

NIAGARA FALLS POLICE DEPARTMENT GENERAL ORDER

EFFECTIVE DATE: 09/09/2013	SUBJECT: PUBLIC INFORMATION; MEDIA ACCESS; FAIR TRIAL FREE PRESS GUIDELINES	Number 124.00 (NYSLEAP A-28-1; A-28-2; A-28-3)
RESCINDS: 04/15/2003		Number of pages 4

I. Purpose:

- A. The purpose of this general order is to establish policy and guidelines for releasing information to the news media. No officer in the Niagara Falls Police Department shall be denied the privilege of speaking about any matter in which he might be directly or indirectly involved provided that the guidelines for releasing information to the news media are followed.
- B. News conferences at the scene of a crime or other instances will be referred to the designated public information officer to ensure concise, accurate and timely information to the public. Unless otherwise stipulated, the designated public information officer shall be the Shift or Division Commander with the primary authority over the scene in question. In the absence of a designated public information officer, the ranking officer at the scene shall assume this responsibility.

II. Policy:

- A. Responsibility to the Media:
 1. Whenever there is an event of major proportions, the Superintendent of Police or his/her designated representative will assume responsibility for the release of information to the media.
- B. Media Access:
 1. While media representatives may be permitted in the area of a crime scene or a serious police incident, they do not have the authority to be within the crime scene or area which has been secured to preserve evidence or at any location where their presence jeopardizes police operations. Members of the media are neither implied nor expressly

exempt from any municipal, state or federal statute. The safety of all parties at the scene will be the first priority.

2. In addition to the restrictions imposed by the rules of conduct, members of the Niagara Falls Police Department shall not release information falling into the following categories:
 - a. Information that may jeopardize the successful conclusion of an investigation (access to crime scene may be restricted for this reason);
 - b. Arrest records;
 - c. Admissions or confessions made by individuals;
 - d. Victims of sex offenses;
 - e. Juvenile defendants;
 - f. Witnesses;
 - g. Personal opinions about the individual's character or information about his/her arrest or criminal record.
 - h. Deceased persons before next of kin is notified.

C. Press Releases:

1. The following information may be made available for publication when and after an arrest is made:
 - a. The Defendants name, age, address and other pertinent background information.
 - b. The substance of the complaint, indictment information and when appropriate, the identity of the complainant.
 - c. The identity of the investigating and arresting officer(s). The length of the investigation and when appropriate, the names of assisting police agencies.
 - d. The circumstances immediately surrounding the arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons and a description of items seized at the time of the arrest.
2. The Niagara Falls Police Department will adhere to the fair trial-free press guidelines as established in New York State.

D. Scope and Content of the Release of Information:

1. The scope and content of each release of information must be determined according to the facts of each situation.
2. Information relating to a particular unit or other division of the NFPD shall be released by the officer in command of that unit or division or designee.
3. Officials in command of details assigned at the scene of a special event or emergency shall make a reasonable effort to provide appropriate information to press representatives on the scene. For this purpose, such officials shall make themselves or a designed subordinate available to act as a press liaison officer.

E. Release of Information to Private Sector:

1. The following guidelines will be adhered to when requests for information are received:
 - a. No information will be given over the telephone;
 - b. Military personnel will be provided with arrest record information if they produce a signed release from the individual they are doing the background investigation on;
 - c. The Niagara County District Attorney's Office and other police agencies will be provided with information upon request;
 - d. Request for computer information (data, arrest information, insurance code, etc.) will not be given to the public;
 - e. Accident reports will be made available to citizens upon request during normal business hours and procedures;
 - f. All private sector inquiries for arrest information or information on police reports will be advised that they can apply under U.S. Law, Title 28.
 - g. Pursuant to City Ordinance, fees may be charged for the reproduction of certain reports, fingerprinting and record checks. However, victims of crimes shall receive a copy of their crime report at no charge, per the Criminal Procedure Law.

F. Non-Criminal Incidents:

1. A copy of each incident report will be made available to the media at Police Headquarters. In the event that no report has been taken, supervisors may release the details of the incident. The individual releasing the information to the news media shall take reasonable steps to insure the accuracy of the information.

2. In case of a death, victim identification shall be withheld pending notification of family.

G. Photographs:

1. Members of the news media and the public may take pictures of events which occur in public places. All other pictures in regards to crime scenes first must have permission obtained from the Division Commander and/or designated officer in charge.
2. Suspect photographs will not be released without authorization of the Superintendent of Police or designee.
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 Superintendent of Police or designee.

H. Coordination with other Law Enforcement Agencies:

1. When members of the NFPD are working in conjunction 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 prior agreement between the agencies and authorized by the Superintendent of Police.

I. Juveniles and Youthful Offenders:

1. Incidents or arrests involving juveniles or arrests for which the person could be adjudicated as a youthful offender shall be handled in the same manner as adults except that suspects' names, addresses, photographs and other identifying information shall not be disclosed.

J. Responsibility of Officers to Supply Information:

1. Frequently, due to public expectations and because of his accessibility, an officer is called upon to supply information, both related and unrelated, to the police function. All officers will appropriately refer any questions in regards to the incident to the designated public information officer if one is present or his/her immediate supervisor.