7.05  PUBLIC AND PROTECTED INFORMATION

The department provides reasonable access to all information which the public is legally entitled to receive in accordance with Texas Open Records Law, Article 6252-17a V.T.C.S.

The department restricts access to that information which is embraced under the exceptions to the Open Records Law. Access to such information is restricted in order to protect persons from unwarranted invasions of personal privacy, to prevent acquisition of information which could be used by some persons to evade the law, to comply with specific legal guidelines and to maximize the accomplishment of the Police Department’s goal.

7.05.001  RELEASE OF INFORMATION

Designated personnel of the Department may release information to any citizen if such information is required to be released by the Open Records Law, Article 6252-17a V.T.C.S. and if such release is accomplished in a manner consistent with the other procedural guidelines under this policy.

Officers carefully consider requests for information related to a particular criminal case handled by the Department or requests for information about any operational function of the Department. When any doubt exists as to the appropriateness of releasing information, personnel refer the matter to their supervisor.

7.05.002  RELEASE AND REVIEW OF DOCUMENTS

Documents, including accident reports, offense reports, et cetera, are released only by the Chief or his designated records custodian(s). The designated records custodian maintains a current knowledge of applicable records statutes, case decisions, and releases information in accordance with this knowledge. In any questionable case, the records custodian consults with the Chief and/or with the City’s legal counsel to determine the appropriateness of releasing documents.
Criminal records may be viewed by any officer of this Department and criminal justice agencies (law enforcement, courts, probation/parole) provided that a log is maintained of those persons who view the records and the use of the information is for the administration of criminal justice.

Non-criminal justice agencies or individuals are prohibited from viewing criminal records except when a notarized affidavit by the person who has the criminal records authorizes its view and the person to see the record must present positive identification.

Dissemination or view of criminal records is promptly recorded in master log and an individual’s criminal record log. The logs are maintained in order to facilitate the correction or tracing of the record log.

Each transaction (dissemination or view) contains the following information:

a. Date;
b. Requesting agency and recipient;
c. Name of person whose record is transacted;
d. Nature of release; and
e. Name of person who made dissemination.

7.05.003 PERSONAL REVIEW

Any person, upon satisfactory verification of his identity, has the right to review his own criminal record. The file or record is not removed from the premises of the Department and does not leave the presence of the designated officer or employee. In addition to the information kept on the logs, the time the review began and ended is entered.

Expunction/Expungement of records does not occur without the approval, in writing, of the Chief of Police.

Criminal intelligence reports and files (persons not arrested but under investigation) that deal with the detection and investigation of crime are maintained by designated person(s).

Criminal Intelligence Files can only be viewed by those persons authorized by name in writing by the Chief of Police. All other Department personnel may request information on an individual and the supervisor of the files may disseminate the requested information if warranted and security is not jeopardized. The information in Criminal Intelligence Files is prohibited from public disclosure including personal view by person(s) under investigation.
7.05.004 RECORDS SECURITY

Records filing cabinets, under the control of the records custodian, are locked or are secured in a locked room when not under the supervision of the records custodian or other person approved for records access by the Chief.

Reports and other documents in the records files are not taken from the Police Department building except by special approval of the Chief or by court order.

When removal is approved a notice is filed in the place of document taken indicating the following:

- document taken
- person taking document
- purpose and date of removal

7.05.005 PRESS RELATIONS

Press Contact Officers

A. The following positions are authorized to release to the press information on major incidents or crime scenes involving their respective Division:

1. Chief of Police or Assistant Chief of Police Department

2. Patrol Division
   a. Patrol Division Commander;
   b. Watch Commander in absence of Patrol Division Commander.

3. Criminal Investigation Division (CID)
   a. CID Commander;
   b. CID Sergeant in the absence of the CID Commander.

4. The Watch Commander or Acting Watch Commander may be utilized on major crime/incident scenes at the discretion of the respective commander. The Support Captain shall also be the primary contact point for the media regarding the release of normal newsworthy information, special events, crime statistics, etc.

B. Both investigators and uniform personnel having investigatory responsibilities on a specific case or incident may release information that is public record. Officers are encouraged to communicate with the press; however, officers should also be aware of what information is allowed to be release pursuant to this General Order and the Privacy Act.
7.05.006 PRESS REQUIREMENTS AND PRIVILEGES

A. Members of the press must display appropriate press credentials prior to being admitted to restricted areas.

B. Members of the press may not resist, obstruct, or oppose an officer in the lawful execution of his duty. However, the mere presence of a reporter, taking of pictures, or the asking of questions does not constitute unlawful interference. Officer should refrain from making comments on the relevancy of reporter’s questions.

C. Officers will not restrict movement of reporters, unless their actions clearly and directly interfere with police operations or investigations.

D. Members of the press are not exempt from any federal, state, or local law. They will be dealt with in the same manner as any other violator, if arrested.
   1. No member of the press shall have any property confiscated or threatened with confiscation, without due process of law. This includes cameras, notes, etc.
   2. Officers who experience extreme difficulties in dealing with individual members of the press at the scenes of incidents should report such circumstances through their chain of command to their Division Commander.

7.05.007 MAJOR INCIDENTS

A. The press contact officer will determine access, making an effort to accommodate the media’s needs to be as close as possible to the incident.

B. At the scene of an incident in which the Laredo Fire Department has the primary responsibility, the press contact officer will allow the media access to the Fire Department Command Post unless otherwise notified by the Fire Department. The Fire Department will determine further media access.

C. The press contact officer will provide timely “situation briefings” to members of the media. This responsibility may be delegated.

7.05.008 CRIME SCENES

A. Press members may be given guided access to crime scenes as soon as determined practical by the ranking investigative officer, except:
1. When the crime scene is on private property and the person responsible for the property requests the press to leave.

2. When the presence of press members might adversely affect the preservation of the crime scene or interfere with an investigation.

3. When the presence of the press members would interfere with an operation.

7.05.009  **RELEASE OF INFORMATION**

A. Upon request, the press contact officer may provide press members with factual information pertaining to:

1. The facts and circumstances of arrest, including the time and place of arrest, resistance, pursuit and any use of weapons. The race, sex, age and occupation of the suspect also may be released but the name and address of the suspect must remain confidential until the suspect has been booked in jail or formal charges have been filed. For the purposes of this order, the filing of charges is deemed as that point when prosecution reports and other necessary paperwork have been accepted by the District Attorney’s office.

2. The identity of the investigating and arresting officer if such disclosure does not compromise an undercover operation or unless conditions arising from the incident would expose the officer(s) involved to a higher than normal risk of retaliation.

3. A general description of the evidence seized. (Avoid providing specific descriptions of evidence that would tend to hinder or prejudice the investigation.)

4. The nature, substance or text of a charge, including a brief description of the offense or incident.

B. Information will not be released pertaining to:

1. The contents of a statement or even the mere existence of an admission or confession.

2. Personal opinions about the suspect or evidence.

3. Statements concerning anticipated testimony or the truthfulness of witness.

4. The results of fingerprint, polygraph, ballistics, or laboratory tests.
5. The names of victims until next of kin have been notified. This applies to both citizens and to Police Officers killed or injured.

6. Any information on a juvenile’s name.

7. Names of sexual assault victims.

7.05.010 PUBLIC ANNOUNCEMENTS AND ADVISORIES

All public service announcements, public advisories, and all other publications made available to the public officially from the Laredo Police Department as an official form of communication must be submitted to the Office of the Public Information Officer for approval by Administration. Upon review, the release will either be approved as is ordered to edit the content of the release. All material must be approved before making public through the media, including any mass form of communication including social media. Once the material has been vetted and approved then the material may be released.

7.05.011 PHOTOGRAPHS AND INTERVIEWS

A. Pictures may be taken in or from any area to which media members have been granted access. However, officers may restrict the use of flash, strobes and other high-intensity lighting when such use might hinder a Police operation.

B. Officers will not interfere with a photographer taking a picture of a prisoner.

7.05.012 INTERNAL MATTERS

Requests for information regarding internal investigations or matters should be referred to the Internal Affairs Division. The commander of the Division or Section in which the investigated personnel are assigned will not release such information.

7.05.013 ROUTINE MATTERS

Routine newsworthy information may be released to the news media by the Command Captain or the Watch Commander, upon prior approval by the Chief, Assistant Chief, or Deputy Chief of Police.

7.05.014 EXCEPTIONS

This General Order should not be construed as limiting or preventing the Command Captains, Chief, Assistant Chief or Deputy Chief of Police from
conducting press releases or interviews. The Chief, Assistant Chief, or Deputy Chief may conduct press releases or interviews as they deem necessary.

*An exception is made in those incidents where either criminal or civil litigation is still pending against the employee. The investigative file in such cases is maintained until the disposition is made by the courts.