

*American Bar Association Standards on
Police and the Media*

ABA Standards 8-1.1 and 8-2.1

ABA Standard 8-1.1

- Statements relating to the following matters are ordinarily likely to have a substantial likelihood of prejudicing a criminal proceeding:
 1. The prior criminal record (including arrests, indictments, or other charges of crime) of suspect or defendant;
 2. The character or reputation of a suspect or defendant;

ABA Standard 8-1.1

3. The opinion of the lawyer (or officer) of the guilt of the defendant, the merits of the case or the merits of the evidence in the case;
4. 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;

ABA Standard 8-1.1

5. The performance of any examinations or tests, or the accused's refusal or failure to submit to an examination or test, or the identify or nature of physical evidence expected to be presented;
6. The identify, expected testimony, criminal record or credibility of prospective witnesses;

ABA Standard 8-1.1

7. The possibility of a plea of guilty to the offense charged, or other disposition; and
8. Information which the lawyer (or officer) knows or has reason to know would be inadmissible as evidence in trial.

ABA Standard 8-1.1

- Notwithstanding paragraphs (a) and (b), statements relating to the following matters may be made:
 1. The general nature of the charges against the accused, provided that there is included therein a statement explaining that the charge is merely an accusation and that the defendant is presumed innocent until and unless proven guilty;

ABA Standard 8-1.1

2. The general nature of the defense to the charges or to other public accusations against the accused, including that the accused has no prior criminal record;
3. The name, age, residence, occupation and family status of the accused;
4. Information necessary to aid in the apprehension of the accused or to warn the public of any dangers that may exist;

ABA Standard 8-1.1

5. A request for assistance in obtaining evidence;

6. The existence of an investigation in progress, including the general length and scope of the investigation, the charge or defense involved, and the identity of the investigating officer or agency;

ABA Standard 8-1.1

7. The facts and circumstances of an arrest, including the time and place, and the identify of the arresting officer or agency;

8. The identify of the victim, where the release of the information is not otherwise prohibited by law or would not be harmful to the victim;

ABA Standard 8-1.1

9. Information contained within the public record, without further comment; and

10. The scheduling or result of any stage in the judicial process.

Note: The above standards are applied to law enforcement personnel by Standard 8-2.1

ABA Standard 8-2.1

- Release of information by law enforcement agencies.
 - (a) The provisions of Standard 1.1 should be applicable to the release of information to the public by law enforcement officers and agencies.
 - (b) Law enforcement officers and agencies should not exercise their custodial authority over an accused individual in a manner that is likely to result in either:

ABA Standard 8-2.1

- 1) the deliberate exposure of a person in custody for the purpose of photographing or televising by representatives of the news media, or
- 2) the interviewing by representatives of the news media of a person in custody expect upon request or consent by that person to an interview after being informed adequately of the right to consult with counsel and of the right to refuse to grant an interview.

ABA Standard 8-2.1

(c) Nothing in this standard is intended to preclude any law enforcement officer or agency from replying to charges of misconduct that are publicly made against him or her or from participating in any legislative, administrative, or investigative hearing, nor is this standard intended to supersede more restrictive rules governing the release of information concerning juvenile offenders.

The End