



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy:	DOC 1.1.8 MEDIA RELATIONS
Chapter 1:	ADMINISTRATION AND MANAGEMENT
Section 1:	General Administration
Effective Date:	Dec. 1, 1996 Page 1 of 6 and Attachments
Revised:	August 8, 2022
Signature:	/s/ Brian Gootkin, Director

I. POLICY

The Department of Corrections will maintain positive and informative relationships with the public, the media, and other agencies with related functions. It will provide timely, complete, and accurate information on Department operations, accomplishments, critical incidents, and emergencies in compliance with all statutes that govern confidentiality and public information by balancing the public's right to know with the individual's right to privacy.

II. APPLICABILITY

All divisions, facilities and programs Department-owned and contracted, as specified in contract.

III. DEFINITIONS

Administrator – The official, regardless of local title (division chief executive officer, bureau chief, warden, superintendent), ultimately responsible for the division, facility or program operation and management.

Communications Director – An official spokesperson for Department programs, policies, and plans, activities, and incidents involving the department who develops Department communications policy and procedure and ensures the public is given accurate, consistent, and timely information.

Facility/Program – Refers to any division, prison, secure care correctional facility, correctional or training program, or community-based program under Department jurisdiction or contract. This term includes the facility building or residence, including property and land owned or leased and operated by the Department.

News Media Representatives – Properly credentialed representatives of any accredited news organization that reports news for a general circulation newspaper, news magazine, national or international news service, radio or television news program, and Internet news service. Authors and freelance journalists who are researching and/or writing about corrections or criminal justice issues must provide their credentials to verify their association with legitimate news or media organizations. Nothing in this definition is intended to remove from the Department director, Department deputy director, Department communications director, or facility PIO the discretion to determine who constitutes news media representatives for purposes of access to offenders.

News Release – An official Department written statement distributed to the news media to inform the public and provide media coverage related to Department business.

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Non-News Media – Non-news related productions includes features, documentaries, news magazine programs, commercials, and pilots for proposed news or entertainment. researchers, freelance writers, authors of books, independent filmmakers, and all other forms of media must provide proof of employment by a publication/production company, or have evidence that an accredited publication/production company has contracted to purchase the completed project.

Offender – Any individual in the custody or under the supervision of the Department of Corrections or its contracted service providers.

Public Information Officer (PIO) – An official spokesperson for Department programs, policies, plans, activities and incidents involving the Department who provides information to the public and news media.

Public Record for Adult Offenders – Information including, but not limited to: name, date of birth, race, gender, eligibility for parole, execution of warrant or sentence, term expiration, court documents unless expressly sealed by court order, FBI number, fine(s) imposed, jail credit time, supervising facility or program, participation or non-participation in a court-ordered program, court docket number, and offense in accordance with *2-6-101, MCA*.

Public Record for Juvenile Offenders – Except as provided in *41-5-215, MCA*, youth court records on file with the clerk of court, including reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts, orders, and decrees are public information until the record is sealed in accordance with *41-5-216, MCA*.

IV. DEPARTMENT DIRECTIVES

A. General Requirements

1. The Department will operate in a transparent way that encourages better public understanding of program goals and operational procedures, and will:
 - a. provide prompt, complete responses to correspondence and requests from the media;
 - b. participate in organizations and meetings that assure cooperation with other criminal justice agencies in information gathering, exchange, and standardization, including strategic and contingency planning at federal, state, and local levels;
 - c. assist in the facilitation of structured visits to facilities and programs for media, community members, academic professionals, law enforcement agencies, victims and victims' families, and other selected groups and organizations; and
 - d. meet as needed with media staff and editorial boards to address areas of mutual concern about newsworthy event coverage that relates to the Department.
2. The communications director and PIO will provide current and factual information in verbal and written form to the public and media unless the information release is limited by the confidentiality, safety, and security needs of the program.

B. Department Spokespersons

1. Designated spokespersons for the Department include the director, deputy director, communications director, PIO, and division chief executive officers.

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2. To ensure accuracy of information provided to the public, the Department does not authorize staff or contracted staff to comment to the news media as official Department spokespersons, or to publish or release original printed materials developed by the Department without prior approval from a chief executive officer, the Department communications director, deputy director, or the Director.
3. Department staff wishing to speak to the media as private citizens, not as representatives of the Department, will make such contacts during off-duty hours and make clear to the media they are representing personal views, not the views of the Department.

C. Responsibilities

1. Each facility or program administrator, or designee, is responsible for the following duties:
 - a. arrange on-site facility and program visits when administrators are provided sufficient notice, when the visit requested is at a reasonable time of day, and as staff availability and time permit; and
 - b. allow adult offender interviews consistent with security requirements during an on-site visit with willing offenders after the offender and attorney, when applicable, sign the Interview/Photo Consent form.
2. The Communications Director is responsible for reviewing and approving all news releases and media responses prior to release; and tracking news coverage involving the Department.
3. Department employees are responsible for referring media inquiries to the Department director, deputy director, communications director, PIO, or division chief executive officer on the nature of the inquiry.

D. Media Access to Youth Facilities and Programs

1. In order to access youth facilities and programs, news media representatives must:
 - a. sign the Youth Confidentiality form upon admission to the program;
 - b. agree not to identify youth offenders by name; and
 - c. agree not to film or photograph youth offenders in a manner that allows for visual identification.
2. In accordance with confidentiality requirements for youth offenders in correctional facilities, the Director, deputy director, chief executive officers, communications director, or PIO may only provide media representatives with information confirming whether a specific offender is in residence.

E. Media Inquiries

1. Designated spokespersons will ensure that media inquiries are promptly and accurately responded to in accordance with the following:
 - a. inquiries that require a telephone response will be responded to promptly in which the inquiry is received, or as soon thereafter as possible;
 - b. written responses will be made promptly; and
 - c. when a response may be significantly delayed, an interim verbal or written response will be provided.

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2. In emergencies, the administrator may limit public and media access, and:
 - a. work with the communications director and/or PIO to periodically brief all media; and
 - b. locate a media briefing center away from tactical operations if an emergency continues for an extended period of time.
3. Information may be released from adult offender records except for information in which the offender or another person has a right to privacy that outweighs the public's right to know as demonstrated in the following circumstances:
 - a. the information threatens the security or safety of a person or institution;
 - b. medical or psychological information;
 - c. the information is made confidential by law; e.g., the pre-sentence investigation report;
 - d. investigative information; or
 - e. youth offender records maintained within an adult offender record in compliance with this policy.

F. News Releases

1. The Department director, communications director, or PIO will work in consultation with the incident commander during an incident command operation to review the accuracy of content of a news release prior to release.

G. Filmmaker and Writer Access to Programs

1. Filmmakers, writers for non-news magazines, and other related personnel will direct inquiries about access to correctional programs to the communications director.
2. The Department director and program administrator will consult and consider permission for access on a case-by-case basis.
3. Filmmakers and writers will be subject to the established rules on offender confidentiality.

H. Non- News Media Access in Secure Facilities

1. Media representatives may be permitted face-to-face interviews with offenders at secure facilities with approval from the Facility Administrator or designee.
2. Offenders will not be interviewed against their will, and may, at any time, opt out of interviews, even if they have previously agreed to participate.
3. Media representatives must obtain consent from offenders prior to contacting the communications director regarding arranging an interview. Facility staff will confirm with the inmate whether they want to participate.
4. Offenders must sign a DOC Interview/Photo consent form when an offender is the subject of a still, motion picture or other recording intended for use by a television, radio station, print media, or other publications.
5. For non-news media access to secure facilities, a written request will be submitted to the communications director and must include:
 - a. details of the project and production location needs;

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- b. production schedule and duration;
 - c. crew size;
 - d. script sections that pertain to the Department;
 - e. scenes to be filmed; and
 - f. itemized list of intended production equipment on the premises.
6. After receiving the written request, the communications director, and PIO will work in consultation with the facility to determine the time, location, and crew size that can be permitted.
 7. A request may be limited or denied by the facility for safety and security reasons.
 8. Media personnel will be subjected to a background check prior to entering a facility.
 9. A representative from the Department's communication team will be on site to assist and respond to inquiries for the duration of the production.
 10. Media representatives with an approved visitation/production must provide proof of insurance and liability coverage and agree to defend, indemnify and hold the Department not at fault if an incident occurs.
 11. Media representatives or their organization may be required to pay the security or escort costs provided for interviews.

I. Denial of Media Access

1. When the Department director, or designee, declares a facility state of emergency or determines that media access could adversely affect the safety or security of a facility, the Department director, deputy director, communications director, PIO, or program administrator may deny media access to programs.
2. The appropriate staff will lift the emergency restriction as soon as possible without jeopardizing the safety and security of the program, staff, or offenders.
3. During emergencies, and to the extent possible, regular briefings will be scheduled to ensure the flow of timely information to the media.

V. CLOSING

Questions concerning this policy should be directed to the Department Communications Director.

VI. REFERENCES

- A. 2-6-101, MCA; 2-6-102, MCA; 2-15-112, MCA; 41-5-215, MCA; 41-5-216, MCA; 46-23-504, MCA; 46-23-508, MCA
- B. *Art. Sec 9 and 10 of the Montana Constitution and Title 2, Chapter 3, Public Participation in Governmental Operations*
- C. 4-4019, 4-4020, 4-4021; *ACA Standards for Adult Correctional Institutions, 4th Edition*
- D. 3-JTS-1A-25, 3-JTS-1A-26; *ACA Standards for Juvenile Correctional Facilities, 2003*
- E. *DOC Policies 1.5.5 Case Records Management; 1.8.1 Victim Services; 3.3.4 Media Access to Offenders*

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VII. ATTACHMENTS

[Interview/Photo Consent](#)
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