



Virginia Department of Corrections

Community, Media, and Other Agency Relations

Operating Procedure 022.2

Inmate and Probationer/Parolee Access to the News Media

Authority:

Directive 022, *Media Relations*

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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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REVIEW

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

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (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.*

Ex-inmate or Ex-probationer/parolee - An individual previously under the control and supervision of the Virginia Department of Corrections or a corrections agency in another state.

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 CCAP probationers/parolees confined in Department of Corrections (DOC) facilities and the news media. 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 CCAP Probationers/Parolees

A. Inmates and CCAP probationers/parolees are allowed to present their views to the public through the news media.

B. Inmates and CCAP probationers/parolees are permitted to correspond with representatives of the news media in the same manner as all other general purpose correspondence; see Operating Procedure 803.1, *Inmate and Probationer/Parolee Correspondence*.

C. Inmates and CCAP probationers/parolees are permitted to submit manuscripts to publishers for publication.

D. With written consent, news media representatives may photograph inmates and CCAP probationers/parolees in groups or as individuals; a signed *Media Consent Agreement* 022_F1 is required when the inmate or CCAP probationer/parolee in a picture is identifiable.

III. News Media Requests for Interviews

A. News media representatives must send their written requests to interview one or more 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 the request at least 72 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 may not be made available for news media interviews.

B. 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, staff will encourage telephone interviews in lieu of in-person interviews.

1. The Director of Communications or designee in the Communications Unit must approve all telephone interviews between the news media and an inmate or CCAP probationer/parolee.

2. The inmate or CCAP probationer/parolee must make their approved telephone interview through the Inmate and CCAP Probationer/Parolee Telephone System administered by the DOC contract vendor.

3. Facility staff should contact the Inmate and CCAP Probationer/Parolee Telephone System Account Representative located at headquarters to make sure the telephone interview is completed, and security is maintained.

4. Telephone interviews conducted 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 for approval.

1. News media representatives must request in-person interviews with an inmate or CCAP



probationer/parolee at least 72 hours prior to such interview.

2. If 72-hour notice is not possible, telephone interviews may be available as an option.
3. The Communications Unit must review each request by 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. (5-ACI-3D-06; 4-ACRS-7F-03)

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 on the *Media Consent Agreement 022_F1* prior to a news media representative interviewing or photographing an inmate or CCAP.
4. Staff will keep a copy of the signed *Media Consent Agreement* on file at the facility with a copy provided to the inmate or CCAP probationer/parolee.

F. Staff must notify the Victim Services Unit of any scheduled inmate or CCAP probationer/parolee interviews when victims are registered in VACORIS.

G. Release of Information

1. Staff must only release information from the inmate's or CCAP probationer's/parolee's record in accordance with:
 - a. The Code of Virginia
 - b. Operating Procedure 025.1, *Public Access to DOC Public Records*
 - c. Operating Procedure 050.1, *Inmate and Probationer/Parolee Records Management*
 - d. Operating Procedure 050.6, *Access to Inmate and Probationer/Parolee Record Information*
 - e. Operating Procedure 701.3, *Health Records*
2. The release of information regarding an ex-inmate and ex-probationer/parolee is limited to reception and release dates only.

IV. Recorded Interviews

A. News organizations may request to record (audio, still camera, 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; see Operating Procedure 022.1, *News Media Relations*.

1. Staff may approve in-person recorded news media interviews at Security Level 2 and below institutions and CCAP facilities subject to safety and security concerns.
2. Inmates housed at Security Level 3 and above institutions are ineligible for in-person recorded news media interviews.

B. When a recorded interview is approved, the following limitations will apply to approved interviews:

1. Staff will allow news media representatives and equipment a maximum of two hours inside the facility to interview one inmate or CCAP probationer/parolee.
2. With prior approval of the Facility Unit Head, staff can extend the time 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. Staff must not grant live audio/video interviews, e.g., on-air, live to satellite truck, live internet video.

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 to enter any facility; see Operating Procedure 445.4, *Screenings and Searches of Persons* (Restricted).

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

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

C. Staff must escort news media representatives while inside the facility.

D. News media representatives may request to attend inmate and CCAP probationer/parolee group functions in Security Level 2 and below institutions and CCAP facilities, provided prior arrangements and approval are obtained in writing from the Director of Communications or designee.

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. Visitors and inmates or CCAP probationers/parolees may not pass items to the other 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, *Inmate and Probationer/Parolee Records Management*

Operating Procedure 050.6, *Access to Inmate and Probationer/Parolee Record Information*

Operating Procedure 430.4, *Perimeter Security* (Restricted)

Operating Procedure 445.4, *Screenings and Searches of Persons* (Restricted)

Operating Procedure 701.3, *Health Records*

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

ATTACHMENTS

None

FORM CITATIONS

Media Consent Agreement 022_F1

