POLICY AND ADMINISTRATIVE PROCEDURE

Manual of Policies and Procedures

Title

DISTRIBUTION OF INFORMATION

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 4-1-6 *et seq.* IC 5-14-1 *et seq.* IC 11-8-2-5(a)(8) IC 11-8-2-5(a)(10) IC 11-8-2-5(c) IC 11-8-5-1 *et seq.* IC 11-11-3-8 IC 11-11-3-9 IC 35-38-6-4 210 IAC 1-6 210 IAC 1-8	00-03-201 00-04-102 01-04-104 02-01-102 02-03-101 02-03-102 04-03-102 04-03-103	ACA: ACI: 3-4020, 3-4021, 3-4022, 3-4267 JTS: 1A-25, 1A-26, 1A-27, 3D-05 CO: 1A-24, 1A-25, 1A-26, 1A-27

I. PURPOSE:

The purpose of this policy and administrative procedure is to establish a process for providing a public information program and for the release of Department information to the public and the news media. This policy and administrative procedure establishes rules for the news media regarding the interviewing of offenders and entering Department of Correction facilities.

II. POLICY STATEMENT:

It is the intent of the Department of Correction to comply with all laws regarding the release of information to the public and the news media. Staff of the Department shall maintain a cooperative and responsive attitude in responding to requests for information from all external parties.

In an effort to facilitate positive relations with the news media, designated staff from the Department shall respond to inquiries in an accurate and timely manner. Information shall not be released which involves a criminal investigation, which may breach the security of the Department or the safety of staff and offenders, or which is deemed to be confidential by law.

In order to maintain the security and orderly operation of the facilities, the Department shall establish procedures to be followed by members of the news media when interviews with offenders or access to Department facilities are requested. The Department shall attempt to accommodate such requests while taking into consideration the needs of the facilities and the privacy of the offenders.

III. DEFINITIONS:

For the purpose of this policy and administrative procedure, the following definitions are presented:

A. CREDENTIALS: For purposes of identification, both photo identification, such as a valid driver's license, and an identification (ID) card issued by the reporter's place of employment shall be required. In the absence of employee ID cards, the Department reserves the right to verify all identification and to refuse admittance where such identification is found to be suspect.

B. CHIEF COMMUNICATIONS OFFICER (CCO): The staff person designated by the Commissioner to serve as the Central Office public information officer and manager of media and public relations Department-wide.

C. FACT SHEET: A written summary of information pertaining to a specific subject (i.e. a fact sheet on a facility would contain information on history, capacity, mission and facets of operation).

D. NEWS MEDIA: Any media organization that gathers and reports “news of the day,” even if that news is not necessarily reported on the same days as gathered, for a general circulation newspaper, news magazine, national or international news service, news website, or radio or television news program holding a Federal Communications Commission license.

E. NON-NEWS MEDIA: Any media organization that does not have as its principal function the gathering of the “news of the day.” Non-news media is broadly defined, but not necessarily limited to the following: entertainment or “infotainment” tabloid media, cable and network news and magazines, syndicated shows, entertainment cable networks, independent film makers and documentary makers.

F. NEWS RELEASE: A written statement concerning an issue, event or situation for which the Department wishes to make a permanent record and wide area dissemination.

G. PUBLIC INFORMATION OFFICER (PIO): The facility staff person who has been designated to handle public information duties.

H. PUBLIC INFORMATION TEAM (PIT): A group of staff assembled for an emergency or unusual situation to handle the public information duties involved in the situation.

I. PUBLIC RECORD: Any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, used, or filed by or with a public agency.

IV. CHIEF COMMUNICATIONS OFFICER/MEDIA AND PUBLIC RELATIONS:

The Commissioner shall appoint a staff person in the Department's Central Office to serve as the Chief Communications Officer (CCO). The CCO shall report to the Commissioner.

The CCO shall be available to the public and the news media to respond to questions and requests for public information. The CCO shall ensure that the Department maintains a public information program that ensures that public information is made available to members of the general public, other agencies, government officials and the news media. The CCO shall serve as the Department's spokesperson when responding to inquiries from the news media and shall ensure that good relations are maintained between the Department and the various news media throughout the State.

All press releases issued by the Department or its facilities shall be forwarded to the CCO prior to distribution to ensure that correct and appropriate information is provided. The CCO may enlist the assistance of other staff to prepare, review, and approve information to be released to the public or the news media.

The Commissioner may also appoint the Chief Communications Officer to act as the Department's representative to various civic organizations in order to expand the Department's community outreach efforts and foster positive public relations. The Commissioner may approve the use of Communications budget funds to pay reasonable membership fees.

V. GENERAL INFORMATION:

A. Public Records Requests

1. All requests for public records made in accordance with IC 5-14-1 *et seq*. shall be referred to the PIO for logging and processing.

2. The facility PIO shall copy every public records request and forward it to the CCO and the Director of Legal Affairs.

3. All requests treated as public records requests that are received by Central Office shall be forwarded to the Director of Legal Affairs.

4. All requests for public records shall be processed in accordance with all applicable statutory requirements and responded to in a timely manner. (Note: Staff is not required to create records in order to respond to public records requests.) In most cases, responses to public or news media inquiries or public records requests shall be responded to within seven (7) working days from the date that the inquiry or request is received. If it is determined that additional time will be necessary to respond to the inquiry or request, staff shall send a written response to the person or agency making the request and advise that there will be a delay in sending the requested information. The staff person shall also indicate the approximate date when the information will be sent to the requestor.

5. Information requests by the public, including offenders, about policies, non-restricted administrative and operational procedures, etc., shall be released through the Facility Policy Coordinator or other designated staff responsible for a given area as designated by the PIO.

B. Staff Speeches or Public Appearances

Staff is often contacted to make speeches or presentations to members of the public. These requests may be from schools, churches, or civic groups. Staff is encouraged to assist in presenting the Department in a positive manner and cooperating with the public. At the discretion of the Facility Head and based upon the operational needs of the facility, a staff person may be permitted to give the speech or presentation during his/her regular duty hours. In these cases, staff shall not be authorized overtime to make presentations to the public.

Staff contacted to make a speech or presentation shall contact his/her immediate supervisor. If the supervisor approves the request, the staff

person shall contact the Facility Head or the PIO. The Facility Head or PIO may be able to provide the staff person with additional information to assist in the delivery of the speech or presentation. Should the Facility Head or staff person have questions regarding the appropriateness of making the speech or presentation, he/she may contact the appropriate Central Office staff, including the CCO.

Authorized staff making speeches or presentations to the public should speak only to those matters in which they have personal knowledge. Additionally, staff shall ensure that they do not share confidential information. If questions are asked that the staff person can not adequately answer, the staff person should defer the question to other appropriate staff. If the staff person is asked to give an opinion, the staff person shall state that his/her response is a personal opinion and that it is not necessarily the position of the Department.

After making a public speech or presentation, the staff person shall advise his/her supervisor of the results of the speech or presentation. If anything controversial or potentially damaging to the facility or Department occurred, the staff person shall report such information to the Facility Head or the PIO as soon as possible. The Facility Head shall report the incident to the CCO.

C. Tours

The Facility Head or designee shall be responsible for all aspects of facility tours. Approved tours may be canceled at any time if deemed necessary by the Facility Head.

Tours provided to the public shall be administered according to these guidelines:

1. Tours shall be conducted for educational and/or valid informational purposes only;

2. Tours shall be scheduled in accordance with the availability of appropriate staff and the security and safety of the facility and visitors;

3. The Facility Head or designee shall assign staff to coordinate the date, time, scope, and format of a tour;

4. The minimum age for a person to take a tour shall be 18 years of age. In special cases, the Facility Head may request that the Executive Director of Adult Facilities or Executive Director of Youth Services approve including persons as young as 15 years of age to participate in a tour;

5. Tours will not be conducted for individual members of the general public without the authorization of the Executive Director of Adult Facilities or Executive Director of Youth Services;

6. The Facility Head shall have the discretion to determine what areas of the facility are appropriate for specific tours. The Facility Head shall take into consideration the security of the facility, the safety of the persons on the tour, the privacy of the offenders and the purpose of the tour in making this decision;

7. Staff shall stress to persons desiring to take a tour that the Department shall not be liable for any injuries or damage to or loss of property that might happen during the tour. Additionally, staff shall ensure that the persons on the tour are aware that they must abide by facility procedures and any instructions provided by staff; and,

8. When officials, such as legislators, members of Congress, staff members from the Governor's Office or other official visitors, request tours of the facility, the Facility Head or designee shall contact the CCO and advise who has requested the tour and any other pertinent information.

D. Website

The Department shall establish a website containing information for public dissemination. The website shall contain public information, such as the Department's annual report and other reports or information regarding operation of the Department and its facilities. The website may include an offender locator service and other public information regarding offenders. The CCO shall oversee the content of the website.

The website may be accessed at: www.IN.gov/idoc.

E. Fact Sheets

Each facility shall maintain a "Fact Sheet" containing information relating to the facility's history, capacity, mission, and operation. This fact sheet shall be made available to members of the public, legislators, and others who request basic information about the facility. This fact sheet shall be submitted to the CCO for review and approval prior to being distributed to the public or others.

The facility PIO shall ensure that the fact sheet is kept up to date and that sufficient copies of the fact sheet are maintained to meet requests for this information. When the fact sheet is updated, the PIO shall ensure that a copy of the new fact sheet is provided to the CCO.

The CCO shall maintain copies of all fact sheets from the facilities and shall have copies available for requests for information sent to Central Office. Additionally, the CCO shall ensure that a fact sheet is developed that contains general information regarding the Department, including offender population statistics, number of facilities and number of staff, that may be provided to the public.

F. Annual Report

The CCO shall ensure that an annual report of the Department's activities is prepared in accordance with the requirement of the Indiana Code. The annual report shall include narrative and statistical data on the Department's objectives, programs, and services. It shall be comprised of information from the annual reports prepared by the facilities and the divisions within the Department.

The annual report shall be prepared for the period January 1 through December 31 of each year and shall be completed by March 31 following the completion of the reporting period.

The annual report shall be prepared electronically and placed on the Department's website and may be prepared in hard copy format at the discretion of the Commissioner. Copies of the annual report shall be made available to the public upon request either electronically or in hard-copy format.

Requests for information contained in the annual report or for copies of the annual report shall be forwarded to the CCO for response in accordance with Department procedures and statutes relating to the release of public information.

In conjunction with the preparation of the Department's annual report, the CCO shall review the Department's public information program annually and update it as needed to ensure that appropriate information is provided to the public as needed.

VI. MEDIA INFORMATION:

A. Release of Information

1. The Facility Head or designee shall oversee the release of information pertaining to the facility to the news media.

2. The CCO shall advise and assist Facility Heads in responding to a local reporter's inquiry if it involves an issue that is controversial or may impact the entire Department.

3. Any contact from a national or international news media representative shall be directed to the CCO as soon as possible for referral to the Commissioner.

4. Staff shall refer all news media inquiries to the Facility Head or designee. Unless specifically authorized by the Facility Head, facility staff shall not make statements to the media on behalf of the facility or the Department.

5. Central Office staff shall discuss all inquiries from news media with the CCO prior to responding.

6. After normal duty hours, any news media calls to a facility shall be directed as designated by the Facility Head. If the call pertains to an issue that will affect the entire Department or will generate significant media coverage, the Facility Duty Officer shall contact staff designated by the Facility Head who in turn shall contact the CCO. If the media request is of a routine nature, the caller shall be instructed to call the facility during regular business hours.

B. News Releases

1. The Facility Head or designee shall notify local news media of events that will portray the facility or Department in a positive perspective, such as ACA accreditation and community projects. Additionally, the PIO shall report to the local news media newsworthy events, such as trafficking, escapes, incidents of serious

violence, riots and other situations that result in fatalities, serious injuries, major property damage or any other serious disruption of facility operations. All news releases shall be sent to the CCO for review and approval prior to release.

2. Releases shall be sent via email to the newspaper, radio and television stations in the facility's local media market and to news media which regularly cover issues discussed in the release.

3. In matters of statewide interest, releases shall be sent via e-mail by the CCO to news organizations throughout the State.

4. The CCO and the PIOs shall each maintain a file of information released to the news media within the past 365 days. This file shall be available to media representatives who make an appointment to review it during regular business hours.

C. Data for Release

1. The PIO shall respond to all news media requests for general information, such as new policies or programs.

2. Upon request from a news media representative, certain offender information may be provided in accordance with the administrative procedure for Policy 01-04-104, "The Establishment, Maintenance and Disposition of Offender Records," including the following:

a. Name;
b. Age;
c. Birth Date (month/year only);
d. Physical description;
e. Sex;
f. Sentencing county;
g. Crime;
h. Sentence;
i. Past prison transfers (dates/locations only);
j. Outside court actions regarding confinement/release;
k. Facility work assignments;
l. Nature of injury;
m. Prior departmental incarceration;
n. Earliest Possible Release Date (EPRD);
o. Death (The identity of a deceased inmate shall be withheld until next-of-kin has been notified or 36 hours have elapsed

since the time of death, whichever occurs first. The facility shall make every effort possible to contact the next-of-kin and shall document these attempts prior to releasing the identity of the offender). If asked about cause, the facility shall state that the coroner makes this determination; and,

p. Image (A picture or other likeness of the offender shall not be released without the signed authorization of the offender or the CCO's authorization, if it is warranted for safety and security reasons, i.e. an escape, upon death, or other circumstances deemed appropriate by the CCO.)

3. Information regarding psychiatric, medical, or juvenile criminal histories of offenders shall not be released except in accordance with the administrative procedure for Policy 01-04-104.

4. Department facilities shall release to the news media only the following personal information concerning a staff person:

   a. Name;
   b. Gross compensation;
   c. Job title/classification;
   d. Business address;
   e. Business telephone number;
   f. Job description
   g. Dates of first and last employment of present and former employees;
   h. Education and training background;
   i. Previous Work experience;
   j. Information relating to the status of any formal charges against the employee; and,
   k. The factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted or discharged.

   All other requests for employment information shall be referred to the State Personnel Department.

5. Additional information may be released to the news media at the discretion of the Commissioner or CCO.

D. Offender Interviews

1. News media wishing to interview an offender shall contact the CCO or PIO. All such requests shall:

   a. Be in the form of a written letter or email; and,

   b. State the offender's name and the reason for the interview.

2. Upon receipt of a request to interview an offender, by the CCO or PIO, the Facility Head or designee shall determine if the offender meets the following criteria for an interview:

   a. The offender is in the general offender population or if the offender is not in the general offender population:

      (1) If the offender is in protective custody or administrative restrictive status housing, the offender's records shall be reviewed to determine why the offender is being held in this status and whether it would appear that granting permission for an interview would present a threat to the safety and security of the facility, staff, other offenders, or the persons involved in the interview. The Facility Head shall make a determination regarding the granting of the request for an interview and shall notify the CCO and PIO of the decision.

      (2) If the offender is in an infirmary or is receiving Mental Health treatment, the attending Medical or Mental Health staff shall be contacted to ensure that approving the interview would not negatively impact the offender's treatment and that staff, offenders or the public would not be endangered by contact with the offender.

      (3) If the offender is in disciplinary restrictive status housing or being processed in an Intake Unit the request for the interview shall be denied, unless the request presents a compelling need and is approved by the Deputy Commissioner/Operations.

   b. In all cases, the Facility Head or designee shall make a determination as to whether other good cause exists to deny the request for interview.

c. The offender must sign a waiver permitting release of his/her image and/or words (ATTACHMENT I) or the request shall be denied. The interview may take place in person, or by telephone with prior approval of the Facility Head, in accordance with this policy and administrative procedure, and at the convenience of the facility. The written release or decision not to be interviewed shall be retained on file in the offender's facility packet.

d. If the request is to interview a youth (juvenile offender), the Facility Head, as the legal guardian, shall approve or deny the request after consultation with the youth. Both the Facility Head and the youth shall sign the waiver if the request is approved.

3. If the offender agrees to be interviewed, the offender shall be required to:

a. Follow the procedures for visits as established in the administrative procedures for Policy 02-01-102, "Offender Visitation," if the interview will be in-person.

b. If the Facility Head has approved a telephone interview, follow the procedures for telephone calls as established in the administrative procedures for Policy 02-01-105, "Telephone Privileges" if the interview will be conducted over the telephone.

4. All interviews are voluntary. The offender has a right to restrict the interview and to refuse to be photographed or recorded. Offenders shall receive no compensation or anything of value in exchange or as a result of any interview.

5. The Facility Head or designee shall make this policy and administrative procedure available to all members of the news media and convey oral instructions to ensure that they are aware of their responsibilities regarding custody and security during the interview. News media representatives shall be required to sign a statement indicating they are familiar with the rules and regulations of the facility (ATTACHMENT II).

6. News media representatives shall abide by the following rules while in a correctional facility:

a. Approval shall be obtained before visiting the facility for the purpose of interviewing staff or offenders in accordance with this policy and administrative procedures.

b. Interviews shall not be longer than two (2) hours and shall be conducted during the normal business hours of 8:00 a.m. to 4:00 p.m. Monday through Friday, or other times at the discretion of the Facility Head.

c. Interviews shall take place in an area designated by the Facility Head or designee outside of the offender living area.

d. Only one (1) offender shall be interviewed at a time unless otherwise authorized ahead of time by the Facility Head.

e. Interviews shall take place in view of Department staff for the safety of media representatives and security of the facility.

f. During an emergency situation or breach of security, the Facility Head or designee may terminate and/or suspend any interview or media coverage in the facility to maintain facility safety and security.

g. Media representatives shall be escorted at all times while in the facility by staff designated by the Facility Head.

h. Interviews may be recorded by video, audio, notes, or other methods with the prior approval of the CCO, Facility Head, and the individual to be interviewed.

i. Live broadcasts by television or radio shall be permitted if authorized by the Commissioner.

j. Any photography or video recording at a Department facility shall be restricted to shots which do not identify individual offenders unless otherwise permitted in accordance with this policy and administrative procedure.

k. Any photography or video recording of the facility physical plant shall be restricted based upon the safety and security needs of the facility. Photographing or video recording the physical plant, such as exits, layouts of the facility or security

areas, shall be prohibited without the prior written approval of the Facility Head and shall be permitted only if the Facility Head determines that to do so would not create a security breach.

l. Only one news media organization shall be allowed to interview an offender at a given time. News conferences shall not be permitted for offenders unless otherwise permitted in accordance with this policy and administrative procedure.

m. In cases where the number of requests for interviews with an individual offender exceeds three (3) in one day, the offender shall choose which three (3) interviews he/she wishes to conduct. No more that five (5) in-person interviews shall be permitted within a seven (7) day period.

n. News media representatives shall abide by all applicable Department and facility procedures. Failure to abide by these procedures may constitute grounds for denying that representative permission to conduct an interview(s) within any Department facility for a 12-month period.

o. The Facility Head reserves the right to impose restrictions not otherwise specified in this policy and administrative procedure in order to maintain the safety and security of the facility.

p. News media representatives shall present their credentials to staff upon arrival at the facility and shall advise staff that they are there to interview the offender. Staff shall contact the facility PIO to advise that the news media representative is at the facility. The PIO shall ensure that all necessary arrangements for the offender interview are in place.

7. The CCO shall:

a. Request that a news media representative permit the Department an opportunity to respond to any allegations intended to be published or broadcast; and,

b. Request that any news media representative who interviews an offender refrain from using unsubstantiated allegations about another offender who has refused to be interviewed to

assist the Department in maintaining the safety and security of the facility, offenders and staff.

8. The Facility Head may deny any request to interview an offender based on security, medical, or other administrative reasons including:

   a. The news media representative or organization which he/she represents does not agree to the conditions established by the Department and the Facility Head or designee;

   b. The news media representative failed to abide by required conditions and/or Department policy and procedure in the past 12 months;

   c. The offender is physically or mentally unable to participate in an interview as verified by a medical professional's assessment. The medical statement shall be filed in the offender's packet;

   d. In the opinion of the Facility Head or designee, the interview would endanger the health or safety of the interviewer, news media crew, staff, offender, or would cause a disruption in the operation of the facility;

   e. The offender is involved in a pending court action and the court having jurisdiction has issued an order forbidding such interviews;

9. Any requests from the news media which the Facility Head or designee has questions or concerns shall be directed to the CCO.

E. Death Row Offenders and Executions

1. Any news media wishing to visit Death Row and/or interview Death Row offenders shall contact the CCO. All such requests shall:

   a. Be in the form of a written letter or email; and,

   b. State the offender's name and the reason for the interview.

2. The CCO in consultation with the Facility Head may deny news media requests for interviews with Death Row offenders for safety,

security, health, or administrative reasons in accordance with this policy and administrative procedure.

3. A Death Row offender shall be permitted to conduct in-person one-on-one interviews with news media representatives or in the alternative hold one (1) press conference. News media access to Death Row offenders shall be limited in the following manner:

   a. The press conference shall be held no later than 30 days prior to the offender's scheduled execution date.

   b. One-on-one in-person interviews may be scheduled and conducted up to seven (7) days prior to the offender's scheduled execution date as staffing and the security of the unit and facility permit as determined by the Facility Head in conjunction with the CCO.

4. Electronic and photographic recording equipment shall only be permitted in the Death Row living or recreation areas at the discretion of the Facility Head and CCO.

5. At least seven (7) days prior to a scheduled execution date, if the execution has not been stayed, the Department shall notify the media of the impending execution by sending an email to the appropriate media services.

6. The Department shall conduct a briefing at the Indiana State Prison the day before a scheduled execution and shall notify all appropriate media of the time and location of this briefing.

7. The media center shall be activated by the Facility Head at approximately 6:00 p.m. the day before a scheduled execution. The CCO or other designated staff person shall conduct news briefings at regular intervals until approximately 10:00 p.m., and thereafter as needed.

F. News Media Coverage by Air

All news media coverage by air shall be in accordance with regulations established by the Federal Aviation Administration. Anyone found to be in violation of these regulations near a Department facility shall be reported to the appropriate authorities. Any news media representative or organization violating these regulations may be refused entry into a Department facility.

G. News Media Cooperation

News media representatives shall be required to observe all barricades and restricted areas. Any media representative failing to cooperate with the Department shall be escorted immediately from the grounds and denied re-admittance until deemed appropriate by the Commissioner. Law enforcement agencies shall be requested to assist as needed.

H. News Coverage

Any clippings from area newspapers pertaining to the Department, in general, or the facility shall be forwarded to the CCO by the Facility Head or designee. When the article involves a breaking news event, the article shall be sent via facsimile or e-mail.

The PIOs and Media Liaison shall record broadcast news coverage involving the Department whenever possible. A copy of the recording shall be forwarded to the CCO as soon as possible. Following review and duplicating, if appropriate, the recording shall be returned to the facility.

I. Emergency Situations

1. Facility Responsibilities:

a. In emergency situations, all inquiries shall be directed to the CCO. If appropriate, a team of public information specialists shall be dispatched as soon as possible to the scene of the emergency. This team shall brief the media on a regular basis. The time of such briefing shall be directed by the CCO. The CCO shall handle most inquiries so the team can gather information for briefings.

b. The Facility Head or designated PIO shall be the only staff authorized to speak on-behalf of the Department until the CCO arrives. Should representatives of the news media interview or attempt to interview other staff members, staff should advise the news media representative to wait until the Facility Head or designated PIO is available. No recourse shall be taken against news media representatives for attempting to interview staff.

2. Designated Locations:

The Facility Head shall designate a news media staging area for the news media to congregate. The CCO shall notify the news media by phone or email of the location of the news media staging area as soon as possible. All news media representatives who arrive at the facility shall be directed to this area.

The Facility Head shall also designate a primary and a back-up area for the news media to use as a base during the emergency. These locations shall be posted at the news media staging area.

3. Emergency Information Release:

   a. Information about emergencies shall be released as quickly and as fully as is practical without compromising the security of the facility or Department or violating any laws. The CCO shall be the chief spokesperson during emergencies and shall disseminate information at the on-site media center. The CCO shall communicate with the Central Office Media Center to coordinate news conferences and disseminate information from off-site sources. When the duration of the emergency makes it necessary for a relief spokesperson, the Commissioner shall be consulted in selecting this designated spokesperson.

   b. Unless specifically authorized by the Commissioner, the emergency commander or PIO shall not respond directly to media inquiries. Any such inquiries are to be directed to the PIO team for a response.

4. Release of Victim Information:

   Information regarding victims of incidents in the Department shall not be released until family members have been notified or 36 hours have elapsed since the incident, which ever occurs first. The Department shall make every effort possible to ensure that the next-of-kin or emergency contact person has been notified before releasing the victim's name. The facility shall document all efforts to notify the next-of-kin or emergency contact person.

J. Media Pools

1. The Facility Head or CCO may establish a media pool whenever it is determined the frequency of requests to cover a situation or event warrants such action.

2. A PIO designee shall notify news media representatives who have requested permission to cover a given situation or event whenever a media pool is established.

3. All members of the media pool shall be selected by the CCO and shall consist of no more that two representatives each from the television, radio, and print media.

4. News media representatives selected for the pool shall sign an agreement to ensure all news material generated by the media pool is made available to all media without right of first publication or broadcast. As a courtesy, broadcast media shall be asked to present the material without reference to origin or a clean feed. (Attachment III.)

K. Access to Facility by Non-News Media

Non-news media requesting formal, in person, recorded interviews with offenders or requesting production projects within Department facilities or about Department operations will, absent unusual circumstances, be required to pay a location fee for access, to be determined by the Department. Such fees are intended to compensate the Department for the direct and indirect burden and expense of hosting such requests and projects and to recognize the commercial, profit-making nature of the production.

The CCO shall represent the Department during negotiations of the terms of any media productions. Before any terms are finalized, the terms shall be approved by the affected Facility Head and the Commissioner.

Proceeds, if any, generated from a production shall be disbursed in the following manner:

1. Forty-five percent (45%) of the proceeds shall be reserved for the use of the facility to assist the Facility Head in meeting facility needs;

2. Forty-five percent (45%) shall be managed by Central Office to be used in a manner approved by the Commissioner to include, but not limited

to:

a. Department-wide leadership training;
b. Supplemental State equipment purchases;
c. Cultural Competency Development; and,
d. Support of other corrections-related training events for Department staff.

3. Ten percent (10%) shall be placed in a fund used to assist victims of crime. This fund shall be managed by a committee appointed by the Commissioner, which shall use a grant award process to identify best use of the fund.

VII. EXCEPTIONS AND APPEALS:

The Commissioner or designee may authorize deviations from specific areas of these procedures whenever it is determined that such deviations are in the best interests of the Department and the State. Requests for deviations shall be sent to the CCO for the Commissioner's consideration.

In those cases where a representative of the news media has been denied access to a facility for a particular interview or where due to violations of Department policy or procedure the representative has been denied access in accordance with this policy and administrative procedure, the representative or the representative's news media organization may appeal the denial. The appeal shall be submitted in writing to the Commissioner. The Commissioner shall respond to the appeal in a timely manner after all of the facts of the situation have been reviewed.

VIII. TRAINING:

All staff involved either as a PIO or a PIO Team member shall be trained in this policy and administrative procedure. The CCO, in conjunction with the Divisions of Staff Development and Emergency Operations, may develop a specific training program for staff dealing with the news media.

IX. APPLICABILITY:

This policy and administrative procedure shall be applicable to all Department staff and all media representatives wishing access to the Department and its facilities.

_____signature on file_____ _____

Bruce Lemmon, Commissioner Date