release has been prepared.

F. PRESS RESPONSIBILITIES AT THE SCENE OF A MAJOR INCIDENT OR INVESTIGATION

- 1. When practical, the City's Community Relations Manager should be the designated Public Information Officer.
- 2. The department designated P.I.O. when present at the scene, shall be responsible for the dissemination of information to the press.
- 3. The Watch Commander when present at the scene, shall be responsible for press releases in the absence of the designated P.I.O.
- 4. The Watch Commander shall be responsible for providing the press with information in the absence of a designated P.I.O. or Command Officer.
 - .1 The Watch Commander or District Commander is authorized to delegate the function of meeting with the press to another P.I.O.; however, the responsibility of the assignment is that of the staff officer.
 - .2 The designated P.I.O. at the scene shall provide the Watch Commander or his/her designee information to be provided to the press during telephone inquiries received at the department. This information shall be updated as it becomes available. The information should include the nature of the incident, its location, whether or not weapons are involved, precautions being taken, and where applicable, the location of the command post and/or the P.I.O..

.3 The designated P.I.O. shall make his location known to other officers at the scene and the Communications Center so the media can be directed to him/her.

.01 All personnel receiving inquiries are authorized to direct the media to the P.I.O..

5. At the conclusion of a major incident, the Watch commander or his/her designate is responsible for assuring that a written press release summarizing the incident is prepared for distribution to the press.
6. It is the responsibility of the designated Police Department manager to keep the City's Community Relations Manager informed of all major stories that may be of interest to the general media.

G. PRESS RESPONSIBILITIES INVOLVING ROUTINE POLICE MATTERS

1. The on duty Street Supervisor in the absence of a Watch Commander shall be responsible for preparing press releases for incidents occurring during his/her shift.

.1 Division/Bureau Commanders are responsible for press releases for their operations during normal work hours.

2. Detectives assigned to major cases and supervisors/officers assigned to field activities of major impact shall advise their Division/Bureau Commander of available information for a press release. The assigned officer shall prepare a synopsis for their Division/Bureau Commander to include what occurred, where, when, who was involved, and how the incident occurred.

3. Copies of completed press releases should be provided to the Community Service Desk Corporal.

H. NOTIFICATION TO DEPARTMENT AND CITY STAFF

1. In instances of events that have attracted or are likely to attract media attention, the Watch commander/shift supervisor or Community Service Desk Corporal will notify police department and City staff by means of the Code 1000 voice mail system.

2. The Watch Commander/shift supervisor or Community Service Desk Corporal shall make an electronic Daily Log entry regarding the event. The log entry shall be forwarded to the City Manager and the City's Community Relations Manager.

I. CITY OFFICIAL OR EMPLOYEES

1. In instances where a Police Department employee is involved, members of the press shall be referred to the office of the Chief of Police.

2. In instances where a City official or employee of another City department is involved, members of the press shall be referred to the office of the City Manager.