



SUBJECT: Meetings, Media, and Public Information

TO: Members of the Department

This Order establishes department policy and member responsibilities for the following:

<u>Section 20.1</u>	DEPARTMENT MEETINGS	2
<u>20.1.1.</u>	Meeting Locations	2
<u>20.1.2.</u>	Open Meetings Act	2
<u>20.1.3.</u>	Meetings Convened by the Director	3
<u>20.1.4.</u>	Meetings Convened by Deputy Directors	3
<u>20.1.5.</u>	Meetings Convened by District and Division Commanders	3
<u>20.1.6.</u>	Meetings Convened by Post or Section Commanders	3
<u>20.1.7.</u>	Meetings Between Individuals	4
<u>20.1.8.</u>	Minutes of Meetings	4
<u>20.1.9.</u>	Policy and Procedure Changes	5
<u>Section 20.2</u>	RELEASE OF PHOTOGRAPHS, VIDEOS, AND NEWS MEDIA INFORMATION	5
<u>20.2.1.</u>	Department News Media Policy	6
<u>20.2.2.</u>	Guidelines for Release of Information	6
<u>20.2.3.</u>	Assistance from or Notification of Public Affairs	10
<u>20.2.4.</u>	News Releases	11
<u>20.2.5.</u>	Official Statements	12
<u>20.2.6.</u>	Commercial Television Productions	13
<u>20.2.7.</u>	Release of Department Reports/Videos	14

20.2.8.	Official Photograph of the Director	14
Section 20.3	FREEDOM OF INFORMATION ACT	14
20.3.1.	Definitions	14
20.3.2.	Administrative Responsibilities	15
20.3.3.	Responsibilities of the Records Resource Unit	15
20.3.4.	Department Work Unit Responsibilities	15
20.3.5.	Appeals	16
Section 20.4	REVISION RESPONSIBILITY	16

20.1 DEPARTMENT MEETINGS

20.1.1. MEETING LOCATIONS

[MCL 18.1217\(2\)](#) requires that official department meetings be held in facilities which are owned, leased, being purchased or operated by the federal, state, or a local government or by a state-supported institution, college, or university. However, the Director may make a written authorization to hold a meeting in a different location.

20.1.2. OPEN MEETINGS ACT

The following boards and councils shall give public notice of the time, date, and place of meetings. The notice shall be given and such meetings shall be conducted according to the [Open Meetings Act, MCL 15.261 et seq.](#)

- A. Auto Theft Prevention Authority Board
- B. Criminal Justice Information Systems (CJIS) Advisory Board
- C. State 9-1-1 Committee
- D. Governor's Traffic Safety Advisory Commission Board
- E. Michigan Commission on Law Enforcement Standards (MCOLES)
- F. Michigan Emergency Preparedness Advisory Council
- G. Truck Safety Council
- H. Organized Retail Crime Advisory Board
- I. School Safety Commission
- J. Michigan Truck Safety Commission

- K. Michigan Citizen Community Emergency Response Coordinating Council (MCCERCC)
- L. Advisory Board for the Michigan Intelligence Operations Center for Homeland Security

20.1.3. MEETINGS CONVENED BY THE DIRECTOR

A. Leadership Meetings

- (1) The Leadership Team is comprised of the Director, the deputy directors of the Field Operations Bureau, Office of Administrative Services, Field Support Bureau, Intelligence and Technology Bureau, Office of Professional Development, and the Chief of Staff.
- (2) The Leadership Team shall meet once each week, unless the meeting is rescheduled or canceled by the Director. Meetings shall also be held as necessary when called by the Director.

B. Director's Meetings

- (1) Quarterly meetings shall be held by the Director or a designated deputy director with bureau, office, district, and division commanders and their assistants.
- (2) Districts and divisions shall be represented by the district/division commander or their designee if the district/division commander is unable to attend.

20.1.4. MEETINGS CONVENED BY DEPUTY DIRECTORS

Deputy directors shall hold meetings with their subordinate command officers and managers as necessary.

20.1.5. MEETINGS CONVENED BY DISTRICT AND DIVISION COMMANDERS

- A. District and division commanders shall hold bimonthly meetings with their post/section commanders following their attendance at the Director's meeting.
- B. Immediately following the post/section commanders' meetings, post/section commanders shall put the material presented in writing and convey it to command staff members or hold meetings with the members of their command staff, post, or section, according to Section 20.1.6 below.

20.1.6. MEETINGS CONVENED BY POST OR SECTION COMMANDERS

A. Post/Section Command Staff Meetings

- (1) Although post/section command staff meetings are not required, they may be held by post/section commanders who find them beneficial and necessary.
- (2) Other subordinates may attend post/section command staff meetings at the discretion of the post/section commander.

B. Post/Section Meetings

- (1) Post/section commanders may hold post/section meetings as needed.

- (2) Attendance at post/section meetings.
 - a. Mandatory attendance at post/section meetings may be required by the work site commander.
 - b. An off-duty member may attend a post/section meeting subject to agreement on compensation with the work site commander.
- (3) Post/section commanders shall establish the agenda for the post/section meetings from the information provided at the Director's meetings. This agenda may also consist of current post/section issues and other material of interest to the post/section members.
- (4) District/Division Representative Attendance
 - a. It is suggested that a district/division representative attend the first portion of every post/section meeting or, as an alternative, attend every other meeting.
 - b. It is not required for a district/division representative to be present at every post/section meeting.

20.1.7. MEETINGS BETWEEN INDIVIDUALS

- A. When there is a need for dialogue between the post/unit commander or shift supervisor and any member of his or her command, it may be handled on an individual basis.
- B. Members are encouraged to consult with their command officers whenever the need arises. Supervisors shall bring issues or questions involving members under their command to the attention of the appropriate post/unit commander.
- C. Nothing in this Order prohibits commanders from meeting with their subordinates any time there is a need to do so. This policy applies to district and post commanders, as well as bureau, office, division, section, and unit level commanders.
- D. Whenever a member is needed for a meeting, the member's district/division commander shall be notified. The district/division commander shall then notify the member's post/unit commander, who shall in turn notify the member.

20.1.8. MINUTES OF MEETINGS

- A. Director's Meetings
 - (1) The minutes of the Director's meetings may be prepared and posted on the MSP Intranet as Official Correspondence.
 - (2) District commanders shall review and discuss the minutes with post commanders at the bimonthly meetings described in Section 20.1.6 above.
 - (3) Post and section commanders shall make the minutes available for members' review, either in written or electronic format, where they shall be read by members of their command.

B. Leadership Meetings

The minutes of the Leadership meeting may be prepared and posted on the MSP Intranet as Official Correspondence where they shall be read by members.

C. Bureau, Office, Division, District, Section, and Post/Unit Meetings

- (1) Minutes shall be prepared of bureau, office, division, district, section, post, and unit meetings.
 - a. Minutes of bureau or office meetings shall be prepared and maintained on file in the office of the bureau/office in accordance with the record retention policy.
 - b. Section commanders shall send a copy of the section meeting minutes through channels to their deputy director.
 - c. Post and unit commanders shall personally reduce to writing all materials discussed at the post/unit meetings and promptly forward the minutes to their district/division commanders.
 - i. Post or unit commanders shall ensure the minutes of the post/unit meetings include items of local interest and local policy, as well as anything that warrants clarification by Headquarters.
 - ii. Any items of an elaborate or involved nature should be mentioned briefly in the minutes and detailed in a memorandum forwarded to their district/division commander.
 - d. The district commander shall decide if the post meeting minutes contain new and pertinent information that should be forwarded to the Field Operations Bureau commander.
 - e. Commanders shall review the minutes and provide any clarification necessary.
- (2) Material from the Director's meeting may be reported in the minutes by reference without detailed explanation. If interpretation is required beyond the information contained in the minutes of the Director's meetings, the specific issue for which explanation is required shall be submitted to the next higher level of command for clarification.

20.1.9. POLICY AND PROCEDURE CHANGES

When the minutes of the Director's, a deputy director's, or Leadership meeting reflect a change in established policy or procedure, the appropriate bureau, office, or division commander shall submit a revision of the appropriate Official Order to the Office of Professional Development following guidelines in Official Order No. 2.

20.2 RELEASE OF PHOTOGRAPHS, VIDEOS, AND NEWS MEDIA INFORMATION

This section establishes policy and procedures for release of information to the print and broadcast news media, as well as the release of department-related photographs and videos to outside entities.

20.2.1. DEPARTMENT NEWS MEDIA POLICY

- A. Members are encouraged to proactively offer information to the news media rather than wait for inquiries. They may release information to print, broadcast or online news media, verbally or in written form, on authority of their commanding officer, or in compliance with policy established by their commander.
- B. Work sites shall provide prompt release of newsworthy items unless circumstances make release of information inadvisable. Commanders shall delegate appropriate authority to promptly release information to the news media in their absence.
- C. Work site commanders shall make reasonable efforts to establish a rapport with local media to promote a highly visible, positive image of the department and to resolve any local problems between the media and the department.
- D. News releases should call attention to newly assigned work site personnel, special accomplishments, awards, training, major arrests and seizures, extraordinary service offered by members or citizens, local crime trends, suggested crime prevention and traffic safety methods, and other behavior which may be of interest to citizens and enhance public safety.
- E. Copies of written news releases and official statements shall be forwarded to the Public Affairs Section electronically at time of distribution to the news media, unless otherwise specified in Section 20.2.4 of this Order.
- F. In the event of a Governor's-declared State of Emergency/Disaster or activation of the State Emergency Operations Center (SEOC), all release of information to the news media pertaining to State Police actions or response shall be coordinated through Public Affairs.
- G. The Operations Section is the after-hours point of contact for media inquiries to Headquarters. After-hours point of contact for media inquiries at the work sites is the nearest post or regional dispatch center.
- H. Members shall work cooperatively with other law enforcement agencies, local prosecutors, the Attorney General's Office, or other state agencies in the issuance of joint news releases on incidents that involve multiple agencies.
- I. Where appropriate, and with the permission of the involved agency, department news releases should include mention of other agencies involved in an incident/event, and/or quotes from a representative of the agency.
- J. Members shall familiarize themselves with the resources available on the Public Affairs Intranet site, which includes news release templates, EX-201, official statement templates, EX-202, media tips and training, information on media law, and event planning materials.

20.2.2. GUIDELINES FOR RELEASE OF INFORMATION

- A. Refer to Official Order No. 52 for news releases on motor vehicle accident victims.
- B. Information shall be withheld or delayed if:
 - (1) A court order prevents its release.
 - (2) The involved prosecutor or the Attorney General has requested the information be withheld.

- (3) The information could jeopardize the investigation or prosecution of a case.
- (4) The information would disclose the identity of confidential informants or adversely affect the privacy or security of other involved persons, including law enforcement officials and their families.
- (5) A Children's Protective Services (CPS) investigation is underway.
 - a. The Children's Protection Law prohibits the release of information about a CPS investigation. As a result, the existence of a CPS investigation or the nature of the investigation (e.g., sexual abuse) can be neither confirmed nor denied.
- (6) The department is not the originating/lead agency on an incident or investigation.

C. Releasing Information Regarding Reported Crimes

- (1) Only essential facts of the crime shall be released.
 - a. The name, age, and city of the victim, as well as the degree of injury or loss may be released if the next of kin has been notified. If the complainant or victim requests this information remain confidential, the request shall be honored.
 - b. In sexual assault, sexual abuse, child abuse or similar cases where a juvenile has been victimized, the identity of the victim shall be kept confidential.
 - c. Care shall be exercised in releasing details of an assault or method of operation used in the perpetration of a crime. Report only those facts that are known.
 - d. There shall be no speculation or supposition as to how a crime was committed, who may have committed the crime, or why it may have been committed.
 - e. A description of weapons or specific details of a crime shall not be released. In a homicide case, it is sufficient to report just the victim's manner of death (shot, stabbed, etc.)
- (2) Keep in mind that withholding certain specific details of a crime is beneficial to later investigation and interrogation.
- (3) News releases should inform the public to contact a particular post instead of an individual officer if they have information concerning the crime in question. Post members receiving such information shall forward it immediately to the officer in charge of the investigation.

D. Releasing Information Regarding a Wanted Subject

- (1) If the suspect is not in custody, the news media may be used to assist in their apprehension.
- (2) The suspect may be identified as completely as possible.

- a. The suspect's name, address, age, sex, race, complexion, physical description, occupation, personal habits, and other personal traits may be used.
 - b. If a photograph is available, it may be released to the news media. If it is a police photograph, the identifying police number shall be removed or blocked out.
 - c. If the suspect is believed to be armed and/or dangerous, this information shall be included in the news release.
 - d. Information may be released regarding whether or not a warrant has been issued.
 - e. If something of an identifiable nature was taken in connection with the crime such as vehicles, money, jewelry, etc., it may be described.
- E. Releasing Information Regarding a Crime under Investigation
- (1) Members shall work in cooperation with the local prosecuting attorney or the Attorney General's Office regarding the release of information to the media concerning incidents under investigation.
 - (2) The following cautions shall be observed:
 - a. Speculation or supposition shall not be indulged in.
 - b. Items of evidence discovered shall not be mentioned or commented on.
 - c. A witness who is located shall not be identified to the news media.
 - d. Officers shall not stage posed crime scenes for media photographs. Interviews and photographs showing large seizures are permitted in the vicinity of the crime scene, at the work site, or other suitable location.
 - (3) The essential facts of a case may be repeated with some further clarification as the case develops, keeping in mind that the above cautions shall be observed.
- F. Releasing Information Regarding an Arrest
- (1) The greatest danger of constitutional encroachment lies in the area of post-arrest publicity. Arrest information may be released to the news media only under the following conditions:
 - a. Arrest information without disposition may be released if less than one year has elapsed from the date of the arrest.
 - b. In the case of incidents under investigation, members shall work in cooperation with the prosecuting attorney or the Attorney General's Office to ensure that the release of information does not adversely impact the broader scope of a criminal prosecution.
 - c. If the individual has not been arraigned, only the suspect's gender, age, and geographic location of residence may be released. The suspect's name shall be withheld until arraignment.

- (2) Criminal history record information may be released on a specific inquiry on whether a named individual was arrested, detained, indicted, or whether information or other formal charge was filed on a specified date. Requests for such information shall be forwarded to the Records Resource Section or the requester may be referred to ICHAT.
- (3) Once a suspect has been arraigned, the suspect, except juvenile offenders, may be completely identified.
 - a. The suspect's name, age, city, and occupation may be given. Race shall not be specified.
 - b. Suspect Photographs
 - i. Members may furnish an electronic police photograph of the suspect to the media upon request if the work site is in possession of the photograph.
 - ii. The photograph shall not include any of the suspect's identifying information.
 - iii. Members shall not post arrest photographs to a web site or social media platform without authorization from Public Affairs.
 - iv. The suspect shall not be forced to pose for news photographs.
 - v. Special arrangements for interviews or TV news coverage during the booking process shall not be permitted.
- (4) The details of the arrest, such as where, when, and by whom, may be furnished.
 - a. If another chargeable offense occurred during the arrest, such as felonious assault, attempted murder, etc., the same policy guidelines shall be followed.
- (5) The charge for which the suspect was arrested shall be listed as it appears on the prosecutor's order or authorization for a warrant.
- (6) An opinion regarding the guilt or innocence of a defendant or suspect shall not be given.
- (7) Mention shall not be made of any physical evidence that could adversely affect future court action. However, newsworthy items, such as significant seizures, may and should be given to the media whenever possible.
- (8) Mention shall not be made of the existence or contents of any admission, confession, or statements given by a defendant or suspect, or any refusal or failure to make a statement.
- (9) Mention shall not be made of polygraph or other special tests or refusal by the suspect to submit to any such tests.
- (10) Court proceedings may be reported, without elaboration, after they have occurred, mentioning the specific court, charges, plea, bond, etc.

G. Release of Member Personal Information and Documents

- (1) According to Article 7, Section 5.o. of the MSP/MSPTA collective bargaining agreement, "The employee's name, home address or photograph shall not be given to the press or news media without the employee's express consent, and his/her name shall only be released upon the proffering of formal criminal charges."
- (2) Freedom of Information Act (FOIA) requests for such information shall be forwarded to the Records Resource Section for processing under guidelines in Section 20.3 of this Order.
- (3) An employee's personnel photo may be released to the news media for use in feature stories with approval of the employee.
 - a. An electronic photograph can be obtained from the Photo Lab to provide to the news media.
 - b. Members shall serve as the liaison between the news media and Photo Lab by initiating all requests to the Photo Lab for photographs, rather than forwarding the news media on to the Photo Lab or to Public Affairs.
- (4) Submission of Department-Related Photographs and Videos to Outside Entities
 - a. Photographs or videos of department facilities, vehicles, or members representing the department taken by or at the request of members shall not be submitted to any publication, internet website, media broker or distributor, or broadcaster, without the prior approval of Public Affairs or their designee.
 - i. Approval shall be based on an assessment of whether the photograph or video casts the department in a positive light.
 - b. As prohibited by Official Order No. 1, Article 4, members shall not use or distribute department-related photographs or videos, or department patches or logos, for personal gain.

20.2.3. ASSISTANCE FROM OR NOTIFICATION OF PUBLIC AFFAIRS

- A. Work site commanders shall notify Public Affairs when a media inquiry or publicity concerning a work site activity or incident is of more than local interest. If appropriate, assistance may be requested from Public Affairs and/or a member of the Public Information Officer (PIO) Team. After normal business hours and on weekends, this notification and/or request for assistance can be made through the Operations Section.
- (1) Examples of incidents that require notification of Public Affairs include officer-involved shootings; member deaths or serious injuries; high-profile incidents; inquiries concerning department budget, trooper strength, or personnel actions; sensitive FOIA requests; or the department's position on public policy issues.
 - (2) Upon notification, Public Affairs shall discuss appropriate action with those persons involved in the activity, assist in dissemination of information to the news media, or coordinate a statement or response from the Director.

- (3) When appropriate, Public Affairs or a member of the PIO Team shall respond to the scene of an incident to assist with the release of information to the news media.
- B. Public Affairs maintains a list of telephone numbers and email addresses for all print and broadcast media in Michigan that is updated on an annual basis. This list is available on the Public Affairs Intranet site.
 - C. Division/district commanders may contact Public Affairs to request media-relations training or counsel specific to the division/district.
 - D. Public Affairs shall provide support to the PIO Team by providing training and consultation on critical incidents or issues of a sensitive nature.
 - E. Public Affairs is responsible for generating promotional/transfer and retirement news releases for members at the rank of captain and above. Individual work sites are responsible for news releases for personnel below the rank of captain. A news release template for promotional releases is available on the Public Affairs Intranet site.

20.2.4. NEWS RELEASES

- A. Work site commanders shall develop news releases to actively promote their work sites.
- B. Efforts shall be made to present material in news releases in such a way that the media will consider it newsworthy.
 - (1) Work sites may contact Public Affairs for guidance on how to prepare news releases to maximize media coverage.
 - (2) Work sites are responsible for disseminating their news releases via email to their local media. During normal business hours, Public Affairs can provide assistance with disseminating and crafting releases for statewide media dissemination, as time and resources permit.
- C. All news releases shall be created on a Michigan State Police News Release header, unless the work site has established their own header approved by Public Affairs.
- D. All news releases shall use Arial 10 as the font size/style, with the exception of the headline, which may be larger.
- E. All news releases shall include a headline, release date, originating city, and contact phone number.
- F. In most instances, officer names shall not be used in news releases relating to incidents occurring during the normal course of duty. Officers, with their permission, may be identified in news releases regarding promotion, retirement, specialized training, or awards.
- G. All news releases of statewide impact and those pertaining to grant announcements shall be reviewed by Public Affairs prior to dissemination.
 - (1) This review process recognizes the following three types of major news releases:
 - a. Type #1: Those with two or more weeks of turnaround time available.

- i. Type #1 news releases shall be forwarded to Public Affairs via email at least two weeks in advance.
 - b. Type #2: Those with only two to five days of turnaround time available.
 - i. Type #2 news releases shall be forwarded via email to Public Affairs as soon as a draft is available.
 - c. Type #3: Those that require same-day turnaround.
 - i. Type #3 news releases shall be forwarded via email to Public Affairs as soon as a draft is available.
 - ii. Unless an extenuating circumstance exists, the Public Affairs Section shall give Type #3 news releases priority in order to ensure they are reviewed and approved as quickly as possible.
- (2) Public Affairs will acknowledge receipt of all news releases and will provide an expected timeline for review.
- H. Approval of Outside Entities
 - (1) Should the Governor's Office or another state department need to review the news release prior to its dissemination, Public Affairs will be responsible for getting their approval.
 - (2) Should an outside agency, such as another law enforcement agency or a prosecutor's office, need to review the release, the submitting work site will be responsible for getting their approval.
- I. Changes made by Public Affairs are to be considered final, unless the change inadvertently alters the accuracy of the news release.
- J. The submitting work site shall be responsible for dissemination of the press release unless other arrangements are made with Public Affairs.

20.2.5. OFFICIAL STATEMENTS

Official Statements shall only be disseminated by work site commanders with district/division approval. All Official Statements shall be disseminated on the MSP Official Statement template, and a copy shall be provided to Public Affairs.

- A. Official Statements shall take the form of either:
 - (1) An official statement by a work site commander in response to a local incident, event, or occurrence, or;
 - (2) The Director's position on a matter of state-level interest, a sensitive or controversial issue, or to provide a position on, or a response to, an event or occurrence of statewide or national interest. Statements of this nature shall be handled by Public Affairs.
- B. Official Statements may be prepared for dissemination as follows:
 - (1) "No dissemination," to serve only as talking points if contacted by the news media.

- (2) "Local dissemination," as determined by the work site commander or upon request by media.
- (3) "Statewide dissemination," as determined by the Director or Public Affairs.

20.2.6. COMMERCIAL TELEVISION PRODUCTIONS

- A. The affected bureau or office commander or designee must approve all requests for department participation in "Hollywood" or commercial television productions. To facilitate this process, members shall forward all telephone calls and written requests to Public Affairs for initial screening.
- B. Public Affairs shall obtain a request in writing from the production company before forwarding the request to the appropriate bureau or office for approval.
- C. Agency participation shall be limited to those circumstances where department involvement will:
 - (1) Assist in solving a crime or apprehending a fugitive;
 - (2) Result in significant public information and education benefits; or
 - (3) Result in some other public safety benefits that outweigh the costs to the agency.
- D. When approving requests, the bureau or office commander may take into consideration the following:
 - (1) The significance of the case.
 - (2) The number of times the case has been featured already.
 - (3) The approval of the prosecutor on the case.
 - (4) The wishes of the affected family members.
 - (5) Any other factors deemed appropriate.
- E. Once a case receives approval, the production company and bureau or office commander or designee shall sign a Contractual Services Agreement, UD-066, outlining the production company's expectations regarding required materials, personnel, and department expenses. The UD-066 may be amended to fit the unique circumstances of each production. Amendments to UD-066 must be reviewed by the Director's Office.
- F. If a production company requests case reports and documents related to an approved case, a FOIA request shall be submitted to the Records Resource Section by the production company.
- G. Actual items of evidence shall not be used. The production company is responsible for developing facsimiles for use in the production.
- H. If the production company requests an interview with a retired member or other person not in the department, it is the responsibility of the production company to locate the person and arrange the interview.

- I. Every attempt shall be made to complete filming and interviews without incurring overtime, where applicable.
- J. Members shall not stage crime scenes or provide theatrical recreations for production companies. Explanation of processes used in the case and walk-through and/or narration of the crime scene is permitted.
- K. Members shall not participate in a commercial television production regarding a departmental case without bureau or office approval, even on off-duty time.
- L. The department recognizes there is a difference between commercial television productions and crime solving shows, such as America's Most Wanted. Sections 20.2.6 (A – J) of this Order do not apply to crime solving shows. Participation in a national crime solving show requires bureau or office approval, and Public Affairs shall be notified.

20.2.7. RELEASE OF DEPARTMENT REPORTS/VIDEOS

Copies of department reports, in-car video, audio tapes, etc., associated with a criminal investigation shall not be furnished to an individual or organization, except in accordance with Official Order No. 1, Art. 4 and this Order.

20.2.8. OFFICIAL PHOTOGRAPH OF THE DIRECTOR

- A. An official photograph of the Director shall be made available to the news media for use in stories, feature articles, reports, bulletins, programs where the Director is featured as guest speaker, or in similar situations deemed appropriate.
- B. The photograph may also be displayed in the lobby of districts, posts, and other department work sites.
- C. Public Affairs is responsible for distribution of the Director's official photo and shall respond to legitimate requests.

20.3 FREEDOM OF INFORMATION ACT

The [Freedom of Information Act \(FOIA\), MCL 15.231 et seq.](#), was enacted to strengthen the rights of citizens to receive full and complete information regarding the official acts of government, including the right to inspect government documents. The law requires disclosure of all public records, unless certain exemptions apply. This section establishes department policy to implement the FOIA concerning access to public records held by the department. This section shall be followed to ensure compliance with the law.

20.3.1. DEFINITIONS

- A. Public Records: "...a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. Public record does not include computer software." Public records can either be exempt or not exempt from disclosure.
- B. Writing: "...handwriting, typewriting, printing, Photostatting, photographing, photocopying, and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content."

- C. Written Request: "...a writing that asks for information, and includes writing transmitted by facsimile, electronic mail, or other electronic means."

20.3.2. ADMINISTRATIVE RESPONSIBILITIES

- A. It is the responsibility of the Director or the Director's designee to respond to requests for public records in a manner which ensures that all persons are entitled to full and complete information regarding the affairs of the department and the official acts of those who represent this department as employees, so that they may fully participate in the democratic process.
- B. Equally important to proper disclosure of all public records of the department is the Director's, or the Director's designee's, responsibility to ensure that the privacy of individuals identified in those public records is preserved.
- C. To ensure that the proper balance between disclosure and privacy is met, the Director has delegated the task of responding to, and maintaining, all FOIA requests to the Records Resource Section.
- D. The Director's designee shall act as the department's FOIA Coordinator. The FOIA Coordinator may elect to appoint assistant FOIA coordinators to process daily requests.

20.3.3. RESPONSIBILITIES OF THE RECORDS RESOURCE SECTION

A person wishing to inspect or receive a copy of a public record shall make a written request for the public record. The request must sufficiently describe the public record so that the Records Resource Section will be able to find it. A written request may be made by regular mail, facsimile, email, or other electronic transmission.

- A. The Records Resource Section shall assign a logging number and take appropriate action to locate the requested records.
- B. All requests for public records shall be reviewed to ensure that any appropriate exemptions are taken.
- C. A letter shall be sent to the requester indicating whether the request was granted, granted in part and denied in part, or denied. An explanation shall be given for any denied portions of the request.
- D. Statutorily, all requests must be processed within five business days of receiving the request. If the process of collecting and reviewing the documents exceeds five business days, a letter extending the response by ten additional business days shall be sent to the requestor. The response period, including the extension, shall not exceed fifteen business days without obtaining an additional extension from the requester.
- E. The Records Resource Section manager shall contact the Public Affairs Section before releasing information of a nature that may generate statewide or nationwide public interest. If appropriate, the Records Resource Section shall provide Public Affairs a copy of the information disseminated.

20.3.4. DEPARTMENT WORK UNIT RESPONSIBILITIES

- A. Any member who receives a request for a public record shall immediately forward the request to the Records Resource Section for processing. All requests must be in writing.

- B. A Request for Public Records form, RI-101, is available for individuals wishing to submit a request, however no specific form is required to make a request.
- C. Information processed under the FOIA is governed by statute. When contacted by the Records Resource Section, the work unit commander shall ensure that all information contained in local files is immediately provided to the Records Resource Section to ensure that the statutory time limits are met. The public records provided to the Records Resource Section must be unedited. If the work unit does not possess the public records, the work unit commander shall ensure that the Records Resource Section is notified immediately.
- D. Work unit commanders are cautioned that other agencies' records that are contained in department files are subject to the same criteria for FOIA release and will be processed accordingly. Work units are cautioned that department records in other agencies' files may also be subject to disclosure through FOIA requests made to those agencies.
- E. The work unit is responsible for communicating any concerns regarding release of records or portions of records to the Records Resource Section. Those concerns will be considered by the assistant FOI coordinators when applying statutory exemptions, however, the final decision regarding release rests with the Records Resource Section.
- F. Except as listed in this section, release of records at the local unit is not permitted. Incident reports may be released to the Department of Health and Human Services only in emergency situations where the life or safety of an individual requires immediate action. If approved by their work site commander, enforcement members may release incident reports to law enforcement entities when required to fulfill a law enforcement purpose. If there is any question whether the incident report should be released, members shall contact the Records Resource Section for clarification.
- G. A Traffic Crash Report, UD-010, may be released locally to individuals involved in the crash. All individuals requesting/ receiving a UD-010 shall sign a Release of Motor Vehicle Crash Report Request Form, UD-009. Completed UD-009's shall be maintained at the work site consistent with the approved retention schedule. Field Operations Bureau memorandum reference UD-009.
- H. A person may elect, under the FOIA, to physically inspect public records. The request and documents shall immediately be forwarded to the Records Resource Section.

20.3.5. APPEALS

The Director has designated an Appeals Officer to answer all appeals on behalf of the department. The Appeals Officer must respond within ten business days after receiving a written appeal. To properly answer an appeal, the Appeals Officer may be required to re-contact the work units to confirm the existence or non-existence of records. The work site commander shall ensure the Appeals Officer receives the necessary information.

20.4 REVISION RESPONSIBILITY

Responsibility for continuous review and revision of the Order lies with the Chief of Staff in cooperation with the Office of Professional Development.

DIRECTOR