

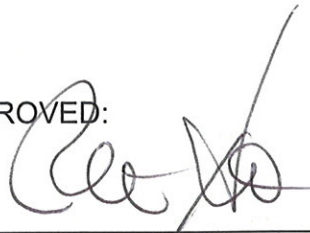
	<b>ADMINISTRATIVE REGULATION</b>  Department of Correctional Services State of Nebraska	NUMBER 002.01	Page 1 of 8
		MEDIA ACCESS POLICY	

EFFECTIVE: March 1, 1980  
 REVISED: September 30, 1983  
 REVISED: March 6, 1987  
 REVISED: April 1, 1992  
 REVISED: September 23, 1994  
 REVISED: August 11, 1995  
 REVISED: April 8, 1997  
 REVISED: November 12, 1997  
 REVISED: November 28, 1998  
 REVISED: November 8, 1999  
 REVIEWED: September 29, 2000  
 REVIEWED: September 28, 2001  
 REVIEWED: August 30, 2002  
 REVISED: December 12, 2003  
 REVISED: December 30, 2004  
 REVISED: December 22, 2005  
 REVISED: March 15, 2006  
 REVISED: September 26, 2008  
 REVISED: September 24, 2009  
 REVISED: September 30, 2010

**SUMMARY of REVISION/REVIEW**

Significant revisions

APPROVED:



\_\_\_\_\_  
 ROBERT P. HOUSTON, Director  
 Department of Correctional Services

	<b>ADMINISTRATIVE REGULATION</b>  <b>Department of Correctional Services State of Nebraska</b>	<b>NUMBER</b>  002.01	Page 2 of 8
		<b>MEDIA ACCESS POLICY</b>	

## PURPOSE

To provide guidelines for the proper dissemination of information to the news media in order to foster community involvement and support.

## GENERAL

The NDCS public information program makes known, both to the public and to other justice agencies, the agency's goals, objectives, and programs. The public information program, policy, and procedure, is reviewed and updated. It provides general information about the agency and specific commentary about newsworthy incidents. The agency has a designated public information officer, as well as designated public information officer(s) for each institution and Adult Parole Administration. (2-CO-1A-25)

Written policy, procedure and practice provide for a public information program that encourages interaction with the public and the news media. Procedures establish a commitment to informing the news media of events within the agency's area of responsibility and will be outlined within policy for Central Office to include the following:

- the Legislative and Public Information Coordinator and the Classification and Inmate Records Administrator are authorized to speak with the news media on behalf of the agency
- areas in Central Office and at each facility that are accessible to news media representatives include available conference rooms, the area directly in front of the building, and areas as approved by appropriate DCS staff
- identification of data and information protected by federal or state privacy laws, or federal and state freedom of information laws
- special events coverage

The NDCS Official Website at [www.corrections.nebraska.gov](http://www.corrections.nebraska.gov) is a vital tool in sharing information on programs, agency goals, objectives and newsworthy incidents and includes a "News and Stats" section. The site provides a contact name and number for the agency PIO and a PIO at each institution. The website includes information on each facility, the Annual Report and Statistical Summary and is reviewed/updated at least annually.

## DEFINITIONS

- A. News Media Representative-A qualified and properly identified representative of newspapers (general circulation), magazines of national circulation sold through newsstands and/or mail subscription to the general public, national/international news services, or radio/television stations, including internet, holding a Federal Communications license.
- B. Public- Individuals who are not officials in law enforcement, news media representatives, employees of the NDCS, or inmates and their family members.

	<p style="text-align: center;"><b>ADMINISTRATIVE REGULATION</b></p> <p style="text-align: center;"><b>Department of Correctional Services State of Nebraska</b></p>	<p style="text-align: center;">NUMBER</p> <p style="text-align: center;">002.01</p>	<p style="text-align: center;">Page</p> <p style="text-align: center;">3 of 8</p>
		<p><b>MEDIA ACCESS POLICY</b></p>	

PROCEDURE

I. RELEASE of INFORMATION

A. News Releases

1. Each facility/program and central office shall have a designated Public Information Officer and Alternate Public Information Officer, as appropriate. Staff in these positions shall attend quarterly meetings/training sessions.
2. The Warden/Program Administrator and/or the Agency/facility Public Information Officer is responsible for the orderly dissemination of information from his/her respective facility/program/central office.
3. All planned news releases will be approved through the office of the Director of Correctional Services/designee and will be forwarded to the Director's office and to the Agency PIO, except under emergencies (see A. R. 203.02 *Emergency Preparedness*), such as escapes, riots, fire, any inmate death or other significant occurrences requiring immediate news media notification.

Under those circumstances, such information releases will be disseminated according to established facility/program procedure and practice. The Central Office Officer of the Day (O. D.) shall be notified by telephone of the content of emergency news release and a copy of the release will be transmitted to the Director's Office (Administrative Regulation 007.01 *Central Office Officer of the Day*). The Department's Agency PIO or alternate shall be notified of any "major" news release that potentially may become a Department issue or may be of interest to the Governor.

4. Central Office procedures in emergencies (see A. R. 203.02 *Emergency Preparedness*), requiring immediate media notification include the following:

Public Information

- a) All news media representative calls/inquiries, routine, special events, and/or during an emergency, are forwarded to the designated Agency Public Information Officer/alternate.
- b) News media access to the Central Office Administration will be coordinated through the Public Information Officer. The Public Information Officer will be responsible for notifying the building security officer of any news media visits. Media representatives will be escorted by the Public Information Officer/designee to a designated area of Central Office to conduct the interview.
- c) For reasons of safety and security, media interviews within Central Office Administration areas may be denied, limited or revoked. Such actions will be made a matter of record, and an alternate area to conduct the interview will be identified.

	<b>ADMINISTRATIVE REGULATION</b>  <b>Department of Correctional Services State of Nebraska</b>	<b>NUMBER</b>  002.01	Page 4 of 8
		<b>MEDIA ACCESS POLICY</b>	

During an emergency, the public information function shall include working with the news media, local groups and communities, off-duty staff and staff families and rumor control.

During an emergency, final approval for the release of any public information rests solely with the Commander.

In an emergency or in its aftermath, staff are expressly prohibited from providing public information, giving interviews, responding to media or the like, unless specifically authorized by the Commander. Staff members who are approached by the media or by other individuals requesting information, opinions or background shall direct those individuals to the Public Information Officer, either physically or by telephone and shall, if necessary, explain that policy prohibits anyone except the Public Information Officer from releasing information.

5. Routine news releases may include the following:
  - a. **Who** is involved
  - b. **What** is taking place
  - c. **Where** it is taking place
  - d. **When** it occurred
  - e. **Why** it occurred
  - f. **How** it occurred
6. The Public Information Officer shall respond to routine media inquiries with factual information. Staff shall not speculate, conjecture or offer opinions. The Warden/Program Administrator must be notified immediately before any such release. He/she will notify the Director or appropriate Deputy Director.
7. Emergency Announcement- If an inmate escapes from a secure facility the supervising institution will immediately contact area law enforcement agencies and the Agency Public Information Officer. The Agency PIO will immediately notify the largest print media organization(s) within 25 miles of the institution and the Associated Press. The above outlined procedure will apply to inmates who abscond as deemed necessary.

**B. Inquires**

1. Responses to all inquiries concerning Departmental operations will be prepared accurately and in a professional manner. Responses to inquiries regarding sensitive information such as emergency or security procedures must be reviewed and approved through the Warden/designee before release.
2. Responses to inquiries regarding the identification of or information about an inmate are subject to statutory provisions (Neb. Rev. Stat. 29-3504 29-3528, 83-178) regarding public information.

The following information concerning an inmate is a matter of public record and may be released to inquiring parties:

	<b>ADMINISTRATIVE REGULATION</b>  <b>Department of Correctional Services State of Nebraska</b>	<b>NUMBER</b>  002.01	Page 5 of 8
		<b>MEDIA ACCESS POLICY</b>	

- a. Notations and issuance of arrest warrants, arrests, detentions, indictments, charges by information and any other formal criminal charges.
  - b. Disposition arising from arrests or from formal criminal charges.
  - c. Sentences imposed.
  - d. Places of incarceration.
  - e. Dates and places of release from incarceration.
  - f. Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons, or photographs taken in conjunction with an arrest for purpose of identification of the arrested person.
  - g. Original records of entry, such as police blotters, offense reports maintained by criminal justice agencies.
  - h. Court records of any judicial proceedings.
3. Public record information does **not** include medical information, intelligence or investigative information, psychological and psychiatric reports, or statements from counselors and other persons involved in the evaluation of the inmate/parolee and his/her rehabilitation. In no case should the inmate/parolee or other unauthorized person be given direct access to his/her file or other official DCS records. Because the penalties for improper release of information may be severe, employees should contact the Department's General Counsel when in doubt about the propriety of a request for information.
  4. An employee's or former employee's name, position, gross salary, date of hire, date of termination and agency where employed shall be considered public information.
  5. All PIOs shall provide accurate information, promote public understanding about corrections, and generate support for our agency and its mission. PIOs should identify the overriding communication objectives they desire to communicate in an interview/media contact and deliver them.
  6. Requests from federal, state, and local legislators and executives for information about operations or specific inmates are responded to promptly by facility staff and with due regard to privacy protection statutes.

## II. MEDIA VISITS/INTERVIEWS

- A. Department staff being interviewed shall prepare in advance in order to communicate effectively. Department staff should not respond to certain interview questions, but should identify that these are areas that it is not appropriate to comment on. These include:
  1. When a legal case is pending,

	<b>ADMINISTRATIVE REGULATION</b>  <b>Department of Correctional Services State of Nebraska</b>	<b>NUMBER</b>  002.01	Page 6 of 8
		<b>MEDIA ACCESS POLICY</b>	

2. When asked to answer for a third party,
3. When asked to answer for another agency or department,
4. When questions are irrelevant, and
5. When asked for personal information that is not relevant.

PIOs should avoid a “no comment” response or offering a personal opinion. PIOs are to check the accuracy of all facts. Handouts or mailings should be proofread for typographical errors and misspellings.

Staff being interviewed should concentrate on getting important facts out first; correcting any mistakes or misconceptions the interviewer may have; and, work towards keeping it short and simple. A fact sheet may be provided when possible and appropriate.

- B. It is the policy of the Department to grant representatives of the news media access to the institution consistent with preserving inmates’ right to privacy and maintaining order and security. **Live or satellite link interviews are prohibited. Staff assisted telephonic interviews are prohibited.**
- C. Arrangements for news media visits should be made in advance through the applicable Warden/designee or Public Information Officer. The Director or appropriate Deputy Director shall be notified by the Warden/designee or Public Information Officer of all news media visits/interviews prior to the commencement of the media interview/visit.
- D. **Interviews should be related to a news event.** They should not be for entertainment, exhibit, or sensationalism nor should they exploit inmates or the Department. No compensation, either direct or indirect, to the inmate or his/her family shall be provided by the media representative (Neb. Rev. Stat. 81-1836).
- E. Local/state accredited news media representatives will be allowed recorded and non-recorded interviews with inmates/parolees on an individual basis.
  1. News media representatives shall be required to adhere to institution policy governing conduct during interviews and visits. Prior to commencement of the interview/visit, the news media representative shall be required to complete the News Media Representative Agreement Form (Attachment A) and the appropriate section of the News Media Contact Inmate Release Form (Attachment B).

After the news media representative completes the appropriate area of the form, the PIO/designee shall provide the inmate with the News Media Representative Inmate Release Form (Attachment B). The inmate shall review/consider the written request and approve/decline the interview.

Prior to the commencement of the interview/visit, facility staff shall provide an overview of the following rules and regulations relative to the interview/visit. Completion of this overview shall be documented on the News Media Representative Agreement (Attachment A).

	<b>ADMINISTRATIVE REGULATION</b>  <b>Department of Correctional Services State of Nebraska</b>	<b>NUMBER</b>  002.01	Page 7 of 8
		<b>MEDIA ACCESS POLICY</b>	

- a. Processing procedures for interviews/visits conducted within the facility.
  - b. Procedures relative to contraband items.
  - c. Procedures regarding appropriate conduct within the facility.
  - d. Procedures regarding filming/taping/interviewing within the facility.
  - e. Review of relevant portions of this regulation and the corresponding facility procedure.
2. Interviews (photographed, recorded, filmed or videotaped) with inmates/parolees (individual or group or non-recorded) may be permitted at the discretion of the Warden/designee. Written consent for the interview must be given by all inmates/parolees identifiable in photographs, film or videotape (Attachment B). Completed consent forms will be placed in the inmate's institutional file. Restrictions may be placed on interviews with inmates who are physically/mentally unable to participate, when a court order prohibits interviews, when the inmate is a safe-keeper and permission has not been granted by the jurisdiction and in "protection" cases where inmate identity/location is a concern.
- F. National/international media requests for the purpose of producing documentaries or publishing books must be approved in advance by the Director of the Department of Correctional Services. News media entities wishing to produce such documentaries/books must submit a detailed outline delineating the purpose and scope of the project and also the specific information wanted from the inmate.
- It is the policy of the Department not to approve documentary or publication requests about an inmate's criminal history that provides or would attempt to provide compensation to the inmate(s) involved or which would impose a burden on the Agency's limited resources.
- G. Inmates permitted outside a facility/program for rehabilitation activities or public services may appear on local radio or television concerning those activities. Written consent from the inmate will be required in both instances. The applicable Warden/designee following consultation with the Director will regulate the time, frequency and duration of such interviews.
- H. Any news media visit of any purpose can be denied, canceled, or restricted by the Director, Warden/designee, and/or Agency or Facility/Program Public Information Officer for security concerns based on present circumstances, and subject matter, including but not limited to, pending appeals, or legal matters related to the inmates criminal conviction, institutional adjustment, and re-victimization.
- I. The Department's PIOs have an opportunity to play an important role in the development of positive public relations. Relationships with both the news media and the public are vital to build credibility and support the primary mission of public safety and offender rehabilitation. Public Information Officers shall establish strong, positive relationships with local news representatives; promote positive

	<p style="text-align: center;"><b>ADMINISTRATIVE REGULATION</b></p> <p style="text-align: center;"><b>Department of Correctional Services State of Nebraska</b></p>	<p style="text-align: center;">NUMBER</p> <p style="text-align: center;">002.01</p>	<p style="text-align: center;">Page 8 of 8</p>
		<p><b>MEDIA ACCESS POLICY</b></p>	

stories/articles/interviews of their respective facility/program; and promote staff activities, recognition, and awards.

### III. TOURS and PUBLIC VISITS TO FACILITIES/PROGRAMS

- A. Tours of correctional institutions/programs may be arranged by the Public Information Officer/designated staff with the approval of the applicable Facility/Program Administrator. All persons entering an institution/program are subject to a search of their person and possessions anytime. (See Administrative Regulation 120.01 *Official Visitors to Correctional Facilities & Programs*, the handling VIP visitors.)
- B. The public is encouraged to visit institutions for such inmate productions as art shows and displays.

### IV. INVESTIGATION of COMPLAINTS

- A. Adverse reactions to Departmental policy or procedures may arise during the operation of any program involving public or community contact. Complaints brought to the attention of the Department will be promptly investigated by the division involved. In no case shall persons involved in the complaint be responsible for the investigation. Matters under investigation shall only be discussed on a limited basis.
- B. Results of such investigations will be disseminated to the complaining party, the subject of the complaint and the Director.

### REFERENCE

- I. Neb. Rev.Stat. 29-3502 to 29-3528; 81-1836; 83-178; 83-186; 84-701 to 84-732.
- III. Administrative Regulation, 007.01, *Central Office Officer of the Day*  
Administrative Regulation, 103.01, *Research*  
Administrative Regulation 103.04, *Coordination with Outside Agencies*  
Administrative Regulation 104.01, *Inmate Records Management*  
Administrative Regulation 120.01, *Official Visitors to Correctional Facilities and Programs*  
Administrative Regulation, 203.02, *Emergency Preparedness*

### IV. ATTACHMENTS

- A. Media Representative Agreement. Revised August 2009
- B. Media Contact Inmate Form. Revised August 2009

### III. ACA STANDARDS

- A. Adult Correctional Institutions (fourth edition): 4-4019, 4-4020, 4-4021, 4-4022 and 4-4279
- B. Adult Community Residential Services (fourth edition): 4-ACRS-7F-01
- C. Administration of Correctional Agencies (second edition) 2-1A-25, 2--1A-27, 2-1A-27-1