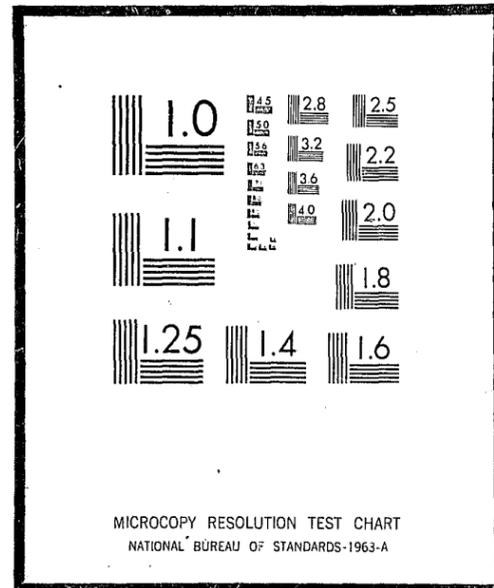


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U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

Date filmed

12/8/75

NEW CASTLE COUNTY

POLICE

ACADEMY

POLICE PRESS RELATIONS
PREPARED BY:
CAPTAIN EUGENE SIDES
COMMANDER
INVESTIGATIVE SERVICES DIVISION
NEW CASTLE COUNTY POLICE DEPARTMENT

17995

BACKGROUND:

The public is very much interested in the activities of a Police Department, and it expects the various media to provide this information. It is a fact that news becomes news when it happens; it is not something held in suspension. However, not all of the activities of the Police Department can be reported when they happen. When releasing information concerning persons in police custody, certain restrictions must exist because of the risk of jeopardizing an individual's rights, as well as violating the Due Process of the Fourteenth Amendment to the United States Constitution.

Often cited is the case of Sheppard vs Maxwell which the United States Supreme Court decided was a clear violation of the Due Process Clause of the Fourteenth Amendment. Briefly, in that case, public officials failed to protect Sheppard sufficiently from the massive, pervasive, and prejudicial publicity that attended his prosecution for the alleged murder of his wife.

The two fold responsibility of keeping the news media informed and of protecting the rights of persons in police custody has necessitated the Police Department to set a positive goal in its relations with the news media.

THE PURPOSE OF NEWS RELEASE PROCEDURES FOR POLICE DEPARTMENTS

The purpose of procedures for new releases of information to the public media, such as newspapers, radio, television, is to inform the public, and at the same time protect the rights' of the police information.

A system of press releases for Police Departments has been established

in accordance with policy statements of the Legal Advisory Committee on Fair Trial and Free Press of the American Bar Association, with the following standards for release of information from law enforcement agencies to press media listed as follows:

AMERICAN BAR STANDARDS PRIOR TO ARREST OR CHARGE

1. Contemplate prompt release of information that a crime has been committed, facts of the crime, that an investigation is under way and its general scope.
2. Identification of suspects or subjects not yet arrested and charged is not released; except to assist in the apprehension, or to warn the public or aid the investigation.
3. Provision is made that officers refrain from releasing the results of investigative examinations or tests or from expressing opinions which might reasonably interfere with a fair trial.

AT THE TIME OF ARREST OR CHARGE

4. Provisions are made for the prompt release by the Police Department of information as to the:
 - a. Identity of the accused person(s). Facts circumstances of the arrest, including time and place, resistance, pursuit or use of weapons and physical evidence seized.
 - b. The offenses charged and the identity of the victim(s).

Exceptions: Rape victims names are not normally released to the public, but at time of trial they are usually identified at the public trial.

Juveniles who are victims of sexual crimes, or Juveniles who are suspects or subjects are not normally released, although policy states that names of Juveniles may be released in crimes of violence, when they are subjects; such as 1st degree assault, armed robbery, rape.

RESTRICTIONS: (CON'T)

3. RESULTS OF INVESTIGATIVE PROCEDURES, SUCH AS, FINGERPRINTS, POLYGRAPH EXAMINATIONS, BALLISTIC TESTS, LABORATORY TESTS OR LINEUPS.
4. STATEMENTS CONCERNING EVIDENCE OR ARGUMENT IN THE CASE, WHETHER OR NOT IT IS ANTICIPATED THAT SUCH EVIDENCE OR ARGUMENT WILL BE USED AT TRIAL.
5. STATEMENTS CONCERNING THE IDENTITY, CREDIBILITY, OR TESTIMONY OF PROSPECTIVE WITNESSES.
6. THE NAME AND ADDRESS OF VICTIMS OF SEX CRIMES, OR CRIMES INVOLVING JUVENILES UNDER 18 YEARS OF AGE.

- c. The fact that the accused denies the charge, if such is the case.
- d. A provision is made for the announcement at the time of arrest for release of investigation examinations or tests that are planned or have been completed. But not the results of those examinations or tests.

Example: Information officer could say, polygraph testing was used during investigation, but could not give the results of those tests. Same for hospital examination of rape victim, results of this testing are evidence, for presentation to a court.

- e. Provisions are made that it is improper for the Police Department to announce the existence or content of a "confession" or the accused's refusal to make a statement; his prior criminal record or personal opinions as to the guilt of the accused or the identity of or credibility of prospective witnesses.

NEWS RELEASE POLICY

Authorized sources within the Police Department will normally release:

1. The arrestee's name, age, residence, employment, marital status.
2. The substance or text of the charge, such as a complaint or indictment.
3. The identity of the investigating and arresting unit and the probable length of police investigation.
4. The circumstances immediately surrounding an arrest, the time and place of arrest, resistance, pursuit, possession and use of weapons, and a description of items seized at the time of arrest, --if such disclosure will not compromise an individual's rights or investigative procedures.

RESTRICTIONS:

The following types of information WILL NOT be made available to the press or other news media:

1. OBSERVATIONS ABOUT AN ARRESTEE'S CHARACTER OR PRIOR CRIMINAL RECORD.
2. STATEMENTS, ADMISSIONS, CONFESSIONS OR ALIBIS ATTRIBUTABLE TO AN ARRESTEE.