



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.

Signature Copy on File

Michael Leininger, Communications Manager
Office of DOC Director