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Approval: Chief of Police	Manual: Policy and Procedure			

I. PURPOSE

The purpose of this policy is to maintain public confidence, police actions and policy objectives must be disclosed in a full and open manner. The department will disseminate factual accounts of occurrences to the news media, while being cognizant of the public's right to know and the legal rights of involved individuals. Due consideration will be given to protecting the integrity of the police investigation and the confidentiality of statutorily protected records.

II. DEFINITIONS:

- A. **Public Information Officer:** Public information officer (PIO) is the communication coordinators or spokespersons of the Kinston Police Department. The primary responsibility of the PIO is to provide information to the public and media as necessary and to meet the legal requirements.
- B. **Media:** The collective communication outlets or tools used to store and deliver information or data. It is either associated with communication media or the specialized mass media communication businesses such as print media and the press, photography, advertising, cinema, broadcasting, publishing and point of sale.
- C. **Freedom of Press:** The freedom of communication and expression through mediums including various electronic media and published materials. While such freedom mostly implies the absence of interference from an overreaching state, its preservation may be sought through constitutional or other legal protections.

III. POLICY

- A. Each incident must be considered in light of its particular circumstances. Generally, the concern is whether the release of information will hamper an investigation, unnecessarily embarrass or jeopardize an innocent person, or promote pretrial prejudice to the extent that a fair trial becomes difficult or impossible. These concerns are weighed against the public's need and right to be informed.
- B. The following are established guidelines for the release of information to the media before an arrest, unless the release may hinder a criminal investigation.
 - 1. A description of the exact offense including a brief summary of events;
 - 2. Location and time of the offense;
 - 3. Injuries sustained or damages resulting from the action. Generally, release of a medical condition is prohibited;

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4. Identity of the victim, except for a sex crime victim, at-risk adult victim or child abuse victim, any juvenile;
 5. Whether or not there are suspects;
 6. Information about unidentified suspects such as a physical description or vehicle description;
 7. Identification of fugitive suspects for whom a warrant has been issued.
 8. When the public should be alerted to possible danger; and,
 9. Method of complaint (officer observation, citizen, warrant, indictment).
- E. The following established guidelines are for information THAT MAY NOT be released before an arrest:
1. Identity of suspects who are interviewed but not charged;
 2. Identity of witnesses where such information could subject them to danger or extreme embarrassment;
 3. Identity of sex crime victim, at-risk adult victim, or child abuse victim (general information is sufficient: race, sex, age), any juvenile victim;
 4. Exact address of sex offense or child abuse, where such information could lead to the identity of the victim;
 5. Exact identifying information about the weapon or other physical evidence;
 6. Any information that could be known only to the guilty party;
 7. Information about valuable items not stolen;
 8. Conjecture about suspects or fugitives or criminal record of person;
 9. The amount taken in a robbery or burglary;
 10. Identity of victims in death investigations until notification of relatives has been made;
 11. Misleading or false information;
 12. Forensic tests being performed, results of tests or failure or refusal to submit to such tests; and,

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13. School records or school information contained in a report.
 14. Information on juveniles under the age of 18.
- F. The following are established guidelines for release of information to the news media after an arrest:
1. Time and place of arrest;
 2. Defendant's name, age, residence, usual occupation, marital status, and similar background;
 3. The exact charge;
 4. Facts and circumstances relating to the arrest such as resistance, pursuit, possession or use of a weapon, description of contraband discovered;
 5. Duration of the investigations; Pretrial release or detention arrangements (including amount of bond, location of detention); and,
 6. Scheduled court date for the defendant's initial court appearance.
- G. The following established guidelines are for information that MAY NOT be released to the media after an arrest;
1. Name of defendant's employer;
 2. Comments about the character or reputation of the defendant;
 3. Prior criminal record of defendant (Records Section may release Kinston Police contacts on request of news media in accordance with state statutes) NCIC and CCIC information is not to be released;
 4. Information about the existence or content of a confession, admission, or statement by the accused;
 5. The refusal of an accused to make a statement;
 6. The refusal of an accused to submit to tests or examinations;
 7. Results of any examination or tests;
 8. Description or results of laboratory examination of physical evidence;
 9. Reenactment of the crime;

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10. Revelation that the defendant directed investigators to the location of a weapon, contraband, or other evidence;
11. Any remarks about the assumed guilt or innocence of the defendant;
12. Comments about the credibility of testimony;
13. If the information for the arrest was derived from an informant;
14. Information or records obtained from DMV; and,
15. School records or school information contained in report;
16. Information on juveniles under the age of 18.

H. Rule

1. Any employee releasing information listed as "non-release" items is to report the nature of the release to the Public Information Officer as soon as possible.
2. Department personnel should not act to prevent the lawful efforts of the media to photograph, tape, record and televise adult subjects in a public place, i.e. while seated in a police car, being escorted through the lobby, etc. and/or a sealed crime scene from outside the sealed perimeter. The media shall not be allowed to photograph subjects in custody within areas of department buildings off limits to the public at large.
3. "Mug Photos" of adult arrestees are available to the media after an arrest, at the discretion of the lead detective, or a supervisor. Releasing photographs of subjects who are juveniles charged as adults are at the discretion of the prosecuting attorney having jurisdiction over the case.
4. At major scenes, in the absence of the Public Information Officer, news media coordination is conducted by the highest ranking supervisor or designated officer. When the highest ranking supervisor on-scene contacts the Major or Chief of Police, a back-up PIO may respond to the scene or handle a telephone call from the media; depending on the nature of the event. When necessary, the highest ranking supervisor or his/her designee is in charge of answering telephone news inquiries and is to disseminate updated information. The on-scene supervisor provides the media with timely information about the events on-scene.
5. Depending on the situation, the Public Information Officer may be the highest ranking officer on scene, such as: Chief of Police, appropriate Major, Squad or Investigative Captain or Sergeant.