



MEDFIELD POLICE DEPARTMENT

POLICY NO. 4.03

POLICE MEDIA RELATIONS

MASSACHUSETTS POLICE ACCREDITATION
STANDARDS

REFERENCED: **54.1.1, 54.1.3**

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Michelle Guerette
Chief of Police

BACKGROUND:

To operate effectively, the Medfield Police Department must have the support of the community. The goal of the public information function is to obtain this support by providing the community, via the news media, with accurate and timely information on events that affect the lives of citizens, and on the Department's administration and operations. While maintaining the privacy rights of individuals and the integrity of criminal investigations, authorized personnel will be expected to release public information with openness and candor. The Department is committed to informing the community and the news media of events within the public domain that are handled by or involve the Department.

POLICY:

It is the policy of the Medfield Police Department to cooperate fully and impartially with news media representatives in their efforts to gather factual public information pertaining to activities of the Department, as long as these activities do not unduly interfere with departmental operations, infringe upon individual rights, or violate the law.

PROCEDURES:

The Department's Public Information Officer (PIO) is responsible for handling the Department's public information function and acts as the official spokesperson for the

Department. In conducting and maintaining an active liaison with the news media, he 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.

Duties of the Public Information Officer [54.1.1]

The public information function of the Department is coordinated by the Chief of Police. The Chief of Police will act as, or will designate an officer to act as, the Department's Public Information Officer (PIO). The duties of the PIO include, but are not limited to:

1. Assisting news media personnel in covering routine news stories;
2. Assisting the news media on an on-call basis;
3. Preparing and distributing news releases;
4. Arranging for, and assist at, news conferences;
5. Assisting in crisis situations within the agency;
6. Coordinating and authorize the release of information concerning departmental investigations and operations; and
7. Developing procedures for releasing information when other public service agencies are involved in a mutual effort.

Cooperation with the Media

Before providing information to the news media, or responding to inquiries from media representatives, the following requirements will be carefully considered:

1. The necessity to prevent interference with a police investigation;
2. The necessity to preserve evidence;
3. The necessity to protect the safety of crime victims;
4. The necessity to protect the identity of informants;
5. The necessity to successfully apprehend the perpetrators of crime;
6. The necessity to protect the constitutional rights of persons accused of crime; and
7. The necessity to avoid prejudicial pretrial publicity.

Authorized news media representatives shall have reasonable access to the PIO, and the Chief of Police, as governed by this policy. When information must be denied to a media representative, the basis for that denial should be fully and courteously explained. Public

information shall be released to the media as promptly as circumstances allow, without partiality, and in as objective a manner as possible.

The Shift Commander shall be responsible for ensuring that the Department's PIO and/or the Chief of Police are informed of events that may have media interest. Written press statements shall be released by the PIO. Public information may be provided to media representatives by telephone if the identity of the representative is known or can be authenticated. In certain instances, the Chief of Police, or his designee, may authorize the Shift Commander to answer general questions about newsworthy events consistent with this policy.

In instances where more than one law enforcement agency is involved in a mutual effort, the agency having primary jurisdiction should be responsible for the release, or coordinating the release, of information.

Media Access to Crime/Incident Scenes [54.1.3]

Adequately identified representatives of the news media may be granted access to the area directly adjacent to crime or accident scenes, major fires, or man-made or natural emergency situations. With approval from the Chief of Police or his designee, the media may be allowed closer access to a scene than is available to the general public so long as it does not interfere with the police mission or the movement of traffic. Failure of media personnel to provide proper identification may provide grounds for restricting access to information or to incident scenes.

The activities of media representatives may be reasonably restricted if those activities hamper police operations, or if those activities threaten to worsen a dangerous or volatile situation. Whenever officers reasonably believe it is necessary to prohibit all but emergency personnel near a crime or incident scene, they may bar entry by media representatives.

The news media shall not be allowed access to any area or scene of an incident or crime where there is a possibility that evidence may be damaged, altered, destroyed, or otherwise compromised by its existence being published or portrayed. At a crime scene in a public place, the media may be allowed to enter by permission of the commanding officer of the scene once evidence has been processed, removed, and secured by the Department.

Photography, film, or video recording on private property requires the permission of the owner or the owner's representative. It is permissible for the media to photograph or film from public property.

News media have a right to photograph a person in custody. Officers shall not act deliberately to shield a suspect from media view unless eyewitness identification is a concern.

Media Accompanying Police onto Private Property

News media representatives shall not be permitted to enter private property with departmental personnel attempting to execute a search or arrest warrant.¹

Major Crime Scenes

At the scenes of major crimes, such as hostage and barricade situations, the Shift Commander should designate a preliminary press area.

Significant Events

At the scenes of significant events, man-made or natural catastrophes, the principles of media cooperation shall be maintained to the degree that they do not interfere with the mission of the police, fire, medical, or other emergency relief workers.

Fire Scenes

Media access to and movement within fire lines shall be controlled by the fire officer-in-charge. In consultation with the fire officer-in-charge, whenever possible the ranking police officer at the scene shall establish an observation point from which the media may observe and photograph the incident. At the discretion of the police officer-in-charge, an inner perimeter may be established for the media from which to record the event.

Information Which May Be Released

Information which may be released shall either be public information or comply with the departmental policy on **Criminal Offender Record Information**.

Investigations

From the initial stage of a criminal investigation, police personnel shall refer all media requests for information to the Chief of Police, his designee or the PIO. Information which may be released in connection with investigations includes:

1. The type or nature of an event or crime;
2. The location, date and time, injuries sustained, damages, and a general description of how the incident occurred;
3. Type and quantity of property taken, excluding specific cash amounts from robberies or property value of items taken without specific approval of property owners; and
4. Requests for aid in locating evidence, a complainant, or a suspect.

¹ *Wilson v. Layne*, 119 S.Ct. 1692 (1999); *Hanlon v. Berger*, 119 S.Ct. 1706 (1999)

5. When an individual is charged with a criminal offense and is sought by law enforcement authorities, CORI information, as well as photographs or mug shots, may be released to the media to warn the public and to help locate the individual. No departmental photographs, mug shots, videotape, film, or composites of subjects in custody shall otherwise be released to the media unless authorized by the Chief of Police or his designee.

6. Number of officers or people involved in an event or investigation, and the length of the investigation; and

7. Name of the officer-in-charge of a case, his supervisor, and his division or unit assignment. (Exception: The name of any undercover officer will not be released).

The following information may not be released unless authorized by the Chief of Police:

1. The identity of a suspect prior to arrest unless such information would aid in apprehending the suspect or serve to warn the public of potential danger;

2. The identity of any victim of a sex crime or any related information which, if divulged, could lead to the victim's identity;

3. The identity of victims or witnesses, unless specifically authorized by the Chief of Police or the PIO;

4. The identity of any juvenile who is a suspect or defendant in a case subject to the jurisdiction of the juvenile court;

5. The identity of any complainant under age 17;

6. The identity of any critically injured or deceased person prior to notification of next of kin;

7. The results of any investigative procedure such as lineups, polygraph tests, or other procedures (the fact that these tests have been performed may be revealed without further comment);

8. Information which, if prematurely released, may interfere with the investigation or apprehension such as the nature of leads, specifics of a "modus operandi", details of the crime known only to the perpetrator and the police, or information that may cause the suspect to flee, or more effectively avoid apprehension;

9. Information that may be of evidentiary value in criminal proceedings;

10. Specific cause of death unless officially determined by the medical examiner;

11. The home address or telephone number of any member of the Department; and

12. The contents of any search warrant affidavit pertaining to a search warrant that has not yet been executed and returned to court.

Suicide

The fact that a suicide or suspected suicide has occurred may be reported to the media by the Chief of Police, his designee or the PIO, together with factual information describing how it happened. The name, age, address, sex and occupation of the victim may also be released following notification of next of kin. The fact that a suicide note exists may also be acknowledged without further comment. The content of such note shall not be released.

Arrest, Arrest Warrant, and Indictment

Following arrest, or the issuance of an arrest warrant or indictment, it is permissible to release:

1. The name of the accused, his age, residence, occupation, and family status, unless the accused is a juvenile or is taken into custody because of mental illness;
2. The time and place of arrest, whether pursuit was involved or resistance was encountered, whether weapons were used, charges placed against the suspect, and description of contraband seized;
3. The identity of the arresting officers and the duration of the investigation, unless the officers are engaged in undercover situations; and
4. The amount of bond, scheduled court dates, and place of the suspect's detention.

Following the arrest and formal charging of a suspect, but prior to adjudication, the following types of information **shall not be released without the expressed permission of the Chief of Police:**

1. Prior criminal conviction record, character, or reputation of the defendant;
2. Existence or contents of any confession, admission, or statement of a defendant or his failure or unwillingness to make a statement; (except it may be stated that the accused denies the charges made against him).
3. Identity, statement, or expected testimony of any witness or victim;
4. Any opinion about the guilt or innocence of a defendant or the merits of the case;
5. Any opinion or knowledge of the potential for a plea bargain or other pretrial action.
6. Any testimony by an officer or any other person during any closed judicial proceeding (such as grand jury session, a juvenile court proceeding, or any adult court proceeding to which the public was excluded).

Internal Investigations

Sensitive information relating to an internal investigation of police officers shall not be released without the express permission of the Chief of Police.

Records or Reports

In compliance with M.G.L. c. 41, s. 98F, the Department will maintain a daily log. This daily log and such administrative reports of criminal activity as specified by the Chief of Police will be made available to the public during regular business hours and other reasonable times. Entries pertaining to handicapped individuals who are physically or mentally incapacitated to the degree that they are confined to a wheelchair, or are bedridden, or require the use of a device designed to supply mobility, shall be kept in a separate log and shall not be made available to the media or general public.

Media representatives shall be denied access to the contents of investigative or incident reports except as required by the public records laws or where release of the information would:

1. Interfere with law enforcement proceedings, including pending investigations;
2. Deprive a person of the right to a fair trial or an impartial adjudication, or give one party to a controversy an undue advantage by exclusive access to such information;
3. Constitute an unwarranted invasion of the personal privacy rights of another person;
4. Reveal the identity of an individual who has furnished information to the Department under confidential circumstances;
5. Disclose investigative techniques and procedures, thereby impairing the future effectiveness of the Department; or
6. Endanger the life or physical safety of any person