



APPROPRIATE AUTHORITY
GENERAL ORDER

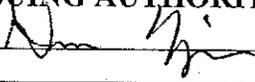
NUMBER: 2011-02

EFFECTIVE DATE: March 3, 2011

DEPARTMENTS: Police and Fire **EXPIRES:** Until Rescinded

SUBJECT: Public Information

ISSUING AUTHORITY: Mayor Dawn Zimmer

 3/2/11
Date

Communication is vitally important during this process and who and how information that impacts our community is shared. It is our objective and intent of sharing data that is accurate and timely. To facilitate the information process flow, we have developed the following "Public Information General Order".

I. Purpose:

The goal of this policy is to provide the City of Hoboken personnel with guidelines for dealing with the news media, speeches and public statements, preparing and distributing news releases.

II. Scope:

This policy applies to the Hoboken Police Department and the Hoboken Fire Department. Individual departments may have additional policies and/or procedures, which are more restrictive, for the release of information. In no way is this policy meant to impede or obstruct the Open Public Record Act, or the State of New Jersey Governor's Executive Order No. 69.

III. Policy Statement:

It shall be the policy of the City of Hoboken to maintain and promote open avenues of communication between the City and the news media, and provide accurate, informed, timely and relevant information to the press and to the public. It shall be the purpose of this policy to establish guidelines for the release and dissemination of public information to print and broadcast media. It shall be the policy of the City of Hoboken Police and Fire Department to cooperate fully and impartially with authorized news media representatives in their efforts to gather information pertaining to crime statistics, criminal activity and activities of the Departments, as long as such information gathering does not unduly interfere with Departmental operations, or ongoing investigations that infringe upon individual rights or violate the law.

IV. Current Policy RESCINDED

All policies, memorandum, orders and the like, for the Police and Fire Departments that in any way relate to members of the Police and Fire Departments releasing information to the public including but not limited to press releases and statements to the press are hereby RESCINDED.

Sections 3.5.5 and 3:5.6 of the City of Hoboken Police Department's Manual of Rules and Regulations, adopted March 6, 1991 which relate to press releases and statements by members of the Police Department is hereby RESCINDED. Furthermore, Sections 3.5.5 and 3:5.6 are hereby replaced with this General Order.

Section 8:1.70 of the City of Hoboken Police Department Manual of Rules and Regulations titled, "Unauthorized Press Releases and Statements" shall remain in full force and effect and apply to all violations of this General Order.

V. General Policy:

Media Interaction

1. Prior to any formal speaking engagement or presentation, the employee participating will notify the Chief in writing of the event and its subject matter.
2. Prior to any statement to the media relating to City business, policies, personnel, programs or issues, all employees shall notify the Chief for review and receive approval for the intended statement. The Chief shall notify the Business Administrator of same. The Chief must also obtain approval from Office of Corporation Counsel's Office as to legal form/legality of the statement with the exception of information that may be released at a crime scene and information that may be released in connection with an investigation of an event or crime or arrest as described herein.
3. When communicating with the media, City staff should be mindful that they would be perceived to be acting on behalf of the City, whether or not they intend to be doing so. Therefore, staff will always behave professionally and courteously, staying focused on the message they are trying to convey, while avoiding extraneous commentary, speculation, falsification, or drawing of conclusions with incomplete information.
4. While truthfulness is required in all dealings, staff as representatives of the City of Hoboken should work towards the presentation of City issues in a positive manner.
5. The City of Hoboken is required to be responsive to the media. Chiefs and Directors and other City staff members may also be required to interact with the media, if requested by the Mayor or Business Administrator.
6. Employees, like all citizens, have a First Amendment right of free speech. On occasion, an employee's personal interest in an issue may be different from the

City's position. When this occurs, employees are required to clearly state that their position is personal. Notification following a conversation or interview with the news media must be made the same day of the contact. Notification of media contact must be made to the City's Business Administrator and the employee's immediate supervisor. Notification must be in person, by telephone, or by e-mail.

Records

1. To insure that only accurate and legally open personnel and City government information is released, all requests for City documents, including personnel records shall be treated as public information requests. Public information requests must be made to the Office of the City Clerk.

News Releases

1. Draft of all news releases developed by an agency or department will be submitted to the Chief for review, approval and distribution coordination.
2. Once approved, the Chief will be responsible for coordinating releases to the news media and notifying the Business Administrator. The initiating department is responsible for sending copies to their personnel.

Press Conferences

Press Conferences will be coordinated and facilitated solely by the Chief's office. Departments and agencies desiring to have a press conference will present their request in writing to the Chief. The Chief will determine if a press conference is warranted. The Chief is responsible for notifying the Mayor or the Business Administrator.

Release of Information at Crime Scene

Unauthorized personnel, including members of the press, shall be excluded from crime scenes. Information which will not hinder or nullify an investigation shall be given to the press by the department spokesperson, or in his absence, a superior officer designated by the Police Chief or in accordance with departmental policy set forth below. In order not to jeopardize the prosecution of a criminal case and to insure that an accused will not have cause to challenge the fairness of the court proceeding against him, every member of the department is hereby advised of the following guidelines to be used in dealings with the press.

Any member of service including civilian personnel, shall not make nor participate in making a statement to the media that relates to:

- A. The character, reputation, or prior criminal record (including arrests, indictments, or other charges of crime) of the accused.
- B. The possibility of a plea of guilty to the offense charged or to a lesser offense.

- C. The existence or contents of any confession, admission, or statement given by the accused or his refusal or failure to make a statement.
- D. The performance or results of any examinations or tests or the refusal or failure of the accused to submit to examinations or tests.
- E. The identity, testimony, or credibility of a prospective witness.
- F. Any opinion as to the guilt or innocence of the accused, the evidence, or the merits of the case.

INFORMATION THAT MAY BE RELEASED IN CONNECTION WITH AN INVESTIGATION OF AN EVENT OR CRIME OR ARREST IS:

- A. The name, age, residence, occupation, and family status of the accused, except if a juvenile.
- B. If the accused has not been apprehended, any information necessary to aid in the apprehension or to warn the public or any dangers the accused may present.
- C. A request for assistance in obtaining evidence.
- D. The identity of the victim of the crime unless a sexual assault is involved or there is some other reason to protect the privacy of a victim (i.e. the victim specifically requests non-disclosure).
- E. The fact, time and place of arrest, resistance.
- F. The identity of investigating and arresting officers or agencies and the length of the investigation.
- G. The nature, substance, or text of the charge.
- H. Quotation from or references to public records of the court in the case.
- I. The scheduling or result of any step in the judicial proceedings.
- J. That the accused denies the charges made against him.

Publications

Adherence of this policy is required and expected of all City employees. Failure to comply will result in the administration of disciplinary actions up to and including termination of employment.