

Cocoa Beach Police Department

Standard Operating Procedure



Effective Date: August 24, 2020	Replaces: Ammends: October 31, 2016	Number: 019.20
Subject: Public Information		Re-evaluation Date: 2023
Distribution: ALL PERSONNEL	Related Standards: 1.06, 1.07, 15.16M, 15.17M	

This order consists of the following numbered sections:

1. Purpose
2. Scope
3. Policy
4. Definitions
5. Procedure
6. Community Notification of Sexual Predators and Sexual Offenders
7. References

1. PURPOSE

The purpose of this Standard Operating Procedure is to establish guidelines which will assist Cocoa Beach Police Department personnel in releasing public information and providing cooperation and assistance to the news media with regard to cases and or incidents of which the Police Department has primary jurisdiction.

2. SCOPE

This policy applies to all employees of the Cocoa Beach Police Department.

3. POLICY

It is the policy of the Cocoa Beach Police Department to provide public information to members of the media and the general public in an effective and timely manner and to accommodate all requests for public information to the greatest extent the law allows.

4. DEFINITIONS

- A. Command staff- Any Cocoa Beach Police Officer with the rank of Major or above.
- B. Confidential Information - Information obtained by the Cocoa Beach Police Department that is protected by state and/or federal law that the agency has an affirmative duty not to disclose and/or release.
- C. Criminal Intelligence Information – Information regarding an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent or monitor possible criminal activity.
- D. Criminal Investigative Information – Information regarding an identifiable person or group of persons or crime compiled by a criminal justice agency conducting a criminal investigation of a specific act or omission including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance.
- E. Exempt Information - Information obtained by the Cocoa Beach Police Department that need not be disclosed under Florida Public Records Law F.S.S. 119 and/or Federal Law.
- F. Shift Supervisor- the on-duty ranking officer responsible for supervising patrol personnel.

5. PROCEDURE

A. Members Authorized to Release Public Information

The following members of the Cocoa Beach Police Department are authorized to release public information
(CFA 1.06A):

1. Chief of Police
2. Any member of command staff
3. Public Information Officer
4. Shift Supervisors
5. Telecommunications personnel
6. Records Personnel

7. Others as designated by the Chief of Police, or designee
- B. Public Information Officer (PIO)

The Public Information Officer, as assigned by the Chief of Police, is the primary contact for the news media and will:

 1. Assist news media representatives covering news stories and at crime scenes, including access restrictions (CFA 1.06B)
 2. Be available during normal business hours for on-call responses to the news media. In the absence of the PIO, the shift supervisor is authorized to release information as described in this policy. (CFA 1.06C)
 3. Prepare and distribute agency news releases, including social media (CFA 1.06D)
 4. Arrange for and assist at news conferences (CFA 1.06E)
 5. Coordinate and authorize the release of information about victims, witnesses, suspects, and individuals arrested (CFA 1.06F).
 6. Coordinate and authorize the release of information concerning confidential investigations and operations in accordance with state statutes (CFA 1.06G)
- C. Release of Public Information
 1. Information concerning a major crime, arrest or other topic of interest may be released in accordance with section 5(A) above. (CFA 1.06A)
 2. Information concerning major criminal investigations will be forwarded by personnel to the PIO promptly so that proper media dissemination can be accomplished.
 3. Media requests for criminal intelligence or investigative information as defined by Florida Statute 119 will be referred to the PIO.
 4. Disclosure of active criminal intelligence or investigative information to the media by the PIO shall be made only after consultation with individuals responsible for the investigation or their supervisors. This information will only be released on cases over which the Cocoa Beach Police Department has primary jurisdiction, unless there is concurrence from the primary law enforcement agency involved. (CFA 1.07I)
 5. The PIO shall be notified when any public information is released to the media by any other approved Department member.
 6. Public information shall be released as promptly as circumstances allow in an impartial and objective manner. Under no circumstances will such information be withheld, delayed, or selectively released to favor any particular news person or organization. Specific inquiries made independently by news media may, however, be honored at the time of the inquiry.
 7. Information which can be released, unless otherwise restricted herein, includes the following:
 - a. Date, time, location and general nature of the incident such as fire, crash, death, robbery, burglary, etc. may be relayed over the phone. Care should be taken not to narrowly classify an event before the investigation authorizes it (such as homicide or suicide).
 - b. Location, date, time and general description of the incident.
 - c. The name, age, sex, race, address, booking photo and name of arresting officer if any: (CFA 1.07B)
 - 1) Adult arrested and charged with a crime
 - 2) Juvenile arrested and charged with a felony crime only (CFA 1.07H)
 - d. The identity and address of certain victims not protected by state / federal law (CFA 1.07G)
 - e. Name of officer or detective in charge of investigation and name of supervising officer
 8. Information Which Shall Not be Released
 - a. Any fact or information that would identify the victim of any sexual offense, any lewd, lascivious, or indecent assault upon, or in the presence of a child, or child abuse.
 - b. The identity of any suspect in any case in which probable cause has not been established.
 - c. The identity, name, age, race, sex, or address of any juvenile under the age of (18) charged with a misdemeanor, unless the juvenile has at least three prior misdemeanor convictions. (CFA 1.07G)
 - d. The identity of any critically injured or deceased person prior to the notification of the next of kin. When notification has been attempted but is unsuccessful within a reasonable time, a member of command staff may authorize the release
 - e. The specific cause of death until determined by the Medical Examiner. Details may be withheld in homicide cases if the release of specific information could hinder the criminal investigation.
 - f. Personal opinion or comments not included in the report founded upon evidence or fact.

- g. Employee's opinions regarding the guilt or innocence of the accused or merits of the case (CFA 1.07F)
- h. The results of, or refusal to submit to, an investigative procedure, such as a lineup, polygraph, fingerprinting, laboratory analysis, or ballistics test. The fact that the tests were conducted may be acknowledged without elaboration. (CFA 1.07D)
- i. Information that, if prematurely released, could significantly interfere with an investigation or arrest, in particular: details known only to a suspect or an officer, specifics or modus operandi (MO), unverified information, unchecked leads, and information that may cause a suspect to flee or avoid apprehension.
- j. The existence of contents, or refusal to make, of any confession, admission of guilt, or statements made by a defendant, whether an agency member or not. (CFA 1.07C)
- k. The identity, testimony, or any comments on the character or credibility of a prospective witness. (CFA 1.07E)
- l. Any opinion or information about the prior criminal record, character, reputation, or guilt or innocence of a defendant, or the merits of the case, including the quality and nature of evidence, whether its use in court is expected. (CFA 1.07A)
- m. Any information regarding an active internal affairs investigation.
- n. The photograph, social security number, home address, or telephone number of a current or former civilian or sworn law enforcement certified department member, the name of their spouse and place of employment, or the names of their children and the schools they attend. If the accused is an Agency member, the Chief of Police or a member of Command Staff will be consulted for guidance.

D. Methods of Dissemination

The Department shall pursue any method of information dissemination to include email, fax, community newsletters, government access cable television, web sites, public appearances by agency members, social media (if applicable and authorized by the Chief of Police or designee), and other means. Requests for arrest, case and crash reports or other documentation shall be handled only by the Records Division.

E. Interviews

The PIO shall be responsible for coordinating interviews on behalf of the Department. Employees contacted directly by the media shall notify the PIO of any interview requests. All conversations with members of the news media should be considered "on the record" and subject to being recorded and quoted.

F. Media Access to Incident Scenes and Suspects

- 1. At all scenes, Department personnel shall ensure that the media respect the established perimeter and shall receive no more or less access than that of the general public. (CFA 1.06B)
- 2. The PIO, with approval of the incident commander, may grant closer access to the media along with their equipment, to the degree that it does not interfere with law enforcement actions. (CFA 1.06B)
- 3. To preserve the integrity of an investigation, direct access to a crime scene by the media will be allowed only after all known evidence has been processed and the on-site investigation has been completed. Exceptions may be considered by the Chief of Police, or designee, or incident commander in consultation with the PIO. Once the crime scene investigation has been completed, media access is a matter between the media and the property owner.
- 4. The PIO or incident commander on the scene of any major fire, natural disaster or other catastrophic event shall establish a media briefing area as close to the scene as safety and operational requirements allow. The PIO and incident commander shall work in close cooperation with the media in an attempt to ensure that live broadcasts do not disclose information that could endanger law enforcement personnel or the general public. (CFA 1.07E)
- 5. No member of this Department shall pose any suspect or accused person in custody or make him or her available for media interviews.

6. COMMUNITY NOTIFICATION OF SEXUAL PREDATORS AND SEXUAL OFFENDERS (CFA 15.16M, 15.17M)

It is the policy of this Department to notify the community and the public of the presence of registered sexual predators who either temporarily or permanently reside within the limits of the City of Cocoa Beach. Community notification of registered sexual offenders will only be conducted at the direction of the Chief of Police or designee. As of September 1st, 2005, the Jessica Lundsford Act significantly altered Florida's Sexual Offender and Predator Registration Laws. It resulted in tougher registration requirements and increased penalties

for violations. Sexual predators and sexual offenders must report in person twice a year to the Sheriff's Office in the county in which he or she resides. Failure to comply with this requirement is a 3rd degree felony. This requirement applies both to sexual predators and sexual offenders who have been released from sanctions for their qualifying sex offense, as well as those currently under some form of supervision with the Department of Corrections.

- A. Neither the Cocoa Beach Police Department nor any of its members are designated to register sexual offenders or predators.
 - 1. In the event a sexual predator or sexual offender appears at the Department to register in accordance with Florida Statute, they shall be referred to the Brevard County Sheriff's Office for registration.
 - 2. The name and address of the sexual predator or sexual offender being referred shall be entered into CAD.
- B. Immediately upon receiving notice from Florida Department of Law Enforcement, Florida Department of Corrections, Brevard County Sheriff's Office or other out-of-state agency that a sexual predator or sexual offender is temporarily or permanently residing in the City of Cocoa Beach, the following shall occur:
 - 1. The Department member receiving the notice shall immediately deliver it to the On-Duty Shift Supervisor.
 - 2. The On-Duty Shift Supervisor shall direct a patrol officer to respond to the address of the sexual predator / sexual offender and confirm their identity and address. The officer should courteously introduce themselves to the registered person and inform them that periodic follow-up visits and neighborhood notification should be expected.
 - 3. The On-Duty Shift Supervisor will arrange for the reproduction of flyers identifying the sexual predator (or sexual offender at the direction of the Chief of Police or designee) to include:
 - a. The name of the sexual predator;
 - b. A description of the sexual predator, including a photograph;
 - c. The sexual predator's current permanent, temporary, and transient addresses, and descriptions of registered locations that have no specific street address, including the name of the county or municipality if known;
 - d. The circumstances of the sexual predator's offense or offenses; and
 - e. Whether the victim of the sexual predator's offense or offenses was, at the time of the offense, a minor or an adult.
 - 4. The On-Duty Shift Supervisor shall ensure that these flyers are distributed to each residence in the vicinity of the sexual predator's residence as determined by a Major, or designee, AND distributed to each licensed child care facility, elementary school, middle school, high school and public library within a 1-mile radius of the temporary or permanent residence of the sexual predator. The same distribution applies to a registered sexual offender at the direction of the Chief of Police or designee.
 - 5. The On-Duty Shift Supervisor shall coordinate with the PIO to disseminate the flyers through any combination of press release, email, fax, community newsletters, social media (if applicable and authorized), or City website.
 - 6. The On-Duty Shift Supervisor shall ensure that all steps from registered person confirmation through community notification are completed as outlined in this policy and documented on an information report by the end of shift.

7. REFERENCES

The Florida Senate (2019). FSS 775.21, The Florida Sexual Predator's Act. Retrieved August 10, 2020 from:

<https://www.flsenate.gov/Laws/Statutes/2019/775.21>

The Florida Senate (2019). FSS 943.0435, Sexual offenders required to register with the department; penalty.

Retrieved August 10, 2020 from: <https://www.flsenate.gov/Laws/Statutes/2019/943.0435>

State of Florida (2020). Public Records, A Guide for Law Enforcement Agencies. Retrieved August 10, 2020 from: <http://www.myfloridalegal.com/sun.nsf/sunmanual>



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