

WINTER HAVEN POLICE DEPARTMENT

GENERAL ORDER 54.1

PUBLIC INFORMATION

ACCREDITATION STANDARDS: CALEA – 41.2.4, 54.1.3; CFA –1.06, 1.07

EFFECTIVE DATE: OCTOBER 30, 1995

RESCINDS: G.O. 54.1 January 5, 2018 and all applicable Amended/Temporary Orders prior to March 18, 2020

LAST REVISED: March 18, 2020

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POLICY

It shall be the policy of the Winter Haven Police Department to inform and cooperate fully and impartially with accredited representatives of the media in their efforts to gather and disseminate factual information consistent with established procedures.

PURPOSE

The purpose of this General Order is to establish guidelines to assist agency members in establishing news releases and to provide cooperation and assistance to the media, with regard to investigations of criminal offenses and/or incidents over which the agency has primary responsibility and jurisdiction.

SCOPE

This General Order shall apply to all Department members.

PROCEDURE

I. Release of Information

- A.** All information shall be released in accordance with Florida State Statute 119, Federal Health Insurance Portability and Accountability Act (HIPAA) guidelines, and/or any other applicable state or federal laws. (CFA 1.06f)

II. Public Information Officer

- A.** The Department shall establish and retain a Public Information Officer (PIO), who is responsible for coordinating the Public Information function within the Department. The Chief of Police shall appoint the Department's PIO.
- B.** The PIO shall report directly to the Chief of Police on media matters and Public Information. The PIO shall be responsible for the following:
 - 1.** Assisting news personnel in covering routine news stories at the scene of incidents.
 - 2.** Being available for on-call responses to the news media. (CFA 1.06c)
 - 3.** Preparing and distributing Department news releases. (CFA 1.06d)
 - 4.** Arranging and assisting at news conferences. (CFA 1.06e)
 - 5.** Coordinating and authorizing the release of information about victims, witnesses, and suspects. (CFA 1.06f)
 - 6.** Assisting in crisis situations within the Department.
 - 7.** Coordinating and authorizing the release of information concerning confidential Department investigations and operations. (CFA 1.06g)
 - 8.** Providing Department information when other public service agencies are involved in a mutual effort. When more than one agency is involved, the agency having primary jurisdiction shall be responsible for the release of, or coordinating the release of, information.

III. Personnel Authorized to Release Department Information

- A.** The release of media information shall be by the Chief of Police, Executive Officers, or other members specifically authorized to report on a particular incident or situation. The authority to release Department information to the media is restricted to the PIO and the following members, depending upon the type of information to be released. (CFA 1.06a)
- B.** Incident Scenes:
 - 1.** Supervisor at the scene or in charge of the investigation.
 - 2.** Supervisor's designee.
 - 3.** Commanding Officer/designee of the Division conducting the investigation.
- C.** On-Going Criminal Investigation:

1. Investigating detective.
 2. Supervisor in charge of the investigating unit.
 3. Commanding Officer/designee of the division conducting the investigation.
- D.** From Department Files/Records:
1. Records members for routine release of public information and documents not otherwise prohibited by this General Order.
 2. Records Supervisor/designee for specialized requests regarding routine information.
 3. Chief of Police/designee.
- E.** Each of the above listed members shall make every reasonable effort to accommodate representatives of the news media within guidelines set forth in this General Order.
- F.** Members contacted by the media who are not specifically authorized to release information shall direct the media member's questions to the PIO.
- G.** Whenever the PIO is unavailable, special requests for information from the media shall be directed to a supervisor within the affected division.

IV. Information Authorized for Release (CFA 1.06a,g)

- A.** Investigative information that may be released, unless otherwise restricted by this General Order, Florida State Statue 119, Federal Health Insurance Portability and Accountability Act (HIPAA) guidelines, and/or any other applicable state or federal laws, includes: (CFA 1.07)
1. The classification of an incident;
 2. The location, date and time, injuries sustained, damages and a description of how the incident occurred;
 3. The identity and address of a victim, except those identities protected by Florida State Statue (such as victims of sex crimes, etc.). Consider any exceptions carefully; (CFA 1.07g)
 4. The name, age, address, photograph(s), digital or other image, prior criminal record, or other compelling documents of fact (including those that may relate to a person's character or reputation), otherwise not protected by Florida State Statute, of any adult charged with a crime. The booking photograph of an agency member who has been arrested may be released. Any other photograph of an agency member is generally not released per Florida State Statue 119, except for public information purposes where the agency member's specific or implied consent is given; (CFA 1.07 a,b,j)
 5. The name, photograph, and address of a juvenile who has been taken into custody for a violation of law which, if committed by an adult, would be a felony,

or the name, photograph, and address of a juvenile who has been found, by a court, to have committed three or more violations of law which, if committed by an adult, would be misdemeanors. Also, the age of the juvenile and the nature of the crime may be released or, in the alternative, the arrest or crime report relating to the violation of law for which the juvenile was taken into custody where the violation would be a felony if committed by an adult (otherwise juvenile records are confidential and not available for public disclosure or inspection); (CFA 1.07 a,b)

6. Juvenile arrest records may be released to authorized personnel of the court, the Department of Justice, the Department of Corrections, the Parole Commission, other law enforcement agencies, the Polk County School Superintendent, the juvenile, the juvenile's parents or legal guardians or custodian, or attorney, or upon order of a court; (CFA 1.07h)
 7. Requests for aid in locating evidence, a complainant, or a suspect. A person's race may be released as descriptive information in such cases;
 8. Numbers of members or people involved in an event or investigation, and length of the investigation; and
 9. Name of member in charge of a case, their supervisor, and division or unit assignment unless assigned to a covert unit.
- B.** Certain facts may generally be released at the time of, or immediately following, an arrest and formal charging. There may be, and often are, case-specific circumstances that influence what information may or may not be released. The supervisor in charge should determine the scope of information to be released, in accordance with Florida State Statute 119, Public Records Law, for example: (CFA 1.06a)
1. The defendant's name, age, description, residence, employment, or marital status, except juvenile information exempted per Florida State Statute;
 2. The substance or text of the charge as contained in a complaint, warrant (except confidential warrants), indictment, or information;
 3. The identity of the investigating and arresting member or agency, and the length of the investigation unless the member is assigned to a covert unit; and
 4. The circumstances immediately surrounding an arrest;
 - a. Time and place of arrest;
 - b. Method of apprehension;
 - c. Resistance and any injuries resulting;
 - d. Possession and use of weapons by the suspect; and
 - e. Description of items or contraband seized.

V. Restrictions on Release of Information

- A.** Information that shall not be released in connection with investigations of an event or crime, unless authorized by the Chief of Police or designee, includes: (CFA 1.06a)
1. Any fact or information that would reveal the identity of a victim of sexual, child, or elder abuse; (CFA 1.07g)
 2. The home and employment addresses, the home and employment telephone numbers, and the personal assets of a victim of domestic violence, harassment or aggravated battery or stalking, where the victim has requested in writing that this information be exempt from disclosure; (CFA 1.07g)
 3. The identity and any fact or information that would reveal the identity of a juvenile taken into custody for a non-felony violation of the law, or the identity and any fact or information that would reveal the identity of a juvenile taken into custody who has been found by a court to have committed two or fewer misdemeanors; (CFA 1.07h)
 4. The identity of critically injured or deceased persons prior to notification of next of kin when notification has been attempted but is not possible within a reasonable time;
 5. The specific cause of death, until determined by the Office of the District Medical Examiner;
 6. Investigative information and information of an evidentiary nature regarding a criminal case;
 7. Verbatim contents of suicide notes;
 8. Personal opinion not founded in fact;
 9. Unofficial statements concerning members or internal affairs matters;
 10. Home addresses and telephone numbers of members of the Winter Haven Police Department; and
 11. Valuables or cash overlooked by crime perpetrators.
- B.** Arrest information that shall not be released, except by the Chief of Police or designee to aid an investigation, warn, or inform the public, or if releasing the information would be in the public interest, generally falls into two categories. "Confidential" information as defined in Florida State Statute 119, or any other statute, shall not be released unless there is a lawful reason or purpose: (CFA 1.06a)
1. The identity or location of any suspect, except the existence of a suspect may be acknowledged without further comment;
 2. Results of an investigative procedure such as a lineup, polygraph, fingerprinting, lab, or ballistics test. However, the fact that tests are performed may be acknowledged without further comment. (CFA 1.07d)
 3. Information which, if prematurely disclosed, would significantly interfere with an investigation or apprehension, particularly: unchecked leads, unverified

information, specifics of Modus Operandi (MO), details known only to a suspect or member, information that may cause a suspect to flee or avoid apprehension;

4. Identity of a prospective non-victim witness; and/or
 5. Identity of a victim/witness if such disclosure would prejudice an investigation to any significant degree or if it would place the victim in clear personal danger. Consider degree and danger carefully, and state reasons clearly when withholding such information. (CFA 1.07g)
- C.** After an arrest and formal charging, but prior to adjudication, certain information may be restricted. Improper disclosure could form the basis for a legal defense. Therefore, the release of the following information should be considered on a case-by-case basis, including incidents involving agency members. Authority to release this information shall be determined by the investigative supervisor or higher authority:
1. Existence or contents of any confession, admission, or statement of a defendant, or a failure to make such; (CFA 1.07c)
 2. Performance or results of any tests or a defendant's refusal or failure to submit to investigative tests such as polygraph and other types; (CFA 1.07d)
 3. Identity, credibility, character, statement(s) or expected testimony of any witness, or prospective witness; (CFA 1.07e)
 4. Statement(s), prospective testimony, character, or credibility of any victim;
 5. Opinions of agency members about the guilt or innocence of a defendant, or the relative merits of the case; and/or (CFA 1.07f)
 6. Reports, transcripts, or summaries of proceedings from which the news media and public have been excluded by judicial order.
- D.** When presented with an inquiry from a media representative relative to the information outlined above, the request should be referred to the PIO or, in their absence, to the Bureau Commander responsible for the investigation of the case.
- E.** Media releases relating to ongoing criminal investigations shall be forwarded to the PIO for review and filing, as soon as possible.

VI. Confidential and Internal Investigations

- A.** Confidential intelligence, informants or investigative information from criminal investigations shall not be disclosed.
- B.** Sensitive or investigative information, particularly the identity of members involved, from Internal Affairs Investigations shall not be disclosed.
- C.** When information is released on internal investigations, it shall conform with state law as it concerns the rights of the members.
- D.** When details of an internal investigation are to be released to the media, disclosure shall be made only after the case has been closed.

VII. Juvenile Offenders

- A.** All records relating to juvenile offenders are confidential and exempt from disclosure under the Public Records Act, with the exception of being released to the following: (CFA 1.07h)
 - 1. The Circuit Court,
 - 2. Department of Corrections,
 - 3. The Parole Commission,
 - 4. School Superintendents and their designees,
 - 5. Law Enforcement Agencies,
 - 6. To the juvenile and/or their parents/legal guardians or custodian,
 - 7. Attorney, or
 - 8. Court order.
- B.** The name, address and photograph of a child may be released if the child has been taken into custody for a violation of law, which, if committed by an adult, would be a felony, as outlined in Florida State Statute 985.04.
- C.** The name, address and photograph of a child may be released if the child has been found by a court to have committed three or more violations of law, which, if committed by an adult, would be misdemeanors, as outlined in Florida State Statute 985.04.
- D.** Copies of fingerprints and photographs of juvenile offenders may be released to other law enforcement agencies, the state attorney, the court, the juvenile, their parents/legal guardians or custodian, and their attorney.
- E.** Records regarding traffic violations committed by juveniles are not confidential and are open to public inspection.
- F.** A juvenile Offense/Incident Report may be released to the victim of the offense, provided the name and address of the juvenile offender are redacted, unless the information is otherwise Public Information, as outlined above.

VIII. General Procedures

- A.** In order to ensure the Public Information program is maintained and in the interest of providing consistent factual information, while protecting certain privacies as set forth by law, the following procedural guidelines are established:
 - 1. At incident scenes, media personnel seeking information should be referred to the on-scene supervisor or the PIO, if present.
 - 2. The PIO shall be summoned to scenes of major incidents to coordinate the release of media information. (CALEA 41.2.4)

3. During in-progress incidents, media representatives contacting the Department should be referred to the PIO.
4. Inquiries from media representatives concerning in-progress incidents or investigations, being handled by other divisions, should be referred to the supervisor of that division.
5. Routine requests from media personnel for information not of incident nature shall be referred to the PIO.

IX. Processing Routine Media Requests for Information

- A. Routine phone requests from media personnel concerning incidents shall be directed to the PIO or OIC who shall be responsible for handling the requests.

X. Access to Incident Scenes (CALEA 54.1.3)

- A. Access by the news media including news photographers, to any crime scene, major fire, natural disaster, or other catastrophic event shall be controlled by the supervisor in charge. (CFA 1.06b)
- B. The general public shall be denied access to any crime scene, including major fires, natural disasters, or other events that have been cordoned off by members.
- C. Access of the media to the perimeters of crime scenes shall be dependent upon the tactical situation, and/or the likelihood of jeopardizing Department operations relating to the investigation and collection of evidence. (CFA 1.06b)
- D. Media representatives may be allowed to enter secured areas when in possession of current accredited news media credentials. Access by news media representatives, including photographers, shall be monitored and regulated by the PIO and/or the supervisor in charge. (CFA 1.06b)
- E. If the Department's PIO is requested at the scene, the PIO shall coordinate and manage media activities in conjunction with the supervisor in charge.
- F. Representatives of the news media shall be denied access to incident scenes:
 1. On private property at the owner or custodian's request.
 2. To preserve evidence.
 3. If their presence will impede the work of firefighters, EMS personnel, or police.
 4. If their presence will hinder the investigation.
- G. News media representatives are prohibited from entering the perimeter of any crime scene without first obtaining the permission of the supervisor or the PIO. Media personnel who are granted permission shall be escorted at all times. (CFA 1.06b)
- H. News media representatives shall not be permitted to interfere with a victim or witness during the investigation.

- I. The use of a radio, by media representatives or the general public, shall be denied when the threat of a bomb exists.

XI. Media Press Releases

- A. In order to facilitate the timely and impartial distribution of information, media releases shall be prepared by departmental members and forwarded to the PIO. The subject matter of these releases may include information relating to arrests, specific incidents, crime prevention programs, and other items of interest to the general public. Press releases shall be in written form and shall be issued by the Chief of Police or designee.
- B. Copies of media releases shall be prepared and made equally available for all news media, to ensure equal access to newsworthy information.
- C. A Copies of all media releases, including releases made concerning ongoing criminal investigations, shall be forwarded to the PIO for review and filing.

XII. Definition

- A. *News Media* – Accredited, properly identified representatives of local, national and international news organizations.
- B. *Press Release* – A synopsis of a police involved incident, which is given to the news media for Public Information.

APPROVED



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CHIEF OF POLICE**