

Police, press jockey over information

Area police departments are under increasing pressure to restrict the amount and kind of information they release to newspapers concerning crime and or traffic accidents.

Concerned that the release of inappropriate or inaccurate information may subject police to lawsuits, attorneys are advising departments to limit the way information is released to newspapers.

Newspapers, in return, are concerned that limiting or "editing" information available to them amounts to a form of censorship.

If newspapers can't have access to accurate, uncensored information, how are they to inform the public?

THERE'S NO question that police departments are under considerable pressure to restrict information, said Thomas M. Farrow, a former reporter for United Press International wire service who is now information officer for the Michigan Supreme Court.

Police are always under concerned about pretrial publicity that could prejudice a case.

A good current example, Farrow said, is the case of a man from the downriver area accused of murder in the drowning deaths of his four children.

LAST JANUARY, newly elected Oakland County Prosecutor Richard Thompson issued a memo reminding police about the kinds of information they could and could not release.

The Michigan Supreme Court has imposed upon prosecutors the obligation to exercise reasonable care to

prevent law enforcement personnel from making extrajudicial (out of court) statements that a prosecutor would be prohibited from making under the Michigan Rules of Professional Conduct (MRPC)," Thompson said.

Thompson's memo outlines information police agencies can release, such as:

The date and nature of the crime and information contained in public records.

The scope and progress of any investigation.

The identity, residence, occupation and family status of the accused, once a warrant is issued and the suspect is arraigned.

The appropriate warning if the suspect is considered armed and dangerous.

Information police can't release, according to Thompson's memo, include:

The character, credibility, reputation or criminal record of a suspect or witness.

The possibility of a guilty plea or confession.

Any opinion as to the guilt or innocence of a defendant or suspect.

The fact that the defendant has been charged with a crime, unless there is included therein a statement explaining that the charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.

In addition to concerns about pretrial publicity, police and their respective municipalities must also balance restrictions of the Freedom

of Information Act (FOIA) as well as good taste.

"POLICE ARE certainly subject to FOIA just like any other public body," said a representative for the Michigan Attorney General's office.

But section 13 of FOIA provides a number of exemptions, including the unwarranted invasion of privacy.

"We would never release the name of the victim in a criminal sexual conduct case," said Hollin C. Tobin, director of public safety in Southfield. "Nor would we release the name of the person arrested in a case of incest."

Sometimes, however, reporters are allowed to see criminal com-

plaints containing the names of sexually abused victims. The understanding is that newspapers would not cause additional trauma by printing those names.

Earlier this year in Rochester Hills, however, a newspaper printed the names of three sexual assault victims.

The newspaper and its representatives were given a chilly reception at police headquarters after that breach of mutual understanding, although its reporters continued to get basic information.

"We generally get along well with

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Issue surfaces 13 years later

Concern about the kind of information released by police — and its timeliness — is nothing new and is frequently the topic of scholarly debate.

"I can't think of a public agency that wouldn't want to conduct its business away from public scrutiny," said Rebecca Daugherty, who researches national freedom of information issues for the Reporters Committee on Freedom of the Press in Washington D.C.

What is new is that disputes are rising 13 years after the state's Freedom of Information Act appeared to provide a definitive guide for the release of crime records.

In many communities, reporters and other visitors don't gain access to police reports unless they ask for the report by its department code number. Withholding access to po-

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