



**CHEVY CHASE
VILLAGE
POLICE
DEPARTMENT**

Police Chief: John Fitzgerald

GENERAL ORDER: 3-11 PUBLIC INFORMATION

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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, the general public, and law enforcement agencies in the prompt and accurate dissemination of information is a continuing goal and the policy of the Chevy Chase Village Police Department.

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 intended to protect the delicate balance of rights and duties of the news media, the public, and the police, and is designed to foster a relationship of mutual trust, cooperation, and respect.

III. PUBLIC INFORMATION COMMITMENT

A. General public

The public has great interest in—and in many instances, a right to know about—the things its police officers do. 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 or lawful 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 without having an adverse impact on police operations or the privacy or legal rights of victims, witnesses, or the accused.

IV. PUBLIC INFORMATION FUNCTION

A. The Chief of Police will function as the primary contact for information dissemination to the community directly or through the news media.

The Chief will coordinate all responses to inquiries for information. He will determine the need for and timing of press releases and will release material to all news media in a fair and equitable manner in accord with the Maryland Public Information Act.

B. General release of media information

1. Normally, information will be released by the Chief. In his absence, questions should be directed to the Lieutenant or Sergeant.
2. Although the Chief of Police is the official Department spokesperson, the Chief may, from time to time, designate another member of the Department to speak to the media. If that occurs, the Chief shall provide guidance to the designee whenever possible to assist the designee in providing appropriate information.
3. Members of the Department are encouraged to be cooperative and respectful at all times when dealing with members of the news media.
4. In most circumstances, members of the Department shall refer media inquiries to the Chief or the Lieutenant in the Chief's absence.

C. To foster cooperation and mutual respect between the news media and the Department, the public information function will include, but is not limited to:

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1. Assisting news personnel at the scenes of incidents and in covering routine news stories;
2. Maintaining availability for on-call responses to the news media;
3. Preparing and distributing Department news releases; and
4. Arranging for, and assisting at, news conferences and/or cable television broadcasts.

V. PRESS RELEASES

- A. Press releases shall be prepared as needed to inform the public about important police events.
- B. The Department will disseminate its press releases via the Media Services Division (MSD) of the Montgomery County Police Department; MSD has the ability to quickly and simultaneously send a release to all news organizations in the area.
- C. Generally, press releases will be available on the Village website, at the Village Administrative Office, and in the Communications Center.
- 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 responsibility for the investigation will be responsible for coordinating the release of information.

VI. NEWS MEDIA PERSONNEL

- A. Officers must 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.
- B. 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 while investigation, evidence collection, and related activities are on-going and restrict the media from those

areas so as not to interfere with law enforcement operations.

- C. 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.
- D. 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 crime victims (unless the victim has consented in advance);
 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 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, other than the victim as mentioned above, 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 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.

9. The names of a decedent prior to the notification of next of kin;
10. Comments which tend to suggest that a defendant has aided in the investigation;
11. Information concerning the planning of raids or other specialized enforcement efforts;
12. Information which would hinder, impede, or otherwise interfere with an on-going investigation.

B. Release of information pertaining to juveniles

1. Criminal/delinquent offenses - 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;
2. Collisions - If traffic charges are or may be placed 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 the hundred block 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 or identification of a suspect or evidence.
5. If a warrant has been issued or executed, the name, address, description, etc., of that person may be released.

D. After an arrest of an adult, the following may be released upon media request:

1. Defendant's name, age, street and city of 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;
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. Addresses and telephone numbers of police personnel will not be released.

VIII. SIGNIFICANT EVENTS

Notifications of police and Village officials concerning significant events will be made in accordance with General Order 5-23.

IX. THE GENERAL PUBLIC—VIDEO RECORDING AND PHOTOGRAPHING POLICE OFFICERS

Police officers and police departments continue to face embarrassment and lawsuits when officers illegally interfere with persons who photograph or video record police officers in the performance of their duties.

- A. Individuals have a First Amendment right to record police officers in the public discharge of their duties. The right to record is not limited to streets and sidewalks—it includes areas where individuals have a legal right to be present, including an individual's home or business, or other public or private property where the person has a right to be present, including the common areas of facilities or buildings.
- B. Members of the press and members of the general public enjoy the same rights in any area accessible to the general public. No individual is required to have or to display 'press credentials' in order to exercise his/her right to observe, photograph, or record police activity taking place in an area accessible to, or within view of, the general public.
- C. Officers must not search or seize a camera or recording device without a warrant except under very limited circumstances as described herein.
- D. Officers are prohibited from threatening, intimidating or otherwise discouraging any individual from recording police activities.

- E. Officers must not intentionally block or obstruct cameras or recording devices in any manner.
- F. Officers are prohibited from deleting recordings or photographs, and from damaging or destroying recording devices/cameras under any circumstances.
- G. A person may record public police activity unless the person engages in actions that jeopardize the safety of the officer, the suspect, or others in the vicinity, violate the law, incite others to violate the law, or obstruct police activity or a police investigation. Prior to making an arrest of an individual for a violation of law (e.g., hindering/obstructing an officer; disorderly conduct, etc.), unless exigent circumstances exist, officers must first warn the person that while they are welcome to record, they must cease their interference or they may be arrested.

Examples of prohibited conduct include:

- 1. Tampering with a witness such as:
 - (a) Repeatedly instructing a witness not to respond to an officer's questions; or
 - (b) Repeatedly instructing a witness what to say to a police officer;
- 2. Persistently engaging or attempting to engage an officer in conversation while the officer is in the midst of their duties;
- 3. Hindering a lawful arrest;
- 4. Inciting bystanders to hinder or obstruct an officer in the performance of their duties.
- H. An individual's recording of police activity from a safe distance without any attendant action intended to obstruct the activity or threaten the safety of others **does not** amount to interference.
- I. A person's expression of criticism of the police (or the police activity being observed) **does not** amount to interference.
 - 1. The First Amendment protects a significant amount of verbal criticism and challenge directed at police officers.
 - 2. Even foul expressions of disapproval towards police officers are protected under the First Amendment.
 - (a) The U.S. Supreme Court has held that 'a properly trained officer may reasonably be expected to exercise a higher degree of re-

straint' than the average citizen when it comes to reacting to insults or 'fighting words.'

- (b) Courts have given First Amendment protection to persons who made obscene gestures and yelled profanities at police officers, and they have prohibited the police from interfering with such speech.
- J. The warrantless seizure of material protected by the First Amendment (photos, videos, etc.) will be strictly scrutinized by a court. In ordinary circumstances, the seizure of cameras or recording devices without a warrant will not be reasonable. Cameras or recording devices will not be seized without a warrant unless:
 - 1. Officers have probable cause to believe that critical evidence of a felony crime is contained on/in the camera or recording device; and
 - 2. Officers first have explained the circumstances and have unsuccessfully attempted to get the consent of the person in possession of the recording device; and
 - 3. The seizure of the camera/recording device is for no longer than reasonably necessary for the officer, acting with diligence, to obtain a warrant to seize the evidence; and
 - 4. Supervisory approval has been granted for the seizure.
- K. If a camera/recording device is seized without a warrant pursuant to item 10, above, officers are prohibited from seizing or viewing the evidence contained in the device until a warrant is obtained for that seizure.

This directive voids the previous version dated 6/22/2012