Consider Rules of Professional Conduct When Releasing Alert and Update Information to the Public

- **Rule 3.8, Special Responsibilities of a Prosecutor**
  - Rule 3.8 requires prosecutors to refrain from making extrajudicial statements “that have a substantial likelihood of heightening public condemnation of the accused.”
  - The rule goes on to say that prosecutors shall “exercise reasonable care to prevent investigators, law enforcement personnel, employees, or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under rule 3.6.”

- **Rule 3.6, Trial Publicity**
  - Rule 3.6 clarifies what information can be provided in criminal cases. Prior to identifying or arresting the suspect, the following can be provided:
    a. The investigation is in progress.
    b. A request for assistance in obtaining evidence and information necessary for the investigation.
    c. A warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest.
    d. If the accused has not been apprehended, information necessary to aid in apprehension of that person.
    e. After the arrest of the suspect Rule 3.6 permits the release of the following information:
      f. Information contained in a public record. (Charges filed)
      g. The identity of the investigating agency and officers and length of said investigation.
      h. The facts, time, and place of arrest.
      i. The identity, residence, occupation, and family status of the accused.

- **For further reference:**
  - [https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_8_special_responsibilities_of_aProsecutor](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_8_special_responsibilities_of_aProsecutor)