

GENERAL ORDER, ADMINISTRATION, NUMBER 13
APRIL 3, 2001
WATERLOO POLICE DEPARTMENT

A. SUBJECT:

Dissemination of "Public Records" - Police and media relations during crisis/high risk incidents.

B. DEFINITIONS:

1. The term "lawful custodian" means the government body currently in physical possession of the public record.
2. The term "public records" includes all records, documents, tapes, or other information stored or preserved in any medium, of or belonging to the Waterloo Police Department.

C. PURPOSE:

To establish a consistent and pro-active approach to public records dissemination and media relations. The Waterloo Police Department's commitment to honesty, openness and dissemination of appropriate information to the general public shall be the objective toward building upon the mutual trust between the Police Department and the community.

To ensure the integrity and security of Department records and information.

To protect employees, the public, victims, witnesses, defendants and suspects from undue publicity, suspicion, danger, inconvenience, embarrassment, harassment and other burdens.

This general order is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this general order, if proven, can only form the basis of a complaint by this Department, and then only, in a non-judicial administrative setting.

D. POLICY:

The public's right to access to police information is of paramount importance, but must be done within the legal parameters outlined in the Code of Iowa (Chapters 22 and 692), and in accordance with departmental procedures. To accomplish the above purpose, it is the policy of the Department that the following procedures shall be adhered to by all employees of the Department except when expressly authorized by the Chief of Police.

E. PROCEDURES:

1. Positions of Responsibilities

- a. The Chief of Police will have the ultimate responsibility for release of all information. The Chief of Police or designee shall conduct all press conferences.
- b. The Records Section Supervisor shall be the designated liaison between the public and the Police Department.
- c. The Public Information Officer (PIO) shall be the designated liaison between the media and the Police Department. The PIO shall be a member of the Police Department, as well as a member of the personal staff of the Chief of Police and shall be responsible to and report only to the Chief of Police. The PIO prepares information for publication and release by the Police Department. In the absence of the PIO, the on-duty Watch Commander shall perform the duties of the PIO and prepare information for its release.
- d. The Field Coordinator of the Tri-County Drug Enforcement Task Force is authorized to issue press releases concerning investigations within their jurisdiction.
- e. The on-scene supervisors of the Patrol Division and/or Investigative Division are authorized to issue press releases from the field.

2. Confidential Records Policy Guidelines

- a. The Police Department's responsibility to respond to the public or media's request for information may be restricted in order to preserve evidence and confidential information, prevent interference with current or ongoing investigations, protect the safety of individuals and protect the constitutional rights of the accused.
- b. Provisions of law that make public records confidential are scattered throughout the Iowa Code. Some confidentiality provisions are mandatory – the record **must** be kept confidential or made available only to authorized persons. Chapter 692 of the Iowa Code addresses these records. Examples of these types of records would include: Pre-sentence investigation reports, Criminal history data, and Intelligence data. Other confidentiality provisions are discretionary – the record **may** be kept confidential. These discretionary records are discussed in Chapter 22 of the Iowa Code. Examples of these types of records would include: peace officer's investigative reports and personal information in confidential personnel records.

- c. The following Police Department records shall be kept confidential unless otherwise ordered by a court (Court Order or Valid Subpoena), by the Chief of Police, by the Record's Section Supervisor, or by another person duly authorized to release such information:
1. Personnel Information in Employee's Personnel file
 2. Employee's Medical Files (exception sick time)
 3. Internal Affairs Investigations
 4. Peace officers investigative reports. However, the date, time, specific location and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential, except in those circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual.
 5. Criminal identification files of the Department. However, records of current and prior arrest shall be public record.
 6. Intelligence Files
 7. Operational Plans and procedures
 8. Attorney/Client Work products
 9. Employee Photographs except as approved by the Chief of Police.
 10. Information concerning the victim in any child abuse investigations.
 11. Names of persons listed as suspects, Witnesses in any investigation, regardless whether adult or juvenile, and who have not been charged with an offense, shall not be released, unless the withholding of this information jeopardizes public safety.
 12. Names of juveniles taken into custody shall not be released unless the juvenile charged is 10 years of age or older and the charge is at least a simple misdemeanor. (Ch.915)
 13. Social Security Numbers
 14. Confidential Informants. Employees shall not disclose the identity of confidential informants or other employees acting in an undercover capacity to the public under any circumstance. Informant's and undercover operatives' identities must never be disclosed for the purpose of subjecting them to danger, ridicule, dislike or other negative treatment. Informants and undercover operatives' identities may be disclosed to other Criminal Justice Agencies, for official purposes, by officers having a direct supervisory relationship to the informant/operative. Officers shall identify informants/operatives to their supervisor when asked for official purposes. If ordered by the Court to identify an

- informant/operative, employees shall first receive permission from the Chief of Police.
15. Registered Victim Information (Ch.915)
 16. Other Agency Reports that are part of our records. Requests for copies of these reports will be directed to the originating Agency.
- d. Officers wishing to suppress certain information must make that request and supporting explanation in writing to either the Chief of Police, PIO or the on-duty Watch Commander as the situation warrants.
- e. The person charged with the decision to release information from the Waterloo Police Department shall be in the order of the following:
1. Chief of Police or designee
 2. Public Information Officer (PIO)
 3. On-duty Watch Commander (in the absence of the PIO)
 4. Administrative Division Commander
 5. Records Section Supervisor
 6. Internal Affairs Officer

3. Public Records Policy Guidelines

- a. Chapter 22 of the Iowa code addresses the subject of public records. Every person has the right to examine, copy and publish public records during customary office hours, Monday – Friday 8:00 A.M. – 5:00 P.M. We are allowed to charge a reasonable fee to cover the expense of supervising the records during examination and copying by Chapter 22 and by several Attorney General of Iowa opinions. The Waterloo Police Department fee schedules for public records shall be posted at the Front Counter. To allow the media and general public access to information released by the Police Department, the following shall be updated daily and available at the front counter of the Waterloo Police Department.
1. The Department's chronologically compiled activity log known as the "Calls for Service Report".
 2. The Department's "Verification of Loss Report"
 3. The Department's "Motor Vehicle Accident Report"
 4. Information regarding wanted and missing persons
 5. Mug shot photographs
 6. Criminal History Data (subject to limitations of Chapter 692), records of current and prior Department arrests of adults, absent the dispositions. Persons requesting disposition of arrests shall be

referred to the Clerk of Court, Black Hawk County Court House.

7. Press Arrest Log
8. Information that crimes and incidents have occurred and the nature of same.
9. Incident Report Face Sheets
 - a. Copies of reports made for distribution in the file box located in the Records Section shall have a copy of all reports, incident portion only, placed in the press report folder.
 - b. The public information/incident reports board available at the front counter is for incident report face sheets only. No supplemental or additional reports shall be placed on this board.
 - c. All reports initiated with an incident report shall have the entire incident report sheet only, including both sides, front and back (duplex), placed on the public information/incident reports board.
 - d. The person charged with placing incident report sheets on the public information/incident report board shall review each report and censor all restricted information, as previously outlined within this general order, by blocking it out. The information blocked out must not be readable.
- b. Anyone wishing additional information shall be directed to the PIO, or in the absence of the PIO, the on-duty Watch Commander.
- c. Any Subpoena or Court Order for release of records or information shall be directed to the Records Section Supervisor.
- d. Originals of reports and other documents shall not be removed from the Records Section except pursuant to Court Order or official request from the Black Hawk County Attorney and with the knowledge and approval of Records Section employees. A copy of all originals removed shall immediately be placed in the file until the return of the original.
- e. Copies of reports shall not be disseminated under any circumstance to agencies or persons other than Criminal Justice Agencies without first receiving permission from the Chief of Police or the Records Section Supervisor.

- f. "Criminal Justice Agency" means any agency or department of any level of government, which performs as its principle function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders. A private attorney or the representative of such attorney shall not be considered Criminal Justice Agencies unless acting pursuant to Court Order.
- g. During regular working days, (Monday-Friday) available Records personnel shall prepare the computerized calls for service and the press arrest log shall be placed on the appropriate display board or binder. During non-regular work days (weekends and holidays), the on-duty Watch Commander will prepare the boards/binders.
- h. Special releases shall be in the following format, by use of the press release template:
 - 1. The name or type of release, i.e. press, information, press conference, etc.
 - 2. Waterloo Police Department
 - 3. Date and Time
 - 4. Text of the document
 - 5. Closure, name of the author of the document
- i. All special releases shall be transmitted by facsimile by its author to all media agencies who are on record as requesting such information. These releases shall also be placed in the press arrest log/press release binder.
 - 1. Press releases shall be professional in nature and contain only the necessary facts and information that are known to be true. Editorial comments, humorous comments, speculation or language of an insulting or derogatory nature shall not be included.

4. High Risk Incidents

- a. The Waterloo Police Department's foremost priority, in any situation, is the safety of the general public, victims, suspects and members of the media and police officers who may become involved or near any high risk or critical incident.
- b. The Waterloo Police Department respects the need/right for information by all concerning incidents, especially those which are of interest to the public. However, when a situation has not been resolved and all information is not available or unclear, it shall be the Waterloo Police Department's duty to secure an area as quickly as possible

in order to assess the situation. This area is to remain secure until the conclusion of the investigation.

- c. The Waterloo Police Department shall work to maintain a positive working relationship with the public and the media at all times. As soon as possible, a media area outside the outer perimeter shall be established during these incidents so as to accommodate a consistent and accurate flow of information. It shall be the Waterloo Police Department's goal to increase the amount of accurate information and decrease frustration and confusion by releasing this information from the established media area.
- d. The Waterloo Police Department shall not unnecessarily delay or deny information as a result of this policy. The primary concern shall be the safety of all, as well as to disseminate as much accurate information as possible.
- e. The following procedure has been established to ensure the safety of all involved and to maintain a professional relationship with the media. The media will be asked to comply with the following:
 - 1. When a determination has been made that a serious situation does exist, a media area shall be established.
 - 2. Should media personnel become aware of a situation, they have been asked to contact the Black Hawk Consolidated Dispatch in order to receive instructions upon where to assemble.
 - 3. The media can then proceed to this location without confusion as well as an assurance that safety will be maintained.
- f. The Waterloo Police Department does not intend to deny media access to information concerning an incident, but does reserve the right to secure any area the Waterloo Police Department believes may jeopardize the safety of all people involved, the containment of the situation or the investigation.

By Order of:

Thomas J. Jennings
Chief of Police