

Victoria Police Manual – Procedures and Guidelines

Release of information to the media

Source Policy

These Procedures and Guidelines support and must be read in conjunction with the following:

- Sections 234, 227 and 228 *Victoria Police Act 2013*
- Section 95 and Health Privacy Principle 2.2 (Schedule 1), *Health Records Act 2001*
- VPMP Appropriate use of information
- VPMP Information sharing
- VPMP Death and serious injury/illness incidents involving police

Application

Procedures and Guidelines are provided to support the interpretation and application of rules and responsibilities. They include recommended good practices and assessment tools to help employees make lawful, ethical and professional decisions. Employees should use the **Professional and ethical standards** to inform the decisions they make to support interpretation of Procedures and Guidelines.

Procedures and Guidelines are not mandatory requirements on their own. However, where rules and responsibilities state that employees must have regard to Procedures and Guidelines, the Procedures and Guidelines must be used to help make decisions in support of the rules.

Procedures and Guidelines

1. Guidelines for information release

As required by **VPMP Appropriate use of information**, and s.227 and 228 *Victoria Police Act 2013*, employees must not disclose information that comes into their possession through their employment if they have a duty not to release that information without authorisation.

When speaking to or responding to requests from the media, employees should not release Victoria Police information that:

- endangers the life or safety of any person

- impedes or interferes with the administration of justice, or prejudices -
 - a police operation
 - an investigation
 - a prosecution or person's right to a fair court hearing
 - the independence of oversight bodies investigating critical incidents, taking particular care not to pre-empt the outcome of any investigation
- may be of assistance to criminals or suspected persons
- relates to a coronial investigation except in accordance with **Media Protocols for Incidents Involving Police and the Coroner**; contact Media and Corporate Communications Department for details
- is likely to bring Victoria Police into disrepute or diminish public confidence in it
- they know is false or misleading
- expresses an opinion of culpability
- is critical of Victoria Police, another police service, the government or government departments
- the victim has requested be withheld
- may cause a breach of confidentiality or privacy
- relates to an internal investigation unless they have consulted the Assistant Commissioner, Professional Standards Command (PSC)
- reveals the value of drugs, by a precise cash amount, seized by police or stolen from chemists, hospitals, doctors, etc
- concerns an absconding incident at a Youth Justice Centre or Residential Centre, without consulting the Media Unit first
- does not relate directly to their specific area of responsibility
- contains means of identifying:
 - any person appearing before a Children's Court
 - a ward of the State or subject to State guardianship
 - injured victims before their next of kin have been notified
 - victims of crime or witnesses without their permission
 - a victim of a sexual offence
 - a defendant before they appear in an open court or before a Bail Justice
 - a sworn employee involved in a shooting incident, before an open hearing commences

- suicide victims, except with the approval of an Inspector or above and only where an operational need exists
- jury members
- deceased persons, other than by authority under the *Health Records Act 2001*, if the consent has not been obtained from the next of kin
- the whereabouts of located missing persons unless they provide their consent. Refer to VPMG Missing persons investigations.

Further information is also available in the **Victoria Police Media Guide**.

2. Release of information process

2.1 *Comments*

- Comments at crime scenes may be made by the police commander in charge at the scene, in consultation with the Media Unit and in line with the preceding guidelines. A record of what was said or released should be kept.
- The importance and value of maintaining rapport with local media in respect to issues limited to within each PSA is recognised. However, when a matter or incident has the potential to impact across the organisation, it is then important to liaise with the Media Unit to ensure all messages are consistent and have been approved. This would apply to such incidents as those that would –
 - attract major media interest, eg. SOG deployment; fatal collision; homicide
 - be of Force wide significance, eg. critical of the organisation or police members; questioning processes
 - have wider than local area impact
 - likely have other PSAs / Regions also commenting on the same issue
- Refer to section 3 for more information about making comment to the media following critical incidents.
- The Media Unit is operational 24 hrs / 7 days to provide the necessary advice and guidance to ensure all messages are consistent.

2.2 *Photographs and images - suspects*

Photographs and Facial Automated Composition and Editing (FACE) images may only be issued with the following approvals, and only where an operational need exists or a demonstrated public benefit is clear as provided by s.234 *Victoria Police Act 2013*:

- During investigations and up until a person is charged -
 - With approval of an Inspector or above on 'Photographs, Images and/or Related Document Authorisation for Publication' [Form 1127]

- Forward a copy to the Media Unit prior to release of images
- Once matters are heard and Court proceedings have been completed, Media outlets seeking images may make application for the image through the Freedom of Information Unit (FOI).
- Update the Media Unit if there are any developments to major crimes so that consideration can be given to releasing an update to the media.

2.3 *Photographs and images – missing persons*

Photos of missing persons may only be published by the Media Unit once a next of kin has authorised the release of the photo on an 'Authority for Media Release - information or image of missing person' [Form 1410].

2.4 *Agency photographs- requested by the media*

- If the media request a copy of a mugshot, it may be provided under s.238, *Victoria Police Act 2013* to 'authorised media outlets' by making application to the Freedom of Information Unit on an Application for the release of an agency photograph from Victoria Police to an authorised media organisation [Form 1335].
- If a media outlet wishes to become recognised as an authorised media organisation, they can apply to the Media Unit using Application to be an authorised media organisation [Form 1334].

2.5 *Escapees and absconders*

A person who has escaped from custody or absconded from supervision may be subject to a court order or other special conditions. All information in regard to escapees or absconders requires prior approval from the Media Unit before it can be released.

3. Comments following death or serious injury/illness involving police

3.1 *Police spokesperson*

As stated in **VPMP Death and serious injury/illness incidents involving police**, comments to the media on death or serious injury incidents involving police must only be made by the nominated police spokesperson:

- Incident resulting in a death – an Assistant Commissioner or above, or member nominated by them
- Non- fatal incidents – a Divisional Commander or above, or member nominated by them.

3.2 *Appropriate comments*

As stated in **VPMP Death and serious injury/illness incidents involving police**, the police spokesperson must consult with the Media Unit before releasing information on critical incidents. When making comments to the media, the police spokesperson is to follow these guidelines:

- Express concern about the welfare of the family of the deceased or injured and of any police members involved
- If the media seeks comment regarding the circumstances of the incident:
 - only provide a brief account of the incident; details such as the date, time and location of the incident may be provided.
 - the gender and age of the deceased or injured may be provided, but details of their medical or psychological state should not
 - comments about members' actions should be confined to statements of fact based on information available at the time
- Advise that there will be a police investigation of the incident by the relevant unit (e.g. Homicide Squad, Major Collision Investigation Group or other unit or squad)
- In the case of a death, advise that the matter will be subject to a Coroner's inquest and that police investigators will prepare a brief of evidence to the Coroner to assist with the inquest
- Advise that the police investigation will be subject to oversight by PSC.

4. **Wanted persons/descriptions**

4.1 *Physical descriptions*

- Physical descriptions given in releases to the media are to be as detailed as possible.
- General physical descriptors (such as height, build, hair colour, clothing and complexion) should be used to accompany CCTV or photographs.
- Descriptors of a person's perceived ethnicity should only be used:
 - as a last resort and when CCTV or photographs are not available
 - in media releases for the purpose of identifying or locating persons or interest
 - if based on information provided by a witness.
- Descriptions of a person's perceived ethnicity are to be limited to the following categories, and begin with the phrase "The (person/suspect/offender) is perceived as being of << descriptor category >>".

- Descriptor Categories:
 - Aboriginal/Torres Strait Islander appearance
 - Asian appearance
 - African appearance
 - Caucasian appearance
 - Indian sub-continental appearance
 - Mediterranean/Middle-Eastern appearance
 - Pacific Islander/Maori appearance
 - South American appearance
 - Other appearance: where there has been positive identification of the nationality or ethnic appearance of the person being described, a specific ethnic description may be released to the media. The fact a victim thinks the person who assaulted or robbed them was, for example, Lebanese or Vietnamese etc. is not sufficient.

Generic physical characteristics should be described as follows:

- Always refer to a person's height in centimetres and not feet and inches
- A person's build can be referred to as thin, slim, medium, large, stocky, solid or obese
- A person's complexion may be referred to as tanned, olive, fair, pale or dark.

4.2 Medical condition, mental illness and disability descriptions

- It is an offence under the *Health records Act 1958* to release the medical details of a person without their express permission. However, a general description can be given provided it does not disclose the person's treatment or other personal information.
- An acceptable general description of an injured person's condition would be "The person has sustained ...
 - minor,
 - moderate,
 - serious or
 - life-threatening injuries".
- The location of injuries should also be described in general terms, for example, "The person has sustained injuries to the ...
 - chest,
 - upper body,
 - arms or legs,
 - back, head and stomach."
- Do not release details of the medical condition, mental illness or disability of a person (i.e. bipolar, dementia, autism etc.) unless it is relevant to identifying or locating the person, and has been confirmed by an appropriate source (eg. family member, service provider). Alternatively, you could say, "The person has a condition which ...

- requires medication
- may result in them becoming disoriented or confused about their location.”
- It is reasonable to state if they do not have the required medication with them and that this is a concern.

5. Release of video and audio recordings

5.1 Information of assistance to police

Closed Circuit Television footage, in-car video etc. which relates to current matters and could assist with unsolved crimes or provide a warning to the public may be released to the media with the owner’s permission as well as with the approval of an Inspector or above via Form 1127 under s.234 under the *Victoria Police Act 2013*.

5.2 Information requested by media

As required by **VPMP Information sharing**, requests for video taped footage and/or audio taped recordings are to be referred to the FOI Unit for assessment.

The FOI Unit will liaise with the Media and Corporate Communications Department to determine whether the information can be released outside of the FOI process or should be subject to the *Freedom of Information Act 1982*.

Further Advice and Information

For further advice and assistance regarding these Procedures and Guidelines, contact Media and Corporate Communications Department.

Update history

Date of first issue	22/2/10	
Date updated	Summary of change	Force File number
	Section 3- Ethnic descriptions. Amendments to ‘Aboriginal’ appearance to ‘Aboriginal/Torres Strait Islander’ to conform with the now acceptable curtesy title introduced by DHS in 2006. This change in title better reflects the plurality and diversity of Victorian Aboriginal communities.	066161/11
30/01/12	Incorporation of various criteria from the ‘Victoria Police Media Guide’ and ‘Protocols for the Public Release of Information between the Coroners Court of Victoria and Victoria Police’, including:	059865/09

	Re-write of sections dealing with release of photographs and images; updating of allowable physical descriptors; and distinction between local media contact and contact with Force wide implications	
13/02/12	Updated to include specific guidance on release of information to the media following a death or serious injury incident associated with police contact.	067251/11
21/01/13	Updated to reflect organisational governance and structural changes.	FF-074790
03/02/14	References to redundant instruments following IMSSD review have been updated with corresponding new instruments.	069562/11
01/07/14	Legislative references updated due to commencement of <i>Victoria Police Act 2013</i>	FF-079620
30/03/15	Update of references to VPMP Death and serious injury/illness incidents involving police	FF-083918
06/07/15	Section 3.2 amended re comments relating to death or serious injury/illness incidents	FF-083403
10/04/17	Wanted Persons/descriptions section updated to reflect ANZPAA guidelines – when and how descriptors should be used when attempting to identify a person	FF-101929