

YORK-POQUOSON SHERIFF'S OFFICE	RULES AND REGULATIONS
SUBJECT: Media Relations	NUMBER: RR 1-13
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1 **INDEX WORDS**

2
3 Crimes against Minors Registry
4 Media relations
5 Juvenile information
6 Release of Information
7 Private Property Access by Media
8 Sex Offender Registry
9

10 **POLICY**

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12 One of the first and most fundamental considerations of the nation's founders in drafting the Bill of
13 Rights was to provide for a free press as an essential element of the First Amendment to the
14 Constitution. They recognized that a well-informed citizenry is vital to the effective functioning of
15 a democracy. Law enforcement operations profoundly affect the public and, therefore, arouse
16 substantial public interest. The Sheriff shall make every reasonable effort to serve the needs of the
17 media in informing the public about crime and other law enforcement matters. This shall be done
18 with an attitude of openness and frankness whenever possible. These goals are achieved through
19 the broad dissemination of information in accordance with relevant laws. The media shall have
20 access to personnel who are best informed about the subject of a media inquiry. Further, media
21 representatives shall be only given facts or information that will not impinge on a person's right to a
22 fair trial, impede a criminal investigation, imperil a human life, or seriously endanger the security of
23 the people. Every member of the York-Poquoson Sheriff's Office shall make every reasonable
24 effort consistent with this directive to provide full and accurate information, which may be used for
25 dissemination to media representatives.
26

27 **PURPOSE**

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29 The purpose of this directive is to provide guidelines about information, which may be released to
30 media representatives, to specify some types of information, which may not be released, to identify
31 who may release information, and to establish procedures for media relationships with the York-
32 Poquoson Sheriff's Office personnel.
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34 **PROCEDURES**

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 - General

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- The Sheriff is committed to informing the community and the news media of events within the public domain that are handled by or involve the York-Poquoson Sheriff's Office in accordance with relevant laws.
 - The Sheriff's Office Public Information Officer (PIO) shall function as the primary contact for disseminating information to the community and media.
 - The Sheriff shall serve as the media spokesperson for all Sheriff's Office matters during on camera interviews.
 - The Sheriff may, at his discretion, designate the PIO or other Sheriff's Office personnel to appear on camera as representatives of the Sheriff's Office.
 - After hours, during weekends, and holidays, when a designated PIO is unavailable. the on-duty patrol supervisor or the investigations supervisor is authorized to perform public information duties.
 - All York-Poquoson Sheriff's Office press releases shall be distributed to the public and news media through the York-Poquoson Sheriff's Office Facebook Page.
 - Press releases may be made through Fax and/or Email distribution if the Sheriff's Office Facebook page is unavailable.
 - Inquiries concerning Sheriff's Office policies, procedures, practices, or relationships with other criminal justice agencies shall be referred to the PIO.
 - The release of information regarding policy and procedure, practices or relationships with other agencies shall be reviewed and approved by the Sheriff or his designee.
 - The Sheriff's Office PIO shall coordinate all responses to media or public inquiries for release of information pertaining specifically to the Sheriff's Office involvement with other public safety or service agencies such as:
 - The fire department,
 - Medical examiner,
 - Commonwealth's attorney, etc.
 - ❖ An incident PIO may be designated for incidents involving the response of multiple agencies.
 - No Sheriff's Office employee shall release information or an opinion, to the media or public, about any investigation, operation or activity of another law enforcement agency or governmental agency.
 - All requests for information about the activities of another law enforcement agency or governmental agency shall be referred to the respective agency.
 - The Investigations Division Commander shall be consulted to coordinate responses and, and authorize the release of information concerning on-going investigations.
 - The York-Poquoson Sheriff's Office always strives to recognize employees for their exceptional performance or acts and will make this information available to the public through:
 - Posts to the Sheriff's Office social media pages, or
 - Specific media press released, if the circumstances so dictate.

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84 **Public Information Officer (PIO)**
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- 87 • Primary Public Information Officer
 - 88 ○ The Sheriff shall designate an agency primary Public Information Officer (PIO).
 - 89 ■ Other Sheriff's Office members may be designated to serve as PIO in the absence of
90 the primary PIO.
 - 91 ○ The following Sheriff's Office personnel are authorized to make news releases in the
92 absence of the Sheriff or primary PIO:
 - 93 ■ Chief Deputy,
 - 94 ■ Division Commanders,
 - 95 ■ Investigations supervisors,
 - 96 ■ On-duty supervisors,
 - 97 ■ Other deputies designated as a back-up PIO.
 - 98
 - 99 ○ The Public information officers shall perform the following duties:
 - 100 ■ Assist news media personnel in gathering information on Sheriff's Office activities
101 or reported crimes.
 - 102 ❖ The PIO may refer technical questions to other Sheriff's Office personnel
103 considered subject matter experts in that area.
 - 104
 - 105 ■ Assist news media personnel in covering news stories at the scene of incidents.
 - 106 ■ Prepare and distribute agency news releases.
 - 107 ■ Arranging for and assist the Sheriff at news conferences.
 - 108 ■ Coordinate and authorize the release of information concerning victims, suspects,
109 and witnesses.
 - 110 ■ Coordinate and authorize the release of information concerning on-going agency
111 investigations and operations.
 - 112 ■ Coordinate all responses to media or public inquiries for release of information
113 pertaining specifically to the Sheriff's Office involvement with other public safety
114 or service agencies such as:
 - 115 ❖ The Department of Fire and Life Safety,
 - 116 ❖ The Office of the Chief Medical Examiner,
 - 117 ❖ The Commonwealth's attorney,
 - 118 ❖ etc.
 - 119 ➤ An incident PIO may be designated for incidents involving the response of
120 multiple agencies.
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 - 123 ○ The PIO shall normally respond to the following incidents, when news media personnel
124 are present:
 - 125 ■ Homicides.
 - 126 ■ Malicious wounding with life threatening injuries.

- 127 ▪ Agency shootings.
- 128 ▪ Tactical situations such as:
 - 129 ❖ Hostage or barricade situations,
 - 130 ❖ Active Shooters,
 - 131
- 132 ▪ Natural or man-made disasters resulting in loss of life or extensive property damage,
133 including major bombings,
- 134 ▪ Other law enforcement related incidents of public interest.
- 135
- 136 ○ A PIO shall be available during non-working hours to provide assistance to the news
137 media or to on-duty supervisors.
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139 **Media Contacts and Procedures**

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- 141 • Media Inquiries
 - 142 ○ Normally, media representatives either visit the Sheriff's Office in person, call, or email
143 the Sheriff's Office seeking information about newsworthy items.
 - 144 ▪ Routinely, these inquiries shall be referred to the PIO.
 - 145
 - 146 ○ Media representatives shall not be given access to offense reports since non-releasable
147 information subject to Section [19.2-11.2](#), Code of Virginia may be in the report.
 - 148 ▪ Offense reports and accident reports shall be carefully checked for involvement of
149 juveniles before releasing information.
 - 150
- 151 • Media Access to Incident Scenes
 - 152 ○ Pursuant to Section [15.2-1714](#), Code of Virginia, at scenes of major fires, natural
153 disasters, riots, other catastrophic events, or at crime scenes, deputies may establish
154 perimeters and control access, referred to as a police line.
 - 155 ▪ Personnel from the media, when gathering news shall be exempt from this section
156 except that it shall be unlawful for such persons to obstruct law enforcement or fire
157 and rescue personnel in the performance of their duties at such scene.
 - 158 ❖ For the purposes of this section, obstructing law enforcement personnel shall
159 include interfering with an investigation or endangering physical evidence.
 - 160 ➤ When possible a media area should be established inside the police line but
161 far enough away from the active scene to ensure the safety of news media
162 personnel and security of the active scene.
 - 163
 - 164 ▪ Media personnel in or near an incident scene shall be informed of potential dangers
165 and asked to leave the scene. However; no further action shall be undertaken unless
166 the media personnel are interfering with incident operations or endangering physical
167 evidence.
 - 168 ❖ Sheriff's Office personnel are under no obligation to provide for the personal
169 safety or security of media personnel who choose to remain in a hazardous
170 environment or area of civil disturbance.
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- As soon as possible after evidence has been processed and removed, media representatives shall be assisted in gaining access to the scene when it will not interfere with the law-enforcement mission.
 - ❖ Deputies may deny media access for legitimate investigative or safety reasons.
 - Media access to private property incident scenes
 - Sheriff’s Office personnel cannot authorize media personnel to trespass on private property.
 - The media representative is responsible for obtaining any permission necessary once the legitimate law-enforcement mission allows access to the scene on private property.
 - ❖ Photography, or videotaping on private property requires the owner's permission.
 - Sheriff’s Office personnel shall not authorize the media to enter upon private property.
 - The media shall not be permitted to accompany members of the Sheriff’s Office onto private property while engaged in any authorized ride-a-long program.
 - ❖ Under the Fourth Amendment of the United States Constitution, media representatives are prohibited from entering upon private property without the permission of the owner.
 - See, [Wilson v. Layne](#) 526 U.S. 603 (1999).
 - ❖ Emergency circumstances that apply to law enforcement personnel do not apply to media personnel.
 - Deputies violating this policy may be held individually liable by the courts for Fourth Amendment violations of the property owner’s civil rights.
 - Live Coverage of Tactical Situations
 - It is the policy of the Sheriff that all news media be discouraged and prohibited by any lawful means from jeopardizing deputies’ safety while conducting tactical operations.
 - Jeopardizing operations would normally be defined as airing live coverage, which could jeopardize the safety of Sheriff’s Office members by identifying their positions or tactics.
 - ❖ Ground media representatives should be notified immediately if this situation occurs.
 - The incident commander shall immediately notify the television station news director, if a members’ safety is jeopardized by live coverage from a media helicopter or drone.

213 **Guidelines for the Release of Information**

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- 215
- Incident Information

- 216 ○ Generally, the public information officers shall release the following information when
 217 related to a felony offense:
- 218 ■ The type or nature of an event or crime, to include:
 - 219 ❖ A general description of the criminal activity reported.
 - 220 ❖ The general location where the alleged crime was committed,
 - 221 ➤ The block number and street name shall serve as the address for arrestees
 222 and crime victims such as the 100 block of Cool Court.
 - 223 ✓ Specific addresses shall not be used.
 - 224 ✳ In cases where giving the block number could be used to identify or
 225 subject a victim to intimidation or reprisal, only the Post Office
 226 address should be given such as Yorktown, Seaford, Lackey, etc.
 - 227
 - 228 ➤ Any reference to addresses in this policy should follow this guideline.
 - 229
 - 230 ❖ Date the alleged crime was reported,
 - 231 ❖ Damages,
 - 232 ❖ The type and quantity of property taken,
 - 233 ➤ In cases of larcenies and/or robberies, exact amounts shall not be released.
 234 Instead, the phrase “an undisclosed amount” shall be used.
 - 235
 - 236 ❖ Description of injuries suffered,
 - 237 ❖ Numbers of deputies or people involved in an event or investigation,
 - 238 ❖ The type of investigation, and how long the investigation has been in progress.
 - 239
 - 240 ■ If an arrest warrant has been executed on an adult, the following may be released:
 - 241 ❖ Arrestees name,
 - 242 ❖ General address,
 - 243 ❖ Age, of the arrested person,
 - 244 ❖ The race of the person arrested,
 - 245 ❖ Description of charges.
 - 246 ❖ Identity of the investigative agency and assisting agencies,
 - 247 ❖ Circumstances surrounding the arrest,
 - 248 ❖ Whether a pursuit or resistance was encountered,
 - 249 ❖ Any weapons that were used,
 - 250 ❖ Any contraband, if recovered,
 - 251 ❖ Identity of arresting officer if not under-cover,
 - 252 ❖ Place and status of current custody,
 - 253 ❖ Bond status, if known,
 - 254 ❖ Hearing dates, if known
 - 255 ❖ Photograph of arrestee that does not contain law enforcement identifying status.
 - 256
 - 257 ■ If a warrant has been issued and the deputy believes that the public may provide
 258 information to assist in locating the wanted person, then the following information
 259 may be released:
 - 260 ❖ The name of the wanted person,

- 261 ❖ Age and general description of the wanted person,
- 262 ❖ Photo of the wanted person, if available
- 263 ❖ Last known general address of the wanted person,
- 264 ❖ Description of vehicle driven by the wanted person to include license plate
- 265 number, if known,
- 266 ❖ General area the wanted person frequents or is believed to be going to.
- 267
- 268 • Follow-up investigations
- 269 ○ The Investigations Division Commander or Investigations Supervisor shall provide the
- 270 PIO with the appropriate follow-up information for dissemination to the media.
- 271
- 272 • Locating missing persons, information about past crimes, or determining suspect
- 273 identification, etc.
- 274 ○ In these cases, the media shall be given, in addition to the information being sought, the
- 275 following crime line information:
- 276 ▪ “Anyone with information about this crime is asked to call Crime Line at 1-888-
- 277 LOCK-U-UP.
- 278 ▪ Crime Line pays rewards up to \$ 1,000.00 in cash.
- 279 ▪ Callers are reminded that you do not have to give your name or testify in court.
- 280
- 281 • Release of names of Sheriff’s Office personnel
- 282 ○ Names of deputies providing information to the media may be given to the media and
- 283 published, including the name of an investigating deputy unless the deputy involved is
- 284 on an undercover assignment.
- 285 ▪ Addresses and telephone numbers of agency personnel shall not be released.
- 286
- 287 ○ Names of Sheriff’s Office personnel involved in critical incidents shall not be released
- 288 until proper notifications are made and then only with the approval of the Sheriff or
- 289 Chief Deputy.
- 290
- 291 ○ Names and general identifying information of Sheriff’s Office personnel, both sworn
- 292 and non-sworn, who are arrested for criminal offenses occurring in York County shall
- 293 be released.
- 294 ▪ Only the Sheriff or Chief Deputy shall release or approve the release of information
- 295 regarding the arrest of York-Poquoson Sheriff’s Office personnel if the arrest is a
- 296 result of actions occurring while on duty.
- 297

298 **Virginia Freedom of Information Act**

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- 300 • All designated public information officers shall be familiar with the requirements of the
- 301 [Virginia Freedom of Information Act](#).
- 302 ○ Section [19.2-11.2](#), Code of Virginia, requires that law enforcement may not disclose any
- 303 information that directly or indirectly identifies the victim of sexual assault, sexual
- 304 abuse, family abuse or a victim's next of kin if the victim is a minor and the victim’s
- 305 death results from any crime, except to the extent that:

- 306 ▪ The disclosure is of the site of the crime, or
- 307 ▪ Is required by law, or
- 308 ▪ Is necessary for law-enforcement purposes, or
- 309 ▪ Is permitted by the court for good cause, or
- 310 ▪ The victim, in sexual assault cases, gives written consent for the release of
- 311 information.
- 312
- 313 ○ See [RR 2-21, Freedom of Information](#), for further details.
- 314

315 **Information not to be Released**

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- 317 • The following information shall not be released due to statutory, or other restrictions:
- 318 ○ The identity of victims of sex-related or family abuse crimes, to include information that
- 319 might directly or indirectly identify them
- 320 ▪ See Section [19.2-11.2](#), Code of Virginia.
- 321
- 322 ○ The identity of any person for who is a suspect in a crime and a warrant or summons has
- 323 not yet been issued, or indictment returned.
- 324 ○ The existence of any criminal record or any information concerning the character or
- 325 reputation of the accused or remarks, which tend to establish the defendant as a career
- 326 criminal.
- 327 ▪ See Section [19.2-389](#), Code of Virginia concerning the legal guidelines for the
- 328 dissemination of criminal history information.
- 329
- 330 ○ The existence or contents of any confession, admission, or statement of the accused.
- 331 ○ The performance of any examination or test by the accused or the refusal or failure to
- 332 submit to an examination or test.
- 333 ○ The identity of actual or prospective witnesses to crimes,
- 334 ○ Comments on the expected testimony or credibility of any witness.
- 335 ○ Comments that suggest that a defendant has aided in the investigation.
- 336 ○ Any opinions as to the innocence or guilt of the accused, the merits of the case, the
- 337 possibility of any pleas or negotiations, or the utility or relevance of any evidence.
- 338 ○ Information concerning the planning of raids or other specialized enforcement efforts.
- 339 ○ Any statements of personal opinion not grounded in fact, or
- 340 ○ Any unofficial statements concerning internal affairs or other personnel matters.
- 341 ▪ Only the Sheriff or Chief Deputy shall release any information concerning the
- 342 employment status of York-Poquoson Sheriff’s Office personnel as it relates to
- 343 suspensions or termination pertaining to Internal Affairs investigations.
- 344
- 345 ○ Information relating to motor vehicle accident reports.
- 346 ▪ Section [46.2-208](#), Code of Virginia lists the following driver information as
- 347 privileged:
- 348 ❖ Personal information, including all data defined as personal information in
- 349 accordance with Section [2.2-3801](#), Code of Virginia,
- 350 ❖ Driver information as it relates to driver’s license status and driver activity,

- 351 ❖ Vehicle information, including all descriptive vehicle data and title, registration
352 and vehicle activity data.
353 ➤ This law does not apply to the release of a suspect's vehicle description when
354 the suspect flees the scene of an accident, criminal incident or is wanted.
355
- 356 • Deceased Persons
 - 357 ○ The names and identifying information for deceased persons investigated by the Sheriff's
358 Office shall not routinely be released in the following types of deaths:
 - 359 ▪ Natural Causes,
 - 360 ▪ Suicides.
 - 361 ❖ The Sheriff or his designee may authorize the release of a deceased person's
362 identity investigated by the Sheriff's Office, under the following circumstances:
 - 363 ➤ The decedent is or was a public figure,
 - 364 ➤ The decedent was a wanted person and that fact had already been released to
365 the media or public,
 - 366 ➤ The release of the decedent's identity is in the public interest.
 - 367 ○ The names of deceased persons shall not be released before the notification of next of
368 kin.
 - 369 ▪ The specific cause of death shall not be given until determined by the Office of the
370 Chief Medical Examiner and such release will not compromise an ongoing
371 investigation.
372

373 **Release of Information Pertaining to Juveniles**

- 374 • Criminal Offense Information
 - 375 ○ General crime information involving juveniles may be released.
 - 376 ○ General crime information involving juveniles shall not be released if:
 - 377 ▪ The name, address, or other distinctly unique information that would potentially
378 serve to identify a juvenile involved shall not be released.
379
- 380 • Juvenile Identification Information
 - 381 ○ Generally Juvenile information shall not be released.
 - 382 ○ The identity of any juvenile arrested who has not been certified by the circuit court as an
383 adult shall not be released except under the following circumstances:
 - 384 ▪ The judge may, in consideration of public interest requires, authorize the release of
385 the following juvenile identity information when the crime adjudicated is a Class 3
386 felony or above or anytime when the juvenile is sentenced as an adult in the circuit
387 court:
 - 388 ❖ The name of the juvenile,
 - 389 ❖ The address of the juvenile,
 - 390 ❖ Nature of the offence for which adjudicated or convicted.
 - 391 ➤ See Section [16.1-309.1](#), Code of Virginia.

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- The judge may issue an order authorizing release of a juveniles identifying information anytime:
 - ❖ A juvenile commits a crime that constitutes a felony if committed by an adult and is unable to be located, or
 - ❖ A juvenile escapes from custody and becomes a fugitive from justice.
 - See Section [16.1-309.1 B.1.a](#), Code of Virginia.
 - The Commonwealth Attorney may authorize the release of the juvenile information above when the court is not in session.

 - Supervisors, deputies and investigators may release current information on juvenile arrests, after receiving requests from other law-enforcement agencies in accordance with Section [16.1-301](#), Code of Virginia.