

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION JUNE 15, 2004

Mayor Bernard called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Councilors present: Barnes and Stone.

Staff present: City Manager Mike Swanson, City Attorney Gary Firestone, Community Development and Public Works Director Alice Rouyer, Police Chief Larry Kanzler, and Human Resources Director Mary Rowe.

Advisory Board Interview

City Council interviewed Brent Carter for reappointment to the Planning Commission and Joan Staley for reappointment to the Center/Community Advisory Board.

City of Milwaukie Media Communications Policy

Councilor Barnes provided a draft communications policy for City Council review. When she started on Council, no one gave her a clear direction of City policy as to what the council members could and could not do. She noted several items she believed were important.

1. The "Disney Rule" – If something major is going on, talk to the people within your own organization before talking to the press. She wanted to make this point clear to all who work for the City, board and commission members, and City Council so there is a clear line of communication. Grady Wheeler, as the public information officer, is the organization's spokesperson. Things should go through him to ensure everyone is on the same page. Relying on her background in communications, she wanted to make sure Wheeler has the tools in place to make his job easier.
2. When the City does contact the press, everyone needs to be on the same page.
3. There are clear procedures to follow before people who are actively involved with the City talk to Lars Larsen or Tom Quinn. There should be no surprises, and those speaking in the capacity of their position should find out what the City's official position.

The draft policy is a result of reviewing the police department's policy and talking with Wheeler, the police department, and public relations professionals. She requested feedback from other Council members before proceeding.

Councilor Stone suggested amending #5 to read, "No employee, commissioner, or board member should speak to the media in the capacity of their position...."

Councilor Stone referred to the current City policy on "Media Management." She believed the web page should be included as a source of information.

Rowe understood this policy would also govern employees and their actions. She requested she be notified when the City Council approves the policy so she could add it to the City's administrative policies and procedures.

Councilor Stone noted the Media Management policy excludes members of bargaining units from reporting to the PIO.

Swanson explained that is in the case of a union issue.

Councilor Barnes added they would not be representing the City in that case.

Mayor Bernard said the policy seemed very broad. He frequently gets calls about issues with which he is very familiar. Does this policy intend that he call Wheeler before talking to an *Oregonian* reporter, for example?

Councilor Barnes said the normal operating procedure on something as "simple" as that would be to inform Wheeler of the contact once the interview is completed.

Mayor Bernard believed that Councilor Lancaster had some input on the policy.

Councilor Barnes said neither Councilor Loomis nor Councilor Lancaster had e-mailed her any comments on the proposed policy. Her next step would be to finalize the draft and bring it before the full Council.

Councilor Stone asked if there had been problems.

Councilor Barnes said a Commission member was on the Lars Larsen program and tore the City up. That should not happen.

Councilor Stone was not aware that had happened.

Mayor Bernard announced the City Council would meet in executive session pursuant to ORS 192.660(2)(d) for labor negotiator consultations.

The work session adjourned at 5:45 p.m.



Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL WORK SESSION JUNE 15, 2004

MILWAUKIE CITY HALL

Second Floor Conference Room
10722 SE Main Street

WORK SESSION – 5:30 p.m.

A light dinner will be served.

Discussion Items:

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>
1.	5:30 p.m.	Advisory Board Interviews	Group
2.	5:45 p.m.	City of Milwaukie Media Communications Policy	Councilor Barnes
3.	6:20 p.m.	Adjourn	

Public Notice

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the preceding items.
- Executive Session: The Milwaukie City Council may go into Executive Session pursuant to ORS 192.660. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA) please dial TDD (503) 786-7555.

- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.
- For assistance/service per the Americans with Disabilities Act (ADA) please dial TDD (503) 786-7555.



June 7, 2004

To: Milwaukie City Council
From: Councilor Barnes
Re: City of Milwaukie Media Communications Policy

The City's public information officer and the Police Department's public information officer are usually the initial recipients of Media requests, however Department Heads, the City Manager and occasionally staff will be called upon to provide the most appropriate responses. There is little to no preparation time for these situations and cross-departmental coordination is critical to the success of these encounters. Public information staff is not always informed when another member of staff has had press contact, which creates problems for consistent and accurate message delivery.

This communications policy draft is being presented after checking with the Milwaukie Police Department, the Comprehensive Communications Plan of Milwaukie, and with various local public information officers in other jurisdictions. The City believes in open communications with its citizens, within its departments, with other jurisdictions and the media. In order to clarify the importance of this communications a policy is being initiated for all involved. This policy should include:

1. The Milwaukie City Council believes in the importance of first amendment rights of its employees, commission and board members, and Council members. This right gives all persons the right to free speech.
2. A coordinated message to the media alleviates miscommunications with the public.
3. Milwaukie should have an information officer with the police department and one that works with all other departments and commission and board members.
4. The City policy should make sure employees and Council are the first to know prior to communications shared with the media, if at all possible. (The Disney rule)
5. No employee, commissioner, or board member should speak in the capacity of their position without first contacting the appropriate public information officer for assistance and to seek the official position of the City.

Milwaukie Police Department
GENERAL ORDER
Milwaukie, Oregon

EFFECTIVE DATE: January 17, 2002

SECTION NO. 2.70

REVIEWED DATE: October, 2003

SUBJECT: MEDIA RELATIONS

REVIEW: BI-ANNUALLY

PURPOSE

This policy establishes guidelines for release and dissemination of public information to print and broadcast news media.

POLICY

It is the policy of this law enforcement agency to cooperate fully and impartially with authorized news media representatives in their efforts to gather factual, public information pertaining to activities of the department, as long as these activities do not unduly interfere with departmental operation, infringe upon individual rights or violate the law.

DEFINITIONS

Public Information: Information that may be of interest to the general public regarding policy, procedures or events involving the department or other newsworthy information that is not legally protected, does not unduly interfere with the mission of the department, infringe upon the rights of a defendant or compromise the legitimate safety and privacy interests of officers, victims, witnesses or others as specified by ORS 192.

News Media Representatives: Those individuals who are directly employed by agencies of the electronic or print media such as radio, television and newspapers. Freelance workers in this field are to be regarded as other members of the general public unless otherwise designated by the chief of police.

Public Information Officer (PIO): The department's PIO serves as a central source of information for release by the department and responds to requests for information by the news media and the community.

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2 PROCEDURES

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4 Duties of the PIO

- 5 1. The Department's PIO is available to:
- 6 a. Assist news personnel in covering routine news stories and at the scenes of
- 7 incidents;
- 8 b. Assist the news media on an on-call basis;
- 9 c. Prepare and distribute news releases;
- 10 d. Arrange for, and assist at, news conferences, public events and civic and
- 11 government presentations;
- 12 e. Coordinate and authorize the release of information about victims, witnesses
- 13 and suspects;
- 14 f. Assist with information dissemination and coordination in crisis situations inside
- 15 and outside the agency;
- 16 g. Coordinate the release of authorized information concerning confidential
- 17 agency investigations and operations; and
- 18 h. Act as liaison between the tactical operations commander and the media to
- 19 limit live coverage during police action where live coverage could jeopardize
- 20 public, police and victim safety.
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22 Cooperation with the Media

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- 24 1. Authorized news media representatives shall have reasonable access to the PIO, the
- 25 chief of police or his designee and operations of the department as governed by this
- 26 policy. When information must be denied to a media representative, the basis for that
- 27 denial shall be fully and courteously explained.
- 28 2. This department recognizes authorized identification from all local, national and
- 29 international news organizations. Failure of media personnel to present authorized
- 30 identification may restrict access to requested information as proscribed by ORS 192,
- 31 or to incident scenes.
- 32 3. Public information shall be released to the media as promptly as circumstances allow,
- 33 without partiality and in as objective a manner as possible.
- 34 4. Public information may be provided to media representatives by telephone if the
- 35 identity of the representative is known or can be authenticated.
- 36 5. Ranking officers at crime or incident scenes may release information of a factual
- 37 nature to the media as governed by this policy or refer the inquiry to the PIO. Where
- 38 the officer is unsure of the facts or the propriety of releasing information, he shall refer
- 39 the inquiry to the senior officer in charge of the crime scene or the PIO.
- 40 6. Written press releases or verbal statements regarding ongoing criminal investigations
- 41 shall be released only following approval of the Chief of Police or his designee and a
- 42 copy of the press release will be forwarded to the Chief of Police .

- 1 7. The department's communications center shall inform the watch commander as soon
2 as possible upon receipt of information about events or activities that may have media
3 interest.
- 4 8. The watch commander shall be responsible for ensuring that the agency's PIO or the
5 Chief of Police is informed in a timely manner of events that may have media interest.
- 6 9. Routine requests for police reports, department policies and procedures and historical
7 police data will be provided in accordance with Oregon Revised Statutes (ORS 192)
8 only after first receiving a written request for the specific information requested as
9 provided by ORS 192.

10 11 **Investigative Information**

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13 From the initial stage of a criminal investigation until the completion of trial or disposition
14 without trial, police personnel shall refer all requests for information regarding any ongoing
15 investigation to the PIO.
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- 17 1. Information that may be released in connection with an investigation of an event or
18 crime includes:
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 - 20 a. The type or nature of an event or crime;
 - 21 b. The location, date and time, injuries sustained, damages and a general
22 description of how the incident occurred;
 - 23 c. The identity and approximate address of a victim with the exceptions noted in
24 ORS 192;
 - 25 d. Requests for aid in locating evidence, a complainant or a suspect;
 - 26 e. Numbers of officers or people involved in an event or investigation; and
 - 27 f. Name of the point of contact on a particular case, the division supervisor and
28 division or unit assignment (exception: the name of any undercover officer will
29 not be released).
- 30 2. Information that *may not be released* in connection with an investigation of an event or
31 crime, unless authorized by the chief of police or his designee, include:
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 - 33 a. The identity of a suspect prior to arrest unless authorized by the Chief of Police
34 or his designee;
 - 35 b. The identity of any victim as proscribed by ORS 192;
 - 36 c. The identity of victims or witnesses if such disclosure would prejudice an
37 ongoing investigation;
 - 38 d. The identity of any juvenile who is a suspect or defendant in a case subject to
39 the jurisdiction of the juvenile court;
 - 40 e. The identity of any critically injured or deceased person prior to notification of
41 next of kin;

- 1 f. The results of any investigative procedure such as line-ups, fingerprint
2 comparison, ballistics test or other procedures (the fact that these tests have
3 been performed may be revealed without further comment);
4 g. Information which, if prematurely released, may interfere with the investigation
5 or apprehension such as the nature of leads, specifics of an "MO," details of
6 the crime known only to the perpetrator and the police, or information that may
7 cause the suspect to flee or more effectively avoid apprehension;
8 h. Information that may be of evidentiary value in criminal proceedings;
9 i. Specific cause of death pursuant to a criminal investigation unless authorized
10 by the officer investigating the crime, and
11 j. The home address or telephone number of any member of the department.
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Arrest Information

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15 1. Following arrest it is permissible to release:
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17 a. The accused's name, age, residence, and occupation;
18 b. The time and place of arrest, whether pursuit or resistance was encountered,
19 whether weapons were used, charges placed against the suspect and
20 description of contraband seized;
21 c. The identity of the arresting officers and the approximate duration of the
22 investigation unless the officers are engaged in undercover operations; and
23 d. The amount of bond, scheduled court dates and place of the suspect's
24 detention.
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26 2. Following arrest and formal charging of a suspect, but prior to adjudication, the
27 following types of information should not be released without express permission of
28 the chief of police:
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30 a. Prior criminal conviction record, character or reputation of a defendant
31 b. Existence or contents of any confession, admission or statement of a
32 defendant, or his failure or unwillingness to make a statement
33 c. Performance or results of any tests, or a defendant's refusal or failure to submit
34 to tests such as a polygraph
35 d. Identity, statement or expected testimony of any witness or victim
36 e. Any opinion about the guilt or innocence of a defendant or the merits of the
37 case
38 f. Any opinion or knowledge of the potential for a plea bargain or other pretrial
39 action
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Special Considerations—Criminal Matters

1. Departmental personnel shall extend every reasonable courtesy to news media representatives at crime scenes. This may include closer access of personnel and equipment than available to the general public to the degree that it does not interfere with the police mission or the movement of traffic.
2. The news media shall not be allowed access to any area or scene of an incident or crime where there is a possibility that evidence may be damaged, altered, destroyed or otherwise prejudiced by its existence being published or portrayed. Once evidence has been processed, removed and secured by the department, the media may be allowed to enter by permission of the commanding officer at the scene unless the crime scene is on private property.
 - a. Police shall not act as agents for the media to access private property and shall not allow media, ride-alongs or non-essential personnel to accompany police onto private property during the conduct of official police business.
 - b. Suspects or accused persons in custody shall not be posed or arrangements made for photographs, telecasts or interviews, nor shall departmental personnel pose with suspects or accused persons in custody.
 - c. When an individual is charged with a criminal offense and is sought by law enforcement authorities, photographs or mug shots may be released to the media to help locate the individual. No departmental photographs, mug shots, videotape, film or composites of subjects in custody shall otherwise be released to the media or private interests unless authorized by the chief of police or authorized designee.
3. At the scene of major crimes, such as hostage and barricade situations, the officer in charge shall designate a preliminary press area as early as possible and as close to the scene as safety and operational requirements allow.
4. The fact that a suicide or suspected suicide has occurred may be reported to the media, along with factual information describing how it happened. The name, age, address, sex and occupation of the victim may also be released following notification of next of kin. The fact that a suicide note exists may also be acknowledged without further comment. The content of such notes is personal and confidential and shall not be released except as provided by law.

Special Considerations—Non-criminal Matters

1. At the scene of significant accidents, man-made or natural catastrophes, the principles of media cooperation shall be maintained to the degree that they do not interfere with the mission of the police, fire, medical or other emergency relief workers.
2. Media access to, and movement within, fire lines shall be controlled by the fire officer in charge. In consultation with the fire officer in charge, and in the absence of the fire

1 PIO, the ranking police officer at the scene shall establish an observation point from
2 which the media may observe and photograph the incident.

3 a. After first determining safety issues affecting the public and emergency
4 personnel, and at the discretion of the officer in charge, an inner perimeter may be
5 established for the media from which to record the event.

6 3. News media representatives should not be prevented from access to any area solely
7 because of the possibility of their injury or death. However, if, in the opinion of the
8 officer in charge, the media could become a victim or casualty that required
9 emergency personnel to risk themselves to rescue media personnel, access can be
10 denied. If this is the consideration, the media representative should be advised of the
11 danger and why closer access is denied.

12 4. Sensitive information relating to internal investigation of police officers shall not be
13 released without the express permission of the chief of police.

14 5. Daily administrative reports of criminal activity will be made available on a routine
15 basis to media representatives. Statistical reports of criminal activity that are available
16 to citizens will also be made available to the media.

17 6. Media representatives shall be denied access to the contents of investigative or
18 incident reports and records where release of the information would:

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20 a. Interfere with an ongoing criminal investigation or is restricted as provided for in
21 ORS 192;

22 b. Reveal the identity of an individual who has furnished information to the
23 department under confidential circumstances;

24 c. Disclose investigative techniques and procedures, thereby impairing future
25 effectiveness of the department; or

26 d. Endanger the life or physical safety of any person.
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32 _____
33 Larry R. Kanzler

34 Chief of Police