



Operating Procedure

Effective Date October 1, 2010	Number 022.1
Amended 9/17/10, 6/21/11	Operating Level Department
Supersedes Operating Procedure 022.1 (10/1/07)	
Authority COV §53.1-30 BOC 6VAC15-31-60	
ACA Standards 4-4020, 4-4021, 4-4279; 4-ACRS-7F-01	
Office of Primary Responsibility Communications Manager	

Subject MASS MEDIA RELATIONS	
Incarcerated Offender Access Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	FOIA Exempt Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

I. PURPOSE

This operating procedure provides guidance to Department of Corrections employees concerning contacts with mass media. The release of accurate and timely information to the media of events within the agency's areas of responsibility contributes to a properly informed public, enhances support for the agency's operations, and limits the potential liability of inaccurate information. (4-4020, 4-4021, 4-ACRS-7F-01)

II. COMPLIANCE

This operating procedure applies to all units operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws, Board of Corrections policies and regulations, ACA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Mass Media - Any form of mass public communications system including, but not limited to, newspapers, radio, television, and internet.

News Releases - Prepared announcements initiated by the Department of Corrections.

Organizational Unit - Any correctional facility, probation and parole district, regional office, a separate operational unit of central office, or offices of the Director, Deputy Directors, and Inspector General.

IV. PROCEDURE

A. *News Releases* - News releases may be issued by the DOC Director's office at the request of an organizational unit head or higher official. Such announcements shall be issued only through the Director's Office, unless otherwise approved by the Director. The Office of the Secretary of Public Safety shall approve all news releases.

B. *Media Contacts* - Only those persons authorized by the Director shall give information to the media regarding official DOC business. Those authorized shall remain knowledgeable of issues and DOC policy, and assure the accuracy of information before release. When acting in their official capacities, authorized media contacts shall not express personal opinions on matters of official DOC business; as such opinion could be misconstrued as policy.

1. The following individuals shall be authorized by the Director to release information on official DOC business:
 - a. Deputy Directors
 - b. Inspector General
 - c. Persons otherwise authorized by the Director

2. All press contacts shall be reported immediately to the Director's Office.
 - a. *Unauthorized Comments* - Employees, other than those authorized above, who make comments to the media must clearly indicate they are speaking as a private citizen not in any official capacity. Employees who are the subject of litigation may jeopardize their own defense and lose the financial support of the Commonwealth if they make unauthorized comments to the mass media concerning any pending litigation. (see [COV §2.2-1837](#)) Employees are subject to disciplinary action if they violate this section.
 - b. *Personnel Information* - By law, an employee's position, job classification, official salary or rate of pay, and allowances or reimbursements for expenses, except salaries for those earning less than \$10,000 annually, are public information and must be released to any citizen requesting it. Other information contained in personnel records, including disciplinary actions, shall not be disclosed, except by the Director or a designee in the Director's absence. However, it may be confirmed that an employee has been reassigned temporarily pending completion of an official investigation or audit or pending disposition of official charges, upon the approval of the Director or a designee in the Director's absence.
 - c. *Incidents* - Media inquiries concerning an incident at a DOC facility or probation and parole office shall be referred to the Director's Office for details. The Director's Office shall be informed immediately of such incidents. Requests for more general or background information shall be handled by the Director's Office.
- C. *False Information* - No employee shall knowingly and willfully state, deliver or transmit to any publication, radio or television station, news service, or cable service any false and untrue statement, with intent that the statement be published, broadcast, or otherwise disseminated. Employees who do so are subject to disciplinary action and may be guilty of a crime (see [COV §18.2-209](#)).
- D. *Media Identification* - Identification of media representatives shall be by a press or broadcasters card issued by the Department of State Police or by confirmation of press credentials by DOC officials.
- E. *Media Access to Offenders*
 1. Offenders in *general population* status incarcerated in DOC facilities shall be made available to the media in accordance with this operating procedure, as well as operating procedures relating to the offender's security status. Telephone interviews shall be encouraged in lieu of in-person interviews whenever possible. Offenders in *non-general population* status shall not be made available to the media. (4-4279) (see Operating Procedure 022.2, *Offender Access to the Media*)
 2. Interviews and DOC photographs (mug shots)
 - a. Requests by media representatives for in-person interviews with offenders shall be referred to the Director's Office for approval.
 - i. A face-to-face interview with an offender by media representatives must be requested at least 24 hours prior to such interview.
 - ii. If 24-hour notice is not possible, telephone interviews will be available as an option.
 - iii. Each request shall be reviewed by the Director or designee on a case-by-case basis and shall take into consideration the interview's effect upon the orderly operation and security of the facility.
 - b. Scheduled interviews between media and offenders are subject to cancellation or rescheduling if there is a threat to the safety and security of the facility.
 - c. To gain access to any secure DOC facility, all members of the press must submit to a physical search by DOC security staff as described in Operating Procedure 445.1, *Employee, Visitor, and Offender Searches*. If media representatives refuse such searches, access will be denied.
 - d. Written offender consent for any interview, or the use of any photograph or other likeness, shall

be required prior to the interview, when such a request is made by the media.

- i. For interviews with offenders under the sentence of death, the offender's attorney must be notified and approve the interview. (added 9/17/10 per Communications Manager)
 - ii. Notwithstanding offender consent, the DOC shall reserve the right to release any official photograph or other likeness at its discretion. (see Operating Procedure 022.2, *Offender Access to the Media*)
- e. In-person interviews shall be subject to monitoring by DOC staff. Interviews, like other public access to facilities, may be limited to administrative business hours.

3. On-camera/tape recorded interviews and facility tours

- a. Media representatives with recording equipment (television cameras, still cameras, tape recorders, etc.) may tour a facility with the Facility Unit Head or their designee only. A tour is differentiated from an interview in that no interaction with offenders or staff will be allowed during a facility tour.
- b. In order to enter any secure DOC facility, all recording equipment will be physically searched by DOC security staff as described in Operating Procedure 440.2, *Perimeter Security* and Operating Procedure 445.2, *Facility Searches and Inspections*. If media representatives refuse to allow such searches, equipment access will be denied.
- c. On-camera interviews should only be granted to news organizations reporting on timely, current news stories. (added 6/21/11)
 - i. DOC facilities categorized as Security Level 3 and below are approved for on-camera/tape recorded media interviews subject to safety and security concerns.
 - ii. DOC facilities categorized as Security Level 4 and above are ineligible for on-camera/tape recorded media interviews.
 - iii. Media interview requests at multi-level facilities will consider the offender's security level assignment.

4. Offenders are permitted to correspond with media representatives in the same manner as they are permitted other general purpose correspondence, subject to restrictions set forth in directives and operating procedures regarding offender correspondence (see Operating Procedure 803.1, *Offender Correspondence*)

F. Department of Correctional Educational (DCE) photographic equipment will be allowed at DOC prisons with Security Levels 1-3 for offender graduations only. Security Level 4, 5, and S prisons will allow the DCE to utilize the facility's camera for offender graduation proceedings. At the conclusion of an offender graduation, the facility will download the event pictures and provide them to the DCE on a compact disc or appropriate media.

V. REFERENCES

Operating Procedure 022.2, *Offender Access to the Media*

Operating Procedure 440.2, *Perimeter Security*

Operating Procedure 445.1, *Employee, Visitor, and Offender Searches*

Operating Procedure 445.2, *Facility Searches and Inspections*

Operating Procedure 803.1, *Offender Correspondence*

VI. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than October 1, 2013.

Signature Copy on File

Michael Leininger, Communications Manager
Office of DOC Director



Operating Procedure

Effective Date November 1, 2010	Number 022.2
Amended 9/17/10	Operating Level Division
Supersedes Operating Procedure 022.2 (11/1/07)	
Authority COV §53.1-30 BOC 6VAC15-31-300	
ACA Standards 4-4279; 4-ACRS-7F-02, 4-ACRS-7F-03	
Office of Primary Responsibility Communications Manager	

Subject OFFENDER ACCESS TO THE MEDIA	
Incarcerated Offender Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	FOIA Exempt Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Attachments Yes <input checked="" type="checkbox"/> #1 No <input type="checkbox"/>

I. PURPOSE

This operating procedure provides for reasonable access between offenders confined in Department of Corrections facilities and the communications media. This access is subject only to the limitations necessary to maintain order and security and to protect offender privacy.

II. COMPLIANCE

This operating procedure applies to all units operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws, Board of Corrections policies and regulations, ACA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Media – Any printed, electronic, or verbal means of conveying information to the public, including, but not limited to, newspapers, magazines, books or other publications, and licensed radio and television broadcasters. Identification of media representatives shall be by a press or broadcasters card issued by the Department of State Police or by confirmation of press credentials by Department of Corrections Officials.

IV. OFFENDERS UNDER COMMUNITY SUPERVISION

The DOC does not restrict contact between offenders under supervision in the community and the media.

V. INCARCERATED OFFENDERS

A. Incarcerated offenders are allowed to present their views to the public through the communications media. Representatives of the media may be allowed access to facilities to report items of public interest consistent with orderly facility administration and the preservation of offenders' rights to confidentiality and privacy. (4-4279, 4-ACRS-7F-02)

B. Offender Access to Media

1. Offenders shall be permitted to correspond with media representatives in the same manner as they are permitted other general purpose correspondence in accordance with Operating Procedure 803.1, *Offender Correspondence*.
2. Offenders shall be permitted to submit manuscripts to publishers for publication.
3. With written consent, offenders may be photographed by media representatives in groups or as individuals. When an offender in a picture is identifiable, a signed *Interview Agreement* (see Attachment 1) will be required.

C. Media Requests for Interviews with Offenders

1. The media shall direct written requests for interviews with offenders to the DOC Director or

designee in the Communications Unit at DOC headquarters during regular administrative business hours. (4-4279, 4-ACRS-7F-03)

- a. Media representatives should make a request well in advance of the scheduled visit or interview to allow time for DOC personnel to respond to the request and make necessary arrangements.
 - b. For interviews with offenders under the sentence of death, the offender's attorney must be notified and approve the interview. (added 9/17/10 per Communications Manager)
2. Interviews may be restricted during a facility emergency. Scheduled interviews between media and offenders are subject to cancellation or rescheduling if there is a threat to the safety and security of the facility.
 3. Whenever possible, telephone interviews shall be encouraged in lieu of in-person interviews. The DOC Director or designee in the Communications Unit at DOC headquarters shall approve telephone interviews between the media and an offender.
 4. Requests by media representatives for in-person interviews with offenders shall be referred to the Director's Office for approval.
 - a. A face-to-face interview with an offender by media representatives must be requested at least 24 hours prior to such interview.
 - b. If 24-hour notice is not possible, telephone interviews will be available as an option.
 - c. Each request shall be reviewed by the Director or designee on a case-by-case basis and shall take into consideration the interview's effect on the orderly operation and security of the facility.
 5. Upon approval, the Facility Unit Head may schedule interviews on dates and times that will not interfere with the orderly operation and security of the facility. Media interviews will normally be conducted between 9:00 AM and 3:00 PM on normal business days.
 6. The Facility Unit Head or designee will obtain an offender's written consent prior to the offender being interviewed or photographed (see *Interview Agreement*, Attachment 1). (4-4279, 4-ACRS-7F-03) For offenders under the sentence of death, the offender's attorney must also approve the interview. (added 9/17/10 per Communications Manager)
 7. The Facility Unit Head may impose limitations on the number of media representatives, and the amount and type of equipment admitted into a facility.
 8. Information from the offender record shall be released only in accordance with the Code of Virginia; Operating Procedure 025.1, *Public Access to Hearings, Information, and Meetings*; Operating Procedure 050.1, *Incarcerated Offender Records Management*; and Operating Procedure 050.6, *Offender Access to Record Information*.
 9. In accordance with Operating Procedure 022.1, *Mass Media Relations*, interviews by the media may be filmed or recorded in certain facilities with prior administrative approval and the offender's written consent.
 10. Notwithstanding offender consent, the DOC shall reserve the right to release any official photograph or other likeness at its discretion.

D. Place of Interview

1. Interviews will be conducted at a time and place that is established by the Facility Unit Head or designee.
2. All members of the media must submit to a physical search by DOC security staff to enter any secured facility. (see Operating Procedure 445.1, *Employee, Visitor, and Offender Searches*). All recording equipment (television cameras, still cameras, tape recorders, etc.) must be submitted for a

physical search by DOC security staff in accordance with Operating Procedure 440.2, *Perimeter Security*, in order to enter any secured facility. If media representatives refuse to allow such searches, access will be denied.

3. Media representatives shall be escorted while inside the facility.
4. Media representatives may attend offender group functions provided prior arrangements and approval are obtained. All requirements regarding written offender consent for interviews and/or photographs must be met.
5. In-person interviews shall be subject to monitoring by DOC staff.
6. No items may be passed between visitors and offenders without prior approval by the Facility Unit Head and search of the item by DOC staff.
7. Offenders who are permitted outside the facility's perimeter to participate in community activities or work programs may be interviewed by the media at those locations, provided approval and consent as specified in this operating procedure, are obtained in advance.

VI. REFERENCES

Operating Procedure 022.1, *Mass Media Relations*

Operating Procedure 025.1, *Public Access to Hearings, Information, and Meetings*

Operating Procedure 050.1, *Incarcerated Offender Records Management*

Operating Procedure 050.6, *Offender Access to Record Information*

Operating Procedure 440.2, *Perimeter Security*

Operating Procedure 445.1, *Employee, Visitor, and Offender Searches*

Operating Procedure 803.1, *Offender Correspondence*

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than November 1, 2013.

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Michael Leininger, Communications Manager
Office of DOC Director