

MEDIA ACCESS
Division 204

291-204-0010

Authority, Purpose, and Policy

(1) The authority for these rules is granted to the Director of the Oregon Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: This purpose of these rules is to establish Department policies and procedures governing access by media representatives to Department of Corrections facilities, programs, staff and inmates.

(3) Policy:

(a) The Department acknowledges the public's concern and interest in the Department's public safety role.

(b) In recognition of the media's role in reporting matters of public interest, and within the inherent limitations of resources and the need for facility security, safety and inmate rehabilitation, it is the policy of the Department to permit and facilitate access by media representatives to Department facilities, programs, inmates and staff for the purposes stated above.

(c) Interviews with designated Department inmates may be permitted with their consent. When authorized, an interview with a designated inmate is permitted neither as a matter of right nor as a privilege of the inmate or the media; rather, an interview may be approved when it is consistent with the Department's mission and goals and the safe, secure and orderly management and operation of the facility, and is not inconsistent with the inmate's correctional planning and rehabilitation.

(d) There are inherent risks associated with entering a prison. Consequently, media representatives enter Department of Corrections facilities at their own risk, and are required to

comply with all security and control measures of the facility and the directions of Department staff.

Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075

291-204-0020

Definitions

Definitions for OAR 291-204-0010 to 291-204-0080:

(1) Accredited Media Organization:

(a) A newspaper that qualifies as a general circulation newspaper in the community in which it is published. A newspaper is one of "general circulation" if it circulates among the general public and if it publishes news of a general character of general interest to the public such as news of political, religious, commercial or social affairs. A key test to determine whether a newspaper qualifies as a "general circulation" newspaper is to determine whether the paper qualifies for the purpose of publishing legal notices in the community in which it is located or the area to which it distributes.

(b) A magazine that has a national circulation and is sold by newsstands and by mail subscription to the general public.

(c) A national or international wire service.

(d) A radio or television program whose primary purpose is to report news, of a station holding a Federal Communications Commission license.

(e) A corrections trade publication that reports on industry practices.

(f) An Internet Web site affiliated with the organizations described in sections (a) – (e) above.

(2) Credentials: Identification of an individual and his/her media affiliation.

(3) Department of Corrections

(DOC) Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(4) Functional Unit Manager: Any person within the Department of Corrections who reports to the Director, an Assistant Director or an Administrator and has responsibility for the delivery of program services or coordination of program operations. In a correctional facility, the functional unit manager is the superintendent.

(5) Identifiable Inmates: With relation to photography, an inmate who is a focal or primary subject of a photograph/video. An inmate is not considered an identifiable inmate if he or she is incidental to the photo or part of a group shot.

(6) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision, or probation status.

(7) Unaffiliated persons: Freelance writers, independent filmmakers, producers, and other persons who do not meet the definition of "media representatives" in subsection (12) below.

(8) Offenders: Any person under the supervision of the Department of Corrections who is on parole, post-prison supervision, or probation status.

(9) Oregon Accountability Model: A plan that is designed to strengthen the department's ability to hold inmates and offenders accountable for their actions and Department staff accountable for achieving the mission and vision of the Department.

(10) Public Information Officer (PIO): The person designated as the official spokesperson for a DOC facility.

(11) Media Representatives:

(a) Persons whose principal employment is with an accredited media organization;

(b) Unaffiliated persons who produce credentials or other written documentation from an accredited media organization evidencing that the media organization has contracted with the person to purchase his/her completed work or project;

(c) Unaffiliated persons who are affiliated with a Department contractor or volunteer in connection with a Department program or service; or

(d) Authors of books who produce credentials or other written documentation that a commercial publisher has contracted to purchase their completed work/project.

(12) Special Housing: Areas of facilities where inmates with special needs or custody concerns may be housed(e.g., intake, Administrative Segregation Unit, Disciplinary Segregation Unit, Special Management Unit (psychiatric), Death Row, infirmary and Intensive Management Unit). For the purposes of these rules, inmates pending assignment to special housing are considered the same as inmates already assigned to special housing.

Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075

PROCEDURES

291-204-0030

General Provisions Governing Media Access

(1) Media Access to Facilities and Programs: Consistent with the Department's policy, media representatives are encouraged to visit and tour facilities and programs for the purpose of professional enhancement, observation and reporting.

(2) Media Access to Designated Inmates: Media representatives who desire contact with a designated inmate may seek to do so through

correspondence, telephone or visiting. Media representatives may request a special visit to interview the inmate consistent with the provisions set forth in **Media Access to Designated Inmates** (OAR 291-204-0060).

(3) **Media Access to Staff:** Media representatives who desire access to a DOC facility to interview a staff member will generally be accommodated if the staff member and the functional unit manager consent.

(4) **Media Access in the Event of an Emergency:** Media may be restricted from access to facilities for security purposes, during emergencies or when access would be a disruption of operational activities. In accordance with the Department's rules on **Release of Public Information** (OAR 291-039), the Department may designate a news media center.

(5) **Media Coverage of Executions:** Media access to DOC facilities and staff in connection with media coverage of an execution is set forth in the Department's rules on **Capital Punishment (Death by Lethal Injection)** (OAR 291-024).

(6) **Media Coverage to Board of Parole and Post-Prison Supervision Hearings:** Media access to Board hearings is set forth in the Department's rules on **Access to Board of Parole and Post-Prison Supervision Hearings** (OAR 291-153) and the Board's rule on **Who May Appear at a Board of Parole and Post-Prison Supervision Hearing** (OAR 255-030-0026).

(7) **Media Access Regarding Matters that are the Subject of Pending or Anticipated Litigation:** Media access for the purpose of reporting about matters that are the subject of pending or anticipated litigation is not permitted, except under OAR 291-204-0040.

(8) The Department has a responsibility to:

(a) Provide accurate and timely

answers to questions that may be raised during a tour or a visit;

(b) Understand the deadline pressures of the media;

(c) Be accommodating and cooperative; and

(d) Inform media representatives of facility access safety and security procedures to ensure that visits proceed smoothly.

(9) When appropriate, the PIO may make available to the media representative(s) a staff member knowledgeable on the subject matter at hand who can provide additional background information.

(10) Upon request, the PIO will identify an appropriate inmate(s) to be interviewed if the interview is consistent with the provisions of these rules.

(11) Notwithstanding these provisions, the Department may initiate contact and provide access to media representatives or unaffiliated persons to report on its activities that further its mission, goals and the Oregon Accountability Model.

Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075

291-204-0040

Writing, Telephoning and Visiting an Inmate

(1) Media representatives may contact an inmate by mail. All mail must comply with the Department's rules on **Mail (Inmate)** (OAR 291-131).

(2) Inmates may request that media representatives be placed on their personal call list. Phone calls may be collect. All phone calls must comply with the Department's rules on **Telephones (Inmate)** (OAR 291-130).

(3) Inmates may request that media representatives be placed on their approved visiting list. Visits must comply

with the Department's rules on **Visiting (Inmate)** (OAR 291-127).

Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075

291-204-0050

Requesting Access to Facilities and Programs

(1) The Department will accommodate requests by media representatives for access to Department facilities and programs if the access is consistent with the Department's policies and procedures set forth in these rules. The decision whether to approve a request for media access is committed to the sole discretion of the functional unit manager.

(2) Generally, the Department requires at least 24-hour advance notice to accommodate requests for access.

(3) The Department will accommodate requests for access only during normal business hours. When a program or newsworthy event occurs outside normal business hours, access will be dependent on availability of a PIO or staff escort designed by the functional unit manager.

(4) Media representatives may arrange for tours of Department prisons in accordance with the Department's rules on **Tours** (OAR 291-009).

(5) Requests for media access that, in the judgment of the functional unit manager, may jeopardize the safety and security of the facility, staff, visitors or inmates will be denied.

(6) **Process to Request Access:** Media representatives who desire to access a DOC facility shall contact the appropriate PIO or Public Affairs Manager. The media representative will be provided with a "Media Access Request" form (CD 204) to complete.

(7) If a request for access is

authorized, the media representative(s) must submit the following information for a security check:

(a) Full name;

(b) Date of birth;

(c) Driver license number; and

(d) List of cities and states lived in over the past five years.

(8) Once approved, the PIO will discuss with the media representative the appropriate date, time, clothing and equipment allowed in facilities and any other pertinent information.

(9) **Entering the Facility:** Media representatives must bring credentials and valid photo identification to be temporarily surrendered at the facility visiting desk in exchange for Department identification.

(10) Media representatives are subject to the same facility security screening policies and procedures (e.g., metal detectors) as are visitors, as set forth in the Department's rule on **Visiting Security Screening and Visiting Room Protocol** (OAR 291-127-0290).

(11) Media equipment is subject to **Tools of the Trade** (OAR 291-204-0070) and the Department's rules on **Facility Access** (OAR 291-016).

(12) The PIO or other designated staff will escort media representatives through the facility and be present at all times during the visit or tour.

(13) If, at any time before or during a media visit or tour, the Department determines that a potential threat to safety or security exists, the visit or tour will be suspended and the media representative(s) must comply with direction of their staff escort.

(14) Access to special housing units or sensitive areas generally will not be permitted. Exceptions may be made by the functional unit manager, in his or her sole discretion, in extraordinary circumstances.

(15) Photographs or other

recordings made in a DOC facility or on other Department property requires prior authorization. Taking photographs or video of control centers or electronic security equipment is strictly prohibited.

(a) Identifiable inmates who consent to appearing in a photograph or other recordings will be required to sign a media consent form CD 297 prior to the taking of the photograph or video.

(b) Children participating in a program may be interviewed or photographed *only* with appropriate written consent of a parent or legal guardian.

(16) Impromptu, unscheduled interviews, video and audio recordings, or photographs of staff, inmates and others may be permitted if the individuals consent and the functional unit manager or facility PIO determine that the interview or photo opportunity would not:

(a) Unduly delay a tour;

(b) Be overly disruptive of facility or program operations;

(c) Compromise inmates' correctional plans or rehabilitation; and

(d) Would not present safety or security concerns.

(17) Any attempt by a media representative to disregard the conditions for access or directions of staff may result in immediate termination of access to the facility.

(19) Access is limited to one media outlet at a time unless the functional unit manager determines otherwise. In the event of news of great public interest, the Department encourages media to pursue pool arrangements.

Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075

291-204-0060

Media Access to Designated Inmates

(1) Interviews with designated Department inmates requested by the media may be approved by the functional unit manager, with the inmate's consent, if in the judgment of the functional unit manager the interview is consistent with the Department's mission and goals and the safe, secure and orderly management and operation of the facility, and is not inconsistent with the inmate's correctional planning and rehabilitation.

(2) Media interviews of designated Department inmates will be treated as special visits in accordance with the Department's rule on **Special Visits** (OAR 291-127-280).

(3) Interviews of Special Status Inmates:

(a) Media interviews with the following inmates generally will not be permitted:

(A) Inmates who are assigned to special housing units;

(B) Inmates who are the subject of an internal or external investigation;

(C) Inmates who are on intake status;

(D) Inmates who are on basic visiting status; and

(E) Inmates under 18 years of age.

(b) Exceptions may be made by the functional unit manager, in his or her sole discretion, in extraordinary circumstances.

(c) Media requests to interview a designated inmate who is assigned to a Special Management Unit or an Infirmary may be approved by the functional unit manager only if the interview is also approved by the Department's attending physician, facility Correctional Treatment Services Manager or facility Health Services Manager. If approved, the interview will be conducted in a manner that protects the privacy interests of the designated inmate and other inmate

patients.

(4) Interstate Compact boarders are subject generally to the media access rules, policies and directives of the sending state.

(5) Department inmates in the physical custody of the Oregon Youth Authority are subject to the media access rules, policies and directives of the Oregon Youth Authority.

(6) A media representative who desires to interview a designated Department inmate must submit an interview request in the same manner provided for requesting access to Department facilities set forth in OAR 291-204-0050 (**Requesting Access to Facilities and Programs**).

(7) Before an approved interview of a designated inmate is permitted to take place, the inmate must sign a media consent form (CD 297).

(8) Conduct of the Interview:

(a) The interview will take place in a designated area unless other arrangements are made in advance.

(b) The PIO may set reasonable limits for the length of the interview.

(c) Requests for interviews to be broadcast live will not be permitted.

(d) Requests for inmates to take part in a taped audience participation show generally will not be permitted. Exceptions may be made by the functional unit manager, in his or her sole discretion, in extraordinary circumstances.

(e) Other facility, program or staff access that is separate from the interview may be granted with prior approval of the PIO.

(9) Inmates may not accept compensation or remuneration for agreeing to an interview or participating in a media-related activity.

(10) Inmates may not use the media or enter into agreements with the media to pass along messages or

otherwise communicate with their families, victims, coconspirators or any person other than a general reading/viewing/listening audience.

(11) Media representatives may not accompany an inmate visitor, an attorney or others on an inmate visit. Exceptions may be made by the functional unit manager, in his or her sole discretion, in extraordinary circumstances.

(12) Media representatives may not attend depositions of Department inmates conducted in a DOC facility.

Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075

291-204-0070

Tools of the Trade

(1) Media representatives granted access to a DOC facility generally will be permitted to use "tools of the trade" with the exception of privileged and basic visiting. However, the Department may limit the number and type of tools of the trade that media representatives may bring into a facility to make still and video pictures and audio recordings.

(a) All approved equipment will be searched and inventoried prior to accessing the facility. Inventories of all media equipment taken into a facility will be completed prior to access.

(b) Notebooks and writing implements will be allowed. They may be provided by the facility.

(2) Use of Electronic Communication Devices: Media representatives will not be allowed to bring into a DOC correctional facility a cell phone, pager, personal data assistant or other electronic communication device.

Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075

291-204-0080

Access by Unaffiliated Persons

(1) Unaffiliated persons may request a tour of a facility in accordance with the Department's rules on **Tours** (OAR 291-009).

(2) Requests to interview designated inmates made by unaffiliated persons will not be permitted. Unaffiliated persons may contact an inmate by mail, receive telephone calls from an inmate, or be placed on the inmate's visiting list as provided in **Writing, Telephoning and Visiting an Inmate** (OAR 291-204-0040).

(3) In extraordinary circumstances the Department may, in its sole discretion, grant unaffiliated persons access to DOC facilities and programs for a specific project when, in the judgment of the Department, the requested access will substantially further the interests of the State of Oregon or the Department's mission and goals; is consistent with the safe, secure and orderly management and operation of the facility; and is not inconsistent with inmates' correctional planning and rehabilitation.

Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075