



PUBLIC INFORMATION OFFICER

PURPOSE

The purpose of this section is to provide some supplementary information regarding the topic of public information. While the role of providing information to the media is typically restricted to official spokespersons, our jobs put us in the media spotlight quite frequently in situations other than disasters. The following information is intended to be a guide which will be critical for the Public Information Officer during a time of crisis, but at the same time represents good information for all of us as public officials.

The first part of the documentation is a copy of a course manual published by the International Association of Chiefs of Police. There is a definite law enforcement/criminal activity focus in the beginning, but that information is followed by a great deal of general information applicable to both emergency and nonemergency day-to-day scenarios.

Among the last few pages are some general guidelines regarding dealing with the press, including some specific information regarding television interviews. The last pages are media fact forms which outline useful information for each media outlet in the area.



IACP Training Program

**INNOVATIVE APPROACHES
TO THE
PUBLIC INFORMATION PROCESS**



**Presented by
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Chapter I

A View of the Relationship Between Law Enforcement and the Media

The news media reports on law enforcement activities simply because they are often newsworthy. Crimes, accidents, criminals, victims, and suspects are covered constantly by the press in words and pictures. Furthermore, the media believes that law enforcement organizations are as subject to review as any other segment of the public sector and portrays them as they deem appropriate.

In its review of law enforcement activities, the media often accuses law enforcement departments of withholding information without good reason.

At the same time, departments accuse the news media of not being factual and misrepresenting them in their efforts to preserve public safety. This dilemma seems to form the basis for conflict and identifies the age-old problem, i.e., the lack of a professional and communicative relationship. This creates tensions on both sides, breeding distrust, misunderstanding, and other negative feelings.

What is clear is that if law enforcement chief executives choose not to talk about their responsibilities, their activities, their successes, their problems, and even their failures, someone else will, and maybe not too kindly. What is also clear is that you can't expect the press to cooperate on matters of public safety if you don't establish a record of cooperating with them.

The extremes of the relationship occur when the media expects total access to the daily conduct of the department and the department feels it has good reasons for preventing that access. The best relationship is when there is **mutual** accommodation. This comes when each is treated professionally and each recognizes the other's responsibilities and when the department communicates to its fullest extent without jeopardizing investigations or public safety. This working relationship can be sustained by efforts on both sides.

How do you achieve and maintain a good working relationship? You start off by placing more emphasis on what **can** be said rather than on what **can't** be said. In other words, don't be tempted to back out of the relationship by offering a "no comment" when, in fact, your responses would not impede a pending

investigation or disturb the interests of public safety. On the contrary, your remarks might aid a pending investigation and enhance the interests of public safety. There is much that can be said and should be said about what goes on in your department. Who else is better qualified to talk about your role -- what you do and how well you do it. The answer: no one.

The good news is that there are more and more law enforcement chief executive officers and departments that are working hard at developing a good relationship with the news media. And they maintain this relationship because they experience benefits such as more factual reporting and cooperation on matters pertaining to public safety.

The bad news is that there are still leaders of law enforcement agencies, at every level of government, who continue to avoid the opportunity to develop a professional and communicative relationship with the news media. The reasons for this are often more historical and emotional than reasoned.

Some law enforcement administrators, their top staff, and the ranks are just not comfortable engaging the news media on a regular and open basis. It is this caution that tends to breed misunderstanding and distrust. These negative feelings are pervasive, developing an institutional mindset that cautions: "Beware of the press."

To be successful and effective, the relationship between police departments and the news media must be professional, cooperative, and communicative. Media personnel are routinely in a rush to meet deadlines and are typically in competition with other media sources and representatives to "cover" a story or be the first source for its release. These and other pressures can lead to incomplete or inaccurate reporting.

Yet, in spite of some recognized problems with reporting practices, the media is generally a highly professional industry that attempts to do its best under often immense logistical and operational constraints.

If law enforcement administrators and personnel deal with the media in a fair and professional manner they are more likely to get their own message across to the public, rather than one that is based on someone else's perceptions or viewpoints.

To this end, there are techniques and procedures that can assist law enforcement officers to bolster and maintain a mutually productive relationship with the media in their community. This handbook has been prepared for that purpose.

Chapter II Media Policy

A. Brief Historical Perspective

To better understand the need for law enforcement organizations to have a written media policy, it is helpful to know its historical background.

During the 1960s, the United States Supreme Court reversed several lower court decisions based, in part, on the influence news coverage had on jurors. The news source, in a number of these cases, was a police person. One of the most celebrated cases was *Sheppard v. Maxwell*. Sheppard was convicted in 1954 for bludgeoning his wife to death in the bedroom of their home. This case, reversed by the Supreme Court in 1966, was a landmark decision by the court because it made specific recommendations for avoiding the affects of prejudicial publicity, one of which was to control the release of information by police officers. This and other Supreme Court cases prompted a 1967 presidential commission, studying the nation's administration of justice system, to suggest that police departments throughout the country identify the types of information that should not be disclosed to the press before or during a trial.

Also during the 1960s, police officers were often portrayed as overly aggressive by the media as they confronted race riots and demonstrations over civil rights issues and the Vietnam war. Particularly harsh was the television coverage of the Chicago police as they confronted large numbers of demonstrators during the National Democratic Convention in 1968. Certain post-convention studies of this portrayal indicated an imbalance in the news reports. That is, they adequately covered the police response but inadequately covered what provoked their actions. A special subcommittee report of the U.S. House of Representatives in 1969 indicated that the television networks provided little information on the "nature and motives of the demonstrators."

The combination of Supreme Court decisions which admonished police for furnishing what the courts termed inappropriate information to the news media, and the harsh media portrayal of police during the riots and demonstrations, had a chilling effect on the willingness of police to cooperate with the media. This understandable caution, etched in the '60s, still affects many police departments today.

The Supreme Court decisions also prompted a study by the American Bar Association's Legal Advisory Committee on Fair Trial and Free Press. As a result of the study, a manual was published in 1969 entitled "The Rights of Fair Trial and Free Press." This publication served as the initial guide for police departments developing standards for their relationship with the news media, and much of today's police/media policy is derived from the standards it suggested.

In 1973, the National Advisory Commission on Criminal Justice Standards and Goals urged police agencies to develop policy and guidelines for working with the media and encouraged them to maintain a cooperative and communicative relationship. This report stressed the importance of the police chief in setting a professional and positive tone for police/press relations and in communicating that tone to all members of the department. Also mentioned in the report was the need to create an office of public information to handle the relationship on a daily basis.

The efforts of law enforcement departments and agencies over the years to develop policy and maintain a professional relationship with the media have been somewhat erratic, but real progress is being made.

B. Developing Media Policy

The law enforcement/media relationship is governed primarily by two separate guarantees of the U.S. Constitution. The First Amendment states that "Congress shall make no law ... abridging the freedom of speech or freedom of the press," and the Sixth Amendment declares, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed..."

These are two very diverse, and at first glance, contradictory statements. The former guarantees freedom of the press while the latter guarantees the rights of the individual to a fair and unbiased trial. Both must be served, and striking a balance between the two can be both difficult and sensitive.

Departments that are successful in maintaining this balance have well-defined policy and guidelines that serve in the best interest of the department, the accused, and the news media. This policy, in order to be mutually beneficial, must

be specific, stressing the importance of informing the public by providing appropriate information to the news media and thus maintaining public support.

The following factors are essential to any department's media policy and guidelines:

- The policy must set a positive tone for the media relationship by stressing the importance of establishing and maintaining a professional working relationship.
- The policy should identify the department's public information function, that is, who is in charge, who speaks for the department, and when is it appropriate to speak.
- The types of information concerning criminal matters that **should** be released to the news media and information that **should not** be released should be identified.
- The department's position on various matters such as crime scenes, crisis situations, press credentials, and photographs should be specified.

Law enforcement personnel should understand that their department has an obligation to report on its activities to the public it serves. In doing so, it maintains the public's trust, cooperation, and support. The most effective means to meet this obligation is to develop and maintain a satisfactory relationship with the news media by providing them with timely and appropriate information and access to the department's activities.

On occasion, however, the news media should be denied certain types of information on criminal matters in the interest of protecting the rights of both the accused and the prosecution from possible prejudicial publicity.

C. **Release of Information**

Although the Chief Executive Officer (CEO), designee, or the Public Information Officer (PIO) are the principal spokespersons, all officers in the department should be authorized, whenever feasible or warranted, to furnish information to the media upon request.

For the purpose of coordination, these requests should be processed through the PIO. However, in the absence of a supervisor or PIO, officers directly involved at the scene of an accident, crime, major incident or disaster, or similar incident should provide *basic factual information* to the press until a supervisor or PIO arrives on the scene. If an officer is prohibited from speaking to the media where he/she is the only representative from the department, it could be demeaning, frustrating, and awkward. If the officer is trained and instructed to provide brief and basic facts until a supervisor or PIO arrives, and if it does not interfere with established law enforcement responsibilities, the media most likely will credit the department and the officer for being responsive. If the officer does not speak to the media, the reporter will probably seek someone else to speak with, and their comments might not be based on fact or be in the best interests of the department. Restrictions on lower ranking officers from making appropriate remarks to the media in the course of their duties may also inadvertently encourage inappropriate remarks from anonymous officers. However, news media inquiries concerning administrative and policy matters of the department should be responded to by the Chief, the PIO, or other designee.

All departmental personnel who provide information to the news media should be guided by the law, departmental policy and guidelines, as well as discretion and common sense.

D. News Release Guidelines in Criminal Cases

The following information *should* be released to the news media in criminal matters:

- The arrested person's name, age, sex, residence, employment, marital status, and any similar biographical information;
- the substance or text of the charge, complaint, indictment, or information;
- the amount of bail;
- the identity of the investigating and arresting agency and the length of the investigation;

- the circumstances immediately surrounding the arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons, and a description of items seized at the time of the arrest;
- the type of force used against the victim and extent of injuries to the victim or the assailant;
- the age and sex of a victim (**no name**) and general location (**no address**) when rape or sex offenses are involved;
- information which may assist in an investigation, such as lookouts for persons or vehicles.

The following information *should not* be released to the news media in criminal matters:

- Observations about a defendant's prior criminal records, character, or reputation;
- statements, admissions, confessions, or alibis attributable to a defendant, or the refusal or failure of the accused to make a statement;
- the results of any examinations or tests, or the refusal or failure of the accused to submit to an examination or test;
- statements concerning the identify, anticipated testimony, or credibility of prospective witnesses;
- any opinions regarding the guilt or innocence of the accused, or the possibility of a plea of guilty to a lesser charge;
- any opinions regarding the merits of the case or quality of the evidence;
- information received from other law enforcement agencies without their prior concurrence to release that information;

- names and addresses of victims of rape or sexual assault, child abuse, juvenile defendants, witnesses, and informants;
- personnel records of members of the department.

In cases of death or serious injury, officers must first notify the next of kin prior to releasing the victim's name and address to the news media. However, if the next of kin has not been located after a reasonable length of time, this information may be released.

E. A Model Policy

This model policy was prepared by the International Association of Chiefs of Police (IACP) Policy Center staff and advisory board. The project was supported by Grant No. 87-SN-CX-K077, awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. It incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of court rulings, state laws, local ordinances, regulations, judicial and administrative decisions, and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives, customs, prerogatives, demands, divergent law enforcement strategies and philosophies, and the impact of varied agency resource capabilities, among other factors.

I. Purpose

It is the purpose of this policy to establish guidelines for release and dissemination of public information to print and broadcast news media.

II. Policy

It is the policy of this law enforcement agency to cooperate fully and impartially with authorized 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 operation, infringe upon individual rights, or violate the law.

III. Definitions

A. **Public Information:** Information that may be of interest to the general public regarding policy, procedures or events involving the department or other newsworthy information that is not legally protected, does not unduly interfere with the mission of the department, infringe upon the rights of a defendant or compromise the legitimate safety and privacy interests of officers, victims, witnesses or others.

B. **News Media Representatives:** Those individuals who are directly employed by agencies of the electronic or print media such as radio, television, and newspapers. Freelance workers in this field are to be regarded as other members of the general public unless otherwise designated by the departmental chief executive.

C. **Public Information Officer (PIO):** The department's PIO 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.

IV. Procedures

A. Duties of the PIO

The department's PIO is available to:

1. assist news personnel in covering routine news stories, and at the scenes of incidents;
2. assist the news media on an on-call basis;
3. prepare and distribute news releases;

4. arrange for, and assist at, news conferences;
5. coordinate and authorize the release of information about victims, witnesses and suspects;
6. assist in crisis situations within the agency; and
7. coordinate the release of authorized information concerning confidential agency investigations and operations.

B. Cooperation with the Media

1. Authorized news media representatives shall have reasonable access to the PIO, the agency's chief executive or designee and operations of the department as governed by this policy. When information must be denied to a media representative, the basis for that denial shall be fully and courteously explained.
2. This department recognizes authorized identification from all local, national and international news organizations. Failure of media personnel to present authorized identification may provide grounds for restricting access to requested information or to incident scenes.
3. Public information shall be released to the media as promptly as circumstances allow, without partiality and in as objective a manner as possible.
4. Public information may be provided to media representatives by telephone if the identity of the representative is known or can be authenticated.
5. Ranking officers at crime or incident scenes may release information of a factual nature to the media as governed by this policy or refer the inquiry to the PIO. Where the

officer is unsure of the facts or the propriety of releasing information, he shall refer the inquiry to the PIO.

6. Written press statements shall be released only following approval of the department's chief executive or designee.
7. The department's communications center shall inform the watch commander as soon as possible upon receipt of information about events or activities that may have media interest.
8. The watch commander shall be responsible for ensuring that the agency's PIO or chief executive is informed of events that may have media interest.

C. Investigative Information

From the initial stage of a criminal investigation until the completion of trial or disposition without trial, police personnel shall refer all requests for information to the department chief executive or designee.

1. Information that *may be* released in connection with an investigation of an event or crime includes:
 - a. the type or nature of an event or crime;
 - b. the location, date and time, injuries sustained, damages, and a general description of how the incident occurred;
 - c. type and quantity of property taken;
 - d. the identity and approximate address of a victim with the exception of sex crime victims, and in other cases where reprisals or intimidation may be employed;
 - e. requests for aid in locating evidence, a complainant or a suspect;

- f. numbers of officers or people involved in an event or investigation, and the length of the investigation; and
 - g. name of the officer in charge of a case, the supervisor and division or unit assignment (**exception: the name of any undercover officer will not be released**).
2. Information that *may not* be released in connection with an investigation of an event or crime, unless authorized by the department chief executive or designee, includes:
- a. 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;
 - b. the identity of any victim of a sex crime or any related information which, if divulged, could lead to the victim's identity;
 - c. the identity of victims or witnesses if such disclosure would prejudice an investigation to any significant degree, or if it would place the victim in personal danger;
 - d. the identity of any juvenile who is a suspect or defendant in a case subject to the jurisdiction of the juvenile court;
 - e. the identity of any critically injured or deceased person prior to notification of next of kin;
 - f. the results of any investigative procedure such as lineups, polygraph tests, fingerprint comparison, ballistics test or other procedures (the fact that these tests have been performed may be revealed without further comment);
 - g. information which, if prematurely released, may interfere with the investigation or apprehension such as the nature of leads, specifics of an "MO," 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;

- h. information that may be of evidentiary value in criminal proceedings;
- i. specific cause of death unless officially determined by the medical examiner; and
- j. the home address or telephone number of any member of the department.

D. Arrest Information

1. Following arrest, issuance of an arrest warrant, or filing of an information or indictment, it is permissible to release:
 - a. the accused's name, age, residence, occupation, and family status;
 - b. the time and place of arrest, whether pursuit or resistance was encountered, whether weapons were used, charges placed against the suspect, and description of contraband seized;
 - c. the identity of the arresting officers and the duration of the investigation unless the officers are engaged in undercover operations; and
 - d. the amount of bond, scheduled court dates, and place of the suspect's detention.
2. Following arrest and formal charging of a suspect, but prior to adjudication, the following types of information **should not** be released without express permission of the department's chief executive;

- a. Prior criminal conviction record, character or reputation of a defendant;
- b. existence or contents of any confession, admission or statement of a defendant, or his failure or unwillingness to make a statement;
- c. performance or results of any tests, or a defendant's refusal or failure to submit to tests such as a polygraph;
- d. identity, statement, or expected testimony of any witness or victim;
- e. any opinion about the guilt or innocence of a defendant or the merits of the case;
- f. any opinion or knowledge of the potential for a plea bargain or other pretrial action.

E. Special Considerations -- Criminal Matters

1. Departmental personnel shall extend every reasonable courtesy to news media representatives at crime scenes. This may include closer access of personnel and equipment than available to the general public to the degree that it does not interfere with the police mission or the movement of traffic.
2. 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 prejudiced by its existence being published or portrayed. Once evidence has been processed, removed, and secured by the department, the media may be allowed to enter by permission of the commanding officer at the scene.

- a. On private property, photography, film, or videotape recording requires the permission of the owner or the owner's representative.
 - b. Suspects or accused persons in custody shall not be posed or arrangements made for photographs, telecasts or interviews, nor shall departmental personnel pose with suspects or accused persons in custody.
 - c. When an individual is charged with a criminal offense and is sought by law enforcement authorities, photographs or mug shots may be released to the media 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 department chief executive or authorized designee.
3. At the scene of major crimes, such as hostage and barricade situations, the officer in charge shall designate a preliminary press area as early as possible and as close to the scene as safety and operational requirements allow.
 4. The fact that a suicide or suspected suicide has occurred may be reported to the media, along 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 notes is personal and confidential and shall not be released except as provided by law.

F. Special Consideration -- Noncriminal Matters

1. At the scene of significant accidents, 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.

2. 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, the ranking police officer at the scene shall establish an observation point from which the media may observe and photograph the incident.
 - a. At the discretion of the officer in charge, an inner perimeter may be established for the media from which to record the event.
3. News media representatives should not be prevented from access to any area solely because of the possibility of their injury or death. If this is the only consideration, the media representative should be advised of the danger and allowed to make the decision to enter on his/her own volition.
4. Sensitive information relating to internal investigations of police officers shall not be released without the express permission of the department chief executive.
5. Daily administrative reports of criminal activity will be made available on a routine basis to media representatives. Statistical reports of criminal activity will also be made available to the media.
6. Media representatives shall be denied access to the contents of investigative or incident reports and records where release of the information would:
 - a. interfere with law enforcement proceedings, including pending investigations;
 - b. 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;

- c. constitute an unwarranted invasion of the personal privacy rights of another person;
- d. reveal the identity of an individual who has furnished information to the department under confidential circumstances;
- e. disclose investigative techniques and procedures, thereby impairing future effectiveness of the department; or
- f. endanger the life or physical safety of any person.

Chapter III

Duties, Responsibilities, and Authority of the Public Information Officer

Unless the department is so small that the chief handles all media relations, a person should be designated to handle the routine matters associated with the public information function. In smaller departments that person may also have other responsibilities, whereas larger departments will normally have a full-time Public Information Officer (PIO) and, possibly, additional staff personnel. Whatever the arrangement, the chief should remain the principal spokesperson for the department on issues and concerns that warrant his/her attention.

In order to facilitate an equitable and cooperative relationship with the news media, the PIO should coordinate all public information activities and serve as a liaison between the department and the media. The PIO must also be professionally familiar with legitimate news organizations, their reporters, and their deadlines, and must be available on a 24-hour basis.

The PIO should report directly to the CEO, be authorized to speak for the CEO and the department, and is responsible for:

- establishing liaison with legitimate news agencies;
- gathering information for the news media;
- releasing information to the news media;
- arranging media interviews and news conferences;
- responding to major incidents to support the department and assist news media;
- assisting departmental personnel in interpreting media policy and guidelines and with any media concerns or problems;
- meeting with members of the media in order to discuss matters of mutual concern;

- reporting directly to the CEO;
- representing the CEO and the agency on media matters;
- briefing the CEO on media matters;
- responding to daily media inquiries;
- ensuring compliance with state statutes (e.g., Public Records laws, etc.)
- preparing incident reports on crisis situations for the media;
- preparing "B-roll" videotapes -- stock footage that enhances a story and often accompanies news releases to broadcast media;
- responding to public requests for information;
- coordinating the release of investigative information to the media;
- coordinating the release of photographs to the media;
- coordinating the release of sensitive information about victims, witnesses, suspects, agency investigations, operations, and other information that could be detrimental to individuals or a criminal justice process;
- arranging and scheduling award ceremonies, promotion ceremonies; and other events involving agency employees;
- performing duties as outlined in the agency's tactical operations plans for major crimes, incidents, or disasters;
- preparing articles for professional, trade, and other specialized publications;
- and more.

In the interest of informing command staff and departmental personnel concerning media coverage of their department, PIOs should consider circulating daily appropriate news clips and comments on television and radio news.

A. Keeping the PIO Informed

The flow of information to PIOs is not always forthcoming or timely. Such departmental entities as Sexual Crimes, Missing Persons, Professional Compliance, Homicide, and others, for some reason don't always trust PIOs with information that they need in order to understand how to best relate to the media in the best interest of the department. Many law enforcement officials don't trust the media but PIOs must relate to the media. Consequently, this mistrust mistakenly extends to the PIO. This is, without a doubt, one of the biggest problems too often facing PIOs today. To address this situation, the Chief Executive Officer must become involved, i.e., direct all departmental units and entities to keep the PIO informed on matters that could be of interest to the media. Even with this reinforcement, PIOs must constantly build and maintain respect and trust among their colleagues.

Chapter IV

Qualities of a Public Information Officer

The Public Information Officer must be a person of exceptional character, judgment, and skill, as this is the person that more often than not represents the agency to the media. The following are some of the basic qualities and skills appropriate for this function:

- candid and honest
- enthusiastic
- good writer
- good speaker
- respected by superiors and peers
- politically astute
- respectful of the news media
- understanding of the needs of the news media
- compatible with the CEO
- professional bearing
- good judgment
- quick thinker
- able to react professionally under stress
- good knowledge of the agency and its activities
- informed about activities that would be of interest to the media
- and more.

Chapter V

Working with the News Media

All departmental personnel who provide information to the news media should be guided by the law, departmental policy and guidelines, as well as discretion and common sense.

A. Major Crimes, Incidents, or Disasters

In the event of a major crime, incident, or disaster, police lines are established to preserve evidence, as well as to control crowds and preserve public safety. Media persons cannot arbitrarily cross these lines. However, legitimate news media representatives may be permitted in the area of a crime scene, incident, or disaster by or with the consent of the officer in charge or the PIO. Special areas for the media can also be arranged at major crime scenes and at hostage and barricade situations. Either a PIO or another officer should be with the media on these occasions.

Law enforcement personnel have no authority to invite the news media into private premises. Only the owner, legal occupant, or their agent may grant permission.

Officers can prohibit media persons from entering hazardous areas in the interest of their health and safety. However, there are occasions when the media will enter dangerous areas at their own risk such as during riots, earthquakes, or hurricanes. On these occasions, the department is not responsible for their safety, but media activities must not interfere with the public safety function or jeopardize the life of an officer or others.

B. News Media Identification

The issuance of identification passes to members of the news media to cover law enforcement activities is a matter of departmental choice. Small departments do not always need to identify their news media persons, while other jurisdictions, for a variety of reasons, simply decline to do so. Nevertheless, the issuance of passes has mutual benefits. It facilitates news media access to the department's

activities while also making newsmen more accountable since their passes can be revoked for violations of rules or regulations.

C. Media Photography

A newsmen's major responsibility is to gather information and pictures at newsworthy events -- an opportunity that is often short-lived. Therefore, members of the department must not unnecessarily obstruct news representatives from carrying out their assignments as long as they are acting in a lawful capacity.

Officers should not prevent the news media from taking photographs or video tapes if they have a lawful right to be in a given location. Officers also should not encourage or discourage the media from photographing persons in the custody of departmental personnel. Photographs of a defendant may be released provided the photograph will not jeopardize an investigation or violate the defendant's rights. In addition, the department may provide photographs and other information to the media when enlisting support in apprehending fugitives.

Law enforcement organizations, generally speaking, have regulations concerning photography in the conduct of their responsibilities. As a result, one of the main complaints from the media is that they are often placed too far back from events for taking pictures and are restricted outside established police lines. These occurrences, which may seem appropriate to law enforcement personnel, can contribute to an adversarial relationship. Consideration should be given to placing the media in an advantageous position to gather information and take pictures without compromising the public safety mission.

As a rule, the closer you get the media to the law enforcement event, the fewer media problems you will have. The media, in that position, would be under control of the PIO or other departmental personnel.

Media camera persons sometimes complain that they are often prevented from vantage points outside police lines. They also complain that they are sometimes not as close as the public. Again, the farther away you place them, the more problems you will have.

D. Release of Information

Statements from the department should be made available to all media organizations, and no media representative should receive preferential treatment. The one exception to this rule is an "exclusive" news story in which a reporter has information that was not released by the department and that other news agencies do not have. The department should consider maintaining the exclusivity of the information. However, sometimes the "exclusive" arrangement cannot be maintained because of public safety concerns.

Departmental spokespersons should take into consideration the "**deadlines**" of the respective news representatives so that reporters may conveniently and adequately cover the story in their news reports. When there is information to be released to the news media and time permits, the department should prepare a news release, giving it to all news organization at the same time, without favoritism. This can be accomplished by reading the news release over a mass distribution telephone system, using a fax machine, or by computerized dissemination. In addition, news organizations can receive the release through the wire services. Most media organizations subscribe to a wire service such as United Press International (UPI), the Associated Press (AP), or others. These wire services distribute news releases twice a day -- in the morning and late in the afternoon. Once the department's information has been provided to the wire services, telephone calls from the media should be expected.

In instances where more than one public service agency, such as law enforcement, fire, or coroner's office, is involved, the agency having primary jurisdiction should be responsible for releasing or coordinating the release of information.

Chapter VI

Communicating with the News Media

A. News Releases

News releases are written documents that provide the media, and ultimately the public, with information that the agency feels is important and useful. A written document eliminates communication errors that may occur over the telephone and saves time if a news reporter is not available in person to take notes. Making such information available is important if the agency hopes to get appropriate news coverage.

News releases serve the following functions:

- to simultaneously provide background information about an incident to media organizations;
- to provide essential information at a news conference;
- to take an official position on an issue;
- to avoid being misquoted;
- to make corrections, defend, or counter an existing situation;
- to provide advance publicity about programs;
- to announce a news conference;
- to announce important personnel changes, awards, promotions, special training, retirements, or ceremonies honoring or recognizing private citizens;
- to provide background information on an agency initiative and supplement continuing news coverage;
- to provide a response if accusations are made against the agency.

B. Preparing the News Release

1. Format

- Print the news release on agency stationery or news release form.
- At the top of the page, include the date, origin of release, contact person, and phone number.
- Start the release one-third to one-half of the way down the first page. This gives the editors room to add headlines or instructions above your copy.
- Leave ample margins. Allow one inch on all sides so editors can edit. Double-space or triple-space the lines for the same reason.
- The first paragraph of the news release is called the "lead" (who, what, when, where, why, and how). This is the most important paragraph.
- The following paragraphs should be written in the order of importance, i.e., put the least important information last.
- If the release is more than one page, write "MORE" at the bottom of each page except the last.
- When the release runs more than one page, at the top of each succeeding page type the "slug" of the story (a recap of the main idea), your agency name, and the page number.
- Never break a paragraph between pages. This makes for easier typesetting or on-the-air reading.
- Keep releases for print media to one or two pages. For radio and television, the maximum is one page.
- Type "-30-" (the traditional printer's mark for the end of the story) or a few *** symbols under the final paragraph of the news release.

Always issue a news release (or advisory or alert) when the agency plans a news conference. Before planning a news release, make certain the subject is newsworthy.

2. Sample News Release

Agency Name (Bold Type)
1423 Anywhere Street
Any City, State, Zip

Date

**Name of PIO and
Telephone Number**

(Optional Headline)

Lead paragraph

Next important paragraph

Least important paragraph

MORE

or

- 30 -

C. News Conferences

The news conference is another method of providing information to the news media. The CEO or PIO typically invites the media or agrees to meet with news media representatives at a given location and time in order to provide newsworthy information and/or photo opportunities.

If a major news story is breaking, the news conference may be the most appropriate method of handling media inquiries. When the department is involved in a critical incident such as a major crime, hostage or barricade situation, or natural disaster, a news conference may be best held at the scene.

A brief statement followed by a question-and-answer (Q & A) period is standard format for a news conference. But, it should be understood that only the topic for which the news conference was called will be discussed.

During the Q&A, if there is a substantial amount of media persons present, it is important for the purpose of control to have them raise their hands and call on them one at a time. However, this may not be practical at the scene of a crisis situation.

Answer each question to the best of your ability, and if you don't have an answer it is appropriate at a news conference to tell the reporters that you don't know but will get back to them.

News conferences are used for the purpose of highlighting successes and reporting to the media on emergencies and tragedies.

News conferences are not always appropriate. For instance, you may choose not to hold a news conference when you are not able to answer numerous expected questions.

Don't ever hold a news conference unless you have something important to say or show.

D. Talking with the Media (News Media Interviews)

In the best interest of the department, spokespersons should consider the following fundamentals and techniques when talking with the media:

Fundamentals

- Be prepared: You cannot over-prepare. Know your subject, know your interviewer, know your audience, and know the points you wish to make.
- Be pleasant and professional. The audience will be impressed, or not impressed, based on how you appear and sound. Maintain a positive demeanor and use candid and knowledgeable responses.
- Be excited and enthused. Don't go overboard, but sell your product -- the mission of your department. You are proud of what you do. Let them sense it.
- Be in charge: As far as possible, you control the interview and make it go your way. If it goes astray, guide it back on course.

Techniques

- Listen: Concentrate on the question. Wait until the question is finished. If the question is unclear, ask that it be repeated or re-phrased.
- Use bridging: Move the conversation from where someone else wants it to where you want it to be.
- Turn negatives into positives: Turn the inevitable negative statement into a positive point you would like to make.
- Humorous responses, for the most part, are inappropriate. They could be misconstrued as demeaning or unprofessional.
- Sometimes concise responses are more appropriate: Stick with the facts and state them in a succinct manner.

- Sometimes longer responses are appropriate. For instance, you may wish to provide an example or give a factual account of an event in order to better illustrate your response.
- Remember the audience: Don't use big words or jargon.
- **Don't bluff or lie:** Do this and your credibility can be destroyed.
- Don't be afraid to say "I don't know." There is no obligation on your part to know everything. Be honest; say "I don't know, but I'll try to find out."
- Do not get angry: If you lose your temper, that may become the story. Besides, it isn't professional.

"Off-the-Record"

Sometimes a media person will ask you during an interview to go "off-the-record." This can be dangerous, but might also be unavoidable because of a critical need to obtain the reporter's cooperation.

If its necessary to go off-the-record, it is imperative that you ask the reporter what that means. What it really means is that the reporter can not use the information you provide; however, it can be used as a "lead" to try to find it elsewhere.

If you are unable to discuss an issue or an event with a reporter, you may choose to go on "background." This enables you to explain issues and events in a general or hypothetical way without specifics and without attribution.

Off-the-record and background can be hazardous to the person being interviewed, and works best when the reporter is well known and trusted.

Chapter VII

Crisis Communications

A. What is a Crisis?

A crisis is an event that triggers a real, perceived, or possible threat to life, health and safety, the environment, the economy, or the organization's credibility. Crises include any serious law enforcement or public safety event that poses a threat to the community. A crisis is a problem that must be publicly resolved.

The following are examples of crisis situations:

- airplane crash
- train wreck
- natural catastrophe
- hostage situation
- nuclear incident
- barricade situation
- sniper
- terrorist activity
- kidnapping
- civil disorder

B. What to do before a crisis

Develop a crisis plan for working with the media. This plan should be consistent with your department's media policy and the responsibilities of the public information office.

A crisis communication plan is a resource, a plan of action which permits the department to proactively manage a crisis on all fronts and to gain credit for a job well done.

This plan should also be included in the tactical operations manuals of such groups as SWAT and special response teams for use during hostage and barricade situations and other crises.

In order to develop a comfortable working level with this plan, it is suggested that you include the media from time to time during your department's tactical training for crisis situations. Working with the media during these drills familiarizes them with your plan and affords the media and the department an opportunity to work out any concerns before the real crisis occurs.

C. When the Crisis Occurs

- Consult your media crisis plan.
- Establish a media site that is both safe and accessible.
- Assign one or more PIOs or other departmental personnel to the media site.
- Don't delay with initial information, even if you have very little to provide.
- Be candid and forthcoming without jeopardizing the department's mission.
- Periodically update the media with information.
- Tell your story fully and completely. If you don't, you could lose control because of an information vacuum. This vacuum could be filled by so-called experts who may not speak in your best interest.
- Indicate the department's concern regarding the crisis without making the situation worse.
- Someone should be available to respond to media inquiries 24-hours a day.

In the interest of the department's mission, it is important to maintain the media at the site so they don't compromise the integrity of the public safety process. Therefore, efforts should be made to get them as close to the situation as possible for the purpose of photography and to provide them with information as frequently as possible so that they are encouraged to remain at the site. If they are too far away from the situation and information is not forthcoming, attempts will be made to get closer and to obtain information from other sources.

D. When the Crisis is Over

The department should review its handling of the crisis for the purpose of evaluating the effectiveness of the crisis plan and, as needed, revise the plan accordingly.

Chapter VIII

Resolving Law Enforcement/Media Difficulties

The success of the department's relationship with the news media will depend on its ability to handle media requests and maintain a communicative relationship.

No matter how good the relationship, problems will occur, but it is generally possible and advisable to talk them over and attempt to get the problems resolved. For instance, a department which has been portrayed unfairly or inaccurately by a news organization should bring such treatment to the organization's attention. The complaint probably will not result in a retraction; however, if the problem is professionally debated and the department has a good media relationship, the chances of the same problem recurring are held to a minimum.

The department should work toward resolving media problems when they occur by first contacting the reporter in question and asking for a meeting. If a meeting does not resolve the problem, request a meeting with the organization's manager and the involved reporter. If the problem involves interference by members of the press in a public safety matter, the news manager should be contacted immediately.

Although problems will arise under the best of circumstances, they most likely will be in direct proportion to the type of relationship the department has with the news media. A large part of that relationship depends upon the way in which law enforcement personnel present themselves and deal with the media representatives in their daily encounters. Respect and courtesy for media personnel and maintenance of a professional demeanor are essential ingredients to a good relationship.

Chapter IX

Public Service Announcements

In addition to providing information to the media regarding newsworthy events, law enforcement agencies should also consider the opportunity to present information to the public via public service announcements (PSA). These announcements generally pertain to public safety on such subject matters as drugs, alcohol and driving, fireworks, neighborhood and home protection, to name a few areas.

Public service time for PSAs is that portion of the program schedule donated by radio and television to nonprofit organizations for the presentation of information considered to be of public interest. This donated air time is a requirement of the Federal Communications Commission (FCC) and must be provided by a station before it can be granted a broadcast license.

However, individual stations have the freedom to decide how much of their total schedule will be devoted to public service programs, what material will be broadcast during this time, and when these programs will be scheduled.

To solicit public service time, a station's director of public affairs or community services is generally a police department's best contact.

Chapter X

Legal Issues

A. Freedom of Information

Most police departments are governed by state laws protecting individual rights to information and privacy which are patterned after the Federal Freedom of Information (FOIA) and Privacy Acts (PA).

The Privacy Act (section 552a of Title 5 of United States Code), and the Freedom of Information Act (section 552 of Title 5 of the United States Code), grant certain rights with respect to agency records.

Privacy Act

The Privacy Act applies to agency records which are retrieved by name or some other unique personal identifier (such as an employee number) and which are maintained within a system of records. Agencies must publish in the *Federal Register* a description of each of their "systems of records" covered by the Privacy Act.

Access and Amendment. A person who is the subject of a record in a system of records may request correction or amendment of the record. At a minimum, the agency will allow the person to insert a concise disagreement statement in the disputed record. In addition, the subject of a record may request access to the record. The agency must furnish copies of the record to that person, unless the record is covered by agency regulations implementing the Privacy Act's exemptions. These exemptions allow agencies to protect such data as the identity of a confidential source, and civil service testing materials.

Disclosure Prohibition. The Privacy Act protects personal privacy by limiting disclosure of the records it covers. Generally, the Privacy Act prohibits disclosure of a record in a system of records absent the prior written consent of the subject of the record. Among the exceptions to this are disclosures to those officers and employees of the agency which maintains the record and who have an official need for the record, and disclosures which are required under the Freedom of Information Act (FOIA). Thus, under the FOIA exception, most Federal employees' past and present grades, salaries, position titles, and duty stations are made available to any person upon request.

Remedies. A person whose access or amendment request is denied may appeal the denial administratively. The denial letter will inform the requester to whom an appeal is to be submitted. If the appeal is denied, the person may sue the agency in a United States District Court. A person may also sue an agency for its non-compliance with other provisions of the Privacy Act; there is no administrative remedy available for alleged violations of these other provisions of the Privacy Act, except that a grievance may be filed in some cases.

Freedom of Information Act

The Freedom of Information Act applies to all records in the possession and under the control of an agency, including those name-retrievable records which are subject to the Privacy Act.

Making a Request. Any person may request disclosure of an agency record by following the procedures published in the agency's regulations. These procedures usually require the requestor to adequately describe the information sought; to submit the request either to a central Freedom of Information office or to the agency component with subject matter responsibility for the information; and to indicate whether or not the requester is willing to pay search and duplication fees for the information. The Freedom of Information Act, like the Privacy Act, applies to existing records; it does not require agencies to write answers to questions.

Agency Responsibilities. An agency in receipt of a Freedom of Information Act request must decide whether to grant or deny the request within ten working days (excluding Saturdays, Sundays, and legal public holidays). The time limit applies only to the disclosure decision; the actual information does not have to be disclosed within ten working days.

Agency records may not be withheld unless they are covered by one or more of the Freedom of Information Act's nine exemptions. These exemptions protect various interest, such as national security, law enforcement, Government efficiency, personal privacy, and business confidentiality.

Remedies. A person whose Freedom of Information Act request is denied may appeal the denial administratively. The denial letter will inform the requester to whom the appeal is to be submitted. Appeals must be acted upon within twenty working days. If the denial is affirmed on appeal, or if the agency does not comply with the time limits prescribed by the Freedom of Information Act, the requester may sue the agency for the information in a United States District Court. In addition, the Office of the Special Counsel investigates and may initiate appropriate

disciplinary action for arbitrary and capricious withholding of information under the Freedom of Information Act.

Reasons Access May Be Denied Under the FOIA

An agency may refuse to disclose an agency record that falls within any of the FOIA's nine statutory exemptions. The exemptions protect against the disclosure of information that would harm national defense or foreign policy, privacy of individuals, proprietary interests of business, functioning of the government, and other important interests.

An agency may withhold exempt information, but it is not always required to do so. For example, an agency may disclose an exempt internal memorandum because no harm would result from its disclosure. However, an agency is not likely to agree to disclose an exempt document that is classified or that contains a trade secret.

When a record contains some information that qualifies as exempt, the entire record is not necessarily exempt. Instead, the FOIA specifically provides that any reasonably segregable portions of a record must be provided to a requester after the deletion of the portions that are exempt. This is a very important requirement because it prevents an agency from withholding an entire document simply because one line or one page is exempt.

1. Exemption 1. -- Classified Documents

The first FOIA exemption permits the withholding of properly classified documents. Information may be classified to protect it in the interest of national defense or foreign policy. Information that has been classified as "Confidential," "Secret," or "Top Secret" under the procedures of the Executive Order on Security Classification can qualify under the first exemption.

The rules for classification are established by the President and not the FOIA or other law. The FOIA provides that, if a document has been *properly* classified under the President's rules, the document can be withheld from disclosure.

Classified documents may be requested under the FOIA. An agency can review the documents to determine if it still requires protection. In addition, the Executive Order on Security Classification establishes a special procedure for

requesting the declassification of documents. If a requested document is declassified, it can be released in response to a FOIA request. However, a document that was formerly classified may still be exempt under other FOIA exemptions.

2. Exemption 2. -- Internal Personnel Rules and Practices

The second FOIA exemption covers matters that are related solely to an agency's internal personnel rules and practices. As interpreted by the courts, there are two separate classes of documents that are generally held to fall within exemption two.

First, information relating to personnel rules or internal agency practices is exempt if it is trivial administrative matter of no genuine public interest. A rule governing lunch hours for agency employees is an example.

Second, internal administrative manuals can be exempt if disclosure would risk circumvention of law or agency regulations. In order to fall into this category, the material will normally have to regulate internal agency conduct rather than public behavior.

3. Exemption 3. -- Information Exempt Under Other Laws

The third exemption incorporates into the FOIA other laws that restrict the availability of information. To qualify under exemption three, a statute must require that matters be withheld from the public in such a manner as to leave no discretion to the agency. Alternatively, the statute must establish particular criteria for withholding *or* refer to particular types of matters to be withheld.

One example of a qualifying statute is the provision of the Tax Code prohibiting the public disclosure of tax returns and tax return information. Another qualifying Exemption 3 statute is the law designating identifiable census data as confidential. Whether a particular statute qualifies under Exemption 3 can be a difficult legal determination.

4. Exemption 4. -- Confidential Business Information

The fourth exemption protects from public disclosure two types of information: trade secrets and confidential business information. A trade secret is a commercially valuable plan, formula, process, or device. This is a narrow category

of information. An example of a trade secret is the recipe for a commercial food product.

The second type of protected data is commercial or financial information obtained from a person and privileged or confidential. The courts have held that data qualifies for withholding if disclosure by the government would be likely to harm the competitive position of the person who submitted the information. Detailed information on a company's marketing plans, profits, or costs can qualify as confidential business information. Information may also be withheld if disclosure would be likely to impair the government's ability to obtain similar information in the future.

Only information obtained from a person other than a government agency qualifies under the fourth exemption. A person is an individual, a partnership, or a corporation. Information that an agency created on its own cannot normally be withheld under exemption four.

Although there is no formal requirement under the FOIA, many agencies will notify a submitter of business information that disclosure of the information is being considered. The submitter can file suit to block disclosure under the FOIA. Such lawsuits are generally referred to as "reverse" FOIA lawsuits because the FOIA is being used in an attempt to *prevent* rather than to *require* the disclosure of information. A reverse FOIA lawsuit may be filed when the submitter of documents and the government disagree whether the information is confidential.

5. Exemption 5. -- Internal Government Communications

The FOIA's fifth exemption applies to internal government documents. One example is a letter from one government department to another about a joint decision that has not yet been made. Another example is a memorandum from an agency employee to his supervisor describing options for conducting the agency's business.

The purpose of the fifth exemption is to safeguard the deliberative policymaking processes of government. The exemption encourages frank discussions of policy matters between agency officials by allowing supporting documents to be withheld from public disclosure. The exemption also protects against premature disclosure of policies before final adoption.

While the policy behind the fifth exemption is well-accepted, the application of the exemption is complicated. The fifth exemption may be the most difficult FOIA exemption to understand and apply. For example, the exemption protects the

policymaking process, but it does not protect purely factual information related to the policy process. Factual information must be disclosed unless it is inextricably intertwined with protected information about an agency decision.

Protection for the decision making process is appropriate only for the period while decisions are being made. Thus, the fifth exemption has been held to distinguish between documents that are pre-decisional and therefore may be protected, and those which are post-decisional and therefore not subject to protection. Once a policy is adopted, the public has a greater interest in knowing the basis for the decision.

The exemption also incorporates some of the privileges that apply in litigation involving the government. For example, papers prepared by the government's lawyers are exempt in the same way that papers prepared by private lawyers for clients are not available through discovery in civil litigation.

6. Exemption 6. -- Personal Privacy

The sixth exemption covers personnel, medical, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. This exemption protects the privacy interests of individuals by allowing an agency to withhold from disclosure intimate personal data kept in government files. Only individuals have privacy interests. Corporations and other legal persons have no privacy rights under the sixth exemption.

The exemption requires agencies to strike a balance between an individual's privacy interest and the public's right to know. However, since only a *clearly* unwarranted invasion of privacy is a basis for withholding, there is a perceptible tilt in favor of disclosure in the exemption. Nevertheless, the sixth exemption makes it hard to obtain information about another individual without the consent of that individual.

The Privacy Act of 1974 also regulates the disclosure of personal information about individuals. The FOIA and the Privacy Act overlap in part, but there is no inconsistency. Individuals seeking records about themselves should cite both laws when making a request. This ensures that the maximum amount of disclosable information will be released. Records that can be denied to an individual under the Privacy Act are not necessarily exempt under the FOIA.

7. Exemption 7. -- Law Enforcement

The seventh exemption allows agencies to withhold law enforcement records in order to protect the law enforcement process from interference. The exemption was amended slightly in 1986, but it still retains six specific sub-exemptions.

Exemption (7)(A) allows the withholding of law enforcement records that could reasonably be expected to interfere with enforcement proceedings. This exemption protects active law enforcement investigations from interference through premature disclosure.

Exemption (7)(B) allows the withholding of information that would deprive a person of a right to a fair trial or an impartial adjudication. This exemption is rarely used.

Exemption (7)(C) recognizes that individuals have a privacy interest in information maintained in law enforcement files. If the disclosure of information could reasonably be expected to constitute an unwarranted invasion of personal privacy, the information is exempt from disclosure. The standards for privacy protection in Exemption 6 and Exemption (7)(C) differ slightly. Exemption (7)(C) refers only to unwarranted invasions of personal privacy rather than to *clearly* unwarranted invasions.

Exemption (7)(D) protects the identity of confidential sources. Information that could reasonably be expected to reveal the identity of a confidential source is exempt. A confidential source can include a state, local, or foreign agency or authority, or a private institution that furnished information on a confidential basis. In addition, the exemption protects information furnished by a confidential source if the data was compiled by a criminal law enforcement authority during a criminal investigation or by an agency conducting a lawful national security intelligence investigation.

Exemption (7)(E) protects from disclosure information that would reveal techniques and procedures for law enforcement investigations or prosecutions or that would disclose guidelines for law enforcement investigations or prosecutions if disclosure of the information could reasonably be expected to risk circumvention of the law.

Exemption (7)(F) protects law enforcement information that could reasonably be expected to endanger the life or physical safety of any individual.

8. *Exemption 8. -- Financial Institutions*

The eighth exemption protects information that is contained in or related to examination, operating, or condition reports prepared by or for a bank supervisory agency such as the Federal Deposit Insurance Corporation, the Federal Reserve, or similar agencies.

9. *Exemption 9. -- Geological information*

The ninth FOIA exemption covers geological and geophysical information, data, and maps about wells. This exemption is rarely used.

FOIA Exclusions

The 1986 amendments to the FOIA gave limited authority to agencies to respond to a request without confirming the existence of the requested records. Ordinarily, any proper request must receive an answer stating whether there is any responsive information, even if the requested information is exempt from disclosure.

In some narrow circumstances, acknowledgement of the *existence* of a record can produce consequences similar to those resulting from disclosure of the record itself. In order to avoid this type of problem, the 1986 amendments established three "record exclusions." However, these exclusions do not broaden the ability of agencies to withhold documents.

The exclusions allow agencies to treat certain exempt records as if the records were not subject to the FOIA. Agencies are not required to confirm the existence of three specific categories of records. If these records are requested, agencies may state that there are no disclosable records responsive to the request. However, these exclusions give agencies no authority to withhold additional categories of information from the public.

The first exclusion is triggered when a request seeks information that is exempt because disclosure could reasonably be expected to interfere with a current law enforcement investigation. There are specific prerequisites for the application of this exclusion. First, the investigation in question must involve a possible violation of criminal law. Second, there must be a reason to believe that the subject of the investigation is not already aware that the investigation is underway. Third, disclosure of the *existence* of the records -- as distinguished from the contents of the records -- could reasonably be expected to interfere with enforcement proceedings.

When all three of these conditions are present, an agency may respond to an FOIA request for investigatory records as if the records are not subject to the requirements of the FOIA. In other words, the agency's response does not have to reveal that it is conducting an investigation.

The second exclusion applies to informant records maintained by a criminal law enforcement agency under the informant's name or personal identifier. The agency is not required to confirm the existence of these records unless the informant's status has been officially confirmed. This exclusion helps agencies to protect the identity of confidential informants. Information that might identify informants has always been exempt under the FOIA.

The third exclusion applies only to records maintained by the Federal Bureau of Investigation which pertain to foreign intelligence, counterintelligence, or international terrorism. When the *existence* of these types of records is classified, the FBI may treat the records as not subject to the requirements of FOIA.

This exclusion does not apply to all classified records on the specific subject. It only applies when the records are classified and when the *existence* of the records is also classified. Since the underlying records must be classified before the exclusion is relevant, agencies have no new substantive withholding authority.

In enacting these exclusions, congressional sponsors stated that it was their intent that agencies must inform FOIA requesters that these exclusions are available for agency use. Requesters who believe that records were improperly withheld because of the exclusions can seek judicial review.

The FOIA is the chief Federal law on openness in government and is often brought into play by investigative reporters researching a news story. In general, it provides any U.S. citizen or legal alien with the right to request any record maintained by and under the control of a law enforcement agency. The FOIA also provides the agency with the option to withhold specific types of information when responding to such requests.

FOIA exemptions for most departments preclude the release of information from investigative records that would:

- interfere with law enforcement proceedings, including pending investigations;

- 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;
- constitute an unwarranted invasion of the personal privacy of another person;
- reveal the identity of an individual who has furnished information to the department under confidential circumstances;
- disclose investigative techniques and procedures, thereby impairing future effectiveness; or
- endanger the life or physical safety of department personnel.

The following rules and regulations apply to most departments under the act:

- Law enforcement agencies must give individuals access to their records, unless the department has exempted the entire system of records from the access provision.
- The department will normally withhold records from an exempt system of records if release would impair the department's ability to perform its authorized functions.
- With certain exceptions, the act prohibits a department from disclosing information about an individual to anyone outside the department without prior consent of the subject of the record.

DEALING WITH REPORTERS

1. Don't repeat negative questions. "Not guilty of fraud."
2. Don't let reporters put words in your mouth. "Your words, not mine."
3. Avoid unguarded talk. Notepad never put away.
4. Stay away from jargon. You will look like a bureaucrat.
5. Don't argue or lose your temper. You will make an enemy.
6. Avoid "no comment." If you can't talk, explain why.
7. Avoid "off the record" conversations.
8. Don't speculate. You don't need to answer hypothetical questions.
9. Don't hide bad news.
10. Don't expect reporters to see only your side of the story.
11. Never - absolutely never - lie to a reporter.

SOUNDING YOUR BEST ON TELEVISION

1. Keep your answers short using clear, visual down-to-earth language.
2. Illustrate statistics with a short story personalizing the situation.
3. If you don't know the answer to a question. **DON'T PANIC.** Just say in a positive way, "I don't know, but I'll find out and get back to you." (Just make sure that you do!)
4. If an interviewer asks a question you do not understand, ask him or her to rephrase it. This also gives you more time to think.
5. Sometimes an interviewer will get the facts wrong. If so, correct the mistake in a positive way so as not to make the reporter look bad.
6. Don't ever feel you have to answer a question. Simply say, "I don't feel prepared to comfortably discuss it at this time."

7. If a reporter gets hostile, that is your cue to stay poised and relaxed. Never lose your cool.
8. Many reporters are just starting out. If you are asked a simple question that evokes a yes or no answer...add a few lines to your response.
9. Always call a reporter by his or her first name. Use that name throughout the interview. In a press conference situation, pause after you say the name so other stations can edit out the competitor's I.D.
10. When answering structured questions relate them to the audience. An example, "Remember that feeling the last time you got your utility bill?"
11. "Laughter is the shortest distance between two people." Always use humor if you should burp, hear your stomach growl or fall out of your chair.
12. Take deep breaths before the interview starts, keep your voice low in pitch and keep your delivery slow. Nervousness will cause you to raise your pitch and speed up your words.
13. Always offer to help the reporter in any way such as suggested questions, company brochures, research, a lunch, etc.
14. Don't be afraid to suggest a more visual location for the interview should the story demand it.
15. Practice the interview beforehand with a colleague or family member.

LOOKING BETTER ON TELEVISION

1. Dress conservatively, but smartly (unless on location such as touring a power plant, in which case dress comfortably).
2. Avoid splashy prints or busy herringbone jackets. Remember that solid colors are better. Do not wear white, bright red, or light pastels.
3. Men should choose strong blues, greens, or wine colored jackets. Wear a beige, blue or light rose shirt....not white.
4. Don't wear ostentatious or glittery jewelry. Bright rhinestone earrings or flashy tie-clips tend to catch the studio lights. No jangling bracelets.

5. While studio lights tend to be hot, the area is kept unusually cool. Do not wear a sleeveless blouse or shirt.
6. It may be a good idea to watch the program in advance to see what others are wearing.
7. Get familiar with your chair before you go on the air. Don't slouch, but sit in a relaxed manner. Do not sit at the end of the chair in a stiff and unbending manner.
8. Rest your arms comfortably on the sides of the chair. If there are no arms on the chair, place your hands naturally on your lap.
9. Don't be afraid to gesture with your hands. An animated interview makes better television. But don't overdo it.
10. Do not tap your fingers on the chair or tap your foot on the floor.
11. Always look at your interviewer unless you are being interviewed by an anchor in the studio downtown and you are elsewhere (this is called a remote). During a remote, look straight in the camera lens imagining that the lens is a real person.
12. Ignore all distracting noises or activity in the studio. Don't acknowledge a loud or unexpected noise unless your host does. Use humor.
13. Make sure you powder your face right before you go on. The bright lights will make you shinier than normal. Men, powder the top of your head if you are balding.
14. If a make-up person is provided and overdoes it and you feel unattractive, don't be afraid to bring it up. **IF YOU FEEL UNATTRACTIVE IT WILL COME ACROSS IN THE INTERVIEW.** The same applies to your hair.
15. When being introduced, acknowledge the intro to the audience with a slight nod and a smile.
16. Don't touch the microphone. A technician or reporter will do that.
17. Should your mike fall off during the interview, don't panic. Just casually pick it up and hold it in front of you. If your earpiece (telex) falls out, just hold it to your ear.
18. If you dye your hair, retouch the night before.
19. **RELAX**, and look like you are enjoying the opportunity to go on TV!

MEDIA FACT FORM
PRINT/NEWSPAPER

DATE _____

NAME OF PUBLICATION _____

ADDRESS _____

TELEPHONE () _____ AFTER HOURS _____

DESCRIPTION OF PUBLICATION _____

DISTRIBUTION DAILY WEEKLY MONTHLY

OTHER _____

CIRCULATION _____ COST _____

DEADLINES: NEWS _____ (TIME) _____

FEATURES _____ PSA'S _____

HOLIDAYS _____ WEEKENDS _____

GEOGRAPHIC COVERAGE AREA _____

DEMOGRAPHICS/READER PROFILE _____

KEY PERSONNEL

NAME

TELEPHONE

EDITOR

CITY/LOCAL EDITOR

FEATURES EDITOR

LOCAL REPORTER

POLICE REPORTER

MEDICAL REPORTER

AD DEPARTMENT

OTHER

MEDIA FACT FORM
RADIO/TELEVISION

DATE _____

STATION: Call Letters/Frequency/Channel _____

ADDRESS: _____

TELEPHONE () _____ BUSINESS HOURS _____

NETWORK AFFILIATION _____ BROADCAST HOURS _____

DEADLINES: NEWS _____ (TIME) _____

COMMUNITY CALENDAR _____

PSA'S _____

FEATURE PROGRAMS _____

HOLIDAYS/WEEKENDS _____

BROADCAST AREA _____

DEMOGRAPHICS/AUDIENCE PROFILE _____

PSA FORMAT _____

KEY PERSONNEL

NAME

TELEPHONE

STATION MANAGER

PROGRAM DIRECTOR

NEWS DIRECTOR

ASSIGNMENT EDITOR

PSA EDITOR

LOCAL REPORTER

NEWS HOTLINE

OTHER
