




KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 08-104	PAGE NUMBER 1 of 4
		SUBJECT: COMMUNICATION: Media and Public Access To Correctional Facilities, Parole Offices and Offenders	
Approved By:  Secretary of Corrections		Original Date Issued: 08-15-82	Current Amendment Effective: 10/01/07
		Replaces Amendment Issued: 07-28-06	
Reissued By:  Policy & Procedure Coordinator		The substantive content of this IMPP has been reissued as per the appropriate provisions of IMPP 01-101. The only modifications within the reissue of this document concern technical revisions of a non substantive nature. Date Reissued: 11-09-10	

POLICY

Consistent with the restrictions required by each facility's need for maintaining the safety of staff and the media representatives, the order and security of the facility, and, the preservation of inmates' right to privacy, **media representatives shall be provided access to all correctional facilities**, during emergency and non-emergency situations consistent with the provisions of this IMPP and IMPPs 08-101 and 19-101 (ACO 2-1A-27-1; ACI 3-4022, 3-4267; APPFS 3-3027, 3-3028). **Each warden shall be responsible to identify the areas in the facility that are accessible to media representatives** during both emergency and non-emergency conditions. (ACO 2-1A-27-1; ACI 3-4021-1; APPFS 3-3028)

Media representatives may use the mail system to request inmate cooperation for interview responses in lieu of face-to-face interviews. Written and/or telephone communication with the media may be initiated by inmates with very limited staff involvement. Facility telephones shall not be made available to inmates for media interviews. Direct access to individual inmates by media representatives shall be reviewed on a case-by-case basis. **Except as necessary during an emergency situation, inmate initiated correspondence and telephone communication with the media shall not be obstructed** (ACO 2-1A-27, 2-3C-01).

Media access to offenders on post-incarceration supervision shall not be restricted or controlled by Departmental policy or procedures, but media access to parole offices shall require the prior approval of the parole director. Information and data provided to the media regarding offenders, by any Departmental staff, shall be consistent with applicable federal and State privacy, freedom of information and/or confidentiality statutes. (ACO 2-1A-27-1; ACI 3-4021-1, 3-4022; APPFS 3-3028)

Access by the public shall be in accordance with procedures promulgated by each facility warden. Such access may provide for educational visits or tours, escorted by designated staff, at times which are convenient to and consistent with the efficient operation of the facility and which ensure the safety and security of the staff, inmates and the general public.

DEFINITIONS

Public Information Manager: The Central Office designee responsible for the overall administration of the Department's public information program.

Face-to-face interview: An interview of an inmate by news media, which requires the presence of the media interviewer within the correctional facility or the inmate in a media studio or other off-site location.

Media representatives: Persons employed to gather or report news for newspapers, magazines, news services, television, or radio as recognized by the Department's Public Information Officer.

Offender: A person who is in the legal custody/jurisdiction of the Secretary of Corrections. This term refers to both inmates and persons under post-incarceration supervision.

PROCEDURES

I. Requests for Media Access to Correctional Facilities

- A. All decisions concerning media requests for access to correctional facilities shall be made by the warden.
- B. Requests for media access to correctional facilities shall ordinarily be made at least 48 hours in advance.
 1. The warden may waive the 48-hour requirement if good cause is shown, and facility operations will not be unduly disrupted or security compromised.
- C. Requests for media access to correctional facilities shall not be made more than 60 days in advance.
- D. Requests initiated by the media shall be in writing, using Media Request for Access to Correctional Facility Form (Attachment A, Form #08-104-001), or they may be made over the telephone. Those making telephone requests shall complete Attachment A upon arrival at the facility. (ACI 3-4267)
 1. As the Kansas Department of Corrections does not grant interviews with specific inmates, except for those rare circumstances where inmates are designated by the Department to participate in news stories about topics determined appropriate, members of the media shall not ordinarily be approved for interviews with specific inmates. Rather, media members may request an interview with an inmate, or inmates, on a specific topic, and the staff of the affected Departmental facility shall endeavour to provide inmates appropriate for interviews on such topics. Nevertheless, media members may contact a specific inmate in the following manner:
 - a. The media member may write a letter to the inmate, sending it through the standard mail process;
 - b. The letter should:
 - (i) explain the reporter's/writer's identity;
 - (ii) provide a list of questions the reporter/writer would like the inmate to answer;
 - (iii) ask for a response at the inmate's earliest opportunity; and,
 - (iv) provide a telephone number that may be added to the inmate's approved calling list.
 - c. Inmates shall have the option of responding to the written request. If the inmate chooses to add the media member to his/her approved calling list the change should be made per provisions of IMPP 10-111. (ACI 3-4267)

- (i) Written communication between inmates and the media or telephone communication initiated by inmates are reasonable alternatives for face to face access to the news media and shall not require the warden's review or the execution of a Consent and Waiver for Media Access/Interview Form (Attachment B, #08-104-002).
- (ii) Inmates shall not be provided access to facility telephones to accommodate inmate/media contacts.

II. Notification Requirements

- A. When a media request for access to a facility for purposes other than a face-to-face interview is received, the warden shall determine if the Departmental Public Information Officer shall be consulted prior to the time that request is acted upon. If the warden determines that such consultation is not necessary, the Departmental Public Information Officer shall be notified, in writing or by telephone, as soon as is reasonably possible.

III. Decision Making Criteria - Media Access

- A. The following criteria shall be considered in making a decision to allow media access to areas of a correctional facility.
 - 1. Whether such access would create a life-threatening situation to inmates or staff or the media representative, or constitute an invasion of privacy to inmates;
 - 2. Whether such access would aggravate a crisis or already volatile situation;
 - 3. Whether such access would or likely could cause a disruption of the orderly operation of the facility or the Department; and,
 - 4. Whether staff are available to brief and escort media representatives.
- B. All media access to correctional facilities shall be conducted consistent with security procedures established by each facility.

IV. Interviews, Photographs and Release of Information

- A. Department personnel shall not authorize media personnel to interview or photograph an inmate within a Correctional Facility unless the inmate has first executed a Consent and Waiver for Media Access/Interview Form, Attachment B. (ACO 2-1E-0; ACI 3-4096, 3-4267)
 - 1. A copy of the completed/signed form is maintained in the facility inmate file. (ACO 2-1E-07; ACI 3-4096)
- B. Department personnel shall not authorize media personnel to interview an inmate in any setting unless the inmate has first executed a Consent and Waiver Form, Attachment B.
- C. Execution of Consent and Waiver form is not necessary in order for media personnel to photograph an inmate/offender who is in the public domain.
 - 1. Media personnel may be kept at the same distance as members of the general public in order to maintain security and control over the inmate.
- D. The dissemination of non-criminal history information and the RDU report by staff shall be in accordance with the provisions of IMPP 05-101.

V. Decision Making Criteria - Public Access

- A. Each warden shall develop general orders to facilitate public access to their respective facilities.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities who are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to either employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

IMPP 05-101, 19-101
ACO 2-1A-27, 2-1A-27-1, 2-1E-07, 2-3C-01
ACI 3-4021-1, 3-4022, 3-4096, 3-4267
APPFS 3-3027, 3-3028

ATTACHMENTS

Attachment A - Media Request for Access to Correctional Facility/Photo or Interview and Waiver, 2 pages
Attachment B - Inmate Consent and Waiver for Media Access/Interview, 1 page

VOID AFTER 60 DAYS FROM DATE OF REQUEST

KANSAS DEPARTMENT OF CORRECTIONS

(1)

**MEDIA REQUEST FOR ACCESS TO CORRECTIONAL FACILITY/PHOTO
OR INTERVIEW AND WAIVER**

REQUEST TIME/DATE: _____

I, _____, representing _____, hereby request access to the _____
(2) (3) (4)
and specifically _____ at _____ on _____ day of _____,
(5) (6) (7)
19____. I seek to [] interview (and) [] photograph (Check appropriate box) the following person(s) or places

(8)

I understand and assume the risk of entering a correctional facility, and hereby waive any right or claim against correctional officials for damage to me or to the equipment I carry onto the premises.

I also understand that the policy of the Department of Corrections is that an inmate may not be interviewed or photographed (including video taped) unless the inmate has executed a written consent to that action and a waiver of liability. I agree to be bound by that policy and to obtain such written consent prior to conducting such interviews or taking any photographs of an inmate while the inmate is within a correctional facility.

On behalf of my company and myself, I agree to hold the State of Kansas, Department of Corrections, this institution/facility/office, and their officers employees, agents and successors in office harmless and do release them from any and all liability regarding or resulting from taking or publication of any interview and/or photograph(s), including any interviews photographs taken without the inmates consent, contrary to the policy of the Department of Corrections.

Signature of Media Representative Witness Time/Date

OFFICIAL USE ONLY		
PART A		
The institution/facility person receiving the request was		(9)
Action taken by		
Warden:	_____	
	(10)	
Warden's		
Signature:	_____	
	(10a)	
Departmental P.I.O. notified _____ by		
	(11)	(12)

		Signature of Officer
PART B		
Media representative _____ arrived at _____, 19____. Media	(13)	(14)
representative departed the institution/facility at _____	(15)	

		Signature of Officer
COMMENTS:		

INSTRUCTIONS FOR INFORMATION TO BE FILLED IN BLANK SPACES

1. Name of correctional office, institution or facility where form is submitted.

NOTE: Request may be made by submitting this form or by phone. If by phone, officer shall fill out and media representative shall sign upon arrival.

2. Name of person requesting access.

3. Name of media firm or company.

4. Name of correctional institution or facility being accessed.

5. Name of sections or persons to whom access will be made.

6. Time of media entry desired.

7. Date of media entry desired.

8. Persons or places to be photographed or interviewed.

9. Person receiving the request.

10. Action taken by warden.

10a. Signature of warden.

11. Date and time Departmental PIO (Public Information Officer) notified.

12. Person notifying Departmental PIO.

13. Name of media representative.

14. Date and time of arrival.

15. Date and time of departure.

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(1)
INMATE CONSENT AND WAIVER FOR MEDIA ACCESS/INTERVIEW

I, _____, understand that personnel of the Kansas Department of Corrections will not
(2)
authorize media personnel to interview or photograph me while I am within a correctional facility unless I first give written consent to such action and execute a release of liability to the Department of Corrections and its employees. I further understand that if I am in a public setting, Department personnel will not authorize media interviews with me unless I first execute a consent and a release of liability form.

I hereby state that I have read and understand the above statement and do agree, consent and give permission to be (check appropriate box):

[] INTERVIEWED [] PHOTOGRAPHED/VIDEOTAPED

by: _____
(3)

My decision to permit this interview and/or photograph is made voluntarily, of my own free will, and is not the result of threats, duress, force or coercion on the part of officials, employees, or agents of the correctional agency.

I agree to hold the State of Kansas, Department of Corrections, _____,
(4)

their officials, employees, agents and their successors in office harmless and release them from any and all liability regarding or resulting from publication of this interview and/or the taking or publication of photographs.

I understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it, and that in any event the consent expires automatically without my express revocation upon the occurrence of the following time, date, circumstances, event or condition:

(5)

DATE NAME OF INMATE (Printed)

WITNESS SIGNATURE
Register No. _____

WITNESS _____

INSTRUCTIONS FOR INFORMATION TO BE FILLED IN BLANK SPACES

1. Name of correctional office, institution or facility.
2. Printed name and number of inmate.
3. Name of media company, type of media, and name(s) of representative(s) of the media.
4. Name of correctional office, institution or facility.
5. Time period elapsed, date, circumstances, event or condition designated by the inmate as being the point at which this consent and waiver ends.

REFERENCES:

Kansas Administrative Regulation (K.A.R.) 44-1-102
Internal Management Policies and Procedures (IMPP) 08-104(5)