

*"Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods."*

## ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE

### 2304.3, RELEASE OF INFORMATION TO THE MEDIA

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#### 1. PURPOSE

The purpose of this policy is to set standards for the release of information to the media outlets which are consistent with the State of Florida's policy of open access to public records as set forth in Chapter 119 of the Florida Statutes and s. 24(a), Art. I of the State Constitution.

#### 2. POLICY

It is the policy of the Orlando Police Department to have a free flow of information to the public, provided that such information does not jeopardize active investigations, prejudice the accused's right to a fair trial, or violate law or

departmental policy. The same policy shall apply generally to the release of both unrecorded and recorded information known to the Department.

This policy does not apply to the release of information and records to other law enforcement agencies or in response to a judicial order.

### 3. DEFINITIONS

Confidential or Exempt Records: Records which Florida statutes describe as “confidential” may not be disclosed except as provided for in statute. Records which Florida Statutes describe only as “exempt” may or may not be disclosed in the discretion of OPD.

Criminal Intelligence Information: Information collected by OPD or any other criminal justice agency with respect to an identifiable person or groups of persons in an effort to anticipate, prevent, or monitor possible criminal activity. This information is considered “active” as long as it is related to intelligence gathering that is conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities. Active criminal intelligence information is exempt from disclosure while active but may be released with permission of the investigator or officer who is assigned to the case. Once released, it loses its exempt status.

Criminal Investigative Information: Information with respect to an identifiable person or group of persons compiled by OPD or any other criminal justice agency in the course of conducting a criminal investigation of a specific act or omission. The term includes, but is not limited to, information derived from laboratory tests, reports of investigations or information, or from any type of surveillance. This information is considered “active” as long as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future. It remains active throughout criminal prosecution and direct appeals. However, records given to the person arrested in discovery in the criminal prosecution may not be considered active. Criminal investigative information is exempt from disclosure while active but may be released with permission of the investigator or officer who is assigned to the case. Once released, it loses its exempt status.

Public Records: All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software (information), or other material (regardless of its physical form, characteristics or means of transmission) which are made or received pursuant to law or ordinance or in connection with the transaction of official business of this Department. The fact that a particular item is designated a “public record” does NOT mean that it is open to public inspection, but rather that it belongs to a public agency. Public records generally are available for inspection by the public at some point in time but there are limitations as to when that occurs. Employees should refer to the current issue of 2302, Public Records Requests.

### 4. PROCEDURES

#### 4.1 INFORMATION THAT MUST BE RELEASED TO THE MEDIA

The following information is not considered to be active criminal intelligence or investigative information and must be released pursuant to a public records demand:

- a. The date, time, location, and nature of a reported crime.
- b. The name, sex, age, and address of a person arrested (except juveniles under certain conditions, see Section 4.10.4)
- c. The name, sex, age, and address of a victim of a crime, except for victims of a sexual offense, child abuse, or minor victims of human trafficking. If the victim requests non-disclosure or invokes Marsy’s Law, the address

and any other information that could be used to locate the victim or the victim's family are confidential and exempt.

- d. The time, date, and location of the incident (unless the location identifies the above-listed victims).
- e. The crime charged.
- f. Documents given or required to be given to the person arrested (e.g., an arrest affidavit), except those portions of documents that disclose otherwise prohibited information.
- g. Information on prior arrests and/or convictions; however, no NCIC/FCIC records may be released (28.04a) (Fla. Stat. [943.045-943.08](#) and Chapter 28, Code of Federal Relations)
- h. Photographs (e.g. mug shot) of the arrestee. Mug shots of persons whose photographs are exempt from public records dissemination pursuant to Fla. Stat. 119.07(3)(i) (firefighters, law enforcement personnel, code enforcement officers, human resource managers and similar personnel) may be prohibited from disclosure under certain circumstances.

If the City of Orlando is the employer of a person whose personal information is exempt by virtue of their employment with the City, the confidential nature of the information must be maintained even in the absence of a written request.

If OPD is in possession of potentially exempt information and the City of Orlando is NOT the employer of the individual, the confidentiality of the personal information shall be maintained only if the individual has filed a WRITTEN request to that effect with OPD.

- i. Photographs of the suspect/accused, if deemed necessary for protection of the public, or to obtain public assistance in the apprehension.

#### **4.2 DEALING WITH THE NEWS MEDIA**

Each employee of the Department will maintain a cooperative and harmonious professional relationship with representatives of the news media.

At the scene of any event of public interest, representatives of the news media will be permitted to conduct interviews, take photographs, and otherwise perform their assigned tasks provided such activity is not in violation of the guidelines established in this policy and procedure; and provided it does not interfere with law enforcement operations.

News releases concerning incidents involving Department policy, the official interpretation of Department policy, or investigations of an internal nature will be made by the Chief of Police or his/her designee.

#### **4.3 MEDIA RELATIONS**

Media Relations will provide a single authoritative source for media contacts. He/she will assist the media in covering news stories and assist at crime scenes, if needed. Media Relations will work normal business hours to provide the media with ready access.

During other than normal office hours, the watch commander or incident commander, when notified of a newsworthy event, will determine the need for Media Relations' response. When a response is requested, Communications will notify Media Relations and advise him/her to respond either to the scene or the Orlando Police Headquarters (OPH) building.

Media members will sometimes be dispatched to a news scene that normally would not require the Media Relations Office's response. If the watch commander or incident commander requests Media Relations assistance, Communications will contact Media Relations to advise the location to report.

Because of the sensitive and confidential nature of our law enforcement operations, whenever a representative of the new media expresses a desire to interview a member of the Orlando Police Department on a matter that is currently an active criminal investigation or involving criminal intelligence information, such as interview may only be conducted

with the approval of the appropriate Division Commander or designee, and should be coordinated through the Orlando Police Department's Media Relations Office. Notwithstanding the above, the on-scene commander at a breaking news event may authorize an officer to comment to the media on that event.

#### **4.4 PRESS CONFERENCES**

Press conferences will be conducted only with the approval of the office of the Chief of Police. Such approval must be obtained via chain of command.

Once a press conference is approved, Media Relations will make arrangements for and assist at the press conference.

#### **4.5 NEWS RELEASES**

Only the Chief of Police or his/her designee can authorize a news release. Once authorized, the news release should be coordinated through Media Relations.

Media Relations, or his/her designee, will prepare and distribute all news releases. The Press Release Worksheet (Attachment A) should be used as a guide when preparing a press release. News releases will be made when deemed necessary to inform the public and news media of events that affect the citizens, or to enlist the support of the public. This will be done in a timely and open manner to ensure support from the community. The subject matter of any news release will conform to state statutes regarding the release of public records. Media Relations will distribute the news release to all bona fide news media organizations in our community. Upon request, it will also be released to media organizations from outside the immediate community.

Information about ongoing investigations may be released by the officer in charge of an investigation or incident, or the ranking officer on the scene. In such cases, Media Relations and on-duty watch commanders shall be notified as soon as possible.

When representatives of the news media desire interviews with Department personnel other than the Chief of Police or his/her designee or Media Relations, and in circumstances other than those outlined in Section 4.3 of this policy, those interviews may be conducted only with the approval of the Chief of Police or a bureau commander, and should be coordinated through Media Relations.

Until the occurrence of an arrest, execution of an arrest warrant, or the filing of any information or indictment, members shall not make known the identity of any suspect or results of any investigative procedures, except as may be necessary to aid in the investigation, to assist in the apprehension of the suspect, or to warn the public of any dangers.

#### **4.6 PHOTOGRAPHING AND INTERVIEWING SUBJECTS**

Officers shall not deliberately pose any person in custody for photographing or filming by representatives of the news media. Officers shall not permit any person in custody to be interviewed unless it is a request by the recognized news media and the accused has agreed to such a request.

Nothing herein shall be construed to prohibit the accused or his attorney from issuing a denial of guilt.

Nothing herein shall be construed to prevent the news media from taking whatever candid photographs they are able to take of the individuals or events, without interfering with the Police Department.

Officers must receive advance approval by the Police Legal Advisor's Office prior to allowing the media or any non-law enforcement third party to be present at any operation which includes the execution and service of a search warrant at any residence or at any other place in which any person has a reasonable expectation of privacy.

#### **4.7 FAST-BREAKING EVENTS**

When inquiries are directed to the Information Desk, Communications Center Complaint Desk, or any employee concerning fast-breaking events, the employee will verify the occurrence of the event except in:

- a. Kidnapping situations
- b. Hostage situations
- c. Insurance frauds
- d. Embezzlements
- e. Auto theft rings
- f. Fencing operations

When verifying the occurrence of the event, only the information allowed under [Section 4.1, Information That Must Be Released to the Media](#), will be disclosed without the approval of the investigating officer.

For information in addition to that outlined above, the employee receiving the inquiry will direct all media inquiries to the on-scene commander or Media Relations.

The officer in charge of the scene will cooperate fully with all news media representatives within the guidelines set forth by this policy.

In the event the officer in charge is not available to brief news media representatives or is so involved in the incident that it is impractical to brief the news media representatives at that moment, the officer in charge will make suitable arrangements with the news media representatives to contact them as soon as possible or will designate someone to assist the media.

#### **4.8 MEDIA ACCESS TO POLICE-CONTROLLED SCENES**

Members of the press will have access to crime scenes with the property owner's or next of kin's consent, after the crime scene has been thoroughly processed, cleared of all evidence, and provided such access does not, in any manner, interfere with the police investigation.

Representatives of the news media will be permitted to operate at the scene of a natural or man-made disaster or potential disaster, or any other potentially dangerous area, provided such operation does not interfere with the police function or endanger the safety of police officers or citizens.

#### **4.9 NEWS MEDIA IDENTIFICATION CARDS**

In order to expedite the identification of bona fide representatives of the news media, and in order to assist members of the news media in the performance of their duties, employees of the Police Department will render appropriate assistance to persons holding press cards issued by:

- a. The Orange County Criminal Justice Council
- b. The Florida Sheriff's Association
- c. The Orlando Sentinel
- d. Current media representative identification cards from other jurisdictions
- e. Current media representative identification cards from this jurisdiction

Employees will provide assistance to members of the media in a nondiscriminatory fashion, but the decision of the Police Department as to the validity of identification will be controlling.

#### **4.10 STANDARDS FOR DISCLOSURE OF INFORMATION**

##### **4.10.1 RECORDS REQUEST**

All requests for tangible records, documents, tapes, etc. will be directed to the Records Management Section. Internal Affairs and the Police Legal Advisor may release records as appropriate. In the event that the request contemplates the production of other tangible records beyond those in Records Management control, such as Communications tapes and records or materials within the Technical Services Section, the Police Records and ID

Manager will forward copies of the request to the appropriate person within those sections and coordinate the release of those items. For additional information, refer to the current issue of 2302, Public Records Requests.

Media Relations or designee will coordinate and obtain authorization, if not previously obtained, for the release of information concerning confidential investigations and operations in accordance with state statutes.

#### **4.10.2 INTERVIEWS**

Employees not familiar with media interviews should seek out expertise prior to an interview. Considerations such as information security, interview techniques, and image consciousness need to be discussed before the reporter arrives.

Employees faced with media interview situations are strongly urged to seek the assistance of Media Relations for arranging the interview time and place and preparation for the interview.

#### **4.10.3 EMPLOYEES SHALL NOT RELEASE**

- a. Any information revealing surveillance techniques or procedures, or personnel assigned to such duties.
- b. Information which might jeopardize the successful conclusion of an investigation or the right of an accused to a fair and impartial trial.
- c. The identity or photograph of any suspect prior to arrest or the results of any investigative procedures except to the extent necessary to aid in the investigation, to assist in apprehension of the suspect, or to warn the public of dangers.
- d. Any opinions of agency members regarding the guilt or innocence of the accused or merits of the case.
- e. The prior criminal record, character, or reputation of the accused.
- f. NCIC/FCIC records, or copies thereof, FDLE, or FBI identifying numbers.
- g. The existence of any confession, admission of guilt, or statements or refusal of statements made by the accused.
- h. The performance of any examinations or tests or the refusal or failure of the accused to submit to an examination or test
- i. The identity, testimony, or credibility of any prospective witnesses.
- j. Information when other public service agencies are involved in a mutual effort.
- k. The construction, content, and mechanism of any explosive or incendiary device.
- l. Any criminal intelligence information or criminal investigative information (including the photograph, name, address or other factor information) which reveals the identity of the victim of any sexual offense, child abuse, or a minor victim of human trafficking.
- m. Examination questions and answer sheets of examinations administered by OPD or the City of Orlando for purposes of licensure, certification, or employment (examinees are to be allowed to review their own individual examinations).

- n. Information on child abuse or aggravated child abuse and juvenile cases except as provided in Section 4.10.4.
- o. The identity of persons killed or seriously injured pending notification of next of kin.
- p. Any information revealing the identity of undercover personnel of any criminal justice agency. Information such as the name of an informant, the sex of the informant (which might assist in determining the identity), and the name or initials and identification numbers of the undercover officer and that officer's supervisor can be taken out of reports, and the remainder turned over.
- q. Any information prohibited or exempt from public disclosure. See the current issue of 2302, Public Records Requests, regarding public records, exemptions, and confidential matters.
- r. When the accused is an Agency member, only that information that is not prohibited or exempt from public disclosure can be released. See the current issue of P&P 2302, Public Records Request, regarding public records, exemptions, and confidential matters.

#### **4.10.4 JUVENILE INFORMATION**

Except for sexual offenses, child abuse/neglect cases, and human trafficking cases, the name, age, and address of a juvenile victim of a crime may be released. The identity of juveniles committing traffic infractions may be released. Juveniles who are victims of traffic crashes may also be identified. The name, photograph, address, and the crime or arrest reports of juveniles who have been arrested for felonies may be released. No other information concerning juvenile criminal suspects or arrestees may be released. See the current issue of 2302, Public Records Requests, for additional guidelines relating to release of juvenile delinquency or dependency information.

## **5. FORMS AND APPENDICES**

### **ATTACHMENT A-Orlando Police Department Press Release Worksheet**