



Operating Procedure

Effective Date June 1, 2016	Number 022.2
Amended	Operating Level Department
Supersedes Operating Procedure 022.2 (5/1/13)	
Authority COV §53.1-10, §53.1-30	
Subject OFFENDER ACCESS TO THE MEDIA	
ACA/PREA Standards 4-4279; 4-ACRS-7F-02, 4-ACRS-7F-03; 2-CO-3C-01	
Office of Primary Responsibility Director of Communications	
Incarcerated Offender Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	FOIA Exempt Attachments Yes <input type="checkbox"/> No <input checked="" 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. (4-4279, 4-ACRS-7F-02; 2-CO-3C-01)

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

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.

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.

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](#) 022_F1 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 of Communications 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 requested 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 by the media representative of the interview. Evidence of receipt by the attorney must be furnished to the DOC Director of Communications or designee.
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. Subject to safety and security concerns, all offenders not in Disciplinary Segregation Administrative Location, and Protective Custody are eligible for telephone interviews.
 - a. The DOC Director of Communications or designee in the Communications Unit at DOC headquarters shall approve telephone interviews between the media and an offender.
 - b. All approved offender telephone interviews shall be made through the Offender Phone System administered by the contract vendor.
 - c. Facility staff should contact the offender telephone contract vendor Account Representative at Headquarters to make sure the calls are completed and security is maintained.
 - d. Calls made through the Offender Phone System are recorded.
4. Requests by media representatives for in-person interviews with offenders shall be referred to the Communications Unit in the Director's Office for approval.
 - a. An in-person 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 may be available as an option.
 - c. Each request shall be reviewed by the Communications Unit in the Director's Office taking 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](#) 022_F1). (4-4279, 4-ACRS-7F-03) For offenders under the sentence of death, the offender's attorney must also be notified by the media representative prior to the offender being interviewed or photographed.
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, Meetings, and Public Records*; Operating Procedure 050.1, *Offender Records Management*; and Operating Procedure 050.6, *Offender Access to Record Information*.
9. In accordance with Operating Procedure 022.1, *Mass Media Relations*, mass media news organizations may request electronic recorded (audio and/or video) offender interviews in certain facilities with prior administrative approval and the offender's written consent. The following limitations apply:
 - a. 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.
 - b. DOC facilities categorized as Security Level 1 and 2 may be approved for in-person electronic recorded media interviews subject to safety and security concerns.
 - c. DOC facilities categorized as Security Level 3 and above are ineligible for in-person electronic recorded media interviews.
 - d. DOC staff shall video record all in-person offender interviews.

- e. The offender's attorney shall not be present for the interview.
 - f. Live audio/video interviews (e.g., on-air, live to satellite truck) will not be granted.
10. Notwithstanding offender consent, the DOC shall reserve the right to release any official photograph or other likeness at its discretion.
 11. The Victim Services Unit will be notified of scheduled offender interviews.

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, sound 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 request to attend offender group functions in DOC facilities categorized as Security Level 1 and 2 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 video recording 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, Meetings, and Public Records*
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. FORM CITATIONS

[Interview Agreement](#) 022_F1

VIII. 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