




WINCHESTER POLICE DEPARTMENT OPERATION ORDER

NOTE: This directive is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting

Number 2-61		Effective Date February 01, 2009	Review Date October 3, 2017	Reviewing Division Administration
Subject MEDIA RELATIONS	References VLEPSC: ADM.22.01-22.02 CALEA	<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Amends IV. A. e., D. 3. F., V. B. 1. II., IV.A1.2., C.4a.c., E.2., VI <input type="checkbox"/> Replaces	This directive shall apply to personnel assigned to the following divisions:	
			<input checked="" type="checkbox"/> All Personnel <input type="checkbox"/> Patrol Division <input type="checkbox"/> Administration Division <input type="checkbox"/> Investigation Division	
 _____ Chief of Police or Designee		_____ March 23, 2023 Date		

I. PURPOSE

The purpose of this directive is to provide guidelines on the types of information that may be released to media representatives, to specify some types of information that may not be released, to identify who may release information, and to establish procedures for media relationships with the Winchester Police Department.

II. POLICY

The Winchester Police Department recognizes the importance of a free press and the public service provided by the news media. The department will actively provide and cooperate with the media on matters of public interest. However, at times, certain information must be withheld from the news media in order to protect the constitutional rights of persons involved, to avoid interfering with criminal investigations, or because the information is privileged. In order to promote cooperation between the news media and the department, the Chief of Police or his/her designee will appoint a Media Liaison Officer (MLO) who will work jointly with the City Public Information Officer (PIO) on all matters involving the media. However, there may be times when the MLO or other designated member(s) of the department will have to work directly with media representatives to provide timely information in the interest of public safety.

III. DEFINITIONS

A. Criminal History Record Information

Records and data collected by criminal justice agencies on adult persons, consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal charges, and any disposition arising there from. Excluded from this term is juvenile record information, criminal justice intelligence information, investigative information, or correctional status information.

B. Criminal Incident Information

A general description of criminal activity reported, date and general location the alleged crime was committed, identity of the investigating officer, general description of injuries suffered, and property damaged or stolen.

IV. PROCEDURES

A. General Responsibilities and Authority

1. In coordination with the MLO, the PIO's duties include:
 - a. Assist news personnel in covering routine news stories, and at the scene of incidents;
 - b. Respond to media inquiries, in person, electronically, or telephonically;
 - c. Prepare and distribute news releases;
 - d. Arrange for news conferences, as required or requested;
 - e. May release information about victims, witnesses, and suspects as allowed by law and policy;
 - f. Coordinate and authorize the release of information concerning confidential department investigations and operations; and
 - g. Coordinate the release of information with other agencies and/or public service agencies when a multi-jurisdictional investigation or event has occurred.
2. Although the PIO will function as the primary contact for information disseminated to the community and media, the MLO of the department has a responsibility concerning the release of information that is outlined in this directive.

B. Release of Information - General

1. Personnel may release the type of event or crime and when and where the event or crime occurred, to include a brief synopsis of known facts concerning the incident
2. Personnel may release the identity of the victim or the name of the person who reported the crime. If the victim or reporting person has requested that his or her name not be released, the department will make every attempt to protect his or her identity. The media is obligated to respect this request. If a need exists in the interest of public safety or other important reasons to release the identity, then the victim or reporting person will be contacted and the situation explained. If he or she still wishes to remain anonymous, his or her request will be honored.
3. Personnel may release information concerning property loss, physical injuries, or death (after notification to the next of kin).
4. Personnel may release information concerning the type of investigation and length of investigation, unless such information jeopardizes that investigation.
5. Personnel may release information concerning the existence of suspects.
6. Personnel may release warrant information. When the warrant has been executed, the name, address, and description of that person will be released. If a warrant has been issued but not executed, and the officer anticipates that the public may provide information to assist in locating the person, the information may be released.

C. Procedures for Working with the Media

1. Media representatives shall not be allowed to read offense reports, since non-releasable information may be included on the report.
2. At the scene of a major incident, officers will establish perimeters and control access. Once media representatives arrive, these limitations should be clearly explained. Additionally, officers shall not authorize the media to trespass on private property.
3. The media shall not be allowed to interfere with law enforcement operations at the scene of an incident. As soon as possible, a media location will be established at the same distance or closer to the scene than the general public. Refer to Virginia Code for establishment of police lines, perimeters, or barricades.
4. Procedures for the release of information to the media shall be as follows:

- a. The MLO may release daily information to the media in the absence or at the request of the PIO. Press releases must be approved by the PIO before release to the media per the City Media Policy unless otherwise authorized by the City Manager or his/her designee
- b. The media should make every effort to request information during normal business hours. Those requests will be handled or delegated by the PIO or his/her designee.
- c. The MLO or his/her designee shall be notified of major incidents. It is the responsibility of the MLO to notify the PIO and coordinate response to the scene of the incident or make arrangements for someone to process media requests. At the scene of a natural disaster or catastrophic event, the MLO will assist the PIO or his/her designee in coordinating with each involved public service agency to process media requests.

D. Release of Arrest Information

1. Except for comparable information on juvenile offenders, the department shall disclose the identities of arrested persons, the charges against them, and the status of the charges or arrest. This information shall be released for felony, traffic, and misdemeanor arrests.
2. Photographs of adult arrestees may be released when doing so no longer jeopardizes a felony investigation.
3. After an arrest of an adult, the following may be released upon media request:
 - a. The arrestee's name, age, residence, and other factual background information;
 - b. The nature of the charge upon which the arrest is made;
 - c. The identity of the investigative agency and any assisting agencies;
 - d. The circumstances surrounding the arrest (whether pursuit or resistance was encountered, whether weapons were used), including the time and place of arrest and the identity of the arresting officers;
 - e. The location and status of custody;
 - f. May provide dates of scheduled hearings and the amount of bond if information is available;
 - g. A description of any contraband seized; and
 - h. Photographs of the defendants without police identification data may be furnished, if readily available in current files.

E. Non-Releasable Information

In addition to the restrictions set forth in Section V of this directive, the following information will not be released due to Sixth Amendment, statutory, or other restrictions:

1. The identity of victims of sex related crimes, or the identity of victims of crimes who have requested their names be withheld;
2. The identity of a deceased juvenile victims unless written consent is provided by next of kin.
3. The existence of any criminal history record or any information concerning the character or reputation of the accused or remarks, which tend to establish the defendant as a “professional” criminal;
4. The existence or contents of any confession, admission, or statement of the accused;
5. The performance of any examination or test by the accused or the refusal or failure to submit to an examination or test;
6. The identity of actual or prospective witnesses to crimes or comments on the expected testimony or credibility of any witness;
7. Any opinions as to the innocence or guilt of the accused, the merits of the case, the possibility of any pleas or negotiations, or the value of any evidence;
8. The names of deceased persons before the notification of the next of kin;
9. Information obtained from the Virginia Criminal Information Network (VCIN) or the National Criminal Information Center (NCIC);
10. Comments, which suggest that a defendant has aided in the investigation; and
11. Information concerning the planning of raids or other specialized enforcement efforts.

V. PROCEDURES GOVERNING INFORMATION CONCERNING JUVENILES

A. Juveniles Charged with Criminal Offenses

1. Personnel shall observe laws peculiar to information about juveniles who have been charged with criminal offenses.

2. The identities of juveniles may be released only for specific offenses or if the juvenile has been sentenced as an adult. A judge may authorize release of juvenile identity information when a juvenile over age fourteen (14) has been charged with a felony per Virginia Code.
3. As a general rule, the name, address, or other distinctly unique information which would serve to identify a juvenile shall not be released. Age, sex, place of residence (town, city, or county, but ordinarily not street address), and details of the offense may be released. As noted in this directive, under certain circumstances, a judge may authorize release of identity information.

B. Juvenile Traffic Incident Information

1. No juvenile information will be released regarding traffic incident except to juvenile's legal guardian or to appropriate insurance carriers unless otherwise stated by code.