

COMMUNICATING DURING A CRISIS

(Even Though Every Day Seems Like a Crisis)

von Briesen



Mueller Communications

von BRIESEN & ROPER, S.C.
MUELLER COMMUNICATIONS

NICE

TO MEET YOU



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MIA TRIPPI
ACCOUNT EXECUTIVE

VON BRIESEN

WHEN IT COMES TO GOVERNMENT LAW,
WE DO IT ALL.

TAX ASSESSMENT & LITIGATION

TIF DISTRICT CREATION & DEVELOPMENT

CONTRACTS AND PROCUREMENT

LAND USE

INTERGOVERNMENTAL COOPERATION AGREEMENTS

EMPLOYEE DISCIPLINE & INVESTIGATIONS

ENVIRONMENTAL

CONSTRUCTION &
CONSTRUCTION-RELATED
LITIGATION

LITIGATION

REAL ESTATE

EMINENT DOMAIN

GOVERNMENT FINANCE

EMPLOYEE BENEFITS

HEALTHCARE REGULATORY & COMPLIANCE

DISCRIMINATION

LABOR CONTRACTS

von Briesen
The Government Law Group | von Briesen & Root, LLP





WE ARE A
360°
COMMUNICATIONS FIRM

AT OUR CORE, WE ARE STRATEGIC PROBLEM SOLVERS

MUELLER



MEDIA TRAINING



MEDIA RELATIONS



CRISIS COMMUNICATIONS



PUBLIC AFFAIRS & GOVERNMENT RELATIONS



CORPORATE COMMUNICATIONS



SOCIAL MEDIA



CIVIC & COMMUNITY ENGAGEMENT

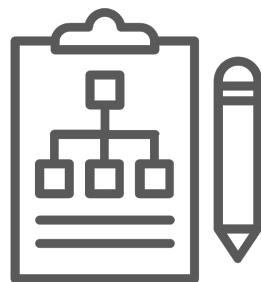


DIGITAL & MARKETING

AGENDA



Ask questions as we go.



The importance of
planning



What to do when a
crisis hits



Lessons learned:
war stories

Resources available at muellercommunications.com/wcpa

What do you do if your community experiences a crisis?

- Officer-involved death investigations
- Social media posts from officers
- Assault of an officer
- High-speed pursuits and accidents
- Drug use by off-duty officers
- Domestic violence cases
- Off-duty officer attendance at political demonstrations

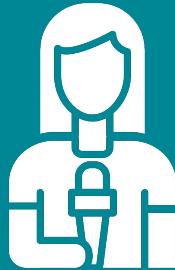
POLL:



- Does your department have a crisis communications plan?
- Have you undergone training to “test drive” your crisis communications plan?
- Do you have an established media protocol? Social media protocol?
- Do you have a way to reach key audiences quickly and efficiently in a crisis?
- Do you have someone on staff trained to work with the media?

THE IMPORTANCE OF PLANNING

MEDIA PROTOCOL



A media protocol is not mean to stifle an employee's right to speak to the media, but is designed to ensure that comments made to the media are timely and accurate.

Media inquiries must be responded to in a way that is clear, concise, accurate and timely to help ensure the media reports accurate information and offers a balanced view of the issue.

To ensure an accurate and timely message, statements should *only* be made by designated and trained individuals.

What to do if you are approached by the media:

ASK for the names and affiliations of the individual

SAY: "I am sorry, the person you should speak with is not available at this time. Please give me your name and number and the appropriate person will get back to you promptly."

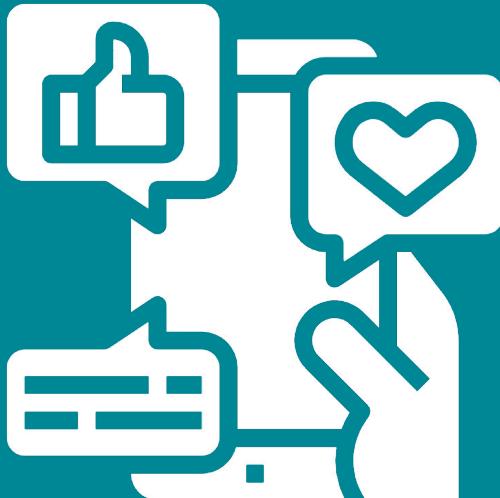
REPORT the contact to the appropriate spokesperson

Download a sample media protocol at muellercommunications.com/wcpa

SOCIAL

MEDIA

Key Considerations:



- How are you monitoring social media mentions?
- Do you have a protocol in place for when and how to respond?
- Who has control of your platforms?
- Are you taking simple steps to protect your accounts from hijacking?
- Do you conduct a social media check as part of officer onboarding?
- Do you have a policy governing employee use of social media?

Download a sample media protocol at muellercommunications.com/wcpa

CRISIS TEAM



CRISIS SITUATION OCCURS

CRISIS MANAGEMENT TEAM LEAD/CHAIR

MUNICIPAL LEADERSHIP

LEGAL COUNSEL

COMMUNICATIONS MANAGER AND/OR PR FIRM

CRISIS MANAGEMENT TEAM

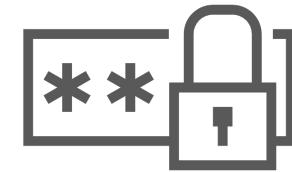
OTHER PLANNING ELEMENTS



Template
communications
materials



Stakeholder
contact
information



Account
information

QUESTIONS?

**WHEN A
CRISIS HITS**

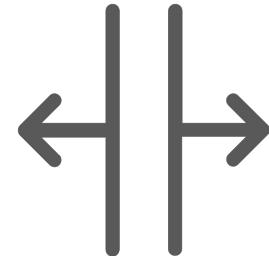
WHAT TO EXPECT



Uncertainty is high and information is
in high demand



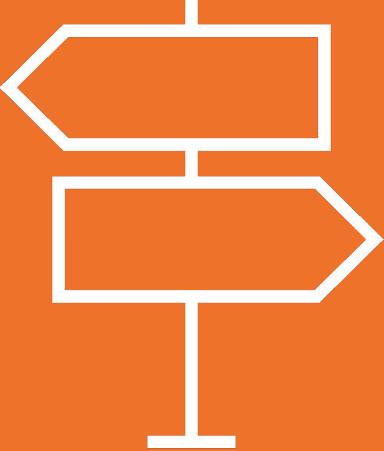
The “facts” may change rapidly



Resources are directed away from
day-to-day operations



Stakeholder trust is threatened



GUIDING PRINCIPLES

- Put people first
- Respond quickly and accurately
- Show empathy and compassion
- Be as transparent as possible
- Become the trusted source of information – let all audiences hear from us first
- When appropriate, follow the authorities' lead



KEEP AUDIENCES IN MIND

There are several stakeholders it will be important to communicate with, including:

- The Chief
- Subordinates
- The accused
- Municipal administration and elected officials
- Police and Fire Commission
- Members of the public and the media
- Interested community organizations, advocates, associations

In a crisis, you must balance information sharing with the need to protect organizational interests and the safety of those involved.



UNDERSTAND THE INTERESTS IN PLAY

There may be competing interests involved in a situation, including:

- Legal interests
 - Officer involved deaths
 - Wis. Stat. 175.47
 - Wisconsin's Public Records Law
 - Wis. Stat. 19.36(10)(b)
 - Handling mass similar requests
- Privacy interests
- Workforce morale
- Criminal prosecution and pre-trial publicity
- Media inquiries and pressure
- Public interest
- Politics
- Dynamics of leadership / subordinates



WHAT TO DO

COMMUNICATION DO'S

- Show concern
- Speak with one voice
- Take charge quickly
- Be open and responsive
- Stick to the facts
- Share important information in simple, declarative sentences
- Keep your cool
- Correct your mistakes
- Address the perception
- Clearly state actions being taken



WHAT NOT TO DO

COMMUNICATION DON'TS



- Say “no comment”
- Speculate, predict or answer hypothetical questions
- Give long, rambling answers
- Lose your temper
- Get into a debate
- Say anything “off the record”
- Evade, cover up or block access to other sources of information
- Try to answer a question if you don’t know the answer
- Assume anything

Journalists are
OVERWHELMED
& **OVERWORKED**

GLOBALY,
33% OF
JOURNALISTS

Publish
7+ ARTICLES
a week

65%

agreed that the availability of audience metrics like views and engagement has changed the way journalists evaluate their stories

WORKING WITH MEDIA

Keep these things in mind when working with the media:

- **News is a business**
 - Stories that are eye-catching or evoke an emotional reaction mean more clicks, and more dollars
- **Social media** content can drive stories
 - Posts from the community, from officers, etc
- **National storylines can also drive interest in local issues**
- Difference in response to national outlets vs local outlets
 - Maintain positive relationships
 - Level of education necessary
- Need to determine **how best to respond**
 - When to give an interview versus when to provide a reactive statement, if there is a time not to respond

Source: Cision's 2019 Global State of the Media Report



SOCIAL DISRUPTION

- Identify primary public concerns and target those aspects
- Irrational behavior and irrational responses are not receptive to rationality
- Press statements may be more effective than press conferences (ambushes): Is this political grandstanding where law enforcement is caught in the middle?
 - Identify what is occurring (the facts)

**STRIKING THE
CAREFUL BALANCE**



PRIVILEGE AND PR

- Preservation of Privileged Communications should be considered as part of strategy
 - PR draft Communications can reveal highly sensitive and candid assessments of legal risks
 - PR executives are not employees and thus preservation of privilege is more difficult
 - Consider engaging through legal counsel
- Work product for legal work v. managing the effects of legal risks or other business functions
- Who communicates and how are communications managed?



PUBLIC RECORDS

- Establish processes for managing public records requests
- Make your life easiest:
 - Keep a log for requests
 - Get clarity from requesters
 - Charge fees
 - Coordinate responses for similar requests
 - Publish records responses on the Department website
- Waivers of 19.356 rights of employees and local officeholders

QUESTIONS?

WAR STORIES

ISSUE: OFFICER-INVOLVED DEATH

An officer shot a suspect, who died of his injuries. This officer had previously been disciplined for inappropriate comments and was involved in other highly visible incidents.

As a result, there was significant outcry and attention from the community, who demanded the officer's removal and led protests to spark additional changes in the department.

THE APPROACH

THE GOALS:

Ensure safety for a community who is grieving and for those around them.

Demonstrate empathy and accountability and provide consistent, accurate and timely information and explain a process that many in the community may not understand.

Create alerts to monitor dialogue

Identify the best spokesperson: Who is going to have the authority and garner the respect necessary for tough conversations?

- Make this individual available to proactively identify the process and next steps

Identify stakeholders and develop an outreach timeline and necessary materials / messaging

- Elected officials: provide information to understand a process that may be new to them
- Media, members of the public: provide updates on the situation and any next steps

Develop fact sheet to explain the process and who has authority to take which next steps

- i.e. The Fire and Police Commission process; if the City has the ability to discipline an officer; who is investigating the shooting

Identify protest leaders and conduct meetings to understand their desire, answer their questions

Conduct proactive outreach to local media to provide context and respond to additional inquiries with background information and prepared statements

OFFICER-INVOLVED DEATH INVESTIGATIONS

- It's not the crime, it's the cover-up
- Keep the principles of Wis. Stat. 175.47 and the reason for its creation at core of messaging
- Coordinate with a pending law enforcement investigation
- Coordinate with insurance company
- Communicate with relevant stakeholders

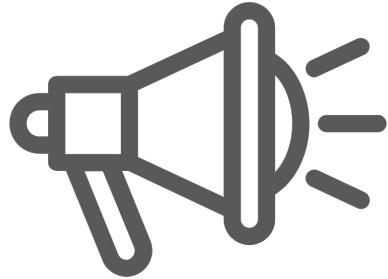
ISSUE: OFFICER SOCIAL POST



Hypothetical Issue:

Following the murder of George Floyd by a police officer, a member of the local police department takes to social media to post his thoughts on the matter. His statement is insensitive and leads many to question his bias and beliefs related to police brutality - especially against people of color.

CONSTITUTIONAL CONSIDERATIONS



FIRST AMENDMENT

A public employee does not relinquish their First Amendment Rights to comment on matters of public interest by virtue of government employment.



DUE PROCESS

Protecting the rights of persons who may be accused to a fair trial.



PRIVACY INTERESTS

Protecting reasonable expectations of privacy, including victim rights.

THE APPROACH

- **Assess** whether the statements are “protected” under the First Amendment
- **Collect** background information on the individual
 - Is there a history of excessive force? Has the individual been disciplined in the past for related issues?
- **Track** social and traditional media coverage
 - Flag issues / questions / concerns raised in the community and determine how to address them
- **Be prepared** to communicate
 - Within the Police Department
 - With elected officials (and in turn, their constituents)
 - With the media

SOCIAL MEDIA MINING

- Who is the target audience?
- Comparative analysis
 - SIFA
 - Arrests
 - Uses of force
 - Body camera sampling reviews
 - Review and analysis of citizen complaints
- Interviews for private character analysis
- Identifying source data for comments (song lyrics, Chappelle quotes)
- Identify solutions: trainings, policy enhancements

ISSUE: MISCONDUCT



After discovering a long-time department employee had been using a Department-issued credit card and Department accounts to purchase personal items and vacations, the department knew it needed a communications strategy to proactively address the issue, highlight the steps taken to remedy the issue and reassure the public that the issue was isolated, and that proper precautions were in place to ensure it did not happen again.

THE APPROACH



THE GOAL:

Be proactive, open and honest.
Illustrate commitment of
leadership to ensure it doesn't
happen again.

Create alerts to monitor media and community dialogue

Identify stakeholders and develop an outreach timeline and necessary materials / messaging

- Elected officials
 - Provide them with information to share with constituents
- Employees

Conduct proactive outreach to local media

INTERNAL INVESTIGATIONS

- Again, it's not just the crime, it's the cover-up
- Often the investigation is occurring before news hits the public domain
- Identify public interest triggers (employee placed on administrative leave, elected officials chattering, charges, or leaks)
- Objectives of conducting a fair, objective and thorough investigation that is not interfered with or influenced versus preserving public confidence and trust
- Coordinate with a pending law enforcement investigation
- When completed: ownership of the problem must be identified
- Identify solutions: trainings, policy enhancements

QUESTIONS?

The League of Wisconsin Municipalities has an ongoing relationship with Mueller Communications. Through your membership in the League, **you are eligible for initial consultation with the firm** relative to how to manage the public aspects of a crisis.

LEARN MORE AT:
www.muellercommunications.com/wcpa