

RELEASE OF INFORMATION BEFORE TRIAL

Because the Constitution of the United States guarantees the accused in all criminal prosecutions the right to a speedy and public trial by an impartial jury and also provides for freedom of the press, a controversy has developed between the proponents of the two issues. Our members have just cause for concern as to what information should be released at the time of arrest or before trial which will not infringe upon the accused's rights and, at the same time, make available to the public information to which it is properly entitled.

In general it is the Department's policy not to release any information to any news media that would hinder in any way the successful prosecution of the accused or that serves no purpose of law enforcement.

After the arrest it is proper to provide the name, age, address, marital status, employment and other similar biographical information about the accused. With reference to the crime itself it is proper to give the charge or offense, the time and place of arrest, the arresting officer and whether the accused resorted to flight or resistance.

The expression of any opinion of the arresting or investigating officers is to be avoided, as well as any reference to the prior criminal record of the accused, to any confession made by him, to evidence, including photographs, used against him, or the result of any test the accused, or evidence against him, is subjected to. Witnesses should not be identified or the nature of their testimony revealed.

If the case is not cleared, or the perpetrator is not apprehended, then only that information sufficient to lead to the solution of the crime or the arrest of the perpetrator should be released.

Public comment should not be made as the trial nears or during its progress.