

**CHAPTER 5**  
**INTERACTION WITH THE MEDIA**  
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## CHAPTER 5

### INTERACTION WITH THE MEDIA

#### 1. MEDIA DEFINED.

a. Establishing and maintaining good relations with the media is the single most important part of the Department's media relations activities. The public's attitude and perception of the California Highway Patrol (CHP) are greatly influenced by information obtained through the media. Positive publicity generates positive opinion. The probability of obtaining positive publicity is strengthened when relations with the media are good. The public has the right to know what the Department is doing.

b. Media includes the following:

(1) Print newspapers, news, and specialty magazines.

(2) Radio programs.

(3) Television programs.

(4) News agency, wire service, and newswire (e.g., Associated Press, Reuters, All Headline News, etc.).

(5) Nonprofit news organizations (e.g., The Center for Investigative Reporting, California Watch, etc.).

(6) Internet sites and online news organizations, including social media (e.g., Drudge Report, Huffington Post, etc.).

(7) Freelance and contract employees of the media.

c. Employees shall ensure each type of media receives fair and impartial consideration.

#### 2. ATTITUDE AND APPROACH.

a. Good media relations are largely a matter of attitude and approach. (Refer to Annex A, News Media Relations Checklist.)

b. The Public Information Officer (PIO) can accomplish this through cooperation and the ability to meet high standards of interest, timeliness, accuracy, and integrity.

(1) The most important thing to remember is that the media is not an adversary, rather an avenue for directly contacting the public. It is just as important to get a well-planned and accurate statement as it is to provide the media with the same.

(2) The media should be viewed as a partner, ensuring the public is provided accurate information about safety, education, and enforcement programs; requests for assistance in locating witnesses and solving crimes; as well as positive information about the Department.

(3) There is a valid purpose for the media. The Department must take responsibility for employee actions and critical incidents. If the media is fair and balanced, then negative information will be reported as well as positive information.

(4) Take responsibility for keeping the media informed. Think ahead and get information to the media in a timely manner. This will help to build trust between the Department and the media.

(5) If the relationship with the media is good, they will be more accommodating when there is negative news. Bad stories will still be published, but it will be easier to get positive information included if relationships have already been developed.

c. One role of the PIO is to educate the media and public about the Department's philosophy, strategic plan, and goals, including programs and practices to ensure success. The media and public may not be aware of how the Department, or law enforcement in general, operates. Negative-seeming questions are not necessarily the result of ill will.

d. Periodic friendly visits to all the media within an Area should be made to strengthen a good working relationship. Interacting with news crews at times other than breaking events or on deadline will promote positive relationships.

### 3. UNFAVORABLE OR NEGATIVE NEWS.

a. Unfavorable or negative news stories are going to happen from time to time. In such situations, the Office of Media Relations (OMR) should be immediately notified of the situation.

b. Problem situations or circumstances unfavorable to the Department should never be covered up as this tends to make the exposure more caustic when the story does appear.

(1) The involved command should be prepared to explain the incident or actions to media inquiries.

(2) When a problematic situation is about to surface, the involved command should have all pertinent facts at hand. Consider being proactive and providing the Department's view of the story first.

c. Failure to deal with problematic situations can be interpreted by media as lack of credibility. Providing as much information as legally possible permits the Department to explain extenuating circumstances.

d. Consider wearing civilian attire when being interviewed or at a press conference regarding negative or unfavorable news. Avoid associating negative news with the uniform of the Department. Also consider maintaining a neutral background. For example, there should be no departmental signs, vehicles, or logos in the background.

e. The media will locate additional sources for information if the Department does not provide timely information. This can result in biased and inaccurate information being published/broadcasted.

f. A negative story is an opportunity to:

(1) Get our side of the story out to the public.

(2) Build respect and credibility with media.

#### 4. IMMEDIATE NOTIFICATION.

a. Each media outlet works with deadline constraints, now more immediate than ever. Therefore, timeliness in notification of newsworthy items is of utmost importance. The PIO should become familiar with the deadlines of each media outlet within their Area.

b. Television news relies heavily on video, while newspapers rely extensively on photographs. Rapid notification is essential if videographers or photographers are to reach the scene in time to obtain newsworthy footage.

c. Notify Press (Code 20). This radio code is used by the field to request media notification of a significant traffic incident or other newsworthy event(s). This provides for rapid notification to all media whenever a major or newsworthy event occurs.

## 5. ANSWERING MEDIA INQUIRIES.

a. General Guidelines. Providing answers to questions from reporters is another essential part of media relations. Some questions may seem trivial and unnecessary, but the reporter has a good reason for asking them. They are entitled to a factual, straightforward answer as soon as possible. The information may be needed for a story that will appear in the next newspaper edition or on the next radio or television newscast. This means that time is an urgent factor for the reporter.

- (1) Return the call promptly.
- (2) Ask them what their questions are. Have them send the questions in writing via e-mail, if possible.
- (3) Research the topic.
- (4) Sometimes the information the media is looking for can be provided, sometimes it cannot. A good relationship will help ensure that the media knows any statements provided will be truthful, timely, and impartial. (Refer to Annex B, The Four "Cs" Rule.)
- (5) Arrange for an interview and location as soon as possible.
- (6) Be as forthright, honest, and open as possible.
- (7) Find out what other sources or agencies are involved and if the media is talking to them. If appropriate, coordinate the response with the other sources or agencies.
- (8) Follow up with an e-mail or a telephone call to ask if the reporter needs clarification on what was said or if they have any additional questions.

b. Failure to Respond. Failing to provide the media with requested information may result not only in bad relations, but also in an unfavorable story. A reporter will be left with no option but "no comment" from the CHP or "the CHP refuses to comment." This is usually unacceptable.

- (1) Get an accurate answer fast, and get it to the reporter who asked for the information.
- (2) If a timely answer cannot be provided, an explanation should be given as well as an approximate time when the information will be available. A truthful explanation will almost always be accepted.

## 6. PROACTIVE MEDIA COVERAGE.

a. It is important to be proactive in presenting positive story ideas to the news media. The story does not have to focus on pursuits or major collisions. There are many human interest stories among departmental employees and members of the public interacting with the Department. Do not wait for the media to come looking for good news. (Refer to Annex C, Newsworthy Examples.)

b. On a daily basis there are opportunities for positive media coverage. Opportunities include the following:

(1) Good deeds done by the CHP, including lifesaving or rescue efforts, community involvement events, etc.

(2) Traffic safety messages and events, including Maximum Enforcement Periods (MEP) and other departmental campaigns.

(3) Community outreach grant-funded projects, including enforcement and educational components.

(4) Invite the media on “ride-alongs,” especially during MEPs or enforcement campaigns. Ensure they complete the “Media Participants Only” section of the CHP 428, Release and Waiver of Liability. (Refer to Annex D, CHP 428, Release and Waiver of Liability.)

(5) Showcase new technology in the Department. However, always be mindful of budgetary perceptions.

c. Soliciting the media to cover these stories can be accomplished by sending out a news release (also referred to as a press release) or making telephone calls to prompt media coverage.

## 7. RECORDED INTERVIEWS.

a. Electronic media will frequently contact the PIO to record an interview relative to a news release or other story of interest to the public.

b. The person to be interviewed should be knowledgeable of the subject matter beforehand.

(1) Requesters should be given all possible cooperation.

(2) Interviews may be done at any location or by telephone.

## 8. INTERVIEW PREPARATION AND TIPS.

- a. Find out what prompted the interview and what the interviewer wants to know.
- b. Ask them what their questions are. Have them send the questions in writing via e-mail, if possible.
- c. Research the topic by using the Department's talking points as well as contacting the Office of Primary Interest, if applicable.
- d. Ensure you allow enough time to make good grooming and uniform appearance a priority.
- e. During the interview, relax. Be yourself. Be confident. (Refer to Annex E, Controversial Interview Checklist.)
- f. Be prepared to promote your message at the beginning of the interview. Strive to convey the message throughout the interview and at the end.
- g. "Stay on message" and stick with what you want to say, not what the interviewer wants you to say.
- h. If you make a mistake, correct yourself and start over.
- i. Errors cannot be totally eliminated from stories, but if interviewees work to eliminate their own mistakes, while at the same time being aware of what causes miscues on the media side, it can improve accuracy. (Refer to Annex F, Why Mistakes Happen in News Stories.)

## 9. GETTING THE NEWS TO THE MEDIA.

- a. Commanders shall establish standard operating procedures for disseminating information to the news media. Commanders are responsible for every news release issued on their behalf. At a minimum, procedures shall include provisions for:
  - (1) Normal Release of Collision Information. (Refer to General Order 110.2, Release of Collision Information.) The CHP 288A, Report of Collision – News Release, was designed for the purpose of releasing information to the media (refer to Annex G, CHP 288A, Report of Collision – News Release). The CHP 288B, Report of Arrest/Unusual Incident – News Release, was designed for the release of arrest or unusual incidents to the media (refer to Annex H, CHP 288B, Report of Arrest/Unusual Incident – News Release).

(2) Release of Information for After-Hours Incidents. It is of utmost importance that all commands have a plan to respond to media inquiries at all times. This may include making telephone numbers of PIOs and representatives available or arranging to have media calls referred to Area personnel via communications centers.

(3) "Code 20" notifications shall be made whenever a major collision/incident occurs.

b. Release of information concerning high-visibility events such as major collisions, large-scale emergencies, and other high-profile incidents should be handled in the following way:

(1) Normally, all information released at an emergency scene shall be coordinated through the scene manager.

(2) Employees shall cooperate with media representatives at emergency scenes by providing releasable, factual information as quickly as possible.

NOTE: Names of persons killed in collisions/incidents shall not be given to the media at the scene. Direct media to the coroner for identification of people killed in a collision.

(3) Release of information to the media shall not take precedence over an employee's responsibility to properly manage the scene of an emergency incident.

(4) In the days, weeks, and months following a critical incident, PIOs should consult with both the Office of Legal Affairs and with the Office of Risk Management before issuing further public statements. They will determine whether lawsuits have been filed naming the Department or whether a claim has been filed with the California Victim Compensation and Government Claims Board (VCGCB) in connection with the incident. If a VCGCB claim or lawsuit has been filed, the PIO should make no further statements.

(a) This requirement does not apply to basic information provided on the day of the incident.

(5) The PIOs must be careful not to offer opinions, respond to hypothetical questions, or speculate about incidents. Information provided to the media as "facts" that later prove to be inaccurate can damage the credibility of the PIO and the Department, and may lead to lawsuits.

## 10. MEDIA ACCESS TO EMERGENCY SCENES.

- a. This section focuses on the Department's controls of media access at locations where there has been a calamity, such as a flood, storm, fire, or earthquake, which creates a menace to the public health or safety.
- b. California Penal Code Section 409.5(a) states, in part, "...[T]he Department of the California Highway Patrol...may close the area where the menace exists...to any and all persons not authorized...to enter or remain within the enclosed area." However, subdivision (d) states, "Nothing in this section shall prevent a duly authorized representative of any news service...from entering the areas closed pursuant to this section." (Refer to Annex I, Penal Code Section 409.5.)
- c. Pursuant to Penal Code Section 409.5(d)(1), properly identified members of the news media shall not be restricted from entering disaster areas that have been closed to the general public.
- d. The broad exemptions provided by Penal Code Section 409.5(d) do have some limits. When any of the following conditions exist, it is appropriate to deny access to the media:
  - (1) If the incident has been declared a crime scene, then the media may be restricted from those areas closed for investigation and evidence preservation. This subdivision does not authorize a representative of a news service, newspaper, or radio or television station or network to facilitate the entry of a person into or facilitate the transport of a person within a closed area.
  - (2) If police personnel at the scene reasonably determine that unrestricted access will interfere with emergency operations. (Refer to Annex J, *Leiserson v. San Diego.*) In this case, media access may be restricted only for so long and to the extent necessary to prevent actual interference with emergency operations.
  - (3) When the incident involves the collision of a military aircraft, the federal military authorities have declared the disaster site a National Defense Area (NDA) and they have requested CHP assistance. However, until the arrival of the appropriate military authority and designation as an NDA, properly credentialed members of the media cannot be excluded. (66 Ops.Cal.Atty.Gen. 497 [1983].)
- e. Reasonable action by CHP is key when determining access. All decisions regarding media access shall be reasonable, content-neutral, and uniformly applied. When restrictions of media access are permissible, such restrictions shall be reasonable in time, place, and manner. California Highway Patrol personnel shall allow access to all media representatives who present a valid form of identification, as well as reasonable verification that they are gathering information about a

newsworthy event for purposes of publication. "Reasonable verification" may take many forms. For example, established news reporters may have official press credentials. On the other hand, nontraditional journalists (e.g., bloggers) may have a different means of demonstrating their newsgathering purpose. Use your best judgment in identifying legitimate media representatives. The best practice is to err on the side of inclusiveness. Treat non-traditional journalists the same as established journalists. Do not exclude any journalists on the basis of their editorial viewpoint.

(1) When the media presents valid press identification, they should be permitted to cross law enforcement or fire lines (on foot or driving a vehicle), provided that public safety and order will not be jeopardized, and that the investigation or operation by law enforcement agencies or fire departments will not be hampered. Media vehicle restrictions may not necessarily apply to media foot pedestrian access.

f. Personnel shall not limit the media's access based on concerns for the journalists' safety. The decision to assume the risk of danger remains with the individual reporter. In the event that entering such a location would be hazardous to the safety of media representatives, they shall be advised of that fact before they are allowed to proceed. To the extent it is reasonably possible under the circumstances, personnel shall document the reporters' express acknowledgement of the risk before they enter the location. Such documentation should take the form of a written document or recording, and it shall include the name of the reporter, the name of the publication, and the date of the acknowledgement.

g. Penal Code Section 409.5(d) does not immunize reporters from the application of general laws. Reporters cannot violate the law when they are gathering the news. If unrestricted media access would interfere with emergency operations, provide a press area with the maximum access possible under the circumstances. Do not establish unreasonable barriers. For example, do not keep the press at a location a block from the crime scene, while at the same time allowing the general public to have free access and observe from just beyond the crime scene tape. Media access may only be restricted so long and to the extent necessary to prevent actual interference with emergency operations.

h. Do not prevent the taking of pictures or interviews of person(s) in public places. News reporters may photograph, report, or interview anyone they observe when legally present at an emergency scene. This includes officers, victims, and witnesses.

i. It is recommended to have a spokesperson at the scene and another person at the office to handle the media exclusively. If overwhelmed with media calls, use the services of the Division Public Information Officer Coordinator (PIOC) or OMR.

(1) The primary PIO should be assigned to address the media face-to-face at a designated press area or at the scene if no specific area has been established.

(2) A secondary PIO should handle all telephone inquiries regarding the incident. This may include the secondary PIO assuming possession of the primary PIO's cellular telephone to ensure that telephone calls are being answered in a timely manner.

(3) The Division PIOC should ensure the information regarding the PIO contact information is distributed in a timely manner. The Division PIOC may also fill the primary or secondary PIO position as needed or directed.

#### 11. MEDIA ACCESS TO COMMAND POST AREAS.

a. During a calamity, riot, or other civil disturbance, legal authorities may prohibit the public from entering certain areas under authority of Penal Code Section 409.5. This section does not prohibit access by media representatives to those areas.

(1) After being advised of any existing danger, members of the news media are permitted free movement in the area as long as they do not hamper, deter, or interfere with law enforcement or public safety functions. To the extent it is reasonably possible under the circumstances, CHP personnel shall document the reporter's express acknowledgement of the risk before they enter the area. Such documentation should take the form of a written statement or recording and it shall include the name of the reporter, the name of the media outlet, and the date of the acknowledgement.

(2) Additionally, authorities may close the immediate area surrounding any emergency field command post, or any other command post activated to abate any calamity, riot, or other civil disturbance to any and all unauthorized persons. These prohibited areas include the immediate area surrounding any emergency field command post, or any other command post activated for the purpose of abating any calamity, whether or not the command post is located near the actual calamity, riot, or other civil disturbance. The media's access to a command post should be determined on a case-by-case basis depending on the circumstances. To the extent a Department employee reasonably determines that the presence of the media in or near a command post will interfere with the emergency operation, the area may be closed to the media. The mere increased likelihood of interference is not sufficient to restrict media access. The employee's reasoning for restricting the media from accessing the command post should be thoroughly articulated and documented.

## 12. MEDIA ACCESS AT PUBLIC ASSEMBLIES.

a. The news media has the right to cover events at public assemblies without interfering with law enforcement operations, even those that may result in the declaration of an unlawful assembly and order to disperse.

(1) Pursuant to Penal Code Section 407, an assembly may be declared unlawful. Pursuant to Penal Code Section 409, all persons remaining at the place of an unlawful assembly, after they have been lawfully warned to disperse, are guilty of a misdemeanor. A reporter “has no special immunity from the application of general laws.” (Branzburg v. Hayes [1972] 408 U.S. 665, 683 [92 S.Ct. 2646].)

(2) To the extent reasonably possible under the circumstances, CHP personnel will make efforts to accommodate media reporting obligations. However, the CHP’s controlling obligation is to maintain public safety and order. Any decision-making regarding media access shall be reasonable, content-neutral, and uniformly applied.

(a) Personnel may accommodate reporters’ and photographers’ coverage obligations by allowing them to pass through a line formation one time. This includes after an order to disperse has been given at an unlawful assembly.

(b) For officer and public safety reasons, reporters and photographers should not be allowed to pass through the line multiple times.

(c) An officer shall be assigned to accompany all media allowed behind a line formation.

(d) Personnel should consider the advantages of providing the media with law enforcement’s perspective before denying access behind the line.

(3) After an assembly has been declared unlawful and an order to disperse has been given, media not dispersing to designated media areas are considered part of the general public. All operational plans shall designate a media assembly area outside of the anticipated, impacted area, but within reasonable viewing distance and audible range of the event.

(a) To the extent reasonably possible under the circumstances, personnel will try to prevent the news media viewing area from becoming part of any area impacted by an unlawful assembly declaration and order to disperse.

(b) The decision to assume the risk of danger involved in covering a public event remains with the individual news reporter.

(c) The selection of the news media viewing area should take into consideration: public and officer safety; crowd control tactics; input provided by the news media; and the ability of the CHP to prevent the location from becoming part of the impacted area.

(d) The incident commander (IC) in charge of the event will make the final selection of the viewing area location.

(e) The on-scene manager may relocate the news media viewing area if the initial area no longer affords the news media reasonable view of the event or becomes a tactical concern for the IC.

(4) Personnel should attempt to notify the media prior to declaring an unlawful assembly and the issuance of a dispersal order.

(a) Prior media notification will help to ensure this vital information is disseminated to media field crews.

(5) Personnel shall not allow media and/or camera crews to enter private property unless voluntary consent is given by a person who represents that they have actual or delegated authority. There is no exception to this rule.

(a) Where consent is given, personnel shall document that consent to the extent reasonably possible. Such documentation should take the form of a writing or recording, and it shall include the name of the individual, the basis of their authority, and the date of the consent.

### 13. MEDIA ACCESS AT CRIME SCENES.

a. Crime scenes may be closed to all unauthorized persons, including the media.

b. Journalists “have no constitutional right of access to the scenes of crime or disaster when the general public is excluded...” (Branzburg v. Hayes [1972] 408 U.S. 665, 684-685 [92 S.Ct. 2646].)

(1) This constraint serves a significant government interest. It will:

(a) Protect the integrity of the crime scene and the investigation.

(b) Ensure a safe, coordinated, and unrestricted response by law enforcement and other emergency personnel.

- (2) As determined by the on-scene manager, the news media shall be accommodated with limited access to the site without creating interference (e.g., a designated press area).
- (3) Personnel shall not isolate the media outside the crime/incident scene unless the area has been secured to preserve evidence or media access will interfere with the investigation or law enforcement function.
- (4) A PIO should be assigned to keep the media briefed and be present in the media area.
- (5) Consider using a pool reporter as described in paragraph 17.a.(3)(m) of this chapter, for crime scenes that would otherwise be closed to the media.

14. NEWS MEDIA ACCESS TO FACILITIES. The news media has a right to access public areas of state facilities. However, this right does not extend to personal offices and private areas. Departmental policy is to provide access to the media in all CHP facilities, when appropriate.

15. NEWS STORIES.

a. Routine Collisions/Incidents.

- (1) The “Code 20” process and media use of radio scanners means that media often will be at the collision scene, sometimes before officers arrive.
- (2) Provisions should be made to supply factual information to the media as expeditiously as possible, without interfering with other responsibilities.
- (3) Often, a scene manager or PIO can function as the media contact point, freeing investigating traffic officers to perform other duties.
- (4) To facilitate good media relations without interfering with scene management, representatives and vehicles should be located in a safe and photo-accessible designated area.
- (5) Some information may not be available at the scene. Media can be advised to contact the office later to get other details.
- (6) Information given to the news media regarding collisions and arrests normally should be limited to that outlined on the CHP 288A.

b. Major Collisions/Incidents. A spectacular collision, or one in which several deaths occur, may draw media from beyond the area served by the investigating command. Incidents that have the potential to draw a large media interest require a focused attention on the media.

(1) It is recommended to have a spokesperson at the scene and another person at the office to handle the media exclusively. If overwhelmed with media calls, use the services of the Division PIOC or OMR.

(a) The primary PIO should be assigned to address the media face-to-face at a designated press area or at the scene if no specific area has been established.

(b) A secondary PIO should handle all telephone inquiries regarding the incident. This may include the secondary PIO assuming possession of the primary PIOs cellular telephone to ensure that telephone calls are being answered in a timely manner.

(c) The Division PIOC should ensure the information regarding the PIO contact information is distributed in a timely manner. The Division PIOC may also fill the primary or secondary PIO position as needed or directed.

(d) The PIOs should all meet and coordinate with the IC to establish talking points and/or confirm the accuracy of the information prior to any information being released.

(2) Promptness and accuracy in providing information will assist in developing good media relations.

(3) A preliminary news release or CHP 288A and/or CHP 288B should be sent out immediately to advise the media of the PIO location(s), contact name(s) and telephone number(s), as well as preliminary basic facts and the next scheduled information release. This should be sent, through the regular news release process, from the Area or Division to assist the on-scene PIO.

(a) The PIO should request assistance from personnel at the Area or Division to help with the preliminary release of information. This will assist with ensuring telephone calls are directed to the appropriate telephone number.

(b) This will also help the PIO in reducing the number of inquiries for this information.

(4) Updated information (or clarifying information if no new information is available) should be released at regular intervals to ensure the media remains

engaged at the scene and to show that the Department is being responsive to the media.

(5) Do not make statements concerning the cause of an incident until you have confirmation; many times this will not be until the conclusion of the investigation. Premature statements containing inaccurate information can negatively affect the credibility of the Department and the PIO.

c. General News Releases.

(1) Periodic statistical reports.

(2) Statements by the local commander regarding Area or departmental activities or issues of local community interest.

(3) Headquarters-prepared releases intended for field distribution.

(4) Occurring less frequently than collisions/incident reports, field news releases offer an opportunity to inform the public of departmental activities.

d. Feature Stories. Special coverage of employees or departmental activities in which the time element is usually of secondary importance.

(1) Feature stories usually are based on unusual situations, departmental functions or activities of human interest. These are an excellent method of obtaining favorable publicity.

(2) Extensive details are extremely helpful. Be prepared to provide considerably more information than is typically sought by a reporter covering a news story.

(a) Details lend color and authenticity.

(b) Do not expect all details to be used. The writer will select those which enhance the perspective they are trying to illustrate.

(c) Look for opportunities that include visuals for photographs or video.

(3) Human Interest Approach. Many feature stories emphasize the human aspects of the function described. These stories can emphasize less obvious functions of the Department, such as how the Department patrols by air or how a Multidisciplinary Accident Investigation Team investigation is conducted. Therefore, personal reactions may form an important segment of the article. For example, it is not unusual for a reporter to ask an officer what their reactions

were when investigating a severe fatal or injury collision. The best reply is to be sincere and thoughtful.

(4) Cooperation with the media in preparation of a feature story can pay rich dividends in generating favorable publicity for the Department. They tend to be friendly and enhance our image through a humanistic viewpoint.

(5) Enterprise Reporting. These are feature stories that are usually the result of enterprise or an idea by one reporter. The story should not be shopped to other reporters at that time.

e. Personnel News Releases.

(1) Responsibility. News releases concerning promotions, transfers or deaths shall be prepared by the command involved, as appropriate.

(2) Guidelines. Ordinarily, a promotion or transfer will involve preparation of a news release by the Area or Division from which the officer is leaving and the Area or Division into which they are transferring.

(3) Graduating Cadets. The Office of OMR will prepare news releases concerning graduating cadets for distribution to the cadet's hometown media. However, Area offices to which cadets are assigned have the responsibility of preparing releases and photographs as appropriate.

f. Questions on Policy.

(1) When a question on policy deals with an issue that is not confidential, an answer should be provided immediately, if known. The Department's talking points should be reviewed prior to providing the answer.

(2) If the answer is unknown, the reporter should be advised the information will be obtained as rapidly as possible and provided to the reporter.

(3) If the question deals with a confidential policy or issue, the reporter must be advised the information is not subject to release.

NOTE: Examples of confidential material or events include personnel investigations, much of the material in personnel files, home addresses of employees, and shaded material in official manuals and orders.

g. Other Sources of News. The following sources may be used by the media while gathering information for a story or in developing a new story:

- (1) Localizing a National Story. Be aware of how a national or statewide issue could have an impact on the Area or Department.
- (2) Public brings a question or story to the media's attention.
- (3) Anonymous sources.
- (4) Disgruntled employees with an "axe to grind."
- (5) Developing a story based on an interest or a random subject, "I wonder why?"

16. PREPARING THE NEWS RELEASE. Releases are divided into three categories:

a. Media Advisory. The advisory invites the media to cover an event. It contains a brief description of the event and its newsworthiness (i.e., the time, date, place, who will be attending, and the visuals that will be available that will help reporters tell the story). (Refer to Annex K, Media Advisory.)

- (1) Send it out a day or two before the event.
- (2) Follow up with telephone calls the morning of the event to ensure they received the media advisory and to encourage the media to attend.

b. Press Availability. The availability announces an event or opportunity in which an employee (i.e., chief, Area commander, PIO) is made available for an interview with the media. In the same format as the media advisory, this release contains a brief description of the subject matter to be covered. It provides the times and location available for the media to respond for a group question and answer session, or an individual interview, sound bite, etc. For example, this would be appropriate for an MEP or an enforcement campaign.

c. News Release. The news release is a summary of an event or subject including quotes from participants and pertinent information. It should contain all the relevant facts to help a reporter to tell the story. The better the news release is written, the more likely the media will pick it up as a story. Some news outlets will reprint a good release verbatim. (Refer to Annex L, News Release.)

- (1) Distribution. Once the news release has been prepared, proper distribution is important. It is recommended that releases be faxed or e-mailed to the media. This should be followed by a personal telephone call.
  - (a) All media should be notified at the same time.

(b) Media advisories should be sent at least a day in advance of the event, if possible.

(c) Do not distribute the news release prior to a press conference or press event. The news release can be sent to reporters who cannot attend (after the event), and distributed to reporters in attendance (in a press packet).

(2) Format. The news release format, contained in Annex L, should be used for locally produced news releases.

(a) The news release shall provide the name, address, and telephone number of the person responsible for the release and who should be contacted for information. Ensure that the person listed is:

- 1 Aware they are the contact person.
- 2 Available to answer questions.
- 3 Able to provide interviews when the release is distributed.

(b) If the news release is sent late in the day, include the telephone number for the dispatch center for contact after business hours.

(c) The news release should be typed and single-spaced with ample margins.

(d) The news release should be brief. One page is ideal. If more than one page is required, type the word "- more -" at the bottom of each page.

(e) The final page should conclude with "# # #" or "-end-."

(3) Content.

(a) Release Date. This informational line should read, "For Immediate Release"; however, if the release is being sent out in advance of the desired publication or broadcast, the time and date for approved usage should be noted. (Example: Embargoed until 9 a.m., July 4, 2017).

(b) Headline. The purpose of the headline is to prompt interest in the content of the release. Be creative and catch their attention with a headline.

(c) Location. Include the location, otherwise known as a dateline (geographic identifier), at the beginning of the first line. (Example: "SACRAMENTO, Calif. –").

(d) Lead. The key message of the news release shall be stated in the first paragraph, which will include answers to the fundamental questions: "Who?" "What?" "Where?" "When?" and when appropriate, "Why?" and "How?" It is important to hook them in the first paragraph.

(e) Accuracy. Facts must be accurate. Names must be spelled correctly. Be sure to include ranks and titles.

(f) Simplicity. Language should be simple. Use everyday English, avoiding policy jargon and codes. Sentences should be short and direct. Write clearly and plainly so the average person will understand.

(g) Brevity. The news release should be as brief as possible, without excluding essential facts. Get to the point and stay there. Usually a page is enough.

(h) Source. The source of the information (usually the commander) should be stated in the text of the release. This could include a meaningful quote from the source.

(i) Review. Commanders shall review releases prior to distribution to check for accuracy. At a minimum, the following questions should be answered:

- 1 Are the dates correct?
- 2 Are names spelled correctly?
- 3 Are ages, addresses, and titles correct?
- 4 Have any words been inadvertently omitted?
- 5 Are any words misspelled?
- 6 Do quotes support the message and project a positive image of the Department or its traffic safety efforts?
- 7 Is all the information provided in the release appropriate?

d. Requests for Additional Information. After a release has been issued, some reporters will have additional questions.

(1) The issuing command should have a response strategy prepared. Whenever possible, utilize the appropriate talking points available on the CHP Intranet Web site. Sometimes the commander will handle inquiries; often it will

be the PIO. If neither is available, an alternate response process should be established.

(2) Be prepared to respond to requests for live or taped on-camera or radio interviews.

(3) Clerical personnel should be aware of the importance of media inquiries, making sure that contact with an appropriate CHP response person is provided to the media representative.

## 17. MEDIA RELATIONS TECHNIQUES.

### a. Unplanned Event.

(1) Be aware of the needs of reporters at the scene.

(a) Media is interested in the latest accurate information.

(b) They want interviews with bystanders, witnesses, etc.

(2) Be aware of the needs of photographers and videographers.

(a) Ability to get as close as possible to scene.

(b) Live television coverage and accessibility of satellite trucks.

1 Need to be able to hit receiver or satellite.

2 Need to be away from power lines.

(3) Establish a "Media Area" or "Press Area" with maximum access under the circumstances.

(a) Assign a PIO to provide timely and updated information.

(b) Located as close as possible to the scene.

(c) Release information to the media only at this spot.

(d) Allow room for live shots and trucks.

(e) Understand equipment capabilities and act accordingly.

1 Camera lenses (can see from a long distance).

2 Microphones (can pick up conversations from a long distance).

(f) Keep your professional “game face” on at all times.

(g) Plan and announce scheduled briefings/updates if the incident is going to be long-term (hours or days).

(h) Being prepared for commonly asked questions will speed up the interview preparation, enhance the accuracy of the information provided, and allow a few moments to relax and compose prior to the commencement of the interview. (Refer to Annex M, Risk and Crisis Communication.)

(i) Release only what you can and only what you know. Double-check information at the scene and continue to follow up with current information.

(j) If information provided is incorrect, set the record straight as soon as possible.

(k) Understand media deadlines and pressures. They want to get the information to write and produce the story.

(l) Use a negative event to, in turn, underscore a traffic safety message.

(m) Consider “Media Pool” access or escorts at the incident if space or access is limited.

1 All rules in connection with the pool process must be reasonable in time, place, and manner. Decisions regarding media participation in the pool shall be content-neutral.

2 Minimum of one television camera, one television reporter, one print reporter, one still photographer, and one radio reporter.

3 In most cases, let the media pick who will be the pool. The organization in the best position to share the footage will be chosen.

4 Pool reporters and photographers will share information with other media personnel at the scene.

b. Planned Press Conference/Media Event.

(1) The best time for a press conference or media event is midmorning or early afternoon. This is when most media is available.

(2) If a large-scale or newsworthy incident (local or national) takes place prior to the press conference starting, consider postponing it until a later time or date.

(3) Set up at the best location.

(a) Good Visual Background. The background should highlight the Department visually (e.g., sign, banner, patrol vehicles, etc.).

1 Set up visuals and background for a wide shot. Make sure the visuals are displayed and visible.

2 Ensure the area directly behind and around the speaker is visually appealing. A close-up of the speaker is the camera shot most often used.

(b) Beware of audio problems (e.g., traffic, wind, etc.). Unless it is a live event, remind speakers to pause if loud traffic or other distracting noises occur.

(c) Placement of the Speakers Versus Cameras.

1 The cameras should never shoot into the sun.

2 Attempt to set up so the speakers and other participants are not looking into the sun. If there are no other options, remind them to remove sunglasses 15 minutes prior to the event to allow for their eyes to adjust to the sunlight. Sunglasses should not be worn by participants, especially the speakers.

(4) Check uniforms of all speakers and make sure there is nothing hanging off their uniform. Check for sunglasses, pens, Bluetooth devices, cellular telephones, etc.

(5) Consider who is best suited to be the speaker(s) for a particular subject. Limit the number of speakers and length of their comments.

(6) Have a bilingual officer available for interviews if a bilingual station will be attending.

(7) The PIO should moderate the press conference.

(a) Set the ground rules with the media (i.e., question from left to right or limit the number of questions).

(b) Introduce the speaker.

- (c) Be prepared to step in and take control of the press conference if it goes in the wrong direction.
  - (d) Inform the media of the time/location of the next update.
- (8) Media will want to do one-on-one interviews after the event.
- (9) Prepare a media advisory to send the day before. Do not include opening or key statements in the advisory.
- (10) Put together a press packet. Keep extra packets to share with key contacts. A press packet should include the following (refer to Annex O, Press Packet Example):
- (a) Order of events.
  - (b) List of speakers and titles.
  - (c) News release.
  - (d) Fact sheets, statistics, maps, charts, etc.
  - (e) Pamphlets and handouts.
  - (f) Photographs or video on CD or DVD.
- (11) Make pitch calls to media the day of the event to encourage attendance.
- (12) Review plan for the press conference. (Refer to Annex N, Media Think List.)

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## ANNEX A

### NEWS MEDIA RELATIONS CHECKLIST

#### Always:

- Dress properly and check your appearance (if you can).
- Keep It Short and Simple – K.I.S.S.
- Avoid police jargon or terms – “What we have here is an 11-80 where P-one is deuce and fourteen-six ...”
- Tell the truth – the TV camera is a lie detector.
- Be patient – equipment problems can occur.
- Relax, take a few deep breaths before beginning.
- Be on time, it helps you avoid anxiety.
- Know who you are dealing with.
- Ask what they want to know and why.
- Research – be as prepared as possible.
- Rehearse, if you have the opportunity. Do not try to wing it, you will crash.
- Exude positivity.
- Prove, through your statements and voice inflection, that the CHP really cares about the public.
- Be courteous, friendly, and appreciative.
- Look at the reporter when conducting your interview. Do not look at the camera unless directed to by the reporter.
- Be professional.

#### Never:

- Lie – you represent the Department.
- Get hostile or angry – you will always lose.
- Assume anything – know the facts or say you do not know.
- Criticize others or other agencies.
- Exaggerate – the facts alone are sufficient.
- Joke about the interview subject (even away from camera...parabolic microphones are very sensitive).
- Talk too much or over answer the question.
- Say “No comment.”
- Go “off the record” as you have no control over what is published.

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## **ANNEX B**

### **THE FOUR “Cs” RULE**

There is a simple rule that you can follow in order to become respected by the media. The rule consists of four aspects, or “Cs:”

1. Clarity
2. Control
3. Consistency
4. Confidence

#### **1. Clarity**

Maintain yourself free from information and topics that are not related to the topic of the interview. Be very precise with your information.

#### **2. Control**

Always keep the purpose of the interview in mind. Do not go off on a tangent.

#### **3. Consistency**

Remain consistent and correct in the information you give to the media. This is especially important when there will be several interviews on the same topic. Make sure to transmit the same information, with the same caution as the first interview.

#### **4. Confidence**

You are the expert in your field. You know the information. Transmit the confidence of your knowledge in your conversation with the press.

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## ANNEX C

### NEWSWORTHY EXAMPLES

10851 Awards – just giving officers a pin and shaking hands is not newsworthy. Instead, show the value of the award to the public.

- Pins do not mean anything to them, ditto for handshakes.
- Dollar value/inconvenience factor does.

Have a victim and their recovered vehicle present.

- Happy citizen with recovered vehicle gives audience something to identify with.
- Make sure the citizen is prepared and quotable.

Produce tangible results of local CHP efforts.

- Number of vehicles recovered.
- Monetary value of recoveries.
- Arrests made/criminals off the street.

Show cooperation with allied agencies.

- Broadens appeal for media.
- Demonstrates CHP is a team player.
- Makes local authorities look good too.

There is good news all around you!

Look at Area functions/accomplishments through “fresh” eyes. Think like a reporter.

What would a viewer/listener/reader want to see/hear/know? Cost savings/efficiency (especially effective in today’s news). Unusual, exceptional, or new accomplishments.

Human interest (e.g., freeway baby delivery).

## **ANNEX C**

### **NEWSWORTHY EXAMPLES (*continued*)**

New commander, Public Information Officer, dog, horse, etc. New items (like reflective vests, Light Detection and Radar, etc.).

Gadgets (Computer Aided Dispatch, Preliminary Alcohol Screening device, license plate scanners, etc.).

Lifesaving efforts (search and rescue, helicopter, boat, etc.).

Exceptional skills.

Anniversaries.

Back stories.

Nonuniformed members.

## ANNEX D

### CHP 428, RELEASE AND WAIVER OF LIABILITY

STATE OF CALIFORNIA  
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
**RELEASE AND WAIVER OF LIABILITY**  
CHP 428 (Rev. 11-11) OPI 013

#### ACKNOWLEDGEMENT

In consideration of being permitted to ride in a California Highway Patrol vehicle or aircraft, the undersigned assumes all the risks of damage or loss either to person or property from all and every cause, including negligence, violation of law, or willful misconduct on the part of the California Highway Patrol, its officers, employees, appointees, or agents during such ride or as an incident thereto, or in connection therewith, it being the understanding that the State of California, the California Highway Patrol, its officers, employees, appointees, or agents, incur no liability or obligation to the undersigned, his/her heirs, successors or assigns other than to permit him/her to ride in such vehicle or aircraft at such times as may be mutually agreed upon. This waiver applies to each and every ride which the undersigned may take in a California Highway Patrol vehicle or aircraft on the undersigned date and/or shift.

#### MEDIA PARTICIPANTS ONLY

Mary Richards agrees to indemnify and hold harmless the California Highway Patrol, the State of California, and all personnel thereof, named or unnamed, in the event as a result of filmed footage secured during the ride-along on December 29, 2015, and broadcast on January 3, 2016 on KMTM-ABC 3 Ukiah a lawsuit, claim, action, or other proceeding is filed in which the California Highway Patrol, the State of California, and/or personnel thereof are named as party defendants or respondents.

#### ALL PARTICIPANTS

You are prohibited from taking photographs or making any type of recordings (e.g., video, audio) during a ride-along. Exceptions may only be made for members of the media and only with approval of the respective Area Commander. In addition, should you witness any type of incident (driving under the influence, citation, etc.), you may be subpoenaed to testify in court as a witness.

I hereby consent to receive/consent my minor child/ward to receive medical and hospital treatment that may be deemed advisable in the event of injury, accident, and/or illness during the ride-a-long.

<small>PARTICIPANT'S NAME (LAST, FIRST, MIDDLE)</small>	<small>DATE</small>
<u>Richards, Mary</u>	<u>12/29/2015</u>
<small>ADDRESS</small>	<small>TELEPHONE NUMBER</small>
<u>321 Parducci Rd., Ukiah CA 95482</u>	<u>(707) 555-5357</u>
<small>SIGNATURE (PARTICIPANT'S OR PARENT/LEGAL GUARDIAN)</small>	<small>DATE</small>
	<u>12/29/2015</u>
<small>EMERGENCY CONTACT</small>	<small>TELEPHONE NUMBER</small>
<u>Lou Grant</u>	<u>(707) 555-5357</u>
<small>SHIFT SUPERVISOR / CREW MEMBER SIGNATURE</small>	<small>DATE</small>

#### CHP USE ONLY

CHP COMMENTS AND PLANNING DETAILS

<small>EMPLOYEE ASSIGNED</small>	<small>DATE / SHIFT</small>	<small>DURATION</small>
<u>Officer Ted Baxter, ID 12345</u>	<u>12/29/2015/ 1900</u>	<u>4 hours</u>
<small>COMMANDER'S SIGNATURE</small>		<small>DATE</small>
		<u>12/29/2015</u>

*An Internationally Accredited Agency*

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## **ANNEX E**

### **CONTROVERSIAL INTERVIEW CHECKLIST**

1. Pause. Think before you speak.
2. Stay calm and reasonable.
3. Do not get angry. Keep total control of your temper.
4. Refuse to take any attack personally.
5. Be positive.
6. Give information rather than denials.
7. Be explanatory. Do not succumb to the temptation to argue.
8. Take lots of time.
9. Be the voice of reason.
10. Be professional/cordial.
11. PAUSE. Think before you speak.

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## ANNEX F

### WHY MISTAKES HAPPEN IN NEWS STORIES

We cause errors by:

- Giving facts incorrectly
- Getting angry at reporters
- Getting too familiar with reporters
- Giving old information
- Saying too much
- Saying too little
- Using jargon (cop talk)
- Giving vague answers
- Being too complicated
- Speaking beyond our knowledge
- Answering a question when the answer should be “I do not have that information.”
- Speculating
- Guessing
- Speaking for others
- Leaking information
- Going “off the record”
- Not having a key message to relay
- Being unavailable
- Not returning telephone calls
- Saying “no comment”
- Making irrelevant comments
- Taking too long
- Not being prepared

The media causes errors by:

- Getting too close to their deadlines
- Misquoting
- Jumping to conclusions
- Not getting both sides
- Not going to the source
- Not attempting to get any response
- Moving too quickly
- Using unauthorized sources
- Using unconfirmed material (rumors)
- Using old (not updated) material
- Using material from other media sources
- Using inappropriate headlines (sensationalism)
- Not giving time for the information to be reviewed (your quotes)
- Editing with a multilayered process creating errors (important information may be edited out)
- Taking inaccurate notes
- Having little knowledge of the product/service (no law enforcement experience)

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# ANNEX G

## CHP 288A, REPORT OF COLLISION – NEWS RELEASE



STATE OF CALIFORNIA  
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
*An Internationally Accredited Agency*  
**REPORT OF COLLISION - NEWS RELEASE**

TYPE OF COLLISION <input type="checkbox"/> Fatal <input type="checkbox"/> Hit & Run		DATE 01/31/2013	TIME 19:18	INVESTIGATING OFFICER Richard WASHABAUGH / 20155	AREA Oakland				
<input checked="" type="checkbox"/> Injury <input type="checkbox"/> Property Damage		LOCATION Camden Street, west of 64th Avenue; Oakland			WEATHER Clear				
PERSONS INVOLVED NAME	PARTY NO.	AGE	SEX	SAFETY EQUIP USED	CITY OF RESIDENCE	DIR. OF TRAVEL	VEHICLE YEAR & MAKE	INJURY/HOSPITAL	*ARREST
<input checked="" type="checkbox"/> Driver <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Motorcyclist <input type="checkbox"/> Bicyclist Charles EBERHART	1	21	M	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	San Leandro	<input type="checkbox"/> N <input checked="" type="checkbox"/> W <input type="checkbox"/> E <input type="checkbox"/> S	1990 Oldsmobile	<input type="checkbox"/> MINOR <input checked="" type="checkbox"/> MODERATE <input type="checkbox"/> MAJOR <input type="checkbox"/> FATAL	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<input checked="" type="checkbox"/> Driver <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Motorcyclist <input type="checkbox"/> Bicyclist Javier MARTINEZ	2	34	M	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Oakland	<input type="checkbox"/> N <input checked="" type="checkbox"/> W <input type="checkbox"/> E <input type="checkbox"/> S	1997 Mitsubishi	<input type="checkbox"/> MINOR <input checked="" type="checkbox"/> MODERATE <input type="checkbox"/> MAJOR <input type="checkbox"/> FATAL	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<input checked="" type="checkbox"/> Driver <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Motorcyclist <input type="checkbox"/> Bicyclist Edgar POWE	3	46	M	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Oakland	<input type="checkbox"/> N <input checked="" type="checkbox"/> W <input type="checkbox"/> E <input type="checkbox"/> S	2012 Honda	<input type="checkbox"/> MINOR <input type="checkbox"/> MODERATE <input type="checkbox"/> MAJOR <input type="checkbox"/> FATAL	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<input type="checkbox"/> Driver <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Motorcyclist <input type="checkbox"/> Bicyclist			M	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> N <input type="checkbox"/> W <input type="checkbox"/> E <input type="checkbox"/> S		<input type="checkbox"/> MINOR <input type="checkbox"/> MODERATE <input type="checkbox"/> MAJOR <input type="checkbox"/> FATAL	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> Driver <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Motorcyclist <input type="checkbox"/> Bicyclist			M	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> N <input type="checkbox"/> W <input type="checkbox"/> E <input type="checkbox"/> S		<input type="checkbox"/> MINOR <input type="checkbox"/> MODERATE <input type="checkbox"/> MAJOR <input type="checkbox"/> FATAL	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> Driver <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Motorcyclist <input type="checkbox"/> Bicyclist			M	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> N <input type="checkbox"/> W <input type="checkbox"/> E <input type="checkbox"/> S		<input type="checkbox"/> MINOR <input type="checkbox"/> MODERATE <input type="checkbox"/> MAJOR <input type="checkbox"/> FATAL	<input type="checkbox"/> YES <input type="checkbox"/> NO

*\* Information provided on this document is in accordance with Government Code sections 6254(F) and 6254(F)(2). For purposes of the CHP 288, fatal victim information is releasable through the coroner.*

SUMMARY  
FOR IMMEDIATE RELEASE  
[Friday, February 1st, 2013]

Thursday, January 31st, 2013, two California Highway Patrol (CHP) officers to Cease Fire Enforcement were on patrol within the city of Oakland, and traveling west upon Bancroft Avenue, near 73rd Avenue. The CHP officers saw a 1990 Oldsmobile also traveling west upon Bancroft Avenue, and noticed it had expired California registration tabs affixed to its rear license plate. There were two occupants traveling within the Oldsmobile.

The CHP officers attempted to make an enforcement stop upon the driver of the Oldsmobile. However, its driver failed to yield and attempted to evade the CHP officers. The CHP officers pursued the driver (and Oldsmobile) as it traveled upon Bancroft Avenue, Havenscourt Boulevard and Camden Street. While traveling upon Camden Street west of 64th Avenue, the driver of the Oldsmobile lost control and collided into a 1997 Mitsubishi (Eclipse driven by Javier MARTINEZ), a 2012 Honda (Civic, driven by Edgar POWE) and a large wooden pole. Mr. MARTINEZ sustained moderate injuries from the collision; Paramedics Plus personnel transported him to the Alameda County Medical Center (ACMC, Highland Hospital) for medical treatment.

The pursuit lasted for less than one minute, no CHP officers were injured, no CHP equipment was damaged.

The passenger sitting within the Oldsmobile's right front passenger seat exited the vehicle and fled the scene on foot. The CHP officers detained and identified the Oldsmobile's driver as Charles William EBERHEART. He sustained moderate injuries from the collision and had an outstanding felony arrest warrant related to firearms possession. CHP officers found a loaded semi-automatic 9mm pistol with a high capacity magazine under the driver seat of the Oldsmobile during the vehicle inventory. Mr. EBERHART was arrested for fleeing from an officer, the outstanding warrant and other weapons violations.



This incident is an active collision investigation, and any person with information pertaining to this incident is asked to contact the CHP's Oakland Area Office at (510) 450-3821, or the CHP's non-emergency public access number at [1-800-835-5247].

SUBMITTED BY:	DATE	TIME	CORONER'S OFFICE CASE NUMBER
Officer Sam MORGAN / Public Information Officer	02/01/2013	13:00	

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## ANNEX H

### CHP 288B, REPORT OF ARREST/UNUSUAL INCIDENT – NEWS RELEASE

		STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL <i>An Internationally Accredited Agency</i>			
<b>REPORT OF ARREST / UNUSUAL INCIDENT - NEWS RELEASE</b>					
<i>In accordance with the provisions of Section 6254(f) of the Government Code the following information is releasable unless the information would endanger the successful completion of an investigation or endanger the safety of the person involved in an investigation.</i>					
<b>ARRESTEE* / PARTY INFORMATION</b>					
FULL NAME		DOB (ARREST ONLY)	SEX	CHARGES	
Lacy, Anthony		12-11-1987	Male	Attempt Murder	
ADDRESS <small>(EXCEPT AS EXEMPTED BY STATE LAW, INCLUDING CVC 1808.4 MUST COMPLETE A CHP 190A)</small>		PHYSICAL DESCRIPTION			
Hawaiian Gardens, CA		5'9" 170 lbs			
CITY, STATE, ZIP		ARREST LOCATION			
Hawaiian Gardens, CA					
ARREST DATE & TIME	BOOKING DATE & TIME	RESISTANCE BY SUSPECT		PURSUIT NECESSARY	
08-06-2015 08:20	08/06/2015			Yes (Vehicle & Foot)	
DESCRIPTION OF EVIDENCE SEIZED OR WEAPON USED BY SUSPECT (e.g., Handgun, not S&W .38)		ANY REQUEST FOR ASSISTANCE FROM THE PUBLIC		USE OF WEAPON BY OFFICER	
2008 Honda Civic		None		Yes	
WARRANT INFORMATION / PAROLE / PROBATION HOLDS (IF AVAILABLE)		BAIL AMOUNT (IF AVAILABLE)	TIME AND MANNER OF RELEASE (IF AVAILABLE)		
FULL NAME		DOB	SEX	CHARGES	
Lacy, Demetrius		07-30-1997	Male	496 P.C.	
ADDRESS <small>(EXCEPT AS EXEMPTED BY STATE LAW, INCLUDING CVC 1808.4 MUST COMPLETE A CHP 190A)</small>		PHYSICAL DESCRIPTION			
Hawaiian Gardens, CA					
CITY, STATE, ZIP		ARREST LOCATION			
Hawaiian Gardens, CA					
ARREST DATE & TIME	BOOKING DATE & TIME	RESISTANCE BY SUSPECT		PURSUIT NECESSARY	
08/06/2015	08/06/2015			Yes (Vehicle & Foot)	
DESCRIPTION OF EVIDENCE SEIZED OR WEAPON USED BY SUSPECT (E.G. Handgun, not S&W .38)		ANY REQUEST FOR ASSISTANCE FROM THE PUBLIC		USE OF WEAPON BY OFFICER	
		None			
WARRANT INFORMATION / PAROLE / PROBATION HOLDS (IF AVAILABLE)		BAIL AMOUNT (IF AVAILABLE)	TIME AND MANNER OF RELEASE (IF AVAILABLE)		
<b>FACTUAL CIRCUMSTANCES SURROUNDING ARREST OR INCIDENT:</b> On August 6, 2015, at 8:00 AM, a California Highway Patrol, Santa Fe Springs Area motorcycle officer made an enforcement stop on a Honda Civic, northbound I-605 near Imperial Highway for an occupant restraint violation. During the enforcement stop, the officer learned the Honda was a stolen vehicle. The driver, 29-year old Anthony Lacy of Hawaiian Gardens, accelerated away and led the CHP on a brief high-speed pursuit into the city of Downey. The pursuit continued off of the freeway and into a residential area, where, on Woodruff Ave., the driver stopped suddenly and reversed the Honda toward the motorcycle officer. The officer, in self-defense, fired several rounds from his pistol at the assailant. The driver sped away from the scene and both he and his passenger, Demetrius Lacy, abandoned the stolen Honda a short distance away and fled on foot. With assistance from Downey Police Department ground units and support from Los Angeles County Sheriff's helicopter, both suspects were apprehended. Both suspects were book at L.A. County Jail. The Officer did not sustain any significant injuries, and neither of the suspects was struck by gunfire. Investigation of the incident is being conducted by the CHP. Inquiries may be directed to CHP Santa Fe Springs Area Public Information Officer Al Perez at (562) 868-0503, or CHP Southern Division Public Information Unit at (818) 240-8200.					
<b>NON-RELEASABLE INFORMATION:</b>					
1. Identity of suspect prior to arrest. 2. Results of investigating procedures prior to arrest. Items 1 & 2 can be released if: <ul style="list-style-type: none"> <li>• will aid in arrest</li> <li>• will aid in investigation</li> <li>• will warn public of danger</li> </ul> 3. Investigative procedures involving officer involved shootings or other personnel actions. 4. Prior criminal record, reputation or character of suspect. 5. Identity of any personal information of a juvenile arrestee or suspect. 6. Confession or existence of a confession.			7. BAC (PAS is releasable). 8. Any photographs except: <ul style="list-style-type: none"> <li>• will aid in arrest</li> <li>• will aid in investigation</li> <li>• will warn public of danger</li> </ul> 9. The identity, credibility, or testimony of prospective witnesses. 10. Any personal opinion as to the suspect's guilt, innocence, or merits of the case. 11. Any information that would be known to be inadmissible in court. 12. References to investigative procedures such as fingerprints, polygraph tests, or ballistic tests.		
<b>* Juvenile arrest information relating to a collision cannot be disclosed.</b>					
<b>*NOTE:</b> Information on juvenile in custody arrests or detentions is not subject to disclosure to the public. Such disclosures are limited to other enforcement agencies or persons or agencies having a legitimate official need for purposes of official disposition of the case. (Welfare and Institution Code Section 827 - 28) Refer inquiries to Juvenile Court.					
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## ANNEX I

### PENAL CODE SECTION 409.5

#### Penal Code Section 409.5

(a) Whenever a menace to the public health or safety is created by a calamity including a flood, storm, fire, earthquake, explosion, accident, or other disaster, officers of the Department of the California Highway Patrol, police departments, marshal's office or sheriff's office, any officer or employee of the Department of Forestry and Fire Protection designated a peace officer by subdivision (g) of Section 830.2, any officer or employee of the Department of Parks and Recreation designated a peace officer by subdivision (f) of Section 830.2, any officer or employee of the Department of Fish and Game designated a peace officer under subdivision (e) of Section 830.2, and any publicly employed full-time lifeguard or publicly employed full-time marine safety officer while acting in a supervisory position in the performance of his or her official duties, may close the area where the menace exists for the duration thereof by means of ropes, markers, or guards to any and all persons not authorized by the lifeguard or officer to enter or remain within the enclosed area. If the calamity creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions set forth in this section.

(b) Officers of the Department of the California Highway Patrol, police departments, marshal's office or sheriff's office, officers of the Department of Fish and Game designated as peace officers by subdivision (e) of Section 830.2, or officers of the Department of Forestry and Fire Protection designated as peace officers by subdivision (g) of Section 830.2 may close the immediate area surrounding any emergency field command post or any other command post activated for the purpose of abating any calamity enumerated in this section or any riot or other civil disturbance to any and all unauthorized persons pursuant to the conditions set forth in this section whether or not the field command post or other command post is located near to the actual calamity or riot or other civil disturbance.

(c) Any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivision (a) or (b) and who willfully remains within the area after receiving notice to evacuate or leave shall be guilty of a misdemeanor.

(d) (1) This section shall not prevent a duly authorized representative of a news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this section.

(2) This subdivision does not authorize a duly authorized representative of a news service, newspaper, or radio or television station or network to facilitate the entry of a person into, or facilitate the transport of a person within, an area closed, unless for

## ANNEX I

### PENAL CODE SECTION 409.5 (*continued*)

the safety of the person, pursuant to this section if that person is not a duly authorized representative of a news service, newspaper, or radio or television station or network.

(e) This section shall not prevent an individual who holds a valid livestock pass identification document, pursuant to Section 2350 of the Food and Agricultural Code, from entering the areas closed pursuant to this section, unless a peace officer identified in subdivision (a) finds that the disaster is of such a nature that it would be unsafe for the document holder to enter or that the presence of the document holder would interfere with disaster response.

**ANNEX J**

**LEISERSON V. CITY OF SAN DIEGO**

**Leiserson v. City of San Diego (1986) 184 Cal.App.3d 41, 229 Cal.Rptr. 22**

[No. D002910. Court of Appeals of California, Fourth Appellate District, Division One.  
August 6, 1986.]

STEVEN LEISERSON, Plaintiff and Appellant, v. CITY OF SAN DIEGO et al., Defendants  
and Respondents.

(Opinion by Wiener, J., with Kremer, P. J., and Work, J., concurring.) COUNSEL

Ronald W. Hutcherson for Plaintiff and Appellant.

John W. Witt, City Attorney; Ronald L. Johnson, Senior Chief Deputy City Attorney;  
Eugene P. Gordon, Chief Deputy City Attorney; and Leslie J. Girard, Deputy City Attorney,  
for Defendants and Respondents.

**OPINION**

**WIENER, J.**

Plaintiff Steven Leiserson appeals the judgment in favor of defendants, the City of San Diego and one of its police officers. At issue is the applicability of Penal Code section 409.5, subdivision (d), fn. 1 which [184 Cal.App.3d 44] limits the authorization given to law enforcement and other designated government officials under subdivision (a) of that same section to cordon off and close a disaster area to the general public. fn. 2 The statutory limitation prevents law enforcement from interfering with any member of the news media who wishes to enter the closed area. The statute represents the Legislature's effort to strike a balance between the right of the press to gather important news and the obligation of police and fire personnel to respond quickly and effectively to major disasters. Although we discuss the interesting questions presented by the statute, we rest our decision on the mundane. We decide substantial evidence supports the trial court's finding that law enforcement reasonably believed that the disaster site was also the scene of a possible crime and accordingly section 409.5, subdivision (d), did not apply to guarantee Leiserson access to the crime scene. We therefore affirm the judgment.

## ANNEX J

### LEISERSON V. CITY OF SAN DIEGO (*continued*)

#### Factual and Procedural Background

On September 25, 1978, at approximately 9 a.m., a Pacific Southwest Airlines jetliner collided in midair with a small private plane and crashed in a residential section of central San Diego, killing all on board and a number of persons on the ground. fn. 3 Leiserson was employed as a television news cameraman by KFMB-TV Channel 8 at the time. On the morning of September 25, he was instructed to drive to the scene of the crash to film the emergency operations. Arriving between 9:15 and 9:20, Leiserson spent approximately the next 30 minutes moving about the crash site shooting video tape.

Defendant Frederick Edwards, a police officer employed by the City of San Diego, was patrolling near the crash site on the morning of the 25th. [184 Cal.App.3d 45] Officer Edwards arrived at the site within minutes of the crash and helped several people escape damaged or burning houses. He then positioned himself at the intersection of Dwight and Nile Streets, near the eastern edge of the crash site, in an effort to keep spectators away from the area in which emergency crews were operating. Sergeant William Capps arrived within 15 minutes to supervise the police operations at the site. He instructed Edwards to keep back all nonemergency personnel.

Approximately a half-hour after he arrived, Leiserson was filming the wreckage from a point on Dwight Street just west of Nile when he was approached by Officer Edwards. Edwards instructed Leiserson to leave the immediate crash site and directed him to an area on the east side of Nile Street where a number of spectators were standing. According to Edwards, he told Leiserson the area was dangerous because of downed power lines. Leiserson responded that he had a right to be in the area filming and requested Edwards' badge number. He then moved away from Edwards in the general direction Edwards had pointed but stopped behind the house on the southwest corner of Dwight and Nile. Officer Edwards again approached and directed that Leiserson continue moving away from the crash site. He threatened to arrest Leiserson if he failed to comply. Leiserson then continued down Nile Street a short distance to a paved walkway which parallels Dwight Street. The walkway roughly marked the southern edge of the crash site. At the entrance to the walkway on Nile, Leiserson encountered Howard Blunt, a retired private security guard who had volunteered to help police with crowd control. Blunt had been instructed by Edwards to keep nonemergency personnel from using the walkway. Blunt told Leiserson he could not enter the walkway but Leiserson ignored the warning and pushed past him.

## ANNEX J

### LEISERSON V. CITY OF SAN DIEGO (*continued*)

When Edwards was informed by another officer that Leiserson had proceeded down the walkway, the two officers followed and arrested him for failing to comply with the lawful order of a police officer. (§ 148.2, subd. 2.) Edwards took Leiserson to a police command post established a short distance from the crash site and later booked him in county jail. He was released within several hours. fn. 4

Edwards admitted recognizing Leiserson as a member of the press but explained that he did not distinguish between press and nonpress persons in terms of excluding them from the immediate crash site. The only bases articulated by Edwards for excluding Leiserson were the orders he had received from Sergeant Capps and his concern for Leiserson's safety. He [184 Cal.App.3d 46] specifically testified he did not recall having seen Leiserson pick up or touch anything or in any way disturb the crash site.

Sergeant Capps testified that shortly after he arrived, he established a cordoned-off area for members of the press near the northwest corner of Boundary and Dwight Streets approximately 50 to 60 feet from the crash site. This area was closer to the site than the general public was allowed but was considered by Sergeant Capps to be safe for nonemergency personnel. Leiserson, however, was never informed by Edwards or anyone else of the existence of the designated press area.

Capps also testified that he had not been at the scene very long when he was approached by two California Highway Patrol (CHP) officers who told him they understood that California Lieutenant Governor Mervyn Dymally had been a passenger aboard the plane and that threats had recently been made on his life. They believed the crash may have been caused by a bomb explosion. Capps testified he never saw either CHP officer before or after the incident nor did he receive any additional information suggesting that the crash was anything other than an accident. Officer Edwards was never told of the CHP officers' story and testified that he never received any information indicating that the plane crash might have been the result of a criminal offense. fn. 5

The case was heard by the trial court sitting without a jury. Based on Leiserson's earlier request for a statement of decision, Judge Carter filed an "Intended Decision" in which he explained his conclusion that Edwards acted properly in ordering Leiserson away from the crash site and in later arresting him when he failed to comply with that order. In his view, Edwards and Capps reasonably believed the crash site might constitute the scene of a crime--from which members of the press have traditionally been excluded. The judge also felt that the right of press access guaranteed by section 409.5(d) did not extend to situations where the police officer reasonably believes that members of the press would be endangered by entering the disaster area. He further noted that press

## ANNEX J

### LEISERSON V. CITY OF SAN DIEGO (*continued*)

access sufficient to comply with the statute had been afforded by Sergeant Capps' designation of a cordoned-off press area within 60 feet of the crash site. Judgment was then proposed to be entered in favor of defendants. fn. 6 [184 Cal.App.3d 47]

Leiserson filed a number of specific objections to the "Intended Decision." A hearing on those objections was commenced by Judge Carter but was never completed. The continued hearing was scheduled to resume in three weeks. In the interim Judge Carter died. Defendants then moved under Code of Civil Procedure section 635 to have judgment entered by Judge Duffy, acting presiding judge of the superior court, in conformity with Judge Carter's "Intended Decision." Defendants represented to the court that during the first part of the hearing which occurred before it was continued, Judge Carter indicated "his decision would remain the same" although he [184 Cal.App.3d 48] "... would entertain argument with respect to changing some of the language in the intended decision." fn. 7 Over Leiserson's objection, Judge Duffy then entered judgment against him.

#### Discussion I

[1] Leiserson initially contends that because Judge Carter died before the hearing on objections to the "Intended Decision" had been completed, Judge Duffy improperly signed and entered the judgment in conforming with the "Intended Decision." fn. 8 He relies principally on this court's decision in *Armstrong v. Picquelle* (1984) 157 Cal.App.3d 122 [203 Cal.Rptr. 552] as well as *Swift v. Daniels* (1980) 103 Cal.App.3d 263 [162 Cal.Rptr. 863]. Both *Armstrong* and *Swift*, however, involve the very different situation where, although a tentative decision was rendered, no statement of decision was ever prepared or signed by the trial judge. (See especially *Armstrong*, *supra*, 157 Cal.App.3d at p. 127.) As the *Swift* court explained, section 635 cannot be invoked to defeat the principle that "the judge who hears the evidence should be the one to decide the case." No violence is done to that principle here because Judge Carter's "Intended Decision" is in reality the "statement of decision" initially requested by Leiserson pursuant to section 632.

We recognize that the fact that a party may file objections to a proposed statement of decision pursuant to California Rules of Court, rule 232(d) necessarily implies that the statement may be modified, perhaps even to the point of changing the result. We are presented here, however, with a situation in which there is no indication such modification was contemplated or ever considered. Judge Carter's "Intended Decision"-- in reality a proposed statement of decision--provides a complete and adequate basis for appellate review. In such circumstances, we hold a presiding judge is empowered by section 635 to sign and enter the judgment. [184 Cal.App.3d 49]

## ANNEX J

### LEISERSON V. CITY OF SAN DIEGO (*continued*)

[2a] The critical issue in this case is the lawfulness of Officer Edwards' order to Leiserson to keep out of the crash area. fn. 9 Relying on the guaranteed press access provided for in Penal Code section 409.5(d), Leiserson forcefully argues that the facts as presented at trial do not support the trial judge's conclusion that Edwards issued a lawful order.

Section 409.5(a) authorizes police officers and other designated government officials to cordon off and close a disaster area to the general public where the disaster has created "a menace to the public health or safety." Subdivision (d) of that section, however, limits application of subdivision (a) to persons other than "duly authorized representative[s]" of various news media organizations. (Ante, fn. 2.) Relying on subdivision (d), Leiserson asserts that members of the press have an unrestricted right to enter a disaster site for the purpose of news gathering so long as they do not interfere with emergency crews' performance of their duties. Since there is no evidence in the present case of any such interference, Leiserson claims that Edwards' order to leave the area was unlawful.

Not surprisingly, neither Sergeant Capps nor Officer Edwards was familiar with the substance of section 409.5. It does not appear that their decision to cordon off the crash site was consciously based on the authorization contained in subdivision (a) and it is clear they were unaware of the limitations on their authority which were contained in subdivision (d). Instead, the officers seem to have taken the actions they perceived to be reasonable under the circumstances.

There is no doubt in the present case that Leiserson was "a duly authorized representative of [a] ... television station" guaranteed certain rights of access to disaster sites by section 409.5(d). More importantly, Edwards recognized him as such. Thus, the singular issue we must decide is the extent of access guaranteed by the statute to Leiserson.

Defendants argued and the trial court articulated three independent justifications for Officer Edwards' order excluding Leiserson from the crash site. The first involved Edwards' perception that the crash site posed a safety hazard to members of the press.

Under the trial court's theory, section [184 Cal.App.3d 50] 409.5(d) gives the press access to a disaster site only if police personnel determine that such access would be safe.

The problem with this argument is that pursuant to subdivision (a) of section 409.5, the power to exclude the general public from a disaster site only arises where the disaster creates "a menace to the public health or safety." Thus the press access provision of subdivision (d) assumes the existence of an already-determined safety hazard. Notwithstanding such a safety hazard, the Legislature has concluded that the public's right to know is more important. fn. 10

## ANNEX J

### LEISERSON V. CITY OF SAN DIEGO (*continued*)

Defendants protest that they have a duty to protect the public and might face civil liability if members of the media were injured after having been granted access to a disaster site. We assume there is more than an element of advocacy in the argument since cities' views of a police officer's duty seem to expand and contract depending on the contested issue. (Compare Davidson v. City of Westminster (1982) 32 Cal.3d 197 [185 Cal.Rptr. 252, 649 P.2d 894] (no duty to protect potential crime victim); Harris v. Smith (1984) 157 Cal.App.3d 100 [203 Cal.Rptr. 541] (no duty to protect other motorists from drunk driver); see generally Hucko v. City of San Diego (1986) 179 Cal.App.3d 520 [224 Cal.Rptr. 552].) In any event, the statute in no way precludes a police officer from recommending to press personnel that they not enter a disaster site. Presumably their entry after such a warning would constitute assumption of the risk of injury and eliminate any possibility of civil liability.

The trial court also referred to Sergeant Capps' testimony regarding the establishment of a cordoned-off "press area" at one edge of the crash site, from which the general public was also excluded. The court's decision suggests it viewed the designation of the area as sufficient access to satisfy the statute. We, however, have serious concerns about how a designated press area, even if located within the disaster area from which the general public is excluded, comports with a statute which specifically authorizes representatives of the press to enter closed areas. Defendants respond that it is unrealistic to believe that the large numbers of media personnel who will normally be on hand to cover a major disaster can have unrestricted access to the disaster area without interfering with the work of emergency crews. They note that particularly in a case such as this where the disaster is confined to a relatively small geographical area, the mere presence of large numbers of reporters and photographers will necessarily hamper police, medical and firefighting personnel. [184 Cal.App.3d 51]

We do not believe that in enacting section 409.5(d), the Legislature intended that media access be unrestricted when the presence of reporters or photographers actually interferes with the work of emergency crews. Leiserson seems to concede as much but argues that exclusion cannot be ordered until the actual interference occurs, and then only individually as to the press member who interfered. This interpretation would require that the police initially stand by and permit unrestricted access even when actual interference was inevitable, thereby increasing the risk of personal injury and property damage and perhaps endangering the emergency personnel. Such an interpretation, putting a premium on the lack of foresight, is unrealistic and unwarranted.

On the other hand, we deal here with a statute which represents the Legislature's considered judgment that members of the news media must be afforded special access to

## ANNEX J

### LEISERSON V. CITY OF SAN DIEGO (*continued*)

disaster sites in order that they may properly perform their function of informing the public. (See 67 Ops.Cal.Atty.Gen. 535, 539 (1984); see generally *Branzburg v. Hayes*

(1972) 408 U.S. 665, 706 [33 L.Ed.2d 626, 654, 92 S.Ct. 2646].) Accordingly, press representatives must be given unrestricted access to disaster sites unless police personnel at the scene reasonably determine that such unrestricted access will interfere with emergency operations. If such a determination is made, the restrictions on media access may be imposed for only so long and only to such an extent as is necessary to prevent actual interference. This means that members of the press must be accommodated with whatever limited access to the site may be afforded without interference. Here, for instance, the special press area designated by Sergeant Capps constitutes an attempt at such an accommodation. Others might include unrestricted access to the site for some limited number of persons, apportioned on some equitable basis. (See, e.g., *Los Angeles Free Press, Inc. v. City of Los Angeles* (1970) 9 Cal.App.3d 448, 456 [88 Cal.Rptr. 605].) We assume that the police and press will find it to their mutual advantage to cooperate in such circumstances, consistent with the legislative goal that the maximum possible press access be provided.

The record in the present case, however, fails to demonstrate facts sufficient to justify Leiserson's exclusion from the crash site on this theory. The defendants failed to show: (1) that unrestricted press access would have actually interfered with the emergency crews' performance of their duties; and (2) that the designated press area was the maximum access possible under the circumstances. fn. 11 In any event, even if limited access were theoretically [184 Cal.App.3d 52] permissible in this situation, it would only have been adequate as applied to Leiserson had he been made aware of the designated press area established by Sergeant Capps. Here, Edwards never directed Leiserson to the designated press area or even informed him of its existence.

Finally, the trial court relied on Sergeant Capps' testimony regarding the information provided him by two CHP officers in concluding that Edwards' exclusion order was valid because the crash site was the scene of a possible crime, i.e., the assassination of California Lieutenant Governor Mervyn Dymally. Defendants assert that section 409.5 only authorizes exclusion of the general public based on the occurrence of a disaster. Therefore, the limitation on this power to exclude--subdivision (d)'s guarantee of press access--only applies where the exclusion is based solely on the site's status as a disaster scene. Here, defendants argue, Sergeant Capps' order to exclude nonemergency personnel was not based solely on the crash site being a disaster area subject to closure under section 409.5, but was also founded on his concern for protecting the scene of a possible crime. Such scenes, according to defendants, have traditionally been subject to

## ANNEX J

### LEISERSON V. CITY OF SAN DIEGO (*continued*)

exclusion orders which apply to the press as well as the general public. (See generally *Los Angeles Free Press, Inc. v. City of Los Angeles*, supra, 9 Cal.App.3d at p. 455.)

Leiserson does not contest that the police can reasonably exclude members of the press from an area in which the commission of a crime is being investigated. He does argue, however, that neither Sergeant Capps nor Officer Edwards could reasonably have believed the crash site to be the scene of a crime based on the information known to them at the time Leiserson was arrested. Accordingly Leiserson concludes that Edwards' exclusion order cannot be justified by a "scene of the crime" exception.

We emphasize that in responding to Leiserson's argument, we confront a finding of fact by the trial judge indicating he believed Sergeant Capps' testimony regarding the CHP officers' report. [3] "Where a factual determination is based on live witness testimony or review of physical evidence, there is every reason to believe a trial court's resolution will be more accurate than that of an appellate court which received no firsthand exposure to the evidence. Thus, the substantial evidence standard of review appropriately accords considerable deference to a trial court's factual findings." (*Hurtado v. Statewide Home Loan Co.* (1985) 167 Cal.App.3d 1019, 1024 [213 Cal.Rptr. 712].)

[2b] Frankly we have pondered the question whether the "Mervyn Dymally incident" was in whole or part of a post hoc justification for an exclusion order which was in reality based on reasonable, but nonetheless [184 Cal.App.3d 53] legally erroneous, grounds for concern of the safety of the press. Our suspicion has been reinforced by the lack of names or any other confirmatory evidence. In addition, Capps admitted to having no awareness of section 409.5 at the time he issued the exclusion order. Nonetheless, consistent with the institutional deference we must accord trial court findings of fact, we conclude the trial court's decision regarding the investigation of a possible crime is supported by substantial evidence. Sergeant Capps' testimony is sufficient for the trial court to have concluded that Capps reasonably believed the crash site was the scene of a possible crime and therefore justified the exclusion of press personnel from the immediate area.

The fact that Edwards was never told by Capps of the suspected crime is not determinative. Capps ordered Edwards to keep all nonemergency personnel away from the crash site. The order did not distinguish between members of the press and the general public. A superior officer in the police chain of command need not explain all the reasons for an order to his subordinates for the order to be a valid one. [4] It is sufficient if Capps reasonably believed that the crash site was the scene of a possible crime and on that basis ordered Edwards to exclude press and public alike. fn. 12

## ANNEX J

### LEISERSON V. CITY OF SAN DIEGO (*continued*)

Thus, although two of the three justifications relied on by the trial court for Officer Edwards' exclusion order were insufficient, the court's findings with respect to the third justification are supported by substantial evidence. We therefore affirm the judgment.  
Disposition

Judgment affirmed. The parties to bear their respective costs. Kremer, P. J., and Work, J., concurred.

Appendix

[Graphic Material Omitted]

FN 1. All statutory references are to the Penal Code unless otherwise indicated. For convenience later references to statutory subparts will omit repetition of the word "subdivision."

FN 2. Section 409.5 provides in relevant part as follows:

"(a) Whenever a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion, accident or other disaster, ... [peace] officers ... may close the area where the menace exists for the duration thereof by means of ropes, markers or guards to any and all persons not authorized by such officer to enter or remain within the closed area...

"(d) Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this section."

FN 3. A map of the area surrounding the crash site, which was an exhibit in the trial court, is reproduced as an appendix to this opinion. The elliptical area in the center of the map roughly corresponds to the debris pattern resulting from the crash. The plane initially impacted near the northeast corner of Dwight and Nile Streets. It then slid down Dwight Street and into several houses on the south side of the street where it exploded.

Of the nine houses located in the area bounded by Nile, Dwight and boundary Streets and the concrete walkway which parallels Dwight, eight were partially or totally destroyed. In addition, three of the four houses on the north side of Dwight also suffered significant damage.

FN 4. Leiserson's complaint alleges that a misdemeanor criminal complaint was filed against him but was dismissed by the municipal court in the interests of justice.

## ANNEX J

### LEISERSON V. CITY OF SAN DIEGO (*continued*)

FN 5. As it turns out, the CHP officers' story was untrue.

FN 6. The relevant portion of Judge Carter's written decision states as follows:

"The Court finds under the circumstances of this case that the purpose of the activities undertaken by Officer Edwards, and the authority conferred to him pursuant to § 148.2, subdivision 2, of the Penal Code was not designed solely to penalize, control or limit free speech or press rights in gathering news for dissemination, but rather was undertaken to carry out his lawful duties and was only exercised after admonishing the plaintiff to remain out of an area which was then dangerous to human life, and was then the scene of an uninvestigated possible crime area.

"Secondly, it seems significant to observe that at least from the case law cited and which this Court has been able to find in research, clearly indicates that historically members of the press and news media have not been allowed to enter into crime designated areas until completion of criminal investigations.

"Third, considering the time, place and manner of the application of § 148.2 of the Penal Code by Officer Edwards, his orders to the plaintiff were clearly given at a time when it may reasonably be said that the cordoned off disaster area was dangerous to human life and at a time when it simply would not have been reasonable to have permitted, in addition to the plaintiff, some sixty other members of the then present news media to proceed to trample over the crash site in an uncontrolled and unrestricted way.

"In addition, it seems to this Court that if a police officer has a duty to protect and preserve human life, it requires a little logic to note that had the plaintiff been seriously injured by reason of an explosion, fire or downed high voltage line, the defendant Edwards and the City of San Diego may well have found themselves exposed to a civil liability suit for wrongful death or personal injuries because of an alleged breach of that duty and failure to warn plaintiff to keep out of the dangerous area.

"Finally, it should be noted that the news media were not denied unreasonable [sic] access to the disaster site but instead were specifically permitted to assemble within an area sixty feet from the doomed jetliner and its 150 victims, whereas the general public was restrained over two blocks in all directions from the crash site. Thus, there was no attempt by governmental authority to determine what news might be gathered in a newsworthy context but rather to provide to all of the then present news media an equal opportunity to select and choose what material they then deemed significant for their own purposes from a location that did not unreasonably restrict the accomplishment of that activity under the circumstances presented. Here only the plaintiff sought to violate the cooperative efforts offered by the police then on duty.

## ANNEX J

### LEISERSON V. CITY OF SAN DIEGO (*continued*)

"Accordingly, this Court concludes that under the circumstances Officer Edwards acted properly in ordering the plaintiff to stay out of the cordoned dangerous and then designated crime area and that after two warnings the failure of the plaintiff to obey such lawful order and return to the restricted area, fully justified Officer Edwards in placing the plaintiff under arrest as provided in § 148.2, subdivision 2, of the Penal Code. It is a general rule of construction that statutes which relate to the same subject are to be construed together and harmonized so as to uphold both of them if reasonably possible. *County of Placer v. Aetna Casualty and Surety Company*, 50 Cal.2d 182. This Court perceives that both Penal Code § 148.2 and § 409.5 can be read so as to permit media personnel to go beyond a place cordoned when the general public is excluded, but the media personnel are required to obey lawful police orders once inside the cordoned area where such order relates to a reasonably justified conclusion that the excluded area inside the cordoned area is then dangerous to human life and is a designated restricted possible crime area, and where the reasonable needs of the news media were accomplished by the establishment of a media area close to the primary crash site as provided in the case at bench.

"Under the circumstances of this case, the arrest of the plaintiff was lawful and accordingly his causes of action for relief are denied as to all counts."

FN 7. We cannot confirm counsel's representation because the hearing before Judge Carter was unreported. Significantly, however, Leiserson did not challenge defense counsel's representation.

FN 8. Code of Civil Procedure section 635 on which Judge Duffy relied in signing the judgment, provides: "In all cases where the decision of the court has been entered in its minutes, and when the judge who heard or tried the case is unavailable, the formal judgment or order conforming to the minutes may be signed by the presiding judge of the court."

FN 9. Leiserson was arrested for violating section 148.2 which provides:

"Every person who willfully commits any of the following acts at the burning of a building or at any other time and place where any fireman or firemen or emergency rescue personnel are discharging or attempting to discharge an official duty, is guilty of a misdemeanor:

"2. Disobeys the lawful orders of any fireman or public officer."

FN 10. Leiserson observes that war correspondents are regularly permitted to enter combat zones which are off limits to other civilians.

## ANNEX J

### LEISERSON V. CITY OF SAN DIEGO (*continued*)

FN 11. The fact that Leiserson traversed the crash site for half an hour before his arrest--apparently without interfering with anyone--is certainly strong evidence that at least some press access to the entire crash site was reasonable.

FN 12. Leiserson also asserts that the trial court erroneously relied on the hearsay statements of the two unidentified CHP officers which were admitted for the limited purpose of proving Capps' state of mind. (See Evid. Code, § 1250, subd. (a).) But since the legality of Leiserson's arrest turns on whether Edwards had "reasonable cause to believe" he had disobeyed a lawful order (see § 836, subd. 1) and since Edwards was acting on Capps' orders, the only relevant question is Capps' state of mind. Accordingly, the court's reliance on the hearsay statements was proper.

## ANNEX K

### MEDIA ADVISORY



# MEDIA ADVISORY

An Internationally Accredited Agency 

Josh Ehlers, Commander  
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**FOR IMMEDIATE RELEASE**  
December 16, 2015

15-84

## MEDIA ADVISORY

### FIVE CHP CANINES GRADUATE

The California Highway Patrol (CHP) will hold a graduation ceremony for five canines and their handlers on December 18, 2015, at the CHP Headquarters in Sacramento. This is the second canine graduation in 2015 for canines trained in criminal apprehension and the detection of narcotics. The five canines and their handlers completed 11 weeks of intensive training at the CHP Academy. The CHP officers represent five different geographical regions, statewide.

**WHO:** Joe Farrow, Commissioner, California Highway Patrol  
Five CHP canine handlers and their dogs from throughout California

**WHEN:** Friday, December 18, 2015. Graduation ceremony begins at 10 a.m.

**WHERE:** The CHP Headquarters, Training Room B-1, 601 North 7<sup>th</sup> Street, Sacramento, CA 95811

The mission of the California Highway Patrol is to provide the highest level of Safety, Service, and Security to the people of California.

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ANNEX L  
NEWS RELEASE



# PRESS RELEASE

An Internationally Accredited Agency 

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Office of Community Outreach & Media Relations  
601 North 7th Street, Sacramento, CA 95811

Contact: Fran Clader  
Director of Communications  
(916) 843-3310

FOR IMMEDIATE RELEASE  
December 23, 2015

15-86

## **CHP HIGHLIGHTS NEW LAWS AFFECTING MOTORISTS, CYCLISTS, AND PUBLIC SAFETY**

SACRAMENTO, Calif. – As part of its mission to save lives, the California Highway Patrol (CHP) seeks to inform people about several new laws signed by Governor Edmund G. Brown Jr. during the 2015 legislative session. These new laws apply to various aspects of roadway safety.

**Child safety seats (AB 53, Garcia)** Beginning January 1, 2017, children under two years of age must ride rear-facing in an appropriate child passenger safety seat. Children weighing 40 or more pounds or standing 40 or more inches tall would be exempt. California law continues to require that all children under the age of eight be properly restrained in an appropriate child safety seat in the back seat of the vehicle.

**Hit-and-run (AB 8, Gatto)** A “Yellow Alert” notification system will be established as of January 1, 2016, for specified hit-and-run incidents resulting in death or serious injury. As with AMBER, Silver, or Blue Alerts, the CHP will work with requesting law enforcement agencies to determine whether the hit-and-run meets the criteria for a Yellow Alert, including the use of the freeway Changeable Message Signs (CMS). Criteria established in the law include the availability of information about the hit-and-run suspect or the suspect’s vehicle, and whether disseminating the information will be helpful.

**Driving under the influence: Ignition Interlock Device (SB 61, Hill)** This new law grants a one-year extension to a pilot project for the Ignition Interlock Device (IID) in Alameda, Los Angeles, Sacramento, and Tulare counties. The pilot was first instituted in 2010. Under the current law, a person convicted of driving under the influence (DUI) may be required to install an IID in their vehicle. If the IID registers alcohol on the driver’s breath, the vehicle will not start. The length of time the IID is required in the vehicle is based on how many prior DUI convictions the driver has had.

**Silver Alerts (AB 643, Nazarian)** The “Silver Alert” notification system has been amended to allow the alert to be communicated on CMS when there is a vehicle involved in the missing person incident. The Silver Alert is an emergency system that allows law enforcement to broadcast regional or statewide alerts for seniors, or individuals with developmental disabilities or who are cognitively impaired, and are missing and may be in danger.

“FOLLOW” US ON  
TWITTER



Save Our  
WATER



“LIKE” US ON  
FACEBOOK

## ANNEX L

### NEWS RELEASE (*continued*)

**Highway lane use (AB 208, Bigelow)** The law requiring slow-moving passenger vehicles to pull over safely to let traffic pass has been amended to apply to all vehicles, effective January 1, 2016. Bicycles will now be included in the legal requirement that slow-moving vehicles use the next available turnout or other area to let backed-up traffic – five or more vehicles – get by.

**Electronically motorized boards (AB 604, Olsen)** The new law defines “electronically motorized board” as a wheeled device designed to be stood on and powered by electronic propulsion, going no more than 15 miles per hour. The electronically motorized boards can only be ridden on a highway with a speed limit of 35 miles per hour or less, or specific designated bikeways. The rider must be at least 16 years old and must wear a bicycle helmet. Cities and counties are authorized to restrict the use of the electrically motorized boards.

**Electric bicycles (AB 1096, Chiu)** The new law, effective January 1, 2016, creates three separate classes of electric bicycles, defined by their maximum speed and how much power is supplied by the motor. Classes 1 and 2 have a maximum speed of 20 miles per hour. A Class 3 electric bicycle has a maximum speed of 28 miles per hour. The operator of a Class 3 bicycle must be at least 16 years old and wear a helmet. Manufacturers and distributors must label the bicycles with the classification number, top assisted speed, and wattage. The new law sets up safety restrictions and regulates access on trails and paths.

For complete information on bills enacted in 2015, please refer to the Legislative Counsel Web site at <http://LegInfo.Legislature.ca.gov>.

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## ANNEX M

### RISK AND CRISIS COMMUNICATION

Below is a list of the 78 questions most commonly asked by journalists during a crisis. Being prepared for these or similar questions will speed up interview preparation, enhance the accuracy of the information you provide, and allow you a few moments to relax and compose prior to the commencement of the interview.

In many cases, journalists are likely to ask six questions (who, what, where, when, why, how) that relate to three broad topics: 1) What happened? 2) What caused this to happen? 3) What does it mean?

Specific questions may include:

- What is your name and title?
- What are your job responsibilities?
- What are your qualifications?
- Can you tell us what happened?
- When did it happen?
- Where did it happen?
- Who was harmed?
- How many people were harmed?
- Are those that were harmed getting help?
- How certain are you about this information?
- How are those who were harmed getting help?
- Is the situation under control?
- How certain are you that the situation is under control?
- Is there any immediate danger?
- What is being done in response to what happened?
- Who is in charge?
- What can we expect next?
- What are you advising people to do?
- How long will it be before the situation returns to normal?
- What help has been requested from or offered by others?
- What responses have you received?
- Can you be specific about the types of harm that occurred?
- Can you give me the names of those who were harmed?
- Can we talk to them?

## ANNEX M

### RISK AND CRISIS COMMUNICATION (*continued*)

- How much damage has occurred?
- How certain are you about damages?
- How much (additional) damage do you expect?
- What are you doing now?
- Who else is involved in the response?
- Why did this happen?
- What was the cause?
- Did you have any forewarning this might happen?
- Why wasn't this prevented from happening?
- What else can go wrong?
- If you are not sure of the cause, what is your best guess?
- Who caused this to happen?
- Who is to blame?
- Could this have been avoided?
- Do you think those involved handled the situation well enough?
- When did your response begin?
- When were you notified that something had happened?
- Who is conducting the investigation?
- What are you going to do after the investigation?
- What have you found out so far?
- Why was more not done to prevent this from happening?
- What is your personal opinion?
- What are you telling your own family?
- Are all those involved in agreement?
- Are people overreacting?
- Which laws are applicable?
- Has anyone broken the law?
- How certain are you about whether laws have been broken?
- Has anyone made mistakes?
- How certain are you that mistakes have not been made?
- Have you told us everything you know?
- What are you not telling us?
- What effects will this have on the people involved?
- What precautionary measures were taken?

## ANNEX M

### RISK AND CRISIS COMMUNICATION (*continued*)

- Do you accept responsibility for what happened?
- Has this ever happened before?
- Can this happen somewhere else?
- What is the worst case scenario?
- What lessons were learned?
- Were those lessons implemented?
- What can be done to prevent this from happening again?
- What would you like to say to those that have been harmed and their families?
- Is there a continuing danger?
- Are people out of danger? Are people safe?
- Will there be any inconvenience to employees or the public?
- How much will this cost?
- Who will be paying for this?
- Who else may be responsible for costs?
- When will we find out more?
- What steps need to be taken to avoid a similar event?
- Have these steps already been taken? If not, why?
- What does this all mean?

#### Frequently Used Bridging Statements

One of the biggest fears a PIO may face during a media interview is the loss of control. Below are some examples of commonly used bridging phrases. Bridging is an important media technique and a powerful means by which to take charge and control the interview. The goal of a media interview should be to focus the reporter on a few key messages that are true, accurate, clear, concise, brief, and memorable. If done well, bridging significantly increases the probability that your key messages will appear in the final news story. By using bridging techniques, a spokesperson can refocus or redirect the interview to what is most important, relevant, and critical.

- “And what’s most important to know is...”
- “However, what is most important to look at is...”
- “However, the real issue here is...”

## ANNEX M

### RISK AND CRISIS COMMUNICATION (*continued*)

- “And what this all means is...”
- “And what is most important to remember is...”
- “With this in mind, if we look at the bigger picture...”
- “With this in mind, if we take a look back...”
- “If we take a broader perspective...”
- “If we look at the big picture...”
- “Let me put this in perspective by saying...”
- “What all this information tells me is...”
- “Before we continue, let me emphasize that...”
- “This is an important point because...”
- “What this all boils down to is...”
- “The heart of the matter is...”
- “What matters most in this situation is...”
- “And as I said before...”
- “And if we take a closer look, we would see...”

Remember, the reporter is merely the conduit through which you reach your target audience, the public.

Target audiences can include, but are not limited to, the general public, elected officials, your staff and your superiors, and special interest groups. How you present yourself is how the Department is perceived. You must create the image of integrity and trust by showing that you are confident and that the Department is dependable. This can easily be accomplished if you begin any media inquiry with knowledge, answer with authority and energy, and present the truth. When you cannot communicate or project yourself in this manner, the Department becomes what you project; perceptions for many become reality. It is not the quantity of communications or the number of interviews that count, it is the quality. Be prepared. Anticipate when the media may call or contact you for comment. Anticipate what they might ask and how they might ask it. Be ready for the ten worst possible questions and have your answers prepared. Know what you can and cannot say when providing information, and be ready for any related issues that might arise.

## ANNEX M

### RISK AND CRISIS COMMUNICATION (*continued*)

Risk Communication Templates	Bridging Templates	Bridging Templates (Continued)
<p>Use these templates to create effective messages in high concern, high stress situations</p> <p style="text-align: center;"><b>CCO Template</b> <i>When asked a question with high emotion</i></p> <p><b>Steps:</b> Use Compassion Conviction Optimism</p> <p><b>Example:</b> (1) "I am very sorry to hear about..." (2) "I believe that..." (3) "In the future, I believe that..."</p> <p style="text-align: center;"><b>What if Template</b> <i>Use when asked a "what if, what might happen" question</i></p> <p><b>Steps:</b> Repeat the question. Bridge to "what is." State what you know.</p> <p><b>Example:</b> (1) "You've asked me what might happen if..." (2) I believe there is value in talking about what is, what we know..." (3) "And what we know is..."</p>	<p style="text-align: center;"><b>Bridging Templates</b> <i>Use when you want to return to your key points or redirect the communication</i></p> <ol style="list-style-type: none"> <li>1. "And what's most important to know is..."</li> <li>2. "However, what's more important to look at is..."</li> <li>3. "However, the real issue here is..."</li> <li>4. "And what this all means is..."</li> <li>5. "And what's important to remember is..."</li> <li>6. "With this in mind, if we look at the bigger picture..."</li> <li>7. "With this in mind, if we take a look back..."</li> <li>8. "If we take a broader perspective..."</li> <li>9. "If we look at the big picture..."</li> <li>10. "Let me put this all in perspective by saying..."</li> <li>11. "What all this information tells me is..."</li> <li>12. "Before we continue, let me take a step back and repeat that..."</li> <li>13. "Before we continue, let me emphasize that..."</li> <li>14. "This is an important point because..."</li> <li>15. "What this all boils down to is..."</li> <li>16. "The heart of the matter is..."</li> </ol>	<ol style="list-style-type: none"> <li>17. "What matters most in this situation is..."</li> <li>18. "And as I said before..."</li> <li>19. "And if we take a closer look, we can see..."</li> <li>20. "Let me just add to this that..."</li> <li>21. "I think it would be more correct to say..."</li> <li>22. "Let me point out again that..."</li> <li>23. "Let me emphasize that..."</li> <li>24. "In this context, it is essential that I note..."</li> <li>25. "Another thing to remember is..."</li> <li>26. "Before we leave the subject, let me add that..."</li> <li>27. "And that reminds me..."</li> <li>28. "And one more thing that is important to remember is..."</li> <li>29. "What I've said comes down to this..."</li> <li>30. "Here's the real issue..."</li> <li>31. "While...is important, it is also important to remember..."</li> <li>32. "It's true that...but it is also true that..."</li> <li>33. "What's key here is..."</li> </ol> <p style="text-align: right;">Dr. Vincent T. Covello, Center for Risk Communication, Copyright 2004</p>

## ANNEX M

### RISK AND CRISIS COMMUNICATION (*continued*)

<p style="text-align: center;"><b>Guarantee Template</b></p> <p style="text-align: center;"><i>Use when asked to guarantee an event or an outcome</i></p> <p><b>Steps:</b></p> <ul style="list-style-type: none"> <li>• Indicate that the question is about the future</li> <li>• Indicate that the past/present predicts the future</li> <li>• Bridge to known facts</li> </ul> <p><b>Example:</b></p> <p>(1) "You've asked me for a guarantee, to promise something about the future..."</p> <p>(2) "The best way I know to talk about the future is to talk about what we know from the past and the present..."</p> <p>(3) "And what we know is ... OR "What I can guarantee is..."</p> <p style="text-align: center;"><b>3X Probing Template</b></p> <p style="text-align: center;"><i>Use when confronted with a criticism, objective, allegation or challenge</i></p> <p><b>Steps:</b></p> <ul style="list-style-type: none"> <li>• Ask at least 3 nonjudgmental questions before replying</li> <li>• Bridge to 3 positive, constructive, or solution- oriented messages</li> </ul> <p><b>Example:</b></p> <p>"Can you tell me more? Can you help me better understand what you said?"</p>	<p style="text-align: center;"><b>IDK (I Don't Know) Template</b></p> <p style="text-align: center;"><i>Use when you don't know, can't answer, or aren't the best source</i></p> <p><b>Steps:</b></p> <ul style="list-style-type: none"> <li>• Repeat the question</li> <li>• Say "I wish I could answer;" or "My ability to answer is limited;" or "I don't know"</li> <li>• Say why you can't answer</li> <li>• Give a follow-up deadline</li> <li>• Bridge to what you can say</li> </ul> <p><b>Example:</b></p> <p>(1) "You've asked me about... "</p> <p>(2) "I wish I could answer but..."</p> <p>(3) "We're still looking into it."</p> <p>(4) "I expect to be able to tell you more by..."</p> <p>(5) "What I can tell you is..."</p> <p style="text-align: center;"><b>False Allegation Template</b></p> <p style="text-align: center;"><i>Use when responding to a hostile question, false allegation, or criticism</i></p> <p><b>Steps:</b></p> <ul style="list-style-type: none"> <li>• Repeat the question without repeating the negative. Use more neutral language.</li> <li>• Indicate that the issue is important.</li> <li>• Indicate what you have done, are doing, or will do to address the issue.</li> </ul> <p><b>Example:</b></p> <p>(1) "You've raised a serious question about..."</p> <p>(2) "'X' is important to me..."</p> <p>(3) "We have done the following to address 'X'..."</p>	<p style="text-align: center;"><b>Rule of 3 Template</b></p> <p style="text-align: center;"><i>Use when responding to any high stress or emotionally charged question</i></p> <p><b>Recommendation:</b></p> <p>Provide no more than 3 messages, ideas, or points at a time.</p> <p><b>Example:</b></p> <p>(1) "You can do 'X'..."</p> <p>(2) "Or 'Y'..., but I recommend..."</p> <p>(3) "Z"</p> <p style="text-align: center;"><b>27/9/3 Template</b></p> <p style="text-align: center;"><i>Use when responding to any high stress or emotionally charged question</i></p> <p><b>Recommendation:</b></p> <p>Be brief and concise in your responses: no more than 27 words, 9 seconds, and 3 messages.</p> <p style="text-align: center;"><b>1N=3P (1 Negative Equals 3 Positives) Template</b></p> <p style="text-align: center;"><i>Use when breaking bad news or stating a negative</i></p> <p><b>Recommendation:</b></p> <p>Balance the negative message with at least three positive, constructive, or solution-oriented messages.</p>
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**ANNEX N**  
**MEDIA THINK LIST**

1. What are you going to say?
2. Is it written down?
3. Are you going to furnish copies to all media representatives?
4. Have you told the media you are going to furnish copies of the release?
5. What do you sound like when you make the release? (Practice)
6. Are you the best person to give the release, or is someone else better able to do it?
7. Where will you be when you give the release?
8. Is your office the best place?
9. Do you have a conference room that will allow maximum control and space that you can “set-up” to your best advantage?
10. Will there be enough room for media personnel and their equipment?
11. Are there enough power outlets and can the system meet the demand for electricity – what happens if the “fuse blows?”
12. Have you notified all interested media in time for them to set up properly?

## ANNEX N

### MEDIA THINK LIST (*continued*)

13. How will you handle late arrivals?
14. Have you established the “ground rules” for media people, and are you certain they know them?
15. Do you have a “floor supervisor” to control all avoidable distractions and interruptions?
16. Have you set up appropriate background items – such as seals, flags, or emblems?
17. Have you removed items that might distract or unfavorably categorize you?
18. Do you know what you look like when you put on your “smile of reassurance” or your “frown of concern?”
19. Are you projecting the desired impression through your physical and uniformed self?
20. Is your appearance distracting in any way?
21. Are you displaying any distracting personal mannerisms? Self-critique.
22. Are you looking at, and talking to, the lens of the camera?

## ANNEX O

### PRESS PACKET EXAMPLE



**FOR IMMEDIATE RELEASE:**  
March 26, 2013

**CONTACT:**

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### **California Announces Statewide Crackdown on Texting and Handheld Cell Use**

*April is Distracted Driving Awareness Month – "It's Not Worth It!"*

**Sacramento, CA** – In an effort to eliminate dangerous behind-the-wheel cell phone use and texting, the California Office of Traffic Safety (OTS), California Highway Patrol (CHP), and more than 200 law enforcement agencies across the state today announced high visibility enforcement operations during April's National Distracted Driving Awareness Month. The overall goal of the increased enforcement is to convince drivers of the dangers of distracted driving and reduce the number of people impacted by this risky behavior. The "It's Not Worth It!" theme emphasizes that a phone call or text isn't worth a hefty fine or a collision.

"In a few short years, distracted driving has grown to be a nationwide traffic safety concern, and we all need to put forth the effort necessary to put an end to it," said OTS Director Christopher J. Murphy. "Law enforcement agencies will be stepping up their efforts to help remind drivers to stay alert when behind the wheel and to not endanger their lives or the lives of others with distractions from mobile devices."

In recent years, hundreds have been killed and thousands seriously injured in California as a result of collisions that involved at least one driver who was distracted. Nationally, an estimated 3,331 people died in 2011. Any activity that diverts the driver's attention away from the primary task of driving is distracting, but the recent dramatic rise in cell phone talking and texting has greatly increased the number of collisions.

"No text message or phone call is worth the risk of serious injury—or much worse," said Brian Kelly, Acting Secretary of the Business, Transportation & Housing Agency. "Always keep your eyes on the road and hands off your phone while driving."

Behind the wheel, cell phone use can significantly reduce the brain functions needed for safe driving, sometimes up to 37 percent. The cell phone conversation can cause such a reduction in proper brain function that good drivers are transforming seemingly into inattentive "zombies" behind the wheel.

(more)

## ANNEX O

### PRESS PACKET EXAMPLE (*continued*)

To avoid falling victim to “zombie-like” distracted driving behaviors OTS is providing drivers with the following tips that can be implemented by any motorist:

- Turn off your phone and/or put it out of reach while driving
- Include in your outgoing message that you can't answer while you are driving
- Don't call or text anyone at a time when you think they may be driving
- Adjust controls and set your song playlist before you set out on the road
- Stay alert and keep your mind on the task of driving- often after a long day at work or a not-so-restful night's sleep, people's minds can wander when behind the wheel. If you find yourself daydreaming - clear your head and focus on the road

In 2012, the California Department of Motor Vehicles reported nearly 450,000 handheld cell phone and texting convictions, with more than 57,000 tickets issued in April alone. The CHP and statewide law enforcement agencies are committed to ensuring our streets are safe by ticketing anyone found driving while distracted. The fine for a first time texting or hand-held cell phone violation is \$159, with subsequent tickets costing \$279.

"Enforcement is just one part of this campaign," said CHP Commissioner Joe Farrow. "The larger goal is educating motorists about the dangers of distracted driving and encouraging them to change their behavior behind the wheel. This effort is not about how many citations law enforcement officers can issue, but how many lives are ultimately saved because motorists made the right choice to focus their attention on the road, free of distraction."

Drivers and passengers alike are invited to check out all the Distracted Driving Zombies and add comments on the OTS Facebook page at [www.facebook.com/CaliforniaOTS](http://www.facebook.com/CaliforniaOTS), and follow OTS on Twitter @OTS\_CA. Get more distracted driving information at [www.distraction.gov](http://www.distraction.gov), [www.ots.ca.gov](http://www.ots.ca.gov), and teen information at [www.impactteendrivers.org](http://www.impactteendrivers.org).

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## ANNEX O

### PRESS PACKET EXAMPLE (*continued*)



**FOR IMMEDIATE RELEASE:**

March 24, 2013

**CONTACT:**

Chris Cochran, OTS      Fran Clader, CHP  
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[chris.cochran@ots.ca.gov](mailto:chris.cochran@ots.ca.gov)      [fclader@chp.ca.gov](mailto:fclader@chp.ca.gov)

### Media Advisory

**THE CALIFORNIA OFFICE OF TRAFFIC SAFETY, CALIFORNIA HIGHWAY  
PATROL, AND STATE LAW ENFORCEMENT FOCUS ATTENTION ON  
ZERO-TOLERANCE DISTRACTED DRIVING EFFORTS**

The California Highway Patrol, California Office of Traffic Safety, and statewide traffic safety partners will launch the third annual enforcement and awareness campaign in observance of April as National Distracted Driving Awareness Month. This year's launch will offer perspective on inattention blindness and its impact on drivers. The month-long effort targeting distracted drivers involves more than 200 CHP offices and statewide law enforcement agencies.

- WHO:** Christopher J. Murphy, Director, California Office of Traffic Safety  
Joseph A. Farrow, Commissioner, California Highway Patrol  
Dr. Joy Geng, UC Davis Center for the Mind and Brain, UC Davis Center for Neuroscience  
Dr. Kelly Browning, Executive Director of Impact Teen Drivers
- WHEN:** 10 a.m., Tuesday, March 26, 2013
- WHERE:** Plaza in front of Memorial Auditorium  
1515 J Street, Sacramento  
(parking available at bagged meters on 15<sup>th</sup> Street and I Street next to auditorium)
- VISUALS:** CHP and participating law enforcement officers, brain comparison charts, distracted driving zombie graphics, ride-along opportunities and interviews with speakers available.

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## ANNEX O

### PRESS PACKET EXAMPLE (*continued*)



DISTRACTED DRIVING AWARENESS MONTH  
KICK-OFF PRESS CONFERENCE  
MARCH 26, 2013  
10:00 a.m.

#### Speaker List

#### WELCOME ADDRESS

*Chris Cochran*, Assistant Director Marketing and Public Affairs, California Office of Traffic Safety

#### VIP SPEAKER ORDER

*Christopher J. Murphy*, Director, California Office of Traffic Safety

*Joseph A. Farrow*, Commissioner, California Highway Patrol

*Dr. Joy Geng*, UC Davis Center for the Mind and Brain, UC Davis Center for Neuroscience

*Dr. Kelly Browning*, Executive Director of Impact Teen Drivers

#### WRAP-UP

*Chris Cochran*

## ANNEX O

### PRESS PACKET EXAMPLE (*continued*)



#### California's Distracted Driving Awareness Month March 2013 Distracted Driving Facts

##### Research on distracted driving reveals some surprising facts:

- "Distraction" is a specific type of inattention that occurs when drivers divert their attention from the driving task to focus on some other activity instead. (Source: *Overview of the National Highway Traffic Safety Administration's Driver Distraction Program*).
- The **No.1** source of driver inattention is use of a wireless device. (Source: *Virginia Tech/NHTSA*)
- Drivers who use hand-held devices are four times as likely to get into crashes serious enough to injure themselves. (Source: *Insurance Institute for Highway Safety*)
- Driving while using a cell phone reduces the amount of brain activity associated with driving by 37 percent. (Source: *Carnegie Mellon*)
- Using a cell phone while driving, whether it's hand-held or hands-free, delays a driver's reactions as much as having a blood alcohol concentration at the legal limit of .08 percent. (Source: *University of Utah*)

##### California Data

- California is one of 39 states including the District of Columbia, and Guam to ban text messaging for all drivers. Twelve of these laws were enacted in 2010 alone.
- California is among ten states, including the District of Columbia, and the Virgin Islands, that actually prohibit all drivers from using handheld cell phones while driving.
- During April 2013, more than 200 local law enforcement agencies, including the CHP, will be conducting 'zero tolerance' enforcement mobilizations as part of California's *Distracted Driving Awareness Month*.
- The fine for a first time texting or hand-held cell phone violation is a minimum of \$159, with subsequent tickets costing at least \$279. Total costs in some counties may be even higher.

**California Office of Traffic Safety**    [www.ots.ca.gov](http://www.ots.ca.gov)    [www.facebook.com/californiaots](http://www.facebook.com/californiaots)

## ANNEX O

### PRESS PACKET EXAMPLE (*continued*)



- Handheld cell phone convictions dropped slightly, from 460,000 in 2011 to 425,000 in 2012, and is still more than 40 percent higher than 2009, the full first year of the law. Texting convictions increased from 14,886 in 2011 to 21, 059 in 2012, a 41 percent gain and up 640 percent since 2009. (DMV)
- California's 2012 annual "Statewide Traffic Safety Survey" showed that drivers ranked cell phone talking and texting as the biggest safety problems on the road. Not surprisingly, cell phone talking and texting were ranked highest by 80 percent of drivers as the most serious distractions on the road and by 36 percent as the biggest problems on the road, more than any other problem by more than double.
- Research from the Safe Transportation Research and Education Center (SafeTREC) at the University of California, Berkeley, shows that, when looking at state crash records two years before and two years after the hand-held ban went into effect, overall traffic deaths declined 22 percent while hand-held cell phone driver deaths went down 47 percent. Similar results were shown for hands-free cell phone use as well as injuries in both categories.
- Forty percent of California drivers reported they talk less (handheld and hands free) since the enactment of the hand-held cell phone ban.
- In February 2010, the Insurance Institute for Highway Safety (IIHS) reported similar results from their telephone survey which found that 44 percent of drivers in states with bans reported they don't use phones (hand-held or hands-free) when driving, compared with 30 percent in states without such laws.

#### National Data

- In 2011, 3,331 people were killed in crashes involving a distracted driver, compared to 3,267 in 2010. An additional 387,000 people were injured in motor vehicle crashes involving a distracted driver, compared to 416,000 injured in 2010. (NHTSA)
- In the month of June 2011, more than 196 billion text messages were sent or received in the US, up nearly 50% from June 2009. (CTIA)
- Eleven percent of all drivers under the age of 20 involved in fatal crashes were reported as distracted at the time of the crash. This age group has the largest proportion of drivers who were distracted.(NHTSA)

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## ANNEX O

### PRESS PACKET EXAMPLE (*continued*)



- Text messaging creates a crash risk 23 times worse than driving while not distracted. (VTTI)
- Sending or receiving a text takes a driver's eyes from the road for an average of 4.6 seconds, the equivalent-at 55 mph-of driving the length of an entire football field, blind. (VTTI)
- Headset cell phone use is not substantially safer than hand-held use. (VTTI)
- Motorists who use cell phones while driving are more likely to engage in additional dangerous behaviors such as speeding, driving drowsy, driving without a seatbelt and sending texts or e-mails. (AAA Foundation for Traffic Safety)
- More than two-thirds (69%) of licensed drivers reported talking on a cell phone while driving within the past month, despite the fact that nearly nine in 10 respondents (89%) believe other drivers using cell phones are a threat to their personal safety. (AAA Foundation for Traffic Safety)

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