



## MISSOULA POLICE DEPARTMENT POLICY MANUAL

<b>Subject:</b> <b>NEWS ORGANIZATION RELATIONS</b>		
<b>Effective Date:</b> <b>01/16/2024</b>	<b>Original Date:</b> <b>12/10/2003</b>	<b>Next Review:</b> <b>01/16/2027</b>
<b>Chapter</b> <b>14</b>	<b>Policy #</b> <b>14.11</b>	<b>Distribution:</b> <b>ALL</b>
<b>References:</b> <i>Information Dissemination; City of Missoula Press Releases</i> <i>State ex nel. Smith v. District Court, 201 Mont.376, 381, 654, P.2d 982, 985 (1982)</i> <i>Great Falls Tribune v. District Court, 186 Mont, 433, 438, 608 P.2d 116, 119 (1980)</i> <i>MCA 44-5-103, MCA 23-5-116, MCA 44-5-301, MCA 44-5-302, MCA 7-1-4144, MCA 44-5-303, MCA 41-5-215, MCA 61-7-114; ARM 23.12.201, ARM 23.12.203</i>		

### I. Purpose

It is the purpose of this policy to establish guidelines for the release and dissemination of public information to News Organizations.

### II. Policy

It is the policy of the Missoula Police Department to cooperate fully, impartially, and within Montana Law, with authorized News Organization representatives in their efforts to gather factual information pertaining to the activities of the department, as long as these activities do not unduly interfere with police operations, infringe upon individual rights, violate right-to-privacy laws, or violate Montana's Confidential Criminal Justice Information Statutes.

### III. Definitions

**News Organizations:** Recognized agencies of print and electronic media.

**News Organization Representatives:** Individuals employed by recognized agencies of the print and electronic media with proper credentials identifying them as a member of a News organization.

**Public Daily Activity Report:** A report generated from the calls-for-service records of the Missoula Police Department, available on-line at: [DailyPublicReport](https://apps.missoulacounty.us/dailypublicreport/) or <https://apps.missoulacounty.us/dailypublicreport/>

#### **Public Information:**

Montana Law defines public criminal justice information as it relates to Criminal Justice Agencies as:

- \*information made public by law;
- \*information originated by a criminal justice agency, including:
  - initial offense reports, available during working hours;
  - initial arrest records, available during working hours;
- \*information considered necessary by a criminal justice agency to secure public assistance in the apprehension of a suspect;
- \*statistical information; or

\*Information the Missoula Police Department has that may be of interest to the general public that is not prohibited from disclosure due to law or policy, including: Missoula Police Department Policies and Procedures, newsworthy events and strategic plans.

Releases of this type of information should not unduly interfere with the mission of the Missoula Police Department, jeopardize the rights of the accused or compromise the legitimate safety of any individual.

***Public Information Officer (PIO):*** A Public Information Officer is a specific officer appointed by the Chief of Police or his designee, to be the primary distributor of information for an incident. Once a PIO is established, that person is to be viewed as the primary department member distributing information to News Organizations or to the general public, but additional department members may be designated at the Chief's discretion. A PIO may be appointed by the Chief of Police or his/her designee when the release of information from a central source is needed.

***Assistant Public Information Officer (APIO):*** The Chief of Police or his/her designee may appoint department personnel, strategically placed throughout the department, to act as assistant public information officers. These appointment(s) are to be viewed as a collateral duty tasked with providing real time crime and department information to news organizations and the community via social media, press releases and media interviews.

***Statistical Information:*** Statistics generated from local police activities, calls-for-service records and other relevant information. Information of this nature must be reviewed and approved by the Chief of Police or his designee before release.

#### **IV. Procedures**

##### **A. Cooperation with News Organizations**

1. News Organization representatives shall have reasonable access to the shift commander or his designee, the PIO, and the Chief of Police or his designee.
2. When information must be denied to News Organizations, the basis for that denial should be fully and courteously explained.
3. Officers on the scene should refer all News Organization requests for information to the shift commander, the PIO, (if designated) or to the City of Missoula's Communications Officer. A PIO may be called to a scene in the event the on-scene commander deems necessary.
  - a. The PIO should monitor calls for service and respond as necessary at his discretion.
4. Public information shall be available to News Organizations as promptly as possible, without partiality and in an objective manner.
5. The Missoula Police Department shall not release information that is information of, or the records of, other agencies or Departments. See Section 44-5-301 MCA. News Organizations should be directed to the appropriate department or agency.
6. Information should not be released by phone where the identity of the News Organization Representative is unknown.

**B. Procedure:**

1. News Organizations will be allowed access to public criminal justice information during regular business hours. See 44-5-301 MCA.
2. During weekends and holidays, News Organizations will be allowed access to shift commanders and oral reports containing public criminal justice information.
3. All requests for public criminal justice information not otherwise set out above as well as all requests for written reports of public criminal justice information shall be made to the Missoula Police Department during regular business hours.
4. The Missoula Police Department may assign a PIO during newsworthy events or to provide information in the possession of the Missoula Police Department that may be of interest to the general public and that is not prohibited from disclosure due to law or policy. The PIO shall release information to the public in the form of press releases or scheduled news conferences as deemed necessary and appropriate by the PIO or Missoula Police Department. Releases of this type of information should not unduly interfere with the mission of the Missoula Police Department, jeopardize the rights of the accused or compromise the legitimate safety of any individual.
5. Written press statements should be reviewed by the PIO or a staff member before distribution through physical or electronic means to local news organizations.
6. The shift commander shall be responsible for ensuring that a staff member is notified of significant events.

**C. Personal Information that may be released under Montana Law:**

1. The general nature of the charges against the arrested;
2. The offense location;
3. The name, age, and residence of the arrested person(s);

**D. Personal Information that may not be released:**

1. Driver's license numbers;
2. Social security numbers;
3. Medical records, including but not limited to, mental health records and records relating to drug and alcohol addiction or treatment;
4. Names of victims or information about victims will not be released including any information that may directly or indirectly disclose the address, telephone number, or place of employment of the victim or a member of the victim's family;
5. Names of victims of an offense committed under 45-5-502, 45-5-503, 45-5-504, or 45-5-507, MCA, as well as any information other than the offense location, that may directly or indirectly identify the victim;

6. Names of juveniles will not be released to New Organizations under any circumstances, except in child abductions or disappearance cases or as otherwise authorized by law; and
7. New Organizations should be referred to the coroner's office for release of deceased victim's names.

**E. Release of Investigative Information.** Investigative Information is Confidential Criminal Justice Information and may only be released pursuant to Section 44-5-303 MCA. The Missoula Police Department shall release the following information as it relates to on-going investigations:

1. Concerns and notes of interest that would benefit the citizens of Missoula without violating Montana Law with respect to Confidential Criminal Justice Dissemination Statutes or Individual right to privacy;
2. The type or nature of an event or crime;
3. The location, date and time, the injuries sustained, damages and a general description of how the event occurred;
4. The type of property taken, but not the dollar amount or value.
5. The identity of a suspect may be released if it would aid in his/her apprehension or serve to warn the public of danger as provided under Montana Law;
6. The name of the officer in charge of the investigation;
7. Estimated value of dangerous drugs.

**F. Information which may not be released in connection with ongoing criminal investigations includes:**

1. The identity of any victim of a sex crime or any related information which could lead to the victim's identity;
2. The identity of any witness or victim if such disclosure would prejudice the investigation or place them in personal danger or if the witness or victim have requested confidentiality. Victims and Witnesses have a right to privacy under the U.S. and Montana Constitutions;
3. The results of any investigative procedure such as fingerprint comparison, lineups or lab results, (the fact such tests have been done may be disclosed without further comment);
4. Information which could interfere with the investigation or specific details that would only be known by the police or the criminal;
5. The specific cause of death shall only be released by the coroner at his discretion.
6. Prior criminal conviction record, character or reputation of the defendant;

7. Existence or contents of confessions or statements by the defendant or his/her refusal to make either;
8. The results of any tests or failure to submit to such tests;
9. The expected testimony of any witnesses or victims;
10. Officers and other members of the Missoula Police Department should not offer opinions about the defendant's guilt or the merits of the case while the case is being investigated or is pending; and
11. Officers and other members of the Missoula Police Department should not offer opinion or knowledge about pre-trial activities such as plea bargains.

**V. Special Considerations**

- A.** Police personnel shall extend reasonable courtesy to News Organization Representatives.

**B. Confidential Matters**

News Organization Representatives shall be denied access to the contents of investigative or incident reports and records, pursuant to MCA 44-5-303, where release of the information would:

1. Endanger the life of any person;
2. Interfere with law enforcement proceedings;
3. Constitute an unwarranted invasion of the personal privacy rights of another person;
4. Disclose investigative techniques and procedures, thereby impairing future effectiveness of the department or compromise officer safety; or
5. Violate state or federal law.

**C. Criminal Matters. In addition to the above:**

1. The News Organization Representatives shall not be allowed access to a crime scene or to an incident scene.
2. At the scene of major incidents, the Incident Commander may designate a PIO, and a preliminary press area.
3. News Organization Representatives shall not accompany officers onto private property without the permission of persons having an expectation of privacy.
4. Suspects or accused persons in custody shall not be posed or made available for interviews, photographs or telecasts.
5. Dissemination of photographs or mug shots to News Organizations may be allowed if permission is given by Chief of Police or Assistant Chief of Police and the agency that has possession of such photographs or mug shot.

**D. News Organization Representative Ride-A-Longs**

In instances where members of News Organizations are involved in a department approved citizen ride-a-long, the News Organization Representative will not be allowed entry to or onto private property. All efforts will be made to not expose citizens to News Organizations in a way that would cause the citizens embarrassment.

**E. Non-Criminal Matters**

At the scene of significant accidents, man-made or natural catastrophes, cooperation with News Organizations shall be only to the degree that they do not obstruct the mission of the police, fire, medical or other emergency relief workers.