


DIRECTIVE/POLICY/PROCEDURES  NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION		DIRECTIVE/POLICY/PROCEDURE NUMBER: 3C-8
		ACA/ACI/PBS RELATED STANDARDS: ACI 4-4279, 4-4280; NDSP, JRCC ACRS 4-ACRS-7F-02, 4-ACRS-7F-03, MRCC
		RELATED REFERENCES: 1A-6, Public Information and Media Access 5D-1, Inmate Correspondence; Access to Publications; Inspection of Letters & Packages; Forwarding of Mail
CHAPTER TITLE: 3. Institutional Operations	SECTION: C. Inmate, Juvenile and Offender Rights	SUBJECT: Access to Media


Effective Date: July 7, 2011

Revision/Review History

Revised: July 16, 2012
Revised: February 26, 2014
Revised: September 16, 2014
Revised: July 2, 2015
Revised: May 5, 2016
Revised: January 18, 2017
Revised: September 22, 2017

Summary of Revisions

1. Major changes to policy. Michelle Linster and Ken Sorenson 9/12/17

POLICY AND PROCEDURES NORTH DAKOTA STATE PENITENTIARY JAMES RIVER CORRECTIONAL CENTER MISSOURI RIVER CORRECTIONAL CENTER		POLICY AND PROCEDURE NUMBER: 3C-8
		APPENDICES: <ul style="list-style-type: none"> • Media Consent • News Media Agreement
NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION		ACA/PbS RELATED STANDARDS: ACI 4-4279, 4-4280; NDSP, JRCC ACRS 4-ACRS-7F-02, 4-ACRS-7F-03
CHAPTER TITLE: 3. Institutional Operations	SECTION: C. Inmate, Juvenile and Offender Rights	SUBJECT: Access to Media

1. **AUTHORITY:** Authority for the policy and procedures is found in chapters 54-23.3, 12-46 and 12-47 of the North Dakota Century Code.
2. **APPLICABILITY:** All employees of the Department of Corrections and Rehabilitation.
3. **DEFINITIONS:**
 - A. Inmate: A person sentenced to the legal and physical custody of the Department of Corrections and Rehabilitation or person transferred to the physical custody of the Department of Corrections and Rehabilitation by another state or the federal government.
 - B. Public Information Officer: Official spokesperson for the Department of Corrections and Rehabilitation.
 - C. Representatives of the News Media: Means persons whose principal employment is to gather or report news for: (1) A newspaper that qualifies as a general circulation newspaper in the community in which it is published. A newspaper is one of "general circulation" if it circulates among the general public and if it publishes news of a general character of general interest to the public such as news of political, religious, commercial, or social affairs. A key test to determine whether a newspaper qualifies as a "general circulation" newspaper is to determine whether the paper qualifies for the purpose of publishing legal notices in the community in which it is located or the area to which it distributes; (2) A news magazine which has a national circulation and is sold by newsstands and by mail subscription to the general public; (3) A national or international news service; or (4) A radio or television news program whose primary purpose is to report the news and the program is broadcast by an entity that holds a Federal Communications Commission license.
4. **POLICY:** The Department of Corrections and Rehabilitation adult facilities will ensure inmates have access to the media.
5. **PROCEDURES:**
 - A. Access to Media:

1. Inmates may contact the news media through written correspondence and electronic mail. Inmate correspondence with the media is subject to the general correspondence policy of the facility (See Policy No. 5D-1, Inmate Correspondence; Access to Publications; Inspection of Letters & Packages; Forwarding of Mail), and inmate electronic correspondence is subject to the electronic correspondence policy of the facility (See Policy No. 5D-1, Inmate Correspondence; Access to Publications; Inspection of Letters & Packages; Forwarding of Mail).
2. Media requests for interviews with inmates must be submitted in writing to the warden. **(4-4279) (4-ACRS-7F-02)**
 - a. A news media representative who wishes to conduct an interview with an inmate must make a written request to the warden, who will notify the Director of the Department of Corrections and Rehabilitation and the Public Information Officer. The Warden shall determine if an inmate, or inmates, may be interviewed, and shall determine which inmate, or inmates, may be interviewed. News media interviews with specific individual inmates are not permitted. Before a representative of a news media may interview an inmate, the news media representative shall submit a news media representative agreement to the Public Information Officer on a form provided by the Public Information Officer.
 - 1.) If an inmate agrees to be interviewed and the warden approves, the news media representative will coordinate arrangements with the warden.
 - 2.) An inmate may not be employed or act as a reporter or publish under a by-line.
 - 3.) An inmate may not receive compensation or anything of value for interviews.
 - b. The inmate shall complete the Media Consent form prior to the interview. The consent form must be forwarded to the Warden of the facility, to the Public Information Officer, and placed in the inmate's case history file.
 - c. The inmate has full discretion for consent for photographs, answering questions or being recorded by the media representative. All photographs or video recording of any part of the facility must have prior approval from the chief of security.
 - d. The warden shall document denials of media requests and rationale. A request for an interview may be denied for the following reasons:
 - 1.) The news media representative or the news organization represented:
 - a.) Does not agree to the conditions established or has, in the past, failed to abide by the required conditions.
 - b.) Asks to interview a specific individual inmate.

- c.) Wants to speak to an inmate about another inmate who is currently or has been in the custody of or under the supervision and management of the department, or wants to speak to an inmate about an individual who is, or has been, an officer or employee of the department.
 - 2.) The inmate is physically or mentally unable to participate in the interview.
 - 3.) The inmate's written consent is not completed.
 - 4.) The interview may endanger the health or safety of the staff, the inmate or other inmates, or the public, or may adversely affect the order and operations of the institution.
 - 5.) The interview may have an adverse effect on the victim or the victim's family.
 - 6.) The inmate is involved in a pending court action and the court having jurisdiction has issued an order prohibiting media interviews.
 - 7.) The inmate is a transferee from another state or the federal government and has not been authorized to participate in interviews with media representatives.
 - e. The time, location, and duration of the interview must be approved by the warden. The warden may
 - 1.) Limit the amount of audio, video and film equipment and the number of media personnel entering the institution if the warden determines the requested equipment or personnel may disrupt the orderly operation of the facility.
 - f. Media interviews of inmates must be supervised by staff, designated by the Warden.
6. **SIGNATURE:** This policy with procedures becomes effective when signed by the Director of the Department of Corrections and Rehabilitation.

This copy has been approved by the Director with the original signature on file.