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SUMMARY of REVISION/REVIEW

Major revisions, read carefully.

APPROVED:



SCOTT FRAKES, Director
Nebraska Department of Correctional Services

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PURPOSE

To provide policy for the Nebraska Department of Correctional Services (NDCS) in the proper dissemination of information to the public and news media in order to foster community involvement and support.

GENERAL

The NDCS public information program provides general information about the agency and specific commentary about newsworthy incidents. The agency has a designated public information officer, as well as designated public information officer(s) for each institution and Adult Parole Administration.

I. Responsibilities

- A. The Agency Public Information Officer will ensure the department shares accurate, clear, and consistent information with the public. S/he will:
 1. Increase public awareness, understanding, and support of the department's operations and strategies to increase public safety.
 2. Develop communication plans that provide guidance on the department's message and how it should be delivered.
 3. Coordinate with members of the executive staff, wardens and facility/program Public Information Officers (PIOs).
 4. Brief the Governor's Communications Office on high profile incidents and issues that are likely to generate news media coverage and serve as Department spokesperson during these incidents.
 5. Prepare facility/program PIOs and subject matter experts for news media interviews.
- B. Facility/Program PIOs will be identified as follows:
 1. Each Warden will designate a facility PIO.
 2. Program Administrators or designee will serve as the PIO for their respective sections.
 3. The Cornhusker State Industries (CSI) Director will designate a PIO for CSI operations.
- C. Facility/Program PIOs will:
 1. Serve as contacts for local news media seeking routine public information.
 2. Consult with the agency PIO before granting an interview that includes more than sharing routine public information about local

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operations.

3. Alert the agency PIO about high profile incidents, upcoming news media coverage, media requests to interview offenders, and media requests for a press tour.
4. Coordinate with the agency PIO to increase public awareness and understanding of local operations by hosting press events, sending news releases, and attending community events.

Written policy, procedure and practice provide for a public information program that encourages interaction with the public and the news media. Procedures establish a commitment to informing the news media of events within the agency's area of responsibility and will be outlined within policy for Central Office to include the following:

- The director will designate a primary and secondary public information officer who are authorized to speak with the news media on behalf of the agency
- Identification of data and information protected by federal or state privacy laws, or federal and state freedom of information laws
- Special events coverage

The NDCS Official Website at www.corrections.nebraska.gov is a vital tool in sharing information on programs, agency goals, objectives and newsworthy incidents and includes a "News and Stats" section. The site provides a contact name and number for the agency PIO and a PIO at each facility. The website includes information on each facility, the Annual Report and Statistical Summary and is reviewed/updated at least annually.

DEFINITIONS

- I. News Media Representative- A qualified and properly identified representative of newspapers (general circulation), magazines of national circulation sold through newsstands and/or mail subscription to the general public, national/international news services, or radio/television stations, including internet, holding a Federal Communications license.
- II. Public- Individuals who are not officials in law enforcement, news media representatives, employees of the NDCS, or inmates and their family members.

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PROCEDURE

I. News Releases

- A. Facility/Program PIOs will send draft copies of news releases and media advisories to the agency PIO for approval prior to release.

These may include:

1. News releases to local news media to release public information.

Emergency news releases will be handled per Emergency Information Management.

2. Media advisories to invite news media to a facility for an upcoming event or tour.

The media advisory should include the time and place of the event tour, contact and RSVP information, and a summary of what the reporters and photographers will see.

3. Central Office procedures in emergencies (see A. R. 203.02, *Emergency Preparedness*), requiring immediate media notification include the following:

Public Information

- a. All news media representative calls/inquiries, routine, special events, and/or during an emergency, are forwarded to the designated agency PIO.
- b. News media access to the Central Office administration will be coordinated through the agency PIO. The agency PIO will be responsible for notifying the designated building security officer of any news media visits. Media representatives will be escorted by the agency PIO/designee to a designated area of Central Office to conduct the interview.

During an emergency, the public information function shall include working with the news media, local groups and communities, off-duty staff and staff families and rumor control.

During an emergency, final approval for the release of any public information rests solely with the Incident Commander.

In an emergency or in its aftermath, staff are expressly prohibited from providing public information, giving interviews, responding to media or the like, unless specifically authorized by the Incident Commander. Staff members who are approached by the media or by other individuals requesting information, opinions or background shall direct those individuals to the agency PIO, either physically or by telephone and shall, if necessary, explain that policy prohibits anyone except the agency PIO from releasing information.

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4. Routine news releases may include the following:

- a. **Who** is involved
- b. **What** is taking place
- c. **Where** it is taking place
- d. **When** it occurred
- e. **Why** it occurred
- f. **How** it occurred

5. Emergency Announcement- If an inmate escapes from a secure facility the supervising institution will immediately contact area law enforcement agencies and the Agency PIO. The Agency PIO will immediately notify the largest print media organization(s) within 25 miles of the institution and the Associated Press. The above outlined procedure will apply to inmates who abscond as deemed necessary.

B. Inquires

1. Responses to all inquiries concerning Departmental operations will be prepared accurately and in a professional manner. Staff shall not speculate, conjecture or offer opinions. Responses to inquiries regarding sensitive information such as emergency or security procedures must be reviewed and approved through the Warden/designee before release. He/She will notify the Director or appropriate Deputy Director.
2. Responses to inquiries regarding the identification of or information about an inmate are subject to statutory provisions (Neb. Rev. Stat. 29-3504 29-3528, 83-178) regarding public information.

The following information concerning an inmate is a matter of public record and may be released to inquiring parties:

- a. Notations and issuance of arrest warrants, arrests, detentions, indictments, charges by information and any other formal criminal charges.
- b. Disposition arising from arrests or from formal criminal charges.
- c. Sentences imposed.
- d. Places of incarceration.
- e. Dates and places of release from incarceration.
- f. Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons, or photographs taken in conjunction with an arrest for purpose of identification of the arrested person.
- g. Original records of entry, such as police blotters, offense reports maintained by criminal justice agencies.
- h. Court records of any judicial proceedings.

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3. Public record information does **not** include medical information, intelligence or investigative information, psychological and psychiatric reports, or statements from counselors and other persons involved in the evaluation of the inmate/parolee and his/her rehabilitation. In no case should the inmate/parolee or other unauthorized person be given direct access to his/her file or other official NDCS records. Because the penalties for improper release of information may be severe, employees should contact the Department's General Counsel when in doubt about the propriety of a request for information.
4. An employee's or former employee's name, position, gross salary, date of hire, date of termination and agency where employed shall be considered public information.
5. All PIOs shall provide accurate information, promote public understanding about corrections, and generate support for our agency and its mission. PIOs should identify the overriding communication objectives they desire to communicate in an interview/media contact and deliver them.
6. Requests from federal, state, and local legislators and executives for information about operations or specific inmates are responded to promptly by facility staff and with due regard to privacy protection statutes.

II. MEDIA VISITS/INTERVIEWS

A. Requests to Interview Inmates

News media representatives and documentary filmmakers will have the same access to inmates as the public. Contact with an inmate housed within a Department facility may be made:

1. Through the mail per AR 205.01 Inmate Mail.
2. By telephone per AR 205.03 Inmate Telephone Regulations.
3. In-person, as a general prison visit per AR 205.02 Visiting.
4. Media visits with inmates in restrictive housing or a Secure Mental Health Unit will not be allowed.
5. News media representatives and documentary filmmakers may contact the facility PIO for assistance.

B. Department staff being interviewed shall prepare in advance in order to communicate effectively. Department staff should not respond to certain interview questions, but should identify that these are areas that it is not appropriate to comment on. These include:

1. When a legal case is pending,
2. When asked to answer for a third party,

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3. When asked to answer for another agency or department,
4. When questions are irrelevant, and
5. When asked for personal information that is not relevant.

PIOs should avoid a “no comment” response or offering a personal opinion. PIOs are to check the accuracy of all facts. Handouts or mailings should be proofread for typographical errors and misspellings.

Staff being interviewed should concentrate on getting important facts out first; correcting any mistakes or misconceptions the interviewer may have; and, work towards keeping it short and simple. A fact sheet may be provided when possible and appropriate.

Prior to the commencement of the visit, facility staff shall provide an overview of the following rules and regulations relative to the visit. Completion of this overview shall be documented on the News Media Representative Agreement (Attachment A).

1. Processing procedures for interviews/visits conducted within the facility.
2. Procedures relative to contraband items.
3. Procedures regarding appropriate conduct within the facility.
4. Procedures regarding filming/taping/interviewing within the facility.
5. Review of relevant portions of this regulation and the corresponding facility procedure.

It is the policy of the Department not to approve documentary or publication requests about an inmate’s criminal history that provides or would attempt to provide compensation to the inmate(s) involved or which would impose a burden on the Agency’s limited resources.

- C. Inmates permitted outside a facility/program for rehabilitation activities or public services may appear on local radio or television concerning those activities. Written consent from the inmate will be required in both instances. The applicable Warden/designee following consultation with the Director will regulate the time, frequency and duration of such interviews.
- D. Any news media visit for any purpose can be denied, canceled, or restricted by the Director, Warden/designee, and/or Agency or Facility/Program Public Information Officer for security concerns based on present circumstances, and subject matter, including but not limited to, pending appeals, or legal matters related to the inmate’s criminal conviction, institutional adjustment, and re-victimization.
- E. The Department’s PIOs have an opportunity to play an important role in the development of positive public relations. Relationships with both the news media and the public are vital to build credibility and support the primary mission of public safety and inmate rehabilitation. Public Information Officers shall establish strong, positive relationships with local news representatives; promote positive

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stories/articles/interviews of their respective facility/program; and promote staff activities, recognition, and awards.

III. TOURS and PUBLIC VISITS TO FACILITIES/PROGRAMS

A. Press Tours

1. The agency PIO will coordinate with facility/program PIOs to organize press tours and to show the public how the Department achieves its mission of increasing public safety.
2. For press tours at Department facilities, the facility PIO will manage the security screenings for reporters and photographers.
 - a. To obtain a security clearance, each reporter and photographer must provide his/her full name and date of birth and the last 4 digits of his/her Social Security number.
 - b. Security clearance for reporters and photographers who frequently attend press tours may be tracked in a database managed by the agency PIO.

B. Photographs and Video Footage

1. For press tours inside a Department facility:
 - a. The facility/program PIO will notify employees and inmates in advance that news media representatives will be on-site at the facility.

Employees and inmates should notify the facility/program PIO if they do not wish to be photographed or recorded on video.
 - b. Recording devices and cameras may be allowed in facilities during approved press tours.
 - c. Photographers are prohibited from recording images that could compromise security.
 - 1) The facility/program PIO will explain in advance which images are prohibited.
 - 2) Any news organization that publishes or broadcasts images that could compromise security may be prohibited from returning to the facility.

- C. The public is encouraged to visit institutions for such inmate productions as art shows and displays.

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IV. INVESTIGATION of COMPLAINTS

- A. Adverse reactions to Departmental policy or procedures may arise during the operation of any program involving public or community contact. Complaints brought to the attention of the Department will be promptly investigated by the division involved. In no case shall persons involved in the complaint be responsible for the investigation. Matters under investigation shall only be discussed on a limited basis.
- B. Results of such investigations will be disseminated to the complaining party, the subject of the complaint and the Director.

REFERENCE

- I. NEBRASKA STATUTES: Neb. Rev. Stat. 29-3502 to 29-3528; 81-1836; 83-178; 83-186; 84-701 to 84-732.

III. ADMINISTRATIVE REGULATIONS

Administrative Regulation 007.01, *Central Office Officer of the Day*
 Administrative Regulation 103.01, *Research*
 Administrative Regulation 103.04, *Coordination with Outside Agencies*
 Administrative Regulation 104.01, *Inmate Records Management*
 Administrative Regulation 120.01, *Official Visitors to Correctional Facilities and Programs*
 Administrative Regulation 203.02, *Emergency Preparedness*
 Administrative Regulation 205.01, *Inmate Mail*
 Administrative Regulation, 205.02 *Visiting*
 Administrative Regulation, 205.03, *Inmate Telephone Regulations*

IV. ATTACHMENTS

- A. Media Representative Agreement. Revised August 2009
- B. Media Contact Inmate Form. Revised August 2009

III. ACA STANDARDS

- A. Standards for Adult Correctional Institutions (ACI) (4th edition): 4-4019, 4-4020, 4-4021, 4-4022 and 4-4279
- B. Performance Based Standards for Adult Community Residential Services (ACRS) (4th edition): 4-ACRS-7F-01
- C. Standards for the Administration of Correctional Agencies (CO) (2nd edition): 2-CO-1A-25, 2 - CO-1A-27, 2-CO1A-27-1