



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE

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November 2015

Buzz words. If you work in business you are inundated with talk of “silos, stakeholders, shareholders, fusion, paradigm shifts, and capacity building.”

Over the past few years, no other word has taken hold of the vocabulary within the law enforcement community like the word “transparency.” Its permeation into the realm of public safety was simply a matter of time as the term made its way through government. We all remember President Obama promised his administration would be the most “transparent” in history.

Maybe the staying power of this word is due, in part, to technology. With a few keystrokes, we have access to an infinite amount of information via our cellular telephones and our computers. What was once the work of a hard-boiled investigative reporter is now being replaced with blogs, Twitter, and Facebook. Certainly nothing appears more transparent than to equip every police officer with a camera. Combined with events across our nation, the quest for “transparency” is like a tsunami crashing against a barrier of protected information.

When a business, a government agency, or any organization promises transparency, what exactly does that mean? This concept is especially complex given the numerous rules and laws prosecutors face which govern our release of information.

The District Attorney’s Office has a Facebook page, Twitter, and Instagram. Not only is this the trend for how people consume their news, I wanted to share with the public the hard work, the good work, the innovative work of our attorneys, investigators, and professional staff. We opened the doors to this office in ways it was never done before, however, we cannot in all ways be “transparent.”

Understand that this is not a desire to be secret in our dealings. Instead, as prosecutors, we are restricted by the Penal Code, the Welfare & Institutions Code, the Government Code as well as numerous ethical guidelines and rules of professional conduct.

There are many things we cannot share with the public by law, especially concerning minors. You may want to know the name of the teenager arrested for burglarizing two houses in your neighborhood, but we cannot disclose that. The name of the minor who was raped will never be disclosed. Other information may not be made public such as the minor’s school or sports team. Doing so is necessary to protect his or her privacy rights.

Many times we must withhold information because a criminal case is still ongoing. The public might be outraged about a decision made by this office to not file criminal charges on someone. Ironically, this opinion may be influenced by what they have read or heard about the case in the news media.

Please understand that despite an initial decision, the investigation might still be ongoing and charges could be filed in the future. To discuss the facts and circumstances surrounding the event could jeopardize any future case, or in the worst of scenarios, warn potential suspects who might flee the jurisdiction.

Investigations take time, and we are placed in the constant tug between the need to know information now and our mandate to investigate and prosecute crimes. Other times we may not be able to comment because the information could endanger the safety of the witnesses involved.

Balancing the public's desire to know what is happening on important matters like crime and punishment with what we can legally, responsibly and ethically share with you is something we consider extremely important. In the end, we will strive to have justice served within a courtroom and while we will not perform "trials in the media" we will provide the information allowed.

Another consideration is the impact on the victim (or their family) of the public discussing a case on an internet forum such as Facebook. Verbal comments evaporate quickly, discussing a rape case you read about in the newspaper with a neighbor has virtually no impact on the victim ... but posting those comments on a public site can. They linger, they last, and they can have an impact on the victim. Unfortunately, these comments can also linger in the heart or conscience of a future victim or witness and could possibly leave them reluctant to report a crime to law enforcement because they do not want to suffer the weight of public scrutiny.

The balance of free speech and protecting victims and witnesses in criminal proceedings will always be a challenge for those of us in the business of seeking justice for victims of crime. So on one hand information is more accessible than ever before, yet we as prosecutors should not necessarily promise transparency, to do so is careless and inflammatory.

Instead, as your District Attorney's Office, we continue our pledge to allow greater access than ever before. Not just access to the District Attorney, but to the prosecutors, investigators and the victim advocates who carry the torch of justice and walk with victims and their families every day.

This office will continue to be responsible, ethical, and authentic in the information provided; it is the law, it is our mandate.

Tim Ward
Tulare County District Attorney