



Operating Procedure

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| Effective Date June 1, 2016 | Number 022.1 |
| Amended | Operating Level Department |
| Supersedes Operating Procedure 022.1 (5/1/13) | |
| Authority COV §53.1-10, §53.1-30 | |
| Subject MASS MEDIA RELATIONS | |
| ACA/PREA Standards 4-4021, 4-4279; 4-ACRS-7F-01; 4-APPFS-1C-01; 2-CO-1A-14, 2-CO-1A-25, 2-CO-1A-27, 2-CO-1A-27-1 | |
| Incarcerated Offender Access Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | FOIA Exempt Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Office of Primary Responsibility Director of Communications | |

I. PURPOSE

This operating procedure serves to inform employees and the media of the Department of Corrections public information process that fosters contact with the public and the media. (4-APPFS-1C-01) 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. (4-4021, 4-ACRS-7F-01; 2-CO-1A-27-1)

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 and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Employee - A person who is paid by the Department of Corrections on an hourly, salaried, or contractual basis, or who is paid by another state agency or outside vendor for working in a position within DOC

Intern - An individual who is undergoing supervised practical training and is serving an internship to advance his or her area of study; paid interns are considered employees; interns who do not receive pay will be considered as volunteers.

Mass Media News Organization - Any form of mass public communications system including, but not limited to, newspapers, magazines, radio, television, and internet; for an online-only publication to be considered a mass media news organization, the publication's primary purpose and content must not be about a specific offender.

News Releases - Prepared announcements initiated by the Department of Corrections

Organizational Unit - A DOC operating unit, such as a correctional facility, regional office, probation and parole office, Virginia Correctional Enterprises (VCE), Academy for Staff Development, Corrections Construction Unit, Agribusiness Unit, or other separate operational unit

Volunteer - Any citizen of the community who, of his own free will, provides goods or services to the DOC without any financial gain; Program Visitors as defined in Operating Procedure 027.1 *Volunteer Program* will be considered as volunteers under this operating procedure.)

IV. PROCEDURE

A. *News Releases* - DOC news releases shall be issued only through the Director's Office, unless otherwise approved by the Director. The Office of the Secretary of Public Safety and Homeland Security may approve news releases dealing with matters outside the scope of normal operations. (4-4021, 2-CO-1A-27-1)

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. (2-CO-1A-27)

1. The following individuals shall be authorized by the Director to release information on official DOC business: (4-4021, 2-CO-1A-27-1)
 - a. Director of Communications (designated as the DOC public information officer)
 - b. Chief of Corrections Operations
 - c. Deputy Directors
 - d. Persons otherwise authorized by the Director
 - e. Persons authorized through the [Request for Media Contact](#) 022_F2 approved by the Director of Communications.
2. All press contacts shall be reported immediately to the Director's Office.
 - a. Unauthorized Comments)
 - i. Employees and Volunteers, 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.
 - ii. Employees and Volunteers 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](#))
 - iii. Employees are subject to disciplinary action if they violate this section.
 - b. Personnel Information (4-4021, 2-CO-1A-27-1)
 - i. 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.
 - ii. 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.
 - iii. 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. Media inquiries concerning an incident at a DOC facility or probation and parole office shall be referred to the Director's Office.
 - d. Any member of the Communications Unit may serve as contact person for routine requests for information.

C. False Information

1. 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.
2. 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 Incarcerated Offenders (4-4021, 4-4279, 2-CO-1A-27-1)

1. Offenders 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.
 - a. Telephone interviews shall be encouraged in lieu of in-person interviews whenever possible. Subject to safety and security concerns, all offenders not in Administration Location and Protective Custody, and Disciplinary Segregation are eligible for telephone interviews. (see Operating Procedure 022.2, *Offender Access to the Media*)
 - b. Offenders in *Administration Location, Protective Custody, and Disciplinary Segregation* status

- shall not be made available to the media. (see Operating Procedure 022.2, *Offender Access to the Media*)
- c. The DOC Director of Communications or designee in the Communications Unit at DOC headquarters shall approve telephone interviews between the media and an offender
2. All approved offender telephone interviews shall be made through the Offender Phone System administered by the contract vendor.
 - a. Facility staff should contact the offender telephone contract vendor Account Representative at Headquarters to make sure the calls are completed and security is maintained.
 - b. Calls made through the Offender Phone System are recorded.
 3. Interviews and DOC photographs (mug shots)
 - a. Requests by media representatives for in-person interviews with offenders shall be referred in writing to the Communications Unit in the Director's Office for approval. (4-4279)
 - i. An in-person 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 may be available as an option.
 - iii. Each request shall be reviewed by the Communications Unit taking 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. (4-4279)
 - i. For interviews with offenders under the sentence of death, the offender's attorney must be notified prior to the offender being interviewed or photographed. (see Operating Procedure 022.2, *Offender Access to the Media*) .
 - 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 video recorded by DOC staff. Interviews, like other public access to facilities, may be limited to administrative business hours.
 - f. The Victim Services Unit will be notified of scheduled offender interviews.
 4. On-camera/recorded interviews and facility tours
 - a. Media representatives with recording equipment (television cameras, still cameras, sound 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. Mass media news organizations may request electronic recorded (audio and/or video) interviews with offenders subject to the following limitations:
 - i. Approved interviews will allow for a maximum of 2 hours inside the facility for media representatives and equipment to interview one offender. With prior approval, the time can be extended to a maximum of 4 hours for interviews with multiple offenders.
 - ii. DOC facilities categorized as Security Level 2 and below may be approved for in-person electronic recorded media interviews subject to safety and security concerns. Facilities

currently categorized as Security Level 2 and below include Baskerville Correctional Center, Bland Correctional Center, Brunswick Work Center, Caroline Correctional Unit #2, Central Virginia Correctional Unit #13, Coffeewood Correctional Center, Cold Springs Correctional Unit #10, Deerfield Correctional Center, Deep Meadow Correctional Center, Dillwyn Correctional Center, Halifax Correctional Unit #23, Haynesville Correctional Center, Haynesville Correctional Unit #17, Indian Creek Correctional Center, James River Work Center, Lunenburg Correctional Center, Patrick Henry Correctional Unit #28, Rustburg Correctional Unit #9, St. Brides Correctional Center, and Wise Correctional Unit #18.

- iii. DOC facilities categorized as Security Level 3 and above are ineligible for in-person electronic recorded media interviews.
 - iv. DOC staff shall video record all in-person offender interviews.
 - v. The offender's attorney shall not be present for the interview.
 - vi. A single facility will not be asked to arrange more than 4 in-person offender interviews per month.
 - (a) The Facility Unit Head must approve exceptions.
 - (b) Telephone interviews may be offered as an alternative.
 - vii. Live audio/video interviews (e.g., on-air, live to satellite truck) will not be granted.
5. 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. DOC Public Information Program (4-4021, 2-CO-1A-25, 2-CO-1A-27-1))

1. As part of its public information program, the DOC shall maintain an internet website available to the general public and to other justice agencies to provide general information about the DOC and the DOC goals, objectives, and programs.
2. The DOC Director or the Director of Communications may invite media to cover special events and programs.
3. The DOC participates in re-entry councils, judicial conferences, sentencing commission meetings, Commonwealth's Attorneys meetings, Bar association meetings, professional association conferences, and other meetings to inform other components of the correctional system of the extent and availability of services and programs for the offender population, as needed and as available. (2-CO-1A-14)

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. FORM CITATIONS

[Request for Media Contact](#) 022_F2

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years from the effective date.

Signature Copy on File

4/29/16

Harold W. Clarke, Director

Date