

The purpose of the FINEST message is to remind members of the service of their obligations to cooperate with media representatives acting in a news-gathering capacity at the scene of police incidents.

The public's access to information regarding the official business of the Department is of critical importance to effective City government. Because the public receives much of this access through the news media, members of the service must ensure that Department procedures which provide for cooperation and assistance with press personnel and which allow press personnel to access the scenes of incidents are carefully followed. Supervisors may restrict access to an incident scene only in those exceptional circumstances where it is absolutely necessary for law enforcement or public order purposes.

Policing incidents from crime scenes to major public events places a great burden on both line and supervisory personnel. Members of the service must respect, however, the public's right to know about these events and the media's right of access to report on these events. Members of the service who unreasonably interfere with media access to incidents or who intentionally prevent or obstruct the photographing or videotaping of news in public places will be subject to disciplinary action.

Patrol Guide Section 212-49 (Incidents Involving Media Representatives) and **Patrol Guide Section 212-77** (Release of Information to News Media) reflect the commitment of the Department to upholding the principles of a free press and informed citizenry. Listed below are some of the key provisions of those Patrol Guide provisions:

Patrol Guide Section 212-77

It is the policy of this Department to keep the community informed on matters of public interest. Most media inquiries are directed to the Office of the Deputy Commissioner, Public Information. However, at the scene of a breaking news story, the media may request information from members of the service present at the scene. Information, assistance or access should be rendered to whatever extent possible, in accordance with the following procedure, when it does not:

- a. Pose an undue risk to the personal safety of members of the service, media representatives, or others.
- b. Interfere with police operations
- c. Adversely affect the rights of an accused or the investigation or prosecution of a crime.

Patrol Guide Section 212-49

Members of the service will not interfere with the videotaping or the photographing of incidents in public places. Intentional interference such as blocking or obstructing cameras or harassing the photographer constitutes censorship. Working Press Cards clearly state the bearer "is entitled to cross police and fire lines." This right will be honored and access will not be denied. However, this does not include access to interior crime scenes or areas frozen for security reasons.

1. In order to cooperate more fully with members of the news media and

provide them with access to cover newsworthy events, the following guidelines will be adhered to unless safety interests or proper performance of police duties require otherwise:

- a. To the extent it is feasible to do so, the media's access to demonstrations on private property will not be impeded by the Department.
- b. The media will be given access as close to the activity as possible, with a clear line of sight and within hearing range of the incident.
- c. When incidents spill over or occur on private property, members of the media will not be arrested for criminal trespass, unless an owner or representative expressly indicates that the press is not to be permitted to enter or remain on the property.
- d. If the ranking officer at the incident determines that press access must be restricted in certain circumstances (i.e., in order for the Department to carry out its law enforcement functions), he retains the discretion to do so.

Members of the service are also reminded the Office of the Deputy Commissioner, Public Information, is available 24 hours a day, 7 days a week for consultation and/or response to incidents involving the media. Members of the service are required to immediately notify the Deputy Commissioner, Public Information, at (646) 610-6700 of any incident involving the media, regardless of the outcome of that incident.