

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

[HOME](#) | [DIVISIONS](#) | [PIO](#) | Public Information Office - Executive Directive - News Media Relations

Executive Directive on News Media Relations

NUMBER: ED-02.40 (rev. 3)

DATE: April 1, 2008

SUPERSEDES: ED-02.40 (rev. 2) December 28, 2001

AUTHORITY: Public Information Act, Chapter 552, Texas Government Code; Section 493.006, Texas Government Code

Reference: American Correctional Association (ACA) Standards 4-4020, 4-4021, 4-4022, 4-4099 and 4-4279

APPLICABILITY: Texas Department of Criminal Justice (TDCJ)

I. Contacting the Public Information Office

- A. The TDCJ PIO may be reached by telephone at (936) 437-6052 or by fax at (936) 437-6055.
- B. During normal business hours (Monday through Friday, 8 a.m. to 5 p.m.), all TDCJ staff shall notify their Warden/Department Head, who shall advise the PIO Director, of any newsworthy event or Agency policy operational changes that might attract public interest or news coverage.
- C. During the evenings, weekends or holidays, newsworthy information shall be reported to the Emergency Action Center (EAC), which is staffed 24 hours a day. Information from TDCJ employees can be reported by calling the EAC at (936) 437-6600 in accordance with AD-02.15, "Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents."
- D. The EAC shall promptly notify the on-duty PIO officer of information.

II. Release of Information to the Media

- A. The release of information or newsworthy events occurring within the TDCJ shall be made by the PIO Director or their designee. Any event involving the WSD shall be coordinated with the WSD Superintendent or designee. Any event involving the TBCJ shall be coordinated with the TBCJ Chairman. Any event involving the Texas Board of Pardons and Paroles (BPP) shall be coordinated with the BPP Chairman.
- B. The PIO shall coordinate with the respective Division Directors to obtain necessary factual details of a newsworthy event prior to the release of information.
- C. Names of victims shall be withheld until an effort has been made to notify the next of kin.

D. Limited information regarding an offender shall be released as provided in the TDCJ Public Information Manual. The only medical information that may be released regarding an offender is the offender's general state of health or the nature of an injury to or critical illness suffered by the offender. No other medical information regarding an offender shall be released.

E. The PIO may release information not prohibited by law, as the PIO deems appropriate with coordination with the Executive Director or designee.

F. Media inquiries regarding ongoing criminal investigations within the Agency or directly impacting the Agency shall be referred to the Office of the Inspector General (OIG) for coordination of a response.

G. Media inquiries regarding ongoing litigation within the Agency or directly impacting the Agency shall be referred to the Office of the General Counsel (OGC) for coordination of a response.

III. News Media Agencies Receiving Releases

Routine release of information on Agency-related matters may be sent to the major news outlets, as well as newspapers, radio stations and television stations.

IV. Response to Media Inquiries

A. Only authorized personnel shall make official responses to news media inquiries. The Executive Director or PIO Director shall personally grant this authorization.

B. Division Directors or designees may be authorized to provide responses to media inquiries upon receiving approval from the PIO.

C. If a request is made concerning operations and events at a specific unit, the Warden or designee may be authorized to respond to media inquiries, only after coordinating such release of information with the PIO.

D. Administrators, Wardens and other authorized officials shall immediately notify the PIO of all media contacts and the nature of those contacts.

V. Media Access to Units

A. A Warden may, after coordination with the PIO, impose limitations on or set conditions for media access to the unit when, in the Warden's judgment, such media access would disrupt the safety and security of the unit or cause serious operational problems. Media interviews shall not be scheduled on weekends, holidays, or during offender visitation. Exceptions may be made for media attending an Agency-sponsored event scheduled on a weekend (e.g., WSD graduation).

B. Media representatives may be denied access to units during periods of unusual tension as well as during actual emergencies and disturbances. Following such emergencies and disturbances, media representatives may be denied access until normal operations are restored.

C. Official unit tours for media may be coordinated through the PIO Director's office. Any media tours are at the discretion of the Warden and subject to availability of PIO staff. No recording devices shall be allowed during these tours. Photography devices may be allowed at the discretion of the Warden and the PIO Director.

VI. Interviews with Specific Offenders

A. A media representative may interview an offender as arranged by prior appointment and with the written consent of the offender on the Media Release Form (Attachment A).

B. An interview with an offender may be prohibited by the Warden, after consultation with the PIO, when the interview, in the Warden's judgment, would impair the rehabilitation of the offender, detract from the

deterrence of crime, disrupt the safety and security of the unit or cause serious operational problems. In addition:

1. Interviews with offenders who are diagnosed with psychiatric disorders are prohibited. Due to medical confidentiality laws, this reason shall not be cited;
2. An interview may be prohibited when the offender is in Solitary Confinement or Administrative Segregation;
3. An interview may be prohibited for a reasonable adjustment time for a newly received offender or an offender who has returned to prison due to parole revocation or sentence reinstatement;
4. Each interview shall not be more than one (1) hour in length; and
5. The Warden or designee may authorize non-contact interviews.

C. Interviews with Death Row Offenders

1. Any media representative requesting an interview with a death row offender shall submit the offender's name to the PIO at least 24 hours prior to the announced interview date. Requests shall not be accepted at the unit of assignment. The number of offenders interviewed shall be limited by the capacity of the interviewing area.
2. Male death row interviews shall be scheduled by the PIO and conducted on Wednesdays, from 1 p.m. to 3 p.m., at the Polunsky Unit in Livingston, Texas. Female death row interviews shall be scheduled by the PIO and conducted on Tuesdays, from 1 p.m. to 3 p.m., at the Mountain View Unit in Gatesville, Texas.
3. Interviews with death row offenders are limited to 45 minutes.
4. Interviews are not permitted with death row offenders on the day of their scheduled execution.

VII. Interviews with Offenders under Community Corrections Supervision

- A. The PIO Director, in coordination with the Parole Division Director and/or the Community Justice Assistance Division (CJAD) Director, or designee, shall handle interview requests with offenders who are in halfway houses or other types of custodial facilities.
- B. Approval for offender interviews shall be made on a case-by-case basis using criteria such as the level of supervision, the type of facility where the offender resides and the willingness of the offender to participate.
- C. Requests for interviews with parolees or probationers who live outside of a halfway house or other type of custodial facility shall be handled by the PIO Director, in coordination with the Parole Division Director, the CJAD Director, or designee.
- D. Media inquiries for the BPP shall be made to the PIO Director, who shall coordinate a response with the BPP Chairman.
- E. Media inquiries for the TBCJ shall be made to the PIO Director, who shall coordinate a response with the TBCJ Chairman.

VIII. Witnessing Executions

- A. Media representatives who wish to witness an execution are required to submit their request no later than three (3) business days prior to the scheduled execution. Requests must be prepared on official media outlet letterhead and faxed to the Huntsville PIO.
- B. Preference to witness an execution shall be given to media outlets located in the area where the capital

crime was committed.

C. A representative from the Associated Press (AP) and a representative from the Huntsville Item are guaranteed an opportunity to witness each execution.

D. Media representatives from outside Texas may submit a request to witness an execution. The PIO or designee shall have the final authority to approve or deny the request.

E. For the purpose of witnessing executions, the Agency does not recognize college or university newspaper reporters as media.

IX. Other Conditions of Media Access

A. Media access is considered distinct from other forms of access to offenders and shall not be combined with other visits.

B. Attorneys and family members are not allowed to be present during an interview of an offender by a media representative.

C. Media representatives shall not be present during attorney visits to offenders, and media representatives who are on an offender's personal visitor list shall be denied media interviews with that offender.

D. Media access is prioritized by the PIO according to the media outlet's deadline.

E. Live television, radio or satellite interviews and telephonic media interviews with offenders are prohibited.

X. Photographs of Offenders

Photographs or videos of offenders require the written consent of the offender when the offender's face can clearly be identified. Exceptions would apply to photos or videos showing the offender from behind, or other angles, which would render individual identification impossible. Departmental identification photographs are considered public record and are available upon request.

XI. Access by Other Writers and Researchers

A. Access to units and offender interviews for editorial researchers, independent filmmakers, documentary filmmakers, book authors, magazine writers, freelance journalists and other non-news media representatives may be permitted on the same basis and under the same conditions as access by media described in Sections V through VII with the permission of the PIO Director. Scholastic research requests shall be made to Executive Services in accordance with AD-02.28, "Agency Research."

B. Book authors and freelancers shall provide a copy of their contract or other form of contractual relationship with a news organization, production company or publisher prior to obtaining authorization to interview an offender.

XII. Contract Facilities

TDCJ contract facilities (e.g., private prisons, privately operated state jails, halfway houses, Intermediate Sanction Facilities [ISFs], transitional treatment centers and Pre-Parole Transfer [PPT] facilities) shall, in coordination with the PIO Director, provide for reasonable and responsible media access through written policy, practices and procedures that are in accordance with confidentiality rules and regulations. This directive shall be used as a guide for contract facilities.

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