

KSHB Mugshot Policy

Effective October 5, 2020

Mission

At a time when our communities are demanding more transparency and accountability from its journalists, we strive to establish an all-platform mugshot policy for 41 Action News. The purpose of the policy is to return control of content decisions to our journalists and away from outside sources. This mission and policy recognizes that existing usage of mug shots perpetuate stereotypes and misconceptions of largely poor and communities of color. This policy also seeks to shift the conversation from suspect-first to victim-first.

Background

Following equity, diversity and inclusion training in February 2020, 41 Action News' station leadership, working from feedback during training, established several action items to accomplish from that training. One of those items was to form a group of stakeholders to explore and establish a formal policy on the use of mugshots.

Committee Members

After delays caused by the coronavirus pandemic and the ongoing conversation about police brutality and systemic racism in our communities, the committee formed in June. The committee first met on June 22 for a broad discussion of the topic. The committee reconvened on June 30 to continue the discussion and begin drafting this document.

List of Committee Members

Whitney Beiler, *Senior Producer*

Andres Gutierrez, *Reporter*

Steve Kaut, *Assignment Desk Editor*

Tyler Navas, *Photographer*

Tod Palmer, *Digital Content Producer*

Alexis Reese, *Producer*

Sam Hartle, *Digital Director, Committee Moderator*

Mugshot Policy

General Use

It is the default position of KSHB to not use, seek out, store, or distribute mugshots in all instances and on all platforms, minus the exceptions listed below. Any use of a mugshot must have an accompanying follow-up note via both email and iNews, explaining its use as it pertains to this policy. This policy applies to all platforms within KSHB and includes social media and promotional content.

Exceptions

A mugshot may be used in the following scenarios:

- When law enforcement seeks public assistance in an active manhunt, and no other image of the suspect is available. Use of the mugshot will end once the suspect has been placed into custody or is otherwise no longer at-large.
- After a person has been convicted of a crime via trial or enters a guilty plea to a crime; i.e. *innocent until proven guilty*. Not to be misconstrued with a person simply being charged with a crime.
- If a manager approves single-use of a mugshot based on sufficient reasoning not specifically outlined in this policy.

Below are some considerations, though there may be other factors to consider as well, that managers should take into account in making the decision to use a mugshot. The default position is not to use the mugshot in the absence of an active manhunt or conviction, so the manager has an affirmative responsibility to establish a compelling reason to override that default position (e.g. a felony charge should seldom, if ever, be the sole determining factor):

- Is the offense a felony or misdemeanor?
- Was the offense committed against a person or against property?
- Does the suspect have a public profile? Examples include but aren't explicitly limited to: involvement in a crime of special notoriety (e.g. elected officials, professional athletes, civic leaders, business executives, government executives).
- Is the suspect's image critical to telling the story? This could include when police are looking for possible additional victims.
- If an exception is made, the approving manager will document the exception in a spreadsheet hosted on an internal server. This documentation will include the reason for the exception.
- Once an exception has been granted, the mugshot shall remain available for use on air and online unless, and until, a request to sunset is made, per this policy. Managers should strongly take this fact into consideration before granting an exception.

Evaluation of Pre-Existing Mugshots

“Sunsetting” Mugshots

Due to limitations in resources, KSHB cannot guarantee all pre-existing mugshots will be automatically removed from its online and on-air platforms. Instead, KSHB will operate on a *per request* basis. If a party makes a request for a mugshot to be removed from a KSHB platform, they can do so by calling the main news desk phone number, emailing the news desk email, or contacting a KSHB employee directly. Once a request is received, this committee and/or station management will review the request. Requests will be reviewed monthly.

Requests can be made by sending an e-mail to mugshot@kshb.com.

The approved request will then go to a member of the Web Team who will sunset the mugshot. The web producer will document and log the removal.

Online

If a request to sunset a mugshot is approved, it must be completely removed from all KSHB online platforms and those of its employees. It is recommended to also delete the mugshot from the station’s internal systems so that it may not accidentally be used again.

On-Air

If a mugshot has made it on-air, it cannot be retroactively “un-aired”. However, if an approved request to not use a mugshot is made, it cannot be subsequently aired. Also, archive footage of that mugshot cannot be aired again, nor can that portion of the video or a screenshot be used online. The Senior Manager of Broadcast Content will be responsible for making sure the mugshot is removed from broadcast systems. This person will document and log the removal in the internal spreadsheet.