

DIRECTIVE 302.2	<b>TOLEDO POLICE DEPARTMENT STANDARD OPERATING GUIDELINES</b>		
EFFECTIVE November 01, 2002	CHIEF OF POLICE: <i>Michael J. Navarro</i>		
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RESCINDS November 23, 2009	<b>NEWS MEDIA RELATIONS</b>		

## I POLICY

It shall be the policy of the department to actively seek to establish a cooperative climate in which the news media may gather and disseminate information and visual images on matters of public interest in a manner that does not hamper police operations. Department personnel shall by not interfere or allow others to interfere with media personnel acting in their news gathering capacity. It must be understood, however, that certain information must be withheld from the media in order to protect the constitutional rights of the accused, to avoid interfering with a department investigation, or because it is legally privileged. If the information cannot be released, the reason for denial should be explained.

Since photography and/or videotaping is rarely unlawful absent any other indicators of criminality (e.g., trespass), an investigation of a report of suspicious photography or videotaping thought to be terrorism-related is governed by the constitutional and statutory rules generally applicable to the investigation of any other type of suspicious activity or behavior. Forcible detention of an individual engaged in such activity may occur if a member of the department can articulate reasonable suspicion that the subject is engaged in photography or videotaping for terrorism-related purposes.

When there is probable cause to believe that a recording device (e.g., camera, video and audio recording devices) or media (e.g., film, electronic storage media) contains evidence of criminal activity, the items may be seized. A search warrant must be obtained in order to view the recordings. Department personnel shall not delete, destroy or alter any equipment, images, files or recordings; or request or permit any other person (including the person taking such recordings) to delete, destroy or alter such recordings.

## II DEFINITIONS

**NEWS MEDIA MEMBER** – staff and freelance representatives of print publications (e.g., newspaper, magazines), electronic broadcast (e.g., radio and television), news and photo agencies.

**NEWS MEDIA REPRESENTATIVE** – has the same meaning as news media member.

**NEWSWORTHY EVENT** – crime scenes, incident scenes, motor vehicle crash scenes and any other events or activities that may be of interest to the public

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### III PROCEDURES

#### 1 GENERAL

##### 1.1 RELEASE OF INFORMATION

As a general rule, public information may be released by the Chief of Police, commanders, supervisors and the Public Information Officer (PIO) in accordance with this order. Other employees may release certain information in accordance with this manual section.

##### 1.2 RELEASE OF DEPARTMENT POLICY AND PERSONNEL ISSUES

Department policy and personnel issues shall be released only by the Chief of Police or his designee, and then only in accordance with applicable laws and contractual agreements.

##### 1.3 RESPONSIBILITY TO ADVISE PIO

It is the responsibility of all members of the department to keep the PIO regularly advised of new programs, outstanding achievements, current events, investigative developments, or any other newsworthy information that will assist the PIO in performing his duties.

##### 1.4 REQUESTS FOR MEDIA INTERVIEWS

In the interest of accuracy and continuity, any request for a news interview, made to any member of the department below the rank of sergeant shall be directed to that employee's immediate supervisor or the PIO.

##### 1.5 RELEASE OF POLICE OFFICER PHOTOGRAPHS

Photographs of police officers maintained by police departments have been ruled exempt from disclosure under the Ohio Public Records Act. The Toledo Police Department will not release photographs of a Toledo Police Officer without written consent from the officer.

1.5.1 Each officer shall complete a RELEASE OF PHOTOGRAPH DISCLOSURE OF INTENT (TPD FORM 1.3), indicating if he wishes to be contacted in the event his photograph is requested.

1.5.2 If the officer elects not to be contacted, all requests will be automatically denied. If the officer indicates he wishes to be contacted, the PIO shall contact him. The officer shall indicate his decision on a PHOTOGRAPH RELEASE WAIVER (TPD FORM 1.4).

##### 1.6 REQUESTS FOR POLICE RECORDS

Records that are not protected under the Public Records Act may continue to be released by the appropriate designated department personnel holding such records. The Public Records Office is responsible for unusual requests for copies of police records such as tape recordings, Internal Affairs files, personnel records, etc.

#### 2 THE DEPARTMENT

2.1 The department shall actively seek to maintain a procedure where the news media may obtain information on matters of public interest in a manner that does not hamper operations and is within legal guidelines.

2.2 The scope and content of each release of information is determined by the facts of the situation.

2.2.1 Generally, a description of the circumstances that is not legally privileged and which will not prejudice the rights of suspects or interfere with an investigation will be made. Such determination is made by the PIO, a ranking command officer, or a ranking case investigator.

**2.3 INVESTIGATIONS INVOLVING OTHER AGENCIES**

When the Toledo Police Department is involved in joint activities with multiple agencies (e.g., police, fire, other city services) the agency with primary jurisdiction shall be responsible for the coordination and release of information to the media. (CALEA 54.1.1h)

**2.4 NEWS MEDIA CREDENTIALS**

To ensure the department is communicating with an authorized news media representative at the scene of a police incident, and to ensure the representative is not unnecessarily obstructed in the pursuit of his function, the department will honor all valid news media credentials.

2.4.1 The Director of Public Safety is authorized by city ordinance to issue news media credentials. Credentials are issued to newsmen from newspapers, news services, news magazines, and radio and television stations which maintain regular news services in Toledo and which are legitimate current news disseminators. Any such credentials must be made available to both local and visiting media members, which may include on-site availability immediately preceding or during a newsworthy event.

2.4.2 The possession of a news media credential issued by another government, law enforcement agency, or those issued by a media organization **should** be persuasive evidence that its possessor is a legitimate media representative.

2.4.3 Authorization for entry is normally dependent upon the possession of a permanent city-issued news media credential; however, at the scene of a major incident, the department may issue temporary media credentials for entry into a particular area and/or for coverage of a special event or in order to provide the opportunity for meaningful news coverage. In such situations a credential issued by another law enforcement agency, media organization, and/or professional photography organization (e.g. NPPA, or ASMP) **may** be recognized as valid news credentials and be persuasive evidence that its possessor is a legitimate news media representative entitled to be issued a temporary media credential for this department.

2.4.4 The denial of media credentials may be appealed to the Director of Public Safety.

2.4.5 If the Incident Commander at an incident/event/activity determines that media access must be restricted in certain circumstances (i.e., in order for the department to carry out its law enforcement functions), he or she retains the discretion to do so.

**2.5 USE OF DEPARTMENT FACILITIES**

When recording interviews, news documentaries, news releases, or events of an unusual nature, representatives of the media may be allowed to use their equipment inside police facilities.

2.6 Requests for department cooperation in the preparation of articles for newspapers, magazines, and other publications will be individually considered

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by the Chief of Police or his designee. If approved, permission for the interviewing of department personnel and the photographing of police facilities will be limited to the scope of the approval.

2.6.1 Officers participating in the preparation of such articles should ascertain the scope of approval and should be careful not to exceed those limits.

2.6.2 Officers should exercise care and discretion so as not to make statements or convey information that may create misunderstanding or compromise the effectiveness of the police service.

## 3 PUBLIC INFORMATION OFFICER

A PIO shall be designated by the Chief of Police to serve as a liaison between the media and the department. The role of the PIO is to foster mutual respect between the news media and the department.

All employees shall cooperate fully with the PIO in providing the information requested in a clear and timely manner.

### 3.1 RESPONSIBILITIES OF THE PIO

The responsibilities of the PIO include the following:

3.1.1 Serves as the central source of information concerning the department and responds to media requests for such information. The PIO may designate another employee of the department to facilitate a request from the media for an interview or specific information.

3.1.2 Acts as spokesperson for the department at the request of the Chief of Police or a division commander.

3.1.3 Refers media requests concerning Internal Affairs investigations to the commander of the Internal Affairs Bureau.

3.1.4 Responds to the scene of any major media event involving the department at the request of the Chief of Police. (CALEA 54.1.1b)

3.1.5 Prepares and distributes news releases. News releases may be prepared and released by supervisors in specific bureaus or sections (e.g., Investigations, Operations, Vice, Traffic, etc.) provided department guidelines are followed and the PIO is provided a copy of the release. (CALEA 54.1.1c)

3.1.6 Assumes a proactive role in contacting the news media with newsworthy information about the department that might not otherwise come to their attention.

3.1.7 Arranges, presents or assists at news conferences concerning department activities. (CALEA 54.1.1d)

3.1.8 Facilitates media relations in emergency or crisis situations. (CALEA 54.1.1f)

3.1.9 Meets with news media representatives annually, or more often as needed, to discuss problems and concerns media representatives may have involving the Toledo Police Department or its media policy. (CALEA 54.1.2)

3.1.10 Responds to requests for release of Toledo Police Officer photographs and maintains PHOTOGRAPH RELEASE DISCLOSURE OF INTENT and PHOTOGRAPH RELEASE WAIVER forms.

(a) When a police officer photograph is requested, the PIO shall determine the status of the PHOTOGRAPH RELEASE DISCLOSURE OF INTENT form and respond as indicated. If there is no PHOTOGRAPH RELEASE DISCLOSURE OF INTENT form on file, the photograph will not be released.

- (b) The PIO shall be responsible for releasing or withholding the photograph.

**3.2 NOTIFICATION OF THE PIO**

The following shall serve as a guideline as to when the PIO shall be notified:

- 3.2.1 Supervisory personnel shall inform the PIO of significant changes in operations, procedures and personnel.
- 3.2.2 Supervisory personnel shall inform the PIO of newsworthy information concerning promotions, projects, programs, or other activities as far as possible in advance of the effective dates. When time does not permit, or there is an urgent need to release information, supervisors may forward the information by telephone or in person.
- 3.2.3 Planned major incidents, including raids, anticipated multiple arrests, and high profile search warrants shall include advance notification of the PIO, or his designee, to allow for proper planning for the dissemination of information to the news media. Notification of the PIO is the responsibility of the highest-ranking officer in charge of such an operation. (CALEA 54.1.1g)
- 3.2.4 The PIO shall notify the mayor's PIO of news conferences, media briefings or issues that may be of major interest to the mayor's office.
- 3.2.5 Police-related incidents of significant interest to the community require the immediate notification of the PIO or his designee. The supervisor in charge of the incident is responsible for ensuring that such notification is made. Examples of such incidents include, but are not limited to:
- Disaster incidents resulting in the loss of life or extensive property damage. These would include, but are not limited to: tornadoes, floods, earthquakes, building collapses and explosions.
  - Aircraft crashes and train derailments involving injuries, death or a threat to the community.
  - Accidents involving hazardous materials if there is a threat to public safety (such as a propane or explosive truck accident, or a natural gas pipeline burst.)
  - In-custody deaths.
  - School bus accidents involving serious injuries or deaths.
  - Active searches for missing persons or wanted persons involving extensive use of personnel.
  - Strikes, riots or other major incidents of public disorder.
  - Shootings involving Toledo police officers, or any other law enforcement agency if the shooting occurs within the Toledo city limits.
  - Any on-duty injury to a department employee where hospitalization is required.
  - Bomb threats where a device has been found.
  - Kidnappings, homicides and bank robberies.
  - Hostage and barricade situations.
  - Incidents involving public officials.
  - Arrival of news media at any major incident.
  - Police pursuits resulting in serious injury or death.
  - Incidents requiring the call-out of the Chief of Police.

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### 4 MEDIA RELEASES

The department shall issue a written media release concerning department activity when deemed appropriate by the Chief of Police, a supervisor or the PIO.

4.1 When available, the PIO should be utilized to compose and disseminate media releases and to set up press conferences. This policy, however, allows under certain circumstances, for media releases to be authorized by any supervisor in this department when the PIO is unavailable. (CALEA 54.1.1e)

4.1.1 When a media release is issued, the employee issuing the release shall ensure that the release is equally available to all legitimate news media representatives.

4.1.2 The format of the media release shall be in written form and will be approved by the Chief of Police, the PIO, or the responsible supervisor prior to release. All written releases shall contain the "who, what, when, where and why and how" of the event being reported, in accordance with relevant department policies and public records law. In addition, the release shall contain the date the release was issued, a contact name and telephone number for media representatives (this person shall be notified of the pending release and, whenever possible, be given a copy of the release prior to media notification) and the name and telephone number of the person who authorized the release.

4.1.3 After a written release has been made, the person making the release shall, as soon as practical, forward or deliver a copy of the release to the Chief of Police, the PIO, and the commander of any division, bureau or section affected by the contents of the news release.

### 4.2 ROUTINE DAILY RELEASES

It shall be the responsibility of each bureau commander to maintain routine daily releases such as UNUSUAL INCIDENT REPORTS and crime logs in a manner that is readily accessible to the news media. Such reports shall have all restricted information redacted by the respective bureau commander or his designee prior to making them available to the news media.

### 4.3 CRIME SCENE RELEASES

When a crime scene is under investigation by either the Operations Division or Investigative Services Division, it shall be the responsibility of the assigned ranking case investigator to assume responsibility for the release of any information requested by the media. (CALEA 54.1.1a)

### 4.4 UNUSUAL OCCURRENCE RELEASES

When an emergency or disaster is under the control of a command post set up by the Operations Division the ranking command officer at the scene, or his designee, shall make notifications as required by established department policies.

## 5 CRIME AND INCIDENT SCENES

Ohio Revised Code Section 2917.3 - Misconduct at Emergency specifies prohibited conduct during an emergency. However, it does not prohibit or limit "any news media representative in the lawful exercise of the news media representative's duties."

**5.1 ENTERING CLOSED SCENE AUTHORIZATION**

According to state law, duly authorized of any news media representatives may enter an area closed because of a menace to the public health or safety.

5.2 Authorization for such entry is based upon possession of a permanent city-issued news media pass.

5.3 The decision to assume the risk of danger remains with the individual news media member involved, and it is not the responsibility of officers to provide for the safety of those members of the news media who voluntarily choose to subject themselves to danger.

5.4 Police lines may be established to prevent persons from entering an area of a serious police incident or crime scene. Dependent upon the tactical situation and the likelihood of jeopardizing the police operations, members of the news media may be allowed into such areas.

5.5 While a news media member may be permitted in the area of a crime scene or serious police incident, he/she does not have the authority to be within a crime scene or area which has been secured to preserve evidence or at any location where his presence jeopardizes police operations. (CALEA 54.1.3a,b)

5.6 Department personnel shall not interfere with the videotaping or the photographing of incidents in public places. However, this does not include access to interior crime scenes or areas secured for security reasons.

5.7 In order to cooperate more fully with members of the news media and provide them with access to cover incidents/events/activities/scenes of public interest, the following guidelines shall be complied with unless they interfere with public safety interests and/or recognized law enforcement procedures:

5.7.1 The media shall be granted close access to the incident/event/activity/scene, with a clear line of sight and within hearing range of the incident/event/activity/scene.

5.7.2 When incidents/events/activities/scenes spill over or occur on private property or lawfully restricted public property, members of the media shall not be arrested for criminal trespass, unless an owner or property representative expressly indicates that they do not wish the media to be permitted to enter or remain on their property.

5.7.3 If the Incident Commander at an incident/event/activity determines that media access must be restricted in certain circumstances (i.e., in order for the department to carry out its law enforcement functions), he or she retains the discretion to do so.

**6 PUBLIC INFORMATION (CALEA 54.1.1e)**

**6.1 UNRESTRICTED INFORMATION**

The following information is generally unrestricted, but may be restricted if there is an investigative reason such as the need to protect the identity of an officer or the need to protect the confidentiality of an informant or other source of information.

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- 6.1.1 The identity of persons arrested, along with identifying information such as age, residence, occupation, etc.
- 6.1.2 The charge for which a person has been arrested or issued a citation.
- 6.1.3 The circumstances of the arrest, including time and place, and if there were factors involved such as pursuit, resistance, weapons, etc.
- 6.1.4 The name of the investigating and/or arresting officers.
- 6.1.5 Facts relating to the crime and routine investigative procedures and techniques.
- 6.1.6 Factual information pertaining to non-criminal matters. Care should be taken to ensure that information given does not conflict with or jeopardize an investigation being conducted by any other law enforcement agency.
- 6.1.7 Identity of seriously injured or deceased persons after sufficient notice to relatives.

## 6.2 RESTRICTED INFORMATION

- 6.2.1 If the suspect in a crime is a juvenile, the following guidelines shall be followed regarding the release of any information.
  - If the juvenile is a suspect but has not been arrested, the records cannot be released.
  - If the juvenile was arrested and fingerprinted or photographed the records cannot be released.
  - If a juvenile was arrested without being fingerprinted or photographed the records are public and may be released unless portions of the file are protected through another exemption and must be redacted prior to the release.
  - Reports concerning child abuse or child endangering shall not be released.
- 6.2.2 Reports containing information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source shall not be released.
- 6.2.3 Reports listing a suspect who has not been charged must have all suspect information redacted. If the suspect is charged only the social security number and RID must be redacted.
- 6.2.4 Reports pertaining to Endangered Elderly may be released only to the victim, the victim's legal counsel, or an authorized representative of the Adult Protective Services Agency.
- 6.2.5 Witness information concerning the witness's address, telephone number and any identifiers (i.e., social security number, date of birth) must be redacted.
- 6.2.6 Victim's home address, telephone number and social security number shall be redacted when the report is issued to anyone except the victim.
- 6.2.7 Any peace officer's "residential and familial information" are exempt from disclosure under the Public Records Act. These include:
  - The address of the personal residence of a peace officer, except for the state or political subdivision in which the peace officer resides.
  - Information from, referral to, or participation in an employee assistance program.
  - The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the

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emergency telephone number of, or any medical information pertaining to, a peace officer.

- The name of any beneficiary of employment benefits including, but not limited to, life insurance benefits provided to a peace officer by the peace officer's employer.
- The identity and amount of any charitable or employment benefit deduction made by the peace officer's employer from the peace officer's compensation unless the amount of the deduction is required by state or federal law.
- The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer.
- Any record that identifies a person's occupation as a peace officer other than statements required to include the disclosure of that fact under campaign finance law.
- Photographs of peace officers without the employee's written consent.