



METROPOLITAN NASHVILLE POLICE DEPARTMENT

MEDIA RELATIONS

STANDARD OPERATING PROCEDURES

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MEDIA RELATIONS

1 PUBLIC INFORMATION FUNCTION (CALEA 54.1.1)

- 1.01** The Public Affairs Manager is the department's primary Public Information Officer (PIO). The PIO and staff assist the news media and police personnel in covering routine stories and will assist the media and police personnel at the scenes of major incidents.

PIOs carry department issued smart phones and are available for "on-call" responses in regard to major crime scenes or major incidents of media interest.

The duties of the PIO and staff shall include the preparation and distribution of Police Department news releases; arranging for and assisting at news conferences; coordinating and authorizing the release of information about suspects, victims and witnesses; assisting in crisis situations within the Department; coordinating and authorizing the release of information concerning confidential police investigations and operations; any other task that may be assigned by the Chief of Police.

The PIO and staff shall be available for media interviews when necessary; however, whenever possible, the actual investigating officer(s) or their immediate supervisors will be made available to respond to media questions. In most instances, members of the Department may respond directly to general media inquiries. Should the Department member need guidance or feel uncomfortable dealing with the inquiry, the PIO and staff may be contacted. There is no prohibition against Department members speaking with media representatives.

All Department members should be familiar with applicable guidelines governing what information can be released.

In situations where the Department desires to generate media interest, news conferences will be arranged or the information will be distributed via media release. Most Department news releases will be disseminated via email and posted to the Police web site.

When on the scenes of major crimes, catastrophes or unusual occurrences, the PIOs, when possible, will update the media frequently with fresh information and shall attempt to balance the interests of the media with those of the Department in determining what can be released when, and how close the media can get to the scenes.

The PIO and staff shall regularly brief the Chief of Police on significant matters.

2 INTERAGENCY COOPERATION (CALEA 54.1.1)

- 2.01** In situations where the Police Department deals with an incident involving the Fire Department or other local agency, the agency with primary jurisdiction over the incident will respond to media inquiries. In cases of inquiries about areas of special expertise, the agency with that expertise will respond.

Department personnel shall not disclose to the media information received from other law enforcement agencies unless those agencies have concurred in releasing the information.

3 NOTIFICATION OF THE PUBLIC AFFAIRS MANAGER AND STAFF

- 3.01** The Public Affairs staff should be notified of the following incidents:

- 3.01.01** Multiple homicides;
- 3.01.02** Officer involved shootings;
- 3.01.03** Officer severely injured;
- 3.01.04** Business robbery resulting in a homicide;
- 3.01.05** Serial rapist arrest;
- 3.01.06** Bank robberies with shots fired or injuries;
- 3.01.07** High profile arrests (e.g., entertainers, politicians, athletes, etc.); or
- 3.01.08** When any contingency plan ("signal 1") is in effect

4 RELEASE OF MUG SHOTS, DISSEMINATION OF IDENTIFICATION RECORDS (CALEA 54.1.1)

- 4.01** Releasing Mug Shots to Media Representatives

- 4.01.01** Mug shots of arrested individuals fall within the Tennessee Open Records Act and should be released **UNLESS** (a) the arrest for which the photograph was made has been expunged; or (b) the release of a photograph would jeopardize an on-going investigation. The PIO and staff shall have the authority to grant release requests.
- 4.01.02** When a request is made to the Public Affairs office for a mug shot involving an active, on-going case, the PIO or his staff will ascertain from other department personnel whether there is any reason why the requested material should not be released.
- 4.01.03** Generally, day-to-day requests from media representatives for mug shots should come through the department's Public Affairs Office; however officers/detectives personally involved in a case/investigation, or the supervision thereof, may disseminate mug shots as appropriate, **SO LONG AS THE MUG SHOT WAS NOT MADE IN CONNECTION WITH AN ARREST THAT HAS SINCE BEEN EXPUNGED.**

4.02 Releasing Photos of Personnel to News Media

- 4.02.01** The PIO and his staff, as representatives of the Chief of Police, shall have the authority to grant the release of department personnel photos, which are subject to disclosure under the Open Records Act, provided, however, that the requested photograph does not depict an officer currently working in an undercover capacity.

5 CRIME SCENE PERIMETERS (CALEA 54.1.3)

- 5.01** Official, authorized media representatives shall be allowed to come within a reasonable distance of crime scenes or major catastrophic events so long as the media presence does not interfere with any law enforcement or rescue operation/function. Media representatives shall be required to obey police lines and not cross them. In situations with an extreme outer perimeter, media representatives may be allowed, with proper approval/escort, to pass beyond the outer perimeter into a controlled area. Media representatives shall be required to adhere to all directives of police personnel at the scene, or they shall be escorted back to a location outside the crime scene perimeter.

NOTE: Media representatives shall be, at a minimum, granted the same unrestricted access to an area as that given to members of the general public. It is not proper to restrict media from passing beyond a certain point while, at the same time, granting access to members of the general public.

6 RELEASE OF INFORMATION (CALEA 54.1.1)

- 6.01** News media shall receive information at the scenes of major incidents from the department PIOs, or, in their absence, from the primary investigative component or the person designated by the Incident Commander to serve in the public information function.
- 6.02** Requests for information from Police Department files may be handled by:
- 6.02.01** The department PIO or his staff or Personnel Division supervisor when personnel information is requested; or
 - 6.02.02** The department PIO or his staff or Records Division supervisor when traffic crash reports are requested; or
 - 6.02.03** The department PIO or his staff, case officer, or supervisor when information is requested about active cases. Files regarding active ongoing investigations are not public record.
- 6.03** In criminal matters, the department PIO or his staff or member of the department directly involved with the case or the appropriate supervisor

may release information so long as the information released conforms to departmental guidelines.

In disseminating information about criminal matters, department members should seek to strike a balance between the public's right to know, the First Amendment guarantee of a free press and the defendant's Sixth Amendment right to a fair trial free of public pressure and a biased jury.

- 6.04** Substantive inquiries regarding administrative, internal investigations, or internal policy matters should be referred to the department PIO or his staff or the person designated by the Chief of Police.
- 6.05** The Public Affairs Office shall require that substantive requests from media outlets/production companies be submitted in writing on a Form 720 for detailed case files and data reports. Such requests may be referred to the MNPDP's Records Division (Public Records Request Coordinator). Routine requests by media representatives to the Public Affairs Office that can be handled in short order, i.e., for booking photos, can be requested verbally without the completion of a Form 720.
- 6.06** It is the policy of the Metropolitan Nashville Police Department that members shall not publicly disclose that alcohol and/or drugs were a definitive contributing factor to a motor vehicle crash unless the results of official testing (breath alcohol test, blood alcohol test, field sobriety tasks) confirm that alcohol and/or drugs were indeed contributing factors.

Members of the department may publicly disclose that alcohol and/or drugs were found at the scene of the crash, whether a driver admitted to the consumption of alcohol and/or drugs, and/or whether witnesses disclose that a driver had been drinking prior to a crash. In such matters, a representative of the department should publicly state that toxicology testing will be conducted to determine whether alcohol and/or drugs were contributing factors to the crash.

When it is confirmed that alcohol and/or drugs were contributing factors in a motor vehicle crash, members of the department shall make a good faith effort to notify the drivers involved, or in the case of a fatality crash, the immediate family members of those involved, prior to public disclosure through verbal means or through public court documents (arrest warrant/search warrants).

Reference: Public Chapter 756, effective July 1, 2016, as adopted by the Tennessee General Assembly

7 CRITICAL INCIDENT VIDEO RELEASE

7.01 Prior to release of BWC/ICC video within 72 hours of a critical incident to the media or general public as part of a media release, absent exigent circumstances (suspect at large, etc.), the Office of Public Affairs will coordinate notification to the following:

- 7.01.01** Criminal Investigations Division (ISB) Commander.
- 7.01.02** Tennessee Bureau of Investigation
- 7.01.03** Office of Professional Accountability Director
- 7.01.04** Metro Nashville community Oversight Executive Director or Assistant Director

7.02 To the extent possible, the following should be notified prior to release:

- 7.02.01** MNPD Executive Staff
- 7.02.02** Involved Officer or Counsel
- 7.02.03** Fraternal Order of Police
- 7.02.04** Family or relatives of persons who had force used on them (consider use of victim advocates or chaplain)

7.03 Release of certain video in critical incident/officer involved shooting cases:

- 7.03.01** The Public Affairs Office of the Metropolitan Nashville Police Department, in good faith, will use certain video, in what would ordinarily be protected evidence in an open law enforcement investigation, to timely inform the community of the circumstances of a critical incident/officer-involved shooting. Other material in the open investigation remains in a protected status until the investigation, being conducted by the TBI on behalf of the District Attorney, is deemed closed.

Final release authority for any critical incident video remains with the Chief of Police or authorized designee who shall be consulted concerning such release.

8 MEDIA CREDENTIALS

8.01 At certain scenes, the Metropolitan Nashville Police Department may deem it necessary to request the identifications/credentials of media representatives. The credentials may facilitate quicker access to scenes over which the police department has primary responsibility. Media representatives shall be required to obey all police lines and directives, and conduct themselves in a professional manner. A member of the

department who believes that a member of the media has failed to follow these guidelines should document the matter and forward it to the PIO staff.

9 GUIDELINES (CALEA 54.1.1)

9.01 In criminal matters, the following information may be publicly released:

- 9.01.01** Adults: The accused individual's name, age, sex, residence, employment, marital status, and any similar biographical information.
- 9.01.02** Juveniles: The name, age and address of a juvenile between the ages of 14 and 17 who is charged with the following offenses may be publicly released: first-degree murder, second-degree murder, rape, aggravated rape, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping.

The name and address of a juvenile charged with any other offense shall not be publicly released, nor shall a juvenile's prior criminal history.

However, in the course of an investigation, the police department, by standing order of the Juvenile Court of Davidson County, may release certain specific information, including photographs, regarding an at-large, juvenile offender who is deemed to pose a danger to the citizens of Nashville. Generally, such juvenile should be named in an outstanding Juvenile Court petition charging homicide, aggravated assault, aggravated robbery or aggravated rape. The department's statement about the juvenile should generally contain no information about his/her prior criminal history, the accused individual's name, age, sex, residence, employment, marital status, or any similar biographical information.

NOTE: The name and address of a juvenile charged with a criminal offense, other than those listed in #2 above, may not be released to the media. Information about any prior juvenile criminal history or other information contained in a juvenile's history file shall not be released.

- 9.01.03** The substance or text of the charge.
- 9.01.04** The identity of the arresting/investigating division or agency and length of the investigation.
- 9.01.05** The circumstances immediately surrounding the arrest, including the time and place of arrest, residence, pursuit, possession and use of weapons, and a description of items seized at the time of arrest.
- 9.01.06** The name, address, age, and sex of most victims, so long as it is deemed the disclosure does not put the victim at further risk of harm.

9.02 Sex Offenses

VICTIMS OF SEX OFFENSES AND CHILD PHYSICAL & SEXUAL ABUSE ARE SPECIFICALLY EXCLUDED FROM PROVISIONS OUTLINED IN “A” ABOVE.

- 9.02.01** In the case of adult sex offenses, only the age and sex of the victim, along with the general location of the incident, may be released.
- 9.02.02** In cases of child physical and sexual abuse, no information should be released regarding the person or entity reporting the alleged abuse.
- 9.02.03** No specific information should be released about an alleged child abuse perpetrator until an investigation has been conducted by the appropriate police department component, an arrest has been made, public safety mandates that the community be warned about an at-large suspect, or the public's assistance is needed in apprehending the suspect.
- 9.02.04** Upon arrest, a representative of the Sex Crimes Section and/or the PIO may release appropriate information about child physical and sexual abuse cases such as the type of force used against the victim and the extent of the injuries to both the victim and the assailant.

9.03 Prior Histories, Statements, and Examination Results

- 9.03.01** Members of the department shall not disclose to the media an arrest or conviction that has been expunged; however, pending criminal charges against a suspect may be disclosed. Members of the department should not make any comment about the character or reputation of the accused.
- 9.03.02** Members of the department may disclose to the media whether a suspect has given a statement, but may not disclose the specifics of the statement except to the extent the specifics are revealed in public records (e.g., department originated warrants, affidavits and indictments on cases the department is investigating, etc.). Department personnel may discuss with the media specific information contained in public records.
- 9.03.03** The results of any examinations or tests conducted on the accused (CVSA, polygraph, etc.), or the refusal by the accused to submit to any examinations or tests shall not be disclosed except only to the extent that the examinations or tests are disclosed in public records (e.g., warrants, indictments, affidavits).

9.04 Witnesses

The identity of any prospective witnesses shall, in most instances, not be disclosed to the media. The credibility or anticipated testimony of prospective witnesses shall not be disclosed.

9.05 Suicides

The specific content of suicide notes shall not be immediately released. However, suicide notes in the police department's possession at the conclusion of an investigation are a part of the public record.

9.06 Opinions

9.06.01 Department personnel shall not give opinions to the media regarding guilt or innocence of the accused.

9.06.02 Department personnel shall not give opinions to the media regarding the specific merits of a criminal case or the specific quality of evidence gathered.

9.07 A member of the department shall not prevent the photographing of any criminal defendants while they are in public places.

NOTE: While a member of the department will neither encourage nor discourage photographs, he must not pose the accused.

This section does not preclude a member of the department from masking a defendant's face if it is deemed crucial to preserve the integrity of a future line-up.

9.08 In situations involving the death or serious injury of a victim, the identity of the victim shall not be disclosed until the next of kin has been notified. Department personnel will refrain from releasing the identity of the victim until the department chaplain or other assigned department member confirms that the next of kin has been notified. (If the next of kin has not been located after a "reasonable" length of time, as determined by department personnel, the identity of the victim may be released.)

10 POLICY DEVELOPMENT (CALEA 54.1.2)

10.01 Should the need arise to make additions, deletions or other changes in policies and procedures affecting the news media, a reasonable effort will be made to inform media representatives of such planned changes for their purview before final adoption of such policies/procedures.

10.02 While this provision is not intended to seek the permission of the news media to make necessary changes in press policies and procedures, it is desirable to gain media input and cooperation in a continuing effort for mutual understanding and appreciation for one another's role and responsibilities.

11 Career Enrichment

11.1 Seminars and training opportunities, such as the National Information Officers' Association (NIOA) annual conference, have great value. Attendance by, at minimum, the Public Affairs Manager at training events will be coordinated as resources allow.