



# SOUTH MIAMI POLICE DEPARTMENT

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<b>CFA STANDARD:</b> 1.15 <b>SUBJECT:</b> <i>Public Information -</i> <b>PUBLIC INFORMATION</b>	<b>NEW ( ) RESCINDS ( )</b> <b>AMENDS (x) OTHER ( )</b>	<b>By Order Of:</b>  <i>Reo B. Hatfield III</i>  <b>Reo Hatfield III CHIEF OF POLICE</b>	

**CFA STANDARD:** 1.06, 1.06, 15.16M 15.17M

**SECTIONS:**

- 27.1.1            Public Information Functions/Activities**
- 27.1.2            Policy Input**
- 27.1.3            News Media Access**
- 27.1.4            Sexual Predators and Sexual Offenders; Notification**

**RESCINDS:** All existing orders in conflict.

**PURPOSE:** To establish departmental policy and provide guidelines for the release of information regarding police department activities to the public through the news media; to provide procedures for reciprocal cooperation with members of the news media; to establish accountability for the public information function in writing; to provide procedures for the registration and community notification of sexual predators and offenders.

**SCOPE:** All departmental personnel.

**POLICY:** To maintain a relationship of support, mutual respect, cooperation, and openness when providing the news media and the community with information regarding public safety, concerns and awareness of the department’s mission and the release of information about victims, witnesses, suspects and those investigations or operations that are not confidential.

**PROCEDURE:**

**27.1.1            Public Information Functions/Activities**

Chief of Police is the department’s Public Information Officer (PIO) and shall be charged with the responsibility of performing the public information function. The Chief of Police may designate this authority on occasion to another department supervisor, but the responsibility for the information released to the

public remains that of the Chief of Police. [CFA1.06(a)] This duty includes assisting the media in covering news stories and at the scenes of crimes. [CFA1.06(b)] Whenever circumstances warrant, media and public relations activities will be coordinated by the Chief of Police or his designee.

A. Assistance to news personnel at incident scenes:

1. PIO/ designee will coordinate all media contacts at the designated media staging area of incident scenes.
2. PIO/ designee will disseminate information to media representatives and will be available for on-call responses to the news media. [CFA1.06(c)]
3. Identification of media representatives:
  - a. Members of the department shall receive adequate identification of media representatives prior to permitting access to controlled and/or secured areas. Media representatives include reporters, photographers, camera operators and other media personnel.
  - b. Press credentials or media identification are the responsibility of the individual media representative.

B. Availability of the PIO:

1. Members of the department receiving inquiries or requests in reference to an incident, or an operational activity will refer the media representative to the PIO/ designee.
2. It shall be the responsibility of the shift supervisor to notify the PIO/designee of incidents where the media may be present.
3. The South Miami Police Dispatcher on duty will be advised to contact the PIO/designee when needed. Contact numbers for the PIO/ designee will be kept current in the South Miami Police Communications Center.

C. Press Releases (Preparation and Distribution):

1. PIO/designee will be responsible for the preparation and distribution of news releases based upon the information provided by employees directly involved in the case, incident, or subject matter of the press release. [CFA1.07(a)] Once it is determined what information is to be

released, it will be made available to all media sources on an equal basis. [CFA1/06(d)] Under no circumstances will such information be withheld, delayed, or selectively released to favor any particular news media representative or agency. Specific inquiries made independently by media representatives may, however, be honored at the time of inquiry.

2. Press release will be used to provide information regarding major events within the department's service area, as well as events that may affect residents of the City of South Miami.
3. PIO/ designee shall be the only members releasing information to the media. **[CFA1.07(b)]**
  - a. Press release may be completed by any employee having responsibility for a particular event or program, but it must have the approval of the PIO/designee prior to dissemination.
  - b. Shift supervisors are authorized to release basic information on incidents occurring during their tour of duty when the presence of the PIO is not necessary. Information released shall be limited to the basic facts of the incident known to the shift supervisor. These facts are subject to the guidelines set forth in this General Order. Requests for further information should be referred to the PIO/designee.
  - c. Members who are asked for information beyond their range of knowledge or who doubt the accuracy of their information should so indicate and refer the media to the PIO/designee.
4. A copy of the completed press release will be directed to the PIO/designee by the employee drafting the release.

D. News Conferences:

1. Press releases will be issued, and press conferences called when necessitated by specific occurrences or at the discretion of the Chief of Police or his designee. PIO /designee will coordinate the release of information to the public. **[CFA1.06(e)]**
  - a. Information regarding civil litigation against the department or its members shall be released only by the Chief of Police or his designee.

- b. Information concerning changes in departmental policy shall be released only by the Chief of Police or his designee.
  - 2. Chief of Police will be responsible for maintaining a filing system of all information disseminated to the media.
- E. Coordinating and authorizing the release of information about victims, witnesses, and suspects:
  - 1. PIO /designee will coordinate and authorize the release of information to the media to ensure that it is done in a manner that is consistent with Florida Statutes and will not jeopardize any on-going investigations. The name of a victim in an incident may be released, with the following exceptions: **[CFA1.06(f)]**
    - a. All records concerning reports of child abuse or neglect and all records generated as a result of such reports shall be confidential.
    - b. The name, address, or other identifying information on the victim of any sexual offense shall not be released.
    - c. The name and address of a deceased individual will not be released until next of kin has been notified. When all efforts to locate the next of kin have failed, the Chief of Police may authorize the release of information regarding the deceased.
    - d. No information that reveals personal assets of a victim of a crime, other than property stolen or destroyed during the commission of the crime, will be released. Prior to releasing information regarding property taken in a crime, consideration will be given to whether such release might jeopardize the investigation.
    - e. No information that could be used to reveal the identity of a confidential informant will be released.
    - f. All information concerning surveillance techniques, procedures, or personnel will remain confidential.
    - g. No information that could be used to reveal the identity of an undercover person in any criminal justice agency will be released.
    - h. None of the following information about any law enforcement officer will be released: Home address, telephone number, photographs, spouse's name, name or location of spouse's employment, name of children, name or location of any schools attended by children, or

other information specifically forbidden by state statute. Only that information that is public record may be released to the media upon request.

- i. No names of detained persons shall be released until a criminal arrest affidavit (“A-Form”) has been approved and notarized.
- j. The name of a suspect not in custody may not be released unless a warrant or *capias* has been issued.
- k. The identity, credibility or testimony of a witness will not be released if so requested by the witness, or if it appears that the witness might be placed in jeopardy.
- l. Results of any examinations conducted will not be released. These include, but are not limited to, refusal to submit to an examination, polygraph, descriptions of evidence and existence of and/or text of any statements or confessions.
- m. No information which would hinder an investigation or jeopardize the outcome of a case will be released.

2. Release of information in criminal cases - **ADULTS**:

- a. The following information pertaining to adults **may** be released:
  - (1) The name, age, sex, race, address, and similar background information of a person who has been charged, arrested, or cited for a violation of any statutes or ordinances. A photograph of the accused can be released to the media as well as any prior criminal record; **[CFA1.07(b)]**
  - (2) The text, substance, or nature of the charge.
  - (3) The circumstances surrounding an incident or arrest, such as the time, location, pursuit, possession, or use of a weapon.
  - (4) The name, address and age of a victim or witness. **[CFA1.07(g)]**
  - (5) Additional information which may assist in an investigation, such as alerts for individuals or vehicles, locating evidence, victims, witnesses, or a suspect upon issuance of warrant or *capias*.

- (6) The Identity of sexual predators residing in the City of South Miami (see G.O. 27.1.4).
- b. The following information pertaining to adults **may not** be released:
  - (1) Information relating to the performance and/or results of an investigative procedure or subject's refusal or failure to submit to procedures (e.g. a lineup, truth verification exam, fingerprinting, laboratory analysis, or ballistics test). The fact that the tests are performed may be acknowledged without comment. [CFA1.07(d)]
  - (2) The existence, contents of, or failure to make any confession, admission, or statement by a defendant. [CFA1.07(c)]
  - (3) The identity, prospective testimony, or any comments on the character or credibility of a prospective witness. [CFA1.07(e)]
  - (4) Any information or opinions of agency members about the prior criminal record, character, reputation, guilt or innocence of a defendant, or the merits of the case, including the quality and nature of evidence, and whether its use in court is expected. [CFA1.07 (a), (f)]
  - (5) The photograph, social security number, home address, and/or telephone number of a current or former sworn or certified agency member; the name of a sworn or certified member's spouse, place of employment, or the names of their children and the schools they attend. If the current or former sworn or certified agency member is charged with a crime, his jail booking photograph may be released.
  - (6) **"Confidential"** information received from another law enforcement agency.
3. Release of information in criminal cases - **JUVENILES: [CFA1.07(h)]**
  - a. The identity, name, age, race, sex, address, or telephone number of any juvenile **may not** be released in the following situations:
    - (1) When the juvenile is suspected or accused of being delinquent or undisciplined, including traffic offenses.

- (2) When the juvenile is the victim of neglect, dependency, or child abuse; and
- (3) When the juvenile is a witness to an incident, except in the case of a traffic crash.

b. The following information **may** be released in the case of a juvenile:

- (1) Pertinent information, including photographs, if the juvenile is a runaway or missing person and the parent or guardian has given permission.
- (2) The name, address, photograph and offense or arrest report of a child who 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 or found by a court to have committed three or more violations of law, which if committed by an adult, would be misdemeanors {FSS 39.045(9)}.
- (3) When a juvenile has been prosecuted as an adult and found guilty of that offense or a lesser included offense, the child may thereafter be treated in every respect as an adult, then information about his/her involvement may be released.

F. **Newsworthy situations:** In the event of a newsworthy situation within the department, the PIO/ designee shall respond and establish a media post for responding to inquiries from the media.

Examples of such situations may include:

1. Officer involved in shooting
2. Civil disturbance
3. Major drug seizures or arrests
4. Hostage situation
5. Bomb incident - location, destination, evacuation
6. Serious or fatal motor vehicle crashes
7. Armed robbery
8. Unnatural or suspicious death; and
9. Any other occurrence that may generate unusual media interest in the department's activities.

G. Coordinating and authorizing the release of information concerning confidential agency investigations and operations: [CFA1.06(g)]

1. Information regarding internal discipline, internal investigations, personnel matters and complaints against departmental members may be released only by the Chief of Police or their designee.
2. Information regarding all confidential agency investigations and operations may be released only by the Chief of Police or their authorized designee. This may only be done if it does not jeopardize on-going investigations, the identities of undercover officers and/or confidential informants or put into jeopardy on-going investigations done jointly with other law enforcement agencies.

H. Release of information involving mutual efforts:

In matters involving mutual efforts of the South Miami Police Department and other departments or agencies, the release of information shall be made by the department or agency in charge of those efforts. The South Miami Police Department's Chief of Police or PIO/ designee will coordinate media activities with public information officers of other departments or agencies. [CFA1.07(i)]

I. Investigative/Intelligence Information:

Disclosure of active criminal investigative or intelligence information to the media shall be made only after consultation with and concurrence of individuals responsible for the investigation, or their supervisors. This information will only be released on cases over which the agency has jurisdiction, unless there is concurrence from the primary law enforcement agency involved. The Chief of Police or PIO/ designee must be notified when any information about an ongoing criminal investigation is released to the media.

**27.1.2 Policy Input**

Whenever practicable, the South Miami Police Department shall involve the news media in the development of changes in policies and procedures relating to the dissemination of information. This mutual development should lead to a more effective working relationship between the department and media personnel.

**27.1.3 News Media Access**

- A. Media access to crime scenes, natural disasters or other events will be controlled by the South Miami Police Department while within the jurisdiction of the City of South Miami.

1. Restrictions on contacting the media for certain police activities. Chief of Police must approve any media contact in advance of these activities:
  - a. Raids
  - b. Search Warrant Executions
  - c. Special Investigations Unit operations/ activities involving an arrest, stakeouts, perpetrator walk or transport, etc.
2. Media representatives will be allowed access to crime scenes, natural disasters or other events to the extent that such access does not interfere with that event or an investigation. The extent of media access will be determined by the Chief of Police or PIO/ designee. Factors to consider when allowing media access include, but are not limited to:
  - a. Possibility of evidence being tampered with, removed, or destroyed
  - b. Disruption of a tactical operation or placing any person at risk of injury or loss of life
  - c. Protecting the identity of undercover personnel; and
  - d. Surveillance techniques.
  - e. Hampering an investigation.
3. The ranking police officer on a crime scene will designate restricted areas by establishing perimeters with ropes, barricades and/or tape. In all cases, arriving media will be directed to a point outside this perimeter.
4. PIO/designee will be notified of events involving the media and will respond to relieve on-scene personnel of media responsibilities.
5. Upon arrival, the PIO/designee will determine an area for media staging. This location should provide the media with appropriate access to the scene and cause the least amount of disruption to the investigator and the community.
6. All further movements of the media, news briefs and updates will be conducted from this location.
7. Media representatives who respond to police crime and other emergency scenes will be identified by police personnel by their own media organization's issued employment identification/credentials. A valid identification/credential is one that rationally convinces the officer that the representative is a member of the working news media.

**B. Private Property:**

1. Representatives of the news media will be denied access to private property at the owner's or custodian's request. If no owner or custodian is present, entry will be denied until authorization is obtained.
2. In the event access is denied, the ranking police officer will direct the media to a staging area outside the area of the private property. The area selected will accommodate media personnel but will not interfere with the incident or the community.
3. PIO/designee will be notified to respond to the scene. PIO will work with the media representatives and the property owner to facilitate the situation.
  - a. Homeowners' associations, property managers, etc. will be contacted and if possible, accommodation should be made to allow media access to crime scenes.
  - b. In events where access is denied, the PIO will keep the media personnel at the staging area and provide as much information as allowable regarding the incident.

**27.1.4 Sexual Predators and Sexual Offenders; Notification**

**I. SEXUAL PREDATORS/SEXUAL OFFENDERS**

- A. The Florida Sexual Predators Act sets criteria for determining who is to register as a sexual predator, who is to be retained on current sexual predator registrations, and what sort of affirmative notification to the community can be made.
- B. This Act broadens the registration requirements to include sex offenders who have been released from any sanction of the court or from the care, custody, and control of the Department of Corrections on, or after, October 1, 1997.

## **II. REGISTRATION OF SEXUAL PREDATORS/OFFENDERS**

- A. A sexual predator/offender must initially register with the Sheriff's office of the county within 48 hours of establishing residency or with the Florida Department of Law Enforcement. [CFA15.16M, 15.17M]
- B. The Sheriff shall forward fingerprints, photo, and registration form to FDLE.
- C. A sexual predator/offender who is released from the Department of Corrections and changes his address, must report in person within 48 hours of address change to the Department of Highway Safety and Motor Vehicles (DHSMV) and be photographed. DHSMV shall electronically submit the updated information and photograph to FDLE.
- D. A sexual predator/offender not under the supervision of the Department of Corrections must maintain a current Florida Driver's License or Identification Card and must renew in person.
- E. A sexual predator/offender under the Department of Corrections supervision must report all changes of address to the probation or parole officer.
- F. The Department of Corrections shall electronically submit information to FDLE.
- G. The failure to register or maintain a current address is a third-degree felony for both sexual predators and sexual offenders.
- H. Should a sexual predator/offender walk into the station and ask to register he will be referred to the shift supervisor. The shift supervisor will document all pertinent information on the predator/offender and forward it to the Criminal Investigation Division. [CFA 15.16M, 15.17M]
- I. The sexual predator/offender will be advised that he can register at the Miami- Dade Police Department Kendall Station.

## **III. AGENCY NOTIFICATION OF SEXUAL PREDATORS/OFFENDERS**

- A. FDLE shall notify the Sheriff's Office and the Chief of Police. Inmate release information shall be provided by the Department of Corrections.
- B. All law enforcement agencies within the county will be notified by the Miami-Dade Police Department.
- C. FDLE maintains the following predator/offender web site (<http://www.fdle.state.fl.us/sexualpredators>) with access through the internet. FDLE also maintains a toll-free number (888 357-7332) to provide information about predators/offenders.

- D. Prohibitions Against Working with Minors: Sexual predators who are convicted of certain enumerated offenses where the victim was a minor are prohibited from working as a volunteer, or for compensation, at locations where children regularly congregate.

#### **IV. PUBLIC NOTIFICATION OF SEXUAL PREDATORS/OFFENDERS**

- A. Public notification of sexual predators by the Chief of Police, or his designee is mandatory through the Florida Sexual Predators Act when a sexual predator establishes residency within the city.
- B. Release of information will be through PIO.
- C. Within 48 hours after receiving notification of the presence of a sexual predator, PIO/designee, shall notify each licensed day care center, elementary school, middle school, and high school within a one-mile radius of the temporary or permanent residence of the sexual predator of the presence of the sexual predator.
- D. Information concerning sexual offenders shall be given to any individual who requests the information. Public notification of sexual offenders is not mandated under the Act; however, the Department may provide this information to the public. Release of information will be through the PIO. **[CFA15.16M]**
- E. Notification of sexual predators and/or sexual offenders may be in any manner deemed appropriate by the Chief of Police and must include:
  - 1. Name
  - 2. Description
  - 3. Photograph
  - 4. Address
  - 5. Whether victim was a minor or an adult at the time of the offense
  - 6. Circumstances of the offense (not to disclose reference to incest or custodial abuse to avoid identifying the victim)
- F. Strategies for community notification shall include, but are not limited to:
  - 1. Community meetings
  - 2. Use of community newspapers and media
  - 3. Community organizations
  - 4. Flyers
  - 5. Sexual offender profile booklet
- G. Immunity is provided under Florida Statute 775.21 (8) to any elected or appointed official, public employee, or agency from civil liability for damages resulting from the information as authorized by the statute when written findings exist.

- H. Verification of Residency/Employment:  
Upon receiving information of a sexual predator/offender establishing residency or having a change of address within the city limits, verification of residency shall be conducted by the Criminal Investigations Division (CID) in conjunction with the Department of Corrections - Office of Probation.
- I. Residency shall be verified on a semiannual basis by CID on sexual predators. Residency shall be verified annually by CID on sexual offenders.