

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
120**

**NEWS MEDIA CONTACT AND THE
DISSEMINATION OF INFORMATION**

Supersedes: AR 120 (6/17/12), AR 210 (Temporary, 8/19/15); (Temporary 12/17/15);
01/14/16

Effective Date: 06/28/18, Temporary

AUTHORITY: NRS Chapter 176, 179, 209.131, 217.265

PURPOSE

To ensure the Nevada Department of Corrections protects the privacy and rights of inmates and staff and to ensure consistency with responses and access to media. Representatives of the news media may visit institutions and/or facilities for the purpose of covering stories about the institution, facility, programs or events. It is not the intent of this policy to provide publicity for any specific inmate or special privileges for any particular news entity, but rather to be transparent for an informed public.

RESPONSIBILITY:

The Director is responsible for the development of all regulations.

The Public Information Officer (PIO) is responsible to ensure the implementation of this policy and to serve as the subject matter expert on public information and confidentiality. The PIO is responsible to address emergency and nonemergency responses to the media.

The Warden, Associate Warden, or designee is responsible to review any public information request related to their operations and work with the PIO prior to releasing such information.

The Management Analyst (MA) IV is responsible to provide federal, state and local legislatures and executive branch information about operations or specific inmates to maintain integrity and credibility with other elements of government. The MA IV will defer to the Director and/or PIO on information that may be deemed confidential.

Any employee, contractor, or volunteer who receives any request from any media group is responsible to forward all such inquiries to the Public Information Officer (PIO). Institutional and Departmental staff are responsible to know what constitutes public information and to forward the request for release of such public information to the Warden, Associate Warden, or designee.

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 (AR) 569, Confidentiality of Inmate Records.

120.01 PUBLIC INFORMATION OFFICER/DESIGNEE DESIGNATION AND RESPONSIBILITIES

1. The Director of the Department of Corrections/Deputy Director shall designate a PIO/designee for the Department to speak with the media on behalf of the NDOC.
2. The PIO:
 - A. Serves as the principal point of contact for news media, stakeholders, and public information requests requesting information regarding NDOC operations.
 - 1) The PIO may directly answer inquiries or direct the media to other staff members for information and/or 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 shall 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 Department operations.
 - C. Identifies 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. Identifies data and information protected by federal or state privacy laws or federal and state freedom of information laws.
 - E. Maintains lists of elected/public officials, community resource persons and location, and news media representatives.
 - F. Reviews and approve articles and other materials submitted by Department employees for internal and external publications.

- G. Coordinates and responds to National PIO surveys in a timely manner.
 - H. Coordinates news releases with the Director or appropriate Deputy Director and releases news stories related to the NDOC, including reportable incidents and special events coverage.
3. Release of Information Regarding Incidents
- A. Notification of incidents is first provided to the Director or Deputy Director. Press releases may then be made, updating information as it becomes available. For additional information, refer to the Department's Administrative Regulation 122, Official Correspondence.
 - B. In the event of an escape, the name of the fugitive inmate shall be released along with identifying information. Details of other incidents, including names of employees or inmates involved in incidents, shall not be released to the news media without the specific approval of the Director or the Deputy Director.
 - C. Inmate suspects will not be named, except in the case of an escape, until after they have been officially charged. Any background information released shall be in accordance with AR 569.

120.02 AUTHORIZED SPOKESPERSONS

- 1. Authorized media spokespersons consist of the Director, Designee or the Department PIO. No other individual is authorized to speak to the media on behalf of the department without prior approval of the Director or PIO.
- 2. In the interest of sharing accurate and timely information with the public, additional staff may be designated as authorized media spokespersons in certain circumstances. Staff must first obtain approval from the PIO before engaging in interviews.
- 3. Any NDOC employee directly contacted by a news media representative shall not make a statement to the media, but shall instead direct the media representative to contact the PIO. The employee shall email to the PIO at the earliest opportunity, but no later than 24 hours from the time of contact.
 - A. The PIO notification will consist of an email message containing the following information:
 - 1) Name of the news media organization.
 - 2) Date and time of contact.
 - 3) Brief description of the information or assistance requested.

- 4) Brief description of the employee's response to the media representative.

120.03 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 and to ensure the safety and security of staff, inmates and the public.
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 Warden relating to safety, security, discipline and the orderly operation of the prison. News media representatives' requests for access to the facility shall be in writing and include the following information:
 - A. Full name of all media personnel to be onsite.
 - B. Name of media outlet or organization represented.
 - C. Purpose of visit.
 - D. Requested date, time and duration of visit (subject to availability).
 - E. Identity of staff/offender (s) to be seen, if applicable.
 - F. 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 those items may be brought into the facility.
4. News media representatives must provide positive identification. Foreign media, except for Canadians, must have an "I" Visa on their passport.
5. 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.
6. The PIO or designee will ensure media representatives sign the completed (DOC 045) "News Media Agreement" prior to being allowed into the institution/facility. The form is to be filed in the PIO's Office.

7. News Media Representatives who are granted access inside an institution/facility will operate in a manner consistent with preserving staff members and offenders 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.
8. No items may be passed between media representative and inmates.
9. In the event of an emergency, news media representatives will be restricted to a designated media center.
10. 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.
11. As the review and approval process of media requests for access may take some time, the media is encouraged to submit their request and required information to the PIO at least two weeks prior to the requested institution/facility visit.
12. The PIO may reject in whole, or any part, of the request.

**120.04 OTHER MEDIA REPRESENTATIVES ACCESS TO FACILITIES
/INMATES**

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.

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 or Designee. All use of Department personnel and facilities shall be charged at the Department's cost. Payments must be paid in advance to the Department.
2. Long term filming, or any project that takes longer than one work day to complete, is prohibited on active prison sites. Filming on inactive sites may be considered provided the project can be completed without using Department resources. The use of the facility cannot incur any risk, burden or cost to the Department of Corrections.
3. The security and operation of the institution/facility are paramount to the needs or 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 first 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.
7. The movie company or filmmakers shall be responsible for payment of any costs incurred by the Department in providing them access to the facility including but not limited to utility bills accrued during the length of filming.
8. All trash, garbage, debris or other such materials shall be removed by the company or the company will be charged for any costs incurred by the Department for trash removal and facility clean up.
9. At no time will inmates or staff be used as extras or actors (either voluntarily or paid) in the production.

120.06 APPROVAL OF INMATE INTERVIEWS

1. No member of the media or public has a right to a personal, face-to-face interview with an inmate. However, the Department may make an inmate interview possible under the following conditions:
 - A. The inmate agrees to be interviewed in regards to a specific program, activity and/or event
 - B. The inmate consents by signing the **Inmate Media Consent Form (DOC 046)** which is to be kept at the prison in the inmate's I-file.
 - C. Media representatives who are approved to visit the institution/facility and/or interview inmate(s) will be provided instructions regarding the rules of visits and the possible risks involved. The media representatives must consent to follow said rules and accept the potential risks to personal safety inherent in a visit to a facility of this type, by signing the News Media Agreement (DOC 045) as mentioned in 120.03,3,6.
2. 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, if any, before the interview.
 - A. The attorney for the inmate must provide written approval for the interview to the Warden or PIO.
 - B. If the inmate does not have an attorney, then the media must obtain the written approval of the Director through the PIO.
3. A request for an inmate interview may be denied based on the best interest of the Department as determined by the Director and for any of the following reasons:
 - A. The inmate is undergoing reception processing.
 - B. The inmate is physically or mentally unable to participate. This should be supported per statement from a medical officer and documented by the PIO.
 - C. The inmate is in administrative or disciplinary segregation or has been classified as High Risk Potential.
 - D. The inmate is a juvenile (under 18), not emancipated, and written consent cannot be obtained from parent or guardian.
 - E. The inmate is a "safe keeper" or "boarder" for their own protection, and the knowledge of their whereabouts could put their safety at risk. Any request

concerning inmates from other states should be reviewed with respect to the interstate compact agreement.

- F. If the interview could endanger the health or safety of the reporter, or would likely cause serious unrest or disturb the good order of the institution/facility.
 - G. Death row inmate interviews will be considered on a case by case basis with regards to NRS 176 and the current NDOC Confidential Execution Manual (this manual is not public).
 - H. The NDOC does not allow inmate interviews for entertainment purposes.
4. 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 staff and inmates' privacy.
- A. The Warden may consult with the PIO or other administrators of the Department in deciding whether to permit an interview.
 - B. Interviews shall not be permitted which would result in a significant disruption in operational activities of the institution/facility or Department.
 - C. The PIO and Wardens may limit the number of persons or amount of equipment entering the institution/facility in support of the interview.
 - D. NDOC is not responsible for the identification of specific inmate candidates for interviews on issues of interest to the media
5. 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/designee may take into account the registered victim's comments prior to making a decision on granting the interview.
6. Executions. Media requests for attendance at executions will follow the procedures in the Confidential Execution Manual. To ensure consistency and fairness, the PIO will identify media witnesses randomly using the following criteria to fill up to six (6) seats.
- A. Up to two (2) print, radio or broadcast media representatives from the county of sentencing.
 - B. Up to two (2) print, radio or broadcast media representatives from Nevada outside the county of sentencing.
 - C. One (1) International Wire Service operating from and based in Nevada.

- D. One (1) media representative from Nevada, chosen dependent upon the circumstances of the particular execution.
7. 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/video 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.

120.07 CONDUCT DURING APPROVED MEDIA VISITS

- 1. Prearranged media visits will occur during normal business hours.
- 2. An appropriate location for the media shall be selected by the Warden, based on the nature of the contact and to ensure safety of operations.
- 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 facility operations.
- 4. Inmates with close or maximum custody designations shall be interviewed in secure locations and may be in restraints.
- 5. Any inmate photographed or videotaped by media must sign the **Inmate Media Consent Form (DOC 3008)**. This form will be placed in the inmate's I-File.
- 6. Prior to filming, inmate(s) 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 shall obscure the images of such a background inmate(s) or shall obtain a signed release using DOC 3008 from such an inmate(s).
- 7. No items may be passed between media representatives and inmates.
- 8. An inmate and/or NDOC staff may terminate an interview at any time.
- 9. Media shall not be taken to the scene of an ongoing incident.
- 10. Wardens shall designate a location for media and the PIO to use during major incidents.
- 11. If inmate unrest or violence begins to develop or actually occurs during the media contact, then the media is to be withdrawn from the area immediately.

12. 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.
13. Staff who do not provide written consent to appear in a photo or film shall not be photographed.
14. Access to institutions/facilities and/or interviews shall be denied to media representatives or the organization represented if a media representative does not agree to the conditions established in this Administrative Regulation or has in the past failed to abide by required conditions.

120.08 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 information regarding an inmate's medical record including but not limited to, any diagnoses or treatment physician's orders and progress notes, medical billing information, records covered under Health Insurance Portability and Accountability Act (HIPAA) and/or cause of inmate death.
 - 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 unless a crime has been committed and charges are being filed.
 - F. Individual inmate records including, but not limited to, I-files, grievances, legal documents, inmate institutional behavior records, C-files,
 - G. Personal information:
 - 1. Date of birth
 - 2. Place of birth
 - 3. Social Security number

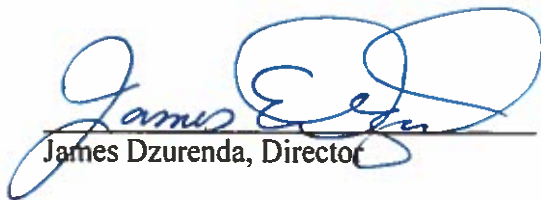
4. Requests for records containing inmate information will be referred to the Correctional Case Records Manager (CCRM) of the Offender Management Division (OMD).
5. Identification photos of inmates (mugshots), if available, are public information and can be released to the media or public by the Warden of a facility, the PIO, the Director or a Deputy Director.
6. News Media Inquiries Regarding Inmates
 - A. Inquiries regarding inmates confined at an institution or facility of the Department shall 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 count will be forwarded to OMD for response.
 - C. Correspondence regarding inmates on parole shall be forwarded to the Department of Parole and Probation for response.
7. Correspondence Regarding Staff

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, Department Staff and Applicant Records and this regulation.

REFERENCES: Standards for Adult Corrections 4th Edition: 4-4225, 4-4019, 4-4021, 4-4022, 4-4279, 4-4021

APPLICABILITY

1. This procedure applies to all Department of Corrections staff.
2. This AR does not require an audit.


James Dzurenda, Director

6/28/18
Date