 NEBRASKA Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES	POLICY ACCESS TO PUBLIC INFORMATION		
	REVISION DATE December 31, 2020	NUMBER 002.01	PAGE 1 of 11
	STATEMENT OF AVAILABILITY *This Policy is to be made available in law libraries or other resource centers.		

EFFECTIVE: March 1, 1980
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SUMMARY of REVISION/REVIEW

Changed Employee to Team Member throughout. Changed Communications Director to Communications Division or Chief of Staff throughout. DEFINITIONS – Communications Division added. PROCEDURE – I.A.4. – Language updated. I.C. – Training requirements listed.

APPROVED:



Scott R. Frakes, Director
 Nebraska Department of Correctional Services

	POLICY		
	ACCESS TO PUBLIC INFORMATION		
	REVISION DATE December 31, 2020	NUMBER 002.01	PAGE 2 of 11
STATEMENT OF AVAILABILITY *This Policy is to be made available in law libraries or other resource centers.			

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. (1A-22)

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

- I. **NDCS COMMUNICATIONS DIVISION** – Located in Central Office, this division provides centralized management of internal/external communications for the agency. Under direction of the Director/designee and/or the Chief of Staff, team members in the Communications Division manage social media accounts, the NDCS website, newsletters, media contact, and coordination of agency-related public activities. The Communication Division works closely with facility Public Information Officers to coordinate public statements, receive and respond to media requests, provide support to facility events and activities, and additional guidance and assistance as needed.
- II. **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. (Attachment A)
- III. **PUBLIC** – Individuals who are not officials in law enforcement, news media representatives, NDCS employees, incarcerated or family members of incarcerated individuals.
- IV. **PUBLIC INFORMATION OFFICER (PIO)** – Facility representative, 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.


PROCEDURE

I. COMMUNICATIONS DIVISION

A. Communications Division

The Communications Division will ensure the department shares accurate, clear, and consistent information with the public. They 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.

	POLICY		
	ACCESS TO PUBLIC INFORMATION		
	REVISION DATE December 31, 2020	NUMBER 002.01	PAGE 3 of 11
STATEMENT OF AVAILABILITY *This Policy is to be made available in law libraries or other resource centers.			

3. Develop communication plans that provide guidance on the department's message and how it should be delivered.
4. Provides support to program managers with regard to publication of materials in written, video, or graphic form.
5. Prepare 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 designees will serve as the PIOs for their respective sections.
3. The Deputy Director - 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.

Facility PIOs and alternates shall receive a minimum of eight hours of initial training and a minimum of eight hours of related training per year thereafter.
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. Alert the Communications Division about high profile incidents, upcoming news media coverage, media requests to interview offenders, and media requests for a facility tour.
4. Coordinate with the Communications Division to increase public awareness and understanding of local operations by hosting media events, conducting tours, facilitating interviews, and assisting in the preparation of news releases.

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 regarding public information.(Neb. Rev. Stat. §83-178)


	POLICY		
	ACCESS TO PUBLIC INFORMATION		
	REVISION DATE December 31, 2020	NUMBER 002.01	PAGE 4 of 11
STATEMENT OF AVAILABILITY *This Policy is to be made available in law libraries or other resource centers.			

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
2. Public 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.


An inmate/parolee shall NOT be given direct access to his/her inmate file. Other non-incarcerated individuals may only have access to inmate records in limited circumstances and with prior authorization. Because the penalties for improper release of information may be severe, team members should contact the NDCS Legal Division when in doubt about the propriety of a request for information.

3. The following information concerning a team member or former team member 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
 - f. Agency where employed

	POLICY		
	ACCESS TO PUBLIC INFORMATION		
	REVISION DATE December 31, 2020	NUMBER 002.01	PAGE 5 of 11
STATEMENT OF AVAILABILITY			
*This Policy is to be made available in law libraries or other resource centers.			

B. Public Records Requests

1. All public records requests received by NDCS team members shall be forwarded to the NDCS Public Disclosure Unit (DCS.PublicRecords@nebraska.gov) 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:

	POLICY		
	ACCESS TO PUBLIC INFORMATION		
	REVISION DATE December 31, 2020	NUMBER 002.01	PAGE 6 of 11
STATEMENT OF AVAILABILITY *This Policy is to be made available in law libraries or other resource centers.			


- 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 team member who made the decision to deny the request
 - 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.
2. All contacts from news, entertainment, or other media-related entities should be reported to the Communications Division.
3. Unless specifically assigned to do so by the Director/designee or the Chief of Staff, team members shall not make any statements to the media on behalf of the agency, facility, division, or program.
4. The Director/designee or the Chief of Staff will designate those within the agency who are authorized to speak to the media on behalf of NDCS.
5. NDCS team members, contract workers, and volunteers will not discuss, disclose, provide, or release information to news, entertainment, or other media-related entities, without proper authorization to do so. This includes, but is not limited to any information, records, reports, files, videos and/or photographs, whether digital or in paper form, regarding NDCS operations, emergencies, incidents, investigations, rules, offenders and/or staff.
6. All media requests to interview NDCS team members, contract workers, or volunteers and/or to report on a program, event, activity, or operation, must be referred to the Communications Division for consideration and approval.

D. Media Releases

1. Members of the Communication Division will coordinate the creation and dissemination of all agency news releases and media advisories with the Director/designee. Depending on the subject matter, additional input may be sought from facility PIOs, program administrators, and others for compiling releases or advisories.
2. Team members desiring news coverage of an event, activity, or program shall refer

	POLICY		
	ACCESS TO PUBLIC INFORMATION		
	REVISION DATE December 31, 2020	NUMBER 002.01	PAGE 7 of 11
STATEMENT OF AVAILABILITY *This Policy is to be made available in law libraries or other resource centers.			

that request to the Communications Division for consideration and coordination.

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 at any time. See Policy 120.01, *Official Visitors to Correctional Facilities and Programs*. (Neb. Rev. Stat 83-186)

2. Requests to Interview Inmates (3D-06)

News media representatives will have the same access to inmates as other members of the public. (Attachment B) 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. Inmates shall not receive compensation, or anything of value, in exchange for or as a result of, participation in an interview. Violation of this policy may result in immediate removal and shall constitute grounds for denying the representative future access.
- f. No items may be passed between media representatives and inmates.
- g. News media representatives may contact the facility PIO for assistance.

3. Documentary Requests

- a. NDCS does not generally approve documentary filmmaking inside its facilities/offices.

	POLICY		
	ACCESS TO PUBLIC INFORMATION		
	REVISION DATE December 31, 2020	NUMBER 002.01	PAGE 8 of 11
STATEMENT OF AVAILABILITY *This Policy is to be made available in law libraries or other resource centers.			

- b. 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 would impose a burden on the agency's limited resources.
4. Requests to Feature NDCS Programs/Events/Activities
- a. 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/designee or Chief of Staff.
 - b. Requests for attendance from media representatives should be made to the Communications Division.
 - c. Members of the media must be escorted at all times by designated NDCS team members while inside a facility.
 - d. All news media representatives shall sign a News Media Representative Agreement upon each visit to an NDCS facility, as an indication that they are familiar with the guidelines and agree to abide by them. Failure to comply with the rules of this policy may result in immediate removal and shall constitute grounds for denying the representative future access.
 - e. Media access is considered distinct from volunteer service or otherwise participating in an event or activity within an NDCS facility. Volunteer or participant access shall be deemed to be personal and not professional and shall not be used as a means to avoid media access restrictions.
 - f. Any photography or videography at a NDCS facility or office must be restricted to shots which do not identify individual inmates, except if the inmate consents by signing the Program Participant or Inmate Release Form (Attachment B).
 - g. Interviews with NDCS inmates during events are only allowed if the inmate consents to the interview and signs the Program Participant or Inmate Release Form (Attachment B).
 - h. Inmates under the age of 18 are not permitted to be interviewed by media representatives.
5. Requests to Interview NDCS Staff Members
- a. Speaking only in their official capacity and with prior approval, team members shall coordinate appropriate responses to media representatives with the Communications Division.
 - b. 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.

	POLICY		
	ACCESS TO PUBLIC INFORMATION		
	REVISION DATE December 31, 2020	NUMBER 002.01	PAGE 9 of 11
STATEMENT OF AVAILABILITY *This Policy is to be made available in law libraries or other resource centers.			

c. 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:

- 1) When an investigation and/or legal case is pending
- 2) When asked to answer for a third party
- 3) When asked to answer for another agency or department
- 4) When questions are irrelevant to the predetermined subject of the interview
- 5) When asked for personal information that is not relevant or considered public information
- 6) When the response would be speculative and not based in fact
- 7) 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 Division, 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 Chief of Staff in consultation with the Director/designee.

- a. No media representatives are allowed on NDCS property for the purpose of obtaining photographs or video of an NDCS facility or office, unless given prior authorization.
- b. 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/designee or the Chief of Staff on the agency Director's behalf.

	POLICY		
	ACCESS TO PUBLIC INFORMATION		
	REVISION DATE December 31, 2020	NUMBER 002.01	PAGE 10 of 11
STATEMENT OF AVAILABILITY *This Policy is to be made available in law libraries or other resource centers.			

- c. The facility PIO will explain in advance which images are prohibited. Photographers are prohibited from recording images that could compromise security.
- d. Photo/video opportunities shall not be approved which would result in the undue disruption of the operational activities of the facility.
- e. Any news organization that publishes or broadcasts images that could compromise security may be prohibited from returning to the facility.

8. Denial

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

- a. Pending appeals or legal matters related to the inmate's criminal conviction
- b. Inmate institutional adjustment
- c. The potential for re-victimization

REFERENCE

I. STATUTORY REFERENCE

- A. Nebraska Revised Statute: §29-3501 to §29-3528, §83-178, §83-186, §84-712 to §84-713


II. NDCS 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. New Media Representative Agreement.
- B. Program Participant or Inmate Release and Release for Minor Children.

IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA)

	POLICY		
	ACCESS TO PUBLIC INFORMATION		
	REVISION DATE December 31, 2020	NUMBER 002.01	PAGE 11 of 11
STATEMENT OF AVAILABILITY			
*This Policy is to be made available in law libraries or other resource centers.			

- A. Expected Practices for Adult Correctional Institutions (ACI) (5th edition): 5-ACI-1A-22, 5-ACI-3D-06
- B. 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
- C. Standards for the Administration of Correctional Agencies (CO) (2nd edition): 2-CO-1A-25, 2-CO-1A-26, 2 -CO-1A-27 and 2-CO1A-27-1