

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER MULTI-BUREAU	DATE OF ISSUE OCTOBER 29, 2020	EFFECTIVE DATE OCTOBER 29, 2020	NO. 020-20
SUBJECT: GENERAL ORDER Office of Communications and Media Interactions		DISTRIBUTION	AMENDS
REFERENCE: NYSLEAP 28.1, NYSSA 41 (JAIL) 42 (CIVIL)			RESCINDS MBGO-082-08 020-19

***Purpose:** To familiarize employees relative to the operational and organizational structure of the Office of Communications, to define the responsibilities of each component contained therein, and to explain policy and procedure regarding interactions with and the release of information to employees of the news media.

***Policy:** The Monroe County Sheriff's Office (MCSO) will maintain transparency with both the public and news media. The Sheriff's Office recognizes that a well-informed, supportive and cooperative public is absolutely essential to successful policing. Public trust and confidence in law enforcement is enhanced by open and honest communication with the citizenry. The news media is an effective and efficient means of assisting in such communications. The MCSO also recognizes the obligation of providing accurate and timely information concerning its activities. It is committed to doing so and welcomes public inquiries. All personnel, consistent with this policy, will cooperate with members of the media regarding official operations and activities since they share in the responsibility of maintaining public trust. Members of the news media will be treated fairly and impartially with respect and honesty. Nonetheless, there may be times when information in our possession cannot be released to the news media in order to protect the integrity of an on-going investigation or because of other restrictions provided by law. The Office of Communications serves as a central source of information for release by the Sheriff's Office and responds to requests for information from the news media and community. The Office of Communications also works to build and strengthen media relations.

***I. The Office of Communications Duties and Public Information Officer Structure**

- A. The Office of Communications (OC) is comprised of the Director of Communications (DC) and the Communications Officer (CO).
- B. The DC is a direct report to the Sheriff and Undersheriff for all media related issues. A request by the DC shall carry the authority of the Sheriff and/or Undersheriff.
- C. In the DC and/or CO's absence, the Lieutenant of Sheriff's Administration shall assume the duties of the DC. The Lieutenant of Sheriff's Administration shall oversee the efforts of the DC to ensure that all his/her responsibilities are accomplished.
- D. The DC will maintain an active database of media contacts and be accessible to the media 24 hours a day, seven days a week.

- * E. The Office of Communications serves as a central source of information for release by the MCSO and responds to requests for information from the news media and community. The Office of Communications is charged with providing thorough current and accurate information about the events and activities of the MCSO to the residents and visitors of Monroe County.
- * F. The Office of Communications handles media relations through the DC and the CO, disseminates news releases, crime statistics, and other agency information; maintains, coordinates, updates the agency website, posts to the agency's social medial platforms and helps ensure agency members are kept informed through internal communications. (Refer to **MBGO-85 Social Media**)
- * G. The Office of Communications assists with publishing Sheriff's Office brochures and helps promote special events. All requests for agency publications should be directed to the Staff Services Bureau. Prior to dissemination, the Sheriff, Undersheriff, or their designee must authorize all publications. The Office of Communication must approve all publications with editorial and creative license to include ensuring proper agency logos are included in publications.

II. General Procedures

- A. Telephone inquiries from the media: During business hours Monday-Friday (0800-1700hours), medial inquiries should be directed to the OC, at mcsocommunications@monroecounty.gov or by contacting the DC (585)441-2605 or the CO at (585) 269-4346 (both lines have texting capabilities). On holidays, weekends and outside business hours weekdays, media inquiries should be referred to the Media Line at (585)753-2978. After the Deputy receives a media call, the call will be dispatched to the appropriate on-duty watch commander. The on-duty watch commander and/or designee will in turn send out a media blast.
- B. Photographs:
 - 1. Photographs of a suspect may only be released to the media when a valid law enforcement function is served and only when authorized by the Sheriff or his/her designee. Employees shall not pose with arrested or accused individuals. However, employees should not prevent or interfere with media members when they are photographing or filming such persons in public places, except for legitimate safety or security reasons.
 - 2. Photographs of agency employees may not be released unless approved by the Sheriff or his/her designee.
 - 3. MoRIS Identification photographs of MCSO arrestees will not be released to the media unless approved by the Sheriff or his/her designee. MCSO will not release identification photographs of other agencies' arrestees (Appendix B & C).

III. Specific Procedures

- A. All employees: When releasing information to the news media, common sense must prevail. The release of information (facts only) must first have the approval of the supervisor at the scene. Once ANY information is released to the media (especially on camera interviews), the CO will be notified of the exchange in order to prepare the CO for any subsequent questions. Examples of information that should not be released would include names of adolescent offenders or sexual assault victims or facts that, if divulged, might adversely affect an investigation. Names of fatal accident victims or injured persons should not be released until every possible effort has been made to notify next of kin. When notifications have been made, names of victims should be released promptly (Appendix B & C).

1. No employee will make a public statement concerning plans, policies, general orders or affairs of the administration of the MCSO unless specifically authorized by the Sheriff and/or Undersheriff.
 2. Statements about an internal investigation of alleged misconduct by agency employees will only be made by the Sheriff or Undersheriff.
 3. Specific requests by the media for on-camera interviews of agency personnel must be approved by the Sheriff and Undersheriff and coordinated by the CO. Note- this does not include on-camera requests for the Police Bureau when on-scene at an accident scene or general incident.
 4. MCSO personnel assigned to such a scene shall refer media members to one source for information. In most cases, the highest-ranking officer at the scene of an incident or an authorized designee will assume responsibility for this function.
 5. During an ongoing criminal investigation, facts and information, which will not hamper the probe, may be released. There should be no information released regarding the existence of any confession, admission of guilt, or statement made by a suspect. The results of examinations or tests conducted or a refusal by a suspect to submit to any examinations or tests should not be released.
 6. No reference should be made regarding the character or reputation of a suspect. Information regarding the prior record of a suspect is to be restricted to convictions only.
 7. Opinions of agency personnel regarding the guilt or innocence of a suspect are not to be released.
 8. No information should be released or commented upon in regard to the identity, testimony or credibility of any prospective witness.
 9. Personal information identifying sexual assault victims or adolescent offenders shall not be released.
 10. In situations where more than one police agency is involved, the agency having primary jurisdiction should be responsible for the release of information or coordinating the release of information.
 11. Information received from other law enforcement agencies should not be released without their concurrence.
- B. Police Bureau contact with media: Criminal Investigation and Accident Reports shall be taken to Headquarters, following supervisory review, at the completion of each duty tour. In some cases, when additional information needed by the media is contained in Addendum Reports, supervisory personnel or the OC may verbally relate such information. This procedure should screen names of witnesses, suspects and information, which, if released, might jeopardize the investigation. Face copies of Accident Reports may be shown to the media. Information contained on Accident Report Addendums will be handled in the same manner as information contained on SIR Addendums.

- C. News Media Access:
1. Although the scene of a crime, tactical operation, emergency incident, major fire, natural disaster or other catastrophic event may be closed to all unauthorized persons, the media, including photographers should be allowed access at the best possible safe location as determined by the ranking officer at the scene. In no case should the media be allowed to interfere with police or other emergency operations.
 2. It is recommended that at incidents where perimeters are established, such as natural or man-made disasters, civil disturbances, mass arrests and hostage/barricaded person situations, news media and photographers be given space to operate outside the outer perimeter.
- D. Fair Trial Free Press Guidelines: While maintaining compliance with the New York State Fair Trial Free Press Guidelines (see Appendix A), access to police reports must be carefully scrutinized by agency personnel. The rules for access to police reports will apply to anyone despite their press status. The Sheriff's Office has an obligation to protect the integrity of any case, victim(s), witness(es), evidence, and defendant(s) who potentially could be found not guilty.

By Order of the Sheriff,



Todd K. Baxter

* Indicates a significant change from the previous order

**APPENDIX A
FAIR TRIAL FREE PRESS
PRINCIPLES AND GUIDELINES
FOR THE STATE OF NEW YORK**

PRINCIPLES

Freedom of the press is guaranteed by the First Amendment of the Constitution of the United States. The right to a speedy and public trial by an impartial jury is guaranteed in criminal cases by the Sixth Amendment.

The New York State bar, bench, law enforcement agencies and news media, as represented by organizations that have signed this document, recognize and uphold these guarantees and grant them equal validity.

They also require the right of the public in a democratic society to be informed about crime, law enforcement and the administration of justice, and the right, in general, to have trials openly conducted.

While the news media recognize the responsibility of the Judge to preserve order in the court and seek the ends of justice by all those means available to him/her, decisions about handling the news rest with the editors who, in the exercise of news judgments, should remember that;

1. An accused person is presumed innocent until proven guilty.
2. Accused persons and civil litigants are entitled to be judged in an atmosphere free from prejudice and sensationalism.
3. Readers, listeners and viewers are potential jurors.
4. No one's reputation should be injured needlessly.

GUIDELINES IN CRIMINAL CASES

The proper administration of justice is the concern of the judiciary, bar, prosecution, law enforcement personnel, news media and the public. None should relinquish its share in the concern. None should condone injustices on the ground that they are infrequent.

1. When and after an arrest is made, the following information should be made available for publication:
 - a. The accused's name, age, residence, employment, marital status, and similar background information.
 - b. The substance or text of the charge such as a complaint, indictment, information and, where appropriate, the identity of the complainant.
 - c. The identity of the investigating and arresting agency and length of the investigation.
 - d. The circumstances immediately surrounding the arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons and the description of items seized at the time of arrest.
2. The release of certain types of information by law enforcement personnel, the bench and bar, and the publication of this information by the news media may tend to create danger of prejudice without serving a significant law enforcement or public interest function. Therefore, all concerned should be aware of the dangers of prejudice in making pretrial disclosures of the following:
 - a. Statements as to the character or reputation of an accused.
 - b. Admissions, confessions or the content of a statement or alibi attributable to an accused person.

- c. The performance or results of tests or the refusal of the accused to take a test.
- d. Statements concerning the credibility or anticipated testimony of prospective witnesses.
- e. The possibility of a plea of guilty to the offense charged or to a less offense, or other disposition.
- f. Opinions concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial.

Note: The Code of Professional Responsibility for members of the bar, which became effective in New York State of January 1, 1970, contains specific provisions relating to pre-trial publicity in criminal cases which generally follow these guidelines. It should be noted, however, that lawyers are explicitly prohibited from disclosing the prior criminal record of an accused.

- 3. Prior criminal charges and convictions are matters of public record and are available to the news media. Police corrections and other law enforcement agencies should make such information available to the news media on request. The public disclosure of this information by the news media may be highly prejudicial without any significant addition to the public's need to be informed. The publication of such information should be carefully considered by the news media.
- 4. Law enforcement and court personnel should not prevent the photographing of defendants when they are in a public place outside the courtroom. They should neither encourage nor discourage pictures or televising but should not pose the accused.
- 5. Photographs of a suspect may be released by law enforcement personnel, provided that a valid law enforcement function is being served. It is proper to disclose such information as may be necessary to enlist public assistance in apprehending fugitives from justice. Such disclosure may include photographs as well as records of arrest and prior convictions.
- 6. Particular care should be taken not to disseminate prejudicial information, including information adduced in pretrial hearings and closed hearings, when a trial is approaching or is underway and the information is likely to be seen or heard by potential jurors.
- 7. Once a trial has begun, the news media may report anything done or said in one court, provided that any statement or matter excluded from evidence is described as having been so excluded. When matters or statements are excluded from evidence outside of the presence of the jury, disclosure may be highly prejudicial without any significant addition to the public's need to be informed. The publication of such information should be carefully considered by the news media.
- 8. No one should make, publish or broadcast a statement designed to influence, forecast or prejudge the outcome of a trial. Accused persons, however, should have the privilege of issuing denials of allegations made against them.

These guidelines are intended to protect the right to a speedy and public trial by an impartial jury, not to prevent the press from inquiring into and reporting on the integrity, fairness, efficiency and effectiveness of law enforcement and the administration of justice.

Appendix B

Monroe County Sheriff's Office Booking Photo and Media Line Guidelines –Release of Information to the Media

Updated: November 6, 2020

Booking Photo Policy:

If MCSO is the arresting agency, photographs of a suspect may only be released to the media when a valid law enforcement function is served and only when authorized by the Sheriff or his/her designee. In the event MCSO releases a booking photo, the only pedigree information that will be included will be the suspect's name, age, and town/village/city of residency. No D.O.B. or address will be released.

If an individual is arrested by an agency other than MCSO, MCSO will NOT release the arrestee's booking photo, even though he/she may have been booked at the Monroe County Jail. If a media outlet is seeking the booking photo of an individual arrested by an agency other than MCSO, MCSO advises it request the photo from the arresting agency.

Media Line:

Media outlets are instructed to call Media Line at 585-753-2978, outside of Monday - Friday 8:00 a.m. – 5:00 p.m., weekends, and holidays for information on developing/breaking news and incidents. The Watch Commander will, in turn, send out a media blast to all media outlets.

All other inquiries, including requests for "enterprise" stories, will be answered by contacting Communications Director Amy Young, M-F, 8 a.m. – 5 p.m. at 585-441-2605 or Public Information Officer Sgt. Matt Bottone at 585-269-4346; via email: MCSOCommunications@monroecounty.gov.

Appendix C

MCSO Identity Release Guideline

November 12, 2019

Purpose Statement: To prevent the re-victimization of individuals in our community.

Identity Release Guideline for DECEASED Individual(s):

The Monroe County Sheriff's Office will release the NAME, AGE, AND HOMETOWN of a **deceased** individual(s) if he/she is involved in an investigation/case in which MCSO is the lead investigatory agency

WHEN:

1). Next of kin is notified AND deceased is positively identified for 24 hours.

Identity Release Guideline for INJURED Individual(s):

The Monroe County Sheriff's Office will release the NAME, AGE, and HOMETOWN of an **injured** individual(s) if he/she is involved in a criminal investigation in which MCSO is the lead investigatory agency.

1). Injured individual(s) next of kin must be given 24 hours with the **injured** individual before the identity is released

AND

2). Injured is not a victim of a sex crime

The name(s) of **VICTIMS** and **PERSONS INJURED IN MVAs**, not charged or issued a ticket, will **NOT** be released.

*****Unusual circumstances will be reviewed and addressed on a case-by-case basis.**