



NEWS MEDIA RELATIONS - RELEASE OF OFFICIAL INFORMATION

This rule is issued to establish the policy of the Police Department with regard to releasing official information to members of the news media or to other persons outside the department, and with regard to recognizing the rights of news media personnel at the scene of emergencies or other police activities. Its provisions are effective immediately, superseding all previously issued Rules, Orders, Bulletins, Memoranda and directives regarding relations with the news media or release of official information.

Sec. 1 GENERAL CONSIDERATIONS: The relationship between the police and the news media in a democratic society is characterized by complementary rather than conflicting interests. The news media have a legitimate need for information about public safety activities and they also offer an excellent channel for informing the public about the nature of police tasks and problems.

Crime, and police efforts to prevent it, is a matter of public concern. The Boston Police Department is regularly involved in events about which members of the news media legitimately need information or photographs. Under such circumstances, the members of the Department, both sworn and civilian, have three responsibilities: 1) to bring the police operation at hand to a successful conclusion, 2) to protect the constitutional rights of accused persons, and 3) to cooperate with media efforts to obtain and disseminate factual information.

The Boston Police Department actively seeks to establish a cooperative climate in which information in matters of public interest may be obtained in a manner that does not hamper police operations or abridge the rights of the accused.

Sec. 2 THE OFFICE OF MEDIA RELATIONS (OMR): The Office of Media Relations serves as a central source of information for release by the Department and responds to requests for information by the news media and the community. Members of the OMR provide information and updates to the media at major incident scenes, prepare and distribute media releases, coordinate and assist at news conferences, coordinate and authorize the release of information about victims, witnesses and suspects, assist in crisis situations within the agency and coordinate the release of authorized information concerning confidential agency investigations and operations and maintain and electronically distribute the Department's blog (www.BPDNews.com). The Office of Media Relations is open seven days a week from 8:00 a.m. to 11:00 p.m.

Sec 3 PUBLIC RECORDS: Members of the Department should understand the provisions of [M.G.L. c. 4 § 7](#) and [M.G.L. c. 66 § 10](#). These sections define public records. These statutes give the public access, including the right to inspect and copy, all records made or received by any public agency except those exempted from disclosure by other statutes. Included among those documents that the public has a right to inspect and copy is BPD Form 1.1, Incident Reports, except those portions of the report that fall within one of the following enumerated exemption clauses:

- **CORI Records:** Except for information that is released contemporaneous with an arrest, specifically exempted from disclosure are all records that come under the Criminal Offenders Record Information law (CORI) which prohibits disclosure of any information about an arrest including the summaries of criminal records or probation records whether obtained from Boston Police files or by Boston Police from other agencies.
- **Victim and Juvenile Identities:** Prohibited by law is the disclosure of the names of victims in sexual assault cases, as well as details of sexual assaults. Prohibited by Departmental policy is the disclosure of the names of juveniles. (Juveniles are considered those persons less than 17 years of age.)
- **Investigative Information:** The Public Record Law also provides that "investigative materials necessarily compiled out of the public view by law enforcement or other investigative officials, the disclosure of which would probably so prejudice the possibility of effective law enforcement that it would not be in the public interest," are exempt from public disclosure. **It is the policy of the Department to release such information to legitimate news media personnel, contemporaneous with an incident and consistent with sections 3 and 4 of this Rule, if such release does not interfere with police investigations.** The Police Commissioner will make final decisions on release of such information after consultation with the Legal Advisor.

Sec. 4 INFORMATION THAT DEPARTMENT MEMBERS MAY NOT RELEASE:

- The existence or contents of a prior criminal record of the accused (C.O.R.I.).
- Character or reputation of the accused.
- Existence or contents of any confession or statement of the accused.
- The accused person's participation in, or refusal to submit to, any examination or test and/or the results thereof.
- Possibility of a guilty plea.
- Opinions as to the guilt or innocence of the suspect.
- Opinions as to the quality of the evidence of the case.
- Identity of known witnesses or possible witnesses.
- Statements or testimony of witnesses except as part of the record of a public court proceeding.
- Police pictures of persons arrested, or pictures that have been made a part of a criminal record (unless published to aid in the capture of a wanted suspect; or authorized by an appropriate bureau chief or his/her designee).

- Names or addresses of rape or attempted rape victims and any details of sexual assaults, or attempts to commit such offenses.
- Information contained in an officer's Internal Affairs file; exceptions are noted in Section 5.
- Photographs of police personnel, **unless** permission is given by the individual involved, the individual's immediate family, or in special cases, the Police Commissioner.
- Specific addresses (other than home towns), family data, or other personal data regarding police personnel, **unless** the person involved gives permission (information that can be released is noted in Section 5).

Sec. 5 INFORMATION THAT DEPARTMENT MEMBERS MAY RELEASE CONTEMPORANEOUS WITH AN INCIDENT OR WITH THE APPROVAL OF THE OMR:

- Nature of charges.
- Basic facts and circumstances of an arrest.
- Identity of investigating and arresting officers.
- Length of the investigation leading to the arrest.
- Description of physical evidence seized unless release of such information would unduly jeopardize a case.
- Identity of the arrestee, if 17 years of age or older.
- The age, sex, and hometown (but not the name) of the accused if under 17 years of age.
- Schedule of and/or results from any stages of the judicial process (including quotations from public records of the court).
- An officer's age, date of appointment, hometown, and date of retirement or resignation, awards or commendations.
- Any criminal charges pending against an officer.
- Results of a completed IAD investigation, only with the approval of the Chief, OII or the Police Commissioner.
- Nature of charges against an officer in an on-going IAD investigation.
- Identities of persons killed; only after obtaining confirmation that the next-of-kin have been properly notified.

Sec. 5.1 DISPLAYS OF DRUG MONEY: The Department often has occasion to display drugs, weapons, and other evidence seized during drug-related arrests. Frequently such evidence includes large sums of money. Department members will not display money to be photographed. Members may release information as to the amount of money seized in an operation. Members will make drugs, drug paraphernalia, weapons, and other items appropriate for display available to news photographers only after clearance by the OMR.

Sec. 6 PHOTOGRAPHING PRISONERS: News media personnel have the right to photograph persons in police custody. However, officers will not pose prisoners for news

photographs nor will they allow prisoners to be photographed by newsmen inside police buildings.

Sec. 7 ACCESS OF NEWS MEDIA PERSONNEL: A newsmen's primary responsibility is to report the news by gathering information and/or taking photographs. Since the opportunity to do so is often of a momentary or transitory nature, especially at an emergency scene, an officer should not unnecessarily obstruct a newsmen in the performance of his or her duties. **However, to preserve the integrity of a crime scene until necessary evidence can be collected, officers shall not permit newsmen within 50 feet of an active crime scene.**

Newsmen may photograph or report anything they observe when at an emergency scene. When publication or broadcast of such coverage may interfere with an investigation or place a victim, suspect, witness or other person in jeopardy, withholding publication is dependent upon the willingness of the press.

Under such circumstances, officers shall immediately advise their supervisors to notify the OMR. Officers shall not, however, interfere with or obstruct news media personnel as long as their activities remain within the confines of the law. News photographers and their equipment have the right to protection from assaults and unnecessary interference or obstruction while engaged in the performance of their duties at the scene of a crime or other major events.

An officer observing any such activity directed at a member of the media shall immediately take the appropriate action necessary to resolve the situation. The officer shall submit a report of the incident to his/her immediate supervisor who shall send a copy of the incident to the OMR as soon as possible. Members of the news media are not exempt from any municipal, state or federal statute.

Sec. 8 NEWS MEDIA ACCESS AND CROWD CONTROL: In order to ensure public safety and to prevent citizens from entering a restricted area, police personnel will establish police lines where necessary at all major events. It is the policy of the Department to allow duly accredited representatives of any news service, newspaper, television, or radio station to enter areas normally closed to the public by police lines. **ALLOWING NEWSPERSONS INTO SUCH AREAS IS, HOWEVER, DEPENDENT UPON THE TACTICAL SITUATION AND THE LIKELIHOOD THAT THE SUCCESS OF THE POLICE RESPONSE WILL NOT BE JEOPARDIZED. IN CERTAIN SITUATIONS, THERE MAY BE A SEPARATE AREA SET ASIDE FOR NEWS MEDIA REPRESENTATIVES TO ALLOW THEM TO COVER AN EVENT.**

The decision to assume the risk of danger remains with the individual newsmen involved and it is not the responsibility of the police to provide for the safety of those members of the news media who voluntarily choose to subject themselves to danger. It is the responsibility of department personnel assigned at events where police lines are established to ensure that only news media members **WITH THE APPROVED**

IDENTIFICATION are allowed to cross police lines or enter areas set aside for the news media. **THIS WILL REQUIRE CHECKING NEWS MEDIA MEMBERS FOR APPROVED NEWS MEDIA CREDENTIALS AND REQUIRING THEM TO WEAR THESE CREDENTIALS ON THEIR OUTERMOST GARMENT.**

Officers shall direct questions relative to credentials to the ranking officer at the scene or an OMR representative. It is the responsibility of all news media personnel to clearly display their media credentials at emergency scenes or special events. Failure to do so can cause the police to request that person to leave the restricted area immediately.

Sec. 8.1 RULE 200 ADDENDUM A – HOSTAGE AND BARRICADED SUSPECT SITUATIONS: In order to bring hostage and barricaded suspect situations to a successful conclusion, protect the constitutional rights of accused persons and cooperate with media efforts to obtain and disseminate factual information, the media and the department must adhere to established procedures. In any hostage or barricaded situation the media will:

- Collectively designate a ground level pool camera and one pool helicopter camera for shared coverage. The Department's Chief Hostage Negotiator reserves the right to exclude aerial coverage if he/she deems it hazardous to the situation;
- Refrain from airing critical ground or aerial videotape until the situation has been resolved;
- Refrain from interfering with the negotiation process. This includes contacting, by any means, suspects or other persons involved in the situation without the guidance of the Chief Hostage Negotiator.

In any hostage or barricaded situation the Department will, under the direction of the Chief Hostage Negotiator:

- Provide the ground level camera man, accompanied at all times by an officer from Media Relations, a location within the inner perimeter;
- Provide frequent informational reports during the incident, as well as access to critical personnel after the incident;
- Provide a media station in the outer perimeter of the incident where reporters can obtain information safely during the incident without interfering in the tactical operations. Providing information shall include live remote stand-ups, interviews and informational updates without including deployment information or video footage concerning tactical operations.

Sec. 9 OMR NOTIFICATION: Officers shall direct all requests for information and interviews to the OMR when it is open. Duty Supervisors, on-scene Supervisors, and Supervisors assigned to the Operations Division shall make every effort to get pertinent information on any unusual (newsworthy) incident/arrest to the OMR as soon as possible. This will allow the OMR to disseminate the facts to the media in a timely manner while removing this obligation from other Districts/Units, which are receiving similar requests.

In addition, an OMR representative is always on call. Officers shall contact the on-call Media Relations Officer through the Operations Division for major incidents occurring during hours when the office is closed. The highest-ranking Superior Officer on scene shall make a determination as to whether or not an incident is classified as major.

The following types of incidents require notification of the Office of Media Relations by the Operations Division:

- An incident involving a potential Civil Rights Law violation. Information shall be released only with the approval of the Superintendent or a Deputy Superintendent of the Bureau of Investigative Services or a member of the Command Staff.
- An on-going trial or upcoming court case, Department policy, hiring practices, deployment of personnel, internal investigations of Department personnel or **any legal matter or potential legal matter**. Information shall be released only after clearance by the OMR, in consultation with the Legal Advisor, when applicable.
- Homicide or serious shooting or stabbing of a juvenile.
- Homicide with multiple victims.
- Suicide in a district cell.
- Multiple deaths (motor vehicle accident, fire, etc.).
- Police officer shot.
- Police officer seriously injured.
- Police officer involved in a shooting.
- Police officer involved in a serious IAD incident.

Sec. 10 RELEASE OF ROUTINE INFORMATION: When the OMR is closed, and the incident is of routine nature, such as a Part One Crime (except a Sexual Assault), the basic information, except for information outlined in Sections 3 and 4, should be given to members of the media by the Duty Supervisor or Senior Officer of the Operations Division.

If necessary on routine police matters in order to answer a legitimate request for information that may be released, the Operations Duty Supervisor will call the Unit or District involved, obtain the information and call the news media back.

The Operations Division Duty Supervisor will maintain contact with all units involved in major incidents.

Sec. 11 REQUESTS FOR INTERVIEWS: The news media and members of the public frequently direct inquiries to the Department seeking interviews on a variety of general police subjects or to request a departmental member as a guest. The decision to release such information or to grant interviews will be made, according to the facts of each situation, by the OMR. This does not apply to requests for routine information discussed above in Section 9. If you are uncertain whether information requested by the media constitutes a "Request For Interview," check with the OMR.

Command Staff members at crime or incident scenes may release information of a factual nature to the media as governed by this policy or, refer the inquiry to the Office of Media Relations. If a Command Staff member releases information to a newsperson in these situations, he/she must alert, as soon as possible, the Office of Media Relations as to the content of the information given.

Sec. 12 TOURS OF POLICE FACILITIES: Requests for tours of police facilities should be directed to the OMR for approval and assignment based upon the tactical and operational needs of the Department.

Sec. 13 ENDORSEMENT OF COMMERCIAL PRODUCTS: The Department does not endorse commercial products or allow its facilities to be used for such endorsements. Department personnel shall not make any endorsements of commercial products in their capacity as members of the Department without specific permission from the Police Commissioner.

Sec. 14 PARTICIPATION IN MOVIES, COMMERCIALS, ETC.: All requests for the use of Boston Police Department personnel and/or equipment in movies, documentaries, docudramas, commercials, advertisements, television shows, or similar projects must be cleared through the Director of the OMR.

The Department will not normally grant permission for its equipment or police facilities to be used for television, motion pictures, or other similar productions. However, representatives from the news media may be allowed to operate their cameras and recording equipment **inside** police facilities only after authorization is given by the OMR.

News media representatives have the right to be present outside police facilities at any time as long as they are not interfering with officers performing their duties.

Edward F. Davis
Police Commissioner