



GUAM FIRE DEPARTMENT
AGANA, GUAM

GENERAL ORDER:	Date of Issue: 12/18/85	Effective: 12/18/85	No. 85-08
	Reference: The American Bar Association Standards The Rights of Fair Trial and Free Press		
Index As: PRESS RELEASE POLICY & PROCEDURES POLICY & PROCEDURES, PRESS RELEASE			

SUBJECT: Press Release Policy and Procedures

PURPOSE: To provide policy and procedures for cooperation with the news media in providing Fire Department information on matters of public interest.

THIS ORDER CONSISTS OF THE FOLLOWING NUMBERED SECTIONS:

- I. GENERAL POLICY
- II. RELEASE OF INFORMATION
- III. PRESS AUTHORIZATION AND REGULATIONS

I. GENERAL POLICY

A. General Relationship

The relationship between the Guam Fire Department and the news media in a democratic society is characterized by complementary rather than conflicting interests. The news media have a legitimate need for information about fire and E.M.S. activities; they offer an excellent channel for informing the public about the nature of fire tasks and problems. There should be no conflict between the media and the Guam Fire Department as they carry out their respective duties and responsibilities, and collectively strive to keep the citizenry informed on fire and E.M.S. service matters.

Individual rights and freedoms will be fostered when mutually accepted policies and procedures and a shared understanding of the types of information which may be released without jeopardizing fire investigations and/or the rights of individuals are adopted by the media and the Guam Fire Department.

B. Role of the News Media

A well informed public is essential to the existence of a democratic nation. To effectively exercise his franchise, a citizen must be aware of current events and the state of government. A free press serves the public by supplying needed information, by stimulating thought, and by providing a medium for expression. Fire, its results, and the efforts to combat it are all matters of continuing public concern. The Department is regularly involved in events at which members of the news media are properly present and performing their task of gathering information which must be accomplished without hampering the Department's responsibility for public safety.

C. Role of the Department

The Department actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public interest in a manner which does not hamper E.M.S. or fire operations. However, certain information must be withheld from the news media in order to protect the constitutional rights of an accused, to avoid interfering with department investigations, or because it is legally privileged.

II. RELEASE OF INFORMATION

A. Responsibility

1. Fire Chief, Guam Fire Department

The Fire Chief shall have the fundamental responsibility for the dissemination of information to the media except when the Fire Chief personally delegates such authority to other members of the Department or as otherwise provided herein.

2. Public Information Officer (PIO)

The function of the Public Information Officer of the Department is to foster cooperation and mutual respect between the news media and the Department. A member of the Administrative Staff of the Department is designated as the Department's Public Information Officer (PIO). The PIO's personal services are made available to authorized representatives of the news media to assist in solving problems of mutual concern to the press and the Department.

The Public Information Officer shall be the centralized sources for the dissemination of all G.F.D. information to the news media whether it shall be the electronic or paper media.

The PIO shall:

- a. Coordinate and provide liaison between G.F.D. and the media.
- b. Act as the G.F.D. spokesman for major events, policy and other administrative requests from the general public and the media.
- c. Report in writing any violation of this Order committed by any firefighter/officer or media personnel to the Fire Chief.

3. Fire Scene Officer-in-Charge

The Fire Scene Officer-in-Charge is the G.F.D. officer assigned to supervise and coordinate all activities within the fire scene. Many of the conflicts between the fire and the media arise at scenes of fires, emergencies, or disorders. Under these circumstances, where individual perceptions are often distorted by the intensity of the emergency, misunderstanding can easily occur. In order to avoid these conflicts, the Officer-in-Charge at the scene should as soon as practicable coordinate fire/media activities and may act as spokesman pending the arrival of the Public Information Officer or the Senior Fire Officer. All field personnel shall familiarize themselves with the departmental press policy.

4. Fire Investigator

Routine requests for follow-up information shall be directed to the Fire Investigator officer assigned to the case in question. This officer shall act as the spokesman observing the policies and procedures outlined in this Order. Upon arrival at the fire scene, the Fire Investigator may take over from the Officer-in-Charge of the fire scene.

5. District Chief

The District Chief is authorized to disseminate G.F.D. information to the news media in order that information be quickly disseminated in accordance with this directive. When releasing G.F.D. information the District Chief shall be guided by the provisions set forth in this directive. When the PIO is available the District Chief shall relate all information to the PIO for dissemination to the media. If the PIO is not immediately available, the District Chief may release all initial information on fire cases and refer follow-up requests to the Fire Investigator Officer.

B. Policy and Procedures

1. From the commencement of the investigation of a fire matter until the completion of trial or disposition without a trial, a G.F.D. officer or employee shall not release or authorize the release of any extrajudicial statement for dissemination by any means of public

communication, if such statement poses a clear and present danger to the fairness of the trial. In no event shall G.F.D. officers make extrajudicial statements concerning the following matters.

- a. The existence or contents of any confession, admission, or statement of the accused, or the refusal or failure of the accused to make any statement.
 - b. The possibility of a plea of guilty of the offense charged or a lesser offense or other disposition.
 - c. The prior criminal record (including arrests, indictment, or other charges of crime), the character, credibility or reputation of the accused, or any opinion as to the accused's guilt or innocence, or as to the merits of the case on the evidence in the case.
 - d. The performance of any examination or tests, or the accused's refusal or failure to submit to an examination or test, nor shall the possibility of a plea of guilty nor the identity or nature of physical or testimonial evidence which is expected to be presented be disclosed.
 - e. Information which the Fire officer knows or has reason to know would be inadmissible as evidence in a trial.
2. The PIO or other G.F.D. officer authorized to disseminate G.F.D. information may at any time:
- a. Make a factual statement of the accused's name, age, residence, occupation, family status and if the accused has not been apprehended, to release any further information necessary to aid in the accused's apprehension or to warn the public of any danger that may exist.
 - b. Give the facts and circumstances of the arrest, including the time and place of the arrest.
 - c. Provide the identity of the investigating and arresting officer or agency and the length of the investigation.
 - d. To provide the identity of the victim or complainant if the release of such information is not otherwise prohibited by law. However, news representatives should consider whether such publication would subject such persons to danger, abuse or ridicule. News representatives should recognize their responsibilities of victims of sex offenses

- f. Disclose the nature, substance, or text of the charge, including a brief description of the offense charged. Note: Description of the charges to mean the definition of the legal offense as defined by law.
 - g. Quote from or refer without comment to public records of the court in the case.
 - h. If available, provide the scheduling or result of any stage in the judicial process.
 - i. Request assistance from the public in obtaining evidence.
3. Photographers and electronic news media are prohibited from:
- a. The deliberate posing of a person in custody for photographing or television.
 - b. The interviewing of a person in custody except upon request or consent by the person to an interview after being informed adequately of the right to consult with counsel and of the right to refuse to grant an interview.
4. Enforcement

The Staff Inspector shall immediately, upon given the instruction by the Fire Chief, conduct an internal investigation of all alleged violations of this policy. He shall within ten (10) days from receipt of the complaint submit to the Fire Chief a written report of his findings. The investigation report shall indicate whether or not a violation has in fact been committed, the name(s) of party(ies) involved, and the circumstances surrounding the alleged violation.

III. MEDIA AUTHORIZATION

A. Provisions

Recognized media organizations shall effectuate application and waiver requirements from the Public Information Office for inclusion in the departmental media listing.

This provision is essential to assure that the department is communicating with an authorized news media representative at the scene of a fire/E.M.S. incident and to assure the representative that he will not be unnecessarily obstructed in the pursuit of his or her functions.

1. When making application to the Fire Chief, Guam Fire Department to be authorized on fire/E.M.S. incidents, the applicant must apply in person at the G.F.D. Public Information Office and will be required to:

- a. Provide a letter from employer or designated representative verifying applicant's affiliation with said media organization and outlining applicant's duties.
 - b. This authorization will be valid only so long as named applicant remains in the employ of the requesting employer.
 - c. This authorization is subject to revocation by the Fire Chief in the event of non-compliance by said applicant with existing regulations that govern the provisions of this authorization.
- B. The Guam Fire Department shall honor press passes issued by the Guam Police Department.
- C. Regulations
1. A news reporter's primary responsibility is to report the news by obtaining information and photographs of news-worthy incidents. The opportunity to do so is frequently momentary at an emergency scene. G.F.D. officers should not unnecessarily obstruct news reporters in their attempts to obtain the information or instruct witnesses not to speak with the news media. However, members of the news media are neither impliedly or expressly exempt from any local or federal statute.
 2. Boundary lines may be established to prevent persons from entering the area of a serious fire or E.M.S.-incident or scene. Dependent on the tactical situation, safety and the likelihood of hampering fire or E.M.S. operations, members of the news media will be allowed in such areas at the discretion of the PIO or Officer-in-Charge.
 3. Duly authorized news media representatives may enter any area closed because of a menace to the public health or safety. Authorization for such entry is based upon the possession of a department-issued news media pass. The decision to assume the risk of danger remains with the individual news person involved.
 4. Photographs
 - a. News media representatives may photograph or report anything they observe when legally present in an area of a serious incident or fire/E.M.S. scene. Where publication of such coverage would interfere with an official investigation or place a victim, suspect, or others in jeopardy, the withholding of publication is dependent upon a cooperative press, not upon censorship by the Department. Under such circumstances, fire officers should advise the news media of the possible consequences of publication. However, fire officers may not interfere with news media activities as long as that performance remains within the confines of the law.

5. Bearers of Guam Police Department-Issued Press Passes shall:
- Retain passes in their immediate possession and at no time shall they permit any other person the use of the pass.
 - Identify themselves when passing through boundary lines and shall contact the G.F.D. Officer-in-Charge at the scene for the desired information.
 - Assume all risks of accident and expressly agree to abide by all reasonable orders and directions of the G.F.D. Officer-in-Charge at the scene.
 - Be responsible for familiarizing themselves with this directive and conduct their activities in accordance with the policies and guidelines set forth herein.
6. Misuse of Press Authorization or Misconduct by the Bearer:
- Misuse of a press authorization shall be grounds for revocation.
 - Any misconduct on the part of the named applicant shall be reported and promptly investigated by the G.F.D. Staff Inspector.
 - Official reports on press authorization misuse are to be submitted to the Fire Chief, Guam Fire Department.
7. Resolution of Problems

In the event a problem should develop between the Guam Fire Department and any media representative, the employer of the media representative will be notified so that the Department and the employer can work towards a mutually acceptable resolution in keeping with the respective responsibilities of the Department and the news media.



F. N. TALERON

Fire Chief, Guam Fire Department

Attachments

GOVERNMENT OF GUAM
GUAM FIRE DEPARTMENT

AGREEMENT ASSUMING RISK OF INJURY OR DAMAGE
WAIVER & RELEASE OF CLAIMS & INDEMNITY AGREEMENT

WHEREAS, I, _____, being of age and not being a member of the Guam Fire Department of the Government of Guam voluntarily choose to enter an area designated as closed by G.F.D. because of a menace to the public health or safety.

1. That I am aware that the area closed by the Guam Fire Department is inherently dangerous and that I may be subjected to the risk of death, personal injury or damage to my property and that I freely, voluntarily and with such knowledge assume the risk of death, personal injury, property damage or any other risk which I may encounter connected with the use of weapons, unlawful acts or forcible resistance by law violators or suspected law violators, breach of the peace, fire, explosion, gas, electrocution, the escape of radioactive substances or any other cause whatsoever.
2. That the Government of Guam and the Fire Chief, Guam Fire Department shall not be responsible or liable for any injury, damage, loss or expense whatsoever whether to me or my property, incurred while being in the closed area.
3. That I myself, my heirs, executors, administrators and assigns will defend and indemnify the Government of Guam and the Fire Chief, Guam Fire Department against any and all manner of actions, causes of actions, suits, debts, claims, demands, or damages or liability or expense of every kind and nature incurred or arising by reasons of any actual or claimed negligent or wrongful act or omission of mine while being in the closed area.

I hereby represent that I have carefully read and understood the contents of this document and sign the same of my own free will.

(DATE)

(SIGNATURE)

(WITNESS)

(WITNESS)