THE POLICIES AND PROCEDURES INCLUDED IN THIS MANUAL ARE NOT A CONTRACT OF EMPLOYMENT AND SHOULD NOT BE RELIED ON AS SUCH. THESE POLICIES AND PROCEDURES ARE SUBJECT TO AND MAY BE CHANGED AT ANY TIME BY THE DEPARTMENT OF PUBLIC SAFETY, MEDICAL UNIVERSITY OF SOUTH CAROLINA.

A. Purpose

To establish a uniform procedure for releasing information to the news media.

To clarify areas of information which can be released, and restrict those areas in which release of information is unlawful or prejudicial to the mission of the Medical University or the Department of Public Safety.

B. Policy

It is the policy of the Department to be committed to assisting the Medical University's Office of Public Affairs (OPA) with informing the community and the news media of issues and events which are law enforcement related.

C. Procedure

1. The duties of the Director, or his designee, shall include the public information function of the Department. This function will be closely coordinated with the Medical University's OPA and shall include: (CALEA 54.1.1)

a. assisting news personnel covering routine news stories and at the scenes of incidents; (CALEA 54.1.1.a)

b. being available for on-call responses to the news media;
c. assisting the OPA prepare and distribute news releases, when the opportunity for such preparation exists; (CALEA 54.1.1.b)

d. assisting the OPA, arrange for and assist news conferences; (CALEA 54.1.1.c)

e. coordinating and authorizing the release of information about victims, witnesses and suspects; (CALEA 54.1.1.d)

f. assisting in crisis situations within the Medical University community;

g. coordinating and authorizing the release of information concerning confidential investigations and operations, subject to the provisions of section "E" of this procedure; and (CALEA 54.1.1.e)

h. in cases where other service agencies (law enforcement, fire, coroner, etc.) are involved in a mutual effort, the agency having primary jurisdiction will be responsible for the release of the information and all inquiries will be directed to that agency. (CALEA 54.1.1.f)

2. The Patrol Commander is authorized to release information in accordance with this procedure at the scene of an incident or other fast breaking event where a Department spokesperson is required, or at any other time that the Director is not available.

Unless specifically authorized by the Director, no other officer, employee or member of the Department, may release any information or make any statement to the news media.

D. Arrests and Ongoing Investigations

1. From the initial stage of a criminal investigation until the completion of trial or disposition without trial, personnel will:

a. Direct all requests for news information to the Director, or the Patrol Commander in the absence of the Director. The Director may instruct an officer who is personally involved in the investigation to release information within the guidelines set forth in this procedure.

b. Prior to arrest, the identity of a suspect is to be considered confidential and the identity will not be disclosed to the media unless:

   1) The identity of the suspect and his/her involvement have been
established beyond a reasonable doubt and such information would assist in the apprehension of the subject; and/or

2) Such information serves to warn the public of potential danger.

c. No member of the Department shall pose for pictures or unnecessarily expose persons in custody, victims, or witnesses to the news media for pictures or interviews.

d. From the time of arrest, issuance of a warrant, the filing of any complaint, or filing of an indictment in any criminal matter, until the completion of trial or disposition without trial, no Department member shall release or authorize the release of any statement concerning:

1) The prior criminal record (including arrests, indictments, or other charges of crime), or the character of reputation of the accused;

2) The existence or contents of any confession, admission or statement given by the accused or the refusal or failure of the accused to make any statement;

3) The performance or results of any examinations or the refusal of the accused to submit to such examinations;

4) The name, address, identity, testimony, or credibility of prospective witnesses and informants;

5) The possibility of a guilty plea;

6) Opinion as to the accused’s guilt or innocence, or as to the merits of the case or the evidence in the case;

7) The name of a juvenile under apprehension (unless the juvenile is to be tried as an adult) or of a juvenile victim;

8) The name of the victim of a sexual assault;

9) The amount of monetary loss in a robbery unless the loss is so small that the information may actually serve to deter such future crimes;

10) In cases involving death or serious injury, the victim's identity will not be released until positively identified and the next of kin has been notified.
e. From the time of arrest, issuance of an arrest warrant, or the filing of an indictment, until the completion of trial or disposition without trial, it shall be appropriate for the Director or Patrol Commander to:

1) make a factual statement of the accused's name, age, residence, occupation, sex and race;

2) announce the fact of arrest, time and place of arrest, pursuit, use of weapons, resistance of arrest, and charges; and/or

3) announce the identity of the investigator and arresting officer and the duration of the investigation.

4) In those instances where covert operations are necessary or a need exists to protect the identity of involved officers, their identity will not be revealed.

5) Under no circumstances, will the home address or telephone number of an officer be disclosed.

f. In certain major cases where the safety and welfare of the victim would be jeopardized by the release of information to the news media, such as a kidnapping, victim not yet returned, no information may be released regarding the investigation in progress.

g. Nothing in this procedure precludes the Director from replying to or repudiating charges of misconduct that are publicly made against him or other officers of the Department.

2. Releasing Photographs:

a. Under normal circumstances, official photographs of police personnel may be released to the media for a specific community relations purpose, promotion of a police function or program, recognition for a meritorious act, etc.

b. Photographs of Department personnel will not be released without approval of the Director.

c. Requests for photographs of arrested persons will be referred to the Director or, in his absence, to the Patrol Commander for approval.

d. When possible, all identifying marks or numbers will be removed from an arrestee's photograph before release.
e. Photographs of victims or witnesses will only be released by the Director and only if such release may aid in solving the case.

E. Release of Information from Department Files

1. Incident reports are available upon request for review by members of the media. These reports will be sanitized of juvenile information and information which might identify the victim(s) of sexual assault.

2. Reports which are solely the result of investigative efforts will not be released to anyone other than other law enforcement officers for official use. This includes all supplemental reports which list informants, opinions, suppositions, hearsay, investigative leads, and any non-factual investigative information.

3. All Freedom of Information requests will be forwarded through the Director to the Medical University's Legal Office. The Department will comply with Freedom of Information requests as provided in SC Code of Laws 30-4-10 through 30-4-110 that have been approved by the Legal Office.

F. Incidents Involving Police Officers

1. The Director or the Patrol Commander may release the names of those Department personnel involved in an incident.
   a. Prior to release, caution should be exercised to be certain of the accuracy of the information.
   b. The officer should be afforded the opportunity to notify his/her family, prior to the release of his/her name, if the report could cause the family unnecessary concern.

2. No information concerning an incident should be released if the information would adversely affect or hamper the investigation in any way.

G. News Media Access and Other Media Concerns

1. The Director will, with the assistance of the OPA, determine the frequency and content of Department related media releases. Information shall be released to the media as soon as it becomes available, is organized, and is determined by the Director or the Patrol Commander and the OPA to be of importance to the media. When information is to be disseminated, it shall be made available on an equal basis to all media personnel.
2. The employee in charge of an incident may deny access by the news media (including photographers) to a crime scene, major fire, natural disaster, man-made disaster, civil disturbance, catastrophic event or other law enforcement operation when: *(CALEA 54.1.3)*

   a. the owner of private property requests they be excluded;

   b. there is a strong possibility that evidence will be damaged, tampered with or otherwise compromised, or the investigation will be hindered;

   c. the media's presence would disrupt operations by placing a citizen, police officer or other public safety personnel in risk of injury or loss of life;

   d. the Director, or his designee, will determine any access to the scene of a crime.

3. Whenever a member of the media is denied access to information or to an area pursuant to any of the provisions of this procedure, that representative will be given a courteous explanation of the reason for such denial. The media may be granted access later if the circumstances change.

4. Media personnel may be involved in the development of any changes in policies and procedures relating to the public information function through a review process with the Director and the OPA. *(CALEA 54.1.2)*

H. Media Questions Regarding Division/University Policies

All questions posed by the media concerning Department policies and procedures will be referred to the Director, or in his absence the Patrol Commander. No other member of this Department is authorized to issue a formal statement regarding policy. Questions regarding Medical University policies and procedures will be directed to the OPA.

I. Media Questions Regarding Other Topics

From time to time the media may solicit opinions of members of the Department concerning social, political, world affairs or other non-police-related issues. No member of this Department is authorized to express an official opinion or view on behalf of the Department or the Medical University of South Carolina. Any opinion or statement offered by any member shall not be made while acting in an official capacity or in any manner so as to represent the Department or the Medical University of South Carolina, but solely as a private citizen.