

**SENECA FALLS POLICE DEPARTMENT  
GENERAL ORDER**

<b>General Order:</b> 360	<b>Rescinds:</b> New Issue
<b>Subject:</b> Public Information	<b>NYS Accreditation:</b> 28.1
<b>Effective Date:</b> 07/01/13 <b>By Order Of:</b> Stuart W. Peenstra, Chief of Police	

**I. PURPOSE**

To define the Seneca Falls Police Department's policy and procedures for distribution of public information.

**II. POLICY**

- A.** The Seneca Falls Police Department recognizes the importance of a free press and the public service provided by the news media. The Seneca Falls Police 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 in an incident, to avoid interfering with an investigation or because it is privileged information.
- B.** All personnel are to cooperate with members of the media regarding departmental operations and activities consistent with this order.
- C.** Inquiries regarding statistical information shall be addressed only by the Chief of Police, who is the departments Public Information Officer. In the absences of the Chief of Police, the Lieutenant will take his place.
- D.** The public information function is the responsibility of all personnel. Under certain circumstances, that function will be exercised only by the Chief of Police or other members designated by the Chief and listed herein.
- E.** Personnel will recognize identification cards issued by the news media. The news media will be extended as much courtesy as possible, consistent with public safety, the integrity of the investigation and departmental procedures.

**III. PROCEDURE**

- A.** It is the function of the Chief of Police to handle inquiries, either written or verbal, from the media regarding aspects of departmental functions or duties.
- B.** It is the Chief of Police responsibility to prepare written news releases pertaining to departmental activities. All other major criminal arrest press releases will by written by the officer handling the case and then placed into the draft folder to be reviewed and sent by a sergeant. The Chief of Police is responsible for the content of news releases in any interviews in which he/she participates. The Chief of Police will obtain information of major incidents investigated by the Seneca Falls Police Department and will make the information readily available to the news media.
- C.** Release of Information
  - 1. The Chief of Police, his designee, or a supervisory officer holding the rank of sergeant or above may release certain information as outlined in this order to any recognized member of the news media. A supervisory officer may authorize a subordinate to release selected information. If the officer/supervisor is uncertain regarding information to be released, he/she shall contact or refer the media representative to:
    - a. The Chief of Police;
    - b. The Lieutenant;
    - c. Supervisory officer in charge of the shift or specific incident.
  - 2. Whenever the news media needs information on routine matters, they may receive the information by telephone.

3. Designated Seneca Falls Police Department personnel may release information to news media personnel on the telephone after such media personnel have provided their name, name of employer, and telephone number.
4. In the event the member of the Seneca Falls Police Department is uncertain about the identity of the caller, he/she shall make a return call to the media agency by the telephone number listed in the telephone book.
5. The indiscriminate release of information to the news media is prohibited, even if such information is not unusually sensitive.

**D. Non-Criminal Incident**

1. Details of incidents will be made available to the media. In the event that no report has been taken, a ranking member of the Seneca Falls Police Department may release details of the incident. The individual releasing the information to the news media shall take reasonable steps to ensure the accuracy of the information.
2. In cases involving death, victim identification shall be withheld pending notification of family. Inquiries may be referred to the Medical Examiner's office.

**E. Criminal Incident**

Prior to the arrest of a suspect or before formal charges have been filed, only the following information may be disclosed:

1. The Seneca Falls Police Department believes that a crime has been committed and is presently investigating the circumstances.
2. The information contained on the press copy of the incident report.
3. Only the Chief and/or his/her designee may authorize release of information necessary to alert the public of measures for their personal protection; or release composites/suspect photographs to the media or to neighborhood groups, after insuring that no victim information or past criminal history of the suspect is contained therein.

**F. Warrant Issued/Executed**

Once a warrant is issued or an arrest made, personnel shall not disclose the following:

1. Any prior criminal record of the accused or implication of a prior record.
2. If a prior conviction exists; however the Chief or his/her designee may release this information.
3. The existence of any comments or lack of comments by the accused (Chief or his/her designee may release this information with concurrence of the ADA).
4. The identity or address of any witness.
5. The possibility of the defendant pleading guilty to the offense charged or to lesser offense.
6. Any opinion, stated or implied about the guilt or innocence of the accused.
7. Statements about the character or reputation of a suspect, witness or victim.
8. Any possible connection with any uncharged crime or crime pattern.
9. The results of/ or refusal to take any test or examination.
10. The identity of a victim of a sex crime.

**G. The highest ranking officer at a scene may release the following information:**

1. The facts and circumstances surrounding an arrest; the time and place of the arrest; whether the officers encountered any resistance; whether the defendant was armed.
2. The identity of the arresting or investigating officers and their assignments.
3. A brief description of seized evidence if not detrimental to the investigation.
4. A brief description of the offense charged.
5. The scheduled time of appearance in court.

6. A short factual statement concerning an arrested adult suspect's name, age, residence, and occupation. 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.
  7. The amount of bail necessary to secure the defendant's release.
- H.** 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 or any information concerning juveniles.
  8. Any inflammatory statement that might have a detrimental impact on the investigation or prosecution of the case. Examples of inflammatory statements may include:
    - a. The mental state of the suspect.
    - b. Explicit details of a particularly hideous crime.
    - c. Generalizations regarding race, sex, religion, or national origin.
- I.** Once the prosecution of the defendant has commenced, all inquiries shall be referred to the District Attorney's Office.
- J.** Coordination with other Law Enforcement Agencies.  
When officers of the Seneca Falls Police Department are working with another agency, it shall 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.
- K.** Juvenile Contacts and Offenders  
Incidents or arrests involving juveniles shall be handled in the same manner as adults except that suspects' names, addresses, photographs and other identifying information shall not be disclosed.
- L.** Youthful Offenders  
Incidents or arrests involving persons who may be eligible for youthful offender status shall be handled in the same manner as adults. Youthful Offender status is a judicial determination and cannot be made by members of the Seneca Falls Police Department. Discretion relative to the publication of information identifying an individual who may potentially be a Youthful Offender is the responsibility of the news media.
- M.** Witnesses/Victim  
Members may counsel both witnesses and victims of their right to refuse news media interviews, but shall not interfere with any news media representative's pursuits of information. However, such interviews may not interfere with the Seneca Falls Police Department investigation.
- N.** Access to Incident/Crime Scenes  
News media representatives may be granted access to the outer perimeter of a scene except as follows:
1. Where open access to the area will interfere with the investigation, the highest-ranking officer may establish police lines and restrict entry. Should such restrictions become

necessary the circumstances requiring the closure should be explained and access

should be granted to news media personnel when practical. Preservation of evidence and public safety shall be of primary importance.

2. When the Seneca Falls Police Department is in control of a private building, dwelling, private area, or other areas generally not open to the public, permission must be obtained not only from the highest ranking officer in charge of the scene but also from the person having authority or control over such premises.

**O. Photographs**

1. Members of the news media and the public may take pictures of events that occur in public places. In any location other than a public place, photographers may be allowed at the discretion of the officer in charge and with permission of the owner or person having control over the premises.
2. Suspect photographs shall be considered "public information" once the suspect has been arraigned in court. As such, photographs of a suspect arrested by the Seneca Falls Police Department may be released upon request of the news media AND with approval of the Chief or his designee. Members SHALL NOT release photos of other agencies' arrests.
3. Employees shall not pose any suspect/defendant or witness for photographing.
4. Departmental photographs may be released to the news media only by the Chief of Police or his designee.

**P. Department/Media Cooperation at Scenes**

When it is necessary to exclude any member of the news media from the scene of an incident, it shall be done with tact and in a professional manner and, when possible, an explanation for such action shall be provided.

**Q. News Media Credentials**

1. All members of the news media are issued identification cards.
2. The words "Press" are printed in bold black letters.
3. Each card has the name of the media representative and the representative employer.
4. The vehicle of authorized news media personnel will be identified by a special press plate or by vehicle markings.

**R. Request for Reports, Services, or Appearances**

1. Whenever a request is received by any employee of the media for any report, service, or appearance, a "FOIL" must be filled out and the request must be forwarded to and cleared through the office of the Chief of Police, except as otherwise authorized by department rules, regulations, or procedures.
2. If the request is approved by the Chief of Police, he/she will designate a qualified Seneca Falls Police Department employee to respond to the request.
3. On completion of the activity, the employee will complete an interdepartmental memorandum containing specific information regarding the report, service or appearance and forward it to the Chief of Police.

**S. ONLY the Chief of Police or his designee, with the Chief's approval, may:**

1. Arrange for a Departmental News Conferences;
2. Coordinate the release of information on confidential investigations;
3. Coordinate the release of information concerning internal investigations of employees either of the Seneca Falls Police Department or other governmental agencies;
4. May assume control over the release of information to the news media and/or the public in the event of an exceptional incident;
5. Issue statements concerning departmental policy;
6. Coordinate the release of information on departmental news meant to generate public

interest;

7. Periodically meet with and maintain liaison with representatives of the media to resolve differences and improve relations between the media, the public, and the Seneca Falls Police Department.

*\*NOTE:* If the Chief of Police designates any of the above responsibilities to another person, that person shall inform the Chief of the outcome of any of the above and shall forward a copy of any written releases, etc. to the Chief prior to distribution.

#### **T. Supervisory Officers at an Incident Scene**

Supervisory officers at an incident scene command post will periodically inform the Chief of Police or his/her designee at the operations center of the progress of activities so that periodic reports can be disseminated to the news media by the Chief or his/her designee.

#### **U. Fair Trial Free Press Guidelines**

1. Access to police reports, while complying with the New York State Fair Trial Free Press Guidelines, must be carefully scrutinized by Seneca Falls Police Department personnel. The rules for access to police reports apply to anyone despite their status. The Seneca Falls Police Department has an obligation to protect the integrity of a case, victims, witness, evidence, and defendants who potentially could be found not guilty.
2. Open cases under investigation are not subject to disclosure other than basic information.
3. Suspect information should not be made available to anyone other than Seneca Falls Police Department personnel who aid in the investigation.
4. The law permits an agency to withhold records that are compiled for law enforcement purposes that, if disclosed would:
  - a. Interfere with law enforcement or judicial proceedings.
  - b. Deprive a person of a right to a fair trial or impartial adjudication.
  - c. Identify a confidential source of information regarding a criminal investigation.
  - d. Reveal criminal investigation techniques or procedures except those that are routine.
  - e. When disclosure would endanger the life or safety of other.
  - f. Records that are inter/intra-agency communications except statistics.
  - g. Instructions to staff that affect the public.
  - h. Final policy determinations.
  - i. Other specific types of restricted information include:
    - 1) Medical examiner records.
    - 2) Autopsy reports.
    - 3) Personnel records.
    - 4) Mental health records.
    - 5) Grand jury records
    - 6) Police records regarding:
      - a) Juvenile arrest.
      - b) Records of person when charges are dismissed.
      - c) Employment records.
      - d) Motor vehicle registrations.
      - e) Pre-sentenced reports.
      - f) Public assistance.
      - g) Child abuse.
      - h) Drug abuse.
      - i) Victims of sex offenses under 18

5. The above list does not represent all protected documents. Sometimes a person has the right to access the records of an investigation in which he/she is the victim.
6. We have a moral and legal obligation to maintain and protect persons from unwarranted invasions of personal privacy. If unsure, ask a supervisor. It is better to deny the request than risk unlawful disclosure.
7. It is the intention of the Seneca Falls Police Department to authorize access to police information and records according to the New York State Fair Trial Free Press Guidelines.

## **FAIR TRIAL FREE PRESS PRINCIPLES AND GUIDELINES FOR THE STATE OF NEW YORK**

### Principles

Freedom of the press is guaranteed by the First Amendment of the Constitution of the United States.

The right to a speedy and public trial by an impartial jury is guaranteed in criminal cases by the Sixth Amendment.

The New York State bar, bench, law enforcement agencies and news media as represented by organizations that have signed this document, recognize and uphold these guarantees and grant them equal validity.

They also require the right of the public in a democratic society to be informed about crime, law enforcement and the administration of justice, and the right, in general, to have trials openly conducted.

While the news media recognize the responsibility of the Judge to preserve order in the court and seek the ends of justice by all those means available to him, decisions about handling the news rest with the editors who, in the exercise of news judgements, should remember that;

1. An accused person is presumed innocent until proven guilty.
2. Accused persons and civil litigants are entitled to be judged in an atmosphere free from passion, prejudice and sensationalism.
3. Readers, listeners and viewers are potential jurors.
4. No one's reputation should be injured needlessly.

### Guidelines In Criminal Cases

The proper administration of justice is the concern of the judiciary, bar, the prosecution, law enforcement personnel, news media and the public. None should relinquish its share in the concern. None should condone injustices on the ground that they are infrequent.

1. When and after an arrest is made, the following information should be made available for publication:
  - a. The accused's name, age, residence, employment, marital status, and similar background information.
  - b. The substance or text of the charge such as a complaint, indictment, information and, where appropriate, the identity of the complainant.
  - c. The identity of the investigating and arresting agency and length of the investigation.
  - d. The circumstances immediately surrounding the arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons and the description of items seized at the time of arrest.
2. The release of certain types of information by law enforcement personnel, the bench and bar, and the publication of this information by the news media may tend to create danger of prejudice without serving a significant law enforcement or public interest function. Therefore, all concerned should be aware of the dangers of prejudice in making pretrial disclosures of the following:
  - a. Statements as to the character or reputation of an accused.
  - b. Admissions, confessions or the content of a statement or alibi attributable to an accused person.

- c. The performance or results of tests or the refusal of the accused to take a test.
- d. Statements concerning the credibility or anticipated testimony of prospective witnesses.
- e. The possibility of a plea of guilty to the offense charged or to a less offense, or other disposition.
- f. Opinions concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial.

The Code of Professional Responsibility for members of the bar, which became effective in New York State of January 1, 1970, contains specific provisions relating to pre-trial publicity in criminal cases which generally follow these guidelines. It should be noted, however, that lawyers are explicitly prohibited from disclosing the prior criminal record of an accused.

1. Prior criminal charges and convictions are matters of public record and are available to the news media. Police corrections and other law enforcement agencies should make such information available to the news media on request. The public disclosure of this information by the news media may be highly prejudicial without any significant addition to the public's need to be informed. The publication of such information should be carefully considered by the news media.
2. Law enforcement and court personnel should not prevent the photographing of defendants when they are in a public place outside the courtroom. They should neither encourage nor discourage pictures or televising but should not pose the accused.
3. Photographs of a suspect may be released by law enforcement personnel provided a valid law enforcement function is served thereby. It is proper to disclose such information as may be necessary to enlist public assistance in apprehending fugitives from justice. Such disclosure may include photographs as well as records of arrest and prior convictions.
4. Particular care should be taken not to disseminate prejudicial information, including information adduced in pretrial hearings and closed hearings, when a trial is approaching or is underway and the information is likely to be seen or heard by potential jurors.
5. Once a trial has begun, the news media may report anything done or said in one court, provided that any statement or matter excluded from evidence is described as having been so excluded. When matters or statements are excluded from evidence outside of the presence of the jury, disclosure may be highly prejudicial without any significant addition to the public's need to be informed. The publication of such information should be carefully considered by the news media.
6. No one should make, publish or broadcast a statement designed to influence, forecast or prejudge the outcome of a trial. Accused persons, however, should have the privilege of issuing denials of allegations made against them.

These guidelines are intended to protect the right to a speedy and public trial by an impartial jury, not to prevent the press from inquiring into and reporting on the integrity, fairness, efficiency and effectiveness of law enforcement and the administration of justice.

Reviewed: 05/17/2019

