

# 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\\_a\\_prosecutor/](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_8_special_responsibilities_of_a_prosecutor/)