



TOWN OF MACEDON POLICE DEPARTMENT

General Order: 340	Effective Date: September 26, 2019
Subject: Public Information and News Media Relations	
Reference Standards: 28.1	
Rescinds:	
Page 1 of 8	Attachments: Attachments: 1- Fair Trial Free Press Principles and Guidelines for the State of New York

I. Purpose

- A. The purpose of this policy is to define the Macedon Police Department's policy and procedure for distribution of public information through news media.

II. Policy

- A. The Macedon Police Department recognizes it has a duty to be responsive to the public with the release of information. This duty needs to be balanced with our moral and legal obligation to maintain and protect persons from unwarranted invasions of privacy, as well as to protect the integrity of police investigations.
- B. The Macedon Police Department recognizes the importance of a free press and the public service provided by the news media. The department actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public interest. At times, certain information must be withheld from the news media to protect the constitutional rights of persons involved, to avoid interfering with an investigation, or because it is privileged information. Members of the Macedon Police Department will follow the Fair Trial and Free Press Guidelines for the State of New York regarding the release of information to the media.
- C. All personnel are to cooperate with members of the media regarding departmental operations and activities consistent with this order. Personnel will recognize identification cards issued to the news media. Employees will extend as much courtesy as possible, consistent with public safety, and with the integrity of the investigation and departmental policies.
- D. The public information function is the responsibility of all members of the Macedon Police Department. Under certain circumstances, only the Chief of Police or his/her designee may exercise this function. Employees authorized to release certain information are outlined in this order.

III. Procedure

- A. In order to promote cooperation between the news media and the Macedon Police Department, the Chief of Police or his/her designee will act as the authorized Public Information Officer (PIO).
 - 1. The function of the PIO is to handle written and verbal inquiries from the media regarding aspects of departmental functions or duties.
 - 2. The PIO will obtain information on major incidents investigated by the department and will make the information readily available to the news media. The PIO will prepare written news releases pertaining to departmental activities. The PIO is responsible for the content of news released in any interviews in which he/she participates.

IV. NYS Fair Trial Free Press guidelines (Attachment #1)

- A. It is the intention of the Macedon Police Department to authorize access to police information and records according to the New York State Fair Trial Free Press Guidelines.
 - 1. Access to police reports must be carefully scrutinized by department personnel.
 - 2. The rules for access to police reports apply to everyone despite their status. The Macedon Police Department has an obligation to protect the integrity of cases, victims, witnesses, evidence, and defendants who potentially could be found not guilty.
 - a) Open cases under investigation are not subject to disclosure other than basic information.
 - b) Suspect information should not be made available to other than police personnel who aid in the investigation.
 - 3. Sometimes a person has the right to access the records of an investigation in which he/she is the victim. If unsure on how to handle such an inquiry, seek direction from a supervisor. It is better to deny the request than risk unlawful disclosure.

V. Information prohibited from release

- A. The following are types of information that should not be released despite the status of an incident under investigation:
 - 1. The prior criminal record or references to the character or reputation of involved persons

2. The existence of any confession, admission of guilt, or statement of the accused or the failure or refusal by the accused to make a statement
3. The results of any examination or tests conducted, or refusal by involved persons to submit any examinations or tests
4. The identity, testimony or credibility of any prospective witness
5. Any opinion of agency personnel regarding the guilt or innocence of the accused
6. Any opinion of agency personnel regarding the merits of the case or quality of evidence gathered
7. Personal information concerning the victim
8. Any information concerning involved parties who are juveniles
9. Any inflammatory statement, which might have a detrimental impact on the investigation or prosecution of the case, including but not limited to:
 - a) The mental state of the suspect
 - b) Explicit details of a particularly hideous crime
 - c) Generalizations regarding race, sex, religion, or national origin

VI. Release of permitted information

A. Routine matters

1. Whenever the news media needs information on routine matters, they may receive the information by telephone. Authorized department personnel may release information to news media personnel on the telephone after such media personnel have provided their name, employer, and telephone number. If the member of the department is uncertain about the identity of the caller, he/she will make a return call to the media agency via the telephone number listed on the agency website. The member will then attempt to verify the identity of the original caller.
2. Authorized department personnel may also release information to the news media via

email.

3. The indiscriminate release of information to the news media is prohibited, even if such information is not unusually sensitive.

B. Non-criminal incidents

1. A copy of every incident report will be made available to the news media at the Public Safety Building.
2. In the event that a report has not yet been submitted, the Chief of Police or his/her designee may release details of the incident to the news media. The command officer releasing the information will take reasonable steps to ensure the accuracy of the information prior to this release.
3. In cases regarding a death investigation, the identity of the victim shall be withheld pending notification of the victim's family. Inquiries may be referred to the Monroe County Medical Examiner's Office.

C. Criminal incidents prior to an arrest

1. Prior to the arrest of a suspect or before formal charges have been filed, only the following information may be disclosed by authorized personnel:
 - a) That the department believes that a crime has been committed, and the department is presently investigating the circumstances
 - b) The information contained on the press copy of the report
2. No information regarding the identity of a victim or any past criminal history of a suspect will be contained in any press release.
3. Only the Chief of Police or his/her designee may authorize the release of information necessary to alert the public to measures for their personal protection.
4. Only the Chief of Police or his/her designee may authorize the release of composite pictures or suspect photographs to the news media, or to neighborhood groups.

D. Criminal incidents - arrest made or warrant issued

1. The Chief of police or his/her designee or the Road Patrol Sergeant at a scene may release the following information:
 - a) A short factual statement concerning an arrested suspect's name, age, residence, occupation, marital status, and similar background information. Discretion should be used in revealing names of the suspect's family so as not to bring undue suffering to persons not directly involved with the crime.
 - b) A brief description of the offense charged
 - c) The identity of the arresting or investigating officers and their assignments
 - d) The facts and circumstances immediately surrounding an arrest, including the time and place of the arrest
 - e) Whether the officers encountered any resistance or pursuit
 - f) Whether the suspect allegedly used or possessed a weapon
 - g) A brief description of seized evidence
 - h) The scheduled time of appearance in court
 - i) The amount of bail necessary to secure the defendant's release
2. Once an arrest has been made or a warrant has been issued, no personnel will disclose the following:
 - a) Any prior criminal record of the accused, or any implication of a prior record. If a prior conviction exists, the Chief of Police or his/her designee may release this information.
 - b) The existence of any comments or lack of comments by the accused. The Chief of Police or his/her designee may release this information with concurrence of the Wayne County District Attorney's Office.
 - c) The identity or address of any witness
 - d) The possibility of the defendant pleading guilty to the offense charged or to lesser offense, or any other disposition
 - e) Any opinion, stated or implied, about the guilt or innocence of the accused

- f) Statements about the character or reputation of a suspect, witness or victim
 - g) Any possible connection between the suspect and any uncharged crime or crime pattern
 - h) The results of, or the suspect's refusal to take, any test or examination
 - i) The identity of a victim of a sex crime
- E. Cases under prosecution
- 1. Once the prosecution of the defendant has commenced, all inquiries will be referred to the prosecuting authority.
- F. Multi-jurisdictional cases
- 1. When officers of the department are working with another agency, it will be the responsibility of the agency in control of the investigation to release information to the news media subject to a prior agreement between the agencies, and authorization by the Chief of Police or his/her designee.
- G. Juvenile contacts and offenders
- 1. Incidents or arrests involving juveniles will be handled in the same manner as adults except that suspect's names, addresses, photographs and other identifying information will not be disclosed.
- H. Youthful Offenders
- 1. Youthful Offender status is a judicial determination and cannot be made by members of the department. Incidents or arrests involving persons who may be eligible for youthful offender status will be handled in the same manner as adults. Discretion relative to the publication of information identifying an individual who may potentially be a Youthful Offender is the responsibility of the news media.

I. Victims and witnesses

1. Personnel may counsel both victims and witnesses of their right to either cooperate with or refuse news media interviews, but will not interfere with any news media representative's pursuits of information. Such interviews may not interfere with the departmental investigation.

VII. Cooperation with news media

A. News media credentials

1. All members of the news media are issued identification cards with the word "PRESS" printed in bold black letters. Each card has the name of the media representative and the representative's employer printed on it.
2. The vehicles of authorized news media personnel will be identified by a special press plate or by vehicle markings.

B. Media access to incident and crime scenes

1. Outer perimeters

- a) News media representatives may be granted access to the outer perimeter of a scene. When open access to the area will interfere with the integrity of the investigation, the preservation of evidence, or the safety of the public, the highest ranking officer at the scene will establish police lines and restrict entry to the outer perimeter. In such cases, a media staging area will be established. When possible, this decision will be explained to all news media personnel with tact and in a professional manner. Subsequent access to the scene should be granted to news media personnel when safe and practical.

2. Inner perimeters

- a) When the department is in control of a private dwelling, private area, or other area generally not open to the public, permission for news media access must be obtained not only from the highest ranking officer at the scene, but also from the person having authority or control over such premises.

C. Photographs

1. Members of the news media and the public may take photographs of events that occur in public places.
2. In any location other than a public place, permission for news media photographers to access the scene must be obtained not only from the highest ranking officer at the scene, but also from the person having authority or control over such location.
3. Employees will not pose any suspect, defendant, victim or witness for photographing.
4. Suspect photographs will not be released to the media without authorization of the Chief of Police or his/her designee.
5. Only the Chief of Police or his/her designee may release departmental photographs to the news media.

By Order of the Chief of Police,


John P Colella (Sep 30, 2019)

John P. Colella
Chief of Police
Dated this 26th day of September, 2019