

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE	EFFECTIVE DATE 04/06/2000	NUMBER 01.06.130
	SUBJECT MEDIA RELATIONS	
SUPERSEDES 01.06.130 (05/18/92); 01.06.150 (01/18/93)		
AUTHORITY MCL 791.201; 791.203; Administrative Rule 791.2220; 791.6603; 791.6605; 791.6607; 791.6609; 791.6611; 791.6614; 791.6638		
ACA STANDARDS 1-ABC-1A-19; 3-ACRS-1A-18; 3-ACRS-1A-19; 3-ACRS-1A-20; 3-3027; 3-3028; 3-3029; 3-4021; 3-4021-1; 3-4267; 2-CO-1A-25; 2-CO-1A-27; 2-CO-1A-27-1; 2-CO-3C-01		
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POLICY STATEMENT:

News media representatives shall be provided information regarding Department operations, and may have contact with offenders, as set forth in this policy.

RELATED POLICIES:

- 01.06.135 Public Information During Institutional Disturbances/Natural Disasters
- 04.01.110 Access to Department Facilities

POLICY:

DEFINITION

- A. News Media Representatives - Persons primarily employed to gather or report news for any of the following:
 1. A newspaper of general circulation in the community in which it publishes;
 2. A magazine of statewide or national circulation sold at newsstands or by mail to the general public;
 3. A radio and television station licensed by the Federal Communications Commission (FCC);
 4. Other legitimate publications or news gathering operations, as determined by the Administrator of the Office of Public Information and Communications.

GENERAL INFORMATION

- B. For purposes of this policy, "Warden" includes the Administrator of the Special Alternative Incarceration Program (SAI) facility, unless otherwise specified.
- C. This policy does not apply to general access to correctional facilities by media representatives. Access for other than visiting prisoners is governed by PD 04.01.110 "Access to Department Facilities".
- D. Requests from news media representatives for documents, including mug shots and other photographs, that specifically mention the Freedom of Information Act (FOIA) or are for copies of several documents shall be processed in accordance with PD 01.06.110 "Freedom of Information Act - Access to Department Public Records".
- E. News media representatives shall be provided information during institutional disturbances and/or natural disasters as set forth in PD 01.06.135 "Public Information During Institutional Disturbances/Natural Disaster".

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MEDIA SPOKESPERSONS

- F. The Administrator of the Office of Public Information and Communications (OPIC) shall serve as the Department's chief spokesperson with news media representatives. S/he shall respond to all questions from news media representatives involving issues that are sensitive or controversial, involve potential or existing litigation, or have Department-wide application. S/he also shall respond to all questions involving health care matters, including an offender's medical condition. However, such information shall not be released without prior consultation with the appropriate Regional Health Care Administrator, Bureau of Health Care Services (BHCS), or designee.
- G. Each Warden and Field Operations Administration (FOA) Regional Administrator shall designate staff as needed to serve as the local media spokesperson with news media representatives. Media spokespersons shall have a working knowledge of offender files, Department policies and procedures, the particular field operation or facility s/he represents, and a comprehensive knowledge of the workings of the Department.
- H. Media spokespersons shall be responsible for providing news media representatives with facts and the Department's position on matters under their control, except for those matters which are to be addressed only by the OPIC Administrator pursuant to Paragraph F. Information which would be exempt from disclosure under the FOIA shall not be disclosed.
- I. Each Warden and FOA Regional Administrator shall ensure provisions are made for news media representatives to be able to obtain basic information by telephone during business hours.

STAFF CONTACT WITH NEWS MEDIA REPRESENTATIVES

- J. Only media spokespersons, or employees designated by a media spokesperson, shall initiate contacts with news media representatives to discuss Department matters, represent official Department positions, or describe Department policy or procedure. Employees who receive inquiries from a news media representative shall refer the inquiry to the media spokesperson for his/her work site. In Central Office, all inquiries shall be referred to the OPIC Administrator.
- K. While employees not designated as spokespersons may talk to news media representatives, they shall not officially represent the Department or its position unless designated to do so by a media spokesperson. If an employee chooses to talk to a news media representative about Department related matters, s/he must stay within the limits of his/her knowledge and authority, not compromise the Department's ability to carry out its duties, and not provide any information which may jeopardize custody and security or violate an individual's right to privacy. The employee must clearly indicate that s/he is not communicating in his/her official capacity and that the views expressed are his/her personal opinions and not necessarily those of the Department. Employees who provide information in violation of this policy, including knowingly giving out false information, may be subject to discipline as set forth in PD 02.03.100 "Employee Discipline".

Reporting Critical Incidents

- L. Media spokespersons may provide news media representatives with information on critical incidents only under the following circumstances. However, the OPIC Administrator shall be consulted prior to the release of any information. Only that information authorized by the OPIC Administrator shall be released.
 - 1. All proper authorities shall be notified first, in accordance with PD 01.05.120 "Critical Incident Reporting".
 - 2. In homicides, suicides, and personal injury cases, the names of the victims shall not be released until after the designated contact person for the victim has been notified.

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3. Information shall not be released which may endanger law enforcement or Department investigative efforts or the activities of prosecutors.
4. The names of offenders who are suspects in criminal activity shall not be released until after their arraignment.

News Releases

- M. The OPIC Administrator shall be responsible for approving the issuance of all Department news releases. If a Warden or Field Operations Administration (FOA) Regional Administrator wants to issue a news release, s/he shall contact the OPIC Administrator for approval prior to release. If the OPIC Administrator is not available, approval may be granted by the Director, Executive Assistant to the Director, or the appropriate Deputy Director.
- N. The OPIC Administrator shall ensure three copies of each news release are provided to the Michigan Document Section of the Library of Michigan.

OFFENDER CONTACT WITH NEWS MEDIA REPRESENTATIVES

- O. News media representatives have no more or less rights to contact, or be contacted by, offenders in correctional facilities than do members of the public. However, it is recognized that news media representatives occasionally may need to contact, or be contacted by, such offenders on an expedited basis. This includes the need to interview prisoners. The Department therefore permits offenders to have contact with news media representatives as set forth below.
- P. Media spokespersons shall facilitate news media requests to be contacted by an offender as allowed by this policy. However, an offender shall not be forced to do so.

ACCESS WITHIN A CORRECTIONAL FACILITY

Mail

- Q. Prisoners shall be permitted to send mail to, and receive mail from, news media representatives as set forth in PD 05.03.118 "Prisoner Mail."

Telephone

- R. Offenders in a correctional facility are not permitted to receive telephone calls from members of the public, including news media representatives.
- S. A prisoner in a Correctional Facilities Administration (CFA) facility shall be permitted to make collect telephone calls to news media representatives on the prisoner's approved telephone list as set forth in PD 05.03.130 "Prisoner Telephone Use". The names or telephone numbers on a prisoner's approved telephone list may be changed each June and December, when the prisoner is transferred to a different CFA facility which requires a new Personal Identification Number (PIN), and as approved by the Warden for special circumstances. Special circumstances may include a request by a prisoner to add or delete the name or telephone number of a news media representative. The Warden shall consult with the OPIC Administrator prior to making a decision on such a request. If an addition to the list will cause the number of names on the list to exceed 20, the prisoner shall be required to reduce the total number of names on the list accordingly.
- T. Prisoners and probationers in the SAI facility are allowed to make telephone calls in accordance with PD 06.04.105 "Special Alternative Incarceration (SAI) Program-Probationer" and PD 06.04.106 "Special Alternative Incarceration Program-Prisoner", as appropriate. An allowed telephone call may be used to contact a news media representative.

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- U. Prisoners and parolees in corrections centers and Technical Rule Violation (TRV) centers shall be allowed to make telephone calls to news media representatives in accordance with telephone regulations established at the facility.

Visits

- V. A prisoner in a CFA facility may have visits, including with a news media representative, in accordance with PD 05.03.140 "Prisoner Visiting". As set forth in PD 05.03.140, the Warden may approve a one-time visit between a prisoner who is eligible to receive visits and a person who is not on the prisoner's approved visitors list. The Warden shall consult with the OPIC Administrator prior to making a decision to approve a one-time visit if the visit is with a news media representative. Subsequent visits require placement on the prisoner's approved visitors list in accordance with PD 05.03.140.
- W. On a visit with a CFA prisoner, news media representatives shall be permitted to bring writing materials identified by the CFA Deputy Director in the visiting standards established pursuant to PD 05.03.140. However, news media representatives shall not be permitted to use or possess a camera or other audio or visual recording device while on the visit.
- X. The Warden may temporarily suspend visits, including with news media representatives, during institutional emergencies or disturbances. Such suspensions shall end with the institution's return to normal operations.
- Y. Offenders in the SAI facility and TRV centers are permitted to visit only with members of the clergy and attorneys. Offenders in corrections centers are not permitted to have any visits at the center. Therefore, news media representatives cannot visit offenders in these facilities.

ACCESS OUTSIDE OF A CORRECTIONAL FACILITY

- Z. Offenders housed in a correctional facility other than a corrections center who are permitted to leave the facility for a work assignment or for any other reason shall not be permitted to be interviewed while off facility grounds without prior approval of the facility head, or designee, and the on-site supervisor. Offenders housed in a corrections center may agree to be interviewed if approached by a news media representative while off facility grounds. Interviews shall not unduly interfere with the reason for which the offender has been permitted to leave the facility (e.g., work), and shall not excuse the offender from following orders of the on-site supervisor or from returning to the facility at the approved time.
- AA. Offenders who are not housed in a correctional facility may agree to be interviewed by a news media representative without Department restriction.
- BB. Notwithstanding Paragraphs Z and AA, a probationer or parolee shall not be interviewed if s/he is subject to a special order of probation or parole prohibiting interviews.

OPERATING PROCEDURE

- CC. Each CFA Regional Prison Administrator, the FOA Deputy Director and the Executive Assistant to the Director shall ensure that within 60 days of its effective date, procedures necessary to implement this policy directive are developed.

AUDIT ELEMENTS

- DD. A Primary Audit Elements List has been developed and will be provided to Wardens, the SAI facility Administrator, FOA Regional Administrators, and the Executive Assistant to the Director to assist with self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

BM:OPH:03/29/00