

Clark County Sheriff's Office

Policy # 20250521	Related Policies:
Public Information/Media/Open Records	
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable State Statutes: 61.870	
KACP Accreditation Standard: 20.1, 20.2, 20.3, 20.4	
Date Implemented: 05/21/2025	Review Date: 05/21/2025

I. POLICY

The Sheriff's Office is committed to informing the public through the news media of events within the public domain that are handled by and involve the Department. The Department cooperates fully and impartially with properly identified representatives of the news media in their efforts to gather and disseminate factual information that is consistent with established procedures so long as such activities do not subvert the ends of justice or infringe upon individual rights or privacy.

II. DEFINITIONS

- A. **Public Information:** Information that may be of interest to the general public regarding policy, procedures or events involving the department or other newsworthy information that is not legally protected, does not unduly interfere with the mission of the department, infringe upon the rights of a defendant or compromise the legitimate safety and privacy interests of officers, victims, witnesses or others.
- B. **News Media Representatives:** Those individuals who are directly employed by agencies of the electronic or print media such as radio, television, and newspapers. Freelance workers in this field are to be regarded as other members of the general public unless otherwise designated by the Sheriff.

III. PROCEDURE

- A. The Department's established uniform procedure for releasing information to the news media clarifies areas of information which can be released and restricts those areas in which release of

information is unlawful or prejudicial to the successful completion of an investigation or prosecution.

- B.** The Sheriff shall serve as the Department's Press Information Officer (PIO).
- C.** The Sheriff (PIO) has regular contact with the news media and discusses procedural updates for their commentary/input and is responsible for the public information function of the Department which includes:
 - a.** Assisting news personnel in covering routine news stories and at the scenes of incidents;
 - b.** Being available for on-call responses to the news media;
 - c.** Preparing and distributing agency news releases when the opportunity for such preparation exists;
 - d.** Arranging for, and assisting at, news conferences; and
 - e.** Coordinating with operations personnel the release of information concerning:
 - 1.** Victims, witnesses and suspects, and
 - 2.** Confidential agency investigations and operations, subject to the provisions of section "B" of this procedure.
 - f.** Assisting in crisis situations within the agency.
- D.** Release of Information
 - a.** All members of the Department must exercise care, common sense and discretion to avoid rendering statements or information, which if later quoted, might create a misunderstanding or compromise the effectiveness of police service. From the initial stage of an investigation until the completion, police personnel will:
 - 1.** Direct all requests for news information to the Press Information Officer who shall release information within the guidelines set forth in this procedure.
 - 2.** Prior to arrest, consider the identity of a suspect to be confidential and the identity will not be disclosed to the media unless:
 - a)** The identity of the suspect and his/her involvement has been established beyond a reasonable doubt and such information would assist in the apprehension of the subject.
 - b)** Such information serves to warn the public of potential danger.
 - 3.** In certain major cases such as kidnapping where the safety and welfare of the victim would be jeopardized by the release of information to the news media, information regarding the investigation in progress shall not be released.
 - 4.** At the scene of an incident or other fast breaking event where an agency spokesperson is required, the Officer-in-Charge with the approval of the Press Information Officer will

speaking for the Department.

5. If the Press Information Officer authorizes information to be released by the Officer-in-Charge, a memo shall be completed to the Sheriff informing him of the release.

b. When the agency is involved with other public service agencies in a mutual effort, the Sheriff or his designee shall only approve the release of information.

E. Release of Information – Juvenile

a. At no time will the identity of a juvenile or any record concerning a juvenile be released to the news media.

b. The release of any juvenile information (including all reports, photographs, fingerprints) to any outside agencies, other than news media, will follow Department Juvenile Policy and KRS 610.320.

F. Release of Information - Ongoing Investigations

a. The Press Information Officer may release the following investigative information unless otherwise restricted in this procedure:

1. Type or nature of an incident such as a fire, accident, robbery, etc.

2. Location, date and time occurred, damage, injuries sustained by victim or assailant, type of force used, and description of how incident occurred.

3. Casualty figures to include known dead or injured may be released.

4. The identity and general address of the victim if the identity is not one of the exceptions listed.

5. Number of officers or people involved in an event or investigation and the length of the investigation.

6. Amount and type of property taken including value, if known.

7. Requests for aid in locating evidence, a complainant or suspect. A person's race may be released as descriptive information in such cases.

8. The name, age and address of any adult arrested or charged with a crime.

9. The fact that a juvenile has been taken into custody, including age, sex, general area of residence and substance of the charge.

b. After an incident and during an investigation but before an arrest, information which shall not be released except by the Sheriff to aid another agency's investigation or warn the public, includes:

1. The identity of:
 - a) Any victim or related information which, if divulged would tend to lead to the victim's identification of a sex crime, abduction, spouse or child abuse.
 - b) Any suspect who is under the age of eighteen.
 - c) Any critically injured or deceased person prior to the notification of the next of kin.
 - d) The location of any suspect; the existence of a suspect may be acknowledged without further comment.
 - e) A prospective non-victim witness.
 - f) A victim/witness, if such disclosure would prejudice an investigation to any significant degree, or if it would place the victim in clear personal danger.
2. The specific cause of death until determined by the Coroner/Medical Examiner.
3. Investigative information of an evidential nature.
4. Contents of suicide notes.
5. Personal opinion not founded by facts.
6. Unofficial statement concerning personnel or internal affairs matters.
7. Home addresses and telephone numbers of investigating officers.
8. Valuables or cash overlooked by crime perpetrators.
9. Results of an investigative procedure such as line-up, polygraph, fingerprinting, lab or ballistics test. The fact that tests are performed may be acknowledged without further comment.
10. Information which, if prematurely disclosed, would significantly interfere with an investigation or apprehension, particularly leads which have not been checked or information which has not been verified; specifics of the modus operandi; details known only to a suspect or officer; information which may cause a suspect to flee or avoid apprehension.

G. Release of Information - Arrests

- a. From the filing of any complaint, information, or indictment; the issuance of an arrest warrant; or time of arrest until the completion of trial or disposition without trial, information which generally may be released includes:
 1. A factual statement of the accused name (except juveniles), age, residence, occupation, and family status.

2. The identity of the investigating and arresting officer or agency, and the length of the investigation.
- b. In those instances where covert operations are necessary and a need exists to protect the identity of officers involved, their identity will not be revealed.
- c. Under no circumstances, will the home address or telephone number of an investigating officer be disclosed.
- d. The charge, including a brief description of the elements necessary in the KRS which constitute the charge.
- e. The circumstances immediately surrounding an arrest:
 1. Time and place of arrest,
 2. Method of apprehension,
 3. Resistance and injury resulting from,
 4. Possession and use of weapons by the suspect, and/or
 5. Description of items or contraband seized.
6. Amount of bond, scheduled court dates and place of detention.
- f. After formal charging and arrest but prior to adjudication, the following information shall not be released:
 1. The prior criminal record including arrests, indictments, or other charges of crime, character or reputation of the accused.
 2. The existence or contents of any confession, admission, or statement given by the accused or the refusal or failure of the accused to make a statement.
 3. The performance or results of any examinations or tests, or the accused refusal to submit to such examinations or tests.
 4. The identity of any victim or witness or any related information which would tend to lead to the victim's identification of a sex crime, abduction, and spousal or child abuse.
 5. The identity of any suspect who is under the age of eighteen.
 6. Statements, prospective testimony, character or credibility of any victim or witness;
 7. Normally the motive of the commission of the crime cannot be discussed unless it is an apparent motive such as robbery or murder;
 8. Any opinion about the guilt or innocence of the accused, or the merits of the case, including arguments and evidence, or whether their use in court is expected;
 9. Possibility of a guilty plea, plea bargaining or other disposition;
 10. Reports, transcripts or summaries of proceedings from which the press and public have been excluded by judicial order.

H. Release of Information - Incidents Involving Officers

- a. Department policy authorizes the Sheriff or his designee to allow the Press Information Officer to release the names of those police personnel involved in an incident as soon as possible.
- b. Prior to release, caution should be exercised to be certain of the accuracy of the information.
- c. The officer should be afforded the opportunity to notify his family, prior to the release of his name, if the report of his participation in an incident could cause them unnecessary concern.
 1. No information concerning an incident should be released if the information would adversely affect or hamper an investigation in any way.
- d. The timely release of the names of police participants in a major incident can only add to the credibility of the Department and forestall the possibility of the news media adversely commenting on the incident because this information was withheld.

I. Release of Information - Department Files

- a. The Sheriff shall be the "Official Custodian" (KRS 61.870(3)) of the Department public records and shall be authorized to release information from Department records in accordance with this procedure and the Open Records Law (KRS 61.870). The Official Custodian (Sheriff) shall designate an employee as its Records Custodian. The Records Custodian shall review the Kentucky Open Records Act, 200 KAR 1:020, and "Your Duty Under the Law – The Kentucky Open Records Act and Open Meetings Act," published by the Office of the Attorney General. The Records Custodian shall ensure compliance with the Kentucky Open Records Act, 200 KAR 1:020, this Policy, and all relevant requests. The Records Custodian shall not participate in the adjudication of an appeal under the Act.

The Sheriff designates the following Records Custodian:

Office Manager
17 Cleveland Ave
Winchester, KY 40391
Phone: (859) 901-5175
Fax: (859) 901-5176
Email: openrecords@clarkcokysheriff.com

- b. Accredited news media representatives will be allowed limited access inside police headquarters to review crime reports, arrest reports and other public documents and will be granted access to departmental representatives authorized to release information.
- c. Reports which are solely the result of or the fruits of investigative efforts shall not be released to anyone other than law enforcement officers. This includes all supplemental reports which list witnesses, suspects, opinions and suppositions, hearsay, investigative leads, and other non-factual investigative information.
 1. Any Department personnel may release copies of Kentucky Uniform Police Traffic Accident Reports to persons involved in the accident or their insurance companies.

2. A reasonable fee shall be charged for copies of police reports. This fee shall be based on the number of reports and the time involved by records personnel to retrieve, collate and copy the reports.
3. Copies of police reports may be obtained with the approval of the Sheriff or the Sheriff's Clerk through the Administrative Office Monday through Friday from 8 AM to 4 PM.

J. Tracking Records Requests

- a. Employees shall deliver the request immediately to the Records Custodian. If the Records Custodian is absent on the date of receipt, the request shall be delivered to the Official Custodian (Sheriff) or an alternate records custodian (Captain). If an employee is uncertain whether a request qualifies as an Open Records Request, or does not specifically invoke the Open Records Act but appears to request records, the employee shall immediately refer the request to the Records Custodian for a preliminary determination.
- b. The Records Custodian shall notify the Sheriff or Captain of all requests including those made by any member of the media. The Sheriff or Captain shall determine whether the request relates to pending litigation handled by the Office. If so, the Records Custodian shall notify the attorney or attorneys handling such litigation.
- c. The Records Custodian shall maintain a records request tracking spreadsheet to organize and track records requests. The Records Custodian shall update the records request spreadsheet with a new request no later than the close of business on the date the request is received by the Records Custodian.

K. Responding to Records Requests

- a. All requests for copies or review of public records in the custody of the Sheriff's Office must be made in writing, utilizing Form OAG-01, pursuant to the Kentucky Open Records Act ("the Act"), KRS 61.870etseq. All fields of the form must be completed and may be sent electronically to openrecords@clarkcokysheriff.com. Requests may also be mailed to the Office or hand delivered to 17 Cleveland Avenue, Winchester KY 40391, from 8:00 a.m. to 4:00 p.m., Monday through Friday, each week, except holidays (Attn: Records Custodian). Requests may also be faxed to the Office 859-901-5176 (Attn: Records Custodian).
- b. Requests without Form OAG-01 will be denied. Requests with an incomplete Form OAG-01 will be denied. Only Commonwealth residents may submit open records requests; therefore, forms from non-Kentucky residents will be denied.
- c. The Records Custodian shall provide a response to the records request that is postmarked or electronically transmitted within the number of business days required by law. The Records Custodian shall promptly notify the requesting party if additional time is needed under KRS Chapter 61. When a response is delayed, the notice shall specifically indicate that additional time is required to process the request and explain the circumstances justifying additional processing time.
- d. The Records Custodian shall determine whether the requester has reasonably described records within the possession of the Office. If no such records are identified, the request may be denied on those grounds. However, if it is reasonably believed that another state agency is in

possession of the records described in the request, the Records Custodian shall refer the requester to the appropriate records custodian, providing both their name and contact information. If it is determined that the records are within the Office's possession, the Records Custodian shall gather them for processing. Records that are responsive shall be segregated from nonresponsive records (i.e., records that were not requested). The Records Custodian shall then examine responsive records to determine which records, if any, are exempt from disclosure and make appropriate redactions.

- e. If the Records Custodian determines that the records request should be denied in whole or in part, the Records Custodian shall notify the requester with an explanation for the decision to withhold any responsive records, citing the specific exemption in statute as the basis for withholding. If any part of a request for records is denied, the Records Custodian shall confer with legal counsel to ensure accuracy in applying the law.
- f. If the request places an unreasonable burden for producing public records, or if the Records Custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the Office, the Records Custodian may refuse to produce the records upon conferring with legal counsel prior to denying the request.
- g. When responsive records are to be transmitted electronically to the requester, there is no charge to the requester and may be provided via an email address provided by the requester. However, if the volume of responsive material is too large to be transmitted by email, the documents may be produced through an online cloud-sharing service.
- h. When responsive records are to be mailed to the requester, the Records Custodian may first provide an invoice to the requester for the production and postage. Printing costs are \$0.10 per page, and additional fees shall be justified on any invoice. Copies of photographs, maps, and other such records shall be furnished to any person requesting them on payment of a fee equal to the Office's actual cost to produce the copies. Estimated costs shall be communicated to the requester before costs are incurred. After the invoice is paid, the Records Custodian shall produce the responsive records to the requester.
- i. If the requester wishes to personally inspect responsive records at the location where the records are maintained, the Records Custodian shall facilitate with the requester the scheduling of a convenient time and place for inspection. The Records Custodian, or an employee of the Office, shall be present and personally monitor the inspection.

L. Release of Photographs - Police Personnel

- a. Under normal circumstances, photographs of police personnel may be released to the media for a specific community relations purpose such as promotion of a police function or program, recognition for a meritorious act, promotion in rank, etc.
- b. Photographs of police personnel will not be released without permission of the Sheriff when:
 - 1. The possibility of disciplinary action exists,
 - 2. An arrest of an officer is made,
 - 3. Civil action is initiated,
 - 4. An officer commits suicide,
 - 5. The officer is working in a covert assignment, or

6. Any other circumstances exist which may reflect unfavorably on the individual officer or the Department.

M. Release of Photographs - Arrested Persons

- a. Requests for photographs will be referred to the Investigative Supervisor. The Investigative Supervisor, after reviewing the request, may authorize the release of a photograph to the news media.
 1. If the arrested person has been formally charged with a crime. (An arrested person will be considered formally charged when an affidavit has been filed.) All identifying marks or numbers will be removed from the photographs before releasing.
 2. If the arrested person has not been formally charged, requests for a photograph will be denied.
- b. Department members will not prevent the photographing or televising of persons in custody in public areas unless so directed by court order. However, Department members will not pose or unnecessarily expose persons in custody to the news media for pictures, interviews or televising.

N. Release of Photographs - Victims and Witnesses

- a. Photographs of victims or witnesses will not be released by police personnel.

O. News Media Access and Other Media Concerns

- a. The Press Information Officer with the cooperation of the Sheriff will determine the frequency and content of Department-generated media releases. Information shall be released to the media as soon as it becomes available, is organized and is determined by the Press Information Officer to be of importance to the media. When available for dissemination, the Press Information Officer shall make the information available to all media on an equal basis.
- b. The Sheriff's Office shall not issue press credentials, but shall recognize credentials identifying members of the press unless there is sufficient reason to believe that those credentials are false. Personnel of the news media at the scene of a crime or other events shall obey any City ordinances, state or federal statutes. The media personnel are subject to criminal prosecution if they violate these laws. Officers shall file a written complaint to the Sheriff for any misconduct on the part of persons possessing press credentials.
- c. In all official operations, the Department will establish an "incident or danger perimeter" and will keep all personnel, bystanders and others outside of same. The Department shall extend every courtesy to properly identified news media representatives who are actively covering an incident. These courtesies shall permit closer access than that granted to the general public and shall provide for vehicles and equipment to be located closer so long as such courtesy does not interfere with either the mission or with general traffic flow.
- d. The Officer-in-Charge may deny access of the news media, including photographers, to a crime scene, catastrophic event or police operation when:

1. The owner of private property requests they be excluded;
2. There is a strong possibility that evidence will be damaged, tampered with or removed from the scene of a crime, or the investigation will be hampered; or
3. During a tactical police operation, the media's presence would disrupt operations by placing a citizen or police officer at risk of injury or loss of life.
4. When a member of the media is denied access to information or to an area pursuant to any of the provisions of this procedure, that representative will be given a courteous explanation of the reason for such denial.

P. Inter-Agency Coordination on News Releases

In instances where more than one agency is involved, the agency having primary jurisdiction will be responsible for the release of information, and all inquiries shall be directed to that agency. The word "agencies" as used in this section also applies to all other public service agencies such as the fire department, coroner's office, etc.