

South Carolina Department of Public Safety

Office of the Director

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POLICY	200.31
EFFECTIVE DATE	MARCH 13, 2001
ISSUE DATE	MAY 22, 2012
SUBJECT	MEDIA RELATIONS
APPLICABLE STATUTES	S. C. Code of Laws §30-4-10 et seq., 18 USC §2721
APPLICABLE STANDARDS	54.1.1, 54.1.2
DISTRUBTION	TO ALL EMPLOYEES

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. PURPOSE

The purpose of this policy is to facilitate the flow of information between the South Carolina Department of Public Safety, the news media and the general public, while protecting the rights of both the defendants and the prosecuting authorities in pending cases from exposure to prejudicial publicity.

II. POLICY

The department is committed to and recognizes the right of the general public and the news media to be fully and accurately informed about all matters of public interest regarding the department. This policy will assure that the release of information meets the needs of the general public and news media without infringing on an individual's right to privacy or interfering with the process of conducting a fair and impartial trial.

The department will release information in accordance with the guidelines of the Driver Privacy Protection Act of 1994 (DPPA), 18 USC §2721 et seq.; the South Carolina Freedom of Information Act, S.C. Code Ann §30-4-10 et seq.; the Commission on Accreditation for Law Enforcement Agencies (CALEA) standards; and all other applicable state and federal laws.

III. RESPONSIBILITIES

A. Public Information Officer (PIO)

1. The Public Information Officer is centrally responsible for the coordination of information disseminated by the department. The responsibilities are:
 - a. Assuring that a spokesperson will be available to the media twenty-four hours a day. [54.1.1 (a)]
 - b. Assisting news personnel in covering routine news stories, to include at the scene presence as warranted.
 - c. Preparing and distributing news releases, public service announcements, web site information, commercials, and other information relating to department activities. [54.1.1 (b)]
 - d. Arranging and coordinating news conferences and media events, to include providing the facility and equipment necessary to accommodate the media. [54.1.1 (c)]
 - e. Coordinating and authorizing the release of information concerning victims, witnesses, and suspects in accordance with department policy and the provisions of South Carolina law. [54.1.1 (d)]
 - f. Working with other agencies and news media in crisis or disaster situations.
 - g. Serving as a liaison between the general public, news media, the department director, and other department personnel, to include authorizing and coordinating interviews.
 - h. Coordinating promotional, advertising, and educational programs designed to enhance public and media awareness about the department and its functions to include providing speakers on various topics.
 - i. Coordinating and disseminating internal publications, such as employee newsletters and brochures.
 - j. Working with local law enforcement agencies to assist in their communications efforts. [54.1.1 (f)]
 - k. Working with other agencies to coordinate publicity on joint activities. [54.1.1. (f)]
 - l. Releasing requested public information in a timely manner.
 - m. Publishing a fact sheet for the media and general public that will include but is not limited to, the cost of reports, department history, relevant names and addresses, and the procedure for making ride-along requests.
 - n. Issuing news releases and accompanying photographs involving department matters and its law enforcement officers as warranted by way of facsimile transmissions and/or web site updates.

- o. Issuing news releases summarizing the fatalities that occurred during a holiday period or weekend period.
 - p. Coordinating all requests for tours or to photograph or film department property or facilities.
 - 2. PIO will consult the Office of General Counsel to ensure compliance with department policies, applicable federal and state law, or when a request involves unusual circumstances.
- B. Highway Patrol
- 1. Routine non-policy related media requests and interviews will be handled by the designated Community Relations Officers in each of its seven districts in accordance with the Guidelines for South Carolina Department of Public Safety Public Information Officers. [54.1.1 (e)]
 - 2. Community Relations Officers will work in conjunction with the Office of Executive Affairs regarding the release of information pertaining specifically to traffic accidents and other traffic information in their respective districts.
 - 3. All other media requests will be referred to the office for dissemination in accordance with the Guidelines for South Carolina Department of Public Safety Public Information Officers.

IV. MEDIA REQUESTS AND CONTACTS

- A. All media inquiries, requests, and interviews must be authorized and coordinated through PIO, except for non-policy routine Highway Patrol matters such as release of accident and traffic information, which will be coordinated by the Highway Patrol Community Relations Officers or the trooper on the scene. [54.1.1 (e)]
- B. Department employees directly contacted by the media will inform PIO before speaking to the media, releasing agency information, documents, or consenting to be interviewed in any manner. PIO will return the media call and if needed coordinate a one on one interview with the appropriate department employee and the media.
- C. Media inquiries and requests for information or interviews will be processed by PIO in the order in which the Public Information Officers receive them, or prioritized according to reporters' deadlines, if necessary. Department personnel will cooperate with PIO to gather information in a timely manner for release to the media.
- D. While attending any and all news events or scenes, the media should come prepared to show credentials (name, place of employment, and photo ID) issued by their news organization, the S.C. Press or Broadcasters Association

- E. Should the need arise to make additions, deletions, or other changes to this policy affecting the news media, a reasonable effort will be made to inform media representatives of such planned changes and solicit their input before final adoption of the modifications. [54.1.2]
- F. When multiple agencies are involved in a crime or incident, the investigating agency having primary jurisdiction will be responsible for releasing, or coordinating the release of information. [54.1.1 (f)]

V. RELEASABLE INFORMATION

A. General

- 1. Any information that would not adversely affect a pending investigation or jeopardize an individual's safety. [54.1.1 (e)]
- 2. General information about grants and the grant process handled through the Office of Highway Safety and Office of Justice Programs.
- 3. Information regarding the department, its components, policies, procedures or any statistical compilations to include:
 - a. number/type of citations issued by department law enforcement;
 - b. accident reports; and
 - c. race and gender distribution of department personnel.

B. Criminal Matters

- 1. The arrested person's name, sex, age, residence, employment, marital status and any similar biographical information, except in cases involving juveniles.
- 2. The substance or text of the charge, complaint, indictment or information. The identity of the investigating and arresting agency and the length of the investigation, if available.
- 3. The circumstances immediately surrounding the arrest, including the time and place of arrest.
- 4. The extent of injuries to the victim or assailant.
- 5. In matters involving sexual offenses, only the age and sex of a victim and general location of crime will be released.
- 6. Information that may assist in an investigation, such as alerts for persons or vehicles.
- 7. In cases of serious injury, the victim's name and address may be released after verification of the victim's identity and notification to the victim's next of kin. The county coroner will release the names of all fatality victims. [54.1.1 (d)]

VI. INFORMATION NOT RELEASED IN CRIMINAL MATTERS

- A. Statements, admissions, confessions or alibis attributable to a defendant.
- B. Information regarding the refusal or failure of a defendant to make a statement. [54.1.1 (a)]
- C. Information regarding the refusal or failure of a defendant to submit to an examination or test. The results of any examinations or tests taken by the defendant in the course of the investigation.
- D. Statements concerning the identity, anticipated testimony, or credibility of prospective witnesses. [54.1.1 (e)]
- E. Any opinions regarding the guilt or innocence of a defendant or the possibility of plea negotiations.
- F. Any opinions regarding the merits of the case or quality of the evidence.
- G. Information received from other law enforcement agencies without receiving prior concurrence from that agency. [54.1.1 (f)]
- H. Personal information identifying victims of any sexual offenses or child abuse. [54.1.1 (e)]
- I. Information identifying juvenile suspects.
- J. Names and addresses of witnesses and informants. [54.1.1 (e)]
- K. Personnel records of department employees, except as specified in VII-B below.
- L. Photographs of suspects.

VII. DEPARTMENT OF PUBLIC SAFETY PERSONNEL INVOLVED IN A CRIME OR ACCIDENT

- A. Media inquiries will be deferred to the investigating agency having primary jurisdiction.
- B. PIO will confirm the person's status of employment and the person's length of employment with the department.
- C. The director, or his designee, and PIO will work closely with the investigating agency to coordinate the release of information and to assure the accuracy of the information.

VIII. CRIME SCENE ACCESS OR RESTRICTION

- A. Official police lines may be established to prevent unauthorized entry into the area of a police incident or crime scene. While direct access to crime scenes may be limited, department officers do not have legal authority to stop or prevent the media from taking photographs of or videotaping the incident or scene when such activity occurs beyond police lines. If no police line is established, the media may have access to the scene, as long as their presence and activity does not impede or restrict access to the scene by emergency or law enforcement personnel.

- B. Department law enforcement officers will not be responsible for the protection of media representatives who choose to enter into a dangerous area.
- C. The commanding officer on the scene will determine who, if anyone and under what circumstance, access to a dangerous area or crime scene will be permitted, providing that:
 - 1. the presence would not jeopardize any police investigation or operation;
 - 2. the presence would not hinder the proper preservation of evidence;
 - 3. the scene is located on public property; and
 - 4. the owner of private property, or his agent, consents to the presence of the news media on the property.
- D. The department reserves the right to use a "pool" camera and/or reporter, selected by the media on the scene, where access to the scene by the media must be restricted.

IX. NEWS RELEASES AND DISSEMINATION OF INFORMATION

- A. PIO will issue news releases on department matters as warranted.
- B. All news releases and any accompanying photographs will be posted to the PIO page on the department web site (www.scdps.org). This will be the primary means of distributing information to the media in a timely fashion. PIO also will continue to disseminate news releases to interested media via fax.
- C. Breaking news and media advisories also will be posted to the department web site before being sent to the media via fax.

X. SPEAKING ENGAGEMENTS

No employee will accept an engagement to speak on behalf of the Department of Public Safety without prior approval. Except as described in the following paragraph, all requests for public speaking engagements are to be referred to the PIO, who will promptly approve or disapprove such requests. The agency will endeavor to honor as many of these requests as possible and all employees should be prepared to handle speaking engagements.

Deputy Directors are authorized to grant permission to their employees to speak at schools, churches, civic organizations and other public groups to promote safety issues; employees making such safety presentations should not address department policy issues.

SEE GUIDELINES FOR SC DEPARTMENT OF PUBLIC SAFETY PUBLIC INFORMATION OFFICERS

By Order of the Director Date: May 22, 2012
Leroy Smith
Director S C Department of Public Safety
The Original Signed Copy of this Policy is on File in the Office of the General Counsel