



# HOPKINTON POLICE DEPARTMENT

406 Woodville Road, Hopkinton, RI 02833

ORDER	EFFECTIVE DATE	NUMBER	ISSUING DATE
GENERAL	OCTOBER 1, 2013	500.02	OCTOBER 1, 2013
SUBJECT TITLE		SUBJECT AREA	
RELEASE OF POLICE INFORMATION AND MEDIA RELATIONS		COMMUNITY SERVICES	
RIPAC REFERENCE		PREVIOUSLY ISSUED DATES	
15.2		NONE	
DISTRIBUTION	REVIEW DATE		PAGES
ALL	MARCH 1, 2014		8

## RELEASE OF POLICE INFORMATION AND MEDIA RELATIONS

### I. PURPOSE

To establish guidelines for the release of police information to the news media. To provide the news media and public with timely and accurate information regarding Department activities while ensuring that police investigations are not jeopardized by the premature release of information.

### II. POLICY

The Hopkinton Police Department actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public interest in a manner that does not hamper police operations. The Department is committed to informing the community and the news media of events within the public domain. However, certain information must be withheld from the media to protect the constitutional rights of an accused, to avoid interfering with a Department investigation, or because it is legally privileged.

### III. PROCEDURE

#### A. PUBLIC INFORMATION FUNCTION

1. The Chief of Police is designated as the Public Information Officer and is responsible for the public information function of the Department, and compliance with the Access to Public Records Act of the State of Rhode Island.

2. In the absence of the Chief of Police the Captain will be responsible for:
  - a. Assisting news personnel in covering routine news stories, and at the scene of incidents.
  - b. Being available for on-call responses to the news media.
  - c. Preparing and distributing formal news releases, subject to the approval of the Chief.
  - d. Arranging for, and assisting at news conferences.
  - e. Coordinating and authorizing the release of information about victims, witnesses and suspects.
  - f. Developing procedures for releasing information when other public service agencies are involved in a mutual effort.
3. It shall be the responsibility of the Chief of Police or designee to:
  - a. Coordinate and authorizing the release of information concerning:
    - 1) Confidential Department investigations and operations.
    - 2) Assisting in crisis situations within the department.
4. Police Officers who are approached by members of the news media for information concerning official activities of the Department are to refer all such inquiries to the O.I.C.

## **B. NEWS MEDIA/AT SCENE ACCESS**

1. News personnel and photographers covering stories at the scene of major incidents, disasters, or events will be directed to an area designated by the on scene O.I.C.
2. The area designated for the media should be convenient to the reporting of the incident so long as the investigation is not jeopardized and safety considerations are not compromised.
3. The area will be outside of the crime scene perimeter.
4. The O.I.C., should periodically update the media in accordance with this policy and Rhode Island Law.
5. If other agencies are involved in a mutual effort, the agency with primary jurisdiction will be responsible for releasing information unless other arrangements have been agreed upon.

## C. NEWS RELEASES

1. News releases are divided into three (3) categories. The frequency and content of the release depends upon the objective desired. Normally releases will be provided to those media agencies that have a direct relationship with the service community. The three types of news releases are:

**a. ONGOING INVESTIGATIONS** - It is important that all releases contain the same information. If possible a printed release will be prepared for distribution to the media. The Chief, Captain or their designee (the O.I.C. in their absence), MAY RELEASE the following information if it does not hinder the investigation:

- 1) The type of crime or nature of incident.
- 2) The location (certain restrictions apply), date, time, injuries sustained, damaged property and a brief description of the incident.
- 3) Amount and type of property taken, including value if known.
- 4) The name, age, and address of any adult charged with a crime.
- 5) The fact that a juvenile has been taken into custody, including sex, age, and general area of residence.
- 6) The nature, substance or text of the charge.
- 7) The facts, time and place of arrest.
- 8) The next step in the judicial process.
- 9) Requests for aid in locating evidence, a complainant, or a suspect. The identity of a suspect before arrest will not be disclosed except to the extent necessary to aid in the investigation, to assist in the apprehension of the suspect, or to warn the public of any danger. A person's gender, general physical characteristics, and race may be released as descriptive information in such cases.
- 10) Available photographs may be released only if they serve a valid law enforcement function such as the identity of an unknown victim or to enlist public assistance in the apprehension of the offender. Release of a photograph of an unknown victim requires the authorization of the Chief of Police.

**b. PUBLIC RELATIONS** - The Chief of Police or his designee shall be responsible for issuing public relation news releases. Information should be provided on a regular basis to all media agencies that have contact within the Department's service area. The content of the news releases may include:

- 1) Department accomplishments.
- 2) New program announcements.
- 3) Crime prevention information.
- 4) Relevant crime problems and statistics.
- 5) Appointments and promotions.

**c. EMERGENCY NEWS RELEASE** - Whenever there is an immediate need to inform the general public concerning an emergency, the on duty O.I.C. may contact the news media and issue a press release. The need for such release will depend upon the severity of the situation and the need for the public to be informed. In special situations of public concern such as natural disaster (tornadoes, severe wind, snow emergencies, floods, or rainstorms, etc.), a major fire or a chemical spill, the O.I.C. may issue a press release at their discretion. Comments to reporters should be comprised only of factual, on-the-record information. The Chief of Police will be informed of the emergency release as soon as practical.

#### **D. WITHHOLDING INFORMATION**

1. In general, comments to the news media concerning investigations, indictments, arrests and criminal incidents should be minimal, consistent with the responsibility of keeping the public informed without jeopardizing the rights of individuals.
2. The following information WILL NOT be released:
  - a. Any victim, complainant, or witness information such as identity, address, phone number, age, etc., in the following instances:
    - 1) The information is contained in an on-going investigation whereby release of such information may jeopardize successful resolution and/or prosecution of the case.
    - 2) The information is contained in any sex offense or sex related investigation which, if divulged, would tend to lead to the victim's identification.
  - b. Law enforcement officers may not disclose the identity of any juvenile in releasing information to the general public as to the arrest, investigation or disposition of any case involving a juvenile, unless under the written direction of a Justice of the Family Court.
  - c. Medical information relating to health history, any diagnosis, medical condition, treatment provided or evaluation made by health care providers

as defined in R.I.G.L. (5-37.3-3) unless specific consent has been obtained under the guidelines of R.I.G.L. (5-7.3-4).

d. The identity of any critically injured or deceased person, before notification of the next of kin.

e. Personnel data relating to any sworn member or employee of the department. Questions concerning personnel will be referred to the Chief of Police.

f. Exact information concerning an on-going investigation, whether it is a crime or traffic accident, will not be released if the information would jeopardize the investigation or prosecution of a subject.

g. Any police information released from other agencies which was furnished for confidential or law enforcement purposes, ex. BCI, Triple "III", license checks.

h. Preliminary drafts, notes, impressions, memoranda, etc.

i. Confidential intelligence or operations will not be disclosed except by the express permission of the Chief of Police.

j. Sensitive or investigative information concerning internal investigations except by express permission of the Chief of Police in accordance with the RI Law Enforcement Officer's Bill of Rights.

k. Any records required to be kept confidential by federal or state law or rule of the court.

## **E. ACCESS TO PUBLIC RECORDS**

1. The Hopkinton Police Department has appointed the Captain as the Public Records Officer.

2. The Hopkinton Police Department shall provide the name of its Public Records Officer, business address and phone number to the Department of Attorney general.

3. The Hopkinton Police department adopts the language of the public notice placard and agrees to maintain it in a prominent place in the lobby of the police station.

4. The Hopkinton Police Department adopts the Access to Public Records Procedure.

5. The Hopkinton Police Department agrees to maintain copies of the Access to Public Records Procedure at its front desk for distribution to the public.

a. If someone requests a copy of the Access to Public Records Procedure, they will be given one. These copies will be located at the front desk.

6. The Hopkinton Police Department agrees to maintain the public records request form at its front desk and shall make them readily available, as well as pens or pencils, to the public for completion.

a. In most cases reports will be available within 24 hours of the request on the following business day. Regular business hours of the record department will be 8:15 am to 3:50 pm.

b. Accident reports will generally be made available immediately at the time of the request. All other requested records will be forwarded to the Records Clerk. (Example; larceny reports, arrest reports, etc.)

c. The Chief of Police or the Captain will be responsible for any redaction or refusal of the requested information. (Examples of redacted or denial of records; witness information, victim information, juvenile defendants, ongoing investigation, suspects, medical information, social security numbers etc.)

7. The Hopkinton Police Department understands and respects the right of the Public to access public records, and will treat citizens requesting public records with courtesy consistent with the department's Rules and Regulations.

a. Officers can ask a person requesting records for their name and the reason for the report. However, if they refuse to give their name or the reason they are requesting a record they cannot and will not be denied access to the record requested.

b. If a person requesting a report refuses to give their name, the request will be completed and the copy will be left with a description of the record requested and "anonymous request" typed at the top of the envelope.

8. The Hopkinton Police Department recognizes that it has seven (7) business days to allow either the copying or the inspection of the requested public record.

9. If due to the request, the Hopkinton Police Department must seek an extension of up to additional 20 business days, the department must explain in writing why seven (7) business days is not long enough to permit the copying or inspecting of the requested records and demonstrates one of the following:

a. That the voluminous nature of the request is such that additional time is necessary to avoid imposing an undue burden on the public body;

b. That the number of requests for records pending is such that additional time is necessary to avoid imposing an undue burden on the public body; or

c. That the difficulty in searching for and retrieving or copying the requested records is such that additional time is necessary to avoid imposing an undue burden on the public body.

A failure to comply with a request to copy or inspect a public record within seven (7) days will be considered a denial and will also entitle the requesting entity or person to a waiver of all copying and search fees.

10. If we do not send the extension letter or respond to the request within the initial seven (7) days, our inaction is considered a denial and we may have waived our defenses if a court action is filed.

11. A public body must provide public records in one of the following manners as chosen by the requesting entity or person: Electronically, fax or mail. However, a public entity is exempt from complying with this requirement if doing so would be unduly burdensome due to the volume of records requested; and the costs that would be incurred.

12. Arrest records (including narrative reports) must be made available within 24 hours after receipt of a request. Such records must contain the following information:

- a. full name of the arrested adult
- b. home address of the arrested adult
- c. date of birth of the arrested adult
- d. charge or charges
- e. date of the arrest
- f. time of the arrest
- g. location of the arrest
- h. gender of the arrest
- i. race of the arrested adult
- j. name of the arresting officer

13. If we need advice as to whether a document is a "public record" we will promptly contact our town solicitor. If he or she is unable to provide an answer, he or she may contact the Civil Division of the Department of the Attorney General for an advisory opinion. If the town solicitor is for some reason unavailable, the Chief of Police may contact the Department of Attorney General directly.

14. The Chief of Police or the Public Records Officer or his/her designee should review the initial arrest report and other public documents to ensure that privacy rights of

individuals are maintained and informants or law enforcement techniques are redacted and not disclosed, utilizing the attached "checklist".

15. The Public Records Officer shall maintain a central file of all public records request forms. The file will contain the completed request forms once the request has been fulfilled or responded to. It is understood that in many instances the Hopkinton Police Department provides public records that are readily available to the requester without requiring them to complete the Public Records Request Form.

16. If someone feels they have been denied access to public records by the chief administrative officer or the custodian of the records they have the right to appeal to the Chief of Police. If they are still not satisfied they may file a complaint with the Department of the Attorney General.

17. The production of records shall not be considered untimely if the public body is awaiting receipt of payment for costs properly charged under RIGL 38-2-4, entitled "Denial of Access."

18. Only upon request does a public body have to provide an estimate of the costs of a request for documents prior to providing copies.

19. Persons or businesses are now allowed to use information from public records to solicit for commercial purposes.

## **F. MEDIA REVIEW**

1. The Hopkinton Police Department will involve the news media in the development of changes in policies and procedures relating to the public information function by allowing them to review and comment on this procedure.

Per Order,

A handwritten signature in cursive script that reads "David S. Palmer".

David S. Palmer  
Chief of Police



POLICE DEPARTMENT • TOWN OF HOPKINTON

406 Woodville Road Hopkinton, RI 02833 • 401-377-7750 FAX 401-377-7755



David S. Palmer, Chief of Police

REQUEST FOR RECORDS UNDER THE ACCESS TO PUBLIC RECORDS ACT

Date \_\_\_\_\_

Name (optional) \_\_\_\_\_

Address (optional) \_\_\_\_\_

Telephone (optional) \_\_\_\_\_

Requested Records: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If these records are not readily available at the time of your request, please advise whether you desire to:

\_\_\_\_\_ pick up the records or \_\_\_\_\_ regular mail

Office Use:

Request taken by: \_\_\_\_\_ Request Number \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Hopkinton Police Department - Access to Public Records Request Receipt

If you desire to pick up the records, they will be available on \_\_\_\_\_ at the front desk. If, after review of your request, the Department determines that the requested records are exempt from disclosure for a reason set forth in R.I.Gen. Laws Section 38-2-2(4)(i.) (A) through (W), the Department reserves its right to claim such exemption.

Note: If you chose to pick up the records but did not include identifying information on this form (name, etc.), please inform the officer/clerk at the front desk of the date you made the request, records requested and request number \_\_\_\_\_.

The completed form may be submitted in person or by mail to the attention of: "Chief of Police" Hopkinton Police Department, 406 Woodville Road Hopkinton RI 02833; or by email to [chief@hopkintonpolice.org](mailto:chief@hopkintonpolice.org) and [mcarrier@hopkintonpolice.org](mailto:mcarrier@hopkintonpolice.org) or faxed to 401-377-7755. Take into consideration faxes will go to the Dispatch Console and e-mails sometimes are diverted into junk mail. Therefore, if you do not receive a response within three (3) business days it is imperative that you telephone Chief Palmer or Captain Carrier at 401-377-7751, to make sure they have received your open records request.