

## News Media Relations

### 340.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies, custody operations and other law enforcement activities.

### 340.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff, however, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Commanders, Department Commanders, designated Public Information Officer(s) or the Public Affairs and Community Engagement (PACE) division may prepare and release information to the media in accordance with this policy and the applicable law.

#### 340.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, Members shall consider the following:

1. At no time shall any Member of this Department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative;
2. In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Department;
3. Under no circumstance should any Member of this Department make any comment(s) to the media regarding any law enforcement incident not involving this Department without prior approval of the Sheriff. Please refer to Policy 1055-Social Media and 1058-Employee Speech Expression for further guidance.

### 340.3 MEDIA ACCESS

Authorized and bona fide Members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

1. The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.
2. Media representatives may be prevented from interfering with emergency operations and criminal investigations
  - (a) In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort

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should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities.

- (b) Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for TFR should be routed through the Department Commander. A TFR, either for a pre-planned operation or an unplanned incident, should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate controlling tower. If the controlling tower is not known, the Federal Aviation Administration should be contacted (Federal Aviation Regulations § 91.137).
3. No Member of this Department shall be subjected to media visits or interviews without the consent of the involved Member (Government Code § 3303(e)).
4. Penal Code §409.7(a) states if peace officers closes the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in activity that is protected pursuant to the First Amendment to the United States Constitution or Article I of the California Constitution, the following requirements shall apply:
  1. A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network may enter the closed areas described in this section.
  2. A peace officer or other law enforcement officer shall not intentionally assault, interfere with, or obstruct the duly authorized representative of any news service, online news service, newspaper, or radio or television station or network who is gathering, receiving, or processing information for communication to the public.
  3. A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network that is in a closed area described in this section shall not be cited for the failure to disperse, a violation of a curfew, or a violation of paragraph (1) of subdivision (a) of Section 148, for gathering, receiving, or processing information. If the duly authorized representative is detained by a peace officer or other law enforcement officer, that representative shall be permitted to contact a supervisory officer immediately for the purpose of challenging the detention, unless circumstances make it impossible to do so.
- (b) This section does not prevent a law enforcement officer from enforcing other applicable laws if the person is engaged in activity that is unlawful.
- (c) This section does not impose, and shall not be used as the basis for, criminal liability.
5. Section 409.7 only applies to events in which people are engaged in activity that is protected pursuant to the First Amendment to the United States Constitution or Article I of the California Constitution. Events defined in the section include, but are not limited to, demonstrations, marches, protests, and rallies.

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6. The Department's Patrol Operations Manual, Section 51.IV.C.5 states, "the command post should be established immediately, so the Incident Commander can coordinate all the responding assets. It can be a radio car; a residence or any location where responding deputies can gather and receive instructions." Command Posts are areas of land which may or may not contain multiple structures and/or vehicles. Command Posts are not defined solely as the structure or vehicle on the designated area of land. The space abutting a command post which may be closed to the public must remain open to media representatives. The legislature does not define the size of a command post, but the intent is to allow the media access to the immediate area surrounding the command post.

7. Members of the media are granted access to closed areas during demonstrations, marches, protests, and rallies. Those areas include the immediate areas surrounding a command post and areas closed by an established police line or rolling closure. Media is not granted access inside the command post at these events. Members of the media may not be cited for failure to disperse, a violation of curfew, or a violation of paragraph (1) of subdivision (a) of Section 148, for gathering, receiving, or processing information. All attempts will be made to have Department PIOs on location to assist with media access and inquiries.

8. A stringer is a freelance journalist, photographer, or videographer who contributes reports, photos, or videos to a news organization on an ongoing basis but is paid individually for each piece of published or broadcast work. They may be first to arrive on scene and should be treated as the News Media.

### **340.3.1 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Sheriff shall consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

### **340.4 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The Department shall provide information, upon request, to media representatives through the PACE Division or the Records Division. Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Division.

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### **340.5 CUSTODY OPERATIONS**

Media interviews inside a jail facility will be closely regulated to ensure the controlled and safe operation of the facility.

#### **340.5.1 THE MEDIA AND CUSTODY OPERATIONS**

1. The PACE Director or designee will be available to the public and to media representatives to answer inquiries and make official releases of information. All inquiries from the media will be referred to the PACE Director or designee.
2. Members of the media are encouraged to contact the PACE Director to coordinate a media interview that will not count as the inmate's visit for the day. Each inmate is permitted one approved, one-hour "Media Interview" per day.
3. A member of the media requesting to interview an inmate outside of public visiting hours must contact the PACE Director. Media requests for interviews of inmates on non-visiting days must be approved through the Watch Commander and PACE Director.

#### **340.5.2 INMATE/MEDIA INTERVIEWS**

1. Media representatives may be allowed to interview an inmate only with the approval of all the following individuals: the requested inmate, his or her counsel (if represented in any case), and the Division Commander of the facility where the inmate is housed, in consultation with the PACE Director. The interview may be conducted in person or over the phone.
2. A Media representative requesting to take photographs or record the interview using a camera or a recording device must notify the PACE Director at the time of the interview request. The PACE Director shall obtain approval for the photographs or recordings from the Division Commander of the facility where the inmate is housed. The Media Interview Request Form must reflect the inmate's consent if any photographs, audio, or video recordings are approved. The named inmate agreeing to the interview and consenting to be photographed and recorded is the only inmate who can be interviewed, photographed and/or recorded. This requirement is meant to protect the rights of inmates and staff, and to maintain order within the facility.
3. No inmate will be required to be interviewed by the media.
4. Media interviews with inmates inside a Custody Operations facility may be refused because:
  - (a) The inmate has not completed the booking process.

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- (b) The media representative refuses to agree to the conditions set forth by this policy.
- (c) The inmate is medically or psychologically unable to participate as determined by a Correctional Health Services (CHS) provider. If there are questions about an inmate's medical or psychological ability to participate, the Division Commander will consult with the CHS provider, and the opinion of the provider will be documented in the Watch Commander's log.
- (d) The Division Commander believes the interview would endanger the health and safety of the media representative or would incite other inmates and disrupt the operation of the facility. The Watch Commander will document the Division Commander's specific concerns in the Watch Commander's log.
- (e) With the approval of the Division Commander, the media representative may take photographs and/or voice recordings. The named inmate agreeing to the interview is the only inmate who can be photographed and/or recorded.
- (f) Due to special security, custodial and supervisory arrangements necessitated by media interviews, a High Security inmate or an inmate at the hospital may not be available for an interview. The Division Commander will individually review each such case and consult with a CHS provider as needed.

#### 340.5.3 MEDIA REQUESTS FOR INTERVIEWS

1. If approved, the Watch Commander will ensure form J184A-MEDIA REQUEST FOR INMATE INTERVIEW (for inmates represented by counsel in any open criminal case) or J-184B-MEDIA REQUEST FOR INMATE INTERVIEW (for inmates who are pro per in every open criminal case) is completed and presented to the inmate for the inmate to consent to, or decline, the request.
  - (a) Inmates who decline the media interview request must sign the form reflecting their decision. The Watch Commander will provide a copy of the signed form to the PACE Division and the original will be placed in the inmate's jacket.
  - (b) Inmates who consent to the media interview and are Represented by Counsel in any open criminal case:
    1. If the inmate consents to the request and the inmate is represented by counsel, a copy of the J-184A form signed by the inmate will be provided to the PACE Division. The PACE Division will provide the copy of the signed form to the media representative requesting the interview. The media representative must obtain the written consent of the inmate's attorney on the form prior to scheduling the interview. The form will be submitted to the PACE Division to continue to facilitate the inmate interview approval process. The Watch Commander will confirm the attorney who signed the form is the inmate's attorney of record. The Watch Commander will notify the Division Commander if there are any discrepancies between the form and the court records. The Watch Commander will ensure a copy of the form signed by the inmate and inmate's attorney is provided to the inmate.

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The fully executed form with the original signature of the inmate's attorney will be placed in the inmate's jacket.

- (c) Inmates who consent to the media interview and are Propria Persona (Pro Per) in every open criminal case:
  - 1. If the inmate is Pro Per, the box on the J-184B form advising the inmate that they may wish to consult with an attorney prior to accepting the media interview request will be initialed by the inmate. The form will be submitted to the PACE Division to continue to facilitate the inmate interview approval process. The Watch Commander will ensure a copy of the form signed by the inmate is provided to the inmate. The fully executed form with the original signature of the inmate will be placed in the inmate's jacket.
- (d) Scheduling the Interview:
  - 1. The time and location of the interview will be determined by the Division Commander working in conjunction with the PACE Division.
  - 2. Visiting staff will use the Jail Management System (JMS) to schedule the interview as an "Official Visit," noting "Media Interview" in the agency box and filling in appropriate media personnel information.