



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

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June 13, 2006

Memorandum

To: Regional Directors
Attn: Superintendents

From: Deputy Director, Operations /s/ **Steve Martin**

Subject: Release of Incident Information to the News Media and General Public

Purpose

This memorandum provides National Park Service (NPS) employees with guidance and direction regarding the release of incident information to the news media and general public. It specifically addresses which types of information may be released during, and shortly after, the occurrence of an NPS incident. This memorandum will serve as an interim policy until the completion of Director's Order 75-B, Media Relations.

Policy

The NPS takes its responsibility to protect the personal privacy of its visitors and employees very seriously. At the same time, the importance of providing appropriate, legal, and adequate information to the news media and general public is critical. After recent consultation with the Solicitor's Office, a legal determination has been made that certain information regarding NPS incidents is releasable under specific circumstances.

The NPS will provide pertinent information to the news media and general public in accordance with applicable laws, policies, and regulations. The NPS recognizes the public's legal rights to obtain information about government operations and activities. These rights are outlined in the Freedom of Information Act (FOIA), 5 U.S.C. § 552 and further influenced by provisions of the Privacy Act, 5 U.S.C. § 552a. Nothing in this memorandum changes existing NPS guidelines for processing FOIA requests or other information protected by the Privacy Act.

There are situations where it would be inappropriate to disclose information in the absence of a formal request. It is important for employees to exercise careful judgment in such instances and to request guidance from their FOIA/Privacy Act officer and/or the Solicitor's Office whenever questions about information release arise.

Responsibility

Regional Directors and Superintendents are responsible for ensuring that employees disseminating public information within their areas of responsibility are aware of the laws, policies, and regulations governing information release. When practicable, one person/office should be designated as the point of contact for the purposes of releasing information about NPS incidents.

Affirmative Incident Information Disclosures

Employees with personal knowledge of an incident (e.g., ranger that participates in a rescue effort; employee at the scene of a disaster, etc.) may disclose certain incident information as long as the information is not

derived from a document or information contained in an official Privacy Act System of Records (e.g. official report). This information may be passed on to another employee (e.g., public affairs officer or park spokesperson) for release and dissemination to the media and general public. Information released under these circumstances should take place as the incident is occurring or shortly thereafter.

Criminal Incident Considerations

Because of the unique sensitivities surrounding law enforcement investigations and criminal cases, information may not be releasable due to varying factors. Employees should also be aware that when criminal complaints or other documents are filed with a court of law, information within those complaints is normally public record. The media is aware of this and should be directed to the court to obtain the information from those documents.

Employees should ensure that they use caution when describing the circumstances relating to criminal cases. Anyone arrested for a criminal violation is innocent until proven guilty and all statements pertaining to a person's criminal activities should be prefaced with "alleged" unless a judge/jury has issued a guilty verdict on the criminal charge(s). At no time should witness information be given out. Questions about release of information regarding law enforcement investigations should be directed to the park or regional senior law enforcement officer.

Information Disclosures – Emergent Circumstances

Information may be released regarding any person (including juveniles) when the media/public's assistance is necessary to either: 1) locate the person or, 2) warn the public of possible danger (e.g., dangerous criminal). Under these circumstances, information regarding the person's name, age, appearance, clothing worn, location/time last seen, alleged criminal activity, etc., should be disseminated as quickly as possible.

Releasable/Non-releasable Information

After taking these considerations into account, the following types of information may be released. If there are doubts as to the releasability of the information, it should not be disseminated publicly.

Releasable Information:

1. Names, ages, and hometowns of the individuals involved in the incident.
2. Relevant details pertaining to the incident.
3. Names of fatality victims whose next of kin have been notified, including juveniles.
4. Description of lost, stolen, or missing property.
5. Criminal charges if applicable.

Non-Releasable information:

1. Names of fatally or seriously injured victims whose next of kin have not been notified.
2. Names of juveniles charged with criminal offenses.
3. Names of victims of sexual assaults.
4. Names of people or witnesses who may become victims of crimes or retaliation in the future.
5. Information on incidents where criminal action is still under investigation and information released could hinder or adversely affect the investigation.
6. Investigative information that goes beyond general incident reporting.
7. Explicit details, including graphic photos or images of extreme injuries or brutal fatalities.
8. Home addresses, telephone numbers, and social security numbers.

cc: Associate Regional Directors, Operations
Chief, Communications and Public Affairs