


<p>Department of Public Safety and Correctional Services</p>  <p>Internal Investigative Unit Procedures</p>	<p>Procedure Number: A01.A.13.010.001/IIU.020.0003</p>
	<p>Title: Public Information and Media Policy</p>
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	<p>Authorized By: Douglas Cloman Number of Pages: 7</p>

.01 Purpose.

This document establishes policy and procedures for the responding to requests for and release of information related to Department of Public Safety and Correctional Services (Department) and Internal Investigative Unit (IIU) activities.

.02 Scope.

This directive applies to IIU employees.

.03 Policy.

- A. The IIU shall cooperate with the Department Communications Office to:
 - (1) Disseminate accurate information to the public through the media or other methods concerning Department responsibilities and activities; and
 - (2) Maintain effective relationships with media representatives.
- B. The IIU shall release information according to Department policy and procedures and federal and State statutory and regulatory requirements.

.04 Authority/Reference.

- A. Correctional Services Article, §10-701, Annotated Code of Maryland.
- B. COMAR 12.11.02 Public Information Requests.
- C. Secretary's Department Directive 04-2003 dated July 23, 2003.
- D. Secretary's Department Directive 04-2005 dated March 10, 2005.

.05 Definitions.

- A. In this document, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Director" means the Director of the IIU.
- (2) "Director of Public Information" means an employee of the Department's Communications Office responsible for:
 - (a) Except when an alternate spokesperson is designated by the Executive Director of the Communications Office, acting as the spokesperson for the Department when disseminating public information;
 - (b) Coordinating dissemination of all Department related public information;
 - (c) Except when an alternate Department employee is designated by the Executive Director of the Communications Office, preparing press releases; and
 - (d) Coordinating media inquiries with agency public information officers.
- (3) "Media" means public or private radio, television, news wire services, newspapers and internet or intranet versions of these entities and individuals representing these mediums.
- (4) "Media representative" means a properly recognized employee of a media organization.
- (5) Personal Information.
 - (a) "Personal information" means information that identifies an individual including an individual's address, driver's license number or any other identification number, medical or disability information, name, photograph or computer generated image, Social Security number, or telephone number.
 - (b) "Personal information" does not include an individual's driver's status, driving offenses, 5-digit zip code, or information on vehicular accidents.
- (6) "Public information" means written, verbal or pictorial communication designed to educate the general population concerning Department or IIU activities, distributed directly by the Department or through a media service.
- (7) "Public information officer" means a Department employee working within an agency with full or part time responsibility for public information activities.
- (8) Public Record.
 - (a) "Public record" means the original or any copy of any documentary material that is made by a unit or instrumentality of the State government or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business that may be in the form of a:
 - (i) Card;
 - (ii) Computerized record;

- (iii) Correspondence;
 - (iv) Drawing;
 - (v) Film or microfilm;
 - (vi) Form;
 - (vii) Map;
 - (viii) Photograph or photostat;
 - (ix) Recording; or
 - (x) A tape.
- (b) "Public record" includes a document that lists the salary of an employee of a unit or instrumentality of the State government or of a political subdivision.
- (c) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Motor Vehicle Administration.

.06 Responsibility/Procedure.

- A. An IIU employee receiving a request for information concerning Department or IIU activities shall forward the request to the Director.
- (1) The Director shall notify the Director of Public Information of the request.
 - (2) The Director of Public Information shall coordinate with the Director to prepare the appropriate response to the request.
- B. An IIU employee receiving a request for a public record shall forward the request to the Director and the Director shall forward the request to the Director of Public Information for the appropriate response.
- C. The duty officer shall notify the Director and the Director of Public Information immediately upon receipt of information related to Department activities that may attract media attention.
- D. All information authorized for release to the public or media shall, to the degree possible, be:
- (1) Accurate;
 - (2) Factual;
 - (3) Timely;
 - (4) Objective; and
 - (5) Impartially disseminated.

E. Media Access to a Crime Scene and Crime Scene Information.

- (1) In cooperation with the Director, the Director of Public Information, or a designee, may release information during a crime scene investigation.
- (2) The Director of Public Information, or a designee, in cooperation with the IIU employee in charge of a crime scene shall, to the degree possible, extend reasonable courtesy for access by media representatives.
- (3) Media access to a crime scene is prohibited if:
 - (a) Access would interfere with the investigation or compromise safety or security of the correctional facility;
 - (b) Evidence may be damaged, altered, destroyed, or otherwise prejudiced;
 - (c) Access would violate:
 - (i) Department or IIU policy and procedure; or
 - (ii) Personal rights guaranteed by statute, regulation, or judicial rule.
- (4) Photographing or video recording:
 - (a) On private property requires permission from the owner or the owner's representative.
 - (b) On property owned, leased, controlled, or maintained by the Department requires authorization by the Director of Public Information, or a designee.
- (5) At a major crime scene such as a hostage or barricade situation, escape, and mass disturbance, the Director of Public Information, or a designee, in cooperation with the Director shall establish and maintain a staging area for the media to facilitate the timely release of authorized information concerning the incident.

F. Release of Investigative Information.

- (1) The Director in cooperation with the Director of Public Information may authorize release of information related to an investigation under the authority of the IIU, that includes:
 - (a) Type or nature of the investigation;
 - (b) The crime or incident generating the investigation;
 - (c) Information normally available from the Clerk of the District Court of Maryland, or clerk of a Maryland circuit court;
 - (d) Location, date, time, injuries sustained, damages, and general description of the incident generating the investigation;

- (e) Type and quantity of property damaged or taken;
 - (f) The identity and approximate address of a victim, except if the victim is a sex crime victim or juvenile or there is a potential for retaliation against a victim;
 - (g) Number of investigators involved in the investigation; and
 - (h) Requests for assistance in locating evidence or a witness, victim, or suspect.
- (2) The Director or the Director of Public Information may not authorize release of information related to an investigation under the authority of the IIU that includes:
- (a) The identity of a suspect before issuance of an arrest warrant, subpoena, filing a criminal information, or a grand jury indictment, that would jeopardize the ability to apprehend the suspect, except if releasing the information assists with apprehension or warns the public of potential danger;
 - (b) The identity of a sex crime victim or related information that, if released, could identify the victim;
 - (c) Information relating to the identity of juvenile offenders or victims, except if the juvenile is charged as an adult;
 - (d) The identity of a victims or witness if disclosure would prejudice an investigation or place the individuals in danger;
 - (e) The identity of a critically injured or deceased individual before notification of the nearest relative or designated emergency contact;
 - (f) The result of any investigative procedure such as a lineup, polygraph test, fingerprint, or ballistic analysis;
 - (g) Information that if released may interfere with the investigation or apprehending a suspect, such as:
 - (i) Source or nature of information;
 - (ii) Details of the modus operandi;
 - (iii) Details of the crime or incident that are only known to a suspect, or investigator;
 - (iv) Information that may assist a suspect or other individual to avoid apprehension or investigative contact;
 - (v) Information that may be of evidentiary value;
 - (vi) The specific cause of a death unless officially determined and released by the Office of the Chief Medical Examiner;
 - (vii) Except for an arresting officer's name, employee personal information; or

(viii) Sensitive information relating to internal investigation of employees; or

(h) If the incident involves a suicide and a suicide note exists, the content of the note.

G. Post Arrest Release of Information.

- (1) Except when a charging document is sealed by the court, after a suspect is under arrest, the Director, in cooperation with the Director of Public Information may authorize release of:
 - (a) The suspect's name, age, address, occupation, and family status of the suspect;
 - (b) The date, time, and location of the apprehension;
 - (c) Information concerning the length and scope of the investigation;
 - (d) Information concerning the apprehension, such as pursuit, resistance, or weapons used;
 - (e) Information concerning contraband seized or property recovered;
 - (f) The specific charges filed against the suspect;
 - (g) The name of the arresting officer, except if identifying the officer would place the officer in danger, jeopardize a covert operation, or impede continuing investigative activity; and
 - (h) The immediate arrest disposition by the court, such as:
 - (i) If applicable, release and the amount of bond;
 - (ii) Court appearance; and
 - (iii) If applicable, place of detention.
- (2) After an arrest is made and charges filed and before adjudication of the charges, the Director or the Director of Public Information may not authorize release of:
 - (a) Criminal history of the accused;
 - (b) Comments concerning the character or reputation of the accused;
 - (c) The existence of, or lack of, a confession or statement made by the accused;
 - (d) The existence of, or lack of, testing of the accused;
 - (e) The identity, statement, or expected testimony of a witness or victim;
 - (f) An opinion as to the guilt or innocence of the accused;
 - (g) The merits or quality of the related investigation;

- (h) An opinion, knowledge, or intent related to the potential for plea bargaining or other pre-trial action; or
- (i) Photographs, videotape, film, or composites of the accused.

H. Release of Information — Miscellaneous.

- (1) An IIU employee may not:
 - (a) Arrange with the media for photographing, video recording, live telecast with, or interviewing an individual in custody of an IIU employee or the Department; or
 - (b) Pose for the media with a suspect or accused in custody of an IIU employee or the Department.
- (2) The Director of Public Information may release Department or IIU administrative and statistical reports related to criminal and internal investigations to the media, except if release of the reports would:
 - (a) Violate provisions of the Public Information Act;
 - (b) Interfere with law enforcement proceedings including current and on-going investigation;
 - (c) Deprive an individual of the right to a fair trial, hearing, an impartial adjudication, or create an unfair advantage for an individual party to the case over another by exclusive access;
 - (d) Constitute an unlawful invasion of the personal rights to privacy guaranteed by statute, regulation or judicial ruling;
 - (e) Reveal the identity of an individual confidentially furnishing information;
 - (f) Disclose investigative techniques and procedures, thereby impairing future investigations; or
 - (g) Endanger the life or physical safety of any individual.

.07 Attachments.

There are no attachments to this document.

.08 History.

- A. This document replaces IIU Public Information and Media Policy dated March 1, 2002.
- B. This document supercedes any current IIU policy or procedure with which it may be in conflict.