



Eric Hawkins
Chief of Police

ALBANY, NEW YORK
POLICE DEPARTMENT
165 HENRY JOHNSON BOULEVARD
ALBANY, NEW YORK 12210



1789

PUBLIC INFORMATION
GENERAL ORDER NO: 2.5.00

Issue Date: August 2, 2019	Effective Date: March 1998
Revision Date: April 22, 2015	NYSLEAP: 28.1
Volume 2: Logistics	Chapter 5: Public Relations
Distribution: All Personnel	Page: 1 of 11
Issuing Authority: Chief Eric Hawkins	

PURPOSE: The purpose of this policy is to establish procedures for media relations and the release of information to the news media and/or members of the general public.

POLICY: It is the policy of the Albany Police Department to maintain an open and cooperative approach to providing information on matters of public concern to the news media and the general public. Information releases shall be disseminated by the Public Information Officer (PIO) in a timely and accurate manner.

I. MEDIA RELATIONS

A. General Provisions and Policy:

1. It is necessary to recognize that police matters, generally, are also matters that will concern the public. The purpose of this policy is to promote the flow of information to all news media while protecting both the accused and the prosecution's cases from prejudicial publicity. The problem in criminal cases is seeking a balance between the following:
 - a. The First Amendment Right to Free Speech, Free Press, and the importance of the public's right to know what their police department is doing; and
 - b. The Sixth Amendment Right to a Fair Trial, free of public pressure or a jury biased opinion due to a news release that a person is guilty.

2. It is important that the news media have access to information regarding occurrences of crime (e.g., who, what, when, where, why, and how).
 - a. The police need the cooperation of the news media to avoid prejudicial pre-trial publicity.
 - b. The news media needs police cooperation in order to accurately and fairly report the occurrence of a crime.

3. This policy is designed to minimize pre-trial prejudicial publicity, as well as maximize effectiveness whenever utilizing news media.

4. The department shall maintain a relationship with the members of the news media that is built on trust, cooperation, and mutual respect, and one which will generate a free flow of information between the department and the news media.
 - a. To accomplish this, the department, when requested, shall provide complete information, within legal and investigatory limitations, as quickly as practical, to all accredited media representatives, as per directives outlined in this policy.
 - b. Those representatives shall judge whether or not such information is newsworthy.

II. ROLE OF THE MEDIA

- A. A well informed public is essential to the existence of our democratic nation. To effectively exercise their duties as citizens, members of the public must be aware of current events in their government. A free press, by supplying this needed information and promoting a medium for expression, makes it possible for citizens to influence the manner in which it provides service.
 1. Crime, its results, and the manner in which the Albany Police Department attempts to combat crime, are matters of public concern.
 2. The Albany Police Department is regularly involved in events which members of the news media are present, fulfilling their responsibility by gathering information.

III. ROLE OF THE POLICE DEPARTMENT

- A. The department must actively seek to maintain a mutual climate where the news media may obtain information on matters of public interest in a manner that does not hinder department operations.
- B. Good media relations are an important part of the department's community relations. As the majority of the public has little or no contact with the department, their attitudes and perceptions of this department are greatly influenced by information obtained through the media. Positive publicity generates positive opinion. The probability of obtaining positive publicity is strengthened when relations with the media are good.
 1. Good media relations can also serve as a deterrent to negative publicity. By promoting mutual respect for one another a positive working relationship can grow.
- C. Personnel of this department shall ensure that any information which may be released to the news media consists of the following:
 1. The information is accurate;
 2. The information does not interfere with the successful conclusion of an investigation, or pose a security threat to the person(s) involved;
 3. It is not prejudicial to the rights of the suspect/accused; and
 4. It is in accordance with the provisions set forth in this policy and is not

otherwise restrained by these guidelines or other department policy or procedures.

IV. PUBLIC INFORMATION OFFICER (PIO)

- A.** It is ultimately the responsibility of the Chief of Police to release information to the public. That responsibility may be delegated to the Public Information Officer (PIO) or the PIO designee, as determined by the Chief of Police.
- B.** The public information and news media relations function shall be coordinated by the PIO assigned to the Chief of Police. Other personnel of this department shall advise the PIO regarding new programs, outstanding achievements, current and investigative developments likely to prompt media attention, and/or any other newsworthy information from their respective areas of responsibility that will assist the PIO in maintaining an aggressive media relations policy. The PIO shall be responsible for the following:
 - 1.** The release of any information affecting the department (e.g., statements concerning related policy originating from the Office of the Chief of Police, major incidents, community events, etc.);
 - 2.** Serve as an official liaison between personnel of this department and the news media;
 - 3.** Serve as a department coordinator for all public information and/or education programs, as well as community relations;
 - 4.** Assist media personnel in covering news stories at the scenes of incidents;
 - 5.** Notify the media regarding major incidents;
 - 6.** Issue on and off scene releases concerning crime incidents, crime prevention tips, or other information of interest to the public;
 - 7.** Prepare and distribute department media releases;
 - 8.** Provide physical facilities and equipment for news conferences that are conducted by this department, which shall include making arrangements and assisting at said media conferences;
 - 9.** Identify news agencies and keep a current roster of phone numbers and personnel assigned to those agencies;
 - 10.** Monitor the department's release of information to the media, which shall include the following:
 - a.** Coordinating and authorizing the release of information about victims, witnesses, suspects, and confidential department investigations and operations, in accordance with local, state, and federal laws, as well as directives outlined in this policy.
 - 11.** Represent the department at meetings of the Capital Region Law Enforcement/Media Group;
 - 12.** Be aware of deadline times of the respective news media and to accommodate these representatives, as is practical for said deadlines; and
 - 13.** Maintain the department's social media websites, such as Facebook, Twitter, and Nixle for disseminating information to the public.

- C. Personnel assigned to the position of PIO should receive training in relation to the position.

V. NOTIFICATION OF PUBLIC INFORMATION OFFICER

- A. Responsibility for planning, developing, writing, and distributing news releases and articles about programs and activities of the department shall rest with the PIO or his/her designee, as determined by the Chief of Police. As such, the following shall apply:
 - 1. Supervisory personnel shall inform the PIO of significant changes in operations, procedures, and personnel;
 - 2. Personnel shall inform the PIO, in writing whenever possible, of newsworthy information concerning promotions, projects, programs, or other activities in advance of effective dates; and
 - 3. Planned major incidents likely to draw media attention, including large scale operations and multiple arrests, whenever possible shall include the advance notification of the PIO or his/her designee, to allow for appropriate planning regarding the dissemination of information to the news media.
 - a. Notification of the PIO shall be responsibility of the ranking officer of the unit/station involved.

VI. REQUIREMENTS FOR NOTIFICATION OF THE PUBLIC INFORMATION OFFICER

- A. Some newsworthy situations require immediate notification of the PIO or the designee by the supervisor on duty. Some examples consist of the following:
 - 1. Homicides, attempted homicides, kidnapping, major robberies, etc;
 - 2. Nature or man-made disasters resulting in loss of life and/or extensive property damage;
 - 3. Any aircraft, train, or traffic accident(s) resulting in serious injury or loss of life;
 - 4. Deaths of person(s) in police custody;
 - 5. Demonstrations, strikes, or civil disturbances;
 - 6. Searches for wanted persons and/or missing persons; especially when an extensive search has begun, or circumstances exist which indicate a crime may have been committed in relation to the missing person(s);
 - 7. All police involved shootings;
 - 8. Bomb threats when a device is found;
 - 9. The arrest of media personnel;
 - 10. Hostage and barricaded subject situations where life is threatened or endangered over an extended period of time or when a hostage negotiator or the department's Emergency Services Team (EST) is summoned to the area;
 - 11. Department vehicle accidents where a police officer is hospitalized or seriously injured or a citizen is hospitalized or seriously injured;
 - 12. Incidents involving person(s) who, by their very position in society, are of interest to the public;
 - 13. The arrest of any law enforcement officer; or

14. Any other incident or event(s) which an on-duty supervisor may deem as appropriate.

VII. GUIDELINES FOR RELEASE OF INFORMATION

- A.** Any information released to the news media regarding ongoing criminal investigation(s) shall conform to the New York State Fair Trial Free Press Guidelines.
- B.** Whether to release information or to grant interviews shall be determined by the facts of each incident.
 1. However, certain information must be withheld from the media in order to protect the rights of the accused, to avoid interfering with a departmental investigation, or because the information may be legally privileged.
- C.** It is the practice of news media representatives to contact various units/stations of this department, soliciting information upon which news stories might be predicated. Proper responses shall be given in all such inquiries; procedures for which are outlined in "Guidelines for Release of Information" which is found later in this General Order.
 1. If an employee answering the call does not have pertinent information concerning the incident, he/she shall then refer the inquiry to his/her immediate supervisor or the Public Information Officer (PIO) so the information may be obtained or an explanation given as to why such information is unavailable.
- D.** If, in response to a legitimate inquiry, information is denied to the media, such denial shall be accompanied by a courteous, logical, and adequate explanation, which can be justified upon further inquiry by the media representative. The failure of personnel to do so can unnecessarily damage the positive efforts to build good media rapport.
- E.** Anytime information is requested by news personnel, and such information or portions thereof are withheld, the PIO or a designee shall be notified as soon as possible by a supervisor.
- F.** Information shall be disclosed without partiality to any particular news media representative or agency, and shall not be withheld or delayed to favor any person or agency, except that specified independent inquiries by a news media representative may be honored at the time of the inquiry.
 1. It is absolutely necessary that all accredited representatives of the news media be treated equally with no favoritism or discrimination being afforded a particular agency or member.
 2. If one media bureau is furnished information initiated by the department, the other media representatives must be furnished the identical information.
- G.** Prior to an arrest, the following information relating to a crime or incident may be

released to news media:

1. Nature of crime or incident;
2. Location, time, and date;
3. Victim's identity (after notification of a victim's relative(s) have been verified or a reasonable amount of time has passed in cases involving death);
4. Regarding sex offenses; only the victim's age, sex, and general location of residence can be released to the news media;
5. Description of stolen property, injuries sustained, and medical treatment required etc.; and
6. Suspect description.

H. After an arrest, the following information relating to a crime or incident may be released to the news media:

1. Name of the defendant, when seventeen (17) years of age or older, age, sex residence, employment, and marital status;
2. Substance and text of charges, and penal law charges;
3. Identity of investigating agency, arresting officer(s), and length of investigation;
4. Circumstances surrounding an arrest, time, date, place, resistance (if any), weapon(s) possessed by suspect, and any items seized at the time of arrest;
5. Unless otherwise prohibited by law, the name, age, sex, and address of the victim.
 - a. Victims who are less than eighteen (18) years of age shall have their name withheld.
6. In cases involving sex offenses, only the victim's age, sex, and general location of address may be released to the news media;
7. Type of force, injuries sustained, and whether hospitalized; and
8. Whether the defendant was lodged or released, arraignment date, and court location.

I. Release of Photographs:

1. Law enforcement shall neither encourage nor discourage the taking of photographs of an accused by the media;
2. Officers shall not assist in posing defendants for the news or television camera personnel, but the efforts of said personnel shall not be hindered during the course of any normal movements of personnel or defendants which expose defendants to public view; and
3. The PIO or the designee shall be responsible for the release of booking photos, with express authorization of the Chief of Police or his/her designee.

J. Pre-trial disclosure of the following information may result in the loss of a case and therefore shall not be released. This includes, but is not limited to the following:

1. Statements as to the character or reputation of an accused person or witness;
2. Admissions, confessions, or alibi attributable to a suspect(s);
3. The performance or results of any test or refusal to take a test. In cases involving D.W.I., only the suspect/defendant's willingness or refusal to take a test may be disclosed;
4. Statements concerning the credibility of any witness, any testimony, or the identity of a witness;
5. The possibilities of any plea-bargain being discussed as a disposition;
6. Opinions concerning any evidence or an argument that may be used in a case and whether or not either will be utilized at trial;
7. The identity of an arrested youth under the age of sixteen (16) years;
8. The identity of sex offense victims;
9. The identity of child abuse/neglect victims;
10. The identity of a victim under the age of eighteen (18) years;
11. The identity of a confidential source/informant;
12. Investigative techniques or the use of surveillance techniques;
13. Any information that would endanger the life or safety of any person or would deprive anyone of a fair trial. Should any question arise regarding whether information is appropriate to disclose, the decision shall be deferred to a supervisor; and
14. Personnel of this department shall not discuss with the news media any matter involving or likely to involve the Office of Professional Standards.
 - a. The fact that a matter is under investigation or is subject to an internal investigation can be acknowledged.

K. Joint Investigations or Operations Involving Another Agency:

1. In a multi-jurisdictional investigation, the lead investigative agency is responsible for providing or coordinating the release of public information. While involved in that mutual effort, the PIO or designee for the lead agency shall share that information with all involved agencies in advance of public dissemination.

L. Information that the suspect or victim is or may be transgender may not be released to the public.

1. Information about a prisoner's or victim's genital status or medical history is to be treated as confidential. Such information may not be released to the media, the person's family and friends, to other personnel of the department without a need to know, or to other prisoners, unless the victim or prisoner has given consent to the disclosure, specifying the information to be disclosed and the parties to whom release of information is authorized.

VIII. ROUTINE TELEPHONE INQUIRIES MADE BY THE MEDIA

A. Policy:

1. Department personnel are authorized to release information to known representatives of the media, as outlined in this policy. In cases where department personnel do not know the identity of the representative, verification may be accomplished with a telephone call to the media agency involved. After verification, the appropriate information may then be conveyed.
2. Should any member of the department receive a phone call from the news media regarding a call in progress or where officers are on the scene, the call taker shall verify that an incident is occurring, and the type (if known), and the location of the incident. Other in-depth information can be sought through the PIO or the designee after the call has been handled.
3. Media inquiries during normal business hours shall be directed to the Public Information Officer. During non-business hours, calls should be directed to the PIO or the designee.
4. Members of the media should be advised not to contact the department via emergency telephone lines. Non-emergency calls on emergency lines shall be directed to call back on non-emergency administrative lines.
5. Edited copies of all Arrest Records and Standardized Incident Reports are available to the media at the Police Headquarters, per current laws and directives, during normal business hours.
6. Any media request for statistical reports shall be made in writing to the Chief of Police. Any other request being made under the Freedom of Information Law (FOIL) should be directed to the Albany City Clerk, Albany City Hall, for processing.
 - a. FOIL requests shall be in accordance with current department practices set forth in [GO 4.2.00 – Records Administration](#).

IX. FREEDOM OF INFORMATION LAW (OUTLINED)

- A. Media representatives shall be denied access to the contents of investigative or Standardized Incident Reports and records where the release of information would:
 1. Interfere with law enforcement proceedings, investigations, etc;
 2. Deprive any person the right to a fair trial/impartial adjudication or give any one party to a controversy an undue advantage by exclusive access to such information;
 3. Constitute an unwarranted invasion of the personal privacy/rights of another person;
 4. Reveal the identity of an individual who had furnished information to this department under confidential circumstances;
 5. Disclose investigative techniques and procedures, thereby impairing future effectiveness of the department; and
 6. Endanger the life or physical safety of any person.

X. AUTO ACCIDENT REPORTS

- A. An effort shall be made by the PIO or the designee to provide information included in auto accident reports which have been completed by personnel of this department, when requested by members of the media.

XI. SPECIAL CONSIDERATIONS

A. Criminal Matters:

1. Department personnel shall extend every reasonable courtesy to news media representatives at crime scenes. This may include closer access of personnel and equipment than is available to the general public, to the degree that it does not interfere with the department's mission or the movement and flow 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, or otherwise prejudiced by its existence being published or portrayed. Once evidence has been processed and secured by this department, the media may be allowed to enter the perimeter by permission of the on-scene ranking officer, except according to the following:
 - a. On private property; photography or videotape recording does require the permission of the property owner or their representative.
 - b. Suspects or accused persons in custody shall not be posed or arrangements made for photographs, telecasts, or interviews.
3. The officer in charge of a major crime scene or the PIO 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 shall be reported to the media, along with the factual information describing how it happened.
 - a. The name, age, address, sex, and occupation of the victim may be released following notification of the next of kin.
 - b. The name of a suicide victim who is less than eighteen (18) years of age shall be withheld.
 - c. The fact that a suicide note exists may be acknowledged; with no further comment. The contents of such note(s) are personal and confidential and shall not be released.
5. The Public Information Officer shall maintain the department's social media websites such as Facebook, Twitter, and Nixle in regards to the release of daily arrest reports and other, special wants, and other pertinent information towards the department's goals in regards to criminal matters.

B. Non-Criminal Matters:

1. At the scene of significant accidents, catastrophes or critical incidents, the principle 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 personnel.
2. At the discretion of the officer in charge or the PIO, an area within the outer perimeter may be established for the media to record an event. If

warranted, a press and information center shall be established for liaison purposes by the PIO. This area shall consist of the following:

- a. Located within the inner perimeter;
 - b. Capable of accommodating large numbers of reporters; and
 - c. Shall be kept advised of developments by the on-scene Commander and PIO.
3. Police personnel should be kept advised of the location of the press areas and shall direct media personnel accordingly. Representatives of the press shall not be restricted to this area unless a safety issue is involved. In such instances, the movements of the press shall be controlled in a logical and courteous manner and the press shall be given an explanation for such treatment.
4. The media may photograph or report anything they observe when legally present at an emergency scene. Where publication of such coverage would interfere with an official investigation or place any person in jeopardy, the withholding of such publication is dependent upon a cooperative press and not upon the censorship of this department.
 - a. When such circumstances exist, officers shall advise the media representative or their superiors of the possible consequences of publication. Officers may not interfere with a reporter's activities, as long as that performance remains within the confines of the law.
 - b. The Public Information Officer will maintain the social media websites such as Facebook, Twitter, and Nixle in regards to special needs of the community and other pertinent information towards the department's goals.

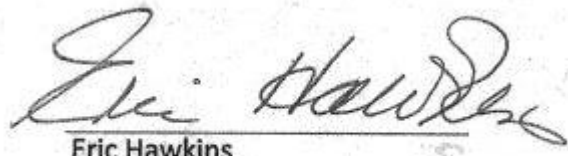
C. Media Releases:

1. Media releases shall be generated by the PIO, or when unavailable by the designee assigned by the Chief of Police, with regard to a newsworthy event(s).
2. Media releases shall be prepared in accordance with this policy.
3. When applicable, the PIO shall be responsible for providing the appropriate detective(s) a copy of the media release for their case files.

D. Proactive Media Notifications:

1. There may be occasion when it is desirable to send information to the media, either in the form of releases or advisories. Updated media directories containing telephone, email, and fax numbers shall be maintained at the Public Information Office and Emergency Operation Center for the purpose of easing any correspondence efforts.
2. Media notification should be considered when there is a need to notify the public concerning specific items of interest that will assist in deterring crime. For example, reporting a "Flim-Flam" operation believed to be operating within the City and how to avoid becoming a victim.
3. There may be cases where the assistance of the media is sought as part of an investigation (e.g., search for a missing person, suspect vehicle,

search for witnesses, etc). This appeal for assistance shall be done only with the prior authorization of the supervisor conducting the investigation and the Chief of Police.



Eric Hawkins
Chief of Police