



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

Policy No. DOC 1.1.8	Subject: MEDIA RELATIONS
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 5 and Attachments
Section 1: General Administration	Effective Date: Dec. 1, 1996
Signature: /s/ Mike Batista, Director	Revised: 06/01/2015

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 or facility administrator, 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, 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.

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

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Public Information Officer (PIO) – An official spokesperson designated by the Director to provide day-to-day facility or program 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. provide 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, division administrators, and the PIO.
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 an administrator, the Department communications 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

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1. The Department director, or designee, is responsible for the following duties:
 - a. respond to media inquiries after normal duty hours or refer inquiries to the PIO; and
 - b. contact the communications director and appropriate administrator if an inquiry pertains to an issue that may affect the entire Department or generate significant media coverage.
2. Each facility or program administrator, or designee, is responsible for the following duties:
 - a. develop written procedures in consultation with the communications director that guide contact with the news media to establish and maintain working relationships and to ensure media plans are consistent Department-wide;
 - c. 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
 - d. 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.
3. The communications director is responsible for the following duties:
 - a. release information to the public and news media about Department operations, policies, procedures, and issues;
 - b. advise and assist the PIOs as needed;
 - c. review and approve all news releases prior to release; and
 - d. record radio or television news coverage involving the Department.
4. Responsibilities of the PIO include, but are not limited to, the following:
 - a. provide the public and media information pertaining to the Department
 - b. promptly report any contact from a national or international news representative to the communications director;
 - c. promptly contact the communications director if a local reporter's inquiry involves a controversial issue or may impact the Department;
 - d. routinely provide the media with newsworthy coverage about a range of Department operations and activities, the contents of which will be provided to the communications director on an as-needed basis or, in the event of emergency, at the earliest possible opportunity; and
 - e. forward, when necessary and available, copies of videotapes and newspaper clippings pertaining to the Department to the communications director.
5. Department employees are responsible for the following duties:
 - a. refer media inquiries to the Department director, deputy director, communications director, PIO, or administrator depending on the nature of the inquiry;
 - b. refer media inquiries for staff information to the administrator; and
 - c. consult with the Department's Legal Services Bureau with questions regarding confidentiality or the legitimacy of an 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

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- 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, staff 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 during the working day in which the inquiry is received, or as soon thereafter as possible;
 - b. written responses will be made within two weeks of receipt of the inquiry; and
 - c. when a response may be significantly delayed, an interim verbal or written response will be provided.
2. In emergencies, the administrator may limit public and media access, and:
 - a. identify a press spokesperson 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, or designee authorized as spokesperson must, during an emergency incident command operation, contact the incident commander for approval 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. Denial of Media Access

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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*

VII. ATTACHMENTS

[Interview/Photo Consent](#)
[Youth Confidentiality](#)