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Establishing Effective Media Relations  
For Law Enforcement

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## **ABSTRACT**

The public has a right to know. But how much and when and to what end? The interpretations of the Privacy Act and the Freedom of Information Act create pugnacious relationships between the police and the media.

Police-media interactions are potentially in conflict, particularly regarding coverage of police corruption, abuse of authority, criminal investigations, sensational crimes, and emergencies. Differences between police and media perspectives are particularly evident when dealing with such topics as information dissemination, victims' and defendants' rights, the free press/fair trial debate, the individual's right to privacy versus the public's right to know, and professional credibility. Examples of these differences can be seen and understood in many cases but are especially visible when the crime is high profile.

Concluding that the "information age" has brought instantaneous information, police departments must understand the need to ameliorate all communicable aspects. Whether small or large, the police departments must establish media policy and understand the need for training personnel to work with the mass media as a matter of survival.

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## **Introduction**

This research is for law enforcement to understand the benefits of an effective proactive and reactive Media Relations unit. It is also intended to provide Law Enforcement with a fundamental understanding of the news media in a democracy; nevertheless, there is a focus on the relationship between the media and the agency for the benefit of both being productive. Further, it is intended to provide information needed to develop effective policy and procedure, establish cooperative working relationships and plan for routine and daily interaction as well as contingencies for critical incidents and potentially damaging situations.

Understanding the need for public citizenry support for police functions is critical. The reputation of a law enforcement agency can largely be attributed to good media relations. A majority of law enforcement agencies lack any understanding of the importance of dealing with and effecting mass media relations. Although most of the nation's larger police agencies have adequate civilian spokespersons or Public Information Officers (PIO's), the accuracy and sincerity that a certified well-spoken Police Officer provides is essential.

The relationship between the news media and law enforcement is fraught with conflict. Often, in an effort to ensure safe and effective investigation of criminal cases, officers have to preclude the news media from interfering. The issue of disseminating information is one of law enforcement's greatest concerns. Freedom of the press and its ability to cover news runs counter to the agency's obligation to protect the interests of the state and ensure the accused is afforded his/her Sixth Amendment rights. To know and understand the First Amendment rights and many interpretations that afford the media

free speech and recognize their journalistic freedom is essential to law enforcement officers.

Many of the nation's police departments have established police media relations units. However, this vital function must not be restricted to a single specialized unit: police media relations is a task for every member of the department. Every officer represents the department by his or her own presence.

The public presumes that each officer's actions and general performance of duty represents departmental policy, whether such policies exist or not. Public expectation of law enforcement is one of perfection. The human aspects of a police officer are lost behind the badge and the expectations of incredibly high standards.

Since law enforcement frequently deals with unforeseen detrimental circumstances and has to make equivocal decisions, the media's ability to limit sensationalism will determine public perception of an incident. Nevertheless, improving relationships between the police and the media will ensure accurate and fair coverage. Having a good understanding of the media will provide law enforcement the key to minimizing the effects of bad news situations. Furthermore, the same media that will spread the bad news is also the best way to counter it.

## **Historical, Legal and Theoretical Context**

### **What is the Relationship between the News Media and the Police?**

Crime reporters whose day to day job is writing such stories often form long term relationships with key police informants. Today, most large city police departments have a staff, which handles media relations, and crime reporters turn to them for daily information (Kelly, p. 6)

In reality, the relationship between the police and the media is a quite complex one. On many levels the relationship is symbiotic rather than antagonistic. The news media feeds the public a daily dose of crime stories. (Kelly, p. 6) On these stories, police serve as major news sources, sometimes the only news source. To be constantly upsetting the police by reporting negatively on police activities is not in the best interest of maintaining the police as willing news sources (Police and the News Media, p. 6).

Some public information departments go so far as to set up police wires, phone message machines, or auto-Fax reply systems, or initiate calls to the media when a major crime story occurs. As reporters on a daily beat, crime reporters rarely do investigative journalism and typically don't uncover police corruption or deceptive practices. This explains how the same media news organization might print without comment or contrary opinion the words of a police spokesperson, but print a negative article about some aspect of the bureaucracy uncovered by a news investigation (Kelly, p. 6).

Police departments have also become much more media savvy over the last 20 years, and now treat the news media more like a public relations extension rather than an adversary. Individual officers may receive training on how to interact with the media,

and if they do not have permission to answer media questions themselves, will refer the reporter to someone who does.

The Dallas Morning News ran a story in October 1997 on the Louisiana ruling holding police officers responsible for what they present to the press. Some fear the Louisiana ruling may impede spokesmen appointed for the Associated Press. The article featured the state police of, Louisiana and statements made about Gordon "Tiny" Trentecosta. This article is a most useful source describing how a police officer's statements to the media can affect a criminal case. New Orleans police spokesmen who make unfounded statements in news reports about an arrest can be held liable for defamation if they go too far, the Louisiana Supreme Court ruled on Tuesday, Oct. 21, 1997. The court said the decision should not affect the reporting of criminal investigations and arrest but should limit officers from embroidering things into the facts that have not yet developed in the investigation (Brumley, p. 1c).

"Is this going to have an impact on information officers?" asked State Police Lt. Col. Ronnie Jones, "Absolutely, there's reluctance among some administrators to allow the open flow of information to the media. Hopefully, this won't contribute to that philosophy" (Brumley, p. 1c). The 5-2 ruling involved state police statements about Gordon "Tiny" Trentecosta, an Arab bingo hall operator arrested in 1989 after a four-month sting operation. He sued state police over a news release and comments made in an interview by Sgt. Kermit Smith of the Charitable Gaming Division (Brumley, p. 1c). Sgt. Smith told a reporter that Mr. Trentecosta was running a larger scale illegal operation and cheating customers. He later testified he based his statement on an investigator's comments about the way workers were paid, but the court found he had no reasonable

basis for saying Mr. Trentecosta had bilked people out of thousands of dollars (Brumley, p. 1c).

With the obligation of law enforcement officers to charge persons with crimes, they should be allowed to report the facts investigation, and arrest without fear of a defamation action, if the person is cleared of the charges, an officer should not be liable for injurious statements.

The court said Sgt. Smith's comments about misuse of profits had no basis in reality. "Smith did not obtain this information from any source, reliable or otherwise," the court said. "He apparently used information about misuses of funds and added his own suspicions to form a sensational connection with the target of the investigation (Brumley, p. 1c). In making the statement that had no basis in fact or in information furnished from any source, Smith acted in bad faith and with reckless disregard as to whether the statements were false or not "(Brumley p. 1c). The high court cleared the other officers who handled the press release and investigation. They were found to be protected by the privilege of their office and not to have shown reckless disregard for the truth of what they were told.

In a dissent, Justice Bernette Johnson said Mr. Trentecosta did not prove that Sgt. Smith's statement was made with reckless disregard for its falsity (Brumley, p. 1c). "Because there was no proof of 'actual malice', damages are improper," she wrote (Brumley p. 1c).



## Review of Literature

### The Police and the Media Working Together: Amber's Plan

Amber's Plan is a cooperative effort between 27 radio stations in Dallas/Fort Worth and local law enforcement agencies in North Texas. The plan calls for law enforcement agencies to provide radio stations with an alert upon confirmation of a child abduction. All participating radio stations will break programming to broadcast the alert and give any information that has been provided by police (Farmer's Branch Police Department Standard Operating Procedure, 8/22/97).

The key to the program's effectiveness is avoiding false alarms in which a child has not been abducted. False alarms are defined as: runaways, children coming home late from a specific location, child custody disputes in which the child is with a known party and was willingly released to this person but refuses to bring the child back, a boyfriend or girlfriend not showing up at home on time, or children who simply cannot be found (Farmer's Branch Police Department Standard Operating Procedure, 8/22/97).

What information should the media be entitled to have? Despite the new cooperation between law enforcement and the media there are limitations. Police often release as little information to the media as possible claiming it will harm their investigations, while journalists want lots of details for "color" to add to their stories or to warn the public on how to avoid being a crime victim (Fort Lauderdale Police Dept. Press Releases, 1997). Would releasing more information about a serial killer victimizing prostitutes help to save their lives? Would it allow a person to escape capture?

In many states, which have public record laws, what must be released to the media and what can be held back, has been statutorily defined. In Florida, law enforcement

agencies may keep from the press "criminal intelligence information" and "criminal investigative information" which is considered "active (FLPD-PR, 1997)." Definitions of these terms from the Florida Statutes appear below: (FLPD-PR, 1997) (1) "Criminal intelligence information" means information with respect to an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity. So what information is legal? Not much! According to statute:

"Criminal intelligence information" and "criminal investigative information" shall not include: (1) The time, date, location, and nature of a reported crime. (2) The name, sex, age, and address of a person arrested or of the victim of a crime except as provided in s.119.07(3)(h) (3) The time, date, and location of the incident and of the arrest. (4) The crime charged.

Obviously, considerable debate emerges between police and the media over these definitions. When in 1996, a judge ruled the 20 year old case murder files of child victim Adam Walsh were no longer "active," police agencies continued to talk about how the case was being compromised (FLPD-PR, 1997).

Statutes such as those above do not specifically address a number of issues. These include access to crime scenes by reporters and news photographers or specific places where crimes might occur but which have limited access such as prisons or military bases (FLPD-PR, 1997). Many of these issues have to be worked out in the courts. Overall, police-media relations are improving, but are still highly variable from city to city and state to state. In some places cooperation has become the norm, while in others antagonisms still remain.

## Journalist, Cameras, and the Police? Alleged violation of the First and Fourth

### Amendment Rights

Since the media has a right to information and the public has a right to know, journalists have moved to a more common position called “unfiltered television”. With all the police related television shows like, **COPS**, **Real Stories of the Highway Patrol**, and **LAPD**, the public has the opportunity to see the real danger that police officer’s face everyday. These dramatic shows document an officer’s daily duties with the assistance of a camera crew to capture every moment and detail.

While these shows are helpful in demonstrating duties of police officers, some members of the public view journalists accompanying police as a violation of their Fourth Amendment rights. A prime example of alleged violations of Fourth Amendment Rights appeared in the November 10, 1998 issue of the **Houston Chronicle**. The Supreme Court agreed on Monday November 9, 1998 to decide whether police can be sued for letting journalists accompany them when they enter someone’s private property.

The court will hear a pair of appeals, including one by a Maryland couple photographed in their nightclothes as police unsuccessfully sought to arrest their son. (Henry, p. 37). The couple said the police violated the Constitution’s Fourth Amendment protection against unreasonable searches by bringing the media into their home without consent (Henry, p. 37).

The Constitution’s Fourth Amendment states: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by

oath or affirmation, and particularly describing the places to be searched, and the persons or things being seized.

In the other case, a Montana husband and wife sued federal agents and a prosecutor who let a Cable News Network reporter and camera crews accompany them during a raid on the couple's ranch (Henry, p. 37). "The Fourth Amendment was never intended to convert search warrants into photo opportunities for the police," said Steven Shapiro of the American Civil Liberties Union, which is helping represent Charles and Geraldine Wilson of Rockville, MD (Henry, p. 37).

Due to the popularity of unfiltered television and journalists accompanying police, law enforcement officers find themselves in the 'public's watchful eye' far more than they would like. The constant stirring of the media and negative press reports causes strains on citizen - law enforcement relationships. These strains are known to interfere with public trust, respect, support, and funding (Henry, p. 37).

The journalists and the media have every opportunity to consult local law enforcement and Public Relation Officers on the information they send to the public. However, they often make decisions without consulting the authorities due to the First Amendment, which allows freedom of the press.

### Discussion of Relevant Issues

Far more than in an average criminal case, sensational crimes seem to pull societal values into a complicated tug of war. The public's interest in finding and convicting a vicious killer vs. the public's interest in monitoring, through the media, the behavior of authorities such as law officers vs. the public's interest in protecting a defendant's constitutional right to a fair trial.

The dilemma offers no clear-cut right or wrong answers. Instead, they provoke differing opinions that illustrate how knotty the conflicts can be. "The public has a right to maximum information from public officials," said Paul McMasters, first Amendment ombudsman for the Freedom forum, a media-related foundation based in Virginia. Even when there are conflicting interests, he said, "More information is better...When in doubt, trust people with information" (Campbell, p. 15a-16b). However, other lawyers and legal scholars oppose such broad disclosure. Myrna S. Reader, a law professor at Southwestern University School of Law in Los Angeles, said police and prosecutors are rightly concerned during the early stages of a case with the possibility of undermining an investigation, tainting the jury pool, damaging the reputations of suspects or tipping off the person who committed the crime.

In contrast, Jane Kirtley, executive director of the Reporters Committee for Freedom of the Press in Washington, argued for openness as a check against the pressure on the police to get tough on crime (Campbell, p. 15a-16b). "The bottom line is, the best check on either police indifference or incompetence or misconduct is public oversight," she said (Campbell, p. 10a-11b). Being prepared to manage a major case such as: the recent high school shootings in Oregon, the Oklahoma city bombing or the explosion of

TWA Flight 800 is something for which every law enforcement officer trains. Police officers also are taught to manage many lesser incidents, such as a routine traffic stop that turns into a deadly confrontation. But, are they prepared for working with the people who report these stories to the general public.

“There’s a lot of fear in dealing with the media on the part of law enforcement,” says Sgt. Patricia A. McConnell, a 20 –year veteran of the Winnetka Police Department. “First and foremost, we don’t want to say anything that will jeopardize an investigation. Another huge concern is, ‘Am I going to look stupid? Do I have something on my teeth? Will my family or kid’s teacher see me and think I look like an idiot? That would be anyone’s concern, (but) it’s also that we’re representing a large organization.” (Chicago Tribune, p. June 19, 1998)

Pretty ironic isn’t it? Cops who face life threats on a daily basis, who require a greater share of courage than the average Joe in order to do their jobs often are afraid of something as seemingly benign as a press release (Rosenthal, 6/19/98).

Part of this fear comes from the abuse we see of lawsuits. The question has been raised, are police responsible for what they report to the press? The answer is yes (Rosenthal, 6/19/98). Not only are police accountable for what they say but, they can be held liable, sued and possibly suspended depending on the effect their comments have on the case. Law enforcement officers can be held liable for comments, a court says.

### Conclusion

In a recent **FBI Law Enforcement Bulletin**, there are several helpful tips given by several police chiefs on handling the media effectively. Public opinion polls consistently show that the public supports law enforcement when it acts responsibly. These same polls also indicate that the public expects law enforcement officials to provide information whether bad or good to maintain the public's trust.

Without debating the merits of today's media, their own excesses and tactics, or their cynical approaches to the issues they cover, the primary question regarding police-media relations simply is, "How can today's law enforcement professionals prepare for media interviews to ensure their stories are told accurately, fairly, and in a way that the public can understand? (Vance, p. 0014-5688). "Surprisingly, there is a strategy for media interviews that, balanced over time, offers a better chance to obtain accuracy in reporting. The strategy is proactive, not reactive, and requires administrators to take an aggressive, rather than passive, stance when dealing with the media. It is a strategy based on systematic organization and consistency of response. In short, it is a process based on control. (Vance, p. 0014-5688). Control, in this case, does not mean attempting to hold in check the media and their access to law enforcement information, although there are times when investigative or prosecution realities demand a less complete response than the media might otherwise like. In fact, any tactic to control the media works against the organization, creating a climate of greater distrust in an already-adversarial relationship and possibly becoming the focus of media scrutiny (Vance, p. 0014-5688). Instead, administrators need to control their own departments by ensuring that all levels of management receive and disseminate consistent information. This is accomplished

through a sound media policy and a public information officer, one with either full-time or auxiliary media duties, who has a mandate to train appropriate personnel within the agency on media relations and interviewing techniques. It also requires the full support and involvement of administrators who give priority to media relations (Vance, p. 0014-5668). Enlightened leadership is the first step toward establishing sound relationships with the media.

Armed with this posture, administrators start out in a strong position with the media because they recognize that they have something the media, and presumably the public, want and need - information. From this foundation, administrators can disseminate information in such a way that the organization's position will stand the greatest chance of being reported accurately. This is where a systematic approach to preparing for media interviews assumes vital importance.



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