

HOOKS, TEXAS POLICE DEPARTMENT GENERAL ORDERS MANUAL

<i>Effective Date</i> January 1, 2021	<i>Amended Date</i>	<i>Directive</i> 4.01	
<i>Subject</i> Privacy and Security of Records			
<i>Distribution</i> All Personnel Mayor City Attorney		<i>Review Date</i> January 1, 2022	<i>Pages</i> 2

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to establish direction, procedures, and requirements to ensure the appropriate security and privacy of records. The policy will also assign specific responsibilities for the provision of data and security and for the security of the various infrastructure environments.

SECTION 2 POLICY

It is the policy of the Department to prohibit unauthorized access, disclosure, use, duplication, modification, diversion, destruction, storage, loss, misuse, or theft of law records and/or information – either physical or electronic. Any such unauthorized activities or misuse will be cause for disciplinary action to be taken to the fullest extent of the law, in accordance with Department policies.

SECTION 3 PROCEDURES

A. This policy applies to all personnel who have access to computer systems, networking systems, physical records (including electronic mail), peripheral equipment, workstations, personal computers (desktop and portables) within the Department . Network and computer resources include data, printouts, and telecommunications that permit access to records.

B. USERS

1. Users are expected to follow all policies and procedures related to records security and privacy of law records data in both physical and electronic format. Department personnel will comply with policies and procedures pertaining to the printing, copying and faxing of records. This includes transmitting, viewing and distributing records.
2. Department personnel are expected to know and comply with all existing security and privacy policies. Only authorized personnel will be given access to the communication infrastructure as relates to records in a capacity limited to meet the ability to perform their duties appropriately and with a need to know level of access only.
3. All personnel who have been determined to no longer need access to the communication infrastructure or specific areas of the network and applications will be removed from access lists. This includes terminated employees, employees on extended leave, retired or transferred employees with new duties and responsibilities.

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C. CONFIDENTIALITY

The Department, in accordance with federal and state laws, is required to protect and preserve the confidentiality of records. All personnel must sign an information confidentiality acknowledgement statement to be granted access honoring all the legal and ethical requirements for protecting and preserving the confidentiality and privacy of citizens. This includes pre-employment and any subsequent additional requirements or changes in access to records in either physical or electronic format.

D. SUPERVISORY RESPONSIBILITY

1. Department Command Staff are responsible for ensuring that records data privacy and information security measures are being followed. They are responsible for ensuring security and privacy of all department data stored as either physical paper records or electronic records on departmental computer servers. They will work with the appropriate network and information security administration to ensure records security, and they must maintain a current working knowledge of the Department policies pertaining to records security and privacy, and identify necessary process improvements and/or changes when new policies are approved.

E. PUBLIC INFORMATION OFFICER

The department command staff personnel is responsible for the Department's release of information in compliance with the Texas Government Code, Chapter 552, Public Information Act. The Chief of Police will handle open records requests. The Sergeant will handle open records requests in the absence of the Chief of Police.

F. ACCESS

Methods of access will be by a unique user name and password for identifying the user and tracking the user's access to the system. System administrator passwords will be changed on a regular basis, and the changes to user names and passwords will be managed by CIS personnel.

G. PHYSICAL/TECHNICAL SECURITY

Department data and physical records must be stored in a secured area where access is restricted to authorized personnel. Any records to be destroyed will be destroyed in an appropriate manner. All personnel must prevent the improper disposal or destruction of records that may directly or indirectly breach records confidentiality.

H. VERBAL SECURITY BREACHES

All personnel who have access to records shall only communicate sensitive information to appropriate personnel. When an employee is in doubt regarding the lawfulness or appropriateness of the information release, then they should not release the information. The employee shall immediately contact the Department's Command Staff who shall determine if the information is to be released.

I. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> January 1, 2021		<i>Amended Date</i>		<i>Directive</i> 4.02	
<i>Subject</i> Release of Information					
<i>Distribution</i> All Personnel Mayor City Attorney				<i>Review Date</i> January 1, 2022	<i>Pages</i> 5

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SECTION 1 PURPOSE

The purpose of this policy is to regulate the release of Department information to the public.

SECTION 2 POLICY

It is the policy of the Department that all police department information will be released in accordance with all applicable laws related to the release of information and in accordance with the provisions this policy. It is the policy of the Department to make available to media representatives information pertaining to matters within the scope of the Department, with the exception of instances where the law enforcement process or fair administration of justice would be hampered by premature disclosure of information to the public.

SECTION 3 PROCEDURES

- A. Generally, the release of information shall be the responsibility of the Department's Command Staff unless otherwise determined by the Chief of Police. As stated in 4.01, the Chief of Police will handle open records requests. The Sergeant will handle open records requests in the absence of the Chief of Police.
- B. Media representatives shall not be allowed access to a crime or accident scene if, in the judgment of the officer in charge of the scene, their presence would interfere with the investigation in progress, jeopardize prosecution, or expose them to danger. When investigating incidents occurring on private property, officers shall prohibit access by media representatives if the owner or person in charge of the property specifically requests that the media not be allowed, but employees shall not solicit such a request.
- C. Unauthorized persons, including media representatives, shall not be allowed access to a crime scene until the scene is released by the officer in charge.
- D. The Department does not permit interviews of persons in custody by media representatives without first consulting the District Attorney. Officers may not prevent brief comments by the arrestee to media representatives while in public places, i.e., at the arrest scene, in the Police Department, etc.
- E. The following information shall not be released to media representatives or on social media prior to an arrest:
 1. Names and addresses of sexual assault victims.

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2. Names and addresses of juvenile victims, except in those cases where the victim is deceased. In that event, the information will not be released until the next of kin has been notified.
 3. The identity of all deceased victims, pending notification of next of kin. Once notification is made, the information shall be released by the Command Staff.
 4. Names and addresses of witnesses.
 5. Names and addresses of suspects who have been identified but not arrested or detained.
 6. Names and addresses of suspects who have been detained, but no charges have been filed.
 7. Identifying features of a weapon or other physical evidence.
 8. Any information that would be known only to the perpetrator.
 9. Information regarding value of items stolen.
- F. The following information may be released to media representatives or on social media prior to an arrest:
1. Description of the offense, including a brief summary of events.
 2. Location and time of the offense.
 3. Injuries sustained or damages resulting from the action.
 4. Names, ages, and addresses of victims, with the exception of sexual assault and juvenile victims.
 5. Information regarding unidentified suspects, such as physical description.
 6. Age, sex, race, and city of residence of suspects who have been detained but no charges have been filed, and the fact that they are being held.
 7. Identification of a fugitive for whom a warrant has been issued.
 8. Criminal background of a fugitive when necessary to alert the public to danger.
 9. Method of complaint (officer observation, citizen complaint, warrant).
 10. Length of investigation and name of officer in charge. Undercover operations may require withholding the officer's identity.
 11. A general reenactment of the crime containing the aforementioned items of this section may be used for the purpose of the local Crimestoppers project.
- G. The following information shall NOT be released to media representatives or on social media after arrest:
1. Name of accused's employer.
 2. Names of juveniles.
 3. Prior criminal record of accused.

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4. Information regarding confessions or statements by the accused.
 5. The refusal of an accused to make a statement.
 6. The refusal of an accused to submit to tests or examinations.
 7. Results of examinations or tests taken.
 8. Description or results of laboratory examinations of physical evidence.
 9. Re-enactment of the crime.
 10. Information that the accused led investigators to the location of a weapon, contraband, or other evidence.
 11. The fact that information used in making the arrest was obtained from an informant.
- H. The following information may be released to media representatives or on social media after arrest or arraignment:
1. Name, race, sex, age, address, occupation, and marital status of accused.
 2. Time and place of arrest.
 3. Charges filed.
 4. Information relating to the arrest, such as resistance, pursuit, possession or use of a weapon, description of contraband discovered.
 5. Identity of the agency or unit responsible for the arrest, including the name of the arresting officer, unless circumstances exist wherein the officer's safety would be jeopardized. Undercover operations may require withholding the officer's identity.
 6. The fact that information leading to the arrest came from a Crimestoppers or social media tip.
 7. Duration of the investigation.
 8. Pretrial release or detention arrangements (including amount of bond, location of detention).
 9. Scheduled dates for various stages in the judicial process.
- I. Employees shall treat as confidential the following information, which shall not be released outside the Department:
1. The identity, presence, activities, or description of undercover, plainclothes, or vice officers.
 2. All official business of the Department.
 3. Information contained in police reports or records ordinarily accessible only to employees.
 4. Allegations, gossip, hearsay and rumors originating within the Department.
 5. Contents of any directive or order received, unless required by the nature of the order or directed by a supervisor.

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- J. Contents of criminal records shall not be divulged to any unauthorized person, within or outside the Department. Employees with access to confidential information shall not release this information to anyone within the Department except those for whom it was intended, unless so directed by a supervisor. Violation of the security of confidential information shall be cause for disciplinary action.
- K. Copies of police reports may be given to media representatives only in accordance with established Department procedures and federal and state statutes. The employee releasing the report is responsible for reviewing all of the information contained in the report to ensure that the release of the information complies with the provisions of this policy. Reports should be redacted accordingly before being released.
- L. Department photographs shall not be released to media representatives or on social media without the expressed consent of the Chief of Police. Under no circumstances shall photographs of the following be released:
 - 1. Crime scenes.
 - 2. Persons charged with a criminal offense or suspects prior to arrest (except to obtain public assistance in effecting an arrest or immediate threat to the public).
 - 3. Victims.
 - 4. Juveniles.
 - 5. Plainclothes officers in sensitive positions.
 - 6. Officers from other departments or agencies.

Photographs of Department employees shall not be released to media representatives or displayed for public view without the employee's consent in accordance with Section 552.119 of the Texas Open Records Act.

- M. Photographs shall be released to media representatives of convicted sex offenders whose victims were under the age of 17.
- N. Employees shall not obtain, or attempt to obtain, information from Department records, files, reports, or sources other than that information to which they are entitled in accordance with their duties and assignment. Employees shall not use information received or acquired during the course of employment for their own private purposes. Information acquired by employees, either properly or improperly, shall not be passed on to other parties, within or outside the Department, except as required by law or assignment.
- O. The personnel records of Department employees are not open to public inspection. The residence addresses and telephone numbers of employees shall not be released to media representatives or to the public without the expressed consent of the employee per Section 552.117(2) of the Texas Open Records Act. Every reasonable effort shall be made to ensure that employees receive business related messages and, when appropriate, are made available for interview or telephone contact.
- P. All written request or phone calls for personnel records for current or former employees for employment purposes from another potential employer shall be referred to the Chief of Police. Request from another law enforcement agency will be addressed by providing the information requested only after the law enforcement agency has provided this department with an authorization for release of information form which has been signed by the employee. Written request or phone calls for personnel records,

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verification of employment, dates of employment, or other information for any entity other than another law enforcement agency will be forwarded to the Chief of Police.

- Q. Employees are prohibited from expressing to media representatives' personal opinions as follows:
1. Conjecture regarding suspects or fugitives.
 2. Comments regarding the character or reputation of the accused.
 3. Comments regarding assumed guilt or innocence of the accused.
 4. Comments regarding the credibility of an individual's testimony in any criminal case.
 5. Comments regarding Department policy, regardless of whether or not a statement has been issued by the Chief of Police.
- R. Employees shall not seek, or allow, personal publicity for any aspect of their employment with the Department without the prior approval of the Chief of Police.
- S. Employees receiving requests for public speeches, demonstrations, or exhibitions shall refer the requesting party to the Chief of Police for approval.
- T. When a complaint is lodged against a media representative by an employee, the Chief of Police or his designee shall investigate the complaint. The Chief of Police shall make any decision necessary concerning action to be taken against the accused media representative.
- U. RESPONSIBILITY
1. All members of the Department shall know and comply with all aspects of this directive.
 2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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<i>Effective Date</i> January 1, 2021	<i>Amended Date</i>	<i>Directive</i> 4.03	
<i>Subject</i> Public Information Officer			
<i>Distribution</i> All Personnel Mayor City Attorney		<i>Review Date</i> January 1, 2022	<i>Pages</i> 2

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SECTION 1 PURPOSE

The purpose of this policy is to regulate which employees may release department information to the public.

SECTION 2 POLICY

It is the policy of the Department that only persons authorized by this policy may release department information to the public / media.

SECTION 3 PROCEDURES

- A. Whenever possible, the Department's Command Staff shall be the sole persons responsible for the release of information to the public or representatives of the media.
- B. It shall be the responsibility of the Command Staff, or the supervisor in charge at the scene of a major incident, to obtain and convey that information which can be released to media representatives present at the scene. Information on minor incidents, such as burglaries and traffic accidents, shall be released to media representatives by the officer in charge at the scene in the absence of Command Staff Personnel.
- C. Except as otherwise stated in the provisions of this policy, employees shall not divulge information to media representatives concerning the facts of any ongoing investigation except as determined by the Chief of Police. When the release of information has been authorized, employees are encouraged to cooperate with media representatives. Employees authorized to release routine information, reports, etc., shall do so in a courteous manner, avoiding unnecessary conversation and controversy. The employee releasing the report is responsible for reviewing all of the information contained in the report to ensure that the release of the information complies with the provisions of Directive 4.02. Reports should be redacted accordingly before being released.
- D. The Chief of Police shall make the determination regarding all matters pertaining to the release of administrative information to media representatives.

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E. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Command Staff personnel are responsible for ensuring compliance with the provisions and intent of this directive.