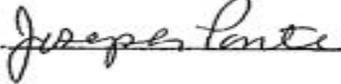


<p>POLICY TITLE: CONTACT WITH NEWS MEDIA</p> <p>POLICY NUMBER: 1.23</p> <p>CHAPTER 1: ADMINISTRATION, ORGANIZATION, AND MANAGEMENT</p>	<p>PAGE 1 OF 9</p>	
	<p>STATE of MAINE DEPARTMENT OF CORRECTIONS</p> <p>Approved by Commissioner: </p>	<p>PROFESSIONAL STANDARDS:</p> <p>See Section VII</p>
<p>EFFECTIVE DATE: April 6, 2005</p>	<p>LATEST REVISION: October 24, 2011</p>	<p>CHECK ONLY IF APA []</p>

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Entire Maine Department of Corrections

III. POLICY

It is the policy of the Maine Department of Corrections to establish and maintain a positive relationship with the news media that communicates the Department's mission and the effectiveness of its programs and promotes the dissemination of information of interest to the public while protecting confidentiality as required by law.

IV. CONTENTS

- Procedure A: Designation of Media Contacts and Notification to Central Office
- Procedure B: Release of Information to News Media, General
- Procedure C: Release of Client and Staff Information
- Procedure D: Contact between Clients and News Media Representatives

- Procedure E: News Media Access to Prisoners/Residents
- Procedure F: Termination of News Media Access to Prisoners/Residents
- Procedure G: News Media Access to Staff at the Work Site
- Procedure H: News Media Access to the Facility
- Procedure I: Documentaries

V. ATTACHMENTS

- Attachment A: Prisoner/Resident Consent for News Media Access form
- Attachment B: Authorization for News Media Access to Prisoner/Resident form
- Attachment C: Staff Consent for News Media Access form
- Attachment D: Authorization for News Media Access to Staff form
- Attachment E: Documentary Request Form

VI. PROCEDURES

Procedure A: Designation of Media Contacts and Notification to Central Office

1. The Commissioner shall designate a person who shall serve as the Department's Public Affairs Coordinator.
2. Each Chief Administrative Officer, or designee, and Regional Correctional Administrator, or designee, shall serve as the Public Affairs Coordinator for their respective facility/region. Each Chief Administrative Officer and Regional Correctional Administrator shall notify the Department's Public Affairs Coordinator of who has been designated.
3. Each Chief Administrative Officer, or designee, and Regional Correctional Administrator, or designee, shall keep the Commissioner, or designee, informed of significant incidents, occurrences or developments which might be expected to result in inquiries from the news media.

Procedure B: Release of Information to News Media, General

1. Staff shall refer all news media inquiries to the designated Public Affairs Coordinator for the facility/region or the Department.
2. The Public Affairs Coordinator for the facility/region may respond to a purely factual inquiry (for example, a probationer's conditions of probation or the wording of a policy) provided no confidential information is released. Any inquiry that would

POLICY NUMBER/TITLE
CHAPTER NUMBER/TITLE
PAGE NUMBER

1.23 Contact with News Media
1. Administration, Organization and Management

Page 2 of 10

10/24/11R

involve giving an opinion (for example, the extent of supervision being provided to a probationer or how well a policy is working) shall be referred to the Department's Public Affairs Coordinator, who shall determine the response.

3. All news statements (press releases) shall be released to the news media through the Department's Public Affairs Coordinator, after the Commissioner's approval.
4. Under no circumstances is information to be released that relates to a criminal investigation or a potential criminal investigation or litigation or potential litigation involving a client, staff, visitor, or volunteer. Under no circumstances is information to be released that relates to facility security practices.
5. The Commissioner shall determine, after consultation with the Department's representative in the Attorney General's Office, the information that may be disseminated that is related to the death of an individual.
6. The Commissioner shall determine the information that may be disseminated that is related to the search for, or apprehension of, any person who has escaped from custody or who is being sought for a violation of supervision conditions (e.g., probation, community reintegration, supervised community confinement).
7. In the event of a critical incident at a facility, a specific area shall be designated for media representatives where the Commissioner, or designee, shall provide a general, prepared statement outlining the occurrence(s). Information shall be released only at a time deemed appropriate by the Commissioner, or designee.
8. The Department encourages the dissemination of general and statistical information, within the limits of staff time and other resources.

Procedure C: Release of Client and Staff Information

1. Information regarding a Departmental client shall only be released in accordance with Federal and State law and Departmental policies and procedures regarding confidentiality.
2. Information regarding Departmental staff shall only be released in accordance with Federal and State law and Departmental policies and procedures regarding confidentiality.

Procedure D: Contact between Clients and News Media Representatives

POLICY NUMBER/TITLE
CHAPTER NUMBER/TITLE
PAGE NUMBER

1.23 Contact with News Media
1. Administration, Organization and Management

Page 3 of 10

10/24/11R

1. A client under supervision in the community may correspond with or otherwise have contact with a representative of the news media, provided the contact is not contrary to a condition of supervision or a court order.
2. A prisoner/resident may correspond with or have telephone contact with a representative of the news media unless the contact is prohibited or restricted pursuant to Departmental policies and procedures (Policies 21.2, Prisoner Mail, 21.3, Prisoner Telephone System, 16.1, Resident Mail and 16.2, Resident Access to Telephones).
3. Any request for other access to a prisoner/resident shall be forwarded to the facility Chief Administrative Officer, or designee, for handling in accordance with Procedure E.
4. A prisoner/resident may not act as a reporter, publish under a byline or act as an agent of the news media.

Procedure E: News Media Access to Prisoners/Residents

1. A news media representative who requests access to a prisoner/resident other than via correspondence or telephone (i.e. the representative wishes to conduct an interview of, voice record, photograph, or film a prisoner/resident) shall make a written request to the Chief Administrative Officer, or designee, setting out the name of the prisoner/resident, the type of access, the purpose of the access, and where and when the publication or broadcast will be.
2. A request for news media access to take place within a facility may be granted only with the approval of the facility Chief Administrative Officer and the Commissioner or the Department's Public Affairs Coordinator.
3. Upon granting approval of a news media request for access to a prisoner/resident, notification shall be made by the Chief Administrative Officer to the Victim Services Coordinator, who shall determine if notification to the victim(s) of the pending publication or broadcast is appropriate.
4. Permission for news media access to a prisoner/resident may be denied or rescinded when there is reasonable suspicion that the access or the publication or broadcast would facilitate criminal activity or violation of the facility's rules or create a risk to the safety of a person, security, orderly management of the facility, or the welfare of a prisoner/resident, including violation of a right to confidentiality, or if the prisoner/resident is unavailable or unwilling or unable to participate. Permission for news media access may also be denied or rescinded if it is determined to be an

**POLICY NUMBER/TITLE
CHAPTER NUMBER/TITLE
PAGE NUMBER**

1.23 Contact with News Media

1. Administration, Organization and Management

Page 4 of 10

10/24/11R

excessive demand on staff resources. The news media representative may appeal any denial or rescinding of permission for access to a prisoner/resident to the Commissioner.

5. If the news media access is approved, the Chief Administrative Officer, or designee, shall ask the prisoner/resident if the prisoner/resident wishes to participate.
6. If the prisoner/resident agrees to participate, the prisoner/resident shall sign a completed Prisoner/Resident Consent for News Media Access form, (Attachment A) which shall be forwarded to the Chief Administrative Officer, or designee. A prisoner/resident participating in any news media interview, voice recording, filming or photographing shall not receive any compensation for participation or use of material or information.
7. The news media representative shall be required to agree, in writing, to abide by all conditions set by the Chief Administrative Officer, or designee, by signing the Authorization for News Media Access to Prisoner/Resident form (Attachment B) and returning it to the Chief Administrative Officer, or designee. Any material or information obtained including, but not limited to, the interview, voice recording, photograph, or film, shall not be used other than for the purpose set out in the written request to the Chief Administrative Officer, or designee, and for which authorization was given.
8. If the prisoner/resident is a minor or an adult with a guardian, the Consent for News Media Access form must also be signed by the prisoner's/resident's parent/guardian.
9. If the prisoner/resident is a minor or an adult with a guardian, the use of the prisoner's/resident's name, hometown, or other personal information, identifiable photographs, voice recordings, or filming is strictly prohibited at all times. Any prisoner/resident 18 years of age or over who does not have a guardian may choose to be identified.
10. Staff shall be present during any interviewing, voice recording, filming, or photographing of a prisoner/resident by the news media. If the prisoner/resident is a minor or an adult with a guardian and is being interviewed regarding a pending criminal or juvenile criminal charge, the prisoner/resident must have his/her legal representative present during the interview with the news media.

POLICY NUMBER/TITLE
CHAPTER NUMBER/TITLE
PAGE NUMBER

1.23 Contact with News Media

1. Administration, Organization and Management

Page 5 of 10

10/24/11R

11. Arrangements for news media access shall be made by the Chief Administrative Officer, or designee, taking into consideration the prisoner's/resident's daily programming and facility operational needs.

Procedure F: Termination of News Media Access to Prisoners/Residents

1. Staff may terminate news media access to a prisoner/resident for any of the following reasons:
 - a. Refusal or failure to abide by any condition set by the Chief Administrative Officer, or designee, any facility rule, or any staff instructions;
 - b. The prisoner/resident is unavailable or unwilling or unable to participate;
 - c. The access or the publication or broadcast would facilitate criminal activity or violation of the facility's rules or create a risk to the safety of a person, security, orderly management of the facility, or the welfare of a prisoner/resident, including violation of a right to confidentiality;
 - d. The prisoner/resident or the news media representative is exhibiting behavior which is inappropriate, including inappropriate physical contact;
 - e. An emergency or critical incident occurs; or
 - f. The information or material being sought or obtained is beyond that for which the Chief Administrative Officer, or designee, gave authorization.
2. If staff terminates news media access to a prisoner/resident, the prisoner/resident shall be separated from the news media representative pending approval of the termination from the shift commander, or higher ranking security supervisor. Any termination, whether approved or not, shall be documented in an incident report.
3. The prisoner/resident may terminate the access by the news media at any time.

Procedure G: News Media Access to Staff at the Work Site

1. A news media representative who wishes to conduct an interview of, voice record, photograph, or film Departmental staff at the work site shall make a written request to the Chief Administrative Officer, or designee, or the Regional Correctional Administrator, or designee, setting out the name of the staff, the type of access, the purpose of the access, and where and when the publication or broadcast will be.

**POLICY NUMBER/TITLE
CHAPTER NUMBER/TITLE
PAGE NUMBER**

**1.23 Contact with News Media
1. Administration, Organization and Management**

Page 6 of 10

10/24/11R

2. A request for news media access to staff may be granted only with the approval of the facility Chief Administrative Officer or Regional Correctional Administrator and the Commissioner or the Department's Public Affairs Coordinator.
3. Prior to deciding whether to approve the news media access, the Chief Administrative Officer, or designee, or the Regional Correctional Administrator, or designee, shall ask the staff if the staff wishes to participate.
4. Permission for the news media access may be denied when there is reasonable suspicion that the access or the publication or broadcast would facilitate criminal activity or violation of the facility's rules or create a risk to the safety of a person, security, orderly management of the facility, or the welfare of a client or staff, including violation of a right to confidentiality, or if the staff is unavailable or unwilling or unable to participate. Permission for news media access may also be denied if it is determined to be an excessive demand on staff resources or not central to the Department's mission.
5. If the staff agrees to participate, the staff shall sign a completed Staff Consent for News Media Access form (Attachment C), which shall be forwarded to the Chief Administrative Officer, or designee, or Regional Correctional Administrator, or designee. Staff participating in any news media interview, voice recording, filming or photographing shall not receive any compensation for participation or use of material or information.
6. The news media representative shall be required to agree, in writing, to abide by all conditions set by the Chief Administrative Officer, or designee, or Regional Correctional Administrator, or designee, by signing the Authorization for News Media Access to Staff form (Attachment D) and returning it to the Chief Administrative Officer, or designee, or Regional Correctional Administrator, or designee,. Any material or information or material obtained including, but not limited to, the interview, voice recording, photograph, or film, shall not be used other than for the purpose set out in the written request to the Chief Administrative Officer, or designee, or Regional Correctional Administrator, or designee, and for which authorization was given.
7. Arrangements for news media access shall be made by the Chief Administrative Officer, or designee, or Regional Correctional Administrator, or designee, taking into consideration the staff's responsibilities and operational needs.
8. The Commissioner, or the Chief Administrative Officer, or designee, or the Regional Correctional Administrator, or designee, or the staff may rescind permission for or terminate the access by the news media at any time.

POLICY NUMBER/TITLE

CHAPTER NUMBER/TITLE

PAGE NUMBER

1.23 Contact with News Media

1. Administration, Organization and Management

Page 7 of 10

10/24/11R

Procedure H: News Media Access to the Facility

1. A news media representative shall make a request for a tour of all or part of a facility, in advance, to the Chief Administrative Officer, or designee. The Chief Administrative Officer, or designee, may grant or deny any such request and shall notify the Department's Public Affairs Coordinator of the request and decision. The Department's Public Affairs Coordinator shall notify the Commissioner, who may overrule the decision.
2. A news media representative given permission for a tour shall be escorted by the Chief Administrative Officer, or designee, at all times while on facility grounds and may be restricted from entering or viewing any area. A news media representative shall not be allowed to enter or view a facility's special management unit.
3. During a facility tour, a news media representative shall be allowed to sound record, photograph, or film only what the Chief Administrative Officer, or designee, allows. In no case shall a news media representative talk to, voice record, photograph or film a prisoner/resident except that, with the permission of the Chief Administrative Officer, or designee, a news media representative may photograph or film a group of prisoners/residents in a way that does not reveal any prisoner's/resident's identity.
4. The Commissioner or the Chief Administrative Officer, or designee, may rescind permission for or terminate a news media tour of the facility at any time.
5. Arrangements for news media access shall be made by the Chief Administrative Officer, or designee, taking into consideration facility operational needs.

Procedure I: Documentaries

1. A representative of the news media desiring to make a documentary film or sound recording must make a request to the Commissioner, in writing, through the Department's Public Affairs Coordinator (Attachment E). Such a request shall state the purpose of the documentary, the length of time that the filming or sound recording is expected to last, the type of activities to be filmed or sound recorded, and the person or persons to be interviewed.
2. The Commissioner, or designee, shall execute an agreement with the creator of the documentary setting forth the conditions for filming or sound recording the documentary. One of the conditions shall be that the Commissioner, or designee, is entitled to view or listen to the documentary before it is broadcast publicly to

**POLICY NUMBER/TITLE
CHAPTER NUMBER/TITLE
PAGE NUMBER**

1.23 Contact with News Media

1. Administration, Organization and Management

Page 8 of 10

10/24/11R

ensure that all conditions have been complied with and that all required consents have been obtained and, if not, that the documentary will be edited or not broadcast, as appropriate.

3. The Chief Administrative Officer, or designee, or Regional Correctional Administrator, or designee, shall assign an employee(s) to accompany the person(s) creating the documentary to ensure that any person in custody or under supervision, filmed in an identifiable manner, or whose voice has been recorded in such a way as to identify the person, has signed or signs a consent form to appear in the film or be heard on the sound recording.

VII. PROFESSIONAL STANDARDS

ACA:

- ACI - 4-4020** Written policy, procedure, and practice provide for a public information program that encourages interaction with the public and the media.
- ACI - 4-4021** Written policy, procedure, and practice establish the facility's commitment to informing the public and the media of events within the facility's areas of responsibility. The procedures address emergency and non-emergency responses to the media and, at a minimum, include the following:
- the identification of areas in the facility that are accessible to media representatives, consistent with preserving inmate's right to privacy and maintaining order and security
 - the contact person for routine requests for information
 - identification of data and information protected by federal or state privacy laws, or federal and state freedom of information laws
 - special events coverage
 - news release policy
 - the designation of individuals or positions within the facility authorized to speak with the media on behalf of the facility
- 4-ACRS-7F-01** There is a public information policy that encourages interaction with the public and the news media.
- 4-ACRS-7F-02** Media access is consistent with offenders' rights to confidentiality and privacy and the maintenance of order and security of the facility.
- 4-ACRS-7F-03** Media requests for interviews and the offender's consent are in writing, except in emergencies.
- 4-JCF-3A-15** Juveniles are provided reasonable access to the general public through the communications media, subject only to the limitations necessary to maintain

**POLICY NUMBER/TITLE
CHAPTER NUMBER/TITLE
PAGE NUMBER**

**1.23 Contact with News Media
1. Administration, Organization and Management**

Page 9 of 10

10/24/11R

order and security and protect the juveniles' rights. Media requests for interviews and juvenile parent/guardian consents are in writing.

- 4-JCF-6G-02 There is a public information program that encourages interaction with the public and the media.
- 4-JCF-6G-03 Media access is consistent with preserving juveniles' rights to privacy and maintaining facility order and security.
- 4-JCF-6G-04 Media access procedures address emergency and nonemergency responses to the media. At a minimum, they include:
1. The identification of areas in the facility that are accessible to media representatives
 2. The identification of a contact person authorized to speak with the media on behalf of the facility
 3. The identification of data and information protected by federal and/or state privacy and freedom of information statutes
 4. Special events coverage
 5. News releases
 6. Direction on appropriate responses for individuals within the facility not authorized to speak with the media.

**POLICY NUMBER/TITLE
CHAPTER NUMBER/TITLE
PAGE NUMBER**

**1.23 Contact with News Media
1. Administration, Organization and Management
Page 10 of 10**

10/24/11R