


<p align="center">STATE OF VERMONT AGENCY OF HUMAN SERVICES DEPARTMENT OF CORRECTIONS</p>	<p>Title: MEDIA ACCESS</p>	<p align="center">Page 1 of 5</p>
<p>Chapter: Commissioner</p>	<p align="center">#26.01</p>	<p>Supersedes Interim Procedure, Media Access, 04/02/13</p>
<p>Attachments, Forms & Companion Documents: 1. Media Release Form</p>		
<p>Local Procedure(s) Required: No Applicability: All staff (including contractors and volunteers) Security Level: "B" – Anyone may have access to this document.</p>		
<p>Approved:  <hr/> Andrew A. Pallito, Commissioner </p> <p align="center"><u>June 3, 2013</u> Date Signed</p> <p align="right"><u>June 3, 2013</u> Date Effective</p>		

PURPOSE

The purpose of this administrative directive is to establish guidelines in how the Vermont Department of Corrections relates to media organizations and in responding to requests for information and requests to interview, photograph, or video record inmates, staff, and correctional facilities.

POLICY

The Department of Corrections will have a system for establishing and maintaining appropriate relationships with the media organizations when those organizations contribute to the overall mission of the Department. While the Department recognizes one's right to free expression and communication, correctional facility access by media representatives will be consistent with preserving inmates' right to privacy, maintaining order and security, and promotion of the policy objectives of the Department. Inmates will have the right to communicate or correspond with media persons or media organizations, subject to the limitations necessary to maintain order and security, and to administer the facility in order to promote the policy objectives of the Department.

Photography of incarcerated persons within a correctional facility for purposes other than Department official business is not permitted; therefore, media representatives are prohibited from bringing visual/audio recording equipment into the secure portion of the state correctional facilities.

AUTHORITY

28 V.S.A. § 102;

REFERENCE

American Correctional Association Standards for Adult Correctional Institutions, 4th Edition 2003, Standards 4-4019, 4-4020, 4-4021, 4-4022, 4-4279.

DEFINITIONS

Media Organization: Organizations that focus on delivering information to the general public or a target audience in the form of news, film, photography, audio, etc.

Recording Devices: Electronic devices used to capture audio, photographic, or video recordings.

PROCEDURAL GUIDELINES**A. Media Access and Department of Corrections Events**

1. The Department of Corrections recognizes and understands the need for media access to information about events occurring within a correctional facility or in the community and aspires to fulfill that need taking into consideration the safety and security of the correctional facilities, the privacy of the incarcerated population, the impact on victims and the community overall and policy objectives of the corrections system.
2. The Department will provide one opportunity each year for interested media organizations to update file footage of the correctional facilities to run with general stories. Each year, the Commissioner of Corrections, or designee, will provide written notice to the local media outlets of a schedule to convene at each correctional facility to update file footage, which will include photographing and video recording specified areas of the correctional facility exterior and limited interior. At no time will inmates be recorded (visual or audio), unless the recording is for Departmental business.
3. The Department provides media releases for Departmental events and successes; oftentimes with an invitation for the media to attend graduation ceremonies, grand openings, work crew projects in the community, political assemblies, or other public events. For each of these events, the Commissioner of Corrections or designee may authorize limited media access and indicate what, if any type of recording devices that will be permitted during the event. At no time will inmates be recorded (visual or audio), unless the recording is for Departmental business.
4. Reporters have the same access to inmate(s) as an inmate's family members and friends; i.e. mail correspondence, visitation, and telephone.
5. Reporters who desire to visit or receive telephone calls from an inmate should write to the inmate and request to have his/her name added to the inmate's visiting and/or telephone lists. Once the name has been added, the reporter can receive telephone calls and visit with the inmate. If visiting, the reporter will not be allowed to bring recording devices (audio or visual) into the visiting room. Individuals identified as reporters may bring a notepad and pencil into the visiting room.

6. In all instances in which a reporter is added to a visitor or telephone list, the inmate will be asked to sign a release of liability statement (*Attachment 1*) in order for his/her name and information to be published by the media outlet. This form will be maintained in the inmate core file.

B. Requests for Information from the Media

1. When receiving a request for information about an offender/inmate or the arrest of an inmate, staff are authorized to provide:
 - i. The name and date of birth of the individual;
 - ii. Town listed as his/her current address (not the specific number & street address);
 - iii. Legal Status (sentenced, detainer or both) and for what charge(s) and conviction(s);
 - iv. Specific sentence and/or amount of bail (to include hold without bail).
2. All requests for information beyond the information listed in section B(1) of this directive shall be made in compliance with the Vermont Access to Public Records Act (“Act”) and requested through the Department’s Records Custodian.
3. All information requested pursuant to the Act will be reviewed to determine whether the information is confidential and/or to determine whether disclosure would abridge an individual’s privacy rights, compromise correctional facility safety or threaten the safety of persons or the security of public property. Information requested may be redacted in accordance to applicable law.

C. Requests for Interviews

1. Inmates in the custody of the Department of Corrections have the right to communicate or correspond with the media via telephone, written correspondence, through their attorney, or through a family member or friend.
2. Individual interviews of inmates in person or on camera will not be approved; although the reporter may be added to the inmate’s visitor list (upon request from the inmate) and may conduct his/her interview during regular visitation hours.
3. Requests for filming portions of a movie in a correctional facility or observing/filming security ingress and egress points of a correctional facility will not be approved.
4. All media requests for information about or for access to an inmate, offender, or correctional facility received by a Department of Corrections staff member will be forwarded to the Facility Superintendent or Field Office Manager.

D. Media Requests for Staff Interviews

All requests for staff interviews in relation to Departmental business must be approved by the respective Central Office Director after consultation with the Deputy Commissioner. Any time a media organization makes a request to conduct an interview with a staff member, the following steps are to be followed:

1. The staff member will notify their immediate supervisor of the request and its intended purpose;
2. The receiving supervisor will notify the Facility Superintendent or Field District Manager who will notify the respective Central Office Director to ensure that such an interview does not conflict with emergency operations, lawsuits, or other departmental business;
3. The Central Office Director will approve or deny the request after consultation with the Deputy Commissioner.

TRAINING

1. Central Office Directors will train the Facility Superintendents and Field District Managers during their regular monthly meeting prior to the implementation of this directive.
2. Facility Superintendents and Field District Managers will ensure that all staff have read and understood this directive.

ATTACHMENT 1 – SAMPLE

**VERMONT DEPARTMENT OF CORRECTIONS
MEDIA RELEASE FORM**

Inmate's Name: _____ **DOB:** _____

Media Organization: _____

I, the above named individual, freely give permission to the above named media organization to publish my name and information. I grant these permissions freely and voluntarily and further agree to hold the Department of Corrections harmless from any and all actions that may arise as a result of this media representation. I further acknowledge that my consent to such use of this information is done without monetary advantage.

I understand that the Department of Corrections and the media organization retains the discretion whether to use this information or not.

Inmate Signature: _____ **Date Signed:** _____

Witness Signature: _____ **Date Signed:** _____