NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
120

NEWS MEDIA CONTACTS
PRESS RELEASES

Supersedes: AR 120 (6/17/12), AR 210 (Temporary, 8/19/15); (Temporary 12/17/15)
Effective Date: 1/14/16

AUTHORITY: NRS Chapter 179, 209.131, 217.265

RESPONSIBILITY:

All employees who receive requests from media groups mentioned in this Administrative Regulation are responsible to forward all such inquiries to the Public Information Officer (PIO).

The Correctional Case Records Manager (CCRM) of the Offender Management Division (OMD) is responsible for responding to requests for Departmental records per the requirements of the Department's Administrative Regulation 569.

Institutional and Departmental staff are responsible to know what is public information and to forward the requests to the appropriate person.

120.01 NEWS MEDIA ACCESS TO INSTITUTIONS/FACILITIES

1. The Warden/Division Head is responsible to ensure that media contacts are conducted so as not to disrupt institutional operations.

2. News media representatives consist of persons whose principal employment is gathering and reporting news for a:

   A. Radio or television program, newspaper, news magazine, or national/international news service.

   B. Website or web-based publication.

3. Pre-arranged news media visits to facilities, if approved by Director/designee, will be coordinated through the PIO, subject to approval of time, manner and place restrictions as determined by the Director relating to safety, security, discipline and the orderly operation of the prison. News media representatives' requests for access to the facility must be in writing and include the following information:

A. Full name, date of birth, social security number, race, and gender for the purpose of conducting state and national criminal justice background checks.

B. Purpose of visit.

C. Requested time and duration of visit.

D. Identity of staff/offender (s) to be seen, if applicable.

E. Proposed use of camera or other recording devices. The Director/Deputy Director or designee must approve possession of news media cameras and recording devices before being allowed into the facility.

4. News media representatives must provide positive identification. Foreign media, except for Canadians, must have an "I" Visa on their passport. The media and their equipment shall be subjected to a clothed body search per AR 422, Search and Seizure Standards, and must follow Departmental rules and regulations.

5. The PIO or designee will ensure media representatives sign the completed DOC form 045 "News Media Agreement" prior to being allowed into the institution/facility.

6. News media representatives will be granted access to the institution/facility subject to approval of time, manner and place restrictions as determined by the Director relating to safety, security, discipline and the orderly operation of the prison; and consistent with preserving offender rights to privacy. Media representatives must be escorted by no one of lesser rank than Associate Warden. Random access to other inmates or staff not specific to the purpose of the visit is prohibited.

7. No items may be passed between media representative and inmates.

8. In the event of an emergency, news media representatives will be restricted to a designated media center.

9. The Parole Board has authority to determine if media representatives will be allowed to attend Board hearings held within NDOC institutions/facilities. The Warden or Facility supervisor may limit the number of media representatives based on space availability. News media representatives will follow visiting procedures outlined in this section and other Department regulations.

10. As the review and approval process of media requests for access may take some time, the media is encouraged to get their request and required information to the PIO at least two weeks prior to the institution/facility visit.

120.02 PUBLIC INFORMATION OFFICER/DESIGNEE DESIGNATION AND RESPONSIBILITIES

1. The Director of the Department of Corrections/Deputy Director shall designate a Public Information Officer (PIO)/designee for the Department who is authorized to speak with the media on behalf of the NDOC about Departmental issues.

2. The PIO will:

A. Serve as the principal point of contact for news media and stakeholders requesting information regarding NDOC operations.

1) The PIO will either answer inquiries or direct the media to other staff members for a response.

2) If members of the media are referred to a NDOC staff member by the PIO, the PIO will notify the staff member of that referral before contact, or request that the staff member contact the media representative.

3) In the event that the designated PIO is unavailable, the Director or Deputy Director, as appropriate, will designate a staff member to perform the functions of the PIO.

4) The PIO will not engage in news media interviews without authorization from the Director/designee.

B. Consult with the Director and/or Deputy Directors, Wardens or other Department heads, engage in local public information activities, including news releases, special events coverage, interviews, and other efforts to inform the public about the work of the Department.

C. Identify areas in the institutions/facilities that are accessible to representatives of the news media consistent with preserving inmates' right to privacy and maintaining order and security.

D. Identify data and information protected by federal or state privacy laws or federal and state freedom of information laws.

E. Maintain lists of elected/public officials, community resource persons and location, and news media representatives.

F. Review and approve articles and other materials submitted by Department employees for internal and external publications.

G. Coordinate and respond to National PIO surveys in a timely manner.

H. Coordinate news releases with the Director and release all news stories related to the NDOC, including reportable incidents.

3. Release of Information Regarding Incidents

A. News releases may be made on incidents only after notification is given to the Director or Deputy Director. For additional information, refer to the Department's Administrative Regulation 121.

B. Each news media representative shall be provided with the same basic facts, updating events as necessary.

C. Details of incidents, including names of employees or inmates involved in incidents, will not be released to the news media without the specific approval of the Director or the Deputy Director, except in the instance of an inmate escape. In the event of an escape, the name of the fugitive inmate shall be released along with identifying information.

1) In the event of an escape, press associations should be notified as well as individual media.

2) Inmate suspects will not be named, except in the case of an escape, until after they have been officially charged. Then, only background information may be released.

120.03 OTHER MEDIA REPRESENTATIVES

1. Other media representatives consist of persons engaged in the production of documentary films, non-fiction books, or other freelance projects.

2. Requests by other media representatives for access to NDOC institutions/facilities, staff, or offenders must be submitted in writing to the PIO on company letterhead at least two (2) weeks prior to commencement of the project. The following information is required:

A. A description of the media representative's project, including a proposed list of institutions, facilities, offenders, activities, or situations the representative wishes to include in the project.

B. An estimated project completion date and proposed schedule for completing each element involving the Department.

C. A list of major financial contributors to the project.

D. An estimate of time required to complete each element involving the Department.

3. The PIO may reject, in whole or in part, the other media representative's request.

4. Upon a recommendation from the PIO, the Director will approve or reject the request in whole or in part. If access is granted, it will be subject to approval of time, manner and place restrictions as determined by the Director/designee relating to safety, security, discipline and the orderly operation of the institution/facility.

5. Other media representatives whose projects have been approved by the Director will be regarded as news media representatives for purposes of granting access subject to approval of time, manner and place restrictions as determined by the Director/designee relating to safety, security, discipline and the orderly operation of the institution/facility.

120.04 MEDIA CONTACTS

1. Authorized media spokespersons consist of the Director, Deputy Director and the Department PIO. No other individual is authorized to speak to the media regarding Departmental issues without their approval.

2. To accommodate special media requests and to facilitate interest in sharing accurate and timely information with the public, additional staff may be designated as authorized media spokespersons. Staff will first obtain approval from the PIO before engaging in interviews.

3. Any NDOC employee directly contacted by a news media representative will not make a statement to the media, but will instead direct the media representative to contact the PIO. The employee will then prepare a NOTIS entry and an email to the PIO at the earliest opportunity, but no later than 24 hours from the time of contact. The PIO email will consist of an e-mail message containing the following information:

A. Name of the news media organization.

B. Date and time of contact.

C. Brief description of the information or assistance requested.

D. Brief description of the employees response to the media representative.

4. NDOC employees will inform their supervisor and the PIO of any events that may attract public and/or news interest.

5. Visits from the news media will be coordinated with the PIO.

A. News media requests for access to the institution/facility for non-incident related stories shall have the prior approval of the Warden.

B. The Warden may limit the use of video or sound recording devices in sensitive areas.

C. The news media may be allowed access to areas of the institution/facility consistent with the safe and orderly operation of the institution/facility. Media representatives will be accompanied by the PIO/designee and the Warden or Associate Warden must be present.

D. News media may be restricted from access to institutions/facilities during ongoing incidents, emergencies, for security purposes or when such visits would create a substantial disruption to operational activities.

120.05 USE OF PRISON BUILDINGS AND GROUNDS

1. Use of institutions, facilities, personnel, inmates or records under the control of the Department, in conjunction with the making of motion pictures, documentaries, radio or television programs (except for live news of incidents), the writing of books, magazine articles or syndicated stories may be permitted only with the prior approval of the Director. All use of Department personnel and facilities may be charged at the Department's cost. Payments must be paid in advance to the Department.

2. All movie companies, broadcasters, and writers, including news media who are permitted to enter an institution/facility, will be informed beforehand of institutional security requirements.

3. The security and operation of the institution/facility are paramount to the needs and desires of any production crew or media representatives.

4. In the event of an unusual circumstance, the work of the news media, moviemakers, broadcasters, and writers may be suspended.

5. All movie companies seeking to film NDOC facilities must be vetted through the Nevada Film Office.

6. All movie companies, broadcasters, writers, journalists, etc. desiring access to Department buildings and grounds must have and show proof of insurance acceptable to the Nevada Division of Risk Management prior to entrance.

120.06 RESPONSE TO REQUESTS FOR PUBLIC INFORMATION

1. The following inmate information is public information:

   A. Name used by the inmate at the time of the conviction.

   B. Department identification number.

   C. Current institutional location (except safe keepers and boarder inmates).

   D. Commitment offenses.

   E. Sentence structure.

   F. County of commitment.

   G. Projected dates of release on parole or discharge.

   H. Date of incarceration.

I. Any pending criminal court action on record with the NDOC.

J. Parole board results available to the NDOC.

K. Age, gender, ethnicity based on the PSI.

2. The following staff information is public information:

A. PCN.

B. Work location.

C. Rank.

D. Date of hire/promotion.

E. Salary.

3. Confidential inmate information that shall not be revealed to the public includes, but is not limited to:

A. Expected date/time of movement of inmates.

B. Any and all medical information, including documentation or information on specific illnesses, medical or psychiatric diagnoses, participation in substance abuse treatment, kites that are medical or mental health in nature, physician's orders and progress notes, and medical billing information.

C. Location or acknowledgement of the presence of an inmate housed in the Department under the auspices of the Interstate Corrections Compact. These requests from media, private persons, or other law enforcement agencies should be referred to the OMD Administrator.

D. The specific location of a Nevada inmate transferred to another state. These requests from media, private persons, or other law enforcement agencies should be referred to the OMD Administrator.

E. Specifics of institutional misconduct.

F. Individual inmate records including, but not limited to, I-files, grievances, medical, mental health, legal documents, inmate institutional behavior records, C-files, records covered under HIPAA, and cause of inmate death.

G. Personal information:

1) Date of birth

2) Place of birth

3) Social Security number

H. Any information not listed in 120.06, 1 and 2.

4. Requests for records containing inmate information will be referred to the Correctional Case Records Manager (CCRM) of the Offender Management Division (OMD).

5. Identification photos of inmates, if available, are public information.

A. Information on the back of the inmate photo ID is considered not to be public information except as noted in section 120.06.1 of this regulation.

B. An inmate's current photo will not be retaken for the sole purpose of providing photos to the media.

C. A photo may be faxed or emailed to a member of the media by the Warden of a facility, the PIO, the Director or Deputy Director.

6. News Media Inquiries Regarding Inmates

A. Inquiries regarding inmates confined at an institution or facility of the Department, will be answered by the PIO in a manner that conforms with the standards for confidentiality of inmate records as outlined in Administrative Regulation 569 and this regulation.

B. Correspondence regarding inmates who have been discharged and those on the out-of-state out count will be forwarded to OMD for response.

C. Correspondence regarding inmates on parole may be forwarded to the Department of Parole and Probation for response or to assist the PIO with formulating a response to the media.

D. Copies of approved media contact correspondence pertaining to an inmate shall be placed in the Institutional (I-file) maintained by the Department for that inmate.

7. Correspondence Regarding Staff

A. Correspondence regarding staff will be handled in a manner consistent with the standards for Confidentiality of Employee Records as outlined in the Department's Administrative Regulation 308 and this regulation.

8. The Department will charge a fee for making copies of its documents.

A. Law Enforcement Agencies and other State Agencies are exempt from these charges.

B. For the purposes of counting pages, each side of a piece of paper is considered one page.

C. The copying fee for production of Departmental records will be assessed utilizing the per page rate set forth within the NDOC Fee Schedule for Public Records Requests. The fee, if any, charged for the extraordinary use of NDOC personnel or technological resources as a result of the request will also be assessed utilizing the rates set forth within the NDOC Fee Schedule for Public Records Requests.

- The copying fee for production of medical records will be assessed utilizing the per page rate set by NRS 629.061.

D. The Department shall inform the requester of the amount of the copying fees assessed for production of Departmental records prior to processing the requested records, and provide the requestor with instructions regarding how the fees must be remitted.

- If any fees are to be assessed for the extraordinary use of NDOC personnel or technological resources as a result of a request for production of Departmental records that contain inmate information, the Department shall also inform the requestor of the amount of any such fees prior to processing the requested records.

E. The requester must remit a money order or check, payable to "Nevada Department of Corrections," for the entire and exact amount of the fees assessed prior to receiving the copies Departmental records that contain inmate information and/or medical records being made and/or delivered to the requestor.

F. The NDOC reserves the right to schedule and prioritize copying of Departmental records that contain inmate information and inmate medical records dependent upon department workload.

120.07 APPROVAL OF INMATE MEDIA CONTACTS

1. No member of the media, or public, has a right to a personal, face-to-face, interview or contact with an inmate. The Department reserves the right to determine all circumstances of any interview and the Director's decision is final.

2. Persons authorized to visit the institution/facility and/or inmates will be provided written visit instructions on the Media Visit Information Sheet (see attached DOC form-046). Members of the media who request access to institutions/facilities or inmates for the purposes of interviews or photographs will be referred to the PIO.

3. The PIO will provide the media requesting access to inmates with instructions on how to obtain approval for inmate contacts. These instructions will include direction to:

A. Write to the inmate requesting the interview.

1) Faxes and emails will not be delivered to the inmate.

2) Telephone contact with the inmate will not be allowed to initiate the request.

B. If the inmate is pending prosecution or undertaking an appeal of his conviction or sentence, the media must obtain the approval of the inmate's attorney for the interview.

1) The attorney for the inmate must provide to the Warden written approval for the interview.

2) If the inmate does not have an attorney, then the media must obtain the written approval of the Director, in consultation with the Attorney General's Office.

4. Contact with safe keepers and boarders will be reviewed on an individual basis.

5. The Warden of the institution/facility where the inmate to be interviewed is housed shall provide for reasonable access between inmates and the media, subject to the limitations necessary to maintain order and security and protect inmates' privacy.

A. The Warden may consult with the PIO or other administrators of the Department in deciding whether to allow the interview.

B. Inmates who have been identified as being in need of mental health services shall not be allowed to be interviewed.

C. Inmates who are undergoing reception processing shall not be allowed to be interviewed.

D. Inmates who are serving sanctions of disciplinary detention, are in administrative segregation, are in disciplinary segregation or who have been classified as High Risk Potential shall not be allowed to be interviewed.

E. Interviews shall not be allowed which would result in a significant disruption in operational activities of the institution/facility or Department.

F. The PIO and Wardens may limit the number of persons or amount of equipment entering the institution/facility in support of the interview.

G. The NDOC does not allow inmate interviews for entertainment purposes.

H. Requests to interview death row inmates will be reviewed on a case by case basis.

6. The NDOC is not responsible for the identification of specific inmate candidates for interviews on issues of interest to the media.

A. Staff shall not seek out inmates to be interviewed.

B. The media shall request to interview specific inmates.

7. Victim Notification. During the approval process for an interview between the media and an inmate, the PIO shall notify the NDOC Victim Services Unit to provide notification to registered victim(s). The Director may take into account the registered victim's comments prior to making a decision on granting the interview.

8. Executions. Media requests for attendance at executions will follow the procedures in the Execution Manual.

9. Media requests for access to the institution/facility for the purpose of filming or photographing the institution/facility will be forwarded to the PIO.

A. Photo opportunities shall not be approved which would result in an undue disruption of operational activities of the institution/facility.

B. Wardens may limit the number of persons or amount of equipment entering the institution/facility in support of the photo opportunity.

120.08 CONDUCT OF MEDIA CONTACTS

1. Prearranged media visits will occur during normal business hours.

2. An appropriate location for the media shall be provided by the Warden, based on the nature of the contact.

3. Members of the media shall be accompanied by the PIO/designee and the Warden/Associate Warden of the institution/facility to ensure compliance with this regulation, and to ensure the security of the media team.

4. Inmates with close or maximum custody designations will be interviewed in secure locations and may be in restraints.

5. Interviews or photo opportunities of the inmate who is the subject of the media story will not commence until the inmate has signed a release Form DOC 3008. This form will be placed in the inmate's I-File.

6. Prior to filming, inmates who do not wish to be seen in the photo or film but who will likely appear in the background will be given an opportunity to withdraw from the area. In the event another inmate is inadvertently depicted in the background, the media outlet should obscure the images of the background inmates or obtain release Form DOC 3008s from the background inmates.

7. An inmate and/or NDOC staff may terminate an interview at any time.

8. Media will not be taken to the scene of an ongoing incident.

9. Wardens shall designate a location for media and the PIO to use during major incidents.

10. If inmate unrest or violence begins to develop or actually occurs during the media contact, then the media team is to be withdrawn from the area immediately.

11. Security activities or features used to contain, control, or recapture inmates will not be discussed with, filmed, or photographed by media. This includes but is not limited to:

A. Escape procedures.

B. Transportation plans or procedures.

C. Tactical plans.

D. Control panels.

12. Only staff authorized by the Director or the Deputy Director may represent the Department during a media event.

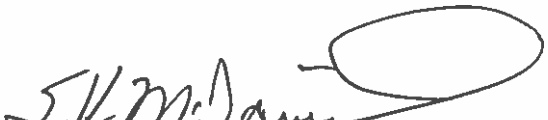
13. Impromptu contacts by media with line staff seeking their opinions, comments, or analysis are not permitted.

14. Staff who do not wish to appear in a photo or film will not be photographed.

APPLICABILITY

1. This procedure applies to all Department of Corrections staff.

2. This AR does not require an audit.



Director

1-14-16

Date