

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE	EFFECTIVE DATE 04/12/2021	NUMBER 01.06.130
	SUBJECT MEDIA RELATIONS	
SUPERSEDES 01.06.130 (04/06/2000)		AUTHORITY MCL 791.201; 791.203; Administrative Rule 791.2220; 791.6603; 791.6605; 791.6607; 791.6609; 791.6611; 791.6614; 791.6638
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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 Facility Disturbances
- 04.01.110 Access to Correctional 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 Public Information Officer (PIO).

GENERAL INFORMATION

- B. 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 Correctional Facilities."
- C. 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."
- D. 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 Facility Disturbances."

MEDIA SPOKESPERSONS

- E. The PIO shall serve as the Department's chief spokesperson with news media representatives. They 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. They 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 Assistant Chief Medical Officer (ACMO), Bureau of Health Care Services (BHCS), or designee.
- F. Each Warden and Field Operations Administration (FOA) Assistant Deputy Director (ADD) shall

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designate staff as needed to serve as the local media liaison with news media representatives. Media liaisons shall have a working knowledge of offender files, Department policies and procedures, the particular field operation or facility they represent, and a comprehensive knowledge of the workings of the Department.

- G. Media liaisons shall be responsible for providing news media representatives with facts and the Department's position on matters under their control, except for those matters that are to be addressed only by the PIO pursuant to Paragraph E. Information that would be exempt from disclosure under the FOIA shall not be disclosed.
- H. Each Warden and FOA ADD 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

- I. Only the PIO or designee 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 liaison for their work site. In Central Office, all inquiries shall be referred to the PIO.
- J. While employees not designated as media liaisons may talk to news media representatives, they shall not officially represent the Department or its position unless designated to do so by the PIO. If an employee chooses to talk to a news media representative about Department related matters, they must stay within the limits of their knowledge and authority, not compromise the Department's ability to carry out its duties, and not provide any information that may jeopardize custody and security or violate an individual's right to privacy. The employee must clearly indicate that they are not communicating in their official capacity and that the views expressed are their 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

- K. Media liaisons may provide news media representatives with information on critical incidents only under the following circumstances. However, the PIO shall be consulted prior to the release of any information. Only that information authorized by the PIO shall be released.
 - 1. All proper authorities shall be notified first, in accordance with PD 01.05.120 "Critical Incident Reporting - Correctional Facilities Administration (CFA)" or PD 06.04.136 "Critical Incident Reporting - Field Operations Administration (FOA)."
 - 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.
 - 3. Information shall not be released that 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

- L. The PIO shall be responsible for approving the issuance of all Department news releases. If a Warden or FOA ADD wants to issue a news release, they shall contact the PIO for approval prior to release. If the PIO is not available, approval may be granted by the Director-or the appropriate Deputy Director.

OFFENDER CONTACT WITH NEWS MEDIA REPRESENTATIVES

- M. News media representatives have no more or fewer rights to contact, or be contacted by, offenders than

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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 in Paragraphs O - X.

- N. Media liaisons shall facilitate news media requests to contact an offender as allowed by this policy. However, an offender shall not be forced to communicate with the news media representative.

ACCESS WITHIN A CORRECTIONAL FACILITY

Mail

- O. 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

- P. Offenders in a correctional facility are not permitted to receive telephone calls from news media representatives.
- Q. A prisoner shall be permitted to make collect telephone calls to news media representatives as set forth in PD 05.03.130 "Prisoner Telephone Use." The Warden or designee may approve a phone call between a prisoner and a news media representative who is not on the prisoner's telephone list after consulting with the PIO.
- R. Prisoners in the SAI program are allowed to make telephone calls in accordance with PD 05.01.142 "Special Alternative Incarceration Program." An allowed telephone call may be used to contact a news media representative.

Visits

- S. A prisoner may have visits, including with a news media representative, in accordance with PD 05.03.140 "Prisoner Visiting." 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 as set forth in PD 05.03.140. The Warden shall consult with the PIO 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.
- T. When 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 "Prisoner Visiting." However, news media representatives shall not be permitted to use or possess a camera or other audio or visual recording device while on an in-person or video visit.
- U. 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.
- V. Prisoners in the SAI program are not permitted to visit with a news media representative.

ACCESS OUTSIDE OF A CORRECTIONAL FACILITY

- W. Prisoners 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 Warden, or designee, and the on-site supervisor. Interviews shall not unduly interfere with the reason for which the prisoner has been permitted to leave the facility (e.g., work), and shall not excuse the prisoner from following orders of the on-site supervisor or from returning to the facility at the approved time.
- X. Probationers and Parolees who are not housed in a correctional facility may agree to be interviewed by a news media representative without Department restriction, however, they shall not be interviewed if

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they are subject to a special order of probation or parole prohibiting interviews.

OPERATING PROCEDURE

- Y. If necessary, to implement the requirements set forth in this policy directive, Wardens and FOA Deputy Director shall ensure operating procedures are developed or updated.

AUDIT ELEMENTS

- Z. A Primary Audit Elements List has been developed and is available on the Department's Access System (DAS) to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

APPROVED: HEW 01/28/2021