

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: JUNE 13, 2018

NUMBER: 1.30 - ADMINISTRATION

SUBJECT: PRESS RELEASE AND MEDIA RELATIONS

RELATED POLICY: 1.30

ORIGINATING DIVISION: MEDIA SERVICES

NEW PROCEDURE: ☐

PROCEDURAL CHANGE: ☒ **EXTENSIVE CHANGES**

SUPERSEDES: DP 1.30 – 08/01/2012

I. PURPOSE

This Department procedure establishes guidelines for the disclosure and reporting of information relating to arrested persons and criminal trials in order to protect the Constitutional right of a person to a fair trial. This procedure also establishes guidelines for the dissemination of information advising the public of criminal activity or seeking the public's assistance to locate wanted or missing persons, or to solve crimes.

II. SCOPE

This procedure applies to all members of the Department.

III. DEFINITION

Authorized News Media representatives - those persons possessing valid media credentials issued by any bona fide law enforcement agency, or other suitable identification establishing regular news media affiliation or employment (identification from the agency for whom the individual works, such as CNN).

IV. PROCEDURES FOR THE MEDIA SERVICES OFFICE

- A. The Department's Media Services Office has specific responsibility for dissemination of information and provides a Department-wide, limited resource for the various commands. However, each division and area station is responsible for establishing appropriate news media relations within that command.
- B. Department personnel shall advise the Media Services Office of media requests for assistance in preparing feature stories, "in-depth" articles, or series which require significant Department time and effort. The Media Services Office will review the request for its overall public information value to the Department and to the public and will recommend whether Department personnel should assist in the media request.
- C. Any member of the Department who prepares a news release must route the release through the Media Services Office before disseminating the release to the media. A Public Information Officer (PIO) will review the release to ensure that it conforms to Department guidelines for style and content.

EXCEPTION: The Homicide Unit has sole responsibility for conducting all media interviews at homicide or officer-involved shooting scenes and all follow-up interviews relative to those cases. The Homicide Unit will prepare and disseminate its own news releases relative to those cases.

V. PROCEDURES FOR RELEASING INFORMATION

- A. All members of the Department are encouraged to cooperate fully with authorized news media in providing information to the public about the affairs of this Department in which the public has a legitimate interest.
- B. In situations permitting, the ranking Department member most acquainted with the facts of a crime should be designated to respond to media inquiries and to conduct any media briefings. When this is not practical, the unit supervisor or division captain should respond to media questions and conduct any press briefings after subordinates acquainted with the situation have briefed him/her.
- C. Restricted Release of Certain Information

Statements of Department policy, official positions of the Department, official responses to criticism of the Department, comments critical of another department, agency, institution, or public official, or statements pertaining to pending or ongoing litigation involving the Department shall be made only by the Chief of Police or an individual designated by the Chief of Police.

1. Command personnel may release verbatim excerpts from the Department's policies and procedures or verbatim excerpts from written policies of their particular command, and may quote statutory law that affects the Department.
2. Command personnel may respond to criticism of their particular command or of the activities of members of their command, except when the criticism has resulted in an Internal Affairs investigation or other litigation.
3. Only the Chief of Police or his/her designee shall release any information regarding an internal investigation of alleged misconduct by members of the Department, or disciplinary action taken as a result of any such investigation.
 - a. Pursuant to 832.7 PC, the names of Department members subject to disciplinary action as a result of an ongoing or completed internal investigation and other details of the investigation may not be released.
 - b. Where previous publicity has resulted from the allegation, limited information, including the findings of an internal investigation, may be released without identifying specific Department members.
4. The Media Services Office may release information regarding the employment history of Department members. Such information shall be limited to age, length of service, and current assignment. Guidelines for release of personnel information are contained in 832.7 PC.

D. Watch Commander's Office

1. It is the responsibility of the Watch Commander's Office to disseminate information and available news releases to authorized news media regarding all major incidents, significant crimes, or other newsworthy events.
2. The Watch Commander shall diligently seek out relevant information from field units, and all members of the Department shall communicate such information to the Watch Commander as soon as practicable.
3. The Watch Commander shall disseminate news releases prepared by other divisions in the Department.
4. The Watch Commander may call upon the Media Services Office for assistance.

5. The ranking member of any investigations team at a crime scene may release appropriate factual information directly to authorized news media.
 6. The ranking member has the direct responsibility to provide timely information to the Watch Commander or to any Public Information Officer assigned to the incident so that a news release can be prepared.
 7. Investigative unit supervisors are directly responsible for the dissemination of follow-up information regarding matters under investigation by their units.
 8. No other member of the Department shall release information pertaining to cases, which are under investigation by detectives.
 - a. Previously disseminated news releases by the Department may be reiterated by any Department member.
 - b. Investigative unit supervisors may call upon the Media Services Office for assistance to meet the requirements of a particular investigation.
 9. Each Watch Commander on his/her respective shift is further responsible for identifying and disseminating news releases and other items, which might be of particular interest and importance to the public.
 10. Pertinent information and news releases will be emailed to Communications Division, area commands, and Traffic Division.
 11. During regular business hours, the Media Services Office will have the task of disseminating copies of Department news releases to the media as they become available.
- E. Area captains and investigative lieutenants are directly responsible for the release of appropriate Department information to the public within their assigned operational areas.
1. They shall respond to media inquiries about matters of public interest and establish a media liaison.
 2. This responsibility may be delegated on a day-to-day basis to a specific subordinate, but commanding officers remain accountable and may call upon the Media Services Office for assistance.

VI. INFORMATION WHICH MAY NOT BE RELEASED

- A. Do not release the following information regarding criminal suspects or arrested persons:
 - 1. Statements or opinions of a suspect's character, criminal record, or reputation, except to aid in apprehension of a suspect;
 - 2. The existence or content of any admission or confession;
 - 3. Any refusal by a suspect to make a statement;
 - 4. The performance or result of any examination or test;
 - 5. The identity, testimony, or credibility of any prospective witness;
 - 6. Any statement on the possibility of a guilty plea or other charges being filed;
 - 7. Any statement or opinion of the guilt or innocence of a suspect;
 - 8. The names or identities of any juveniles arrested or listed as suspects in a crime report; and,
 - 9. The name of an individual who is being evaluated for 5150 W&I or is being transported to a mental facility (W&I 5328).
- B. Any information from child abuse reports (Section 11167.5 PC).
- C. Photographs or criminal histories ("rap sheet" information).
 - 1. Officers shall not deliberately pose a person in custody for photographing or televising by representatives of the news media.
 - 2. Un-posed photographing and televising of a defendant in public places is not inappropriate. Officers should not interfere with such photographing or televising unless such photographing or televising would obstruct officers' official duties. In addition, it is legal for any citizen or member of the media to photograph or videotape officers, witnesses, victims or others while they are in public.
 - 3. No copies of "rap sheets" or any information obtained from "rap sheets" may be released (Section 11142 and 13303 PC).
- D. The names of deceased persons until the decedent's next of kin have been notified by the Medical Examiner.

- E. Information that would tend to hamper an investigation or disclose a confidential source.
- F. Residential addresses of Department members.
- G. Department members shall use discretion in providing information to the news media with a request to "hold back" or not to publish information; the news media are under no legal obligation to honor such requests. Department personnel are accountable for any "off the record" statements to the media.
- H. Per California Vehicle Code §20012, the identity of drivers involved in vehicular collisions is protected from release, except to parties to the collision or those who have a material interest in the collision, such as parents or guardians of juveniles involved in collisions or insurance carriers of the involved parties.
- I. The Commanding Officer of Traffic Division, or his/her designee, will be responsible for all news releases involving fatal collisions.

VII. INFORMATION WHICH MAY BE RELEASED

Most Department information which is not confidential or which would not hamper an investigation or jeopardize the rights of anyone can and should be released to the news media. Information that may be released within the law and this procedure can be described as:

- A. Information that is a matter of public record, and any of the following information pertaining to an adult arrested suspect (Section 6254(f)(1) GC):
 - 1. Name.
 - 2. Age.
 - 3. Residence.
 - 4. Employment or occupation.
 - 5. Charges to be sought.
 - 6. Physical description.
 - 7. Date and time of arrest.
 - 8. Location of arrest.
 - 9. Factual circumstances.
 - 10. Time and manner of release, or location where arrestee is being held.
- B. Any information necessary to obtain public assistance in the apprehension of a criminal suspect.

- C. Any information warning the public of danger or of the nature and frequency of crime in the community.
- D. Any information that might result in public assistance of any investigation.
- E. Any description of the general scope of an investigation.
- F. Circumstances surrounding an incident or arrest such as:
 - 1. Place of occurrence.
 - 2. Time and date.
 - 3. Description of resistance encountered or pursuit involved.
 - 4. Any possession or use of weapons involved.
 - 5. General description of any items seized.
 - 6. Names of Department members involved, except undercover officers.
 - 7. The duration of any investigation and identification of any other law enforcement agencies involved.
- G. Crime Victim Information

California Government Code Section 6254(f) mandates that local law enforcement agencies make public the following information:

- 1. Time and date of report.
- 2. Time, date, and location of the crime.
- 3. Name age, and current address of victim.

EXCEPTION - Government Code Section 6254(f) prohibits the disclosure of names and addresses of victims of specified sex, trafficking, stalking, and hate crimes if the victim (or parent or guardian if the victim is a minor) has requested confidentiality. These are Penal Code Sections 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, and 647.6. This prohibition is also in effect where multiple crimes have occurred and one or more of these specified crimes is alleged.

Also, under Sections 293 and 293.5 PC, Department members are prohibited from releasing the name of a victim of these specified sex crimes, if the victim has requested confidentiality. This information can be obtained from the ARJIS-2 Crime Report Form.

4. The factual circumstances of the crime.
 5. General description of injuries, property, and weapons involved.
- H. Mug shots or file photographs of adults arrested or wanted for serious crimes may be released under the following conditions:
1. To aid in the capture or to warn the public of dangerous wanted persons.
 2. The investigative unit responsible for the case has determined that the photo release will not interfere with the investigation, and the appropriate investigative lieutenant or higher-ranking authority authorizes the release.

VIII. ACCESS TO DEPARTMENT REPORTS BY NEWS MEDIA

- A. Requests for crime or arrest reports by members of the media should be made online via www.sandiego.nextrequest.com.

It should be noted that information provided to the media over and above that which is required by law may result in a voluntary waiver of its otherwise exempt status. Such information must then be made available to any member of the public who demands access or review. A report may not be "selectively" disclosed to one member of the public and withheld from others (Section 6254.5 Government Code).

- B. Juveniles

The California Supreme Court, in the case of TNG vs. Superior Court, 4 Cal. 3d 767 (1971), ruled that the Juvenile Court has the exclusive authority to determine the extent to which juvenile records and identification may be released to third parties. The TNG case does not prohibit law enforcement agencies from releasing information to news media about the facts and nature of crimes committed by juveniles. It merely prohibits the agency from identifying juveniles under the age of eighteen years who have been arrested, detained, or made a ward of the court, without first obtaining the written consent of the Juvenile Court. Matters involving juveniles that do not amount to an arrest or detention do not come within the TNG decision and there would be no restriction on disclosure to the news media.

IX. NEWS MEDIA AT DISASTER AREAS AND CRIME SCENES

Refer to Department Procedure 8.09, Media Relations at Critical Incidents, for news media procedures at disaster areas and crime scenes.

X. CALLOUT PROCEDURE FOR THE PUBLIC INFORMATION OFFICERS

The criteria for callout procedures are contained in Department Procedure 8.09, Media Relations at Critical Incidents.

NEW

XI. SOCIAL MEDIA GUIDELINES

The San Diego Police Department currently uses several primary forms of social media that include Facebook, Twitter, Nextdoor.com, Nixle, and Instagram. These platforms allow the Department to provide meaningful and timely information to our public on a variety of topics including community events, notification of crime issues, news stories and major incidents occurring in the City. The Media Services Unit serves as the Department's administrator for these social media sites.

The Department has one primary Facebook page with separate individual pages for Recruiting, STAR/PAL, and Crime Stoppers. The Department has one primary Twitter account. The Chief of Police maintains a separate Twitter account and is the sole administrator for this account.

The Department also has multiple Nextdoor.com accounts in the names of individual Department users. All requests for San Diego Police Department Nextdoor.com accounts shall be arranged through the Media Services Unit.

Department Media Services personnel will be responsible for maintaining, adding and responding to information on the Department's primary social media accounts. Only personnel who have received social media training through Media Services and who have been authorized by the Chief of Police may post content on Department social media accounts. This does not preclude Department members from reviewing or responding to information posted on the Department's social media pages from their own personal accounts. Individuals authorized to post content on Department social media accounts administered by Media Services shall adhere to the following guidelines:

- A. Use is for official police business only.
- B. Nothing of a personal nature or personal opinion shall be posted.
- C. No law enforcement sensitive information shall be posted.
- D. No criminal record information shall be posted.

- E. Photographs of minors shall be removed at the request of the depicted minor's legal guardian or a Department supervisor.
- F. Photographs of individuals shall be removed at the request of the depicted individual.
- G. Refer to the City of San Diego social media standards located on the Employee Intranet for additional guidelines.

As technology advances and additional social media sites/mechanisms become available, these standards may be amended to add or delete approved social media services as deemed appropriate.

Any questions or concerns regarding content posted to any Department social media account should be directed to the Media Services Unit.

NEW

XII. MEMBER INTERACTION ON SOCIAL MEDIA SITES

Members interacting on social networking sites shall adhere to conduct that does not reflect negatively on the Department or the City and are reminded that posting of insensitive, biased-based or derogatory comments may have adverse consequences, such as being used as exculpatory evidence in the impeachment of witness testimony in court proceedings, negative impact on future employment, public and/or private embarrassment, and may affect the efficient operations of the Department. No member shall knowingly post official photographs, video images, audio files or text documents that belong to the Department without the expressed written permission of the Chief of Police.

The use of images by any member depicting Department property, equipment, or personnel, if posted on the Internet in any manner that demean the Department's core values or violate policies and procedures, or that may have the potential to disrupt the Department, shall be subject to disciplinary action.

In order to meet the Department's safety, performance, and public-trust needs, the following are prohibited:

- A. Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Police Department or its employees.
- B. Speech or expression that, while not made pursuant to an official duty, is significantly linked, or related, to the Police Department and tends to compromise or damage the mission, function, reputation, operations, or professionalism of the Police Department or its employees.

- C. Speech or expression that could reasonably be foreseen as creating a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty or illegal behavior.
- D. Speech or expression of any form that could reasonably be foreseen as creating a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to shift change assignments or staffing of special events.
- E. Speech or expression that is contrary to the good order and discipline of the Police Department.
- F. Disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial gain, or any disclosure of such materials without the expressed authorization of the Chief or his/her designee (Penal Code § 146g.)
- G. Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of Department logos, emblems, uniforms badges, patches, marked vehicles, equipment or other material that specifically identifies the Police Department on any personal or social networking or other website or web page, without the express written permission of the Chief of Police.
- H. Failure to take reasonable and prompt action to remove any content that is in violation of this policy and/or posted by others from any web page or website maintained by the employee (e.g., social or personal website).
- I. Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally- or Department-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. The use of personally-owned communication devices during authorized breaks; however, such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.
- J. Negative comments on the internal operations of the Department, or specific conduct of supervisors or peers that impacts the public perception of the Department is not protected First Amendment speech, in accordance with established case law, and is prohibited. Officers are subject to discipline.