



Fitchburg State University Police Department

Subject: PUBLIC RELATION AND
INFORMATION

Reference: IACLEA: 12.3.4, 12.3.5,
MPAC: 54.1.1, 54.1.3

Rescinds: Section 79

Effective Date:

November 24, 2020

Review Date:

By Order of: Michael J. Cloutier, Chief of Police

General Order

12.3

PURPOSE:

To operate effectively, the department must have the support of the community. The goal of the public information function is to obtain this support through a positive relationship of mutual trust, cooperation, and respect with the news media and the community. This can be accomplished by providing them with accurate and timely information on events that affect the lives of citizens in the community, and on the administration and operations of the Fitchburg State University Police Department.

The University maintains a Public Relations Department that is responsible for reviewing and publishing statements. When a release request is internal, (on campus) or general in nature, the Chief of Police or designee may authorize the release of information. However, in most circumstances requests for information shall be referred to, or coordinated through the Public Relations Office.

When the release of information has been authorized, it will be released with openness and candor while respecting the privacy and rights of individuals involved and the integrity of any criminal investigations.

This directive does not pertain to the sharing of work-related information with other law enforcement agencies, with equal access rights under the law. Such sharing of relevant information is an important investigatory and crime prevention tool. *IACLEA 16.2.1.b*

POLICY:

The Fitchburg State University Police Department is committed to informing the community and the news media of events within the public domain that are handled by or involve the department.

12 - Crime Prevention and Community Involvement

It is the policy of this department to cooperate fully and impartially with authorized news media representatives in their efforts to gather factual, public information pertaining to activities of the department, as long as these activities do not interfere with departmental operations, infringe upon individual rights, or violate the law. Such releases will be coordinated with Public Relations.

Information that may be of interest to the general public regarding policy, procedures, or events involving the department; or otherwise newsworthy information that is not legally protected; which does not unduly interfere with the mission of the department, infringe upon the rights of a defendant, or compromise the legitimate safety and privacy interests of officers, victims, witnesses, or others shall be released. Such releases will be coordinated with Public Relations.

PROCEDURE:

A. Public Records Overview & Advisory

Specific state statutes define "public records", required disclosures, and prohibitions or restrictions on the type and amount of information that can be released by the Department. Department members shall familiarize themselves with the following statutes, requirements and exclusions, including those laws summarized in the following sections:

1. MGL C6 s167-168 and 803 CMR 2.00-9.00 (CORI) (summarized)

"Criminal offender record information", CORI, consists of records and data; compiled by a criminal justice agency; which concern an identifiable individual; and relate to the nature or disposition of a criminal charge, arrest, or other judicial proceedings. Such information may only be released to agencies or individuals as defined by statute.

2. MGL C41 s97D (Rape / Domestic Violence Shield Law) (summarized)

"All reports of rape and sexual assault or attempts to commit such offenses, all reports of abuse perpetrated by family or household members, and all communications between police officers and victims of such offenses or abuse shall not be public reports and shall be maintained by the police departments in a manner that shall assure their confidentiality"

3. MGL C4 s7(26) Public Records Definition (summarized)

a. Public records shall mean all books, papers, maps, photographs, recorded tapes, or other documentary materials or data, made or received by any officer or employee, unless exempted as noted below:

- i. specifically exempted from disclosure by statute;
- ii. related solely to internal personnel rules and practices of the department;
- iii. personnel and medical files or information;
- iv. any materials relating to a specifically named individual, where disclosure may constitute an unwarranted invasion of personal privacy;

12 - Crime Prevention and Community Involvement

- v. inter/intra-agency memos relating to policy positions being developed;
 - vi. personal notebooks and materials which are not maintained as part of the department files;
 - vii. investigatory materials necessarily compiled out of the public view, whose disclosure would probably prejudice effective law enforcement;
 - viii. trade secrets or commercial or financial information;
 - ix. contract or agreement proposals and bids, prior to public opening;
 - x. appraisals of real property to be acquired until agreement is executed;
 - xi. the names and addresses of any persons regarding applications, licenses, transfers or sales of firearms;
 - xii. questions and answers, scoring keys, etc. to administer or score a test or examination;
 - xiii. contracts for hospital or related health care services regarding employee benefits;
 - xiv. records relating to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, etc.; relating to the security or safety of persons, buildings, structures, transportation, etc.; the disclosure of which is likely to jeopardize public safety;
 - xv. home address and telephone number of an employee;
 - xvi. name, address and phone number of employee's family members;
- b. Clarification of exemptions may be determined by the department's designated Public Record Access Officer.

4. MGL C66 s10 (Public Records Inspection) (summarized)

This statute specifies that public records shall be furnished, upon request of the keeper of records, in a reasonable time period, and upon payment of fees as defined by statute. This refers primarily to non-critical records requests, which will be handled by the department's designated Public Record Access Officers.

5. MGL C66A s1-3 (Fair Information Practices) (summarized)

This defines practices and procedures for maintaining and providing access to data files on individuals; and assuring the accuracy and availability of those files upon proper request and payment of fees as allowed by statute. These are commonly applied in the case of a "background check" request, by or about individuals.

IACLEA 16.2.1 e

12 - Crime Prevention and Community Involvement

6. MGL C41 s98F (Daily Crime / Logs) (summarized)

The Department shall keep a daily log, in a form that is easily understood, recording all responses to valid complaints received, crimes reported, the names, addresses of persons arrested and the charges against such persons arrested. All entries shall, unless otherwise provided in law, be public records available without charge to the public during regular business hours and at all other reasonable times. (Special exception noted: References to mentally and physically disabled individuals shall not be disclosed.)

7. 950 CMR 32.00 (Public Records Access) (summarized)

This Code of Massachusetts Regulation defines the terminology, process, and fees for public records requests. It ensures that the Custodian of Records provides available information, in a timely manner, upon receipt of a proper request.

8. 18 USC s2721 (DPPA) (summarized)

- a. The "Driver Privacy Protection Act" prohibits the disclosure of "Motor Vehicle Records" and "Personal Information," obtained from nationwide Registry of Motor Vehicle files, to unauthorized recipients.
- b. Authorized recipients include law enforcement agencies, insurance companies and rating boards, etc.
- c. "Motor Vehicle Record" means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by a department of motor vehicles;
 - i. 'Personal Information' identifies an individual, including an individual's:
 - ii. photograph,
 - iii. social security number,
 - iv. driver identification number,
 - v. name,
 - vi. address (but not 5-digit zip code),
 - vii. telephone number, and
 - viii. medical or disability information,
- d. But does not include information on:
 - i. vehicular accidents,
 - ii. driving violations, and
 - iii. driving status

IACLEA 16.2.1.c

9. Family Educational Rights and Privacy Act (FERPA)

12 - Crime Prevention and Community Involvement

FERPA is a federal law that affords parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to have some control over the disclosure of personally identifiable information from the education records. When a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student ("eligible student"). The FERPA statute is found at 20 U.S.C. § 1232g and the FERPA regulations are found at 34 CFR Part 99.

10. The Health Insurance Portability and Accountability Act of 1996 (HIPAA)

HIPPA is a federal law that requires the creation of national standards to protect sensitive patient health information from being disclosed without the patient's consent or knowledge.

A. Fitchburg State University Public Relations Office

The Fitchburg State University Public Relations Office serves as a valuable link between the department, and a wide range of media outlets interested in the activities of the University. This office should be accessed and utilized to maximize the effectiveness of interactions with the media at all levels.

B. The Chief of Police

The Chief of Police has the ultimate responsibility for public comments, oral or written, concerning the department, and serves as the primary spokesperson. The Chief works closely with the Public Relations Office to properly satisfy the need for release of information to the public, others within the department are authorized to release information to the media as noted in this directive.

C. Custodian of Records

1. Under MGL C66 s2 and 950 CMR 32.00, the custodian of records is the employee(s) who, in the course of their duties, has access to all department records, and controls their proper dissemination.
2. The Administrative Lieutenant and the Detective Sergeant shall serve as this department's custodians of Records.

D. Public Information Officer (PIO)

The department's Public Information Officer (PIO) holds primary responsibility for handling the public information function, and acts as the official spokesperson for the department. The Chief of Police is designated as the primary (PIO). The Chief may exercise the authority to act as, or may designate other personnel to act as, the PIO.

1. Delegation of PIO Duties through the Public Affairs Office

12 - Crime Prevention and Community Involvement

- a. It shall be the policy of this department to coordinate when possible with the Public Relations Office responsible for the issuance of all news and information released to the media.
- b. The Public Relations Office may redistribute the information utilizing their resources and contacts.

2. Duties of the Public Information Officer

- a. Oversee and/or coordinate department personnel as needed to accomplish public information tasks.
- b. Prepare and distribute information and media releases on routine activity, such as the daily activity log.
- c. Prepare and distribute information regarding Clery Act "Timely Warnings," special events, unusual occurrences, and newsworthy investigations.
- d. Be alert for positive news stories involving the department and its personnel, and distribute those instances for possible publication.
- e. Review and coordinate with Public Relations information provided to the public via interviews, media releases, media conferences, internet electronic mail (email) and the department.
- f. Ensure that the department website/social media content is continuously reviewed and updated.
- g. Serve as liaison to the Fitchburg State University Public Relations Office to review and coordinate information provided to the public via that office; and arrange or assist at incident scenes and media events as needed.
- h. Authorize and coordinate the release of information to the media regarding victims, witnesses and suspects.
- i. Coordinate and authorize the release of information concerning confidential department investigations and operations.
- j. Assist or oversee the preparation and distribution of all required reports, such as Clery Act and NIBRS crime statistics related material; public relations brochures, pamphlets; and such other informational reports.

IACLEA 12.3.4 b,c,d,&e / MPAC 54.1.1

3. PIO Duties: Off Hours

- a. Supervisory personnel may release information of a factual nature to the media as governed by this policy, upon the approval of the Chief or designee.
- b. Where the supervisor is unsure of the facts or the propriety of releasing information, they shall refer the inquiry to the PIO.

12 - Crime Prevention and Community Involvement

- c. Supervisors will be responsible for providing the daily activity log, redacted as necessary, to all persons requesting this information. The "Clery Act" requires the release during business hours to any member of the public upon request.
- d. When major events of interest to the media or public occur outside of normal business hours, the shift supervisor shall be responsible for alerting the Chief, or other designated on call department staff, so they are prepared to respond to media inquiries.
- e. If a shift supervisor or other ranking officer is present and available they may release information after authorization from the Chief or Public Relations Office.

E. Cooperation with the Media

1. Authorized news media representatives shall have reasonable access to the Chief.
2. When information must be denied to a media representative, the basis for that denial shall be fully and courteously explained.
3. When authorized public information shall be released to the media as promptly as circumstances allow, without partiality and in as objective a manner as possible.
4. After being authorized, public information may be provided to media representatives by telephone if the identity of the representative is known or can be authenticated.
5. When more than one law enforcement agency is involved in a mutual effort, the agency with primary jurisdiction will be responsible for the release, or coordinating the release, of information, unless otherwise specifically arranged.

IACLEA 12.3.4 e

F. Media Access to Crime and Incident Scenes

1. Credentialed media representatives may be granted access to crime, incident, or special event scenes. This may include closer access for personnel and equipment than is available to the general public, provided that it does not interfere with the police mission, other emergency personnel, or the movement of traffic.
2. Failure of media personnel to provide credentials may be cause for denial of the enhanced access.
3. Department personnel shall extend every reasonable courtesy to media representatives.
4. The activities of media representatives may be reasonably restricted if those activities would seriously hamper police operations, or those activities threaten to worsen a dangerous or volatile situation.
5. The media shall not be allowed access to any area, event, or crime scene where there is a possibility that evidence may be damaged, altered, destroyed, or otherwise prejudiced by its existence being published or portrayed.

12 - Crime Prevention and Community Involvement

6. Once evidence has been processed, removed, and secured by the department, the media may be allowed to enter with prior permission from the Chief, Public Relations member or a member of the University Executive Cabinet.
7. Media representatives shall not be permitted to accompany police onto private property, or into restricted areas, with personnel attempting to execute a search or arrest warrant.
8. Media should not be prevented from access to any area solely because of the possibility of their injury or death. If this is the only consideration, the media should be advised of the danger and allowed to make the decision to enter on their own volition.

IACLEA12.3.4 a & 12.3.5 / MPAC 54.1.3

G. Photography

1. Photography and other recording on private property require the permission of the owner or their representative. It is permissible for the media to photograph or record from public property.
2. News media have a right to photograph a person in custody. However, suspects or accused persons shall not be posed nor arrangements made for photographs or other recordings.
3. Officers shall not pose with persons in custody.
4. Officers shall not deliberately shield a suspect from media view unless eyewitness identification or other valid investigative needs are a concern

H. Information Disclosure Guidelines

1. Overview

Before providing information to the media or public, the following police necessities will be carefully considered, in order to:

- a. Prevent interference with, or hampering of, a police investigation;
- b. Preserve evidence;
- c. Protect the safety of the victims of the crime;
- d. Protect the identity of informants;
- e. Successfully apprehend the perpetrators of crime;
- f. Protect the constitutional rights of persons accused of a crime;
- g. Avoid prejudicial pretrial publicity.

12 - Crime Prevention and Community Involvement

2. Acceptable Information for Disclosure
 - a. Information generally appropriate for disclosure includes: Information from the daily crime / public log (except for information that is classified as prohibited as outlined in the following section);
3. Information not to be released
 - a. Any detail not included in the daily crime / public crime log
 - b. Sensitive information relating to internal investigation of police officers without the express permission of the Chief.
 - c. The prior criminal records or driver history of a person, or the existence or nonexistence of a prior criminal record except:
 - i. To other federal, state, or municipal agencies as authorized by the CORI laws.
 - ii. To warn the public of imminent danger from such a person.
 - iii. In connection with serious or violent offenses, to expedite the location and apprehension of such a person.
 - iv. The identity of a deceased victim, before confirmation that the next of kin has been notified, and a positive identification has been made;
4. The name or address of a juvenile (under 18 years of age) who is a suspect, defendant, complainant, or victim; The name or biographical information of the victim of a sexual crime;
5. The name or photograph of an undercover officer;
6. The existence or contents of any confession, admission, or statement given by a suspect; (It may be stated that the defendant "denies the charges")
7. Opinions about the guilt, innocence, character, or reputation of a suspect;
8. Statements predicting or influencing the outcome of the trial;
9. Results of any examinations or tests, or the defendant's refusal or failure to submit to any examinations or tests (such as a breath test, or a polygraph examination);
10. Statements or opinions concerning the credibility or testimony of prospective witnesses;
11. Information that may adversely affect an investigation or prosecution of a case;
12. Information about ongoing litigation;
13. Confidential medical information with privacy rights; (e.g., if a person has HIV, or mental health issues);

12 - Crime Prevention and Community Involvement

14. Specific causes of death, until officially determined by the Medical Examiner;
15. Per M.G.L. C41 s98F; the identity of any handicapped individuals being physically or mentally incapacitated, and requiring mobility assistance devices, or is bedridden;
16. The home address or telephone number of any member of the department, or their family.

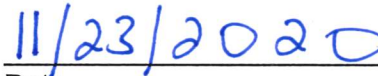
I. Information related to Suicides

The fact that a suicide or suspected suicide has occurred may be reported to the media together with factual information describing the event. This is permitted only after authorization by the Chief of Police, or a member of the Public Relations Office.

Approval:



Chief of Police



Date