



Law Enforcement Media Relations

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1. INTRODUCTION

Providing the public with timely, accurate, and appropriate information is a vital part of public service. The purpose of this policy is to provide direction for employees releasing and disseminating information to the public and/or media during a law enforcement incident. It will also ensure compliance with laws, regulations, and policies concerning information release and establish appropriate procedures concerning relations with representatives of the media.

2. POLICY

The NPS will provide information to the public and print or broadcast media in accordance with applicable laws, Departmental policy, and other NPS Director's Orders. The Freedom of Information Act (FOIA), *5 U.S.C. 552*, and relevant Department of the Interior regulations at *43 CFR Part 2*, deals with a statutory right of public access to information held in federal government records, except to the extent that such records (or portions thereof) are protected from public disclosure by one of nine exemptions or one of three special law enforcement record exclusions.

Consistent with FOIA and applicable laws, it is the intent of this policy to cooperate fully and impartially with authorized news media representatives in their efforts to gather factual public information pertaining to law enforcement/public safety activities as long

as these activities do not interfere with operations, the effective discharge of law enforcement responsibilities, an individual's right to a fair trial, and the safety of all persons involved in law enforcement incidents.

Requests for information through the Freedom of Information Act should be directed to the agency FOIA website at www.doi.gov/foia/

2.1 Designation of Media Representative/PIO

Designation of a Public Information Officer will facilitate the exchange of information between the park and news media. Park Superintendents should designate a PIO to:

- Assist news personnel in covering routine stories.
- Provide information at the scene of serious incidents.
- Assist on an on-call basis.
- Prepare and distribute news releases.
- Arrange for and assist at news conferences.
- Coordinate and authorize the release of information about victims, witnesses, and suspects.

3. RELEASE OF INFORMATION

3.1 General Procedures

3.1.1 Public Information

Public information is generally 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 and does not unduly interfere with the mission of the NPS; infringe upon the rights of a defendant; or compromise the legitimate safety and privacy interests of officers, victims, witnesses, or others.

Employees should remember that a government record, otherwise exempt from disclosure under a FOIA exemption, may lose its FOIA exemption protection if it has been disclosed earlier. While there will need to be a careful analysis of the specific nature and circumstance of the prior disclosure, courts have established rules

when an agency has waived its rights to use FOIA exemptions to withhold requested information. Whether an agency made a prior "official disclosure" will depend on the circumstances whether an authoritative government official allowed the information to be made public and whether the prior public disclosure "matches" the exempt information in question.

3.1.2 Clearances

The Park Superintendent must ensure that staff members who are responsible for accessing law enforcement information requests, or who otherwise have access to law enforcement records or reports, whether commissioned or not, have successfully undergone an appropriate background investigation. These staff members must familiarize themselves with the FOIA regulations codified at *43 CFR Part 2*, as well as the Privacy Act.

3.1.3 Ongoing Incident Information Disclosure (Breaking News Stories)

Supervisory Law Enforcement Officers at a crime or incident scene may release information of a factual nature to the media consistent with this policy or refer the inquiry to the PIO. Where the officer is unsure of the facts or the appropriateness of releasing information, they shall refer the inquiry to the PIO. Employees with personal knowledge of an incident (e.g., employee who participates in a rescue effort, employee at the scene of a disaster, etc.) may disclose certain incident information as long as the information is not derived from a document or contained in an official Privacy Act System of Records (e.g., official report). This information should be provided to the public affairs officer or park spokesperson for release and dissemination to the media and general public. Under these circumstances, information should be released as the incident is occurring or shortly thereafter.

3.1.4 Information Disclosures – Emergent Circumstances

Information may be released regarding any person (including juveniles) when the media/public's assistance is necessary in emergent circumstances to either: (1) locate the person, or (2) warn the public of possible danger (e.g., dangerous criminal). Under these circumstances, information regarding the person's name, age, appearance, clothing worn, location/time last seen, alleged criminal activity, etc., should be disseminated as quickly as possible.

3.1.5 Releasable Information

1. Names, ages, marital status, and hometowns of the individuals involved in the incident.
2. Circumstances pertaining to the incident including: general location, date and time, and damages.
3. Names of fatality victims whose next of kin have been notified, including juveniles.
4. Unless a patient requests it be withheld, a patient's location and condition, as provided below, when transported to the hospital by EMS, the police, or fire department from an accident, crime scene, or fire.
 - Undetermined – Patient is awaiting physician and/or assessment.
 - Good – Vital signs are stable and within normal limits. Patient is conscious and comfortable. Indicators are excellent.
 - Fair – Vital signs are stable and within normal limits. Patient is conscious, but may be uncomfortable. Indicators are favorable.
 - Serious – Vital signs may be unstable and not within normal limits. Patient is acutely ill. Indicators are questionable.
 - Critical – Vital signs are unstable and not within normal limits. Patient may be unconscious. Indicators are unfavorable.
5. Description of lost, stolen, or missing property.
6. The issuance of an arrest warrant, following an arrest or with the concurrence of the prosecuting attorney after the filing of an information or indictment; information in addition to that above including:
 - The time and place of arrest, whether pursuit or resistance was encountered, whether weapons were used, charges placed against the individual(s), and description of contraband seized.

7. Charging documents including criminal complaints, indictments, informations, and violation notices.
8. Name of the complainant (except victims of sex crimes and juveniles).
9. Name of the arresting commissioned employee (see exceptions below).

3.1.6 Non-Releasable Information

Non-releasable information includes, but is not limited to:

1. Names of fatally or seriously injured victims whose next of kin have not been notified.
2. Names of juveniles charged with criminal offenses.
3. Names of victims of sexual assaults.
4. Names of people or witnesses who may become victims of crimes or retaliation in the future.
5. Information on incidents where criminal action is still under investigation and information released could hinder or adversely affect the investigation.
6. Investigative information that goes beyond general incident reporting.
7. Agency photographs, videotapes, files, or composites of individuals in custody, unless authorized by the SLEO and the Park Superintendent.
8. Explicit details, including graphic photos or images of extreme injuries or brutal fatalities.
9. Home addresses, telephone numbers, and Social Security numbers.
10. Information from individual personnel files and/or medical records of employees.

11. Other agencies (federal, state, local) working jointly with the NPS may be subject to FOIA law. If an NPS commissioned employee's report contains one of these agencies' or bureaus' information or report, we would either obtain permission from them or refer the FOIA request to that agency prior to release of their information.
12. A record obtained by the NPS from a source outside of the federal government, unless approval from that source has been granted.
13. Names and other personal information pertaining to the identification of the commissioned employees involved in shooting or other deadly force incidents or incidents in which the commissioned employee and/or subjects sustain injury, until notification is made to family, etc. The ADVRP is the only person who can authorize the release of the names of officers involved in a deadly force or serious use of force incident (see Chapter 11).
14. The home address or telephone number of any commissioned employee.

4. MEDIA RELATIONS

4.1 On-Scene Procedures

4.1.1 Access

The policies in this section do not give the media any rights to enter private property.

At the scene of an incident, representatives of the news media may be allowed access to areas normally and legally restricted to the general public as long as:

- Access does not interfere with law enforcement operations, the apprehension of suspects, or the preservation of evidence.
- If the safety of media representatives would be jeopardized, they should be so informed and restricted from the scene.
- If the safety of NPS employees or the public would be jeopardized by media presence in a hazardous area or situation, justification exists to restrict media representatives from the scene.

4.1.2 Press Releases Pertaining to Criminal Investigations and Prosecutions

Press releases and other information provided to the media relating to criminal investigations or prosecutions must be reviewed and approved by either the SLEO, Case Agent, and/or the Office of the US Attorney (or other prosecuting official) prior to release. The SLEO or the Supervisory SAC may release information after consultation with the above noted personnel.

4.1.3 Contact with Prisoners/Suspects

A prisoner or suspect will not be posted or stationed for the purpose of photographing or televising by the news media. The news media should not be allowed to interview a prisoner or detained suspect unless, at the discretion of the SLEO and the Office of the US Attorney (or other prosecuting official), such interview facilitates law enforcement actions, and such interview does not interfere with due process of law, delay a proceeding, unreasonably create a security or safety risk, and it is done with the consent of the individual.

5. FREEDOM OF INFORMATION ACT

See Chapter 37. The Freedom of Information Act (FOIA), *5 U.S.C. 552*, and relevant Department of the Interior regulations at *43 CFR Part 2*, establish a statutory right of public access to information in records held by the federal government. FOIA provides that any person has a right, enforceable in court, to obtain access to federal agency records, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions.

5.1 FOIA Disclosures

FOIA requests and disclosures should be processed through the appropriate NPS FOIA officers. Up-to-date information on FOIA releases can be found at the DOI-FOIA website: www.doi.gov/foia/