

2.429 PUBLIC INFORMATION

2.429.02 Public Information - Generally

(54.1.1, 54.1.2)

A. The Chief has designated in **1.200 Organization**, a commander to manage the agency's public information function and serve in an ancillary capacity as the agency's primary PIO (Public Information Officer). The agency's other commanders serve as secondary PIOs. PIO duties and responsibilities include, but are not limited to:

1. Assisting media personnel in covering stories at incident scenes;
2. Preparing and distributing agency public information releases;
3. Arranging for, and assisting at agency related news conferences;
4. Coordinating and authorizing the release of information about victims, witnesses, and suspects;
5. Coordinating and authorizing the release of information to the media concerning confidential agency investigations and operations; and
6. Developing procedures for releasing information when other public service agencies are involved in a mutual effort.

B. The primary PIO will:

1. Provide copies of directives relating to public information and media relations to media points of contact and other media representatives upon request.
2. Distribute proposed changes to, and solicit written comments from, public information and media points of contact when there are proposed changes to public information and media relations directives. Any returned comments will be considered when staffing changes to those directives.

C. Barring exigent circumstances, a PIO will be available during normal business hours of every business day. The Duty Officer will be notified if PIO assistance is needed during non-business hours.

D. Public information will be released to the public and the media without partiality.

E. The agency will not purposely supply misinformation or disinformation to the media or the public.

F. The agency's public information activities are guided by laws and other directives that include, but are not limited to:

1. **CJ § 3-8A-27** – Confidentiality of Records (Juvenile);
2. **CP § 10-201**, *et. seq.* – Criminal Justice Information System;
3. **CR § 8-606** – Making False Entries in Public Records & Related Crimes;
4. **CR § 7-302** – Unauthorized Access to Computers & Related Materials;
5. **HG § 4-301** *et. seq.* – Confidentiality of Medical Records;
6. **SG § 10-611** *et seq.* – Access to Public Records;
7. **MD Rule 11-121** – Juvenile Court Records;
8. **MD Rule 16, Chapter 1000** - Access to Court Records;
9. **CFR Title 28, Part 20** – Criminal Justice Information System;
10. **20 USC 1232g** - Family Educational Rights and Privacy Act (FERPA) - Buckley Amendment;
11. **20 USC 1092(f)** – Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act;
12. **USM III-6.30** Policy on Confidentiality and Disclosure of Student Records;
13. **USM VI-5.00** Policy on Inspection of Public Records;
14. **TU 03-06.30** Policy and Procedures on the Disclosure of Student Education Records;
15. **TU 06-05.00** Policy on the Disclosure of Public Records;
16. **TU 07-01.03** Employee Self-Disclosure of Criminal Records; and
17. **Maryland Public Information Act Manual** as published by the Maryland Attorney General.

2.429.04 Limitations on Employees

A. Employees will only discuss incidents with media representatives, prepare information for release, or otherwise give information to the media consistent with this directive and will keep PIO personnel informed of all such contacts or informational releases.

- B. Unless specifically authorized by the Chief or PIO, employees will not make statements or release further information to the media when existing media releases specifically state that the agency will not release any further information or when other limitations have been established.
- C. Nothing in these directives diminishes employees' rights of free speech unless their statements:
 - 1. Materially and substantially affect the performance of employees' duties;
 - 2. Affect the discipline, harmony, or general efficiency and effectiveness of the agency;
 - 3. Are not of compelling public interest; or
 - 4. Are specifically prohibited by directives, laws, or regulations.

2.429.06 Releasable Information

(54.1.1.e, 55.1.3.b)

- A. The agency regularly posts crime and incident related information to the agency's web site in compliance with applicable sections of the Clery Act.
- B. Employees are authorized to release to media representatives and the general public information contained in the agency's public information releases or agency's web site. Information contained in public information releases may be viewed, duplicated, faxed, emailed and/or read verbatim to anyone upon request.
- C. Unless otherwise prohibited, releasable arrest related information is:
 - 1. The name, sex, age, description, general residence information, and marital status of arrested adults or juveniles charged as adults;
 - 2. The fact juvenile arrests were made, including sex, age, and substance of charges;
 - 3. Substance or text of charges as contained in warrants or other charging documents;
 - 4. Identities and assignments of arresting officers, except identities of undercover officers;
 - 5. Chronological arrest logs; and

- 6. Circumstances immediately surrounding arrests, including:
 - a. Time and place of arrests;
 - b. If pursuits occurred;
 - c. Resistance, and if any injuries were sustained as a direct result;
 - d. Possession and/or use of weapons;
 - e. Description of items or contraband seized; and
 - f. Arrest disposition.
- D. Releasable investigative related information includes:
 - 1. Types and nature of incidents;
 - 2. Locations, dates, times, injuries sustained, property damage sustained, and how incidents occurred;
 - 3. The type and approximate value of property taken if known, unless this information may hinder investigations or is forbidden, such as cash values in bank robberies;
 - 4. The race or ethnic background of individuals involved when this descriptive information advances the conduct of investigations, or is germane to the incident;
 - 5. The number of officers or other persons involved in incidents and length of investigations;
 - 6. The names of officers investigating incidents, their supervisors as appropriate, and units to which they are assigned, except undercover officers or in situations where doing so may hamper investigations or place employees or others at risk or in danger;
 - 7. Requests for aid in locating evidence, suspects, or complainants;
 - 8. The existence, but not contents of, suicide notes; or
 - 9. If suspects deny their charges, but not the substance of their denials or alibis.
- E. Only specified, incident related medical record information can be released by agency employees consistent with **HG § 4-301** *et. seq.* Medical record information that can be released to non-health care providers includes, but is not limited to:
 - 1. All pertinent information to the parents, guardians, or legal custodians of minor children;

2. Information concerning patients' presence and general health condition, except that information primarily developed in connection with mental health services;
3. Circumstances of causality, excepting mental health services related, described in general terms such as "trauma", "illness", "injury", etc.;
4. Health status of patients described in general terms such as "critical", "poor", "fair", "good", "excellent", etc.; and
5. Any relevant information in emergency situations where there are clear and significant risks of death or imminent serious injuries or harm to patients.

2.429.08 Non-Releasable Information

A. General information that will not be released includes:

1. The names of undercover officers;
2. The home addresses, telephone numbers or other personal information of employees except by written consent of the individual employee;
3. The specific contents of any police report where a juvenile is a suspect unless a court orders otherwise;
4. Juvenile identification information unless otherwise allowed by statute;
5. Interpretation of agency directives;
6. Sensitive operational activities; and
7. Information received from other allied agencies without their concurrence in releasing that information.

B. Investigative information that will not be released includes the following:

1. The identity of the victim of a child abuse, rape, or any sex crime, or related information which, if divulged, might lead to the victim's identification.
2. The identity of any juvenile who is a suspect or defendant in an incident over which the juvenile court has jurisdiction. The agency will acknowledge that a juvenile arrest has been made, including the sex, age, and the substance of the charge.
3. The contents of any suicide note;

4. Results of investigative procedures, such as line-ups, polygraphs, fingerprinting, etc., but the fact that such procedures have been or will be performed may be acknowledged;
5. The identity of a victim or witness if the disclosure would significantly prejudice an investigation or constitute an unwarranted invasion of personal privacy;
6. Information regarding the specific identity or location of a suspect unless a charging document exists and the information release would not likely hinder apprehension;
7. Information about unchecked leads, unverified information, or specific details known only to someone involved in the crime;
8. The name of any one killed or seriously injured until positive identification is made and next of kin notified except when notifications have been attempted but are not possible within reasonable amounts of time as determined by the Chief or primary PIO;
9. Specific cause of death information until the information is released through the Baltimore County Police;
10. Information that would interfere with law enforcement proceedings, including pending investigations;
11. Information that would reveal the identity of an individual who has furnished information to the agency under confidential circumstances, such as informants, concerned citizens, etc.;
12. Information that would disclose investigative techniques and procedures, thereby impairing future effectiveness of the agency;
13. Information that would serve to endanger the life or physical safety of any person;
14. Crime scene images, video, etc. except when the lead investigating officer's commander and the primary PIO agree that the release of the information will assist with the investigation; and

15. Consistent with **2.820.40 Public Information Officer**, reports, or portions thereof, regarding use of force incidents or investigations unless authorized by the Chief or commander responsible for the PIO function.

C. Pretrial disclosure of the following information may jeopardize a defendant's right to a fair trial and will not be released:

1. Observations or opinions about an arrestee's character;
2. Statements, admissions, confessions, or alibis attributable to an arrestee;
3. The refusal or failure of an arrestee to make a statement or to participate or allow investigative procedures such as polygraph examinations, etc.;
4. Statements concerning the credibility, character, or testimony of a victim or prospective witnesses;
5. Any opinion as to an arrestee's guilt, or the possibility of a plea of guilty to the offense charged.
6. Statements concerning evidence or arguments in the case, whether or not it is anticipated that such evidence or argument will be used at trial.

2.429.10 Media Access (54.1.1.a & .f, 54.1.3)

A. The media will be granted reasonable access to the agency and its operations, but news gathering efforts will not be permitted to interfere with agency operations or administration.

B. The agency does not issue credentials to members of the media, but does recognize valid credentials (place of employment identification) from all local, national, and international news organizations.

1. Freelance writers, photographers, or other media representatives who do not have press or media identification or credentials will be treated as members of the general public with respect to information access.
2. Questions pertaining to press/media identification or credentials will be referred to, and resolved by, PIO personnel.

C. Employees will allow verified members of the media, their vehicles and equipment, closer access to incidents than that granted the general public and to conduct news gathering activities so long as it is reasonable and practical and their activities do not interfere with police operations, public safety, or traffic flow.

D. Direct access by media personnel to police incident scenes may be allowed only after all known evidence has been processed and on-site investigations have been completed. Criminal investigations have priority over news media coverage.

E. Incident commanders will ensure:

1. Perimeters are designated and established;
2. Media staging areas are designated and established near command posts or at centralized positions;
3. Perimeter personnel are informed where to send media representatives and any limits on media activities; and
4. Preliminary case or incident facts are determined so media representatives can be updated as appropriate;

F. PIO personnel are responsible for:

1. Ensuring their activities are coordinated with incident scene commanders;
2. Conducting regular media updates or briefings and making timely announcements of major developments; and
3. Assisting with rumor control by providing correct information to dispel rumors.

G. Employees will not take any actions against media representatives to prevent or impede the lawful right to photograph, telecast, etc., persons at incident scenes or in public places.

1. Employees may take actions to cover or screen bodies or other inflammatory scenes as necessary.
2. Suspects or accused persons in custody will not be deliberately posed for photographs, telecasts, etc.
3. Media representatives will not be permitted to interview persons in custody.
4. Employees will not pose themselves with suspects or accused persons, or enter into agreements to have suspects or accused persons in custody at prearranged times or places to facilitate photographs, telecasts, etc.

5. The agency may arrange media coverage of significant seizures or other evidentiary items when:
 - a. The coverage is conducted under controlled circumstances; and
 - b. The coverage will not prejudice subsequent prosecutions.
6. Photographs, mug shots, etc., may be released by the agency to help locate persons charged with criminal offenses or being sought in connection with investigations.
- H. Media access to, and movement within, fire, rescue, EMS, and other similar scenes is under the control of fire officials in charge.
- I. The primary PIO will coordinate media inquiries and releases with allied agencies' PIO personnel during mutual activities. This includes determining what, if any, information will be included in this agency's public information releases pertaining to other agencies involved.
- J. See also **2.700 Incident Management**.

2.429.12 FERPA Information Release

- A. For the purposes of FERPA, law enforcement records includes those records, files, documents, and other materials that are created and maintained by a law enforcement unit for law enforcement purposes such as reports and investigations of criminal incidents and motor vehicle accident reports. Upon submission of written requests, the agency may release law enforcement records to:
 1. Police and prosecutors;
 2. Involved persons, regardless if they are students, and their attorneys;
 3. Insurers; and
 4. Other persons in interest such as a person or governmental unit that is the subject of the record or a designee of the person or governmental unit consistent with **State Government § SG 10-611(e)**.

- B. For the purposes of FERPA, non-law enforcement records are those records, files, documents, and other materials that are created and maintained by a law enforcement unit exclusively for non-law enforcement purposes, such as disciplinary referrals without any associated criminal conduct non-motor vehicle personal injury reports, and lost and found property reports where students are involved or named.
 1. The agency will release disciplinary referrals with no associated criminal conduct only to appropriate university entities;
 2. Upon submission of written requests, the agency may release records of non-motor vehicle personal injury reports and lost and found property reports to:
 - a. Involved persons, if the reports do not name or involve students, and their attorneys;
 - b. Insurers; and
 - c. Other persons in interest, such as a person or governmental unit that is the subject of the record or a designee of the person or governmental unit consistent with **SG § 10-611(e)**.
 3. Upon submission of written requests by involved students, the agency may release records of non-motor vehicle personal injury reports and lost and found property reports to the involved students. However, if reports name more than one student, the reports may not be released, even to the involved student, unless all identifying information relating to other students is redacted.
- C. Educational records, including class schedules, are protected under FERPA and cannot be routinely accessed by employees except to:
 1. Consistent with **20 USC 1232g(b)(1)(I)**, release educational records to protect the health or safety of the student or other persons; or
 2. Be shared with university officials, including university police personnel, in order for them to fulfill their professional responsibilities.

2.429.14 Clery Act – Timely Warnings, etc.

{Revised: 04/15/16} (18.1.1.b, .c, & .d, 91.4.1.b)

- A. The agency issues timely warnings (Crime Alerts) consistent with the Clery Act.
1. Crime Alerts will be issued on a case-by-case basis in light of all the facts surrounding specified crimes, including factors such as the nature of the crimes, the continuing danger to the university community, and the possible risk of compromising law enforcement efforts.
 2. Crime Alerts are a part of the **TU Alerts** system that is managed by the agency. See also **2.757 TU Alerts**.
 3. PATROL SUPERVISORS OR commanders who become aware, or are notified, of incidents subject to the Clery Act timely notification requirements will ensure the appropriate Crime Alerts are issued by Communications through the **TU Alerts** system.
- B. Central Records is responsible for ensuring:
1. File copies of crime alerts are retained consistent with Clery Act records retention requirements.
 2. The agency's crime log is updated, retained, and made available as required; and
 3. Required data is submitted to the US Department of Education.

2.429.16 Sexual Offender Registry

- A. The agency makes available, on request, local sexual offender information that is hosted within the Maryland Department of Public Safety and Correctional Services (DPSCS) online sexual offender registry.
- B. Requesters will be directed to:
1. The DPSCS web site;
 2. A DPSCS link on this agency's web site; or
 3. During business hours, to Central Records in order to view registrants' information that is on-file with this agency.

2.429.18 Photographing, Audio & Video Recording Police Activities

Effective: 04/01/14

- A. Everyone has a First Amendment right to observe, photograph, or audio and/or video record officers and civilian employees who are carrying out their duties in areas that are generally open to the public and members of the TU community.
- B. Employees will not interfere with any lawful, constitutionally protected recording of police activities by:
1. Ordering them to stop photographing, recording, etc. police activities from legal vantage points;
 2. Searching or seizing cameras or recording devices except as described in **C.**;
 3. Threatening, intimidating, or otherwise discouraging people from lawfully recording police activities;
 4. Destroying cameras, recording or media storage devices or deleting recordings or images; or
 5. Intentionally blocking or obstructing cameras or recording devices.
- C. Officers will take lawful and constitutionally permitted actions to collect and preserve evidence when probable cause or exigent circumstances exists to believe that people may possess critical or contraband photos, recordings, etc. related to specific felonies, crimes against persons, or people involved in those crimes.
1. To obtain this evidence, officers must obtain the permission before:
 - a. Using the consent search process;
 - b. Seizing items on an exigent basis and promptly obtaining and serving search warrants before viewing, opening, etc. the images or recordings; or
 - c. Making any related arrests.
 2. To obtain this permission, officers will:
 - a. During regular field activities, ensure the on-duty patrol supervisor is notified and requested to respond; or
 - b. During special events, demonstrations, etc., ensure Incident Command is notified and requested to dispatch appropriate resources.

3. A supervisor or commander should be present at incident scenes before any arrests are made for photographing etc. incidents or any related items are seized, but officers will not delay these actions if it is necessary to protect themselves or others from harm. In these situations, a supervisor or commander will promptly meet arresting or transporting officers at appropriate locations to review the arrests and approve of the courses of action.
- D. Items obtained by consent or seizure will be held consistent with **2.500 Property & Evidence** and only long enough to accomplish lawful objectives.

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