

 <input checked="" type="checkbox"/> General Order <input type="checkbox"/> Division Order <input type="checkbox"/> Bureau Order <input type="checkbox"/> Special Order  <b>Order No.:</b> <b>23-48</b>  <input checked="" type="checkbox"/> Procedure <input type="checkbox"/> Plan <input type="checkbox"/> Rule	<b>Iowa Department of Public Safety</b>	
	<b>TITLE/SUBJECT:</b> <b>Publicity and News Media Relations</b>	<b>IDENTIFIER:</b> <b>31-01.01</b>
	<b>TO:</b> All DPS Personnel	<b>CC:</b>
	<b>RELATED DIRECTIVES/FORMS:</b> <a href="#">Iowa Code Chapter 22</a> ; <a href="#">Iowa Code Chapter 80F</a> ; <a href="#">DOM 38-03.02</a> – Social Media Use; <a href="#">DOM 45-02.41</a> – Public Resource Officers	
	<b>APPLICABLE CALEA STANDARD(S):</b> 41.2.4; 46.1.3; 46.2.7; 54.1.3	
	<b>EFFECTIVE DATE:</b> May 17, 2023	<b>REVISION #:</b> 3
	<b>INSTRUCTIONS:</b> Minor changes to IV.B.6.	
	<b>APPROVED BY:</b> 	<b>DATE:</b>
	<b>Nathan Ludwig, Executive Officer to the Commissioner</b>	May 3, 2023

## I. Purpose

The purpose of this policy is to establish guidelines for release of public information.

## II. Policy

- A.** It is the policy of this Department to inform the community and the news media on matters of public concern to the extent allowed by law and if prudent under current investigative practices.
- B.** Public confidence in law enforcement is generally enhanced when information is shared in a neutral, open and prompt manner. Premature or inappropriate release of information may harm the suspected offender, the victims, or others, and may interfere with the pursuit of justice. Inappropriate release of information also may harm the integrity of the investigation, or may reveal procedures and practices of law enforcement officials that could create harm for the officers, their coworkers or family members.
- C.** Training and guidance will be provided as needed.

## III. Definitions

- A. News Media** – Representatives of local, national and international news organizations.
- B. Open Records Request** – Any request for information that is considered to be a public record which may be open to inspection by a member of the public. A request that is called an “open records request” may include a request for information that is confidential by law.

- C. *Public Information & Public Records*** – Public information is information that may meet the needs and interests of the general public and/or the news media regarding policies, procedures, historical record or events involving the Department. Records of a government agency that are stored or preserved in any form, including electronic records, are public records, and the dissemination of public records are governed by Iowa Code Chapter 22.
- D. *Public Information Officer (PIO)*** – Employees of the Department who are specifically directed or authorized by the Commissioner/Division Director to distribute information to the news media concerning Departmental operations. There is one PIO assigned to represent the Iowa State Patrol and each of the Investigative Operations Divisions. If for any reason a PIO is unavailable, all requests normally directed to the PIO should be forwarded to the appropriate Division Director, the Strategic Communications Bureau Chief, Executive Officer to the Commissioner, or other Commissioner designee.
- E. *Public Information Request*** – Any request for information by any citizen or member of the news media. Requests typically include:
  - 1. Operational Requests – Information concerning any incident being investigated by or involving any Departmental member. This includes, but is not limited to motor vehicle collisions, arrests, investigations, programs, divisional/bureau goals and initiatives and training records. It also may include officer-involved shootings, official misconduct or other incidents involving sworn personnel.
  - 2. Personnel Requests – Information regarding the confidential personnel information of any Departmental employee.
  - 3. Policy Requests – Information concerning any Departmental or divisional policy.
  - 4. Licensing/Permit Record Requests – Information concerning permits or licenses issued by any division or bureau within the Department.
  - 5. Iowa Criminal History Requests – Information concerning Iowa criminal history records as maintained by the Division of Criminal Investigation.

## **IV. Procedure**

### **A. Role of Department**

- 1. Information will be released in accordance with Iowa law, privacy rights, safety of officers/defendant/witness/victim or other legitimate factors. Reasons for denial of information should be adequately and courteously explained. Employees who have questions regarding release of information should consult with the Strategic Communications Bureau Chief, PIO or legal counsel before releasing any records in response to a request, or before providing other information requested by the media, a member of the public, or other requester.
- 2. When an employee of the Department is involved in an investigation, operation or incident involving another agency, the employee is encouraged to coordinate the release of information with their specific Divisional PIO, in order to effectively protect information that is confidential or that could affect the safety of an individual or the operations of an ongoing investigation.

### **B. Role of Employee**

- 1. Every employee of the Department shall accept requests for public information or

promptly forward such requests to the appropriate employee within the Department.

2. If the employee is uncertain about whether a request for information is a request for open records, the employee should contact their specific Divisional PIO, legal counsel, or a supervisor, to ensure that all open records requests receive a prompt response.
3. Every employee must comply with statutory deadlines for response, but should make reasonable efforts to respond as promptly as practicable. If the response will take a great deal of employee time to respond, the employee should immediately notify their Divisional PIO or legal counsel, in order to facilitate prompt communication with the requester regarding potential delays or costs.
4. Employees shall not make any “off the record” comments.
5. An employee who releases open records should ensure that their supervisor knows about the release of records, and should ensure that the request and response are reflected in the Departmental database that captures open-records requests.
6. Employees will enter all information requests from the media, public and/or a governmental agency and the actual response, or a response summary, into the Public Information Request database located in the PIB Media/Public Contacts application located on the DPS Employee Website. These are requests for information or public records rather than process-oriented requests that are operational in nature. A monthly request status report will be conducted by the Strategic Communications Bureau Chief and provided to the Commissioner and the Executive Officer.

#### **C. Role of Strategic Communications Bureau Chief and PIOs**

1. The Strategic Communications Bureau Chief is responsible for monitoring open records requests and ensuring a timely, accurate and appropriate response by a PIO or other employee. Other duties include, but are not limited to:
  - a) Coordinate training and guidance to supervisors and employees regarding the PIO function and the importance of prompt and appropriate responses to requests.
  - b) Work with supervisors to identify matters of public interest that can be shared with the media, including information regarding joint operations with other agencies.
  - c) Ensure that supervisors are informed about significant events as they arise, so that supervisors can take action, if necessary, in a timely manner.
  - d) Establish positive interactions with the media, maintain a good working relationship, and inform the public in a timely fashion. All Departmental representatives should present a calm, reassuring, informed, and honest demeanor when interacting with the media.
2. Information related to an ongoing incident or operation should be monitored, and the incident commander or Commissioner may direct the release (or withholding) of information based on operational needs and public safety concerns. The Strategic Communications Bureau Chief and PIOs are encouraged to provide information to the media and the public in order to ensure accuracy of information, avoid unnecessary panic, and inform the public regarding an incident or operation. In general, the Department is required to release information regarding:
  - a) The type or nature of the event or crime.

- b) The date, time, specific location, and immediate facts and circumstances surrounding a crime or incident, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual.
- c) Agencies participating in the investigation.
- d) Official Complaints and Affidavits (with protected personal information redacted) and booking photos if available.

3. Other information may be released if it does not jeopardize the operation, place persons at risk of harm, affect an accused person's right to a fair trial, or unduly interfere with privacy interests.
4. Public release of the identity of a child who is the victim of a sexual abuse is prohibited under Iowa law, at any point in an investigation or court process, pursuant to [Iowa Code § 915.36](#).
5. Information regarding juvenile offenders is confidential under Iowa law. [Iowa Code §§ 232.147-150](#).
6. Employees who wish to issue a press release should coordinate with their Divisional PIO and the Strategic Communications Bureau Chief in advance of issuing the press release.
  - a) The Strategic Communications Bureau Chief is responsible for ensuring that a record of all Departmental press releases shall be maintained.
  - b) When Departmental employees assist local agencies, the local agency often chooses to issue a press release or address other media inquiries. The Department employee who is assisting the local agency should keep their Divisional PIO and Strategic Communications Bureau Chief apprised of the information provided to the media, with advance notice when practical, and coordinate the sharing of the other agency's press release if requested.
7. If a press conference is scheduled to be held, whether it is hosted by an employee of the Department or by another agency, the Department employees involved should coordinate the Department's representation in the press conference with their PIO and Strategic Communications Bureau Chief in order to plan for the appropriate release of information.
8. PIOs and other assigned employees in the Department may choose to use social media in order to convey information (operational, proactive, or other information) through social media. Individual employee use of social media is addressed in Policy 38-03.02 (Social Media Use).
9. The Strategic Communications Bureau Chief is responsible for identifying Department employees who have agreed to allow photos of themselves to be used in a marketing or media capacity. Use of photos is addressed in [DOM 29-01.03 - Release of Official Photographs](#).

#### **D. Policy Requests**

1. Records in the possession of a state agency generally are presumed to be open records unless an exception applies. Department policies are public records, and may or may not be confidential.
2. A request for a Department policy should be forwarded to their PIO or legal counsel, in order to determine whether some or all of the policy should be redacted, or whether legal action is necessary to keep the record confidential.

#### **E. Personnel Information**

1. Requests for personnel information should be referred to the Strategic Communications Bureau Chief or legal counsel. Some personnel information regarding public employees is an open record, and some information is confidential pursuant to [Iowa Code § 22.7\(11\)](#).
2. Each request shall be considered on a case-by-case basis. Any response must comply with [Iowa Code 80F](#) (Rights of Peace Officers and Public Safety and Emergency Personnel).

#### **F. Crime or Incident Scenes**

1. Access – The incident commander, in consultation with their PIO, shall determine media and public access to the scene and the surrounding area.
  - a) Access shall be restricted when there is a risk of harm to individuals who enter the scene, when entry would interfere with an ongoing investigation, or when significant privacy interests may be affected by unrestricted access to the area.
  - b) Media generally are prohibited from entry into a home or curtilage with law enforcement, absent a warrant or other court authorization. The media and the public have a legitimate interest in events occurring in a community, and the PIO and incident commander should not unduly restrict access to persons or places, once a scene has been cleared and it is physically safe for the media and the public to obtain access.
  - c) Throughout an incident, it is advisable to provide opportunities for the media to obtain current information about the incident or operation, provided the information does not endanger personal safety, jeopardize an ongoing investigation or unreasonably interfere with legitimate privacy interests.
2. Suspects, Accused Persons – Suspects or persons in custody shall not be deliberately posed for photographs, telecasts, or interviews. No action shall be directed against the news media to prevent or impede their lawful right to photograph such persons at incident scenes or in other public places.

#### **G. Iowa State Patrol Crash Reports**

1. Employees shall direct public requests for minimum crash reports to the Iowa State Patrol Crash Reports website at <http://accidentreports.iowa.gov/> to obtain current

reports within 15 days of the incident. Reports older than 15 days will be available at an Iowa State Patrol District Office, or from the PIO who will provide copies of the crash reports required to be sent to the Department of Transportation (DOT), in accordance with Iowa law ([Iowa Code § 321.271](#)). Reports shall only be sent to persons who are authorized to receive the report, after authorized fees have been received and a receipt has been issued and appropriately recorded by the employee.

2. The PIO and each ISP District are responsible for maintaining information regarding these information requests, and for providing the Finance Bureau access to the information.
3. A copy of all receipts issued and the fees collected for the month are to be submitted to the Finance Bureau of the Division of Administrative Services by the tenth day of the following month.

#### **H. Fees Associated with the Release of Public Records**

Any fees charged for providing open records to a requester shall comply with Iowa law. Questions regarding fees and their collection may be referred to the PIO or legal counsel.

#### **I. Media Ride-Alongs**

1. Media ride-alongs allow members of the media to accompany Iowa State Patrol law enforcement officers as they perform their duties. Requests for ride-alongs shall be arranged at the divisional level. However, employees shall not permit members of the media to accompany them onto private property, nor shall they assist in securing permission for access from property owners.
2. Ride-alongs shall not be authorized if it would jeopardize an active investigation or unduly jeopardize the safety of the reporter or officer.
3. Members of the media who are granted permission for a ride-along must be informed of the limitations regarding ride-alongs and complete [DPS Form 37 – Liability Release Form](#) in advance of the ride-along.

#### **J. PIO Training**

1. The PIO function is an important part of the work of the Department, and the Department should provide training to the PIO in order to ensure compliance with the law, to encourage open and reliable communication with the public, and to ensure sensitivity to concerns for the safety of individuals and the public at large.
2. PIO training may be provided in-house or may include training provided by other agencies or organizations, as time and budget allow. The training should be designed to provide information about Iowa law, as well as overall knowledge of communication with the media and the public, and include any protocols established. It should include, but is not limited to:
  - a) Use of video interview technologies.

- b) Release of information regarding a specific incident, including the release of names of the suspects, persons of interest, or witnesses.
- c) Prior criminal records; mug shots.
- d) Imagery of seizures.
- e) Audio and/or video footage of the incident.
- f) The existence of any confession, admission of guilt, or statements made by the suspect.
- g) The failure or refusal by the suspect to make a statement.
- h) The results of any examinations or tests conducted.
- i) Information involving another agency; or any information that may jeopardize the prosecution of the case.