



Kern County Sheriff's Office
Policies and Procedures

TITLE: MEDIA RELATIONS-RELEASE OF INFORMATION		NO: I-100	
APPROVED: Donny Youngblood, Sheriff-Coroner			
REFERENCE: Government Code 6253e, 6254f			
EFFECTIVE: August 1, 1990	REVIEWED: 1/19/2018	REVISED: 03/10/2006	UPDATED: 1/19/2018

POLICY

Freedom of the press is a fundamental constitutional guarantee. The news media reports on the activities of law enforcement agencies and the administration of justice. However, it is recognized that the constitutional rights of a free press can conflict with the constitutional right of an accused to a fair trial. Article 1, Section 1 of the California Constitution grants a right to privacy to individuals, i.e., victims, witnesses, suspects, etc., under certain circumstances. Therefore, it is essential to establish guidelines for the disclosure and reporting of information relating crimes, investigations or other incidents and those individuals associated with those events.

The purpose of the policy is to provide faster, more efficient and, generally, greater access to information than is required by law (G.C. 6253e). Within the guidelines of this policy, all members of the Sheriff's Office are encouraged to cooperate fully with the media in providing information to the public about the activities of the Sheriff's Office in which the public has a legitimate interest. Members of the Sheriff's Office shall provide factual, accurate, and timely information to all news media on a fair and equal basis. Such disclosure of information shall occur unless:

- It jeopardizes the rights or safety of crime victims or witnesses, or the rights of a person accused of a crime;
- It is prohibited by statute from being released;
- It compromises the security of any investigation;
- It breaches any confidential relationship.

DIRECTIVE 1: INFORMATION WHICH WILL NOT BE RELEASED

Criminal Suspects or Arrested Persons:

- Statements or opinions of a suspect's character, criminal record or reputation, except to aid in apprehension of suspect;
- The existence or content of any admission or confession;
- Any refusal by a suspect to make a statement;

- The performance or result of any examination or test;
- The identity, testimony or credibility of any prospective witness;
- Any statement on the possibility of a guilty plea;
- Any statement or opinion of the guilt or innocence of a suspect;
- The names or identities of any juveniles arrested or listed as suspects in a crime report.

Photographs or Criminal Histories (“Rap Sheet” Information)

- Officers will not deliberately pose a person in custody for photographing or televising by representatives of the news media;
- Unposed photographing and televising of a defendant in public places is appropriate and officers should not interfere with such photographing or televising unless such photographing or televising would interfere with their official duties;
- No copies of state or local “rap sheets” or any criminal history information obtained from “rap sheets” may be released (Section 11142 P.C. 13302 P.C.). Booking photos (mug shots) are part of the criminal history and may not be released unless necessary to seek the assistance in locating a suspect who poses a danger to the public. Once the person is arrested or no longer a threat to the public, their booking photo may no longer be released.

The names of the deceased persons shall not be released to the news media until the decedent’s next of kin has been notified by the Coroner’s Division;

Information which would tend to hamper any investigation or disclose a confidential source shall not be released to the news media;

Names and addresses of any victim that is exempt from disclosure under G.C. Section 6254f shall not be released.

Addresses and phone numbers of Sheriff’s Office members shall not be released.

Witness name, address, phone number or any other personal identifiers shall not be released.

Sheriff’s Office members shall use discretion in providing information to the news media with a request to “hold back” or not to publish information as the news media is under no legal obligation to honor such requests. Sheriff’s Office personnel are accountable for any “off the record” statements to the media.

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DIRECTIVE 2: INFORMATION WHICH MAY BE RELEASED

Most Sheriff’s Office information which is not confidential or which would not hamper any investigation or jeopardize the rights or safety of anyone can and should be released to the news media. Information which may be released within the law and this policy can be described as:

- Information that is a matter of public record, and any of the following information pertaining to a suspect arrested by our agency and while charges are actually pending or being considered. After that time, refer requestor to Arrest Records.
 - Name Occupation
 - All charges including holds Physical description
 - Date & time of arrest Location of arrest
 - Factual circumstances Jail location
 - Amount of bail Age & Date of Birth
 - Time & manner of pre-trial release (bail, O.R., etc.)

- Any information necessary to obtain public assistance in the apprehension of a criminal suspect;

- Any information warning the public of danger or the nature and frequency of crime in the community;

- Any information which might result in the public assistance of any investigation;

- Any description of the general scope of any investigation;

- Circumstances surrounding an incident of arrest such as:
 - Place of occurrence;
 - Time and date;
 - Description of resistance encountered or pursuit involved;
 - Any possession or use of item seized;
 - General description of any items seized;
 - Names of Sheriff’s Office members involved except undercover officers;
 - The duration of any investigation and identification of any other law enforcement agencies involved.

- Crime Victim Information

California Government Code Section 6254(f) mandates that local law enforcement agencies make public the following information:

 - Time and date of report;
 - Time, date and location of crime;

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- Victim’s name and age;
 - The name of the victim will not be released if they are the victim of sex crimes listed below unless the victim, or if a juvenile’s parent or guardian, specifically authorizes the release of the victim’s name (P.C. 293):

- 220 261 261.5 273.5
- 286 288 646d 262
- 264 264.1 273a 273d
- 288a 289 422.6 422.7
- 422.75

- Mugshots or file photographs of adults arrested or wanted for serious crimes may be released to aid in the capture or to warn the public of a dangerous wanted person. Refer to “Photographs or Criminal Histories” section in Directive 1;
- The identity of drivers involved in vehicular accidents except when the driver or other parties are fatally injured in the accident;
- Those individuals with a property interest in the traffic accident, i.e., drivers, injured parties (personal injury or property damage), etc., may be authorized to obtain a copy of the report (CVC 20012).

DIRECTIVE 3: ACCESS TO SHERIFF’S OFFICE CRIME REPORTS BY NEWS MEDIA

In order to adequately inform the public and satisfy the basic needs of the news media, the Crime Reports Section will make available for review the daily incident resume.

- Information provided to the media, other entity, or the public, other than that which is mandated by law is considered a voluntary public disclosure. Such information loses its exempt status and must then be made available to any member of the public who demands access or review. A report may not be “selectively” disclosed. (Black Panther Party vs. Kehoe, 4 Cal. App., 3 rd, 645)

- Juveniles

The California Supreme Court in the case of T.N.G. vs. Superior Court, 4 Cal. 3d., 767 (1971), ruled that the Juvenile Court has the exclusive authority to determine that extent to which juvenile records and identification may be released to third parties. The T.N.G. case does not prohibit law enforcement agencies from releasing information to news media about the facts and nature of crimes committed by juveniles. It merely prohibits the agency from identifying juveniles under the age of

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18 years of age who have been arrested, detained or made a ward of the court, without first obtaining the written consent of the Juvenile Court.

Matters involving juveniles that do not amount to an arrest or detention do not come within the T.N.G. decision and there would be no restriction on disclosure to the news media absent any other provisions within this policy, i.e., privacy or safety of juvenile, victims of sex crimes, etc.

DIRECTIVE 4: RELEASE OF INFORMATION

In situations permitting, the ranking Sheriff's Office member most acquainted with the facts of a crime should be designated to respond to media inquiries and to conduct any press briefings. When this is not practical, the unit supervisor or division commander should respond to media questions and conduct any press briefings after he/she has been briefed by subordinates acquainted with the situation.

- Restricted Release of Certain Information

Statements of Sheriff's Office policy, official positions of the agency, official responses to criticism of the agency, comments critical of another department, agency, institution or public official, or statements pertaining to pending or ongoing litigation involving the Sheriff's Office, shall be made only by a command officer or other individuals designated by the Sheriff-Coroner.

- Only command personnel may release verbatim excerpts or copies of any portion of our policies and procedures manuals. This does not preclude personnel who are performing their assigned duties from responding to an inquiry from the public as to how a policy or procedure affects what the Sheriff's Office or employee can and cannot do, i.e., enforcement of a restraining order, Megan's Law, claims against the county, etc.
- Command personnel may respond to criticism of their particular command or of the activities of members of their command, except when the criticism has resulted in an Internal Affairs investigation as a result of alleged misconduct.
- The release of any information regarding an internal investigation of alleged misconduct by members of the Sheriff's Office or disciplinary action taken as a result of any such investigation shall be made only by the Sheriff-Coroner, Chief Deputy, or his designee. Pursuant to 832.7 P.C., the names of Sheriff's Office members subject to disciplinary action as a result of an ongoing or completed internal investigation and other details of the investigation may not be released. However, where previous publicity has resulted from the allegation, limited information including the findings of an internal investigation may be released without identifying specific Sheriff's Office members.

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- The release of any information regarding the employment history or performance of Sheriff's Office members, except verification of age, length of employment and current assignment, shall be made only by the Administrative Services Bureau. Guidelines for release of personnel information are contained in 832.7 P.C.
- Major Crimes or Other Newsworthy Events (Except homicides, suspicious deaths or officer involved use of lethal force)

It shall be the direct responsibility of the affected division commander or watch commander to release information to the news media regarding all major incidents, major crimes or other newsworthy events of which the division commander or watch commander has knowledge.

The media shall be provided the direct dial phone number of the division commanders and Sheriff's Office Watch Commander for use in gathering information.

The affected division commander or watch commander shall diligently seek out relevant information from field units, and all members of the Sheriff's Office shall communicate such information to their division commander or watch commander as practical. If available, the division commander or watch commander may call upon a P.I.O. for assistance, if available. The ranking member of any investigation team at a crime scene may release appropriate factual information directly to the news media. He/she has the direct responsibility to provide timely information to the division commander or watch commander so that a news release can be prepared.

- Investigation unit supervisors are directly responsible for the dissemination of follow-up information regarding matters under investigation by their units. Except as otherwise provided in this policy, no other member of the Sheriff's Office shall release information pertaining to cases that are under investigation by detectives. News releases issued by the Sheriff's Office may be reiterated by any Sheriff's Office member if it otherwise meets the guidelines of this policy. Investigation unit supervisors may call upon the P.I.O for assistance, if available, to meet the requirements of a particular investigation.
- Division commanders are directly responsible for release of appropriate Sheriff's Office information to the public within their assigned operational areas. They shall respond to media inquiries about matters of public interest and establish media liaison. This responsibility may be delegated on a day-to-day basis to a specific subordinate, but commanding officers remain accountable and may call upon the P.I.O. for assistance, if available.

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- Homicides, Suspicious Deaths and officer involved use of deadly force
 - Detailed information regarding these incidents shall be released by the Detective Division Commander or Homicide Unit Supervisor. The Division Commander or Unit Supervisor may designate another member of the homicide team to release information. Refer to Procedure A.

PROCEDURE A: Homicide, Suspicious Death, Officer Use of Lethal Force

Upon arrival at the scene of a homicide or suspicious death, the watch commander or shift supervisor shall limit information released to the news media to the following:

- Date and time of call
- Who responded
- The type of call (provide no details)
- Advise that homicide detectives will provide further information as it becomes available.

Example:

On July 24, 2017, at about 2100 hours, deputies assigned to the metropolitan Patrol Division responded to a reported shooting. Upon their arrival, deputies located two persons inside the residence who appeared to be the victims of a violent assault. No further information is being released pending the initial investigation by homicide detectives. A detailed report will be provided by detectives.

Detective Division Commander or Homicide Unit Supervisor Responsibilities:

The Detective Division Commander or Homicide Unit supervisor shall provide a timely report to the news media in accordance with this policy. The Detective Division Commander or Homicide Unit supervisor shall remain available to the news media and provide case updates as appropriate. Such updates may be accomplished via interview or released by way of the News Release System or the News Information Tape. **Except for the initial limited release of information as outlined in Procedure A, the Detective Division Commander, Robbery/Homicide Unit supervisor, or a member appointed by them shall make all releases of information in all homicide investigations and in any suspicious deaths or officer involved use of lethal force incidents that are investigated by the Detective Division.**

PROCEDURE B: Incident Announcement

DIRECTIVE B-1

When an incident has occurred, or is occurring that may be of interest to the media, the on duty supervisor for the particular area, or the watch commander, will advise the Communications Center to utilize the "incident announcement" portion of the e-mail News Release System to send a group page to the various media outlets to alert them to the incident. The purpose of alerting the media to these incidents is to make them aware of the incident and let them decide if

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the incident is newsworthy and/or determine if they will cover the incident while it is ongoing or fresh. At the conclusion of the incident, the supervisor on scene or the watch commander will see that a detailed news release is sent out on the e-mail system with information that meets our release policy.

DIRECTIVE B-2:

An incident announcement may be delayed if the ranking officer of the incident or the watch commander believes an immediate notification to the media and therefore the public will impede an investigation or hamper the deployment of resources or the resolution of an incident.

DIRECTIVE B-3:

At a minimum, the content of an incident announcement page will be the incident type, i.e., victim of a shooting, location of the incident, time the incident was reported and if officers are still on scene or have cleared.

Example: Two victims of a shooting, 1412 Bernard, Bakersfield, reported at 5:15 p.m., officers still on scene.

The Communications Center supervisor will:

- Access the News Release System on the computer network;
- Click on the incident announcement box in the upper left corner of the e-mail format;
- Type in the subject line what you want paged to the media (you have 100 characters of available space):
 - Ex: Deputies are on scene of a double shooting at Flower Street and Haley Street.

Note: If there are more details than character space available, you may send an additional incident announcement page.

- You cannot select a canned format or type any information in the details;
- Send the e-mail;
- You will get an e-mail confirmation.
- If the e-mail system is not available, you may call the Kern County Broadcasters Association at 328-6737 and have them page the media with the incident announcement.

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PROCEDURE C: News Releases

Directive C-1:

A news release is a detailed accounting of an incident, the follow-up to an incident, or a notification of certain information or activities that the Sheriff’s Office wants to make the media and/or public aware of. All information is to be released as long as that information does not endanger individuals, hamper an investigation, or otherwise prohibited by this policy.

Directive C-2:

News releases will generally be sent by e-mail. Any e-mail sent by use of the News Release System will automatically page the subject line to those media representatives that subscribe to the Kern County Broadcaster’s Association. A news release e-mail group has been established and resides on the Sheriff’s Office network. The group will be maintained by Technology Services Section. The news release e-mail group consists of media outlets and their representatives throughout the county. Also included in the group to receive news releases for informational purposes are the entire Sheriff’s Command Staff and the Robbery/Homicide and S.A.A.I.U. Sergeants. Access to the news release e-mail group is limited by the system’s program to command and ranking officers, Coroner Division investigators and secretary, Communication Center supervisors and senior dispatchers, administration secretaries and the Special Investigations Division secretary. Others needing access may be granted access by the Detective Division Commander.

A Sheriff’s Office member sending a news release will:

- Access the news release e-mail group on the computer network;
- Click on the “e-mail news release” box in the upper left corner of the e-mail format;
- Type in the “subject” box what the news release is about (you have 100 characters of available space).

Remember: What you type in this box will be paged to the media representatives that subscribe to the Kern County Broadcaster’s Association paging services. It must contain sufficient information to describe what the news release is about.

Ex: A news release concerning the homicide at Flower Street and Haley Street that occurred on 3/3/00 was sent by e-mail.

- Click on “canned format” and select the proper format;
 - Do not select “incident announcement” for a news release.
- Type in the appropriate Sheriff’s Office contact and their phone number;
- Type the news release in the e-mail text;

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- Send the news release;
- You will receive an e-mail confirmation that the news release has been sent.

PROCEDURE D: News Information Tape

Directive D-1

In addition to interviews and e-mail news releases, information may be released by way of the Sheriff's News Information Tape. This equipment is located in the Sheriff's Communications Facility, however, can be recorded and updated from a remote location by telephone. Such recordings are valuable to the news media, especially radio news who rely on audio presentations. **Your message may be recorded and broadcast by the media. Be professional and speak clearly when recording a message on the News Information Tape.**

A Sheriff's Office member releasing information on the News Information tape will:

- Dial **861-3123** from a touch-tone telephone to connect to the News Information Tape.
- When the announcement begins to play, enter remote access code of **1 and 0**;
After you hear the 2 beeps, enter **4** and *****;
The system will beep, rewind, and will beep again when it is ready to record;
- Speak into the telephone in a normal tone of voice;
- A few seconds after you finish speaking, the system will beep and then reset. If you do not hear the beep, enter **#** to reset the system. When you hear 2 beeps, the system is ready for another remote command.
- To listen to you new announcement, enter **4** and **1**.

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