



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: D
Section: .0500
Title: **Public Relations/
Media Policy**
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POLICY AND PROCEDURE

References	5 th Edition Standards for Adult Correctional Institutions
Related ACA Standards	5-ACI-1A-21, 5-ACI-1A-22, 5-ACI-3D-06
North Carolina General Statute (NCGS)	15-207 , 126-23 , 126-24 , 132 , 148-74 , 148-76

.0501 GENERAL

North Carolina correctional facilities are operated at public expense. The public has a right to know about the conditions and operations of these facilities. North Carolina correctional facilities desire to promote interest in and knowledge of the facilities and the treatment of incarcerated persons. Our general policy is to facilitate access of the general public and media representatives by reasonable means. However, due consideration must be given to factors that compromise security, disrupt orderly administration, damage morale, and/or mitigate against the effectiveness of correctional treatment.

.0502 MATTERS OF PUBLIC RECORD

- (a) Employee Information. Pursuant to NCGS 126-23 the release of employee information to the media and public is limited to the following:
- (1) Name
 - (2) Age
 - (3) Date of original employment or appointment to State service
 - (4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the agency has the written contract or a record of the oral contract in its possession.
 - (5) Current position
 - (6) Title
 - (7) Current salary
 - (8) Date and amount of each increase or decrease in salary with that department, agency, institution, commission, or bureau.
 - (9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that department, agency, institution, commission, or bureau.
 - (10) Date and general description of the reasons for each promotion with that department, agency, institution, commission, or bureau.

- (11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the department, agency, institution, commission, or bureau. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the head of the department setting forth the specific acts or omissions that are the basis of the dismissal.
- (12) The office or station to which the employee is currently assigned.

Request from news media for release of personnel information should be referred to the DPS Communications Office.

No other information in an employee file may be released without the express written permission of the Secretary of NCDPS. *NCGS 126-24 provides additional information regarding the release of confidential personnel information (5-ACI-1A-22).*

- (b) Offender Information. Please refer to Prisons Policy and Procedure D.0600 which provides guidance on offender information that can be released to the media and public. *Please note, that all other information not explicitly made public therein is considered confidential and nonpublic pursuant to NCGS 15-207, 132-1.7(a1), 148-74, 148-76 and Goble v. Bounds, 281 NC 307 (1972) (5-ACI-1A-22).*
- (c) Offender Photographs. Photographs of active offenders and absconders from community supervision are available to the public and the news media through the offender search on the DPS website (www.ncdps.gov). Photographs of other offenders are not to be released without the approval of the Chief Deputy Secretary of DACJJ or their designee. NCDPS Prisons Policy and Procedure D.0601(d) provides further clarification.
- (d) Requests for Documents. Requests for documents regarding offender records, official correspondence and other public records generated in the course of conducting state business must be made in writing to the DPS Communications Office. Please refer to NCDPS Prisons Policy and Procedure D.0600 for Access to Information/Offender Records and NCGS 132.

.0503 ROLE OF THE DPS COMMUNICATIONS OFFICE

- (a) General Responsibilities. The DPS Communications Office, a section of the DPS Administration Division, is the primary point of contact for news media on issues of departmental or division policy and budgetary matters. The DPS Communications Office also serves as the point of contact for local, national, and international media. Communications staff members are available to advise and consult with facility staff and management on media or public relations issues and will conduct periodic training in media relations for facility management. The DPS Communications Office responds to media and public inquiries as promptly as possible. Statements and news releases are issued through the DPS Communications Office as soon as all information is cleared for accuracy. Responses to inquiries from the public are made via phone, email, or social media as soon as issues are researched and information is confirmed.

- (b) Contact Information for the Communications Office.
Telephone: 919-733-5027 (Main Line) Fax: 919-733-0296
Email: ncdpscommunications@ncdps.gov
- (c) Call Center (1-800-368-1985). The Communications Director or designee will oversee the call center that responds to inquiries from the general public, crime victims/families, and from families/friends of offenders. Communications staff provide information and make appropriate referrals to the DPS Office of Victim Services, Offender Family Services as well as other applicable NCDPS sections.
- (d) Local v. Communications Office Response. Generally, media inquiries should be addressed by the person most appropriate to respond to the particular question. Wardens or their designee(s) will serve as the primary media contact for operational issues at their facilities. Communications staff will respond to issues of division and departmental policy and all state budget inquiries. Wardens shall consult with the DPS Communications Office for guidance and coordination in news media matters to ensure efficacy, accuracy and consistency in information dissemination.

.0504 ROLE OF FACILITY MANAGEMENT

- (a) General. In coordination with the DPS Communications Office, Wardens, or their designee, should respond to requests for information about facility conditions and operations to the extent that available resources and applicable policies and laws allow. Wardens and their designee(s) are encouraged to accept speaking engagements and public appearances that will help inform the public about state correctional facilities. ***In coordination with the DPS Communications Office, Wardens are encouraged to develop positive working relationships with their local news media representatives and with local civic organizations (5-ACI-1A-22).***
- (b) Official Requests. ***Requests from Federal, State, and Local legislators and executives for information about operations or specific offenders are responded to promptly by facility staff and with due regard to privacy protection statutes (5-ACI-1A-21).***
- (c) Reporting Incidents. Unusual incidents occurring at any correctional facility shall be reported by a region duty officer through the chain of command to the Commissioner of Prisons or designee. The Commissioner/designee will then notify the Communications Office. Examples of unusual incidents include, but are not limited to the following:
- (1) Death of any personnel on the job.
 - (2) Death of offenders from suspicious or unusual circumstances.
 - (3) Escapes/attempted escapes.
 - (4) Assaults on staff with serious injury and/or for which criminal assault charges will be pursued.

- (d) Notification of Media Contact/Records Request. When a facility has been contacted by a media representative, the Warden and/or designee shall by phone or email coordinate with the DPS Communications Office to ensure a prompt and complete response. In cases of spontaneous interviews, where the Warden and/or their designee appears in public in an official capacity as an NCDPS representative, they must report to the Commissioner of Prisons or their designee and the DPS Communications Office the contents of the interview. Facility staff shall forward any and all public record requests directly to the Communications Office.

.0505 MEDIA INQUIRIES

NCDPS reserves the right to deny any request for reasons specified or unspecified.

- (a) General. A person seeking admittance into a state correctional facility as a media representative must be able to show identification as a representative of one of the following: a national or international news service; a newspaper, magazine or periodical; a radio or television network or station licensed by the Federal Communications Commission; or an online news publication. Facility heads who are unsure of the credentials of a person requesting access as a member of the media should consult the DPS Communications Office. Freelancers must be able to provide verification from the news organization they are representing.
- (b) Students. Students who request access as members of the media are to be referred to the Communications Office. Students may be granted media access if they are reporting for a student or campus newspaper, radio or TV station. Written permission and a description of their project from the teacher, professor or advisor is required. If students are under age 18, written permission from a parent or legal guardian is required prior to access to a facility.
- (c) Access to Offenders. *Media representatives may be permitted to interview offenders who consent in writing to be interviewed for a stated purpose and without compensation. Media representatives must submit a written interview request to the DPS Communications Office. The time, place, manner and frequency of interviews will be subject to restrictions appropriate to the parties and circumstances. No greater restrictions will be imposed than is necessary for applicable security and correctional considerations (5-ACI-3D-06).*

Media will not be permitted to interview offenders in the following categories:

- (1) Offenders in a control status for disciplinary reasons.
- (2) Newly admitted offenders who have not completed the admission and diagnostic process.
- (3) Offenders on suicide watch, mental health seclusion, or housed in mental health housing. Due to medical confidentiality laws and legal prohibition from providing this information, this reason will not be stated.
- (4) Offenders admitted under a "Safekeeping" order.

- (d) Offender Phone Interviews. Generally, offender phone interviews are allowed. However, the same rules apply as stated in .0505 (c). Members of the media wishing to interview an offender by telephone must submit a written request to the DPS Communications Office. Wardens may coordinate in consultation with the DPS Communications Office.
- (e) Photographing Offenders. Photographers on state correctional property cannot photograph, film or videotape offenders within the confines of state correctional property in a manner that will allow identification, except for official NCDPS purposes, unless the offender to be photographed signs a consent form before such photographs are taken. Photographers on state correctional property must check-in with the facility before photographing or videotaping outside the confines of state correctional property for safety and security purposes. Photographers have the right to photograph from outside state correctional property and photograph offenders working in the public (outside prison assignments); however, correctional staff can request photographers remain a safe distance from offender workers for sound security practices and to preclude disruption of the work project.
- (f) Access to Death Row Offenders. Interviews with offenders on death row require the consent of the offender, offender's counsel, the DPS Communications Office, and the Commissioner of Prisons or their designee. Media representatives who wish to interview death row offenders should submit a written request to the Communications Office. Media representatives must also obtain and present to the Communications Office written consent from the offender's legal counsel. Upon receipt and evaluation of requests and required written consent, due consideration will be given to each request.
- (g) Access to Juvenile Offenders. Interviews with offenders under the age of 18 may be permitted with the consent of the Warden, DPS Communications Office, Commissioner of Prisons, the offender's parent or legal guardian and the offender's attorney, if represented by one.
- (h) Other Media Requests. Requests for access from filmmakers, documentary producers, authors and representatives from other types of media shall be referred to the Communications Office. A copy of the project script, outline or other document detailing the proposed project must be submitted with a written request. Such requests will be reviewed by the DPS Communications Office in consultation with the Commissioner of Prisons and Chief Deputy Secretary of DAC or their designee. Offenders who agree to take part in a documentary, film or book project must sign a consent form that outlines their participation in the project and their consent to participate without compensation.
- (i) Evaluation of Access Request. Media access to a correctional facility may be denied where such visit could: compromise security; there is undue risk to the safety, order and schedule of the facility; and/or there is undue risk to the safety of any individual, including employees, offenders being interviewed, and/or their victim(s).

.0506 RELEASE OF INFORMATION IN CRISIS SITUATIONS

- (a) Response During Crisis Situations. The DPS Communications Office will be available to advise Wardens and can respond to the scene of an emergency if needed to assist with media and public relations. ***Wardens shall have a media plan approved by the DPS Communications Office in place and a designated spokesperson to deal with media inquiries in the first few hours of a crisis situation, until a member of the Communications staff can reach the scene (5-ACI-1A-22).***

- (b) Media Access During Crisis Situation. Admittance of media representatives to a prison or other correctional facility may be denied or limited during a disturbance or crisis situation. The media will be kept advised of developments by social media and/or news briefings in an area designated by the Warden head and/or incident commander at the unit where the situation occurs. When operations have returned to normal, the standard policies regarding access will apply. ***If possible, members of the media should be staged in an area away from the facility (5-ACI-1A-22).***


Interim Commissioner of Prisons

August 30, 2022
Date

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