



PROCEDURAL NOTICE 54.1 PUBLIC INFORMATION

I. PHILOSOPHY

- A. The Dover Police Department is an organization that recognizes its most important function and duty, to serve, protect and respect the public. Paramount to the ability to serve the public is the clear, accurate, timely, and sensible communication with that public. For this effective communication, the department relies, in part, on the mass media: radio, newspapers, television, and the internet/social media.
- B. The police/media relationship benefits both parties and is dependent upon the open and honest exchanges of information and ideas. The media assists us in disseminating information to the public and, similarly, the media depends on the Dover Police Department for the facts and information necessary to fulfill their objectives. The need for a cooperative working relationship is obvious.
- C. The Dover Police Department is dedicated to providing FACTUAL information and assistance to any and all valid media inquiries, with the realization that the public gets its news through television, radio, newspaper, and the internet. The Dover Police Department Public Information Office and the media have the same goal: the accurate and TIMELY communication of factual information to the public.
- D. The Dover Police Department recognizes the content and applicability of the following precepts, laws, and ideas and will adhere to the ideals and provisions set forth in these:
 - 1. First Amendment to the Constitution
 - 2. Freedom of Information Act (FOIA) (Delaware Code Title 29 S-1001)
 - 3. "Public's right to know" as affected by public interest, public safety, public officials' accountability, and protection against public corruption and abuse
 - 4. Dover Police Department Rules and Regulations
 - 5. Federal Privacy Act (1974)
- E. The Public Information Office (PIO) policy attempts to make provisions for consistent, timely and documented responses to situations and subsequent inquiries that can arise from a particular police action. However, it is understood that every situation cannot fully be covered and dictated by this policy and its documentation. There are and will be cases where a final decision will have to be made by the PIO Officer, the Chief of Police, or command officer on scene, based on common sense, good faith and experience in concert with the provisions as set forth in this PIO policy. Such decisions will be made on a case-by-case basis, considering all factors involved and the totality of the surrounding circumstances and facts.

II. PURPOSE

The purpose of this policy is to establish the Public Information function within the Dover Police Department and to ensure the free flow of accurate and timely information to the media within set guidelines. The department also recognizes the need for transparency to build and maintain public trust and to prevent corruption within the agency. This will minimize the effect on police operations and guarantee maximum efficiency of the Dover Police Department.

III. PUBLIC INFORMATION OFFICER

The Public Information Officer (PIO) will be a sworn officer designated by the Chief of Police. The PIO will be chosen for their ability to work well with the media and provide a positive and professional image of the Department to the public. This requires a complete knowledge of departmental philosophies, regulations and procedures, along with strong personal communication skills.

The PIO's primary responsibility is to act as the liaison between the media and the department and to take a proactive role in disseminating information to them. Some of the duties include, but are not limited to:

- A. Act as central source of information and contact for the media and public.
- B. Prepare news releases and/or edit releases, forwarding them to the media as soon as possible.
- C. Conduct briefings, news conferences and interviews with the media. Where these relate to incidents involving the cooperation or assistance of other public service agencies, the Public Information Officer will be the liaison to the other agencies and coordinate both what is being released and in what fashion.
- D. Arrange for any special request by members of the media.
- E. Initiate contact with the media to request assistance with investigations, make special announcements, etc.
- F. Act as the Master of Ceremonies for any department-sponsored event involving the public or other agencies. Example: promotion ceremonies, regional meetings, etc.
- G. Assist and mediate any disputes between the media and the Department.
- H. Designate media areas and assist them at major crime scenes or incidents.
- I. Critique present policies and discuss possible policy and procedure changes with news media which pertain to the public information function.
- J. Assist the news media in covering routine news stories, and at the scenes of incidents.

- K. Assist in crisis situations.
- L. Being familiar with all agency activities, functions, operations, and programs.
- M. Proactively seek newsworthy stories that are compelling in nature and that engage the citizens the Dover Police Department serves. Content includes, but is not limited to press releases, videos, photos, and social media content.
- N. Maintain an on-call status for media and for emergency situations, high profile cases, serious incidents, or cases that attract the public's attention. The purpose of having an on-call status is twofold. The first is to allow Officers to report incidents of interest to the news media for immediate release through the Public Information Office. The second is to have the Public Information Officer available for the purpose of answering questions or clarifying points of an investigation which cannot be postponed until the next business day.
- O. It is the policy of this agency to pursue alternative methods of disseminating information directly to the public. These may include community newsletters, government access television shows, websites, social media, public appearances by department members, bulletin boards, and other means.

IV. SCOPE AND CONTENT OF NEWS RELEASES

Information will be released to properly inform the public of incidents occurring in the City of Dover. The main purpose is to enlighten the public so that they may be aware of the dangers they face and actions they may take to prevent themselves from becoming a victim of a similar incident.

Information that enables the public to assist the Dover Police Department with the investigation should also be released. However, information should not be released which hinders an investigation being brought to a successful conclusion or which endangers in any way the lives, property or safety of victims or the general public.

All information should be based on facts or reasonable conclusions based on facts as they are known.

- A. The following information is considered generally appropriate for release unless it jeopardizes an investigation or otherwise violates another provision of this policy or Delaware Law:
 - 1. Victim's Sex.
 - 2. Victim's age.
 - 3. Victim's Address (to include only street name or neighborhood without giving specific house number).
 - 4. Time and location of incident.
 - 5. Nature of crime including specific violations of Delaware Law.

6. General description of incident keeping in mind that certain details which will assist in conviction or investigation of the crime should be withheld. Example: "Subject entered the business, displayed a handgun and demanded money from the clerk on duty". This does not describe the weapon, which could be a critical detail to determine the veracity of a later confession or would strengthen the testimony of a witness later when a more detailed description like "chrome revolver" is given. On the other hand, a detail like "entered an unlocked rear sliding glass door" provides important information to the public to help prevent crime. This sometimes overshadows the importance of the investigation and should always be part of the weights and balance test to determine which details to release.
 7. Names of all adults arrested in a case. Names of juveniles following the following criteria:
 - a. Juveniles involving violent felonies.
 - b. Any juvenile involved in crimes determined to affect public safety.
 - c. Mugshots and names of juveniles not fitting the above criteria shall not be publicly released.
 8. Exact nature of formal charges placed.
 9. Disposition of the arrest to include bond, committed or released, and name of institution committed, if applicable. Verdict or plea including fine or sentence where applicable.
 10. Any information concerning description of suspects or clothing which would assist the department in identifying them.
 11. Comments concerning the length of the investigation and specific units involved in the investigation.
 12. Dover Police Department mug photos taken at the time of the current arrest may be supplied to the media only if the publication of the photo does not jeopardize the prosecution case. Most often this involves circumstances where the mug photo has been or will likely be used in the investigation to identify the suspect.
- B. The following information should not be released:
1. Identification of deceased or seriously injured persons until next of kin have been contacted and a reasonable time has lapsed so that the family can reasonably contact others they feel obligated to notify.
 2. Names of any victim except under a few rare exceptions such as:
 - a. Identity of the victim has become well known by other sources and it no longer serves any useful purpose to withhold the information.

- b. The victim for whatever reason wants their identity known.
 - c. Few, if any, circumstances would ever warrant the release of the victim's identity where sex related crimes have occurred.
 - d. Victim's next of kin has been notified and a reasonable time has elapsed so that the family can reasonably contact others they feel obligated to notify.
 - e. Restrictions on release of victim identity generally pertain only to people. Therefore, if the victim is a business or institution the identity of the victim is generally appropriate for release.
- 3. Personal opinions not based on fact.
 - 4. Unofficial statements concerning internal affairs, policy or personnel matters of the department.
 - 5. Specific content or identity of persons providing information in a case which may put them in jeopardy.
 - 6. Existence or contents of any confession or admission of guilt.
 - 7. Results of any test or examination of evidence.
 - 8. Any reference to any weakness in the case.
 - 9. Negative information regarding the character or reputation of the accused.
 - 10. Information gained from other law enforcement agencies unless they concur with the release of the information. Exception to above would be when a release is preferred by the Attorney General's Office. If this occurs there would be a joint news release.
 - 11. All information pertaining to an internal investigation will be approved by the Chief of Police prior to release.

V. PRESS RELEASES/PIO NOTIFICATIONS

- A. It shall be the responsibility of the shift/unit supervisor to have the investigating officer notify the PIO for each of the following incidents.
- B. News Releases should be made by the investigating officer concerning the following and forwarded directly to the Public Information Officer via email or by placing a copy of the press release in the PIO mailbox located in roll call or on the PIO office door.
 - 1. All Felonies.

2. All Fatal and serious injury collisions (or PI collisions with 3 or more victims).
3. All Hit and Run collisions involving personal injury or substantial property damage.
4. All unusual collisions such as damage to a building or causing delay or detour of traffic for an extended period.
5. All vehicle pursuits.
6. All drug related crimes other than simple possession of marijuana
7. Suicides (all incidents will be referred to as "apparent" suicide with media referred to the Office of the Medical Examiner's office for a final determination.)
8. Missing persons not including known runaways.
9. Officer involved shootings.
10. Drowning or accidental deaths.
11. Major disasters.
12. Riots/Large fights or brawls.
12. Bomb threats.
13. Public Disorder or disturbance involving a group of individuals.
14. Officer injury or death.
15. Follow-up clearances of any of the above.

C. The Public Information Officer should be contacted immediately (following on-call staff) by phone or in person upon the investigation of any one of the following incidents:

1. Homicide/Suicide.
2. Fatal Crash.
3. Any incident involving "High Profile Personalities"/Public Figures.
4. Robbery (Commercial Only ex. Banks/stores/etc).
5. Sexual Assault (unknown suspects).
6. Kidnapping.

7. Arson.
8. Racial Disturbance/Hate Crime.
9. Riot or Violent Pickets.
10. Prisoner escape/disturbance.
11. Death or injury of a police officer.
12. In-custody death.
13. Officer involved shootings.
14. Any assault on a police officer regardless of injury to either party (on duty or off duty).
15. Serious crash involving departmental vehicles.
16. Any use of force or the occurrence of an injury which results in the hospitalization other than normal emergency room procedures.
17. Natural Disaster or HazMat Situations.
18. Aircraft or Train Crash/Shipwreck.
19. AMBER Alerts/Gold Alerts/Child is Missing Alert.
20. Any prolonged police action/activity that is likely to draw concern from persons in the area (ex. Hostage/barricade situations).
21. Any situation which is likely to arouse special media or public attention or may cause embarrassment/ridicule/controversy to the agency.

The Public Information officer will review all releases and edit where necessary to conform to this policy. The Public Information Officer is then also responsible to see that the information is forwarded to the media as quickly and accurately as possible.

WHEN IN DOUBT, NOTIFY THE PIO!

VI. WHO WILL RELEASE INFORMATION

All contacts with the media should be channeled through and handled by the Public Information Officer when available during normal business hours. This includes media personnel that contact officers at the scene of a crime or other occurrence.

If during the off hours, the Public Information Officer will be contacted in the case of a major incident. The following list is to be used as a guideline and is not all inclusive;

A. When the Public Information officer is not available it may be necessary for other personnel to furnish preliminary information to representatives of the news media. The following personnel are authorized to release information to members of the media:

1. Unit Commander

The Unit Commander of the unit handling the investigation of an incident has full authority to release all pertinent and proper information as previously defined in this directive.

2. On-call Lieutenant

The On-call Lieutenant has the same authority as a Unit Commander in charge of the Investigation or the Public Information Officer when neither are present at the scene or otherwise available.

The On-call Lieutenant will check with the front desk officer on Saturday afternoon when they are assigned on call. The purpose of this is to determine if there were any news releases which were not previously released by the department PIO. If there are news releases, the On-call Lieutenant will obtain all pertinent information necessary to complete a news release and place the release on the media line. This may be accomplished either by telephone or at the police station.

On-call Lieutenants should review the PIO policy and contact the On-call Division Commander if any questions arise regarding release of information.

3. Platoon Leader

The Platoon Leader on duty may release information according to the following guidelines. In the absence of any of the above personnel, the platoon leader may confirm the nature of an incident ongoing, time reported, general location, number of injured or killed and the estimated time until a more complete release will be available. This preliminary information should not include the names of defendants, victims or exact charges placed.

An example of this would be, "We are currently investigating a reported stabbing in the 200 block of S. New Street. One party is being treated for injuries and a second subject is being questioned at this time. A complete and more detailed news release will be available in about 3 hours. We will be unable to make any other statements or furnish any further information until that time."

Particulars of any traffic investigation which has been completed may also be released. This should include the names of operators, age, city of residence, number of injured and general description of injuries, description of what happened and nature of charges placed. Names of injured and or killed should not be released preliminarily.

When such information is released it should be reduced to a news release form and used to brief subsequent callers until the formal release is made. This is to ensure consistent and accurate information to all members of the press.

The following routine task may also be performed by the platoon leader or desk personnel:

- a. Traffic condition reports.
- b. Special events causing possible hazards or delays to the public, for example power outages, malfunctioning traffic signals, flooding or detours.
- c. Existence and location of traffic collisions, their status (personal injury or property damage) and numbers of cars and parties involved.

VII. POLICE INTERACTION WITH NEWS MEDIA

A. Crime Scene, Crash Scene or Police Operation

1. Police lines may be established to prevent persons from entering the area of a serious police incident or crime scene. Dependent upon the tactical situation and the likelihood of jeopardizing police operations, members of the news media, including photographers, may be allowed in such areas. In no instance will members of the press be restricted from scenes where the general public is allowed access.
2. The Commanding Officer at the scene and/or Public Information officer will decide what access will be afforded to the media dependent upon such facts as safety, protection of crime scene, evidence and general welfare.

B. Crime Scene/Police Operations

While a newsperson may be permitted in the area of a crime scene or a serious police incident, they do not have the authority to be within a crime scene or area, which has been secured to preserve evidence, or at any location where their presence jeopardizes police operations.

C. Media Responsibility

A newsperson's primary responsibility is to report the news by obtaining information and photographs at newsworthy incidents. Their opportunity to do so is often momentary at an emergency scene, however, members of the news media are not exempt from any local, state or federal statute.

D. Arrest Policy

If a member of the news media fails to obey the orders of an Officer at the scene he may be arrested for either disorderly conduct (11-1301) or failing to obey a lawful order (11-1321(h)). This action should be a course of last resort after explaining to the newsperson of the action to be taken if they do not comply. (See Title 21, Section 4103A).

E. Request to Withhold Information

A newsperson may photograph or report anything they observe when legally present at an emergency scene. Where publication of such coverage would interfere with an official investigation, or place a victim, suspect or others in jeopardy, the withholding of publication is dependent upon a cooperative press, not upon censorship by the Department. Upon such circumstances, Officers should advise the newsperson or their superiors of the possible consequence of publication. However, Officers may not interfere with newsperson's activities as long as that performance remains within the confines of the law.

F. Press Credentials

The Dover Police Department does not, at present, issue a press identification card. The department **encourages** the media representatives to carry their employer identification card and display it when at a crime scene.

1. If the Public Information officers see a need for divisional identification cards for the press, the department will produce a media identification card for each member of the news media.
2. All media identification cards will remain the property of the Dover Police Department and may be revoked at any time due to inappropriate behavior.
3. The revocation of a photo identification card may be appealed, in writing, to the Chief of Police by a supervisor of the media representative who had their privileges revoked.

G. Photographing or Television (General and Crime Scene)

1. In public places, and in places where the press may otherwise lawfully be, no member shall take any action to prevent or interfere with the news media in photographing or televising an event, a suspect, an accused or any other person or thing. However, the presence of camera operators and crews shall not be allowed to significantly interfere with the police mission at hand.
2. Staff officers may properly extend cooperation when departmental property is required for the recording of interviews, news releases, documentaries or events of an unusual nature. In routine circumstances, public information programs and the press may be permitted by the Chief of Police to use their own equipment within police buildings or property.

3. Members shall not deliberately pose a suspect or accused in custody to be photographed, televised or interviewed.
4. Members shall not deliberately pose themselves with a suspect or accused, nor shall they enter into any agreement to have a suspect or accused in custody at a prearranged time or place to be photographed, televised or interviewed.
5. Police department photographs or films of the following shall not be released, except with permission from the Chief of Police or their designee:
 - a. Crime Scenes
 - b. Suspects or Accused Persons until Actual Arrest
 - c. Victims of Any Crime, Collision, or Suicide
 - d. Departmental surveillance (including in-car camera and body worn camera footage)

VIII. MEDIA INTERVIEWS WITH DEPARTMENT PERSONNEL

- A. No member of the Department will participate in, or engage in, an interview with any member of the media, electronic or print, unless the Public Information Officer or Staff Officer has been notified and approval has been granted.
- B. Any member of the media, whether it be electronic or print, who requests an interview with any member of the department must be directed to the Public Information Officer or their designee.
- C. The Public Information Officer, or their designee, will determine if the purpose of the interview is valid or is in conflict with any of the department's policies, procedures or programs.
- D. The Public Information Officer, or their designee, will notify the Chief of Police or a member of the Executive Staff if they feel the request warrants such attention.
- E. In the event the member of the department who desires permission for a media interview is unable to contact the Public Information Officer, then the on call staff officer should be notified.
- F. At no time will an interview be given until the Public Information Officer or any member of the Executive Staff or the Chief of Police, grants permission.

IX. COOPERATION WITH NEWS MEDIA

A. Permission for Use of Department Facilities

Normally, the division will not grant permission for its facilities to be used for television, motion pictures or other entertainment productions (exceptions can be made by the Chief of Police). However, when coverage is required for recording interviews, new documentaries, news releases, or events of an unusual nature,

representatives from the news media or public information programs may be allowed to use their equipment inside the facilities under supervision.

B. Tours of Dover Police Facilities

To acquaint the public with the law enforcement task, the department, upon request, will conduct tours of police facilities. The scope of such tours will be dependent upon security requirements and personnel availability.

C. Cooperation for Feature Articles or Programs

Requests for Department cooperation in the preparation of articles for newspapers, magazines and other publications will be individually considered. If approved by the Chief of Police, permission for the interviewing of division personnel and the photographing of police facilities will be limited to the scope of approval. Officers participating in the preparation of such articles should ascertain the scope of approval and should be cautious not to exceed those limits. In any event, officers should exercise care and discretion so as not to make statements or convey information which, if later quoted, may create a misunderstanding or compromise the effectiveness of the police service.

D. Filming of Actual and re-created police activity

The Dover Police Department, through coordination of the Public Information Office, will cooperate in the filming of actual and re-created police activity, as requested by national and regional television programs. Careful monitoring of incidents recorded or re-created will be maintained, and final decision will rest with the Dover Police Department as to materials released. This cooperation shall be contingent upon the legitimacy of the program and its reputation, as determined by the Chief of Police. No active investigations will be re-created, nor will any case be re-created until it is adjudicated. Any questions concerning a recreated case will be resolved through consultation with the Delaware Attorney General's office. The Dover Police Department will reserve the right to limit airing of any "live" segment that will cause embarrassment or humiliation to any member of the department, any of its members, or the general public.

E. Items A through D will be overseen and coordinated through the Public Information Office.

F. When events dictate, the Dover Police Department will conduct a news conference to disseminate information to the news media, with the approval of the Chief of Police. The Public Information Office will schedule the news conference at a convenient time for as many of the news media as possible, keeping in mind their deadlines.

G. The Dover Police Department actively seeks a good working relationship and rapport with newsgathering organizations. The Public Information Office welcomes criticism and critiques on policies as a way to strengthening the relationship between the Department and the news media.

H. Whenever possible, the Public Information Office will solicit opinions from news personnel before the implementation of new or altered policies.

I. The Dover Police Department believes the citizens and visitors of Delaware are better served when there is cooperation, trust and respect between the newsmakers and the news reporters.

J. Uniform Treatment of Media

It is absolutely necessary that all accredited representatives of the news media be treated equally and that no favoritism or discrimination be shown to one media outlet over another. If one newspaper, radio or television news bureau is furnished information needed by the Department, then other news media representatives must be furnished the identical information in order to protect the division from allegations of favoritism.

K. Withholding of Information

1. At the time information is denied to the press in the face of a legitimate inquiry, the denial shall be supported by a courteous, logical, and adequate explanation, which can be justified upon further inquiry. Failure to do this can unnecessarily damage the positive efforts to build good police/press relations.
2. Comments will not always be made in reference to on-going investigations, due to possible interference into the successful conclusion of said investigations, including due process.

L. Release of Department Members Names and Images to the Media

Names and images of department members should be incorporated into news releases by the Public Information Office only on a case-by-case basis, dependent upon the circumstances.

M. Media Ride-alongs

Media members are allowed to participate in the department's ride-along program with permission from the Chief of Police. Media members and officers will comply with the Dover Police Department's Ride-Along policy (Procedural Notice 44.2)

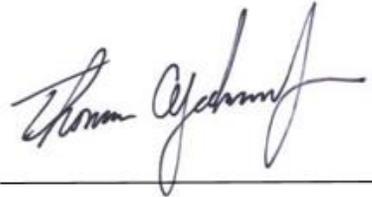
X. **SUPERSEDES**

This Order supersedes all Directives and procedures, written or otherwise, not in complete conformity herewith.

XI. **EFFECTIVE DATE**

This order shall become effective upon execution and issuance.

ORDER EXECUTED and ISSUED this 23rd day of November, 2020.

A handwritten signature in black ink, appearing to read "Thomas A. Johnson, Jr.", written over a horizontal line.

Thomas A. Johnson, Jr.
Chief of Police