



## VSP-DIR-350

### News Release and Public Information

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#### 1.0 Purpose

- 1.1 To establish guidelines for the creation and dissemination of information releases and interactions with news media and the public.
- 1.2 It is the intention of the Vermont State Police to be open and transparent with the public and the news media, in accordance with federal regulations and state statutes, including Vermont Public Records Law.
- 1.3 Providing information to the public is one of our important responsibilities. It shall be done in a timely, impartial, and factual manner.

#### 2.0 Definitions

- 2.1 Public Record – any information written or recorded, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business. See [1 V.S.A. § 317\(b\)](#).
- 2.2 Juvenile – any person under the age of nineteen (19) years, unless provisions of Vermont Statutes Annotated specify otherwise. See [33 V.S.A. § 5203](#).
- 2.3 News Release – any written document reporting law enforcement and public safety actions taken by the Vermont State Police and disseminated through state email lists or other mechanisms, for the benefit and use by the news media and public.
- 2.4 Members of the media – refers to all reporters, photographers, camera operators and others who are directly employed by agencies responsible for dissemination of information via radio, television, print or online outlets. Upon request members of the media should be prepared to provide credentials indicating their name and media affiliation.

#### 3.0 Public Information Officer Role & Responsibilities

- 3.1 The Public Information Officer (PIO) shall be appointed by the Director, in consultation with the Commissioner, and shall be responsible for:

- A. Assisting, preparing, and disseminating news releases and public information regarding matters of public interest, public educational campaigns, or other matters as determined by the Commissioner or Director;
  - B. Arranging for and assisting at news conferences;
  - C. Assisting in crisis situations within the agency, such as a line of duty death or serious injury;
  - D. Coordinating release of information concerning sensitive agency investigations and major incidents;
  - E. Being available to respond to major crime scenes and assist media personnel;
  - F. Soliciting feedback and input from news media and the public regarding agency policies and procedures related to public information;
  - G. Chairing the Media Relations Committee, comprised of members from the news media and the Department of Public Safety; and
  - H. Such other matters as determined by the Commissioner or the Director.
- 3.2 Except for information subject to paragraph 5.3 or otherwise properly withheld under this policy, the PIO will facilitate the release of a daily activity log of Vermont State Police response activity identifying the time, nature of the activity, officer, and location of the response activity. This information may be distributed via state email lists, the Vermont State Police public website, official social media accounts or via other electronic means accessible to members of the media.
- 3.3 To further facilitate the dissemination of information to the public and the media, the PIO will post on the Vermont State Police public website and/or official social media accounts, guidance on available resources such as [Crimereports.com](http://Crimereports.com) that allow the public and news media to access and research crime data, including date/time, address, case number, description, and responding agencies. The guidance, which will be updated at least semi-annually, will also include navigational and filtering guidance to meet specific needs/requests and to assist the public and media to get the most value from these tools; as well as any known limits to available data such as the types of cases identified in section 5.0 of this policy.

#### 4.0 News Release Guidelines – Field Operations

- 4.1 Members shall strive to respond promptly to requests for information from the public and members of the news media. When needed, members are invited to solicit input from the Vermont State Police Public Information Officer (PIO) in preparing responses.
- 4.2 Whenever any member communicates with members of the media, they are representing the entire agency. It is important to remember that the general public is the audience. Members should speak in clear and concise language, exhibit a professional and courteous demeanor, and avoid the use of jargon or acronyms.
  - A. Members, acting in their official capacity, shall not editorialize or make remarks to the public regarding their personal view. Members should not speculate. If the member does not know the answer to a media question, the member should make a referral to the appropriate person or attempt to get the information and relay it to the member of the media.
  - B. When releasing information, members will identify themselves by name and title.
- 4.3 News releases will be issued as soon as practicable for incidents of public interest or impact, including, but not limited to arrests, citations, road closures, hazardous scenes and motor vehicle crashes resulting in serious injury or fatality.
- 4.4 News releases shall be constructed using the approved Vermont State Police templates and delivered using Vermont State Police media distribution groups or by inclusion in a publicly accessible portal or dashboard. Once complete, the news release shall be incorporated into the case file.
- 4.5 Members completing news releases, media interviews, and providing public information shall consider the provisions of Vermont's Public Records Law and shall adhere to all requirements identified in department policy.
  - A. Members are expected to respond to inquiries from the public or news media regarding an event of public interest or generated as a result of the issuance of a news release in accordance with the provisions of this policy.
- 4.6 Death investigations are often performed in response to an incident of public interest. Deaths that occur in a public place and generate a response from law enforcement may generate public and media interest. A news release shall be

issued within 24 hours for all death investigations, with the exception of the following:

- A. Suicides with no public interest.
  - B. Natural deaths with no public interest.
  - C. Deaths where the release of information would impede or cause harm to the integrity of an investigation.
- 4.7 The name(s) of the decedent(s) in fatalities will be withheld until notification of next of kin.
- 4.8 The identity of a department member involved in a shooting or other incident resulting in a death or serious injury will be withheld for 24 hours or as otherwise determined by the Commissioner of Public Safety.
- 4.9 A request or solicitation for any Public Record of the Department of Public Safety, as defined within this policy, shall be considered as a Public Record Request and shall be handled pursuant to the provisions of [VSP-DIR-347, Public Record Requests](#).

## 5.0 Information that May Be Released

- 5.1 The following information may be released to the media, with the noted exceptions. Some information may not be appropriate for release due to the nature of the investigation.
- A. The name, age, and town of residence of any person charged with a crime filed in criminal court, the charge(s), and the date of arraignment.
  - B. The facts and circumstances of an arrest, including the date, time, and location of the arrest, disposition of the arrested person (lodged or cited), bail imposed, arraignment date, and general statements about any pursuit, resistance, or weapons involved.
  - C. The name of the arresting officer(s) and investigating officer(s) if applicable, and the anticipated length of the investigations.
  - D. Whether the suspect was arrested with or without a warrant and a brief description of the offense(s) charged.

- E. The name of the court issuing a warrant and the time and place of arraignment and plea entered, if known.
  - F. Any information necessary to aid in the apprehension of a person formally charged with a crime or to warn the public of any danger posed by a suspect or event.
  - G. The identity of a deceased victim, after notification of next of kin.
  - H. Crash information - the date, time, location, number of vehicles, general severity of injuries sustained, names and ages of drivers unless prohibited in section 6.0 below, and whether or not seat belts were used.
  - I. Mug shot.
- 5.2 Information contained in an affidavit of probable cause, which has been filed with the criminal court and is public (i.e., not under seal), may be released. NOTE: the contents of affidavits are not public information until after a judicial officer has found that probable cause exists, and the defendant is arraigned.
- 5.3 Members will neither prevent nor facilitate the photographing of defendants or persons in custody.

## 6.0 Information that Should **Not** Be Released

- 6.1 The following information may not be released to the media:
- A. Comments about the character, credibility or reputation of the accused/suspect or a witness. See [Vermont Rules of Professional Conduct \(V.R.P.C.\) 3.6](#).
  - B. Comments about the existence of a confession, or statements made by a suspect, or the failure or refusal of the suspect to make a statement or confession. It may be noted that the suspect denies the charge(s). See V.R.P.C. 3.6.
  - C. The results of any examination or tests made, or the refusal or failure of the suspect to submit to any examination or test(s), unless the failure to submit to an examination or test is the cause for the charge i.e., a Driving under the influence refusal, contempt of court, etc., the information may be released. See V.R.P.C. 3.6.

- D. The identity under circumstances described in section 6.1 (P) below, statements, or credibility of a witness or suspect.
- E. Opinions as to the guilt or innocence of a suspect, or speculation as to the plea a suspect may enter. See V.R.P.C. 3.6.
- F. Opinions about the merits of the case or opinions about the evidence in the case. See V.R.P.C. 3.6.
- G. Information about the law enforcement plans or confidential enforcement efforts.
- H. Any information contained in the Sex Offender Registry, unless the information is authorized for release in accordance with Vermont law.
- I. Information related to criminal investigations should not be released if it relates to the detection and investigation of crime and if the release could or would reasonably:
  - 1. Interfere with an investigation or other enforcement proceedings;
  - 2. Deprive a person of a right to a fair trial or an impartial adjudication;
  - 3. Constitute an unwarranted invasion of personal privacy;
  - 4. Disclose the identity of a confidential source;
  - 5. Disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions, which would reasonably be expected to risk circumvention of the law, or
  - 6. Endanger the life or physical safety of an individual. See [1 V.S.A. § 317\(c\)\(5\)](#).
- J. Department of Public Safety internal investigation reports, except as provided in [20 V.S.A. § 1923](#); See also [1 V.S.A. § 317\(18\)](#). Only the Colonel or designee may authorize the release of information regarding personnel matters.
- K. Autopsy reports. See [18 V.S.A. §§ 5205\(f\), \(g\)](#). See also subsection (g) noting reports released under this subsection remain confidential and shall not be considered a public record.

- L. Uniform Crash Reports. See [23 V.S.A. §§ 1603a, 1603b](#). See also, [23 V.S.A. § 104. Public Records](#) (subdivision (a) states any information contained in Department records is subject to and shall be released pursuant to the D.P.P.A. 18 U.S.C. Chapter 123).
- M. Sealed or expunged files. See [13 V.S.A. §§ 7606, 7607](#).
- N. Medical Information.
- O. Any other information deemed exempt from public inspection and copying under Vermont law.
- P. The identity of the following persons shall not be released:
1. The identity of any crime victim or witness that could jeopardize the safety of that individual, risk that individual's appearance at a future court proceeding, or otherwise impede an investigation.
  2. The name(s) or any information that could identify the victim of a sex crime or the victim of a domestic assault.
  3. The identity of any child, except as provided by [1 V.S.A. § 317\(c\)\(5\)\(B\)](#) and [23 V.S.A. § 1603b](#) (the Department of Motor Vehicles shall be the repository agency for all crash reports) if the associated investigations are clearly not proceeding to Family Court, whose identity is protected under Vermont law, including but not limited to:
    - a. Any abused or neglected child as defined in [33 V.S.A. § 5102\(3\)](#);
    - b. Any child accused of committing a delinquent act as defined in [33 V.S.A. § 5102\(9\)](#);
    - c. Juveniles accused of a crime, unless the case has been transferred to criminal court and the juvenile is ordered to stand trial as an adult. See [33 V.S.A. § 5117](#);
    - d. The custody status of any child. Media inquiries regarding the custody status of a child shall be referred to the Department of Children and Families.
    - e. Information related to cases referred to Family Court, See [33 V.S.A. §§ 5110](#) and [5117](#);

- f. Information contained on a Vermont Civil Violation Complaint if it is part of an incident that is referred to Family Court. All crash reports are sent to DMV, but the Department will not release information on juveniles involved if the incident results in a referral to Family Court.
4. Any person taken into protective custody due to a mental health condition;
5. Any person taken into custody due to incapacitation. NOTE: Officers must notify next of kin of any incapacitated person who is taken into custody, unless the person in custody requests no such notification be made. Information regarding the status of an incapacitated person may not be released to anyone other than next of kin;
6. The identity of any person or the circumstances related to the issuance of a notice of violation pursuant to [7 V.S.A. § 656\(b\)](#) or [18 V.S.A. 4230b\(b\)](#). This shall remain in effect unless the person fails to register with or complete the Youth Substance Abuse Safety Program. See [3 V.S.A. § 164\(l\)](#).
7. Cases referred to Diversion. See [3 V.S.A. §§ 163, 164](#).

## 7.0 Information Related to Vermont Civil Violation Complaints (VCVC)

- 7.1 Information from records pertaining to VCVCs may be released, except for the following:
  - A. An individual's photograph;
  - B. Social Security Number;
  - C. Driver identification number;
  - D. Street address or P.O. Box;
  - E. Date of birth;
  - F. Telephone number.
  - G. Juvenile name if the incident is associated with a referral or potential referral to Family Court.



H. Name of juvenile's parents or legal guardian as defined in [33 V.S.A. § 5102\(12\)](#).

## 8.0 Incident Scenes

- 8.1 The member with primary responsibility for an incident scene will notify a supervisor when responding to a scene that is likely to produce a media response. Likewise, members will notify a supervisor when members of the media are present at an incident scene.
- 8.2 Media access to a crime or serious incident scene is the responsibility of the incident commander and should usually be restricted to the outer perimeter of a crime scene or serious incident. The purpose of restricted access includes, but is not limited to, public safety and crime scene integrity.
- 8.3 As needed, at all incidents, a single point of contact for the public release of information shall be identified.
- 8.4 Media personnel shall never be allowed to interfere with police operations.
- 8.5 Members may not authorize media personnel to trespass onto private property.
- 8.6 Members do not have the legal authority to prevent the public or members of the media from photographing or recording police operations or crimes scenes from outside official police lines (outer perimeter).
- 8.7 It is the responsibility of the Public Information Officer to periodically communicate these guidelines to members of the media to help gain cooperation.

## 9.0 Media Releases during multi-agency investigations

- 9.1 The Department shall handle media inquiries if it is the agency with primary jurisdiction in an incident.
- 9.2 In multi-jurisdictional incidents that members participate in, media inquiries shall be directed to the agency with primary jurisdiction.
- 9.3 Members assigned to task forces shall comply with media procedures established by the task force. Task force members will forward a copy of all news releases that mention VSP to the Public Information Office.

10.0 Guidelines for news conferences:

- 10.1 The Commissioner and Colonel should be notified in advance. All handouts, written statements, or documents should be forwarded to the Commissioner and Colonel for reference or for feedback if the event being discussed is unusually high profile.
- 10.2 When appropriate, consultation with legal counsel in advance.
- 10.3 Ensure equitable access by all media representatives.
- 10.4 Remarks should generally be in writing and be distributed to the media and the public.

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