



# Florida Highway Patrol

## Policy Manual

SUBJECT	POLICY NUMBER	ISSUE DATE
MEDIA RELATIONS	15.01	02/01/1996
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### 15.01.01 PURPOSE

It is the purpose of this policy to establish guidelines for release and dissemination of public information to print and broadcast news media.

### 15.01.02 POLICY

It is the policy of the Florida Highway Patrol to cooperate fully and impartially with authorized news media representatives in their efforts to gather factual public information pertaining to activities of the Division as long as these activities do not unduly interfere with Division operations, infringe upon individual rights, or violate the law.

### 15.01.03 DEFINITIONS

- A. **NEWS MEDIA REPRESENTATIVE** – Those individuals who are directly employed by agencies of the web-based media (internet), electronic media (radio, television), and/or print media (newspaper). Freelance workers in this field are to be regarded as other members of the general public unless they possess valid credentials identifying them as media representatives.
- B. **SOCIAL MEDIA** – A form of communication that consists of internet-based tools and platforms that increase and enhance the sharing of information. This form of media makes the transfer of text, photos, audio, video, and information in general increasingly fluid among internet users.
- C. **PUBLIC INFORMATION** – Information that may be of interest to the general public regarding policy, procedures, or events involving the Division; or other newsworthy information that is not legally protected, does not unduly interfere with the mission of the Division, infringe upon the rights of a defendant, or compromise the legitimate safety and privacy interests of members, victims, witnesses, or others.

- D. **PUBLIC AFFAIRS OFFICER (PAO)** – PAOs serve as a central source for release of information by the Division and respond to requests for information from the news media and the community. All PAOs or those designated to perform that function shall receive training for the position.
- 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 by the division pursuant to law or ordinance or in connection with the transaction of official business. Electronic communications of any kind that address official public business, even if communicated over a personal device, are subject to disclosure as a public record.
- F. **CONFIDENTIAL** – Public records that have been identified in the Florida Statutes as confidential. The information in these records is not subject to inspection by the public and may be released only to the persons and entities designated by statute.
- G. **EXEMPT RECORDS** – Public records that have been identified in the Florida Statutes as exempt from public inspection.

#### **15.01.04 OBJECTIVES**

To recognize and understand the needs and requirements of the media and to help the media understand the methods, policies, and constraints governing law enforcement. Through this mutual understanding and cooperation, the best possible image of the Florida Highway Patrol can be conveyed to the public and the media while performing their mission to educate and inform.

#### **15.01.05 RESPONSIBILITIES**

Public Affairs Officers (PAOs) are responsible for:

- A. Assisting news personnel in covering news stories considered routine as well as those at the scenes of major incidents.
- B. Assisting the news media on an on-call basis.
- C. Preparing and distributing news releases.
- D. Arranging for and assisting at news conferences.
- E. Coordinating and authorizing the release of information about victims, witnesses, and suspects.
- F. Assisting during crisis situations within the agency.

- G. Coordinating with the communications office regarding the release of authorized information concerning agency investigations and operations that by law may contain sensitive and/or restricted information.
- H. Reviewing press releases prepared in their troop prior to dissemination to the media. If not available, an on-duty supervisor or troop watch supervisor may approve the dissemination of a press release.
- I. Providing Division regional communications centers, and other persons that may be tasked with dissemination of press releases, with an up-to-date listing (including fax number or e-mail address) of media outlets in their area of operation.
- J. Ensuring information released is consistent with the prevailing public records law.
- K. Documenting media requests received from news media representatives, including public records requests in the manner directed by the communications office.

#### **15.01.06 PROCEDURES**

##### **A. COOPERATION WITH THE MEDIA**

1. Authorized news media representatives shall have reasonable access to the PAOs, the Director or their designee, and operations of the Division as governed by this policy. When information and/or records must be denied to a media representative, the basis for that denial shall be fully and courteously explained.
2. The Division recognizes authorized identification from all local, national, and international news organizations. Failure of media personnel to present authorized identification may provide grounds for restricting access to requested information or to incident scenes.
3. Public information shall be released to the media as promptly as circumstances allow in an objective and impartial manner.
4. Public information may be provided to media representatives by phone if the identity of the representative is known.

5. The on-scene supervisor is responsible for notifying the troop PAO, troop watch supervisor, troop legal advisor, and state attorney (if required) of newsworthy events or incidents. If no supervisor is on-scene, the lead investigator is responsible for notifying the troop watch supervisor who will then make the appropriate notifications.

**A guideline regarding the types of information that may be released is contained in sections F through I of this policy.**

- B. The troop PAO or on-scene supervisor is responsible for the release of information at the scene of a traffic crash or other incident. The lead crash investigator may release basic crash information at the scene provided the information is not legally protected, e.g., Marsy's Law. The supervisor sending the press release to media will ensure the accuracy and appropriateness of each release prior to its dissemination.

C. PRESS RELEASES

1. Preparation

- a. Generally, the lead investigator will provide the relevant information for the press release to the supervisor issuing the press release.
  - 1) For fatal and potentially fatal traffic crashes, the crash investigator, after conferring with the traffic homicide investigator (THI), will prepare or assist with the preparation of the press release.
  - 2) For large-scale operations, such as civil disturbances, Special Response Team (SRT) operations, or Quick Reaction Force (QRF) operations, the press release will be prepared by the troop public PAO or the lead supervisor.
  - 3) Press statements of local interest, other than information included above, shall be released only following approval of the troop commander or designee.
  - 4) For traffic enforcement or education programs, the troop PAO (for local initiatives) or the communications office (for statewide initiatives) will prepare the press release.

- b. Press releases are to contain only the facts known at the time that the release is prepared. Press releases are not to contain conjecture or speculation. If the cause of a crash or other information is not available at the time a press release is prepared, a notation that the “investigation is ongoing” is to be placed in the narrative portion of the form.
- c. Press releases are not to contain any information that is exempt from public records.
- d. Press releases may be updated any time significant new information is developed.
  - 1) For fatal and potentially fatal traffic crashes, the THL supervisor will ensure that the troop PAO is notified of any necessary press release updates.
  - 2) Copies of press release updates will be forwarded to the troop PAO.

2. Review of Press Releases

- a. All press releases will be reviewed by the issuing supervisor prior to dissemination to the media. A copy of the press release will be forwarded to the troop PAO.
- b. Press releases regarding fatal or potentially fatal traffic crashes will also be reviewed by the lead traffic homicide investigator assigned to the case prior to dissemination to the media.
- c. Press releases regarding large-scale operations, nationwide traffic enforcement campaigns and education programs will be prepared and released by the communications office.

3. Press releases will be disseminated to print, radio, and television media outlets promptly after required reviews and approvals have been completed. Additionally, a copy will be emailed to HSMV-Info@flhsmv.gov.

- D. If another agency requests that information **not** be disseminated, the request will be immediately forwarded through the chain of command to the troop commander and the Chief of Public Affairs. The Chief of Public Affairs will determine whether to release the information.
- E. For multi-agency incidents or investigations, the lead agency will be responsible for all media releases or inquiries, unless prior arrangements have been made.

F. INVESTIGATIVE INFORMATION

From the initial stage of a criminal investigation until the completion of trial or disposition without trial, Division personnel shall refer all requests for information to the PAO.

- 1. Information that may be released in connection with the investigation of a traffic crash, unusual incident, or crime, includes:
  - a. The type or nature of the traffic crash, unusual incident, or crime.
  - b. The location, date and time, injuries sustained, damages, and a general description of how the traffic crash, unusual incident, or crime occurred.
  - c. Requests for aid in locating evidence, a complainant, witnesses, or a suspect.
  - d. Number of members or people involved in an event or investigation and the length of the investigation.
  - e. ID number and rank of the member in charge of the investigation.
  - f. Members shall not release any information that would serve to weaken or in any way hinder an investigation, either one conducted by Division personnel, or an investigation conducted by another law enforcement agency.
  - g. Photographs that are part of an ongoing investigation shall not be released without prior authorization of the Director.

2. Information that may not be released in connection with the investigation of a traffic crash, unusual incident, or crime, unless authorized by the troop commander, the Chief of Public Affairs, or their designee(s), includes:
  - a. The identity of a suspect prior to arrest unless such information would aid in apprehending the suspect or serve to warn the public of the potential danger.
  - b. The identity of a person who is the victim of any sexual offense identified in Chapters 794 and 800, Florida Statutes, or is the victim of child abuse as defined in Chapter 827, Florida Statutes.
  - c. The identity of victims or witnesses if such disclosure would prejudice an investigation or if it would place the victim in potential danger.
  - d. Notwithstanding any other provisions of s. 985.04, the name, photograph, address, and crime or arrest report of a child:
    - 1) Taken into custody if the child has been taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony;
    - 2) Found by a court to have committed three or more violations of law which, if committed by an adult, would be misdemeanors;
    - 3) Transferred to the adult system under s. 985.557, indicted under s. 985.56, or waived under s. 985.556;
    - 4) Taken into custody by a law enforcement officer for a violation of law subject to s. 985.557(2)(b) or (d); or
    - 5) Transferred to the adult system but sentenced to the juvenile system under s. 985.565 shall not be considered confidential and exempt from s. 119.07(1) solely because of the child's age.

- e. A law enforcement agency may release a copy of the juvenile Incident Report to the victim of the offense. However, information gained by the victim under Chapter 119, Florida Statutes, including the next of kin of a homicide victim, regarding any case handled in juvenile court, must not be revealed to any outside party except as is reasonably necessary in pursuit of legal remedies.
- f. The identity of any critically injured or deceased person(s).
- g. The results of any investigative procedure such as lineups, show-ups, polygraph examinations, fingerprint comparisons, ballistic tests or other similar procedures. The fact that these tests have been performed may be revealed without further comment.
- h. Active "criminal investigative information" as defined in Section 119.011(3)(b), Florida Statutes, except those items specifically mentioned in Section 119.011(3)(c), Florida Statutes.
- i. Specific cause of death, unless officially determined by a medical examiner.

#### G. ARREST INFORMATION

- 1. Following arrest, issuance of an arrest warrant or filing of an information or indictment, it is permissible to release:
  - a. The accused's name, age, residence, occupation, and family status.
  - b. The time and place of arrest, whether pursuit or resistance was encountered, whether weapons were used, charges placed against the suspect, and a description of contraband or other evidence that was seized.
  - c. The ID number of the arresting officers and the duration of the investigation, unless the officers are engaged in undercover operations.
  - d. The amount of bond, scheduled court dates, and place of the suspect's detention.

2. Following arrest and formal charging of a suspect, but prior to adjudication, the following types of information should not be released without the express permission of the troop commander or the Chief Investigator.
  - a. Prior criminal conviction record, character, or reputation of a defendant.
  - b. Existence or contents of any confession, admission or statement of a defendant, or their failure or unwillingness to make a statement.
  - c. Performance or results of any tests, or a defendant's refusal or failure to submit to tests, such as a polygraph.
  - d. The identity, statement, or expected testimony of any witness or victim.
  - e. Any opinion about the guilt or innocence of a defendant or the case.
  - f. Any opinion regarding the potential for a plea bargain or other pretrial action.

#### H. SPECIAL CONSIDERATION - CRIMINAL MATTERS

1. Division personnel shall extend every reasonable courtesy to news media representatives at crime scenes. This may include allowing closer access of media personnel and equipment than is available to the general public but only to the degree that it does not interfere with the mission of the Division, the movement of traffic, or jeopardize their safety.
2. The news media shall not be allowed access to any area or scene of an incident or crime where there is a possibility that evidence may be damaged, altered, destroyed, or otherwise prejudiced by its existence being published or portrayed. Once evidence has been processed, removed, and secured by the Division, the media may be allowed to enter by permission of the supervisor at the scene.

- a. On private property, photography, film, or videotape recording requires the permission of the owner or the owner's representative. If there is no owner or representative available, media access will be denied. However, this does not prevent the media from photographing, filming, or video recording private property, provided the photographer remains on public property.
- b. Suspects or accused persons in custody shall not be posed or arrangements made for photographs, telecasts, or interviews, nor shall Division personnel pose with suspects or accused persons in custody.
- c. When an individual is charged with a criminal offense and is sought by law enforcement authorities, photographs or mug shots may be released to the media to help locate the individual. No Division photographs, mug shots, videotape, film, or composites of subjects in custody shall otherwise be released to the media, unless authorized by the troop commander or designee.

#### I. SPECIAL CONSIDERATIONS - NONCRIMINAL MATTERS

- 1. At the scene of significant traffic crashes or man-made or natural catastrophes, the principles of media cooperation shall be maintained to the degree that they do not interfere with the mission of the Division, fire, medical, or other emergency relief workers.
- 2. News media representatives should not be prevented from access to any area solely because of the possibility of their injury or death. If this is the only consideration, the media representative should be advised of the danger and allowed to make the decision to enter on their own volition.
- 3. A complaint filed against a sworn member and all information obtained pursuant to an investigation of such complaint is confidential until final discipline is imposed, or the investigation is not sustained.

4. When multiple agencies are involved in the investigation at the scene of a traffic crash, major fire, natural disaster, or other catastrophic event or crime scene, the agency having primary jurisdiction should be responsible for releasing or coordinating the release of media information.
5. Pursuant to 119.071, F.S., the home address, social security number, photograph, date of birth, emergency contact information, and telephone number of any active or former member of the Division; the home address, social security numbers, photographs, telephone numbers, and places of employment of any such member's spouse or children; and the names and location of any schools and day care facilities attended by children of such members are not public record and shall not be released to members of the media or the public.
6. A photograph of a member may be released to the media only after permission is obtained from the member.

J. SPECIAL CONSIDERATIONS – INDIVIDUALS OTHER THAN NEWS MEDIA REPRESENTATIVES

The Division's PAOs are to forward public record requests to the Public Records section via email or enter them into GovQA.

1. The email to the Public Records section should include a contact email and/or phone number for the requester as well as a description of the record being requested.
2. The PAO will advise the requester that their request is being forwarded to the Public Records section and to expect an email or phone call to arrange for the fulfillment of the public record request.
3. The PAO will also provide the requester a phone number for the local FHP station to allow for follow-up at their discretion.

K. CHANGES IN MEDIA POLICIES AND PROCEDURES

When developing changes in policies and procedures relating to the public information function, every effort should be made to contact statewide or local media representatives, where appropriate, to seek their participation and input regarding the changes. Media participation in such changes can

lead to a more effective working relationship with members of the media on a statewide and local basis.