

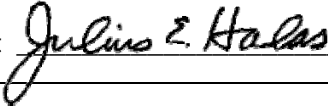


**Department of Financial Services
Bureau of Fire and Arson Investigations
STANDARD OPERATING PROCEDURE**

	Title:		Policy #
	Media and Public Relations		2.1.4
	Amends: News Media/Press Releases 2.003	Rescinds: N/A	Effective Date: 08/12/2009
Review Date:	Review Date:	Review Date:	

Approved:  Chief John Corbett  Director Julius Halas

I. Purpose

To provide guidance to members regarding the release and dissemination of public information to media representatives.

II. Policy

It is the policy of the Bureau of Fire and Arson Investigations to cooperate with the news media and to facilitate the flow of information between the news media and the general public. It is also the Bureau's policy to protect the rights of victims, defendants and the interests of prosecuting authorities in pending cases while promoting the Department's mission.

III. Authority

Chapter 119, Florida Statutes
Chapter 286, Florida Statutes
DFS AP&P 8-03 Confidential Informants
Department of Financial Services Communications Plan for the Division of Workers Compensation, State Fire Marshal and Insurance Fraud

IV. Definitions

- A. Department of Financial Services Press Office (DFS Press Office) – A component within the Office of the Chief of Staff who is responsible for media relations. The DFS Press Office is responsible for assisting the media in covering news stories and preparing and distributing news releases. (CFA 28.01 "A") (CFA 28.01 "C")
- B. Communications Coordinator (CC) – A position within the Office of the Deputy Chief Financial Officer who is assigned to coordinate media relations for the Division of State Fire Marshal, Division of Insurance Fraud and Division of Workers' Compensation.
- C. Division Public Information Liaison (DPIL) – The Division member(s) specified within the DFS Communications Plan to serve as the Division of State Fire Marshal Public Information Liaison. In the absence of the designated public

information liaison, the Deputy Director shall act as the liaison, or defer to a Field Public Information Officer.

- D. Field Public Information Officer (FPIO) – The field staff member identified for a specific geographical area to serve as the public information officer.
- E. Public Records - All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of the physical form, characteristics or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

V. Procedures

- A. Members of the Bureau shall refer all media representatives to the designated FPIO for the release of information. (CFA 28.02 B) Members shall not contact the media without prior consultation with the FPIO.
 - 1. The DPIL will assist the news media in covering news events in conjunction with the CC and the DFS Press Office, when necessary. The FPIO or his or her designee is available 24 hours per day to respond to media inquiries within his or her geographical area. (CFA 28.01 “(A)(CFA 28.01 “B”) (CFA 28.02 “B”)
 - 2. The safety of Bureau members, witnesses, subjects and arrestees takes precedence over media concerns.
 - 3. Bureau members, as in all matters, will be courteous and professional while in contact with media representatives.
 - 4. Bureau members shall comply with applicable DFS Press Office policies, the Department of Financial Services Communications Plan for the Division of Workers Compensation, State Fire Marshal and Insurance Fraud and applicable local, state and federal laws regarding media affairs and access.
 - 5. Bureau members shall be aware that when members of the media are allowed to “ride-along” and acquire pool camera footage or have other media access during investigations, that this activity may waive any exceptions that pertain to active or open investigations under public records laws.
 - 6. When speaking to the media or public, Bureau members shall only speak regarding issues for which they have direct knowledge and are certain of the facts.
- B. The CC will be the source of the contact between Bureau members and the DFS Press Office.
 - 1. All requests for media “ride-alongs”, pool camera footage or other media access during investigations, arrests or other special operations will be coordinated by the DPIL with input from the CC and DFS Press Office.

2. If extensive media coverage or news conferences are sought by the DFS Press Office or requested by media outlets, the CC will work in conjunction with the DFS Press Office to coordinate and authorize such coverage. It shall be the responsibility of the CC to advise the Division Director of any concerns regarding media coverage plans authorized by the DFS Press Office. (CFA 28.01 "D")
- C. Guidelines for release of information upon approval of the DPIL and CC are as follows: (CFA 28.01 "E")
1. The name of a victim in an incident will normally be released with the following exceptions: (CFA 28.01 "E") (CFA 28.04 "G")
 - a. All records concerning reports of child abuse or neglect and all records generated as a result of such reports shall be confidential. (CFA 28.01 "E") (CFA 28.04 "G")
 - b. The name, address or other identifying fact or information of the victim of any sexual offense shall not be released. (CFA 28.01 "E") (CFA 28.04 "G")
 - c. The name and address of a deceased victim will not be released until after the notification of the next of kin. (CFA 28.01 "E") (CFA 28.04 "G")
 2. The following information may be released in criminal cases involving a juvenile with approval of the DPIL: (CFA 28.01 "E") (CFA 28.04 "H")
 - a. The name, address, photograph and offense of any juvenile who has been charged with an offense which, if committed by an adult, would be a felony. (CFA 28.01 "E") (CFA 28.04 "B") (CFA 28.04 "H")
 - b. Information regarding a juvenile who has been prosecuted as an adult and found guilty of that offense or a lesser included offense; the child may thereafter be treated in every respect as if an adult. (CFA 28.01 "E") (CFA 28.04 "H")
 3. Information regarding the curriculum and instructional practices of Bureau training may be released. Training specifically designed to prevent, detect, guard against, respond to, investigate, or manage the consequences of any attempted or actual act of terrorism is exempt as provided in Section 119.071(3), Florida Statutes.
- D. Guidelines for the release of information in criminal cases involving adults are as follows:
1. The following information pertaining to adults may be released with approval of the DPIL: (CFA 28.01 "E")
 - a. The arrested person's name, sex, age, residence, employment, marital status and any similar biographical information, except in cases involving juveniles. (CFA 28.01 "E")

- b. The text, substance, or nature of the charge, complaint, indictment or information.
 - c. The circumstances surrounding an incident or arrest such as the time, location, possession or use of a weapon.
 - d. The extent of the injuries to the victim or assailant, if releasing this information will not jeopardize the criminal investigation.
 - e. Additional information which may assist in an investigation, such as reward amounts, alerts for individuals, witnesses or vehicles. (CFA 28.01 "E")
2. Photographs of suspects being sought by the Bureau may be released in conjunction with a request for public assistance for identification or apprehension purposes. (CFA 28.01 "E") (CFA 28.04 "B")

E. Crime Scene Access and Restrictions

1. Official police lines may be established to prevent unauthorized entry into the area of a fire or explosive incident or crime scene. (CFA 28.03 A) (CFA 28.03 B)
- a. While direct access to crime scenes may be limited, Bureau detectives do not have legal authority to stop or prevent the media from photographing or videotaping the scene when these activities occur outside of police lines.
 - b. If no police line is established, the media may have access to the scene, as long as their presence does not impede or restrict access to the scene by emergency personnel.
 - c. Bureau sworn members will not be responsible for the protection of media representatives who choose to enter a dangerous area against the advice of a Bureau member.
2. The commanding officer on the scene will determine who gains access, and under what circumstances, to a dangerous area or crime scene, only permitting such entry considering the following circumstances: (28.03 A)
- a. The media presence would not jeopardize any police investigation or operation.
 - b. The presence would not hinder the proper preservation of evidence.
 - c. The scene is located on public property.
 - d. The owner of private property, or representative, consents to the presence of the news media on the property.

- e. Media representatives shall not be allowed to accompany Bureau sworn members executing warrants or searches on private property.
 - f. The Bureau reserves the right to designate a “pool” camera or reporter at a scene when access to the scene by the media must be restricted.
- F. The following information shall not be released on open criminal matters:
- 1. Statements, admissions, confessions or alibis attributable to a defendant. (CFA 28.04 C)
 - 2. Information regarding the refusal or failure of a defendant to make a statement. (CFA 28.04 C)
 - 3. Any information which reveals personal assets of a victim of a crime, other than property stolen or destroyed during commission of the crime. Prior to releasing the amount of money or property taken in a crime, consideration will be given as to whether or not the release may jeopardize the ongoing investigation.
 - 4. Information regarding confidential investigations or confidential operations will only be released in accordance with Chapter 119, Florida Statutes. (CFA 28.01 “F”)
 - 5. Any information which would reveal the identity of a confidential informant. (CFA 28.01 “F”)
 - 6. Any information revealing surveillance techniques or procedures, or members.(CFA 28.01 “F”)
 - 7. Any information which would reveal the identity of any undercover person of any criminal justice agency. (CFA 28.01 “F”)
 - 8. Information regarding Bureau members including: home address, telephone number, social security number, photograph, spouse’s name, name or location of spouse’s employment, name of children and name or location of any school attended by children. (CFA 28.04 C)
 - 9. The name of a suspect who is not in custody will not be released unless a warrant or capias has been issued.
 - 10. The identity, testimony, or credibility of prospective witnesses will not be released, when requested by the witness or if it appears the witness might be in jeopardy. This does not preclude releasing identity of a crime victim if such release is not otherwise prohibited. (CFA 28.04 “E”) (CFA 28.04 “G”)
 - 11. Results of any examinations or tests of the accused will not be released unless authorized by the Regional Captain or his or her designee. These include, but are not limited to: refusal to submit to any examination,

polygraph, descriptions of evidence and existence of or text of any confessions. (CFA 28.04 "C") (CFA 28.04 "D")

12. Any information which would hinder an investigation or jeopardize the outcome of a case.
 13. The prior criminal record, character, or reputation of the accused will not be released without authorization of the Regional Captain or designee. (CFA 28.04 "A")
 14. Opinions of agency members regarding the guilt or innocence of the accused or the merits of the investigation will not be released. (CFA 28.04 "F")
 15. Information received from other law enforcement agencies without receiving prior concurrence from that agency. (CFA 28.04 "I")
 16. Photographs of arrestees shall not be distributed by Bureau members. Media representatives requesting these shall be directed to the booking facility accepting the arrestee. (CFA 28.01 "E") (CFA 28.04 "B")
 17. Photographs or copies of photographs obtained from the Office of the Medical Examiner shall not be distributed by Bureau members. Media representatives requesting these shall be directed to the appropriate Office of the Medical Examiner.
- G. The following procedures will be followed when a Bureau member is involved in a crime, accident or use of force: (CFA 28.04)
1. Media inquiries will be deferred to the investigating agency having primary jurisdiction.
 2. The DPIL may in conjunction with the CC, confirm the member's status of employment and the person's length of employment.
 3. The DPIL, in conjunction with the CC, will work closely with the investigating agency to coordinate the release of information and to ensure the accuracy of the information.
 4. Information regarding the existence or details of any internal affairs investigation shall not be released until that investigation is concluded. (CFA 28.04 "C")
- H. News Releases and Dissemination of Information (CFA 28.02)
1. Bureau members shall utilize this SOP and the Department of Financial Services Communications Plan for the Division of Workers' Comp, State Fire Marshal, and Insurance Fraud to respond to requests from the media.
 2. Phone calls received from the CC and the DFS Press Office shall be returned promptly. In instances where incorrect information was provided, follow-up shall be accomplished as quickly as possible.