

POLICY TITLE: CONTACT WITH NEWS MEDIA		PAGE 1 OF 9
POLICY NUMBER: 1.23		
CHAPTER 1: ADMINISTRATION, ORGANIZATION, AND MANAGEMENT		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
EFFECTIVE DATE: April 6, 2005	LATEST REVISION: February 29, 2016	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Entire Maine Department of Corrections

III. POLICY

It is the policy of the Maine Department of Corrections to establish and maintain a positive relationship with news media outlets to inform the public with accurate information of the Department’s mission, programs, services, and news, while protecting confidentiality as required by law and safety, security and orderly management. This policy applies to “traditional” news media outlets (e.g., print, radio, television, still or video photographers) and “new” web-based media outlets (e.g., blogs, web forums, web radio, web television). Also, it is the policy of the Department to create and distribute to the public its own information independent of any news media outlets.

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VI. PROCEDURES

Procedure A: Contact with News Media, General

1. The Deputy Commissioner shall serve as the Department's liaison with the news media. Each Chief Administrative Officer, or designee, and Regional Correctional Administrator, or designee, shall keep the Commissioner or Deputy Commissioner informed of significant incidents and issues which might be expected to result in inquiries from the news media.
2. The Commissioner or Deputy Commissioner shall brief the Governor's Office on high profile incidents and issues that are likely to generate news media coverage, and serve as Department spokesperson with respect to these incidents and issues.
3. All Department staff (whether Department employees or persons providing services under contract or by agreement with the Department), volunteers, and student interns shall refer all news media inquiries to the Deputy Commissioner.

Procedure B: Release of Information to News Media

1. Only the Commissioner or the Deputy Commissioner, with the Commissioner's approval, may issue a press release.
2. Under no circumstances is information to be released that relates to a criminal investigation or a potential criminal investigation or litigation or potential litigation.
3. Under no circumstances is information to be released that relates to facility security practices.
4. The Commissioner or the Deputy Commissioner shall determine, after consultation with the Department's representative in the Attorney General's Office, the information that may be disseminated in relation to the death of an individual.
5. The Commissioner or the Deputy Commissioner shall determine the information that may be disseminated in relation to the search for, or apprehension of, any person who has escaped from custody, is an absconder from community supervision, or has been erroneously released early from Department custody or supervision.

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6. In the event of a critical incident at a facility, a specific area may be designated for media representatives where the Commissioner or the Deputy Commissioner may provide a prepared statement providing general information. Information shall be released only at a time deemed appropriate by the Commissioner or the Deputy Commissioner.
7. General and statistical information shall be disseminated within the limits of staff time and other resources and as approved by the Department's Deputy Commissioner.
8. Information regarding a Department client shall only be released in accordance with Federal and State law and Department policies regarding confidentiality.
9. Information regarding Department staff shall only be released in accordance with Federal and State law, and Department policies regarding confidentiality and, if applicable, contract bargaining agreements.

Procedure C: Contact between Clients and News Media Representatives

1. A client under supervision in the community may correspond with or otherwise have contact with a representative of the news media, provided the contact is not contrary to a condition of supervision or a court order.
2. A prisoner or resident may correspond with or have telephone contact with a representative of the news media, unless the contact is prohibited or restricted pursuant to Department policies (Adult Facility 21.2, Prisoner Mail, and 21.3, Prisoner Telephone System, and Juvenile Facility 16.1, Resident Mail, and 16.2, Resident Access to Telephones).
3. Any request for other access to a prisoner or resident shall be forwarded to the facility Chief Administrative Officer, or designee, for handling in accordance with Procedure D.

Procedure D: News Media Access to Prisoners or Residents

1. A news media representative who requests access to a prisoner or resident other than by correspondence or telephone (i.e., the representative wishes to conduct an interview of, audio/video record, or photograph a prisoner or resident) shall, using the Request for News Media Access to Prisoner or Resident form (Attachment A), make a written request to the Chief Administrative Officer, or designee, setting out the name of the prisoner or resident, the type of access, the purpose of the access, and where and when the publication or broadcast will be made public.
2. A request for news media access to a prisoner or resident other than by correspondence or telephone may be granted only with the approval of the facility Chief Administrative Officer and the Commissioner or the Department's Deputy Commissioner.

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3. Prior to granting approval of a news media request for access to a prisoner or resident, notification shall be made by the Chief Administrative Officer, or designee, to the Department's Director of Victim Services, who shall determine if consulting with the victim(s) is appropriate. If the Director of Victim Services determines consulting with the victims(s) is appropriate, approval of the news media request shall not be granted until the Chief Administrative Officer, or designee, has conferred with the Director of Victim Services.
4. Permission for news media access to a prisoner or resident may be denied or rescinded if there is reasonable suspicion that the access or the publication or broadcast might facilitate criminal activity or violation of the facility's rules or create a risk to safety, security, or orderly management of the facility; the impact on the victim would be excessive; the access might adversely impact a criminal investigation or prosecution; the access might harm the welfare of a prisoner or resident, including by a violation of a right to confidentiality; the prisoner or resident is unavailable or unwilling or unable to participate; or it is determined to be an excessive demand on staff resources.
5. The news media representative may appeal to the Commissioner any denial or rescinding of permission for access to a prisoner or resident.
6. If the news media access is approved, the Chief Administrative Officer, or designee, shall ask the prisoner or resident if the prisoner or resident wishes to participate.
7. If the prisoner or resident agrees to participate, the prisoner or resident shall sign a completed Prisoner or Resident Consent for News Media Access form (Attachment B), which shall be forwarded to the Chief Administrative Officer, or designee.
8. If the prisoner or resident is a minor or an adult with a guardian, the Prisoner or Resident Consent for News Media Access form must also be signed by the prisoner's or resident's parent or guardian.
9. A prisoner or resident participating in any news media interview, audio/video recording, or photographing shall not receive any compensation for participation or use of material or information.
10. The news media representative shall be required to agree, in writing, to abide by all conditions set by the Chief Administrative Officer, or designee, by signing the Authorization for News Media Access to Staff, Prisoner or Resident form (Attachment D) and return it to the Chief Administrative Officer, or designee.
11. The news media representative shall be required to comply with all facility security practices, including, but not limited to, a scan or search of his or her person and of any items to be brought into the facility.
12. Any material or information obtained including, but not limited to, the interview, audio/video recording, or photograph, shall not be used other than for the

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purpose set out in the written request to the Chief Administrative Officer, or designee, and for which authorization was given.

13. If the prisoner or resident is a minor or an adult with a guardian, the use of the prisoner's or resident's name, hometown, or other personal information, identifiable photographs, or identifiable audio/video recordings or any other disclosure of identifying information is strictly prohibited at all times. Any prisoner or resident 18 years of age or over who does not have a guardian may choose to be identified.
14. The Chief Administrative Officer, or designee, may be present during any interviewing, audio/video recording, or photographing of a prisoner or resident by the news media. If the prisoner or resident is a minor or an adult with a guardian and is being interviewed regarding a pending criminal or juvenile criminal charge, the prisoner or resident must have his or her legal representative present during the interview with the news media.
15. The Chief Administrative Officer, or designee, may make an independent recording of any interview or audio/video recording by the news media to allow for correcting the record if necessary.
16. Arrangements for news media access shall be made by the Chief Administrative Officer, or designee, taking into consideration the prisoner's or resident's daily programming and facility operational needs.

Procedure E: Termination of News Media Access to Prisoners or Residents

1. Staff may terminate news media access to a prisoner or resident for any of the following reasons:
 - a. any reason for which permission may be rescinded under Procedure D. 4;
 - b. refusal or failure to abide by any condition set by the Chief Administrative Officer, or designee, any facility rule, or any staff instructions;
 - c. the prisoner or resident or the news media representative is exhibiting behavior which is inappropriate, including inappropriate physical contact;
 - d. an emergency or critical incident occurs; or
 - e. the information or material being sought or obtained is beyond that for which the Chief Administrative Officer, or designee, gave authorization.
2. If staff other than the Chief Administrative Officer, or designee, terminates news media access to a prisoner or resident, the prisoner or resident shall be separated from the news media representative pending approval of the termination from the Shift Commander, or higher ranking security supervisor. Any termination, whether approved or not, shall be documented in an incident report.
3. The prisoner or resident may rescind consent for or terminate the access by the news media at any time for any reason.

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Procedure F: News Media Access to Staff at the Work Site

1. A news media representative who wishes to conduct an interview of, audio/video record, or photograph Department staff at a Department facility, office or other staff work site shall make a written request to the appropriate Chief Administrative Officer, or designee, or the Regional Correctional Administrator, or designee, setting out the name of the staff, the type of access, the purpose of the access, and where and when the publication or broadcast will be made public.
2. A request for news media access to staff at the work site may be granted only with the approval of the facility Chief Administrative Officer or Regional Correctional Administrator and the Commissioner or the Department's Deputy Commissioner.
3. Prior to deciding whether to approve the news media access, the Chief Administrative Officer, or designee, or the Regional Correctional Administrator, or designee, shall ask the staff if the staff wishes to participate.
4. Permission for the news media access may be denied or rescinded if there is reasonable suspicion that the access or the publication or broadcast might facilitate criminal activity or violation of the facility's rules or create a risk to safety, security, or orderly management of the facility; might harm the welfare of staff or a client or, including by violation of a right to confidentiality; the staff is unavailable or unwilling or unable to participate; the access is determined to be an excessive demand on staff resources or not central to the Department's mission, or for any other reason in the discretion of the Commissioner, the Chief Administrative Officer or the Regional Correctional Administrator.
5. The news media representative may appeal to the Commissioner any denial or rescinding of permission for access to staff.
6. If the staff agrees to participate, the staff shall sign a completed Staff Consent for News Media Access form (Attachment C), which shall be forwarded to the Chief Administrative Officer, or designee, or Regional Correctional Administrator, or designee. Staff participating in any news media interview, audio/video recording, or photographing shall not receive any compensation for participation or use of material or information.
7. The news media representative shall be required to agree, in writing, to abide by all conditions set by the Chief Administrative Officer, or designee, or Regional Correctional Administrator, or designee, by signing the Authorization for News Media Access to Staff form (Attachment D) and return it to the Chief Administrative Officer, or designee, or Regional Correctional Administrator, or designee.
8. The news media representative shall be required to comply with all facility or office security practices, including, but not limited to, a scan or search of his or her person and of any items to be brought into the facility or office.

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9. Any material or information obtained including, but not limited to, the interview, audio/video recording, or photograph, shall not be used other than for the purpose set out in the written request to the Chief Administrative Officer, or designee, or Regional Correctional Administrator, or designee, and for which authorization was given.
10. Arrangements for news media access shall be made by the Chief Administrative Officer, or designee, or Regional Correctional Administrator, or designee, taking into consideration the staff's responsibilities and operational needs.
11. The Commissioner, or the Chief Administrative Officer, or designee, or the Regional Correctional Administrator, or designee, may rescind permission for or terminate the access by the news media at any time for any reason.
12. The staff to whom the news media is seeking access may rescind consent for or terminate the access at any time for any reason.

Procedure G: News Media Access to the Facility

1. A news media representative who wishes to tour all or part of a facility shall make a request in advance to the Chief Administrative Officer, or designee. The Chief Administrative Officer, or designee, may grant or deny any such request and shall notify the Department's Deputy Commissioner of the request and decision prior to making arrangements for the tour. The Department's Deputy Commissioner shall notify the Commissioner, who may overrule the decision.
2. A news media representative given permission for a tour shall be required to comply with all facility security practices, including, but not limited to, a scan or search of his or her person and of any items to be brought into the facility.
3. A news media representative given permission for a tour shall be escorted by the Chief Administrative Officer, or designee, at all times while on facility grounds and may be restricted from entering or viewing any area.
4. A news media representative shall not be allowed to enter or view a housing unit or a program area for prisoners or residents receiving specialized treatment, such as medical, mental health, or substance abuse treatment, without a waiver of confidentiality from the prisoners or residents present in the unit or program area.
5. During a facility tour, a news media representative shall be allowed to audio/video record or photograph only what the Chief Administrative Officer, or designee, allows.
6. In no case shall a news media representative talk to, audio/video record, or photograph a prisoner or resident except that, with the permission of the Chief Administrative Officer, or designee, a news media representative may audio/video record a group of prisoners or residents in a way that does not reveal any prisoner's or resident's identity.

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7. Arrangements for news media access shall be made by the Chief Administrative Officer, or designee, taking into consideration facility operational needs.
8. The Commissioner or the Chief Administrative Officer, or designee, may rescind permission for or terminate a news media tour of the facility at any time for any reason.

Procedure H: Documentaries

1. A representative of the news media desiring to make a documentary video or audio recording shall make a written request to the Commissioner, through the Department's Deputy Commissioner, using the Documentary Request form. (Attachment E). Such a request shall state the subject of the documentary, the times requested for access on site, the type of activities to be video or audio recorded, any person or persons to be interviewed, and the amount and type of equipment.
2. If applicable, the Deputy Commissioner shall ask the appropriate Chief Administrative Officer or Regional Correctional Administrator for a recommendation as to whether the Commissioner should grant approval for the production of the documentary.
3. If the Commissioner decides to grant approval, the Commissioner, or designee, shall execute an agreement with the creator of the documentary setting forth the conditions for video or audio recording the documentary. One of the conditions shall be that the Commissioner, or designee, is entitled to view or listen to the documentary before it is broadcast publicly to ensure all conditions have been complied with and all required consents have been obtained and that, if not, the documentary will be edited or not broadcast, as appropriate.
4. The news media representative shall be required to comply with all facility security practices, including, but not limited to, a scan or search of his or her person and of any items to be brought into the facility.
5. The Chief Administrative Officer, or designee, or Regional Correctional Administrator, or designee, shall assign an employee(s) to accompany the person(s) creating the documentary to ensure any person in custody or under supervision who is filmed in an identifiable manner or whose voice has been recorded in such a way as to identify the person has signed or signs a consent form to appear in the audio/video recording.

VII. PROFESSIONAL STANDARDS

ACA:

ACI - 4-4021 **Written policy, procedure, and practice establish the facility's commitment to informing the public and the media of events within the facility's areas of responsibility. The procedures address emergency and non-emergency responses to the media and, at a minimum, include the following:**

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- the identification of areas in the facility that are accessible to media representatives, consistent with preserving inmate's right to privacy and maintaining order and security
- the contact person for routine requests for information
- identification of data and information protected by federal or state privacy laws, or federal and state freedom of information laws
- special events coverage
- news release policy
- the designation of individuals or positions within the facility authorized to speak with the media on behalf of the facility

4-ACRS-7F-01 There is a public information policy that encourages interaction with the public and the news media.

4-ACRS-7F-02 Media access is consistent with offenders' rights to confidentiality and privacy and the maintenance of order and security of the facility.

4-ACRS-7F-03 Media requests for interviews and the offender's consent are in writing, except in emergencies.

4-JCF-3A-15 Juveniles are provided reasonable access to the general public through the communications media, subject only to the limitations necessary to maintain order and security and protect the juveniles' rights. Media requests for interviews and juvenile parent/guardian consents are in writing.

4-JCF-6G-02 There is a public information program that encourages interaction with the public and the media.

4-JCF-6G-03 Media access is consistent with preserving juveniles' rights to privacy and maintaining facility order and security.

4-JCF-6G-04 Media access procedures address emergency and nonemergency responses to the media. At a minimum, they include:

1. The identification of areas in the facility that are accessible to media representatives
2. The identification of a contact person authorized to speak with the media on behalf of the facility
3. The identification of data and information protected by federal and/or state privacy and freedom of information statutes
4. Special events coverage
5. News releases
6. Direction on appropriate responses for individuals within the facility not authorized to speak with the media.

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