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**STATEMENT OF AVAILABILITY**

*Official Distribution Only*

**SUMMARY of REVISION/REVIEW**

Changed Administrative Regulation to Policy throughout. Section II.E Public and Media Access - major changes throughout. Other minor word changes throughout.

**APPROVED:**

Scott R. Frakes, Director
Nebraska Department of Correctional Services
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 transparency, community involvement and support.

GENERAL

Providing accurate, timely and relevant information to the public is an integral element of the NDCS mission: Keep people safe. NDCS encourages thoughtful interaction with the public and news media. NDCS communications professionals 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 reentry.

DEFINITIONS

Communications Director – NDCS spokesperson, designated by the agency Director, whose role is to speak on behalf of the agency and to coordinate the dissemination of internal and external information, including official statements concerning the agency. The Communications Director supervises the Communications Division.

Public Information Officer (PIO) – Facility spokesperson, designated by the facility warden or program head, whose role is to support the agency’s Communications Division in the dissemination of facility specific information, shared internally and/or externally.

News Media – News publications, accredited news services, licensed radio and television stations or networks and government-franchised community cable television systems that originate scheduled news programming. News media does not include broadcast programs syndicated by independent producers or television stations or networks for the primary purpose of entertainment, and syndicated television broadcast talk shows.

Public – Individuals who are not officials in law enforcement, news media representatives, NDCS employees, incarcerated or family members of incarcerated individuals.

PROCEDURE

I. Communications Division

A. Communications Director will ensure the department shares accurate, clear, and consistent information with the public. S/he will:

   1. Coordinate with members of the executive staff, Wardens and facility/program Public Information Officers (PIO).

   2. Provide regular training and direction to facility PIOs and other staff as appropriate.

   3. Develop communication plans that provide guidance on the department's message and how it should be delivered.

   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.

6. Manage and maintain content for the NDCS website (corrections.nebraska.gov) and social media sites.

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 Deputy Director for Industries will designate a PIO for Cornhusker State Industries (CSI) operations.

C. Facility/Program PIOs will:

1. Report directly to the facility warden or program head with regard to the public information function and will work closely with the Communications Division for training and direction.

2. Establish positive relationships with local news representatives; promote positive stories/articles/interviews of their respective facility/program; and promote staff activities, recognition, and awards.

3. Serve as point of contact for local news media seeking routine public information.

4. Consult with the Communications Director before granting an interview that includes more than sharing routine public information about local operations.

5. Alert the Communications Director about high profile incidents, upcoming news media coverage, media requests to interview offenders, and media requests for a facility tour.

6. Coordinate with the Communications Division to increase public awareness and understanding of local operations by hosting media events, preparing and sending news releases and attending community events.

II. Release of Public Information

A. Public Information

1. Responses to inquiries regarding the identification of or information about an inmate are subject to statutory provisions (Neb. Rev. Stat. 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. Inmate name and number;

b. Age and date of birth;

c. Facility of incarceration;

d. Crimes for which he or she was committed;

e. Length of stay;

f. County of commitment;

g. Parole eligibility date;

h. Tentative release date;

i. Parole hearing date;

j. Official NDCS Photographic Identification of inmate, and

2. Public record information does not include medical information, intelligence or investigative information, psychological and psychiatric reports, statements from counselors and other persons involved in the evaluation of the inmate/parolee and his/her rehabilitation, admission summaries, pre-sentence investigations, classification reports and recommendations, prior criminal records, progress reports, inmate discipline and parole plans. 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 NDCS Legal Division when in doubt about the propriety of a request for information.

3. The following information concerning an employee or former employee is a matter of public record and may be released to inquiring parties:

a. Name;

b. Position;

c. Gross salary;

d. Date of hire;

e. Date of termination, and

f. Agency where employed

4. Any settlement agreement over $50,000.
B. Public Records Requests

1. All public records requests received by NDCS team members shall be forwarded to the NDCS Public Disclosure Unit within 24 hours of receipt.

2. The Public Disclosure Unit will coordinate the compilation of any responsive documents and prepare the agency’s response to public records requests.

3. Pursuant to statute, public records shall include all records and documents, regardless of physical form, belonging to NDCS, except those records exempted from disclosure to the public. (Neb. Rev. Stat. §83-178; §29-3501 et. seq.; §84-712.05)

4. Any citizen of the state or other interested person will be allowed, upon request, to examine the public records of NDCS during regular business hours. The person examining such records may take notes, make copies using their own copying equipment and make abstracts therefrom, all free of charge. Copies made by persons using their own copying equipment shall be made at the location housing the records or at a location mutually agreed to by the requester and the custodian. No person shall be permitted to copy any document protected by federal copyright law.

5. If the requestor asks that copies be made by NDCS copying equipment, copies may be made only if copying equipment is reasonably available.

6. Copies may be obtained in any form designated by the requestor in which the public record is maintained or produced, including, but not limited to: printouts, electronic data, discs, tapes and photocopies. NDCS is not required to produce or generate any public record in a new or different form or format other than the original public document.

7. NDCS may charge a fee for providing copies of public records. The fees shall not exceed the actual cost of making copies. Fees for electronic copies may include computer run time, any necessary analysis and programming, and costs of the materials for making copies. Fees may also include staff time after the first four cumulative hours.

8. Upon receipt of a written request for access to, or copies of, a public record, the requester should be provided access to, or copies of, the documents requested not more than four business days after actual receipt of the request. If the entire request cannot, with reasonable good faith efforts, be fulfilled within four business days after receipt of the request, a written explanation, including the earliest practicable date for fulfilling the request, an estimated cost of copies, and an opportunity for the requester to modify or prioritize the items within the request shall be provided.

9. If there is a legal basis or statutory provision for denying access to public records, the person whose request is denied shall receive a written statement which shall include:

   a. A description of the contents of the records withheld;
b. A statement of the specific reasons for such denial, including statutory authority therefore;

c. The name and job title of the employee who made the decision to deny the request; and

d. Notification to such persons of any administrative or judicial reviews available regarding such decision. (Neb. Rev. Stat. §84-712.03)

10. A file shall be maintained by the Public Disclosure Unit containing copies of all letters of denial of requests for records that are within the retention period. These letters shall be made available to any person upon request.

C. Media Inquires

1. Responses to all media 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. S/he will notify the Director or appropriate Deputy Director and the Communications Director, prior to releasing the information.

2. 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.

D. Media Releases

1. The Communications Division will work with facility PIOs to respond to inquiries and draft news releases and other publications shared externally.

2. Facility/Program PIOs will share draft copies of news releases and media advisories with the Communications Director for approval prior to release.

These may include:

a. Routine news releases to local news media must take into consideration risks to security, investigations and/or criminal prosecution and may include:

   1) Who is involved
   2) What is taking place
   3) Where it is taking place
   4) When it occurred
   5) Why it occurred
   6) How it occurred

b. Media advisories to invite news media to a facility for an upcoming event or tour.
The media advisory should include:

1) Summary of what the reporters and photographers will see.
2) Time and place of the event/tour
3) RSVP information and instructions

c. During a declared emergency, communication procedures are managed per Policy 203.02, *Emergency Preparedness*.

1) The facility PIO will coordinate with the Communications Director for assistance during emergencies, which may include drafting emergency releases of information (subject to approval by the Incident Commander) and fielding calls/inquiries from media representatives.

2) News media access to the affected facility or staging area will be coordinated jointly by the facility PIO and the Communications Director.

3) An emergency public announcement will be made if an inmate escapes from a secure facility. The supervising facility will immediately contact area law enforcement agencies and the Communications Director. The Communications Director will notify radio and television stations and newspapers in the surrounding communities and the missing inmate’s home community, if known. The notification will include the missing inmate’s physical description and identifying photograph, estimated time of escape, and any direction from local law enforcement.

4) 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 NDCS Communications Director, either physically or by telephone and shall, if necessary, explain that policy prohibits anyone except the department spokesperson from releasing information.

E. Public and Media Access

1. Tours and Public Visits to Facilities/Programs

   Facility tours may be granted to high school, college and civic groups on request to the facility PIO. Decisions will be made based on scheduled activities, events and resources available. All persons entering a facility/program are subject to a search of their person and possessions anytime. (See Policy 120.01, Official Visitors to Correctional Facilities and Programs, Neb. Rev. Stat 83-186).

2. Requests to Interview Inmates
News media representatives will have the same access to inmates as other members of the public. Contact with an inmate housed within a Department facility may be made:

a. Through the mail per Policy 205.01, *Inmate Mail*.

b. By telephone per Policy 205.03, *Inmate Telephone Regulations*.

c. In-person, as a general prison visit per Policy 205.02, *Visiting*. Exception: Credentialed news media representatives may be allowed on more than one inmate visiting list at any time.

Credentialed media representatives approved to visit with an inmate are authorized to bring two pens and one pad of legal size paper for the purpose of taking notes. The pens and pad of paper will be inspected by staff prior to entering the visiting room, and at the end of the visit. The inmate is not authorized to bring any documents to the visit session, or take any of the notes back to his/her cell.

d. Media visits with inmates in restrictive housing or a Secure Mental Health Unit will not be allowed.

e. News media representatives may contact the facility PIO for assistance.

3. Documentary Requests

NDCS does not generally approve documentary film making inside its facilities. NDCS will not permit documentary or publication interviews about an inmate’s criminal history that provides or would attempt to provide compensation to the inmate(s), would present undue harm to victims in the case, and/or which would impose a burden on the agency's limited resources.

4. Requests to Feature NDCS Programs/Events/Activities

Each request to feature an NDCS program, event or activity will be considered on a case-by-case basis and require the approval of the agency Director or his/her designate.

Requests from news media representatives should be made to the Communications Director for NDCS.

5. Requests to Interview NDCS Staff Members

During a media interview, staff members should concentrate on getting important facts out first; correcting any mistakes or misconceptions the interviewer may have; and providing factual information.

Staff members shall coordinate with the NDCS Communications Director to prepare in advance of the interview in order to communicate effectively. Staff members should not respond to certain interview questions, but should identify that these are areas that it is not appropriate to comment on. These include:
a. When an investigation and/or legal case is pending
b. When asked to answer for a third party
c. When asked to answer for another agency or department
d. When questions are irrelevant to the predetermined subject of the interview
e. When asked for personal information that is not relevant or considered public information
f. When the response would be speculative and not based in fact
g. When answering an inquiry would be akin to disclosing confidential information under §83-178

6. Media Tours/Visits to NDCS Facilities

Media tours, visits and events will be approved by the Communications Director for NDCS, prior to scheduling. This includes attendance at inmate self-betterment clubs.

Once approved, the facility PIO will provide information regarding:

a. Processing into and out of the facility
b. Items considered contraband and not allowed inside the facility
c. Appropriate conduct and dress within the facility
d. Filming/taping/interviewing within the facility

7. Use of Recording Devices or Cameras

Use of recording devices and cameras inside NDCS facilities may be approved by the Communications Director in consultation with the agency Director/Warden.

a. Live broadcasts (television, radio, telephone, or other electronic or communicative method) from inside NDCS facilities are not permitted without prior written authorization from the agency Director or NDCS Communications Director on the agency Director’s behalf.

b. The facility PIO will explain in advance which images are prohibited. Photographers are prohibited from recording images that could compromise security.

c. Any news organization that publishes or broadcasts images that could compromise security may be prohibited from returning to the facility.
8. Work Release

Inmates who are on work release or on a pass in the community may grant news interviews and require no additional documentation. Facility staff will inform the Communications Director when they are made aware of these interviews.

9. Denial

Any news media visit for any purpose can be denied, canceled, or restricted by the Director, Warden/designee, Communications Director and/or facility PIO for security concerns based on present circumstances and subject matter, including but not limited to:

a. Pending appeals or legal matters related to the inmate’s criminal conviction

b. Inmate institutional adjustment

c. Re-victimization.

REFERENCE

I. STATUTORY REFERENCE: Nebraska Revised Statue 29-3501 to 29-3528; 83-178; 83-186; 84-712 to 84-713.

II. POlicies

A. Policy 104.01, Inmate Records Management

B. Policy 120.01, Official Visitors to Correctional Facilities and Programs

C. Policy 203.02, Emergency Preparedness

D. Policy 205.01, Inmate Mail

E. Policy 205.02, Visiting

F. Policy 205.03, Inmate Telephone Regulations

III. ATTACHMENTS

A. Media Representative Agreement. Revised August 2009

B. Media Contact Inmate Form. Revised August 2009

IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA) STANDARDS

A. Standards for Adult Correctional Institutions (ACI) (4th edition): 4-4021 and 4-4279

B. Performance Based Standards for Adult Community Residential Services (ACRS) (4th edition): 4-ACRS-7D-05, 4-ACRS-7F-01, 4-ACRS-7F-02 and 4-ACRS-7F-03