



# Virginia Department of Corrections

## Community, Media, and Other Agency Relations

### Operating Procedure 022.2

#### *Inmate and CCAP Probationer/Parolee Access to the News Media*

#### Authority:

Directive 022, *Media Relations*

**Effective Date:** April 1, 2021

#### Amended:

#### Supersedes:

Operating Procedure 022.2, January 1, 2019

**Access:** ☐ Restricted ☒ Public ☒ Inmate

**ACA/PREA Standards:** 5-ACI-3D-06;  
4-ACRS-7F-02, 4-ACRS-7F-03; 2-CO-3C-01

#### Content

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**Reviewer:** Director of Communications

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1/29/21

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Date

**Signatory:** Harold W. Clarke  
Director

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#### REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

*The content owner reviewed this operating procedure in March 2022 and determined that no changes are needed.*

#### COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections. Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

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## DEFINITIONS

**Community Corrections Alternative Program (CCAP)** - A system of residential facilities operated by the Department of Corrections to provide evidence-based programming as a diversionary alternative to incarceration in accordance with COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*.

**Inmate** - A person who is incarcerated in a Virginia Department of Corrections facility or who is Virginia Department of Corrections responsible to serve a state sentence.

**News Media** - A media organization whose primary objective is to collect and report a wide range of news-related content for a newspaper, magazine, news website, news service, or radio and television news; to be considered a news organization, the publication's primary purpose and content must not be about a specific inmate/probationer/parolee.

**Probationer/Parolee** - A person who is on community supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of Courts, paroling authorities, the Virginia Department of Corrections, or other release authority; this includes post release supervision and Community Corrections Alternative Programs.

**Recording Equipment** - Any device capable of capturing audio, photo, and/or video

## PURPOSE

This operating procedure provides for reasonable access between inmates and probationers/parolees confined in Department of Corrections (DOC) facilities and the news media. This access is subject only to the limitations necessary to maintain order and security and to protect inmate and probationer/parolee privacy. (5-ACI-3D-06; 4-ACRS-7F-02; 2-CO-3C-01)

## PROCEDURE

### I. Probationers and Parolees under Community Supervision

The DOC does not restrict contact between probationers and parolees under supervision in the community and the news media.

### II. Inmates and Probationers/Parolees in Facilities

- A. Inmates and probationers/parolees housed in CCAP facilities are allowed to present their views to the public through the news media.
- B. Inmates and CCAP probationers/parolees will be permitted to correspond with news media representatives in the same manner as they are permitted other general purpose correspondence in accordance with Operating Procedure 803.1, *Inmate and Probationer/Parolee Correspondence*.
- C. Inmates and CCAP probationers/parolees will be permitted to submit manuscripts to publishers for publication.
- D. With written consent, inmates and CCAP probationers/parolees may be photographed by news media representatives in groups or as individuals; a signed *Media Consent Agreement* 022\_F1 will be required when the inmate or probationer/parolee in a picture is identifiable

### III. News Media Requests for Interviews

- A. The news media must direct written requests for interviews with inmates and CCAP probationers/parolees to the Director of Communications or designee in the Communications Unit at DOC headquarters during regular administrative business hours. (5-ACI-3D-06; 4-ACRS-7F-03)
  - 1. News media representatives should make a request at least 36 hours in advance of the requested visit or interview to allow time for DOC staff to respond to the request and make necessary arrangements.
  - 2. Subject to safety and security concerns, inmates on Administrative Location and Protective Custody status in an institution may not be made available for news media interviews.
  - 3. For interviews with inmates under the sentence of death, the news media representative must notify the inmate's attorney of the interview. Evidence of receipt by the attorney must be furnished to the Director of Communications or designee.
- B. Interviews may be restricted during a facility emergency. Scheduled interviews between news media and inmates or CCAP probationers/parolees are subject to cancellation or rescheduling if there is a threat to the safety and security of the facility.
- C. Whenever possible, telephone interviews will be encouraged in lieu of in-person interviews.
  - 1. The Director of Communications or designee in the Communications Unit at headquarters must approve telephone interviews between the news media and an inmate or CCAP probationer/parolee.
  - 2. All approved inmate and CCAP probationer/parolee telephone interviews must be made through the Inmate Telephone System administered by the contract vendor.
  - 3. Facility staff should contact the Inmate Telephone System contract vendor Account Representative at headquarters to make sure the calls are completed and security is maintained.
  - 4. Calls made through the Inmate Telephone System are recorded.



- D. Requests by news media representatives for in-person interviews with inmates and CCAP probationers/parolees must be referred to the Communications Unit at headquarters for approval.
1. An in-person interview with an inmate or CCAP probationer/parolee by news media representatives must be requested at least 36 hours prior to such interview.
  2. If 36-hour notice is not possible, telephone interviews may be available as an option.
  3. Each request must be reviewed by the Communications Unit at headquarters taking into consideration the interview's effect on the orderly operation and security of the facility.
- E. 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.
1. News media interviews will normally be conducted between 9:00 AM and 3:00 PM on normal business days.
  2. The Facility Unit Head may impose limitations on the number of news media representatives, and the amount and type of equipment admitted into the facility.
  3. The Facility Unit Head or designee will obtain the inmate's or CCAP probationer's/parolee's written consent prior to the individual being interviewed or photographed; on the *Media Consent Agreement* 022\_F1.
  4. The *Media Consent Agreement* will be kept on file by the facility with a copy provided to the inmate or CCAP probationer/parolee. (5-ACI-3D-06; 4-ACRS-7F-03)
- F. The Victim Services Unit will be notified of scheduled inmate and CCAP probationer/parolee interviews when victims are registered in VACORIS.
- G. Release of Information
1. Information from the inmate's or probationer's/parolee's record will be released only in accordance with the Code of Virginia; Operating Procedure 025.1, *Public Access to DOC Public Records*; Operating Procedure 050.1, *Offender Records Management*; Operating Procedure 050.6, *Offender Access to Record Information*; and Operating Procedure 701.3, *Health Records*.
  2. The release of information regarding former inmates or individuals no longer incarcerated or under the supervision of the DOC is limited to only reception and release dates.

#### IV. Recorded Interviews

- A. In accordance with Operating Procedure 022.1, *News Media Relations*, news organizations may request recorded (audio, still camera, and/or video) inmate and CCAP probationer/parolee interviews in certain facilities with prior administrative approval and the inmate's and CCAP probationer's/parolee's written consent.
1. DOC institutions categorized as Security Level 2 and below and CCAP facilities may be approved for in-person recorded news media interviews subject to safety and security concerns.
  2. DOC institutions categorized as Security Level 3 and above are ineligible for in-person recorded news media interviews.
- B. When a recorded interview is approved, the following limitations will apply:
1. Approved interviews will allow for a maximum of two hours inside the facility for news media representatives and equipment to interview one inmate or CCAP probationer/parolee.
  2. With prior approval of the Facility Unit Head, the time can be extended to a maximum of four hours for interviews with multiple inmates or CCAP probationers/parolees.
  3. DOC staff will video record all in-person news media-inmate and CCAP probationer/parolee interviews.



C. Live audio/video interviews, e.g., on-air, live to satellite truck, live internet video will not be granted.

D. Attorney-client interviews are separate and distinct from arranged news media interviews.

V. Place of Interview

A. The Facility Unit Head or designee will establish the time and place for interviews to be conducted.

B. All members of the news media must submit to a physical search in order to enter any facility; see Operating Procedure 445.1, *Employee, Visitor, and Offender Searches* (Restricted).

1. All recording equipment, television cameras, still cameras, sound recorders, etc., must be submitted for a physical search in order to enter any facility; see Operating Procedure 430.4, *Perimeter Security* (Restricted).

2. If news media representatives refuse to allow such searches, access to the facility will be denied.

C. News media representatives must be escorted while inside the facility.

D. News media representatives may request to attend inmate group functions in institutions categorized as Security Level 2 and below, and CCAP probationer/parolee group functions in CCAP facilities, provided prior arrangements and approval are obtained.

1. All requirements regarding written inmate and CCAP probationer/parolee consent for interviews and/or photographs must be met.

2. In-person interviews at inmate and CCAP probationer/parolee group functions will be subject to video recording by DOC staff.

E. No items may be passed between visitors and inmates or CCAP probationers/parolees without prior approval by the Facility Unit Head and a search of the item(s) by DOC staff.

## REFERENCES

COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*

Operating Procedure 022.1, *News Media Relations*

Operating Procedure 025.1, *Public Access to DOC Public Records*

Operating Procedure 050.1, *Offender Records Management*

Operating Procedure 050.6, *Offender Access to Record Information*

Operating Procedure 430.4, *Perimeter Security* (Restricted)

Operating Procedure 445.1, *Employee, Visitor, and Offender Searches* (Restricted)

Operating Procedure 701.3, *Health Records*

Operating Procedure 803.1, *Inmate and Probationer/Parolee Correspondence*

## ATTACHMENTS

None

## FORM CITATIONS

*Media Consent Agreement 022\_F1*

