	<b>DEPARTMENT OF CORRECTIONS AND REHABILITATION</b> <b>DEPARTMENT ADMINISTRATION</b> <b>POLICY AND PROCEDURES</b>	<b>EFFECTIVE DATE:</b> January 01, 2024	<b>POLICY NO.:</b> ADM.01.04
		<b>SUPERSEDES (Policy No. &amp; Date):</b> ADM.01.04 od December 04, 2017	
	<b>SUBJECT:</b> <b>MEDIA RELATIONS AND ACCESS TO DEPARTMENT INFORMATION</b>		Page 1 of 17

## 1.0 PURPOSE

To delineate general policy pertaining to media relations and media access to information from the Department of Corrections and Rehabilitation (DCR).

## 2.0 SCOPE

This policy applies to all employees of the Department.

## 3.0 REFERENCES, DEFINITIONS & FORMS

### .1 References

- a. DCR, Policy and Procedures (P & P), COR.05.03, Inmate/Public Access to Correctional Policies and Procedures.
- b. DCR, P & P, COR.14.18, Inmate Consent to be Interviewed, Photographed and/or Videotaped.
- c. DCR, P & P, COR.15.04, Visitation.
- d. Director's Memorandum No. 2015-001, July 1, 2015, Incident Reporting and Notification. (CONFIDENTIAL)
- e. Hawaii Administrative Rules (HAR) Title 23, Department of Corrections and Rehabilitation, Subtitle 5, Hawaii Paroling Authority, Chapter 700, Inquiries, Public Information, Subchapter 7, §23-700-72, Press.
- f. Hawaii Revised Statutes (HRS), Chapter 92F, Uniform Information Practices Act.
- g. HRS§ 353-11.5, Restricted Access to Correctional Facilities.
- h. HRS, Chapter 846, Hawaii Criminal Justice Data Center.
- i. *Pell v. Proconier*, 417 U.S. 817 (1974).

### .2 Definitions

- a. Administrator: Administrator of a division, warden, manager, section head.

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- b. Confidential Record: Records that if disclosed, would jeopardize facility security and management, or control of inmates, or frustrate government operations. Inmates and the public shall not be allowed access to records classified as confidential.
- c. Criminal History Record Information: Information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, and other formal criminal charges, and any disposition arising therefrom, sentencing, formal correctional supervisory actions, and release; but does not include intelligence or investigative information, identification information to the extent that such information does not indicate involvement of the individual in the criminal justice system, and information derived from offender-based transaction statistics systems which do not reveal the identity of individuals.
- d. Employee: All employees of the DCR.
- e. Hearings: For the purposes of this policy, any hearing conducted by the Hawaii Paroling Authority Board.
- f. Jail Inmate: Any individual who is convicted of a crime and committed by the courts for a period of LESS THAN ONE (1) YEAR (this includes probation violators awaiting adjudication of their violation hearings, pretrial detainees, Federal/other State holds).
- g. Mass Media: All representatives of newspapers, radio, television, magazines, and similar organizations, that publish, produce, and/or disseminate information to the public.
- h. Media: A publication or outlet that is capable of publishing legal notices and has journalistic editorial control. A means of communication whether in physical form (books, magazines, or newspapers), electronic wired (cable, internet), or wireless (internet, radio, or television) which reaches or influences people locally or more widely.
- i. Personal Record: Any item, collection, or grouping of information about an individual that is maintained by an agency. It includes but is not limited to, the individual's education, financial, medical, or employment history, or items that contain or make reference to the individual's name, identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

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- j. Prison Inmate: Any individual who is convicted of a crime and sentenced by the courts for a period of MORE THAN ONE (1) YEAR (this includes anyone that has been SENTENCED to a CONSECUTIVE term TOTALLING more than one (19) year combined) and parole violators.
- k. Pool Coverage or Pool Camera: A group of news-gathering organizations that combine their resources in the collection of news. A pool feed is then distributed to members of the broadcast pool who are free to use or edit it as they see fit. Pool coverage is sometimes necessary if a judge will allow only one camera in the courtroom or lack of space for a large number of people.
- l. Public Information Officer (PIO): Employee designated by the Director to receive, research, and respond to requests for information, access to facilities, or other accommodation by media representatives.
- m. Public: All groups of people in the community.
- n. Visitor: Any visitor who has received authorization to visit an inmate in accordance with COR.15.04: Visitation.

### 3 Forms

- a. DCR 0138, Inquiries from the Public, Media, Legislators, and Others form (attached).
- b. DCR 8320, Visitor Background Check Application (Unrelated to an Inmate Visitor List) form (attached).
- c. DCR 8740, Inmate Consent To Be Interviewed, Photographed, and/or Videotaped.

## 4.0 POLICY

- .1 The public may have a right and a need to be informed about what the Department is doing and about how, why, and with what results its resources are being used to the extent that the law and policy allow.
- .2 The Department has the responsibility of providing information concerning its activities and programs to the public and should communicate such information in as fair, direct, and honest a manner as possible to the media to the extent

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that the law and policy allow.

- .3 The Department recognizes and supports the responsibilities of the media to report objectively and accurately on the performance of the Department and to provide a forum for public discussion of the Department's programs and performance, as well as the media's special need for timeliness, availability of spokespersons, and photography and filming opportunities to the extent that the law and policy allows.
- .4 The Department shall provide timely and factual information to the public, via the media, on the happenings within the Department and/or the operations of the State correctional and law enforcement systems. Such information is, however, subject to control under conditions that might threaten the security of a State building or facility or the welfare of its employees and inmates. The type of requests, operational requirements, and information requested may not meet arbitrary timelines established by the requester as per HRS, Chapter 92F regarding disclosure under the Uniform Information Practice Act (UIPA).

## **5.0 PROCEDURES**

- .1 All Employees

Whenever there is a significant or major incident involving the Department, Division and Branch Administrators shall immediately report such incidents to the Director or Deputy Director in accordance with DCR's critical incident reporting and notification. Procedures outlined in Director's Memorandum 2015-001, shall be followed.

- .2 Director/Deputy Director
  - a. Shall provide guidelines and policy direction to Division and Branch Administrators in the administration and management of media relations.
  - b. Shall be the sole spokesperson on matters relating to interdepartmental policy and administration.
  - c. Shall keep the Governor's Office informed of all critical developments on a timely basis.

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.3 Public Information Officer (PIO)

- a. Shall act as the primary point of contact for the news media on behalf of the Department.
- b. Shall provide guidance and assistance in all matters relating to media relations and the release of information to the public.
- c. Shall keep the Director and Deputy Director(s) apprised of any developments in the Department's media relations.
- d. Shall provide assistance to administrators and act as an on-the-scene spokesperson for the Department in emergency situations.
- e. Shall issue departmental news releases, research, and respond to requests for information, access to facilities, or other accommodation by media representatives.
- f. Shall assist and advise in the planning and conduct of news conferences.
- g. Shall maintain liaison with the news media, other government information offices, and community organizations.

.4 Administrators

- a. Shall assure that the Director and Deputy Director(s), through the PIO, are kept informed of all communications with the media as promptly as possible.
- b. May act as Department spokespersons in their respective areas of responsibility on a case-by-case basis as determined by the Director, Deputy Director, and/or PIO.

.5 Wardens, Hawaii Paroling Authority (HPA), Crime Victim Compensation Commission (CVCC) and Law Enforcement Administrators.

- a. May act as Department spokespersons in their respective areas of responsibility on a case-by-case basis as determined by the Director, Deputy Director, and/or PIO.

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.6 Employees

- a. All requests by media representatives for information, interviews, or public comment should be directed to the PIO.
- b. Employees are responsible for promptly notifying their superiors whenever there has been communication with the media.
- c. Employees are responsible for protecting confidential information that is not authorized for release.
- d. Employees are responsible for complying with this policy and procedure and incorporating instructions provided at their division and facility levels.
- e. Section heads and supervisors shall act as Department spokespersons in their respective areas of responsibility on a case-by-case basis as determined by the Director, Deputy Director, and/or PIO.

.7 Media Inquiry for Information

- a. All requests by media representatives for information, interviews, or public comment should be directed to the (PIO).
- b. Upon receipt of a request for information (other than government records) pertaining to the Department from a media representative, the employee contacted shall use DCR 0138, Inquiries from the Public, Media, Legislators, and Others, form to log:
  - 1) Name of the person making the inquiry; date and time inquiry received (including telephone number that received inquiry).
  - 2) Company or organization of employment of the caller; what the concern(s) of the caller; and
  - 3) Telephone number to contact the person making the inquiry.
- c. If the information requested is of a routine, factual, and non-confidential nature, and the release of information is permitted under this policy and procedures, the employee shall notify the supervisor before the release of such information.

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- d. The supervisor shall notify their chain of command and the PIO of information approved for release. Upon release, the employee shall report such release immediately to the employee's immediate supervisor and PIO.
  - e. All media requests shall be reviewed by the employee's immediate supervisor.
    - 1) The immediate supervisor shall notify their chain of command and the PIO of the media request.
    - 2) The PIO shall consult with the Director and determine when, by whom, and to what extent the request can be fulfilled.
    - 3) If the information has already been released, the supervisor shall report such release through the chain of command and to the PIO.
  - f. The appropriate Administrators shall be informed as soon as possible of the request and the nature of the response that is to be made.
  - g. If there is a likelihood that the information requested may relate to a topic of controversy or could reflect negatively on the Department, the appropriate Administrators shall be consulted prior to the release of any information or statement.
- .7 Release of Information (other than government records)
- a. Public Information and Education Programs
    - 1) Public information and education programs shall be conducted for the purpose of enhancing the public's awareness of the services, goals, and accomplishments, as well as the concerns of the Department.
    - 2) Public information and education programs shall be approved by the appropriate Administrators, including the Director's Office, as to their content and methods of implementation.
    - 3) The PIO and appropriate Administrators shall be kept apprised of planned public information and education programs involving the news media.

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b. Ongoing Programs

- 1) Any information relating to ongoing departmental programs shall be reviewed and released by the appropriate Administrators. This action shall be preceded by a telephone or email clearance with the Director's Office.
- 2) A copy of any material requested by the media shall be routed to the appropriate Administrators, the Department's PIO, and the Director unless specifically directed otherwise.

c. Confidential Information

- 1) Any requests received for the release of information that is Confidential pursuant to HRS, Chapters 92F and 846, or rules deemed inappropriate for release, shall be denied with an explanation giving the reason why the request cannot be met.
- 2) Appropriate Administrators and PIO shall be advised of such requests and the actions taken.
- 3) When in doubt, if the information is of a confidential nature, the appropriate Administrators, Director's Office, or Attorney General's Office shall be consulted **prior** to the release of any information or statement.

d. Off-the-Record Information

- 1) Information shall not be provided by any employee to media representatives as "off-the-record", "in confidence", or "background" information, which are caveats indicating that the information is not for publication or broadcast (but which are frequently misunderstood and not adhered to by the media).
- 2) Information shall not be provided by any employee to media representatives with the caveat "non-attribution", which is used to indicate that the source of the information is not to be identified in the news story (i.e., an anonymous source).
- 3) News reporters shall not be asked for editing rights or advance copy approval of news stories based upon information provided by departmental representatives.

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e. News Releases

- 1) All news releases shall be coordinated through the PIO.
- 2) Following review and approval of proposed news releases by the appropriate Administrators, news release requests shall be submitted to the PIO for final editing, preparation in news release format, and distribution to the news media.
- 3) The PIO will ensure that appropriate review and approval of the news release by the Director, Deputy Director(s) and appropriate Administrators has been conducted.

f. News Conferences

- 1) All news conferences initiated by the division or staff offices shall be coordinated with the PIO, who shall also assist in the planning, conducting, and scheduling of the news conference and notification of the news media.
- 2) Any informational materials for release and distribution at the news conference will also be coordinated with the PIO.

g. News Interviews

- 1) All requests by media representatives for interviews with division and staff personnel shall be forwarded to the appropriate Administrators and the PIO.
- 2) The PIO shall consult with the appropriate Administrators, Director, and Deputy Director(s) to determine when, by whom, and to what extent the request can be fulfilled.
- 3) Interviews requiring such prior approval include departmental representatives making public appearances on radio and television "talk shows," as well as scheduled interviews with individual news reporters.
- 4) The PIO shall be informed of all interview requests and the topics to be discussed prior to acceptance of the interview request.

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.8 Media Inquiry Relating to Inmates

- a. The PIO may disclose to the media/public, criminal history record information relating to the offense for which an individual is currently within the Criminal Justice System, including the individual's place of incarceration.
- b. The PIO may confirm prior criminal history record information to members of the news media or any other person upon specific inquiry.
- c. Upon specific inquiry the PIO shall release information as to whether a named individual was arrested, detained, indicted, or other formal charges were filed.
  - 1) Dissemination of non-conviction data shall be limited to individuals and agencies specified in HRS§ 846-10.
- d. Criminal history information may be disseminated for purposes of international travel, such as issuing visas and granting citizenship.
- e. In the event of escaped inmates, information such as physical description (including photo), name, place of incarceration, current offense, whether considered dangerous, and place and time of escape may be released.
- f. On non-sentenced persons, information related to bail, length of detention, and condition of release may be released.
- g. Release of any other criminal history information shall be in accordance with established Department Rules or policy and HRS, Chapter 846.
- h. Members of the media may correspond in writing with or receive telephone calls from inmates in accordance with facility policy. (U.S. Supreme Court, Pell v. Procunier - 417 U.S. 817 (1974)).
- i. The media shall not be allowed to interview an inmate without the Director's or his designee's approval. (U.S. Supreme Court, Pell v. Procunier- 417 U.S. 817 (1974)).
- j. The media shall not be allowed to interview an inmate involved in an ongoing investigation by the facility, the Department, or any law enforcement agency.

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- k. The media shall not be allowed to interview an inmate unless the inmate waives, in writing, the inmate's right to confidentiality prior to the interview.
- l. The media shall not be allowed to photograph or film any inmate in such a manner that the inmate can be identified unless the inmate waives, in writing, his right to confidentiality.
- m. Except as provided herein, the media has no right of access to inmates within the perimeter of any correctional facility.
- n. Prior to an interview, and/or being photographed and/or videotaped, the inmate shall complete and sign DCR 8740, Inmate Consent to be Interviewed, Photographed, and/or Videotaped, in accordance with the procedures outlined in COR.14.18, Inmate Consent to Be Interviewed, Photographed, and/or Videotaped.

.9 Media Access to Prison and/or Jail Facilities

- a. Media representatives may be granted access to correctional facilities on a case-by-case basis, for the purpose of news gathering and reporting, as decided by the Department Director, Deputy Director, and Facility Administrator, through the PIO. Media has no constitutional right of access to prison and jail facilities or their inmates beyond that afforded to the general public.
  - 1) Media must submit security background clearance information for all individuals requesting entry to any state corrections facility, no later than 3 days prior to the scheduled event.
    - a) DCR 8320, Vendor/Special/Group Visit Background Check Application (Unrelated to an Inmate Visitor List), shall be completed and submitted. DCR 8320 requires information which consists of; the full name of the individual, the individual's date of birth and social security number.
  - 2) Media must submit an itemized list, no later than 2 days before an event, of all recording equipment he or she is asking for permission to bring inside the facility. Cell phones and other devices that utilize a wireless electronic signal are prohibited at all times inside correctional facilities.

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- 3) Media approved for entry must adhere to all facility rules. Media personnel enter at their own risk and voluntarily assume the risk of injury or loss associated with participation in the above-named event or activity.
  - 4) All media representatives must provide proper identification, which shall include a valid real ID such as a State ID or driver's license.
- b. The Warden/designee may suspend or cancel media visits for administrative or security reasons.
  - c. The Warden/designee may provide access to secure areas and shall ensure:
    - 1) Camera operators do not film locations that, if filmed, might compromise the security of the facility.
    - 2) Camera operators do not film staff or inmates in a way that would identify their person unless specific permission to be filmed has been obtained in advance.
  - d. Special access or accommodation for media representatives of documentary television or film production companies, including "reality TV," may be considered on a case-by-case basis only when the request can show it will support the mission of the Department and with the approval of the Director, Deputy Director and/or Warden. Requests for access shall be forwarded to the PIO who shall obtain the following information for presentation to the Director or designee:
    - 1) Name of producer.
    - 2) Written request for access, bearing official or company letterhead, addressed to the Director, requesting accommodation or special access and explaining the topic and purpose of the proposed documentary or program and explaining how the proposed film or program will support the mission of the Department.
    - 3) Example of program or previous work in digital form.
    - 4) A detailed itinerary of dates, times, and locations requested, proposed crew members, and list of inmates or staff members sought for on-camera interview.

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- e. The decision to grant special access or accommodation will take the following points into consideration:
  - 1) Crime victims of any inmate depicted in or featured in the proposed film, documentary, or news story will be contacted. Any opposition will be strongly considered.
  - 2) Value in promoting the work of the Department to the public at large.
  - 3) The level of disruption to the day-to-day operations of the facility.
  - 4) Purpose of the documentary.

.10 News Media and Cameras at Parole Board Hearings

- a. Subject to the requirements of this policy, representatives of the media may use video or still cameras to cover proceedings in hearings upon prior authorization by the HPA Chair, Director, and/or Warden.
  - 1) Approval must also be made by the Warden.
- b. The Chairman of the HPA may allow members of the press to attend hearings on the fixing of a minimum term of imprisonment, revocation of parole, and parole when the Chairman finds that public interest would be served as covered by HAR, § 23-700-72, Press.
- c. Media representatives must give, at minimum, a one (1) week's notice to the DCR PIO, prior to the scheduled hearing, if requesting to use video or still cameras to cover a proceeding.
- d. Media representatives shall have their equipment set up sufficiently prior to the hearing, so as to not delay the proceedings.
- e. There shall be no audio recorded or broadcasted of conferences (ex: executive session decision-making), which may occur in the hearings between the inmate, or subject of the hearing, and their attorney.
- f. The HPA Board reserves the right to halt media filming/recording during confidential matters, such as attorney/client discussions, and decision-making conferences between board members.

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- g. There shall be no live broadcast from the hearing to include the media representatives talking or asking any questions at the hearing.
  - 1) Special consideration for live video/pool coverage may be made by the HPA chair, with the facility warden's approval, only when there is a pool camera present. (See points "k" and "l" for rules on pool coverage/camera use).
  - 2) Media representatives must give, at minimum, a one (1) week notice to the DCR PIO, prior to the scheduled hearing, if requesting live pool coverage. (See points "k" and "l" for rules on pool coverage/camera use).
- h. No camera shall focus on any documents, whether part of the evidence of the hearing or otherwise.
- i. Cameras shall focus only on the inmate and his or her attorney(s). Victims, the victim's family, and/or witnesses shall not be filmed or recorded.
- j. The Hawaii Paroling Authority board members may be filmed and/or photographed, with a request for permission submitted prior to the hearing, to be approved on a case-by-case basis by the board.
- k. No more than one (1) television camera, operated by no more than one (1) camera person shall be permitted in the hearing.
  - 1) No more than one (1) radio recorder, operated by no more than one (1) person, shall be permitted in any hearing.
  - 2) No more than one (1) still photographer, utilizing no more than one (1) camera and related equipment, shall be permitted in any hearing.
- l. If media representation requested is more than allowed in reference to points "k" above, it shall be up to the media representatives to pool and agree to come into compliance; this shall be done prior to the hearing and shall not delay the hearing.
- m. The Parole Board and facility staff may suspend or cancel media visits for administrative or security reasons upon notification to the Warden of said action.

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- n. Board members or facility staff shall direct the location and placement of media equipment and media personnel.
- o. Media representatives shall not move around the hearing room with cameras, whether still or video, during the hearing.
- p. Equipment shall not produce distracting sound or light.
  - 1) Signal lights on devices to show when the equipment is operating shall not be visible.
  - 2) Moving lights, flash attachments, or sudden changes of lights shall not be permitted during a hearing.
- q. Hearing proceedings shall not be interrupted by a reporter or technician because of technical or equipment problems.
  - 1) If technical problems do occur, the problem equipment must be turned off.
  - 2) No attempt to repair, fix or exchange equipment that would disrupt the hearing proceedings will be allowed unless there is a recess, or the proceeding has concluded.

.11 Media Relations in Emergency Situations

Department headquarters, correctional facility, and law enforcement operational procedures for emergency situations shall include provisions for maintaining effective communications with, and accommodations for, the news media. These provisions shall include:

- a. Designation of a News Media Relations Officer
  - 1) The PIO, or approved designee, will be the on-site spokesperson during the emergency.
  - 2) The spokesperson shall hold regular briefings for on-site media representatives and shall be accessible to the media.
  - 3) Upon request, the spokesperson shall also communicate by telephone with other news media who are not represented on-site.

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b. Establishing a News Media Staging Area

A staging area for the news media shall be identified in advance. This area shall include:

- 1) Provisions for a news media briefing room.
  - a) The room should be large enough to accommodate the media and permit photographing and filming.
  - b) The PIO, or approved designee, shall be available in this location to permit media representatives physical access to the Department spokesperson for interviews.
- 2) A designated parking area for news media vehicles with night illumination, if possible.
- 3) Provisions for restroom facilities, if possible.
- 4) Provisions for signage and personnel that will guide and control the news media to the designated parking areas, briefing room, and restrooms.
- 5) Signs and personnel shall also be posted where necessary; to keep unauthorized persons out of secured areas.

c. Establishing a Staging Area for Families


- 1) Similar staging areas for families of inmates and staff shall be identified in advance.
- 2) These areas shall include a parking lot, restrooms, and a waiting room.
- 3) If possible, these areas, including the news media staging area, should be in separate locations.
- 4) Adequate signage shall be provided to guide family members to these areas.

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APPROVAL RECOMMENDED:


JAN 0 1 2024  


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Deputy Director for Administration Date

APPROVAL RECOMMENDED:


JAN 0 1 2024  


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Deputy Director for Corrections Date

APPROVED:


JAN 0 1 2024  


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DIRECTOR Date

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