



# Policy 601

Subject	
<b>MEMBER CONFIDENTIALITY OBLIGATIONS AND MEDIA RELEASES</b>	
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*By Order of the Police Commissioner*

## POLICY

The Baltimore Police Department (BPD) is required by law, and its code of ethics, to ensure that information relating to law enforcement activities is not disseminated in violation of the law or in ways that jeopardize the BPD's law enforcement efforts. At the same time, the BPD's policy is to release information to the news media in an impartial, objective, and timely manner. Therefore, all BPD members (sworn and civilian) must familiarize themselves with and comply with this policy.

## GENERAL

1. Except as provided below, no member under the rank of Captain (Command Staff) should release any information regarding specific crimes, or the BPD's law enforcement investigations, initiatives or activities (all collectively referred to as "Law Enforcement Activities") unless the Media Relations Section (MRS), the Police Commissioner, or his/her designee has granted permission.

**NOTE:** If a member from MRS is not available, Command Staff personnel on the scene of an incident may speak to the media on behalf of the BPD. Command Staff members must be guided by the stipulations of this policy as well as Policy 602, *Public Speech* and Policy 604, *Social Media*. Command Staff members must ensure notification to MRS is made directly after a statement is given to the media.

2. All members receiving a request for information from the media about Law Enforcement Activities at a crime scene, but who are not authorized to respond under paragraph 1 above, or any member who otherwise receives a request for information about Law Enforcement Activities from the media, shall obtain the requesting person's name, contact phone number, news agency, and specifics of the request, and politely advise that all requests go through MRS before release. Inform the requestor that a member of MRS will re-contact them regarding the request. Notify MRS as soon as conditions allow. During non-business hours, contact the Communications Unit or the Watch Center to obtain the name of the on-duty MRS member.

## Restrictions on The Release of Certain Kinds of Information

1. All past arrest record information from Records Management may only be released by order of the Police Commissioner, or his/her designee, in keeping with applicable federal and State guidelines and procedures.
2. No member may release the following to the press or social media network or other news media prior to the conclusion of judicial proceedings:

- 2.1. Statements, admissions, confessions or alibis attributable to an arrestee;
- 2.2. Results of investigative procedures, such as fingerprints, polygraph examinations, ballistic tests, laboratory tests or lineups;
- 2.3. Statements concerning the identity, credibility, or testimony of prospective witnesses;
- 2.4. Statements concerning evidence or arguments in the case, whether or not it is anticipated that such evidence or argument will be used at trial;
- 2.5. The names and addresses of victims of sex crimes;
- 2.6. The name and address of a juvenile, under eighteen years of age, who is the subject of a petition of Juvenile Court.
3. No member may reveal the details of an Office of Professional Responsibility (OPR) Investigation unless approved in writing by the Chief, Legal Affairs Section and the Chief, OPR. Release of this information is generally prohibited by Maryland law.
4. The name of a person who has died or was seriously injured should be withheld until positive identification is made and a next of kin is notified. A reasonable time, ranging from 6 to 24 hours, is the normal period of delay for release of this type of information.
5. In the case of the arrest of a suspect in a crime, unless release of the information might reasonably impede the BPD's investigation or the arrest of other suspects, Command Staff or MRS may release the following information about the arrestee:
  - 5.1. His or her name,
  - 5.2. Age,
  - 5.3. Residence,
  - 5.4. Employment,
  - 5.5. Marital status, and
  - 5.6. The circumstances immediately surrounding an arrest, including the time and place of arrest, resistance, pursuit, possession and or use of a weapon.
6. Command Staff or MRS may release background information about the crime, such as a synopsis of a complaint or indictment, and the identity of the investigating and arresting unit, and the probable length of the investigation.
7. Photographs of suspects, once they are in police custody, shall not be released when the release of a suspect's photograph may impede an investigation.

**REQUIRED ACTION****Member**

1. Protect the integrity of all crime scenes and ensure all evidence has been processed prior to admitting any media personnel access to the scene of an incident.
2. Immediately notify MRS of cases and or incidents that might ultimately generate media or public interest.
3. Allow news media representatives to photograph, film, and videotape at the scene of an incident so long as such activity does not interfere with police operations. As a general rule, the media are afforded the same access as the general public.

**NOTE:** No BPD member has authority to allow a member of the media to enter private property. When interviews, photographs, films or videotapes by the media would be taken on private property, permission must be obtained from the owners or their representative. When owners or representatives make a complaint, the offender might be trespassing. (See Policy 1018, Quality of Life Offenses, *Maryland Annotated Code, Criminal Law Article, Section 6-403, Trespassing.*)

4. Establish a press staging area in hostage or barricade situations and for large scale incidents.
5. Immediately notify MRS when news representatives refuse to cooperate with the reasonable parameters set in this policy.
6. When in doubt, members should confer with a permanent-rank supervisor for guidance in handling the media.

**Command Staff**

1. Command Staff should apprise MRS of any significant departmental, operational or procedural changes.
2. Command Staff should ensure MRS has been notified of cases and or incidents that might ultimately generate media or public interest.
3. When speaking at a public event which the media are covering and MRS has not been notified, Command Staff should contact MRS immediately following the conclusion of the event.
4. All media requests for copies of departmental incident reports must be released through MRS.
5. Command Staff must immediately notify the Director, MRS, when media representatives refuse to cooperate.

**Director, Media Relations Section**

1. Develop and maintain a Standard Operating Procedure, consistent with the procedures contained in this policy.

2. Release information in a manner that does not favor a particular media representative or agency.
3. Direct members to provide reports or information that will be released via MRS.
4. Require all entities to submit requests for departmental information in writing, via e-mail, United States mail, and or facsimile.
5. Maintain a log of requests that lack written documentation.

**ASSOCIATED POLICIES**

Policy 602,     *Public Speech*  
Policy 604,     *Social Media*  
Policy 1303,    *Departmental Email Usage*  
Policy 1306,    *BPDnet and Internet Usage Policy*  
Policy 1307,    *Personal Communication Devices*

**RESCISSION**

Remove and destroy/recycle Policy 601, *Member Confidentiality Obligations and Media Releases*, dated 20 November 2015.

**COMMUNICATION OF POLICY**

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.