

July 22, 2020

VIA EMAIL

Sacramento Police Department
Headquarters - Public Safety Center
Office of the Chief
Attn: Chief Daniel Hahn
5770 Freeport Blvd.
Sacramento, CA 95822
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Sacramento Police Department
South Command - Joseph E. Rooney Police
Facility
Attn: Watch Commander Vance Chandler
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Mayor Darrell Steinberg
City Hall
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Re: Sacramento Police Department General Orders, Order 360.01 – Media Relations

Dear Chief Hahn, Watch Commander Chandler, and Mayor Steinberg:

We, the undersigned coalition of media organizations, write to express our disappointment in the new media policy issued in May, 2020, by the Sacramento Police Department. In the wake of the wrongful detention of working journalists reporting on a protest over the death of Stephon Clark on March 4, 2019, our organizations spent months working with Department officials to craft a policy that would help foster greater public trust in the Department. Unfortunately, Department officials ignored most of our suggestions and instead published a media policy that puts Sacramento behind its counterparts in San Francisco and Oakland.

The new Sacramento policy does nothing to prevent the recurrence of such wrongful detentions and does not commit to compliance with all transparency and access laws that already govern law enforcement. In contrast, a draft that our organizations proposed to the police department during negotiations last year afforded greater protection to journalists covering demonstrations: it spelled out an exemption for media representatives when officers close a disaster area, and clarified legal protections for journalists' newsgathering materials.

Chief Hahn met with representatives from SPJ NorCal, the National Press Photographers Association (NPPA) and the Committee to Protect Journalists last summer, promising to fix holes in the Department's policy, which lacked procedures for interacting with members of the media during a protest. Yet, as written, the new policy:

- threatens to obstruct coverage of civil rights demonstrations by emphasizing that journalists may be arrested for failing to obey orders to disperse, while failing to provide necessary guidance about when such dispersal orders are authorized;

- fails to adequately describe the right of media access to disaster areas in California Penal Code section 409.5;
- fails to educate officers on the legal protections for journalists' work product, such as recordings, notes, and videos;
- does not clearly explain what information is subject to release under the California Public Records Act (CPRA);
- does not affirm that the Department will strictly follow all applicable transparency laws, such as the CPRA, SB 1421, and Proposition 59; and
- puts officers in the untenable position of having to evaluate and report "unethical or unprofessional conduct by members of the media," even though officers are ill-equipped to render judgment about the professional standards of journalism.

We call on Sacramento elected officials to take the steps necessary to require that SPD revise its new policy to correct these defects and restore the community's trust.

Thank you.

Very truly yours,

Mickey H. Osterreicher
General Counsel
National Press Photographers Association

Society of Professional Journalists, NorCal
Chapter
Freedom of Information Committee Co-Chairs
Christine Peek & Lauren Smiley

Courtney Radsch
Advocacy Director
Committee to Protect Journalists

Trevor Timm
Executive Director
Freedom of the Press Foundation

David Snyder
Executive Director
First Amendment Coalition

Encl.

- cc. Vice Mayor Jeff Harris (jsharris@cityofsacramento.org)
Councilmember Angelique Ashby (aashby@cityofsacramento.org)
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SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



360.01 MEDIA RELATIONS 5/12/20

PURPOSE

This policy provides guidelines for the Sacramento Police Department (SPD) members' interaction with the news media.

POLICY

The Sacramento Police Department shall work with the news media and its representatives to make timely information available as well as facilitate access when possible to matters of public concern.

RESPONSIBILITIES

A. PUBLIC INFORMATION OFFICE

1. The Public Information Officer(s) (PIO) duties shall include, but are not limited to:
 - a) Handling of the daily news media inquiries regarding police activities occurring within the city limits, as well as questions relative to ongoing criminal investigations.
 - b) Responding to the scenes of prolonged major incidents, disasters, or emergencies upon request of the Chief of Police (COP), Office of Investigations (OOI) supervisor or a Watch Commander.
 - c) Responding to media requests for information as soon as practical.
 - d) Coordinating media requests for SPD members interviews, interviews with the (COP), media news conferences, and responding to media questions concerning Department policy.
 - e) Coordinating ride-alongs requested by the media.
2. The PIO shall maintain an on-call list for media liaison representatives consisting of SPD members selected by the COP who have been trained to perform the duties of the PIO.
3. The PIO representatives on the on-call list shall be subject to recall 24 hours a day, seven (7) days a week, and subject to call outs from OOI supervisors, Incident Commanders, Watch Commanders, or designee.

B. OFFICE OF INVESTIGATIONS

1. Division Captain shall ensure:
 - a) All media inquiries are forwarded to the PIO for follow up.
 - b) Press releases drafted by OOI units shall be sent to the PIO for approval and dissemination.
2. Detectives in charge of a crime scene who request to have the PIO respond to the scene shall make the request to the respective Watch Commander or designee.

C. COMMUNICATIONS DIVISION

1. Communications Division supervisors and/or their designee(s) should:
 - a) Serve as a point of contact for any media inquiries when the PIO is unavailable. The Communications Division shall refer the media to the on-duty Watch Commander when the PIO is unavailable.
 - b) Ensure information released to the media representatives includes the hundred-block and street name of the location of the event or incident (including the names of commercial businesses, schools, restaurants, etc.) unless the release of information could potentially impede an investigation, jeopardize safety or otherwise disrupt police activity.
 - c) Refer media representatives to the PIO office during normal business hours.



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- d) Refer media representatives to the PIO office for information regarding prior events, daily log activity, or community tips not related to a developing event.
- e) Notify the on-duty Watch Commander and the PIO of potentially newsworthy events during PIO office business hours.

D. OFFICE OF OPERATIONS

1. Watch Commanders shall:
 - a) Determine if the PIO should be called to handle an ongoing event or incident.
2. If the media request is for routine information, and the information is not immediately available, or its disclosure would otherwise be impracticable, refer the requestor to the PIO.

E. GUIDELINES FOR THE RELEASE OF INFORMATION THAT DOES NOT COMPROMISE AN INVESTIGATION

1. Information released by the PIO or designee shall be pursuant to Government Code section 6254(f) (1-2).
2. Suspect/arrestee photographs or interviews
 - a) Officers who have suspects in custody shall not move or pose them for media pictures.
 - b) Officers shall not prevent any person from photographing or videotaping suspects, arrestees, or department personnel in public places where they have no reasonable expectation of privacy unless there is a safety concern or other strategic reason (i.e., endangering safety of involved parties, personnel or there is a pending investigation).
 - c) Suspects in SPD police custody shall not be interviewed by media representatives.
3. Cases being submitted to the District Attorney's office
 - a) Once a preliminary hearing has begun, SPD members shall not comment to the media on any case, or any defendant in the case.
 - b) Media requests shall be referred to the Sacramento County District Attorney's office.

F. POLICE REPORTS AND PHOTOGRAPHS

1. Crime reports or incident reports involving juveniles may only be released pursuant to applicable laws.
2. The PIO shall only release photographs and/or mugshots of adults to the news media when:
 - a) it may aid in the investigation;
 - b) it may assist in the apprehension of the suspect;
 - c) it benefits public safety; or
 - d) if release of the photographs does not compromise the investigation (i.e., prior to a photographic or live lineup).
3. The PIO shall not release photographs of juvenile suspects/arrestees to the news media unless authorized by the COP.
4. Photographs of missing persons may be released to the media after the authorizing parent, guardian or other authorized party has given verbal authorization on camera via the use of the Body Worn Camera.

G. VICTIM, WITNESS OR SUSPECT INFORMATION

1. A general injury status of a victim, witness or suspect may be released to the media if it does not compromise an active investigation.
2. The identity of a decedent may be released to the media by the Department only after the Coroner's Office has notified the next of kin and the identity has been made public by the Coroner's Office, or if authorized by the COP.



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3. The contents of suicide notes shall not be released, although it may be reported that a note was found.

H. CONDUCT OF SPD MEMBERS

1. SPD members shall forward a memorandum through their chain of command to their Captain and/or OOC concerning any unethical or unprofessional conduct by members of the media.
2. SPD members should honor provided verbal identification or media credentials for individuals who identify themselves as media representatives.
3. Media representatives requesting access to an otherwise restricted area (i.e. a crime scene or emergency area) must verbally identify themselves or provide a media credential.
 - a) Options to verify press credentials include a review of news websites for on-air talent, or calling the assignment desk to verify the employee's name. Members of the press should be able to provide the assignment desk contact information to officers.
 - b) Individuals claiming to be freelance journalists to include independent bloggers, may not be affiliated with a media network, and therefore may not have verifiable press credentials to display. They should be able to provide a press contact capable of verifying their press status.
4. SPD members shall not interfere with the media's right to gather and disseminate news and shall strive to ensure media representatives are not hindered in their news gathering efforts.
5. No SPD member while on-duty shall pose as a media representative without an investigative justification and the expressed permission of the COP or designee.
6. Information concerning Department policy or administration shall be furnished by the PIO or designee.
7. SPD members shall not use their Department contact with the media as a means of publicity for personal reasons.
8. The PIO shall be notified of any interview requests and the topic to be discussed prior to granting the interview being arranged. The PIO shall inform the OOC Captain and the employee's chain of command of the interview.
9. SPD members assisting other law enforcement agencies with mutual aid incidents or with other incidents occurring outside the City of Sacramento shall refer news inquiries about these incidents to the outside agency. Officers shall not release information concerning these incidents furnished to the Department by other agencies unless the information resulted from a Department investigation.
10. SPD members who are asked for information shall refer all inquiries to the PIO or Watch Commander.

I. PUBLIC RELATION PHOTOGRAPHS

1. Requests for public relation photographs to be taken at a special public or Department event shall be submitted to the PIO office.

J. MEDIA ACCESS

1. SPD members shall accommodate the media in accordance with this policy.
2. Media representatives may enter a closed disaster scene at their own risk if they do not "impede" emergency personnel in the performance of their duties. When an area is closed, media representatives will be accommodated with whatever limited access to the sites may be afforded without material and undue interference to emergency personnel. The right of access by the media is described in Penal Code section 409.5 (d) PC.
3. When a crime scene or emergency area has been established, media interfering with or jeopardizing operations may be detained and/or arrested pursuant to Penal Code sections 148 (a) 1 PC, 148.2 PC, and Vehicle Code section 2800. If a media representative is detained or



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arrested, the incident commander shall immediately notify the Watch Commander and the PIO should be notified as soon as possible.

4. 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 a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
5. Media representatives shall not be allowed free access within an SPD facility without an SPD provided escort. If media representatives are observed without an escort, in an area other than the Public Information Counter, SPD members shall ask the individual to leave the unauthorized area and should escort the individual from the restricted area. The PIO office and/or Watch commander shall be notified of the incident.
6. SPD members shall not exclude any media representative from an area to which the public has access or a right of access.
7. A tactical operation should be handled in the same manner as a crime scene, except the media representatives shall be permitted within the outer perimeter of the scene, as determined by the supervisor in charge. SPD members shall not jeopardize a tactical or public safety operation to accommodate the news media. Any request from the media shall be coordinated through a supervisor who will coordinate with the PIO.
8. No SPD member of the Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved SPD members (Government Code section 3303(e)).

K. CIVIL DISORDER

1. The media has a right to cover demonstrations, including the right to record an event on video, film or in photographs.
2. Pursuant to California Penal Code sections 407 and 409, an assembly may be declared unlawful, and all persons present, including members of the news media, may be lawfully ordered to disperse.
3. Media representatives shall comply with any dispersal order given; failure to comply could result in detainment and/or arrest.
 - a) After a dispersal order has been given, a reasonable effort should be made to provide an observation area for the media that is sufficiently near the incident to allow observation which will not interfere with emergency or criminal investigation operations. Media representatives in this assigned area would not be subject to arrest or detainment.
4. Self-identified legal observers and crowd monitors do not have the same legal status as the professional media and are, therefore, subject to all laws and orders similar to any other person or citizen.
 - a) Said observers and monitors must comply with all dispersal orders similar to any other person or citizen. A supervisor or incident commander may allow a person who self-identifies as a legal observer or crowd monitor to remain in an area after a dispersal order. A reasonable effort should be made to establish an observation area for the observers and monitors independent of the media representatives that is sufficiently near the incident to allow observation which will not interfere with emergency or criminal investigation



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operations. Observers and monitors in this assigned area would not subject to arrest or detainment.

5. On request, the Incident Commander, the PIO or a supervisor may inform media representatives, legal observers, crowd monitors, police liaison, and/or organizers about the nature of any criminal charges to be filed against arrestees, the location where arrestees are being taken, and the Department's intent for arrestees to be cited out or booked at a custodial facility.
6. Media representatives, legal observers, crowd monitors, police liaison, and/or organizers shall never be targeted for dispersal or enforcement action because of their status.

L. COMMERCIAL FILMING DEPARTMENT ACTIVITIES/FACILITIES

1. All requests made by commercial production entities must be submitted to the PIO for review and approval as appropriate.
2. Commercial productions intended for viewing by the public in which profit is the main motive shall be scrutinized and require approval by the COP.

M. PROVIDING ADVANCE INFORMATION

1. To protect the safety and rights of officers 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 COP or designee.
2. Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the COP or designee will 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.

N. RESTRICTED INFORMATION

1. It shall be the responsibility of the PIO handling media requests to ensure that restricted information is not inappropriately released to the media by the Department. When in doubt, authorized and available legal counsel should be obtained.

O. CONTENT-AND-VIEWPOINT NEUTRALITY

1. Notwithstanding any other provision of this policy, any restriction on the media or the right to gather and disseminate news and information must be reasonable as to the time, place and manner of the restriction. Such restriction must be content-neutral, narrowly tailored to serve a significant governmental interest, and must leave open ample alternative channels for communication. SPD members shall never take enforcement action against an individual because of their viewpoint or interests.

360.01
MEDIA RELATIONS POLICY
DRAFT

PURPOSE

This order provides procedures for Sacramento Police Department members' interaction with the news media.

POLICY

The Sacramento Police Department (SPD) shall work with the news media and its representatives to make timely information available as well as facilitate access when possible to the scene of a civil disorder, disaster, criminal investigation, emergency and other law enforcement activity and matters of public concern.

RESPONSIBILITIES

A. OFFICE OF THE CHIEF

1. The Public Information Officer's (PIO) duties shall include, but are not limited to:
 - a) Handling of the daily news media inquiries regarding police activities occurring within the city limits, as well as questions relative to ongoing criminal investigations.
 - b) Uploading daily activity logs onto the SPD website.
 - c) Responding to the scenes of prolonged major incidents, disasters, or emergencies upon request of an Office of Information (OOI) supervisor or a Watch Commander.
 - d) Assisting with the coordination and release of information on police activities and programs upon request.
 - e) Ensuring that information is distributed equally and fairly among the media.
 - f) Ensuring the timely release and coordination of all news information.
 - g) Responding to media requests for information as soon as practical.
 - h) Coordinating media requests for SPD member interviews, interviews with the Chief of Police (COP) and news conferences
 - i) Responding to media questions concerning SPD policy.
 - j) Handling routine requests for statistical data made by media representatives.
 - k) Coordinating ride-alongs requested by the media.
2. The PIO, Office of the Chief (OOC) shall maintain an on-call list for media liaison representatives consisting of SPD members selected by the COP who have been trained to perform the duties of the PIO.
3. The PIO, a media liaison representative, shall be subject to recall 24 hours a day, seven (7) days a week, and subject to callouts from OOI supervisors, Incident Commanders, Watch Commanders, or higher authority.

B. OFFICE OF INVESTIGATIONS

1. Division Captains shall ensure:
 - a) All media inquiries shall be forwarded to the PIO for follow-up.
 - b) Press releases drafted by OOI units are sent to the PIO for approval and dissemination.
2. Detectives in charge of a crime scene who desire the on-call PIO to respond to the scene shall make the request to the respective Watch Commander or designee.

C. COMMUNICATIONS DIVISION

1. Communications Division supervisors and/or their designee(s) shall:
 - a) Serve as the first point of contact for media inquiries on developing events Monday through Friday from 1600 – 0700 hours, and on weekends and holidays

- b) Ensure information released to media representatives includes the hundred-block and street name of the location of the event (including the names of commercial businesses, schools, restaurants, etc.).
- c) Refer media representatives to the PIO Office during normal business hours Monday through Friday from 0700 – 1600 hours.
- d) Refer media representatives to the PIO Office for information regarding prior events, daily log activity, or community tips not related to a developing event.
- e) Notify the PIO of potentially newsworthy events Monday through Friday from 0700 – 1600 hours, excluding holidays.

NOTE: For after-hours newsworthy events the Communications Center shall contact the on-duty Watch Commander.

2. SPD Communications Division members shall not:

- a) Research active or recent calls for service in response to non-specific media requests for any newsworthy events.
- b) Release personal information such as names, ages, or addresses of any involved parties.
- c) Release information in a manner that could identify the source of the information, compromise an investigation, or jeopardize public or officer safety.

D. OFFICE OF FIELD SERVICES

1. Watch Commanders shall:

- a) Ensure media requests for information about current incidents between 1700 – 0800, Monday-Friday, or on weekends and holidays receive answers and responses in a timely manner.
- b) Determine whether the on-call PIO should be contacted to respond to an ongoing event.

2. If the media request is for routine information, and the information is not immediately available or its disclosure would otherwise be impracticable, Watch Commanders may refer the requestor to the PIO. Watch Commanders shall generate an email for the PIO office and/or refer the requestor to the designated PIO phone line.

E. GUIDELINES FOR THE RELEASE OF INFORMATION

1. Releasable Information

- a) The name, age, and residence of adult suspects/arrestees
- b) The SPD division, investigating section, and/or unit in the enforcement action.
- c) The substance of the allegation(s) (*e.g.*, murder, rape, etc.), including the statutory provision of any charges, if known.
- d) The circumstances immediately surrounding an arrest, including the time and place of arrest, resistance, pursuit, and possession or use of weapons.

NOTE: When an investigations unit (Homicide, Special Assault & Child Abuse (SACA) Explosives Ordnance Disposal (EOD) etc.) is responding, specific information to be released (other than allowed in 1.a.,1.b.,& 1.c.) regarding the incident shall be cleared by the supervisor or lead investigator of the investigating unit.

- e) References to a specific investigation involving the use of DNA to identify and/or arrest a suspect.

2. Presumptively Non-Releasable Information (other than as required by law).¹

- a) Observations about the suspects' character or reputation.
- b) Statements (or the lack thereof) including; admissions, statements, confessions, or alibis attributable

¹ Notwithstanding this section, and notwithstanding any other provision of this General Order, SPD will fully comply with and disclose all information required by Government Code section 6250, et seq., Penal Code section 832.7(b), article I, section 3 of the California Constitution, and all other applicable laws. This General Order does not set forth all of SPD's disclosure obligations under California law.

to the suspect.

- c) Prior criminal history.
 - d) Juvenile suspects' or victims' name or address.
 - e) Information that would identify the victim(s) of any sex crimes per 261, 264, 264.1, 286, 288, 288a, and 289 PC; or child abuse reports per 273a and 273d PC; or domestic violence per 273.5 PC; or bias crimes per 422.6, 422.7, and 422.75 PC.
 - f) References to specific investigative procedures such as fingerprinting, polygraph examinations and/or ballistic tests.
 - g) Statements concerning evidence in the case, whether or not it is anticipated that such evidence will be used at trial.
 - h) Statements concerning the identity, credibility, or testimony of a prospective witness(es).
 - i) Opinions on the suspects'/arrestees' guilt or innocence.
3. Suspect/Arrestee Photographs or Interviews
 - a) SPD members who have suspects in custody shall not move or pose them for media pictures.
 - b) Officers shall not prevent any person from photographing or videotaping suspects, arrestees, or department personnel in public places where they have no reasonable expectation of privacy
 4. Cases Being Submitted to the District Attorney's Office.
 - a) Once a preliminary hearing has begun, SPD members shall not comment to the media on any case, or any defendant in the case, without prior approval of the OOI, Division Captain or Office Chief, or the COP.
 - b) Media requests shall be referred to the Sacramento County District Attorney's Office.

F. POLICE REPORTS AND PHOTOGRAPHS

1. Crime reports or incident reports involving juveniles shall not be released to a third party.
2. SPD members shall only release photographs of ADULTS to the news media when:
 - a) It may aid in the investigation.
 - b) It may assist in the apprehension of the suspect.
 - c) It benefits public safety.
 - d) Or if release of the photographs does not compromise the investigation (i.e., prior to photo or live lineup).
3. SPD members shall not release photographs of JUVENILE suspects/arrestees to the news media unless authorized by the COP.
4. Photographs of juveniles listed as victims of a crime may be released to the media only after a written and/or verbal authorization by a parent or guardian has been provided on camera via the use of the Body Worn Camera.
5. Photographs of missing persons may be released to the media only after the "Photo Release for Children Under 18 Years of Age" SPD form 190 has been completed by the authorizing parent or guardian, witnessed by an SPD member and approved by a Section Supervisor, unless extenuating circumstances exist.

G. VICTIM, WITNESS OR SUSPECT INFORMATION

1. A general injury status of a victim, witness or suspect may be released to the media if it does not compromise an active investigation.
2. The identity of a decedent shall be released to the media by our Department only after the Coroner's Office has notified the next of kin or if authorized by the COP.
3. The contents of suicide notes shall not be released, although it may be reported that a note was found.

H. CONDUCT OF SPD MEMBERS

1. SPD members shall honor verbal identification or media credentials for individuals who reasonably

identify themselves as media representatives.

2. SPD members shall not interfere with the media's right to gather and disseminate news and shall strive to ensure media representatives are not hindered in their news gathering efforts.
 3. No SPD member shall pose as a representative of the news media at any time. SPD members may attend press conferences or other events covered by the media, but may not identify themselves as being a representative of the media by way of any statement, credential, or other indicator that creates a false impression the SPD member is associated with or part of the media.
 4. When personal opinions are given, SPD members shall be sure their opinion does not include information designated as non-releasable (Section E.1.) and shall adhere to the facts that are releasable (Section E.2.), subject to footnote 1, supra, which requires that the SPD comply with all applicable disclosure laws.
 5. Frequently, due to public expectations and because of their accessibility, SPD members are called on to supply information both related and unrelated to their law enforcement function. SPD members shall appropriately answer questions asked of them or refer the person to the proper individual or agency for the answers.
 - a) When a request is made for information about a police matter, SPD members shall decide whether:
 - 1) the information can be released (Section E).
 - 2) they possess enough facts and are qualified to provide a response.
 - b) SPD members may provide information unless it is prohibited by policy (subject to footnote 1, supra), or because release could identify a confidential source, compromise an investigation, or jeopardize public or officer safety.
 - c) SPD members shall be cautious to avoid representing as fact that which is opinion.
 6. Information concerning SPD policy or administration shall be furnished by the COP or designee.
 - a) SPD members furnishing information to the media concerning police incidents shall furnish accurate information concerning the case and use the Department's name, "The Sacramento Police Department," and identify the investigating and arresting divisions.
 - b) SPD members shall not use their Department contact with the media for personal reasons.
 - c) All media releases shall be in accordance with the policies expressed in the SPD General Orders (GOs).
 7. The PIO shall be notified when employees are asked to inform the media of developments in crime prevention or community relations issues. The PIO shall ensure the COP is aware of such information. Regularly scheduled radio shows need not be reported.
 8. The PIO shall be notified of any interview requests and the topic to be discussed prior to the interview being arranged and granted. The PIO shall inform the Captain, OOC of the interview.
 9. SPD members in doubt as to the content of a release shall direct inquiries to the supervisory officer in charge of the investigation.
 10. SPD members assisting other law enforcement agencies with mutual aid incidents or with other incidents occurring outside the City of Sacramento shall refer news inquiries about these incidents to the outside agency. SPD members shall not release information concerning these incidents furnished to SPD by other agencies unless the information resulted from our independent investigation.
 11. SPD members asked for information beyond the range of their knowledge shall acknowledge this and refer inquiries to correct sources.
- I. PHOTOGRAPHY/RECORDINGS
1. Requests for public relations photographs to be taken at a special public or SPD event shall be submitted via email to the Media Services Division for approval.
 2. Media Services shall email the requestor the finished images or deliver hard copy prints within ten (10)

working days after the event or from when the request was made.

3. Nothing in this section shall interfere with the right of any person to photograph or record SPD members in an area accessible to the public.
4. There are no circumstances under which the recordings, photographs, images (whether film or electronic) or other material made by a citizen or journalist may be deleted or destroyed by an SPD member, nor may they order the person making such recordings or another third-party to delete or destroy said material.

J. MEDIA ACCESS

1. SPD members shall accommodate the media in accordance with this policy.
2. Media representatives are exempt from complying with a peace officer's authority to close an area during an emergency or disaster. Media representatives may enter a closed disaster scene at their own risk if they do not materially and unduly impede emergency personnel in the performance of their duties. When an area is closed, media representatives will be "accommodated with whatever access to the sites may be afforded without material and undue interference to emergency personnel. The right of access by the media is described in California Penal Code 409.5(d).
 - a) Media representatives should verbally identify themselves or provide a media credential if they possess one.
 - b) SPD members shall not exclude a media representative from an emergency or disaster scene based solely on the risk to the personal safety of that person.
 - a. SPD members should reasonably apprise media representatives of known dangerous conditions. However, so long as they do not materially and unduly impede emergency personnel, it shall be a media representative's sole choice to enter the emergency or disaster scene
 - c) Media representatives may be prevented from materially and unduly interfering with emergency operations and criminal investigations.
 - 1) Where the presence of a media representative would materially and unduly impede emergency operations or materially and unduly interfere with a crime scene, requiring their exclusion, a reasonable effort shall be made to provide a safe staging area for the media that is sufficiently near to or at the established perimeter of the incident. All information released to the media should be coordinated through the SPD PIO or other designated spokesperson.
 - 2) Representatives of the news media shall not be moved or excluded from an area for the purpose of interfering with newsgathering activities.
3. Media representatives may be denied access to the interior perimeter of a crime scene, where their presence would materially and unduly interfere with a criminal investigation.
4. SPD members should make reasonable efforts to work with media representatives. Before a media representative is detained or arrested, the incident commander shall immediately notify the PIO and/or the Watch Commander
5. Media representatives shall not be allowed free access within an SPD Facility without an SPD provided escort. If media representatives are observed in an area other than the Public Information Counter, SPD members shall ask the individual to leave the unauthorized area and should be escorted from the restricted area. The PIO's office and/or Watch commander shall be notified of the incident immediately.
6. SPD members shall not exclude any media representative from an area to which the public has access or a right of access.
7. A tactical operation should be handled in the same manner as a crime scene, except the media representatives shall be permitted within the outer perimeter of the scene, subject to reasonable conditions as determined by the supervisor in charge. SPD members shall not jeopardize a tactical

operation in order to accommodate the news media. All comments to the media made during a tactical operation shall be coordinated through a supervisor or the PIO.

8. No SPD member who is under investigation shall be subjected to media visits or interviews without the consent of the involved SPD member (Government Code § 3303(e)).

K. PROTECTIONS FOR JOURNALIST WORK PRODUCT

1. Under the California Constitution (Art. 1, sec. 2(b)) and Evidence Code (section 1070) (Journalists' Shield Law), law enforcement cannot compel media representatives to provide testimony or unpublished materials connected with their news gathering. This applies to anyone "connected with or employed upon" a news organization, including freelancers. California Civil Code 1986.1 extends these protections to records held by third parties.
 - a. SPD members must seek a subpoena or other court order for information subject to the protections contained in the journalists' shield law and related statutes.
 - b. Any decision regarding the applicability of the journalists' shield law shall be made by the COP, in consultation with the District Attorney and the City Attorney.
2. Pursuant to California Penal Code 1524(g) "No warrant shall issue for any item or items described in Section 1070 of the Evidence Code."
 - a. Accordingly, SPD members shall not apply for, participate in, or execute a warrant for such materials.
3. Notwithstanding section I.4 of this General Order, SPD shall destroy any information obtained in violation of sections K.1-K.2, supra, upon receipt of an express written request that it do so by a journalist from whom such information was obtained that specifically references this General Order provision.

L. CIVIL DISORDER

1. The media have a right to cover demonstrations, including the right to record the event on video, film, or in photographs.
2. SPD members shall accommodate the media in accordance with Department policy.
3. The media shall be permitted to observe and shall be permitted close enough access to the arrestees to record their names. Even after a dispersal order has been given, clearly identified media shall be permitted to carry out their professional duties in any area where arrests are being made unless their presence would materially and unduly interfere with the enforcement action.
4. Self-identified legal observers and crowd monitors do not have the same legal status as the professional media and are, therefore, subject to all laws and orders similar to any other person or citizen.
5. Said personnel must comply with all dispersal orders similar to any other person or citizen. A supervisor or commander may allow a person who self-identifies as a legal observer or crowd monitor to remain in an area after a dispersal order if circumstances permit and if the person's presence would not materially and unduly interfere with the enforcement action.
6. On request, the Incident Commander or a supervisor may inform the media, legal observers, crowd monitors, police liaison, and/or organizers about the nature of any criminal charges to be filed against arrestees, the location where arrestees are being taken, and the Department's intent for arrestees to be cited out or booked at a custodial facility.
7. The media, legal observers, crowd monitors, police liaison, and/or organizers shall never be targeted for dispersal or enforcement action because of their status.

M. RIGHTS OF ONLOOKERS

1. The public has a right to photograph or record police incidents from any location where they have a legal right to be present including private property with permission of the owner.
2. Persons not involved in an incident shall be allowed to remain in the immediate vicinity to witness stops,

- detentions and arrests of suspects occurring in public areas, except under the following circumstances:
- a. When the safety of the officer or the suspect is jeopardized.
 - b. When persons materially and unduly interfere with the police action or violate law.
 - c. When persons threaten by words or action, or directly attempt to incite others to immediately violate the law.
3. If the conditions at the scene are peaceful and sufficiently quiet, and the officer has stabilized the situation, persons shall be allowed to approach close enough to overhear the conversation between the suspect or witness and the officer, except when:
 - a. The suspect or witness is in such a place where they have a reasonable expectation of privacy (such as inside a closed vehicle)
 - b. There is a specific and articulable need for confidential conversation for the purpose of police interrogation.
 4. Persons shall be permitted to make a short, direct inquiry as to the suspect's/witness' name and whether the officer or the suspect wishes a witness.
 - a. The suspect/witness shall be allowed to respond to the inquiry.
 - b. If a person is a witness to the activity for which the suspect was detained or arrested, the officer may request their name; however, said person is not compelled to disclose such information.
 5. An SPD member shall not seize, compel or otherwise coerce production or viewing of bystander recordings by any means without first obtaining a warrant. Without a warrant, an officer may only request, in a non-coercive manner, that a bystander voluntarily provide or allow the film or other recording to be viewed. Alternatively, an SPD member may non-coercively request that such material be emailed to an SPD address established for the purpose of receiving such material and maintaining its chain of evidence.
 6. If a bystander declines to voluntarily provide the recording, an SPD member may request, but not compel, the person's identity as provided in Section C, 2, above.
 7. Nor shall any SPD member apply for, participate in, or execute a search warrant for, or otherwise seize, work product or other documentary materials from a person reasonably believed to have a purpose to gather for, or disseminate to, the public a newspaper, book, broadcast, or other similar form of public communication, unless subject to one or more exceptions described in the federal Privacy Protection Act, 42 U.S. Code § 2000aa et seq.
 8. If a bystander voluntarily provides their recording and/or equipment, the officer shall provide the bystander with a receipt. The receipt shall contain a written statement verifying that the recording and/or equipment has been voluntarily provided to the Department and shall be signed by the bystander.
 9. As an alternative to arresting an onlooker who is in violation of Penal Code Section 148 or other related offenses, officers may order onlooker to "move on"; however, the person shall not be ordered to move any farther distance than is necessary to end a violation. Persons who believe that an officer did not comply with the provisions of this order shall be referred to an appropriate supervisor or to the Office of Public Safety Accountability.
 10. SPD members shall document any enforcement action taken against a person not involved in an incident in a crime report. Supervisors shall ensure a copy is promptly routed via the chain of command to the PIO, OOC.
 11. No person shall have enforcement action taken against them solely for lawfully filming, photographing, recording or otherwise documenting police activity. Such First Amendment protected activity by itself shall not constitute material and undue interference.

N. COMMERCIAL FILMING OF DEPARTMENT ACTIVITIES/FACILITIES

1. SPD members are encouraged to cooperate with commercial production companies filming law enforcement-related activities.

2. The COP or designee shall review all requests to film commercial productions and grant approval as appropriate.
 3. Requests by commercial production companies shall be documented in memorandum form directed to the PIO. The memo shall include:
 - a) The name of the production company.
 - b) The activities or facilities to be used in the film.
 - c) The intended audience of the final production.
 - d) The dates and times the filming will take place.
 - e) Information concerning the amount of disruption or impact the filming will have on Departmental activities.
 - f) The name, address, and phone number of a contact person and the person in charge of the production
 4. Companies shall not be given any price quotes for the use of our resources nor shall any commitment be made before approval by the OOC.
 5. Approved requests shall be routed back to the division submitting the original memo indicating any special conditions that must be observed.
- O. CONTENT-AND-VIEWPOINT NEUTRALITY
- a) Notwithstanding any other provision of this policy, any restriction on the media or the right to gather and disseminate news and information must be reasonable as to the time, place and manner of the restriction. Such restriction must be content-neutral, narrowly tailored to serve a significant governmental interest, and must leave open ample alternative channels for communication. SPD members shall never take enforcement action against an individual because of their viewpoint.