

PRINCE WILLIAM COUNTY POLICE DEPARTMENT MANUAL OF GENERAL ORDERS			
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PUBLIC INFORMATION OFFICE: RELEASE OF INFORMATION			

The Police Department must establish guidelines and protocols for the release of information to non-law enforcement agencies in the public and the news media. By releasing pertinent information to the public in a timely manner on matters of public concern or interest, we continue working toward building a strong relationship focused on trust and cooperation with our community. With the integrity of criminal investigations paramount, the Police Department should seek a balance in being as open as possible with the news media and our public.

A. Authority

1. The authority to release information, externally to non-law enforcement agencies, is the responsibility of the Public Information Office (PIO), Chief of Police or their designee. The release of information will be within established law and the direction of this General Order.
2. Members are encouraged to engage with our community and be as helpful as possible with information they are seeking. Members will not release specific, detailed information regarding criminal investigations. Members who have frequent public interactions regarding community issues, such as the Community Engagement Section, may release general information relating to investigations in accordance with this General Order.
3. Members receiving inquiries from the news media, shall consult with PIO prior to releasing information requested or refer the requester to PIO.
4. Release of information regarding an incident under investigation will be released at the discretion of the PIO. Information related to investigations where public disclosure would interfere with the investigation, the apprehension of suspects, or the rights of suspects will be withheld from public disclosure.
5. Information regarding breaking news in the field will be the responsibility of the PIO, the ranking member at the scene or designee. The ranking member or designee shall make efforts to consult with the on-call PIO member or PIO supervisor prior to releasing any information or statements to news media regarding a police incident or investigation. The PIO supervisor shall be notified by the ranking member or designee regarding any comments made to the news media of such incidents or investigations.

B. Requests for Information

A request for information does not have to be in written form; however, a member may ask for the request in writing to ensure full understanding of what is being asked. Whether the requestor refuses or not, the member shall submit the request on their behalf to the appropriate entity as

outlined below. At no time shall a member provide a copy of police report, or other internal document, without permission.

1. Freedom of Information requests (FOIA): Requests for documents, police reports, body-camera footage, evidentiary photos, 911 recordings, etc., shall immediately be forwarded to the Office of Professional Standards.
2. Clery Act: Disclosure of school/college campus statistics shall be forwarded to the Records Bureau.
3. News Media: Requests from members of the news media, including but not limited to: broadcast, print, radio, etc., shall be forwarded to PIO.
4. General/specific information or statistical data requests shall be forwarded to PIO.
5. Arresting Documents/Affidavits: Any request for a court document, including criminal complaints and search warrants, shall be directed to the courthouse. The Police Department shall not release these documents to the public or news media.

C. Required Information to Release

Under the Virginia Freedom of Information Act (FOIA), the below information is required, by law, to be released. Considerations for withholding the below information are outlined in section D of this General Order.

1. Information in the custody of law-enforcement officials relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest shall be released. This includes felony, misdemeanor, and traffic arrests. Any chronological listing of adult arrests is a public document.
2. Adult arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure.
3. Criminal incident information relating to felony offenses. "Criminal incident information" includes:
 - a. A general description of the criminal activity reported.
 - b. The date the alleged crime was committed.
 - c. The general location where the alleged crime was committed.
 - d. The identity of the investigating officer or other point of contact (PIO).
 - e. A general description of any injuries suffered or property damaged or stolen.

D. Withholding Information

1. Information, including arrestee photographs, may be withheld if the release of the information is likely to do one or more of the following:
 - a. Jeopardize an ongoing investigation or prosecution.
 - b. Jeopardize the safety of an individual.
 - c. Cause a suspect to flee or evade detection.
 - d. Result in the destruction of evidence.
2. "Criminal incident information" **may be only withheld** until the specified damage is no longer likely to occur from release of the information.

E. Prohibited Release of Information

1. Tactical information regarding incidents or events shall not be released.
2. Items of evidence, which if disclosed, would be prejudicial to the solution of the case, should not be made public.
3. Virginia law prohibits the dissemination of "criminal history record information" to individuals outside of the law-enforcement community. The release of arrest information is commonly understood to apply to "reasonably contemporaneous" arrests. Requestors seeking older information should be directed to check court records, which are public.
4. Virginia law specifically prohibits the disclosure of the identity of any individual providing information about a crime or criminal activity under a promise of anonymity.
5. To avoid jeopardizing prosecution of a criminal matter by prejudicing the right of the defendant to a fair trial, members shall not make statements to the public or news media in the period between arrest and trial which can include, but is not limited to:
 - a. Character or reputation of a suspect or the existence, if any, of a prior criminal record.
 - b. The existence or contents of a confession, admission, or statement by an accused person, or their refusal or failure to make a statement.
 - c. Prejudicial references to a defendant.
 - d. The performance or results of any examinations, tests, or the refusal or failure of the accused to submit to examinations or tests.

- e. Guilt or innocence of a defendant, or the possibility of a guilty plea to the offense charged or a lesser offense.
 - f. Identity, credibility, testimony, or address of any prospective witnesses.
 - g. Testimony, credibility, or character of any victim witness.
 - h. Information of a purely speculative nature.
 - i. The merits of the case, such as evidence and arguments, whether or not it is anticipated to be used in court.
 - j. Reports or summaries of occurrences taking place during judicial proceedings from which the public and press have been excluded.
 - k. Names, addresses, or other information which would lead to the specific identity of juvenile offenders under the age of 18, except as authorized by law with the approval of the appropriate court
6. The Police Department will not publicly release any records or documents that the Department is not custodian of, to include but not limited to: autopsy reports, social services reports, health care records, financial records, records and documents under court seal, and any record or document not controlled by the Department.

F. Releasing Victim Information

- 1. When releasing victim information, if the victim is not deceased, members may disclose only the person's age, perceived or anatomical gender, and general area of residence (i.e., Manassas, Woodbridge, etc.). The name of the victim under these circumstances shall not be released.
- 2. As required by State law, members shall withhold information which would directly or indirectly identify the victim of any sexual assault or abuse, or when such release would endanger the life of any victim. Such information may only be released with the written consent of the victim unless otherwise permitted by law (§ 19.2-11.2, Code of Virginia).

G. Releasing Suspect Information

Information on adults, or juveniles pursuant to an obtained court order, who have been arrested or are actively sought on warrants, is permitted to be released to public and news media. Information on persons of interests who have not been charged shall not be released.

- 1. **Wanted Adults:** If warrants have been obtained, the disclosure of the following information is permitted:
 - a. Suspect's full name.

- b. Suspect's age or date of birth.
 - c. Last known address or location.
 - d. Descriptors, including race, ethnicity, perceived or anatomical gender, and clothing description, if known and applicable.
 - e. Charges, only for warrants obtained. Pending charges will not be released. **PIO shall confirm warrants prior to release.**
 - f. Available past arrest or DMV photograph.
2. **Arrested Adults:** Adult arrest information is considered public record and can be released upon request. In event this information is released, the following information is permitted:
- a. Arrestee's full name.
 - b. Arrestee's age or date of birth.
 - c. Known home address. If the arrestee's address is the same as the victim's, the hundred block should be provided in releases. If the arrestee's address is the same as the victim of a sexual assault, only the general area of residence (i.e., Manassas, Woodbridge, etc.) should be released.
 - d. Charges, only those obtained. Pending charges will not be released.
 - e. Court date, if known.
 - f. Bond information, if known.
 - g. Location of detention, if known.
 - h. Arrest photograph, contemporaneous with the charges placed.
3. **Arrested or Wanted Juveniles:** Information on wanted juveniles or arrestees, who are not charged as adults or, in cases of a wanted fugitive, without court order must be restricted. Whether a juvenile is wanted or arrested, only the following information should be disclosed:
- a. Age (date of birth should not be provided in cases of juveniles).
 - b. Perceived or anatomical gender.
 - c. General area of residence (i.e., Manassas, Woodbridge, etc.).

- d. For cases of arrestees, a court date and status (held, released to parents) can be disclosed if known.
 - e. In cases of a court order, the juvenile's full name, physical descriptors, and photograph may be disclosed.
4. The Police Department will maintain, and make publicly available, a log containing all adult arrests as required by law (§ 15.2-1722, Code of Virginia).
 5. Members shall not assist in posing defendants for news or television cameras, but the efforts of such cameras should not be hindered during any normal movements of members or defendants which expose defendants to public view.

H. Releasing Information in Missing Persons Cases

1. The release of information in missing person cases can prove to be effective in locating a missing individual and reuniting them with their loved ones. As such, the Police Department should release any information deemed invaluable in locating the person regardless of age. (Reference General Order 39.10)
2. In cases where missing person information is released, the following should be disclosed:
 - a. Individual's full name.
 - b. Individual's age.
 - c. Last known address or location.
 - d. Date and time the person was last seen, if known.
 - e. Descriptors, including race, ethnicity, perceived or anatomical gender, and clothing description, if known and applicable.
 - f. Vehicle information, if known.
 - g. Any places the individual may be known to be, traveling to, or frequents.
 - h. Any information on potential threats of violence to the public, if applicable.
 - i. Any pertinent or concerning information regarding the circumstances surrounding the individual's disappearance.
 - j. Classification of disappearance (i.e., endangered, abduction or otherwise involuntary, voluntarily, etc.).

3. With all missing persons, the Police Department contact information should be given, such as, “Anyone with information on their whereabouts is asked to call Prince William County police at 703-792-6500 or your local police department.”

I. Additional Information Permitted to be Disclosed

1. Duration of the investigation and assets/resources used, if known.
2. As a matter of public safety, the following may be disclosed if deemed necessary: vehicle information, information pertaining to firearms or violence, pattern of crimes if a public threat or danger is present, and known gang affiliation.
3. If deemed relevant, a suspect or arrestee’s employment may be disclosed.
4. General type of weapon used, and general nature of injuries sustained may be disclosed, if known, unless otherwise protected by law, privacy rights, department policy, or if the disclosure of information will hinder the investigation.
5. Assisting law enforcement or non-law enforcement agencies, including the arresting agency regarding Prince William County charges.
6. Facts and circumstances immediately surrounding the arrest which can include, but not limited to: time, place, resistance, pursuit, possession or use of weapons, and a general description of contraband seized, if the disclosure is not prejudicial.
7. The fact that physical evidence was found, or that a search warrant was executed, may be released. Information as to how these items were located should be withheld if this involves information that is prejudicial.
8. When the PIO has a question as to whether an item should be released, the decision may be made by the Division Commander of the officer-in-charge of the investigation on the general principle that information should be made available unless it reasonably could be construed as prejudicial to the defendant, harmful to prosecution, or endanger the lives of persons involved in the case. If further debate exists, the Chief of Police will have the final decision on the release of information.

J. Releasing Identities of Deceased Persons

1. **Adult Death:** For all adult deaths, members will be assured that the next-of-kin has been notified or that a reasonable attempt has been made before releasing the name to the public or news media. Under these circumstances, the age and hundred-block address or general area of residence (i.e., Manassas, Woodbridge, etc.) for deceased adults may also be released.
2. **Juvenile Death:** For juvenile deaths, where the juvenile is considered a victim of a crime, under § 19.2-11.2, Code of Virginia, the Police Department must obtain written consent from the juvenile victim’s next-of-kin before any identifying information is disclosed to the public

or news media. The Code section includes exemptions to the written consent requirement including:

- a. The site of the crime.
 - b. Required by law.
 - c. Necessary for law-enforcement purposes.
 - d. Permitted by the court for good cause.
3. Virginia law does not apply to: juvenile victims of motor vehicle fatalities in which only a traffic infraction(s) is issued, or other situations resulting in a juvenile's death when, at the time of the public disclosure of the information, no criminal charge(s) was issued or known to be forthcoming.
 4. In juvenile **criminal related death cases**, where the juvenile is considered a victim of a crime, when consent is denied by or is not obtained from the next-of-kin, § 19.2-11.2 limits the public disclosure of information by the Department about the juvenile victim. When, under the circumstances, it is necessary for law enforcement purposes, the publicly disclosed information generally may include: the victim's age, perceived or anatomical gender, and general geographical area of residence. For example, "The victim was identified as a 17-year-old male of Woodbridge."

K. Releasing Officer's Names

In the interest of keeping our community informed of significant incidents involving our officers and efforts to remain transparent, it shall be the policy of the Department to release the names of officers involved in Police Shootings and other law enforcement critical incidents, (e.g. uses of force resulting in serious injury or death, in-custody deaths, traffic incidents resulting in serious injury or death, etc.).

The decision to release an officer's name will be at the discretion of the Chief of Police or designee after considering the below criteria.

1. Acknowledging the need for the timely release of information and understanding the time required to conduct a thorough investigation, the Department will prepare an initial press release through the Public Information Office following an officer-involved shooting or other law enforcement critical incident. This release will outline preliminary details but shall not include the officer's name.
 - a. As soon as reasonably practicable following an incident, the Department will publicly disclose the preliminary facts about the incident including limited information about the officer involved. Such information released should consist of the officer's time of service with the Department, rank, assignment, history of any other officer-involved shootings, and status (paid administrative leave pending the investigation, etc.).

- b. This initial release shall also contain a statement that the Department will release additional information about the incident as soon as it is determined that such a release does not jeopardize ongoing administrative and criminal investigations.
2. The following factors will be considered prior to the release of any officer's name:
 - a. Safety of the officer involved and the safety of his/her family.
 - b. Integrity of the criminal and administrative investigations.
 - c. Consultation with the Commonwealth's Attorney.
 - d. Public safety concerns within the community.
3. The involved officer's name **shall not** be released if a credible, articulable threat to the safety of the officer or his/her family is identified. The officer will be informed/updated as to the nature of the threat and other relative information. The Department will work with the officer to put together a safety plan for the officer and their family.

The Department will continuously perform intelligence gathering and monitor social media, fusion centers, and other intelligence gathering organizations for threats or other security concerns. Intelligence gathering shall continue after the release of the officer's name.

4. The involved officer's name **shall not** be released if doing so compromises the criminal and/or administrative investigations.
5. When the decision to release the officer's name is made, the officer shall be notified prior to the release.
 - a. The officer will be afforded the opportunity to make any necessary arrangements and notify family members, if applicable. Arrangements may include but are not limited to:
 - 1) Reviewing privacy settings on social media
 - 2) Alerting children's schools, and notifying the workplace of their spouse and/or immediate family
 - b. The Department will assist the involved officer and his/her family with temporary relocation if the situation dictates.
 - c. The Department shall establish a collaborative group discussion about the release of the officer's name to assess any concerns and the situation. This group shall include, but is not limited to, the **involved member** and representatives from the Office of Professional Standards, Criminal Investigations Division, Wellness and Resiliency Unit, Patrol Operations, and the Public Information Office.

6. The Department will provide security at the officer's residence (if located in the County) if the investigation deems it appropriate and at the discretion of the Chief of Police or designee. The Department will coordinate with the officer's home law enforcement agency should he/she reside out of the County.
7. A photograph of the involved officer **shall not** routinely be released unless specifically requested by the media and the Chief of Police or designee agrees to the release.

L. Release of Information Regarding Military Personnel

1. Information concerning military personnel involved in military plane or vehicle crashes may be released if the crash occurred in a populated area.
2. Information concerning military personnel involved in civilian automobile, train, or plane crashes will be released in the same manner as though the service members were civilians.
3. Photographs will be permitted in all cases unless classified material is involved.
4. Reasonable efforts should be made to notify the appropriate military chain of command prior to any release concerning military personnel.

M. Office of Public Safety Communications

Communications should not provide information regarding the incident to the news media as the disclosure may interfere with the performance of their primary tasks. If able, Communications can release significant traffic issues and confirm public threats for the safety of the community. If the event is afterhours or on the weekends, Communications shall notify the on-call PIO member or PIO supervisor. If the notification is unable to be made, Communications shall notify the PIO supervisor. In the absence of a PIO, Communications will route such requests to the ranking on-duty watch commander.

1. The Communications supervisor receiving inquiries from the news media about breaking events in the field may provide the following information, if more complete details are not available: "There is a reported (incident) at (location). It has/has not been confirmed and there are no additional details available at this time." Confirmation of a public concern is permitted. If confirmed, the PIO supervisor or on-call PIO shall be notified as soon as possible.
2. If a news media staging area has or has not been established, the caller will be so informed and advised to contact a PIO representative. The mobile number of the on-call PIO may be released to the media.

N. Courtesy Notifications

PIO should, when feasible and reasonable, make courtesy notifications to other law-enforcement entities, government agencies (i.e., Marine Corps Base Quantico), or County departments (i.e., Prince William County Schools, Department of Fire & Rescue, etc.) when information will be released regarding their members or incidents on their property.

O. Legal Resources

1. VA Code § 2.2-3700, et. al.; the Virginia Freedom of Information Act.
2. VA Code § 16.1-301; Confidentiality of juvenile law-enforcement records; disclosures to school principal and others.
3. VA Code § 19.2-11.2; Crime victim's right to nondisclosure of certain information; exceptions; testimonial privilege.
4. VA Code § 19.2-389; Dissemination of criminal history record information.
5. VA Code § 15.2-1722; Certain records to be kept by sheriffs and chiefs of police.