

Bowie Police Department - General Orders



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Chief John K. Nesky	CALEA: 54.1.1, 54.1.2, 54.1.3	8

I. POLICY

One of the first and most fundamental considerations of this nation’s founders in drafting the Bill of Rights was to provide for a free press as an essential element of the First Amendment to the Constitution. They recognized that a well informed citizenry is vital to the effective functioning of a democracy. Police operations profoundly affect the public and therefore arouse substantial public interest. Likewise, public interest and public cooperation bear significantly on the successful accomplishment of any police mission.

Full cooperation between the news media and law enforcement agencies in the prompt and accurate dissemination of information to the public is a continuing goal and the policy of the Bowie Police Department. This procedure is intended to protect the delicate balance of rights and duties of both the news media and the police. It also provides the basic controls required by the police department to protect its own physical security, the security of its employees, and the rights of suspects, those arrested, and witnesses related to a crime or other police-related incident.

II. PURPOSE

The purpose of this General Order is to establish guidelines and procedures for the release of public information and the department’s commitment to community relations. This policy is designed to foster a relationship of mutual trust, cooperation, and respect.

III. PUBLIC INFORMATION COMMITMENT

A. General public

The public has an abiding interest in law enforcement and in the activities of the Department. Members of the public frequently direct inquiries to the Department seeking information on a variety of subjects. While it is the aim of the Department to fulfill such requests, it is not always possible to do so. Whether to release information or to grant interviews will be determined according to the facts of each case and prevailing laws regarding the release of information.

B. News media

The Department actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public interest in a way that does not hamper police operations; however, certain information must be withheld for the news media to protect the constitutional rights of victims, witnesses, or the accused; avoid obstruction of an ongoing Department investigation; or because it is legally privileged.

IV. PUBLIC INFORMATION FUNCTION

A. The Bowie Police utilizes an established public information function which is structured to accommodate the news media for potential situations that are newsworthy.

B. The Chief of Police will function as the primary contact for information dissemination to the community and news media.

1. Information from agency files concerning Departmental plans, policies, or administrative changes shall be released by the Chief of Police or his designee. These officials shall assist the media whenever they are contacted.
2. Information on Departmental personnel matters or discipline shall be released by the Chief of Police or their designee.
3. The Chief or his designee will coordinate all responses to inquiries or release of information. The Chief of Police will determine the need for and timing of press releases and will release material to all news media in a fair and equitable manner.

C. General release of media information

1. Normally, information will be released by the Chief. In their absence, questions should be directed to the Deputy Chief of Police or his/her designee. (CALEA 54.1.1.b)
2. Beyond those explicit constraints set forth in this General Order, members of the Department are encouraged to be open and cooperative with the news media.
3. When dealing with the news media, the officer's good judgment must prevail remembering that his/her primary responsibility is to carry out the police task.
4. Presentation of information to the news media must be of secondary consideration. To the extent that consideration does not interfere with the accomplishment of the police task, members of the Department in control of the scene of an occurrence or information regarding same shall:
 - a. Supply information regarding the incident to any accredited representative of the news media.

- b. Refer reporters to the Chief, or in their absence, to the Deputy Chief of Police for further decision when it is felt that release of information concerning an on-going criminal investigation or access to the scene is contrary to sound police practice.
 - c. Conform to the following procedures under the appropriate circumstances:
 - (1) Information about significant crimes or police related events will be the responsibility of the Chief, the ranking member at the scene, or his designee.
 - (2) Information related to investigations where public disclosure would interfere with the investigation, the apprehension of suspects, or the rights of suspects, may be withheld from public disclosure.
- D. To foster cooperation and mutual respect between the news media and the Department, the public information function will include, but is not limited to: (CALEA 54.1.1.c)
- 1. Assisting news personnel at the scenes of incidents and in covering routine new stories;
 - 2. Maintaining availability for on-call responses to the news media;
 - 3. Preparing and distributing Department news releases;
 - 4. Arranging for, and assisting at, news conferences and/or cable television broadcasts; (CALEA 54.1.1.d)
 - 5. Coordinating and authorizing the release of information about victims, witnesses, and suspects according to Department policy;
 - 6. Assisting in crisis situations that affect the Department;
 - 7. Coordinating and authorizing the release of information concerning confidential investigations and operations following Department policy; (CALEA 54.1.1.e)
 - 8. Developing procedures for releasing information when other public service agencies are involved in a mutual effort.

V. PRESS RELEASES

- A. Press releases shall be prepared as required.
- B. Information about cases and statistics will be available from the department according to this General Order.

- C. Dissemination of information to the news media will be accomplished in a manner to ensure its equal availability to all news media members. Generally, press releases will be available at the City Manager's Office and the police department.
- D. When making a news release in which other agencies have been involved, credit will be given to those agencies.
- E. The agency having primary jurisdiction will be responsible for coordinating the release of information.

VI. NEWS MEDIA PERSONNEL (CALEA 54.1.1.a)

- A. Members of the department shall require adequate identification of media representatives before permitting access to controlled or secured areas. Access shall be controlled by the Supervisor on scene. For the purpose of this General Order, media representatives shall include reporters, photographers, camera operators, and other media personnel.
- B. The department does not issue credentials to media representatives, but instead relies on media organizations to supply appropriate identification. If, for some reason related to the conduct of a media representative, an officer feels an individual no longer should be granted press privileges, the officer shall notify the Chief of Police in writing via the chain of command.
- C. Officers should recognize the need for reporters and photographers to be present at scenes of police-related incidents. Police officers must remain aware of citizens' rights to accurate, timely information concerning incidents requiring police response. Therefore, police officers at crime or other incident scenes must cooperate with members of the news media consistent with this General Order. Members of the media will be allowed the necessary and sometimes additional freedom to complete their tasks, provided that freedom does not interfere with the performance of the police function.
- D. At the scene of a police-related incident, whether a crime scene or incident of another nature, (i.e., major fire, natural disaster, serious accident, or other catastrophic event) the police have an obligation to preserve the integrity of the scene, to gather evidence, and assist injured victims. Accordingly, police personnel should define the crime scene area, scene investigation, evidence collection, and related activities that are on-going and restrict the media from those areas so as not to interfere with law enforcement operations. (CALEA 54.1.3)
- E. After the police have completed their tasks, media representatives will be allowed to ask questions and take photographs of the scene. Taking photographs at scenes of incidents, crimes, or accidents will be done at the discretion of the news media, who will assume full responsibility for the use of such photographs or film. Should an incident take place on private property, news media representatives may be permitted on the scene upon completion of the investigation with the permission of the owner or person legally responsible for, or in control of the property.

- F. News media representatives are prohibited from photographing individuals in custody within the confines of police facilities. Photographing of individuals in custody outside those facilities is permitted.
- G. Any problems encountered by either police personnel or media representatives in carrying out the provisions of this General Order should be reported in writing to the Chief of Police via the chain of command.

VII. RELEASE OF INFORMATION

- A. The following information **will not** be released:
 - 1. The identity of victims of sex-related crimes;
 - 2. The identity of any suspect for whom a warrant or summons has not been issued or indictment returned;
 - 3. The existence of any prior criminal 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 identity of actual or prospective witnesses to crimes, other than the victim as mentioned above, or comments on the expected testimony or credibility of any witness;
 - 6. 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;
 - 7. The identity of any juvenile arrested who has not been certified by the Circuit Court as an adult. NOTE: A judge may authorize release of juvenile identity information when the crime is a felony or the juvenile is sentenced as an adult.
 - 8. The names of deceased prior to the notification of next of kin;
 - 9. Comments which tend to suggest that a defendant has aided in the investigation;
 - 10. Information concerning the planning of raids or other specialized enforcement efforts;
 - 11. Information which would hinder, impede, or otherwise interfere with an on-going investigation.
 - a. The identity of the victim of child abuse or of any sex crime, or related information which, if divulged, might lead to the victim’s identification;

- b. The identity of any juvenile who is a suspect or defendant in an incident over which the juvenile court has jurisdiction;
 - c. The contents of any suicide note;
 - d. Results of investigative procedures (line-ups, polygraphs, fingerprinting, etc.). The fact that such procedures have been or will be performed may be acknowledged;
 - e. The identity of a victim or witness if such disclosure would significantly prejudice an investigation;
 - f. Information regarding the specific identity or location of a suspect unless an arrest warrant exists; and,
 - g. The amount of money stolen in a robbery.
12. The name of any persons seriously injured or killed in an incident investigated by the Department will be withheld until positive identification is made and next of kin notified. No information relating to a specific cause of death will be released until a determination has been made by the Office of the Chief Medical Examiner.
13. Confidential intelligence information will not be disclosed without the express permission of a supervisor having authority over the incident or investigation in question.
14. The pretrial disclosure of the following information may jeopardize a defendant's right to a fair trial and will not be released:
- a. Observations about an arrestee's character;
 - b. Statements, admissions, confessions, or alibis attributable to an arrestee;
 - c. The refusal or failure of an arrestee to make a statement or to participate or allow investigative procedures such as polygraph examinations, etc.
 - d. Statements concerning the credibility, character, or testimony of a victim or prospective witnesses;
 - e. Any opinion as to an arrestee's guilt, or the possibility of a plea of guilty to the offense charged;
 - f. Statements concerning evidence or arguments in the case, whether or not it is anticipated that such evidence or argument will be used at trial;
 - g. Mug shot or other photographs of arrestees will not be released until after conviction, unless a valid law enforcement function is served; and,
15. The medical condition or medical facility to which a victim/suspect has been transported.

B. Release of information pertaining to juveniles

1. Criminal offense – The juvenile’s name, address, or other distinctly unique information which would serve to identify a juvenile may NOT be released. Age, sex, city of residence, and details of the offense MAY be released; however, under certain circumstances, a judge may authorize release of identity information.
2. Accidents – If traffic charges are or may be filed as a result of an accident investigation, juvenile identity information will be withheld.

C. Crime or incident information to be released upon media request includes:

1. The type of event or crime, when and where it occurred, including a brief synopsis of facts concerning the incident;
2. Information concerning property loss, physical injuries, or death, after notification of next of kin;
3. Information concerning the type and length of investigation;
4. Information concerning the existence of suspects may be released, if it is felt that public assistance is needed for the location of a suspect or evidence.
5. If a warrant has been executed, the name, address, description, etc., of that person will be released. If a warrant has been issued but not executed, and it is anticipated that the public may provide information to help in locating the person, this information may be released.

D. After an arrest of an individual, other than a juvenile, the following may be released upon media request:

1. Defendant’s name, age, residence, and other factual background information;
2. Nature of the charge upon which the arrest is made;
3. Identity of any assisting agencies;
4. Circumstances surrounding the arrest, including the place of arrest and the identity of the arresting officers;
5. Custody status;
6. Dates of various hearings, if known;

7. Photographs of the defendants without the police identification data may be furnished, if readily available in current files.

E. Names of officers providing information to the media may be given to the media and published, unless the officer(s) involved is in an undercover assignment. Addresses and telephone numbers of the police personnel will not be released.

VIII. SIGNIFICANT EVENTS

Notifications of police command staff and city officials concerning significant events will be made in accordance with other orders and city protocol.

IX. OTHER AGENCY MATTERS:

A. The Department is sometimes jointly involved with other agencies in newsworthy incidents where the Department does not have primary jurisdiction. In those cases the primary public information function will not be provided by the Department. Although the PIO may assist, all media requests will be referred to the agency having primary responsibility.

B. Fire Scenes are under the jurisdiction of the Prince George's County Fire Department (PGFD). Officers will not allow media access to these scenes until authority is granted by the PGFD scene commander or PGFD PIO.

C. Federal laws prohibit the photographing of classified defense material, including selected aircraft, documents and hardware. In the event of an incident involving military aircraft in Bowie, military authorities may ask that officers enforce these federal laws. Supervisors will comply with all reasonable requests by the military in such matters.

X. REVIEW OF AGENCY'S POLICY

When the Department policies and procedures relating to media relations are developed and/or revised, a review of the developments and collecting of suggestions from local news media will be sought after. This spirit of cooperation with the media should make the Department's relationship with news media a partnership in public relations and not an adversarial relationship. (CALEA 54.1.2)

XI. CANCELLATION

General Order 3-11 Media Relations