

**MARIN COUNTY SHERIFF'S OFFICE
GENERAL ORDER**

CHAPTER 1- Administration
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DATE
5-12-08

BOOKING PHOTO, RELEASE TO MEDIA

POLICY

It shall be the policy of the Marin County Sheriff's Office not to release booking photos unless the release of said document serves the best interest and/or safety of the public. This policy is in accordance with the California Attorney General's Opinion No 03-205, dated July 14, 2003, which leaves the release of these photos to the discretion of the Sheriff. In general, it is the policy of this agency not to release booking photos to representatives of the news media or newspapers. The Marin County Sheriff's Office may, however, release said document to the arresting agency at the discretion of the Sheriff or his/her designee.

DEFINITIONS

BEST INTEREST / SAFETY OF THE PUBLIC: A circumstance, or set of circumstances, where the release of a booking photograph serves more than the mere curiosity of the news media, newspaper, or general public. Examples of this include, but are not limited to, a crime or series of crimes that likely involve other, as yet unidentified, victims; a suspect whose eventual release from custody makes prudent the release of his image to the public because of the potential for his re-offending and the need for the public to be aware of his possible presence in their neighborhoods; a suspect who is wanted and whose release of a prior booking photo might aid in his/her capture.

PUBLIC INFORMATION OFFICER (PIO): Person designated by the Sheriff as the Department's primary point of contact for the news media.

REPRESENTATIVE OF THE NEWS MEDIA: A person whose primary employment is gathering or reporting news for: a newspaper of general circulation, a news magazine, a national or international news service, a radio or television news program or stations holding a Federal Communications Commission license.

NEWSPAPER: A periodical of general circulation if it circulates among the general public and it publishes news of a general character of general interest. For a newspaper to be considered, by law, of general circulation it must publish legal notices. It must also contain items of general interest to the public such as political, religious, commercial or social affairs.

ARRESTING AGENCY: Is the law enforcement agency that arrests and books an individual into the Marin County Jail.

PROCEDURE

Any requests for booking photos from news media outlets shall be directed to the Sheriff's Office's Public Information Officer (PIO).

If the arrest was made by the Marin County Sheriff's Office, the PIO shall first determine whether the release of the booking photo serves the best interest / safety of the public, as defined above. If the

release of a booking photo fits the described criteria, the PIO shall next seek permission to release the booking photo from the Investigations Division Commander or his/her designee. If the arrest has already been referred to the District Attorney's Office for prosecution, the PIO shall seek permission to release the photograph from that Office as well, prior to any release being made to the requesting media outlet(s).

If the arrest was made by an agency other than the Marin County Sheriff's Office, the PIO shall seek permission to release the booking photo from a designated representative of that agency. That agency is not bound by the same "best interest / safety of the public" criteria described above for Sheriff's Office arrests. They are also not under any obligation to provide permission to release their booking photo, and no photo will be released without receiving that permission from them, absent specific direction to do so from the Sheriff or his designee.

Seeking permission from the arresting agency, or the District Attorney's Office if the case has been referred for prosecution, prior to releasing any booking photo to a representative of the news media is intended to avoid conflicts that might occur by having a photo of the arrestee appear in the media prior to an intended photo or in person line-up being conducted by the arresting agency or District Attorney's Office.

In the event a booking photo is to be released, the booking photo shall be printed via the TIPS automated system. Before release, the document shall be stamped with the Department's controlled document stamp. A copy of the released document and release authorization documentation shall be placed in the JID jacket of the arrestee for future audit trail purposes.

Any booking photo that has been released to a newspaper or media outlet under this General Order, by law, becomes a public record that must be released to any other entity, group, or individual who seeks it's release.

Any released booking photo shall be made by the Sheriff's Office to the requesting media representative or to the agency responsible for booking the arrestee if that agency requests release to them first. Booking photos maintained in the TIPS computerized system are the property of the Marin County Sheriff's Office and are not to be released by any other RMS member agency to any non-law enforcement entity, and then only in the furtherance of official law enforcement business.

RELATED STANDARDS:

None

AFFECTED DIVISIONS:

All

DATE OF REVISIONS:

None

By Order Of:

ROBERT T. DOYLE
Sheriff