



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy # Confidentiality and Media Contacts	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this agency for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard:	

Purpose

The Pawnee County Sheriff's Office Confidentiality and Media Contacts Policy applies to all PCSO personnel, including employees, contractors, detailees, and task force partners.

The Policy governs the protection and release of information that PCSO personnel obtain in the course of their work, and it balances four primary interests: (1) an individual's right to a fair trial or adjudicative proceeding; (2) an individual's interest in privacy; (3) the Sheriff's Office ability to administer justice and promote public safety; and (4) the right of the public to have access to information about the Pawnee County Sheriff's Office

The Policy provides internal guidance only and does not create any rights enforceable in law or otherwise. PCSO components may promulgate more specific policies, consistent with and subject to this Policy.

General Need for Confidentiality

Much of The Pawnee County Sheriff's Office work involves non-public, sensitive matters. Disseminating non-public, sensitive information about PCSO matters could violate state and federal laws, employee non-disclosure agreements, and individual privacy rights; put a witness or law enforcement officer in danger; jeopardize an investigation or case; prejudice the rights of a defendant; or unfairly damage the reputation of a person.

PCSO personnel should presume that non-public, sensitive information obtained in connection with work is protected from disclosure, except as needed to fulfill official duties of PCSO personnel, and as allowed by court order, statutory or regulatory prescription, or case law and rules governing criminal

and civil discovery. Other than as necessary to fulfill PCSO official duties, disclosure of any agency information to anyone, including to family members, friends, or colleagues, or former employees is prohibited and could lead to termination. Unauthorized disclosures of sensitive personal or proprietary information could lead to criminal prosecution.

Unauthorized Disclosures of Classified Information

Only PCSO personnel with the appropriate clearance and a specific need to know should have access to classified information. Those with access must take every precaution to ensure that such information is safeguarded.

Whistleblower Protections

PCSO personnel may report to their management to the District Attorney or the Office of the Oklahoma Attorney General, any concerns they have with department policies or actions

Nothing in this Policy is intended to conflict with or limit whistleblower protections, such as those provided in 5 U.S.C. §§ 2302-2303 and applicable regulations.

For more information on whistleblower rights and protections, see the Whistleblower Protection page.

Designation of Media Representative

PCSO shall designate at least one person to act as a point of contact on matters pertaining to the media. No other employee shall be permitted to communicate with the media on matters pertaining to agency unless directly ordered to do so but the Sheriff or his/her designee.

Reporting Media Contacts

PCSO personnel must report to their designated media representative any contact with a member of the media about a PCSO matter.

Disclosure of Information Concerning Ongoing Criminal investigations, administrative functions, or agency operations.

- A. Any communication by PCSO personnel with a member of the media relating to a pending investigation or case must be approved in advance by the Sheriff or his/her designee.
- B. PCSO generally will not confirm the existence of or otherwise comment about ongoing investigations. Except as provided in subparagraph C of this section, PCSO personnel shall not respond to questions about the existence of an ongoing investigation or comment on its nature

or progress before charges are publicly filed.

- C. When the community needs to be reassured that the appropriate law enforcement agency is investigating a matter, or where release of information is necessary to protect the public safety, comments about or confirmation of an ongoing investigation may be necessary, subject to the approval requirement in subparagraph A.

Release of Information in Criminal investigations, administrative functions, or agency operations.

Subject to limitations imposed by law or court rule or order, and consistent with the provisions of this Policy, PCSO personnel may make public the following information in any criminal case in which charges have been brought:

- A. The defendant's name, age, residence, employment, marital status, and similar background information;
- B. The substance of the charge, as contained in the complaint, indictment, information, or other public documents;
- C. The identity of the investigating or arresting agency and the length and scope of the investigation; and
- D. The circumstances immediately surrounding an arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons, and a description of physical items seized during the arrest.

A news release issued before a finding of guilt should state that the charge is merely an accusation, and the defendant is presumed innocent until proven guilty.

In civil and administrative cases, subject to limitations imposed by law or court rule or order, and consistent with the provisions of this Policy, PCSO personnel may release similar identification material regarding parties and the concerned government agency or program, along with a summary of the claim and an explanation of the government's interest.

Disclosure of Information Concerning Person's Prior Criminal Record

During an investigation or before trial, PCSO personnel generally may not provide to the media any information concerning a person's prior criminal record. When a prior conviction is an element of the current charge, such as in the case of a felon in possession of a firearm, PCSO personnel may confirm the identity of the defendant and the general nature of the prior charge if such information is part of the public record in the case.

Concerns of Prejudice

Because the release of certain types of information could prejudice an adjudicative proceeding, PCSO personnel should refrain from disclosing the following, except as appropriate in the proceeding or in an announcement after a finding of guilt:

- A. Observations about a defendant's or party's character;
- B. Statements, admissions, confessions, or alibis attributable to a defendant or party, or the refusal or failure of the accused to make a statement;
- C. Reference to investigative procedures, such as fingerprints, polygraph examinations, ballistic tests, or forensic services, including DNA testing, or to the refusal by the defendant to submit to such tests or examinations;
- D. Statements concerning the identity, testimony, or credibility of prospective witnesses;
- E. Statements concerning anticipated evidence or argument in the case; and
- F. Any opinion as to the defendant's guilt, or the possibility of a plea of guilty to the offense charged, or the possibility of a plea to a lesser offense.

PCSO personnel should not encourage or assist news media in photographing or televising a person held in custody. PCSO personnel should not voluntarily disclose a photograph of a defendant unless it serves a law enforcement function or unless the photograph is already part of the public record in the case.

Guidance for Media Contacts

- A. Press conferences should be held only for significant newsworthy actions, or if an important law enforcement purpose would be served. Before holding a press conference or making comments on a pending investigation regarding another PCSO component, the DA's Office shall coordinate any comments, including written statements, with the affected component.
- B. There are circumstances when media contact may be appropriate after indictment or other formal charge, but before conviction. In such cases, communications with the media should be limited to the information contained in publicly available material, such as an indictment or other public pleadings.
- C. PCSO personnel must avoid making public statements that violate PCSO guidelines, regulations, or legal requirements, including those imposed by case law, applicable bar policies, and local court rules.
- D. In juvenile proceedings, special rules apply and should be followed to ensure that the identity of a minor is not revealed.

Assisting the News Media

- A. PCSO personnel shall not prevent lawful efforts by the news media to record or report about a matter, unless by reason of a court order. PCSO personnel may enforce access restrictions that apply to all persons, such as a crime scene perimeter.
- B. In order to promote the aims of law enforcement, including the deterrence of criminal conduct and the enhancement of public confidence, PCSO personnel, with the prior approval, may assist the news media in recording or reporting on a law enforcement activity. PCSO shall consider, among other things, whether such assistance would:
 - 1. Unreasonably endanger any individual;
 - 2. Prejudice the rights of any person; or
 - 3. Be otherwise proscribed by law.
- C. In cases where a search warrant or arrest warrant is to be executed, no advance information will be provided to the news media without the express approval of the Sheriff, Undersheriff, or the District Attorney. This requirement also applies to operations in preparation for the execution of a warrant.

Freedom of Information (FOIA)

Nothing contained in this Policy is intended to control access to PCSO records under the Freedom of Information Act (FOIA).

Confidentiality Agreement

Each employee shall complete and sign a confidentiality agreement and return it to the Sheriff or his/her designee. This agreement shall be considered their understanding of this policy and a agreement to adhere it's directive.

Classified Information

All information obtained while in the performance of an employee's duty shall be deemed classified unless otherwise ordered by the Sheriff and his/her designee. This shall include, but is not limited to criminal investigations, administrative functions, agency operations, happenings, incidents, staff, policy, procedure, employee matters, scheduling, budgeting, hiring and dismissals, conversations public or private in nature, or any other information obtained while inside a Sheriff's Office maintained building or vehicle, or while in the performance of duty.