



Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

Policy # 105A

Policy Name News Media/Release of Information

Approved by *Wendell Franklin, Chief of Police*

Effective Date

Approved Date

Previous Date 04/19/2018

PURPOSE OF CHANGE:

To update the policy format and **change PIO to Communication Unit.**

POLICY:

It is the policy of the Tulsa Police Department to partner with news media organizations to meet our mission by disseminating relevant and timely information regarding criminal activity, public safety issues, crime prevention, major incidents, and any matter involving the Police Department which is of public interest. The Tulsa Police Department will be transparent regarding operations and official business within the parameters of the law and operational guidelines. Therefore, cooperation of all sworn and non-sworn police personnel regarding media inquiries is mandatory. All personnel of the Department are subject to inquiries from the news media, and it is the obligation of each member to intelligently respond to media requests within their area of responsibility. Officers receiving media requests not related to their area of responsibility shall forward the request to the TPD **Communications Unit**. Inquiries regarding policy, management decisions, personnel, or any other administrative or management issue shall be forwarded to the **Communications Unit**. Additionally, the Tulsa Police Department will release information for the purposes of engaging the public to report information related to criminal activity and suspicious behavior.

Upon approval of a TPD Division Commander, the Department will partner with an individual news media organization regarding the exclusive production of a news story where a public safety interest exists. Department personnel will not show favoritism to any news media organization or news media representative regarding exclusive projects.

Any information collected by Tulsa Police personnel in the performance of their assigned duties is the property of the Tulsa Police Department and the release of that information is subject to Tulsa Police policy and procedures. Tulsa Police personnel have a duty to maintain confidentiality regarding information pertaining to criminal investigations, criminal intelligence, investigative techniques, or police tactics when the public release of such information may interfere with a criminal investigation or cause undue danger to TPD personnel or witnesses. Furthermore, TPD personnel are prohibited from being a "confidential source" or providing "tips" to any individual news media representative for the purposes of giving advance notice of any arrest, TPD operation, or potentially newsworthy event to a single news media organization. Information of public interest will be released using the official "media release" format by the **Communications Unit** unless otherwise directed at the discretion of the Chief of Police or his designee.

News media personnel have a right to perform news gathering functions at all newsworthy events and to report or photograph anything they observe when legally present at an incident area. Officers will cooperate with the news media personnel in an open and friendly manner. However, when an incident area has been secured to preserve evidence, officers have a duty to control access to that area.

SUMMARY: Procedures governing the release of information to the news media.

APPLIES TO: All police personnel

DEFINITIONS:

AREA OF RESPONSIBILITY – the duty responsibilities, specialized information, and particular knowledge pertaining to the current assignment of Tulsa Police Department personnel.

COMMUNICATIONS UNIT – the Department’s Communication Unit 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. The Communications Unit is available on an on-call basis for incidents of such magnitude where statements to the media would interfere with scene management by on-scene officers and supervisors.

CRIMINAL INTELLIGENCE PRODUCTS – documents, electronic communications, law enforcement bulletins related to suspected criminal behavior or suspicious activity. Also includes criminal investigation updates created by the Tulsa Police Department or any other Law Enforcement Agency disseminated for the purposes of updating personnel regarding criminal investigations and crime trends, as well as suspected criminal activity and suspicious behavior. These products will be marked with a warning indicator such as, but not limited to, “Law Enforcement Sensitive” or “Not for Public Dissemination”.

INCIDENT AREA – shall include crime scenes, disaster scenes, drownings, fires, and all other emergency situations.

INVESTIGATIVE DETAILS – Information collected pursuant to a criminal investigation, investigative techniques, identity of witnesses, or any other information, plans, strategies, tactics, imminent arrests, or facts pertinent to a criminal investigation.

JOINT INFORMATION CENTER (JIC) – A facility established to coordinate all incident-related activities. It is the central point of contact for all news media at the scene of the incident. Public information officials from all participating agencies should collocate at the JIC.

JOINT INFORMATION SYSTEM (JIS) – integrates incident information and public affairs into a cohesive organization designed to provide consistent, coordinated, timely information during crisis or incident operations. The mission of the JIS is to provide a structure and system for developing and delivering coordinated interagency messages; developing, recommending, and executing public information plans and strategies on behalf of the Incident Commander (IC); advising the IC concerning public affairs issues that could affect a response effort, and controlling rumors and inaccurate information that could undermine public confidence in the emergency response effort.

NEWS MEDIA REPRESENTATIVES – those individuals who are employed by agencies of the electronic or print media such as radio, television, newspaper, or the internet.

PERSONALLY INVOLVED – when an officer is a direct party to an incident, such as being a witness, victim or a person of interest.

PUBLIC INFORMATION – information that may be of interest to the general public regarding policy, procedures, or events involving the Department, or other 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.

PUBLIC STATEMENT – a statement made to news media or posted on social media.

PROCEDURES:

1. Officers will provide assistance to news media personnel only within the limits of the officer’s area of responsibility. Requests for information that do not fall within an officer’s area of responsibility shall be referred to contact the **Communications Unit** during normal business hours.
2. The determination of what classifies as a newsworthy event is not the responsibility of the officer; officers may not dictate what may or may not be photographed. Officers will allow news media personnel access to incident areas except when secured to preserve evidence or for safety reasons.

3. Officers will inform news media personnel of any known or potential danger in the incident area. The Department shall not assume responsibility for the physical safety of news media personnel who choose to subject themselves to danger. The decision to assume the risk remains entirely with the news personnel involved.
4. Officers will restrict access to the incident area where the presence of news media personnel would further endanger officers or citizens or escalate the need for police action beyond the present situation.
5. Officers having sufficient information will generally make available information on arrests, investigations, and other incidents to the news media unless they are personally involved in the incident. Information relating to the facts and circumstances of an arrest or other incident of interest to the media may be released only during the time period reasonably contemporaneous with an arrest or incident. Officers may announce:
 - a. The facts and circumstances of arrest including the time and place of arrest, resistance, pursuit, and the use of weapons.
 - b. An arrested person's name, race, sex, age, and home address, if the individual is an adult. If the individual is under the age of 18 and does not qualify as a Youthful Offender, refer the media to the **Communications Unit** or the supervisor in charge of the incident.
 - c. Persons under the age of 18 who qualify as Youthful Offenders may be considered adults and the information released will be the same as for an adult.
 - d. The identity of the investigating and arresting officer or unit and the length of the investigation.
 - e. The description of any evidence seized if such release will not jeopardize the continuing investigation.
 - f. The scheduling or result of any stage in the judicial process.
 - g. Pertinent facts relating to the crime itself and to investigative procedures, if such release will not jeopardize the continuing investigation.
 - h. Information regarding the public safety impact and the response of the Tulsa Police Department regarding non-criminal incidents.
6. Officers may also:
 - a. Disclose the nature of the charge.
 - b. Quote from or refer without comment to public records of the court in the case.
 - c. Request assistance in obtaining evidence.
7. When personnel receiving a media inquiry do not feel they have adequate information to make an appropriate response, are personally involved in the incident, or if they are unsure of legal limits or time limitations, they shall refer the news media to their supervisor, the supervisor in charge of the incident area, or the **Communications Unit**.
8. It is the primary responsibility of supervisors and shift commanders to respond to media requests contemporaneous with an arrest or incident. When supervisors or shift commanders do not feel they have adequate information or sufficient time to answer questions at crime scenes or major incidents, they will ask the media to wait for a response or notify PSC to call-out the on-duty **Communications Unit**. Upon arrival at the scene, the **Communications Unit** will resume the responsibility for answering media requests. The **Communications Unit** will not respond to media requests after business hours unless called out by a supervisor,

shift commander, or a TPD staff member.

9. The **Communications Unit** will answer requests for information Monday through Friday during normal business hours. The **Communications Unit** will gather information regarding the media request or assist the news media in locating the best-informed departmental personnel with the most accurate information. Media requests regarding information not related to any personnel's area of responsibility will be referred to the **Communications Unit**. The **Communications Unit** will assist in preparing and distributing agency news releases, arranging news conferences, and coordinating the release of information about victims, witnesses, and suspects. The **Communications Unit** will also author and coordinate the release of information concerning confidential agency investigations, and operations as well as assist in crisis situations when necessary. When applicable, the IC will approve any release prior to information being released to the public.
10. The **Communications Unit** will coordinate with the media to publicize TPD objectives, problems, and successes and will involve the news media in the development of changes in policies and procedures relating to the public information function.
11. The **Communications Unit** will coordinate the JIC during critical incidents and work with other agencies' **Public Information Officers (PIOs)**. The PIOs of all agencies will determine a primary PIO to conduct media interviews. During critical incidents, the **Communication Unit** will establish the JIC and shall approve all media releases with the IC.
12. Requests from the media for mug shots contemporaneous with an arrest of public interest or for any other reason will be referred to the City of Tulsa Municipal Jail or TCSO at David L Moss Criminal Justice Center.
13. When supervisors in charge of an investigation determine that release of information about an incident could be detrimental to the safety of those involved or would seriously impede the investigation, they should refer the news media to the **Communications Unit**.
14. Supervisors in charge of a criminal investigation may self-initiate the release of information for the purposes of requesting information from the public or to update the status of the case at their discretion. The release of information must be made to all local news media organizations. TPD personnel will not show favoritism to any news media organization or news media representative. This does not apply to specific media requests for information.
15. Officers or employees may reply to charges of misconduct that are publicly made against them and may participate in legislative, administrative, or investigative hearings. This policy does not supersede any more restrictive rules governing the release of information regarding juveniles or other offenders.

REGULATIONS:

1. TPD initiated release of information (not responses to specific requests from media) may only be released on the official TPD media release format by the **Communications Unit** or by an in-person interview.
2. Police personnel shall not provide any criminal intelligence products, bulletins, or law enforcement sensitive documents to the news media without the authorization of the Chief of Police or his designee.
3. Personnel are authorized to release information only related to their area of responsibility. This may be done by telephone or in-person interview.
4. Police personnel are prohibited from becoming a confidential source for any news media organization or news media representative concerning the official business of the Tulsa Police Department. This includes providing advance notice of police operations, arrests, investigative details, policy issues, or any other information relative to the operation of the Tulsa Police Department. Requests for such information shall be forwarded to the **Communications Unit** or the supervisor in charge of an investigation.

5. Officers shall not release the identity of a suspect to the news media prior to arrest unless authorized by a division commander, a shift commander, the supervisor in charge of the investigation, or the **Communications Unit**.
6. Officers or employees shall not disclose any investigative details. Officers must gain supervisory approval to release information to aid in an investigation, to assist in the apprehension of a suspect, or to warn the public of any danger.
7. Officers or employees shall not release or authorize the release of any statement for dissemination by the news media at the time of arrest, issuance of an arrest warrant, or the filing of any complaint, information, or indictment in any criminal matter, until the completion of trial or disposition without trial, concerning the following:
 - a. Any information pertaining to the case not specifically approved above.
 - b. The prior criminal record or mugshots without permission of a division commander, a shift commander, a field supervisor, or the **Communications Unit**.
 - c. The character or reputation of the accused.
 - d. The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement.
 - e. The performance or results of any examination or test, or the refusal or failure of a person to submit to an examination or test, or the identity or nature of physical evidence expected to be presented (to include Breathalyzer/Intoxilyzer test results).
 - f. The possibility of a guilty plea.
 - g. Any opinion as to the accused's guilt or innocence, the merits of the case, or the evidence in the case.
8. Officers or employees shall not allow the news media to interview an arrestee unless the arrestee requests or consents to an interview in writing. The arrestee must be informed of his Miranda rights and his right to refuse to grant an interview. Prior to the interview, permission must be obtained from a division commander, a shift commander, a field supervisor, or the **Communications Unit**.
9. Officers shall not allow the deliberate posing of a person in custody for photographing or televising by representatives of the news media.
10. Information requests pertaining to administrative or criminal investigations involving Tulsa Police employees will be directed to the Chief's Office or **Communications Unit**.
11. Requests for documents or information pursuant to the Open Records Act shall be forwarded to the ISD division commander.
12. TPD supervisors may release information using the "secure media portal" as a follow-up to potentially news worthy incidents. Use of this site does not relieve personnel from answering requests by the media.
13. The Chief of Police, or designee, may release any information at their discretion.
14. With the approval of a Division Commander, TPD personnel may be involved in the production of an exclusive story regarding a specific public safety topic of interest. Approval must be obtained for each exclusive story prior to conducting the interview.

REFERENCES:

105B, *Requests for Information*
121C, *Youthful Offenders*