



MAINE STATE POLICE GENERAL ORDER

E-51

SUBJECT: MAINE STATE POLICE POLICY REGARDING POLICE – MEDIA RELATIONS

EFFECTIVE DATE: 08.10.2021

EXPIRATION DATE: 08.10.2028

RECENT HISTORY: AMENDED (08.10.2021); AMENDED (08.01.2020); REVISED (07.31.2019); TECHNICAL CHANGE (10.04.2011); FORMAT & TECHNICAL AMENDMENTS (06.08.2010); RESCINDS POLICY 24 (09.01.1999)

DISTRIBUTION CODE: 2 (MAY BE PUBLICLY DISCLOSED)

APPLICABILITY CODE: C, S, Z

MLEAP: 5.04

SIGNATURE OF COLONEL:

A handwritten signature in blue ink, appearing to read "John Cote", is written over a light blue rectangular background.

I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding Maine State Police relations with the media.

II. POLICY

1. The policy of the Maine State Police is to communicate with the media as efficiently and effectively as practicable, including by releasing information publicly about Maine State Police events and investigations in a manner that is timely and does not interfere with law enforcement proceedings.

III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
 - A. Colonel. “Colonel” means the Chief of the Maine State Police, or her or his authorized designee or authorized designees.
 - B. Media. “Media” means any person or organization that as a profession reports information to the public.
 - C. Media briefing area. “Media brief area” means the site at the location of an incident under the control of the Maine State Police where the media may set up cameras and receive briefings on the incident.

IV. PROCEDURE

1. MEDIA ACCESS TO MAINE STATE POLICE INFORMATION

- A. The Colonel shall designate one or more individuals to serve as a public information officer on behalf of the agency.
- B. The primary duty of each PIO shall be to release information to the media and the public about Maine State Police activities, operations, and investigations.
 1. Each PIO shall have some type of public relations or media relations training prior to serving as a PIO.
 - a. The type and extent of training shall be determined by the Colonel.
 2. A roster of PIOs shall be maintained by the agency. **MLEAP 5.04**
- C. The Maine State Police shall provide the media with reasonable access to Maine State Police personnel in order to share information concerning the activities, operations, and investigations of the agency.
- D. Information that may be publicly disclosed to the media must be disclosed as soon as practicable, but only if such disclosure will not interfere with pending law enforcement proceedings.
 1. In determining whether and when information may be disclosed to the media, the Maine State Police shall take into consideration media deadlines; however, those deadlines must not alone dictate whether or when information is disclosed to the media.

- E. Written statements about an incident to which the Maine State Police is responding or an investigation that the agency is conducting may be released to the media, and to the public generally, only if –
 - 1. The disclosure of the information is permissible by law – namely, by the State of Maine “Intelligence and Investigative Record Information Act.” *See generally:* <http://legislature.maine.gov/statutes/16/title16ch9seco.html>; and
 - 2. The written statements are approved by the Colonel prior to release.
- F. Through the Chain-of-Command, Maine State Police personnel shall promptly notify the Colonel of incidents and investigations in which there likely will be media interest.
- G. At the scene of any incident or crime scene controlled by the Maine State Police, the officer in charge of that scene shall designate a media briefing area as soon as practicable.
- H. Requests for information made by the media that relate to complaints or investigations of complaints against a Maine State Police employee shall be promptly referred to the Maine State Police Office of Professional Standards.
- I. Media access to Maine State Police records – including, but not limited to, investigation-related records – is governed by [MSP GO M-8, MAINE STATE POLICE POLICY REGARDING PUBLIC ACCESS TO MAINE STATE POLICE RECORDS](#).

2. INVESTIGATION-RELATED INFORMATION

- A. Information relating to a Maine State Police investigation only may be released publicly – including, but not limited to, to the media – if permissible by applicable law.
 - 1. The restrictions of the State of Maine Intelligence and Investigative Record Information Act apply to the release of investigation-related information. *See generally* <http://legislature.maine.gov/statutes/16/title16ch9seco.html>.
- B. Generally stated, information that may be released publicly in connection with an open Maine State Police investigation is the following:
 - 1. The type or nature of the incident or crime;
 - 2. Requests for assistance in apprehending a suspect, which may include the identity of the suspect;
 - 3. The name of the officer in charge of an investigation, the name of that officer’s supervisor, and the officers’ Troop or Unit.

- a. The name of any officer working covertly shall **not** be released;
4. The number of officers assigned to an investigation, if known;
 5. The known or anticipated length of an investigation;
 6. Information previously disclosed publicly;
 7. General information pertaining to anticipated further action to be taken during an investigation; and
 8. A warning to the public of any dangers.
- C. Generally stated, information that **may not** be released to the media or otherwise publicly in connection with an open Maine State Police investigation includes, but is not limited to, the following:
 1. The identities of suspects prior to their arrest, unless such information would aid in apprehending the suspects or serve to warn the public of potential danger;
 2. The identities of potential or actual victims and witnesses of a crime;
 3. The identities of witnesses;
 4. The identities of any juveniles who are suspects in a case subject to the jurisdiction of the Maine Juvenile Court;
 5. The identities of critically injured or deceased persons, until notification of next of kin has been made, and only then if the disclosure will not compromise a pending law enforcement investigation or criminal prosecution;
 6. The results of any investigation-related procedures such as lineups, polygraph tests, fingerprint comparisons, ballistics tests, and other such procedures.
 - a. The fact that such tests have been performed may be revealed without further comment;
 7. Information that, if prematurely released, may interfere with the investigation or apprehension of persons suspected of having committed known or possible crimes.
 - a. Such information might include, but not be limited to, the nature of leads, suspects' "*modus operandi*" ("MO"), details of crimes known only to the perpetrators of the crimes and the police, and information that may cause suspects to flee or more effectively avoid apprehension;
 8. Information that may be of evidentiary value in criminal proceedings;

9. Specific causes of death, unless officially determined and first disclosed by State of Maine Office of the Medical Examiner;
10. Information pertaining to an individual's prior criminal record, character, or reputation;
11. The fact that an individual has confessed or admitted to unlawful conduct;
12. The substance of any confession or admission made by an individual;
13. Statements made by any individual;
14. Information disclosing that an individual has been unwilling or unable to speak to law enforcement representatives;
15. Information pertaining to an individual's performance on tests or evaluations of any kind, including, but not limited to, performance on polygraph examinations and blood-alcohol tests;
16. Information disclosing that an individual has been unwilling or unable to take a test or evaluation;
17. The identities of victims and witnesses involved in an incident that may result in criminal charges against an individual; and
18. Any opinion or knowledge about the guilt or innocence of an accused individual, the merits of a pending case, or the potential for a plea bargain or other pretrial action to occur.

3. ARREST INFORMATION

- A. Generally stated, following the arrest of, or the issuance of a summons to, a specific individual, the following information about that individual may be publicly disclosed:
 1. The specific crime or crimes with which the individual has been charged;
 2. The individual's name, age, and municipality and State of residence;
 3. The time when and place where the individual was arrested or summonsed;
 4. If known, the amount of bond set, any scheduled court dates, and the place of the individual's detention if he or she in fact is detained.
- B. Individuals who are in Maine State Police custody shall not be posed or subjected to arrangements for photographs, telecasts, or interviews, nor shall Maine State Police personnel pose with such individuals.

4. RELEASE OF INFORMATION PERTAINING TO HOMICIDE INVESTIGATIONS

- A. Because the Criminal Division of the Maine Office of the Attorney General has exclusive jurisdiction over homicide prosecutions, information pertaining to such investigations shall not be disclosed without the prior approval of that division.
 - 1. Only information that has been approved for release by the Criminal Division may be disclosed publicly; no other information may be disclosed unless first approved by that division.
5. MEDIA AND PUBLIC ACCESS TO INCIDENT AND CRIME SCENES CONTROLLED BY THE MAINE STATE POLICE
- A. The media shall not be permitted access to any incident or crime scene controlled by the Maine State Police without the prior approval of the Maine State Police officer in charge of that scene, or her or his designee, and, when applicable, the legal owner of the property where the incident or crime occurred.
 - 1. In determining whether such access may be provided, the Maine State Police shall consider –
 - a. Whether access to the scene would compromise the integrity of any evidence that might be at the scene;
 - b. Whether access to the scene would interfere with law enforcement proceedings or investigations, or future criminal prosecutions;
 - c. Whether access to the scene would pose a danger to anyone entering the scene; and
 - d. When applicable, whether the owner of the property where the scene is located has given express prior permission for the media to access the property.
6. INFORMATION RELATING TO KNOWN OR SUSPECTED SUICIDES
- A. The fact that a suicide or suspected suicide has occurred may be reported to the media, along with information describing how it happened and whether a suicide note was left by the suicide victim.
 - B. No other information about a suicide or suspected suicide may be released, including, but not limited to:
 - 1. The name of the suicide victim, until next of kin have been notified;
 - 2. The contents of suicide notes.

NOTICE

THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.