

**MESA COUNTY SHERIFF'S DEPARTMENT
DEPARTMENT STANDARD
PUBLIC ACCESS TO INFORMATION**

Revised: October 30, 2003

Section/Number: 1.41

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CLEPS: N/A

ACA: 3-ALDF-1A-19; 3-ALDF-1A-19-1

PURPOSE

To establish a written procedure for all employees to use to address requests from the public for access to the agency's facility and information.

POLICY

The employees of the Mesa County Sheriff's Department will maintain professionalism and integrity when dealing with members of the public, the media or other organizations requesting information about the agency, activities, operations or programs. The Mesa County Sheriff's Department supports a public information program that encourages public understanding of agency goals and operations. Interviews and tours will be regulated to protect the privacy and rights of the staff, victims, subjects, inmates and visitors to the agency.

PROCEDURES

I. RELEASE OF CRIMINAL JUSTICE RECORDS

- A. Specific rules and regulations concerning the release of criminal justice records are contained in the Mesa County Sheriff's Department Records Release Manual, maintained in the Records Section, and in CRS 24-72-3 *Criminal Justice Records*. Guidelines within this policy are general in nature, and the Records Release Manual, as administered by the Records Section Supervisors, shall be considered the definitive authority. The release, dissemination or inspection of the agency's criminal justice records shall be by authorization of the Records Section Supervisors or their designee.
- B. Inquiries by any person concerning the availability of a criminal justice record shall be referred to the Records Section.
- C. Public criminal justice records shall be open for inspection by any person at reasonable times; such inspection may be denied if:
 - 1. Inspection would be contrary to any state or federal law or regulation.
 - 2. Inspection is prohibited by any court or court order.
- D. Inspection of the following may be denied as contrary to the public interest:
 - 1. Any records of criminal investigations.
 - 2. Any records of intelligence information or security procedures.
 - 3. Any investigatory files compiled for any other law enforcement purpose, including internal affairs investigations.
 - 4. Any documents pertaining to employment selection processes, such as test questions, scoring keys and other examination data.
- F. Inspection of the following records shall be denied to all persons with the possible exception of the person in interest:
 - 1. Medical, psychological, sociological and scholastic achievement data on individuals.
 - 2. All information obtained and records prepared in the course of taking a

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person into custody on a 72-hour mental health evaluation or a protective custody detoxification hold.

3. Personnel files, except as available to supervisors of the person in interest.
4. Attorney-client work product.
5. Criminal justice records, including official actions, shall be withheld from inspection or release on the following grounds:
 - a. The record concerns child abuse or neglect, mistreatment or self-neglect of at-risk adults, or juvenile offenders. However, pursuant to CRS Section 19-1-119(1)(b.5), *court records* of any juvenile who is charged or adjudicated for an act that would constitute a Class 1, 2, 3, or 4 felony, or would constitute a crime that involves the use or possession of a weapon, if such act were committed by an adult, shall be accessible to the public.
 - b. Records of grand jury transcripts or any wiretap information.
 - c. Records sealed or expunged by court order, or subject to a court order limiting access.
 - d. Records to be used by the requester for the purpose of soliciting business for pecuniary gain.
 - e. Records that pertain to the identity of and statements from victims and witnesses. Where appropriate and permitted, information may be released to private or public agencies for the purpose of referral for professional services.

II. MEDIA ACCESS

- A. Should a critical incident directly involving a member of the agency result in an increased level of media involvement, the involved agency member shall neither voluntarily make nor be required to make statements to media representatives regarding the incident. Employees shall not make public statements or remarks concerning the incident until any pending investigation is completed. All information requests concerning the critical incident should be referred to the Administration Division Commander or his/her designee.
- B. Media representatives shall not be allowed access to any area or scene where such access would obviously disrupt agency operations or deployment, nor will the media be allowed access to an area where their presence would jeopardize the life of, or present substantial risk of injury to, any agency employee or citizen.
- C. Media representatives shall not be allowed access to any area or scene of an incident or crime where there is a possibility that evidence may be damaged, altered, destroyed or otherwise prejudiced by its existence being published or portrayed. Once evidence has been processed, removed or secured by agency personnel, the media may be allowed to enter the area with the Administration Division Commander, his/her designee or the ranking personnel on the scene.

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- D. Media representatives shall not be allowed to interfere with the activities or general traffic flow at the scene of any incident or crime. The Administration Division Commander, his/her designee or the ranking personnel on the scene shall be responsible for determining and establishing a media perimeter. The perimeter shall be at a reasonable distance from the scene in order to ensure the scene's protection yet provides the media an opportunity to adequately report the incident. This perimeter may be closer to the scene than the perimeter for the general public if it does not compromise the scene in any way.
 - E. Detention Facility access or requests for inmate interviews from media representatives will be immediately referred to the Facility Administration. Inmates will sign a waiver of consent before an interview may take place. The Facility Administration will ensure that the media representative is informed of any security or privacy concerns that may be affected by the media's access to the Facility. The media and the inmate will be allowed to visit in a private location.
 - F. Media access to the Detention Facility shall only be upon authorization of the Sheriff or Undersheriff. Photographs, films or videotapes may only be taken within the Facility upon authorization of the Sheriff or Undersheriff and no inmate or detainee shall be photographed inside the Facility without his/her written consent.
 - G. Mesa County Sheriff's Department employees shall not prevent photographing or videotaping of any person in custody while in public, as long as the photographer is situated in an appropriate, public location.
- III. RELEASE OF INFORMATION
- A. Inquiries by the public or media concerning agency activities and operations shall be referred to the Administration Division Commander or his/her designee. The Administration Division Commander or his/her designee may perform the following functions with regard to the release of information to the public:
 - 1. Release information at the scene of an incident.
 - 2. Release information from agency files as permitted by law or agency policy.
 - 3. Release information regarding an on-going criminal investigation only after clearing such information with either the lead investigator assigned to the case or the Criminal Investigations Section Lieutenant.
 - 4. Prepare and disseminate agency media releases. Copies of these releases should then be distributed to the Sheriff, Undersheriff, Division Commanders, Division Administrative Assistants, Patrol and Detention Supervisors, the Administration Lieutenant, and the Records Section. These releases will be kept on file for no less than one year.
 - 5. Arrange for and assist with all news conferences.
 - 6. Coordinate and authorize release of information concerning victims, witnesses and suspects of crimes occurring within unincorporated Mesa County.

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7. Arrange interviews with investigators and other agency personnel at the request of media representatives.
- B. Information shall be released impartially to all news media and their representatives. Specific inquiries made independently by media representatives shall be addressed at the time of inquiry. When a media representative inquires about a specific incident for which a media release has been prepared, any agency employee may supply the information provided in that media release.
- C. Information that may be released pertaining to victims, witnesses and suspects *prior* to any arrests is limited to:
 1. A description of the offense, including a brief summary of events.
 2. Location, date and time of offense.
 3. Property loss (not to include a dollar amount), injuries sustained or damage resulting from the action.
 4. Identity of the victim, except for a victim of a sexual assault, a death, a life-threatening injury where the next of kin has not been notified, when the victim is a juvenile, or other circumstances in which it is deemed necessary to protect the identity of an involved party.
 5. Information regarding unidentified suspects, such as physical description(s) or vehicle description(s), when release will not hinder or jeopardize the investigation.
 6. Identification of fugitive suspect(s) for who arrest warrants have been issued.
 7. Criminal background of a fugitive when the public should be alerted to any danger.
- D. Information that SHALL NOT be released *prior* to any arrests includes the following:
 1. The identity of any suspect who is interviewed, but not charged.
 2. The identity of witnesses or victims, where such information would likely subject them to harm.
 3. The identity of the victim of any sexual offense.
 4. The identity of any juvenile. However, pursuant to CRS Section 19-1-119(1)(b.5), *court records* of any juvenile who is charged or adjudicated for an act that would constitute a Class 1, 2, 3, or 4 felony, or would constitute a crime that involves the use or possession of a weapon, if such act were committed by an adult, shall be accessible to the public.
 5. Exact information about a weapon or other physical evidence.
 6. Information likely to be known only by those responsible for the offense - Ainvestigative keys.
 7. Conjecture about suspects or fugitives.
 8. Mug shot of a suspect, unless an arrest warrant has been issued or specifically authorized by the Sheriff, Undersheriff or a Division Commander.

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9. Any misleading or false information.
10. The dollar amount taken in a robbery, burglary or theft.
- E. Information that may be released subsequent to the arrest of a suspect includes the following:
 1. Time, date and location of arrest.
 2. Arrestee's name, age and residence. If the arrestee is a juvenile, only the age and gender may be released.
 3. Criminal charge(s).
 4. Facts and circumstances relating to the arrest, such as resistance, eluding, or possession or use of a weapon.
 5. The name of the arresting agency and the arresting officer's name, unless release would jeopardize the officer's safety and/or a continuing investigation.
 6. Pretrial release, location of detention and amount of bond.
 7. Scheduled dates for various steps of the judicial process.
- F. Information that SHALL NOT be released includes the following:
 1. Comments about the suspect's character or reputation, or opinions regarding his guilt or innocence.
 2. The name and address of the suspect's employer, unless the incident or offense deals specifically with such employment.
 3. Information about the existence or content of confession, admission or statement made by the suspect.
 4. The suspect's refusal to make a statement, or to submit to tests or examinations.
 5. Results of any tests or examinations, to include B.A.C. results in D.U.I. offenses.
 6. Re-enactment of the crime, unless approved by the Sheriff, Undersheriff or a Division Commander.
 7. Information that the suspect directed investigators to the location of any evidence.
 8. The identity, testimony or credibility of any witness.
- G. When multiple agencies are involved in an activity with the agency, all involved agencies shall be consulted during initial strategy meetings regarding release of information to the media.
- H. For all major crimes currently under investigation (homicides, aggravated assaults, robberies, sexual assaults, felony property crimes and narcotics), no mug shot should be released for *arrestees* without authorization from the Criminal Investigations Section Lieutenant or his/her designee.
- I. Newsworthy information concerning promotions, projects, special programs or other activities within the agency should be forwarded in writing to the Administration

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Division Commander or his/her designee in advance of effective dates, or by telephone when there is an urgent need to release the information.

- J. The release of information relating to current or past employees shall be directly under the control of the Sheriff. Any such information shall be released only by the Sheriff, Undersheriff or a Division Commander.

IV. REQUESTS FROM GOVERNMENT OFFICIALS

Requests from federal, state and local legislative and executive bodies for information on agency activities or specific incidents will be referred directly to the Administration Division Commander or his/her designee.

V. PUBLIC TOURS

- A. Members of the public, professionals and organizations requesting basic information about the Detention Facility may be given brochures describing background information, the general operations and philosophy of the Facility. If they request, they may also be given a tour. All tours will be approved by the Facility Administration. A staff member will be designated to give the tours as they are scheduled. Persons requesting tours may schedule them in advance with the Detention Administrative Lieutenant, either by phone or in person. The Administrative Lieutenant will schedule tours as appropriate and will notify the Detention Facility Administrator after scheduling a tour. Detention Administration may limit the number of persons in a tour group and the areas of the Facility that they may visit.
- B. Members of the public, professionals and organizations requesting information about the Mesa County Sheriff's Department may be given a tour. All tours will be approved by the Community Services Unit. A staff member will be designated to give the tours as they are scheduled. Persons requesting tours may schedule them in advance with the Community Services Unit Sergeant, either by phone or in person. The number of persons in a tour group and the areas of the Operations/Administration wing of the building may be limited by the Community Services Unit Sergeant.