

**240-RICR-20-00-2**

## **TITLE 240 – DEPARTMENT OF CORRECTIONS**

### **CHAPTER 20 – Access to Inmates and/or Department of Corrections Facilities**

#### **SUBCHAPTER 00 - N/A**

#### **PART 2 – Public Information / Media Access**

### **2.1 Authority**

R.I. Gen. Laws § 42-56-10(22), Power of the director; R.I. Gen. Laws § 38-2-2, Access to public records.

### **2.2 Purpose**

To establish Departmental rules and regulations for access by representatives of the news media to the state's correctional facilities as well as to establish rules for the dissemination of information to the public and the media.

### **2.3 Policy**

It is the policy of the Rhode Island Department of Corrections (RIDOC) to maintain open communications with the public, news media, legislature, and other interested groups and individuals. The Department produces, maintains, and disseminates information to the public concerning its operations, programs, and services. The Department provides inmates with avenues to communicate with representatives of the media when appropriate. Access to RIDOC facilities may be limited to minimize the risk to security, protect the safety of individuals, and assure privacy interests protected by law. RIDOC encourages media reports to be sensitive to the feelings and needs of crime victims.

### **2.4 Staff or Employee Contact with the Media**

- A. Unless the Director designates otherwise, only the Director or the Chief of Information and Public Relations provides official information to the media regarding staff, the inmate population, or Departmental activities and programs. No employee is authorized to make statements to the media which jeopardize the security of Departmental operations.
- B. Confidential and privileged information (the disclosure of which would violate federal or state confidentiality laws, endanger facility security, or constitute an unwarranted invasion of personal privacy) is not disclosed to the media, the public, or other agencies.

- C. All RIDOC personnel and all persons under contract for services to RIDOC channel all information requests through the Director's Office via the Chief of Information and Public Relations. Employees are encouraged to cooperate with appropriate media requests when they have been deemed the subject matter expert(s) in a particular area by the Director or the Chief of Information and Public Relations, provided such communication first goes through the Director's Office, via the Chief of Information and Public Relations. Representatives of the media are discouraged from contacting RIDOC employees directly other than the Chief of Information and Public Relations. The Chief of Information and Public Relations, in consultation with the Director, makes arrangements with the appropriate subject matter expert(s) within RIDOC staff in order to facilitate the media request so long as it does not jeopardize the security of Departmental operations.
- D. The executive committees of bargaining units are permitted to speak to the media about legitimate union business or matters which relate to collective bargaining or contract administration.

## **2.5 Dissemination of Employee Information**

- A. The Director or Chief of Information and Public Relations provides the news media with the following information relative to RIDOC employees, past and present, in accordance with Access to Public Records, R.I. Gen. Laws § 38-2-3. (See also, policy #1.07 DOC; Public Access to Departmental Records/Inmate Information, or successive policy.):
  - 1. Employee's name;
  - 2. Gross salary;
  - 3. Salary range;
  - 4. Total cost of paid fringe benefits;
  - 5. Gross amount received in overtime and other remuneration in addition to salary;
  - 6. Job title;
  - 7. Job description;
  - 8. Dates of employment and positions held with the state or municipality;
  - 9. Work location;
  - 10. Business telephone;
  - 11. City or town of residence (not specific address);

12. Date of termination.
- B. In addition, information relative to an employee's employment status (i.e., whether the employee is actively employed, no longer employed, or on administrative leave) may be revealed.
- C. Information used to hire, evaluate, promote, or discipline any employee is not public information.

## **2.6 News Releases**

All press releases to the print and electronic media are written and distributed through the Director or the Chief of Information and Public Relations.

## **2.7 Photographs and Recordings**

Photographs and video recordings taken inside the perimeter of ACI facilities require advance approval by the Director or the Chief of Information and Public Relations. Requests shall be in writing whenever possible (See News Media Request Form.). Requests of an emergency or imminent nature may be approved via telephone by the Director or Chief of Information and Public Relations. Identifying photographs or recordings of an inmate require the Department's and the inmate's prior written approval. (See Media Waiver Form.) However, inmates need not consent to the release of their identification (ID) photos.

## **2.8 Correspondence**

Inmates may correspond with representatives of the news media in accordance with Part 10-00-1 of this Title, Inmate Mail.

## **2.9 News Media Visits**

Media representatives' requests to visit inmates, correctional facilities, or report on RIDOC programs or activities are referred to the Director or the Chief of Information and Public Relations.

## **2.10 Information Resources**

Presentation aids are developed by and made available through the Director or the Chief of Information and Public Relations. These aids include computer presentations and photographs; audio, video and/or digital recordings; periodicals, monographs, and other printed materials.

## **2.11 Internal Dissemination of Information**

All Department employees respond promptly and accurately to any and all requests for information made by the Chief of Information and Public Relations. It

is his/her responsibility, in consultation with the Director or designee, to determine whether or not any parts of the information requested are not for public dissemination per this policy. No employee is to take it upon him/herself to censor the information presented to the Chief of Information and Public Relations. When asked, it is the responsibility of all staff to provide prompt and accurate information to the Chief of Information and Public Relations. The highest ranking official on duty in the facility/unit/program at the time of an incident which may be of interest to the public or the news media (including but not limited to, escapes, fires, bomb threats, assaults, job actions, employee suspensions, etc.) reports these incidents to the Chief of Information and Public Relations at the earliest possible moment.

## **2.12 Media Access to Correctional Facilities**

- A. Media representatives are encouraged to inquire about activities within RIDOC, to visit correctional facilities, and to report on programs and activities. The Chief of Information and Public Relations arranges for media access to correctional agencies and facilities. It is the responsibility of the Chief of Information and Public Relations to contact the appropriate facility/unit/program manager prior to arranging such access. He/she will then be able to work out an access schedule with the appropriate Assistant Director or facility/unit/program manager. This procedure insures that access is consistent with the security and daily scheduling requirements of the facility to be visited. Permission for access to a facility will not be granted until such arrangements have been made. The Chief of Information and Public Relations arranges with the facility Warden or designee for any manpower needs which may be created by the presence of a media representative. The Chief of Information and Public Relations or designee serves as an escort for all news media visits to a facility, including all filming events. If the Chief of Information and Public Relations is available, he/she will remain present during the interview between the media and the inmate to facilitate in any way possible. If a member of the media requests that the Chief of Information and Public Relations leave during the interview, the request will be granted. Media representatives will accede to the presence of security personnel as deemed necessary by the facility Warden/designee.
- B. Requests to use RIDOC's facilities for filming motion pictures are coordinated through the Chief of Information and Public Relations and the state's Film & Television Office.
- C. Emergency Provisions: In the event of a major emergency within a RIDOC facility, each news media representative wishing to cover the emergency shall report to the pre-designated news media briefing area. All information provided to the media during an emergency will be provided by the Chief of Information and Public Relations or designee in the news media briefing area via scheduled briefings.
  - 1. In an emergency or extended disruption of normal facility operations, the Director or the Chief of Information and Public Relations may suspend any provision or section of this policy for a specific period.

## 2.13 Inmate Information / Interviews

### A. Dissemination of Inmate Information:

1. The Director or Chief of Information and Public Relations may provide the news media with the following information regarding an inmate. (See also, policy #1.07 DOC; Public Access to Departmental Records/Inmate Information, or successive policy):
  - a. Inmate's name;
  - b. Inmate's age (not specific date of birth);
  - c. Record of incarceration, including any/all information concerning dates of incarceration (present and prior);
  - d. Court of jurisdiction;
  - e. Parole eligibility date and projected release date;
  - f. Probation dates;
  - g. Placement (assigned facility);
  - h. Discipline status;
  - i. Community Confinement dates and information;
  - j. Inmate's last known city/town of residence but not the specific street address; and
  - k. ID photo, sentenced inmates only (subject to the Director's approval).
2. In accordance with the Confidentiality of Health Care Communications and Information Act, medical and/or psychological information is not made available to the news media. (See also, policy #18.59 DOC; Confidentiality of Medical Information, or successive policy.)

### B. Inmate Interviews:

1. A personal interview may be authorized between an inmate and a representative of a news organization (a representative of public news media includes, but is not limited to, a reporter for a daily or weekly newspaper, a daily or weekly radio or television news program, and recognized general news magazines) subject to the following provisions:
  - a. Requests: Routine requests for inmate interviews are directed in writing, using the News Media Request Form, to the Chief of

Information and Public Relations. In circumstances where timeliness of reporting is a proper consideration, the written request may be sent via fax or E-mail to the Chief of Information and Public Relations. If the request is in response to a press release generated by the Chief of Information and Public Relations, a telephone request will suffice.

- b. Request Content: All requests (News Media Request Form) shall include:
  - (1) The name of the publication or electronic broadcast;
  - (2) The general nature of the proposed news item;
  - (3) The method of coverage and type of equipment needed for the proposed coverage; and
  - (4) All persons entering a correctional facility are subject to a security clearance (i.e., Bureau of Criminal Investigation [BCI] and National Criminal Information Center [NCIC]). If the interview will not take place inside a correctional facility, a security clearance check is not required. When practicable, the names and dates of birth of all persons requesting entrance to a facility are provided to the Chief of Information and Public Relations at least twenty-four (24) hours prior to the anticipated visit.
  
- c. Procedure for Acting on Access Request: Each request for news media access to a RIDOC facility is handled by the Director or Chief of Information and Public Relations. A decision on whether to approve or deny the request is based on the following criteria:
  - (1) News Organization: The request must be made by representative of the news media meeting the definition of a news organization as defined in § 2.13(B)(1) of this Part.
  - (2) Law Enforcement Investigation: A print or electronic report cannot hinder a law enforcement investigation.
  - (3) Awaiting Trial Inmates: If an inmate who is awaiting trial has an attorney-of-record, the Director, Chief of Information and Public Relations or Executive Legal Counsel contacts said attorney and obtains his/her approval to allow his/her client to be interviewed. If the attorney-of-record determines it is not in his/her client's best interest to be interviewed, the media's request for an interview is denied. If a sentenced inmate has pending court charges lodged against him/her, the Director, Chief of Information and Public Relations or Executive Legal

Counsel contacts the inmate's attorney-of-record and obtains his/her written approval to allow his/her client to be interviewed. If the attorney-of-record determines it is not in his/her client's best interest to be interviewed, the media's request for an interview is denied.

- (4) Sentenced Inmates: If a sentenced inmate has no pending court charges, he/she may consent or decline to be interviewed without the approval of his/her attorney-of-record. Any consent to an interview will be signed by the inmate and approved/denied by the Director or Chief of Information and Public Relations, in accordance with the provisions of this policy. (See Media Waiver Form.)
  - (5) Security and Safety: The report will not interfere, compromise, or jeopardize facility security or public safety. The Director can deny a request if it would endanger the health or safety of the interviewer, or would likely cause serious unrest or disturb the good order of the facility.
  - (6) Personnel Limitations: The number involved in the recording of electronic news reports shall normally not exceed two (2) persons, including the reporter or producer (i.e., one reporter and one camera person).
  - (7) Inmate News Conference Prohibited: Inmates are not allowed to participate in news conferences.
- d. Safety and Security: Questions that place the safety of any inmate, staff, victim or victim's family, or the correctional facility in jeopardy may not be asked or answered.
- e. Inmates in one or more of the following categories are NOT permitted media interviews:
- (1) Awaiting trial (except with permission of the attorney-of-record);
  - (2) Sentenced, with pending court charges (except with permission of the attorney-of-record);
  - (3) Juveniles (under age 18, awaiting trial), however, juveniles (under age 18) who are sentenced may be interviewed if they and their attorney agree to the interview;
  - (4) Physically or mentally unable (as determined by RIDOC medical staff);

- (5) Federal detainees (except per Federal Bureau of Prison rules and regulations);
- (6) Out-of-State, incarcerated at the ACI pursuant to the Intergovernmental Agreement for the Implementation of the Interstate Corrections Compact, R.I. Gen Laws §§ 13-11-1 through 13-11-3;
- (7) Inmates in segregation (punitive or administrative);
- (8) Or as determined by the Director or designee to represent a legitimate security risk.