



Operating Procedure

Effective Date January 1, 2019	Number 022.2
Amended	Operating Level Department
Supersedes Operating Procedure 022.2 (6/1/16)	
Authority COV §53.1-10, §53.1-25, §53.1-30	
Subject OFFENDER ACCESS TO THE NEWS MEDIA	
ACA/PREA Standards 5-3D-4279; 4-4279; 4-ACRS-7F-02, 4-ACRS-7F-03; 2-CO-3C-01	
Incarcerated Offender Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Office of Primary Responsibility Director of Communications	

I. PURPOSE

This operating procedure provides for reasonable access between offenders confined in Department of Corrections facilities and the news media. This access is subject only to the limitations necessary to maintain order and security and to protect offender privacy. (5-3D-4279; 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 must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

III. DEFINITIONS

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 offender.

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

IV. OFFENDERS UNDER COMMUNITY SUPERVISION

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

V. INCARCERATED OFFENDERS

A. Incarcerated offenders are allowed to present their views to the public through the news media.

B. Offender Access to News Media

1. Offenders 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, *Offender Correspondence*.
2. Offenders will be permitted to submit manuscripts to publishers for publication.
3. With written consent, offenders may be photographed by news media representatives in groups or as individuals. When an offender in a picture is identifiable, a signed [Media Consent Agreement 022_F1](#) will be required.

C. News Media Requests for Interviews with Offenders

1. The news media must 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. (5-3D-4279; 4-4279; 4-ACRS-7F-03)
 - a. News media representatives should make a request at least 36 hours in advance of the requested

- visit or interview to allow time for DOC personnel to respond to the request and make necessary arrangements.
- b. Subject to safety and security concerns, offenders in Administrative Location and Protective Custody may not be made available for news media interviews.
 - c. For interviews with offenders under the sentence of death, the news media representative must notify the offender's attorney 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 news 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 will be encouraged in lieu of in-person interviews.
 - a. The DOC Director of Communications or designee in the Communications Unit at DOC headquarters must approve telephone interviews between the news media and an offender.
 - b. All approved offender telephone interviews must be made through the Offender Telephone 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 Telephone System are recorded.
 4. Requests by news media representatives for in-person interviews with offenders must be referred to the Communications Unit at DOC headquarters for approval.
 - a. An in-person interview with an offender by news media representatives must be requested at least 36 hours prior to such interview.
 - b. If 36-hour notice is not possible, telephone interviews may be available as an option.
 - c. Each request must be reviewed by the Communications Unit at DOC headquarters 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. News 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 [Media Consent Agreement 022_F1.](#)) (5-3D-4279; 4-4279; 4-ACRS-7F-03) The *Media Consent Agreement* will be kept on file by the facility.
 7. The Facility Unit Head may impose limitations on the number of news media representatives, and the amount and type of equipment admitted into a facility.
 8. Information from the offender 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*. Information regarding former offenders or individuals no longer incarcerated or under the supervision of the DOC is limited to only receive and release dates.
 9. In accordance with Operating Procedure 022.1, *News Media Relations*, news organizations may request recorded (audio, still camera, 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 news 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 2 and below may be approved for in-person recorded news media interviews subject to safety and security concerns.

- c. DOC facilities categorized as Security Level 3 and above are ineligible for in-person recorded news media interviews.
 - d. DOC staff will video record all in-person news media-offender interviews.
 - e. Attorney-client interviews are separate from arranged news media interviews.
 - f. Live audio/video interviews (e.g., on-air, live to satellite truck) will not be granted.
10. The Victim Services Unit will be notified of scheduled offender interviews if victims are registered.

D. Place of Interview

1. The Facility Unit Head or designee will establish the time and place for interviews to be conducted.
2. All members of the news 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 (Restricted)*.)
 - a. 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 430.4, *Perimeter Security (Restricted)*, in order to enter any secured facility.
 - b. If news media representatives refuse to allow such searches, access will be denied.
3. News media representatives must be escorted while inside the facility.
4. News media representatives may request to attend offender group functions in DOC facilities categorized as Security Level 2 and below, provided prior arrangements and approval are obtained.
 - a. All requirements regarding written offender consent for interviews and/or photographs must be met.
 - b. In-person interviews at offender group functions will be subject to video recording by DOC staff.
5. 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.

VI. REFERENCES

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, *Offender Correspondence*

VII. FORM CITATIONS

[Media Consent 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 after the effective date.

Signature Copy on File

Harold W. Clarke, Director

12/3/18

Date