

STATE OF WEST VIRGINIA
DIVISION OF CORRECTIONS
POLICY DIRECTIVE

NUMBER: 331.00
DATE: 01 August 2007
SUBJECT: Inmate Media Access
AUTHORITY: WV Code 25-5-1
and 62-13-4; ACA
Standard 4-4279

I. POLICY: It is the policy of the West Virginia Division of Corrections to maintain a mechanism that ensures the protection of the inmate's safety and constitutional rights and seeks a balance between expression of individual rights and preservation of order. Furthermore, inmates shall be afforded reasonable access to the communications media, subject to the limitations necessary to maintain order, security, the protection of an inmate and/or victim's right to privacy. Media requests for interviews and the inmate's consent shall be in writing.

II. CANCELLATION: Policy Directive 331.00, dated 01 January 2004

III. DEFINITIONS:

Warden/Administrator: Shall mean the Chief Executive officer of the institution and shall include his/her designee.

Institution: Institution shall refer to any prison, correctional facility, correctional center, or other residential unit operated by the Division of Corrections.

Media: Refers to the term commonly known as news media which is a means of mass communication by television, print, radio, internet, and other technology. Similar terms that have also been used include press, reporters, journalist and so forth. Such persons belonging to the media can be an employee of a news organization or can be a free lance journalist or reporter.

IV. APPLICABILITY: All units within the Division of Corrections

V. PROCEDURE:

A. Written Correspondence: Inmates may correspond with the media subject to the limitations as set forth in Policy Directive 503.00.

B. Telephone Communication: Inmates may communicate with members of the media by telephone in the same manner and subject to the same limitations as they are

allowed to communicate with members of the public. Telephone calls from an inmate to a member of the media shall be subject to monitoring in the same fashion as any other member of the public.

- C. Visitation: Members of the media may communicate with inmates in the same manner as members of the public and shall be subject to the same security precautions.
1. If a member of the media desires to have visitation with an inmate, such person shall make a written request to the Warden/Administrator.
 2. The written request shall include verifiable documentation that such person is a member of the media.
 3. The Warden/Administrator may exclude any member of the media if he/she determines that their contact with the inmate will jeopardize institutional order or security.
 4. Upon receipt of the request, the Warden/Administrator shall inquire of the inmate whether the inmate wishes to have contact with the media.
 5. If the inmate wishes such contact, he/she shall complete a waiver form as set forth in Attachment #1.
 6. Contact between the inmate and the member of the media shall occur in the same times and fashions as ordinary visitation.
 7. Inmates having visitation with members of the media shall be granted no additional visitation time(s).
 8. All visits between members of the media and the inmate shall occur in visitation areas with the decision to allow contact or non-contact visitation to be at the discretion of the Warden/Administrator.
 9. No cameras or recording devices shall be permitted during the visit.
 10. All members of the media shall be subject to search and monitoring in the same manner as any other member of the public.
- D. Access to an institution may be denied by the Warden/Administrator when the following condition(s) exist.
1. The security and safety of the media personnel would be jeopardized.

2. Visits by the media may cause a serious disruption to institutional harmony.
 3. Media coverage may contribute to increased levels of institutional tension.
 4. Contacts by the media may adversely affect an individual inmate's or victim's physical or emotional stability.
 5. Continued contacts become disruptive by virtue of their numbers.
 6. There is credible information that the visit could further additional crimes.
- E. When a media representative has been denied access to an institution, the Warden/Administrator/designee shall provide a verbal explanation to that person and immediately advise the Commissioner of Corrections or designee.

APPROVED SIGNATURE:


Jim Rubenstein, Commissioner

August 1, 2007
Date

WAIVER

I, _____, an inmate at _____
Name Name of
_____, do hereby consent to:
Correctional Facility

[Check appropriate statement]

- _____ give personal interview
_____ give a statement which I have prepared
and which has been received

by _____
(Name of Reporter or Correspondent)

for _____
(Name of Newspaper, Magazine or Station)

on the _____ day of _____, 20_____

I understand that such interview or statement will be used at the discretion of such newspaper, magazine, television, or radio station, to which I give my full consent.

Date

Signature of Inmate

Inmate Number

Date

Warden/Administrator, Chief CO
or Unit Manager