


NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE	CHAPTER <u>General Administration</u> STATEMENT NUMBER <u>1.13</u>
SUBJECT: CONTACT WITH MEDIA PROPONENT: Tina Thurber, Informational Representative <u>Name/Title</u> Commissioner's Office 271-5602 <u>Division Phone #</u>	EFFECTIVE DATE <u>10/12/2018</u> REVIEW DATE <u>09/30/2020</u> SUPERSEDES PPD# <u>NEW</u> DATED <u>09/30/2018</u>
ISSUING OFFICER:  <u>Helen E. Hanks, Commissioner</u>	DIRECTOR'S INITIALS: _____ DATE: _____ APPENDIX ATTACHED: _____ YES: _____ NO: _____
REFERENCE NO: See reference section on last page of PPD.	

I. **PURPOSE:**

To encourage interaction with the public, news media and other government and law enforcement agencies.

II. **APPLICABILITY:**

To all staff.

III. **POLICY:**

It is the policy of the NH Department of Corrections (NHDOC) to:

- A. Establish and maintain an effective relationship with news media outlets to inform the public with accurate information of the Department's mission, programs, services, and news, while protecting the confidentiality as required by law and safety, security, and orderly management. This policy applies to "traditional" news media outlets (print, radio, television, still or video photographers, etc.) and "new" web-based media outlets (blogs, web forums, web radio, web television, etc.);
- B. To create and distribute to the public its own information independent of any news media outlets.

IV. **PROCEDURE:**

- A. The Department's Information Officers serve as the official spokespersons for the Department. In addition, the Information Officers are responsible for establishing effective relationships with the media, general public and other government and law enforcement agencies.
- B. The Department will issue news releases to the media for public information purposes on issues and events, both positive and negative, impacting the Department. The Commissioner or designee shall approve all news releases prior to release.
- C. To ensure timely notifications, news releases will be delivered via e-mail when possible. News releases shall also be published on the Department's official website and official social media sites. Copies of all news releases will be available to anyone requesting them through the NHDOC's Information Officers.

D. Media Requests for Information:

1. It is the policy that individual employees of the Department will not convey information to media representatives without first informing the Information Officers to ensure that the information is accurate and pertains to official Department business or activities. It is important that information be analyzed and presented to the media in an organized way to ensure its accuracy.
2. Employees contacted by members of the media for information must refer the call to the Information Officers for triage and management. If the employee contacted is the appropriate individual to provide the requested information, they will be so informed by the Information Officers and they may only disseminate accurate information on matters falling within their area of responsibility, and only information that is already of a public nature or as otherwise instructed by the Information Officers.
3. Under no circumstances is information to be released concerning inquiries about Persons Under Departmental Custody (PUDC) or staff as it relates to criminal investigation or a potential criminal investigation or litigation or potential litigation unless otherwise directed in writing by the Department's legal counsel or Commissioner. Staff members must refrain from commenting on any aspect of an ongoing investigation involving a PUDC, staff member or departmental activity unless prior authorization has been received from the Commissioner's office.
4. Under no circumstances is information to be released that relates to departmental security practices.
5. The Commissioner or the Assistant Commissioner shall determine in consultation with NHDOC legal counsel, the information that may be disseminated in relation to the death of an individual.
6. If there is any doubt whether the information requested is available or of a public nature and can be released to the media, the request will be referred to the NHDOC Information Officers.

E. Contacts Between PUDCs and News Media Representatives:

1. A PUDC in a Department of Corrections facility may correspond with or have telephone contact with a representative of the news media unless the contact is prohibited or restricted by Department policies (5.26, Inmate Mail Services, 5.24, Inmate Email Services, or 7.28, Telephone System). Any request for other access to a PUDC shall be forwarded to the Information Officers to be handled in accordance with Section F.

F. Media Requests for Interviews/Access:

1. **Persons Under Department Custody:**
NHDOC permits on-site interviews with PUDCs. No live video and/or sound recordings are permitted inside any institution. Cell phone recording devices are prohibited. NHDOC will not allow interviews with PUDCs who may receive personal financial gain from that interview. The following process shall be followed:
 - a. A news media representative who requests access to a PUDC other than by correspondence or telephone shall, using the Request for News Media Access to Person Under Department Control Form (Attachment 1), make a written request to the Information Officers setting out the name of the PUDC, the type of access, the purpose of the access, and where and when the publication or broadcast will be made public.

- b. A request for news media access to a PUDC other than by correspondence or telephone may be granted only with the approval of the Information Officers or the Commissioner.
 - c. Prior to granting approval of a news media request for access to a PUDC, notification shall be made by the Information Officers to the Department's Victim Services Bureau who shall determine if consulting with the victim(s) or survivor(s) is appropriate. If the Administrator of Victim Services determines consulting with the victim(s) or survivor(s) is appropriate, approval of the news media request shall not be granted until the Information Officer confers with the Administrator of Victim Services.
 - d. Permission for news media access to a PUDC may be denied or rescinded if there is a reasonable suspicion that the access or the publication or broadcast might facilitate criminal activity or a violation of the facility's rules or create a risk to safety, security, or orderly management of the facility; the access might adversely impact a criminal investigation or prosecution; the access might harm the welfare of a PUDC, including by a violation of a right to confidentiality; the PUDC is unavailable or unwilling to participate; or it is determined to be an excessive demand on staff resources.
 - e. The news media representative may appeal to the Commissioner any denial or rescinding of permission for access to a PUDC.
 - f. If the news media access is approved, the Information Officer shall ask the PUDC to review for their consideration the completion of and signing of the Consent to Contact News Media Form (Attachment 2), which shall be returned to the Information Officer.
 - g. If the PUDC is an adult with a guardian, the Consent to Contact News Media Form must also be signed by the guardian.
 - h. The news media representative shall be required to agree, in writing, to abide by all conditions set by the Information Officer by signing the Authorization for News Media Access to PUDC Form (Attachment 3) and return it to the Information Officer.
 - i. The news media representative shall be required to comply with all facility security practices, including, but not limited to, a scan or search of his or her person and of any items to be brought into the facility pursuant to NH RSA 622:6-a Security Screening Required.
 - j. Any material or information obtained including, but not limited to, the interview, audio/video recording, or photograph, shall not be used other than for the purpose set out in the written request to the Information Officer and for which authorization was given.
 - k. The Information Officer may be present during any interviewing, audio/video recording, or photographing of a PUDC by the media. The PUDC may have his or her legal representative present during the interview with the news media.
 - l. The Information Officer may make an independent recording of any interview or audio/video recording by the news media to allow for correcting the record as necessary.
 - m. All visits must be scheduled within regular visiting hours for the PUDC and shall be based on the PUDC's programming and facility operational needs.
- 2. STATE SENTENCED PUDCs IN OTHER STATES**
- a. The NHDOC does not disclose the names of other jurisdictions where New Hampshire PUDCs are serving their prison sentence due to confidentiality in the Interstate Compact contract. Requests for interviews with persons in other states will follow the steps of Section F-1.
 - b. If the news media access is approved, the Information Officer will contact the receiving state to ascertain whether they allow media interviews with persons in their facilities.

- c. If the receiving state allows such interviews, the request will be triaged between the NHDOC Information Officer and the State where the PUDC is housed staff counterpart, these staff will coordinate the effort with the media outlet and the New Hampshire sentenced PUDC.
- d. The media representative will have to follow the interview policies of the receiving state to facilitate the interview and any requirements of NHDOC as outlined within this policy.

3. SECURE PSYCHIATRIC UNIT

- a. On-site interviews with patients in the Secure Psychiatric Unit will be considered on a case-by-case basis depending on the status of the patient's assessed behavioral health condition and with consent as applicable with their guardian.
- b. Interview requests with patients will be made in writing pursuant to the procedure outlined in Section F-1 of this policy. A copy of the request will be forwarded to the Administrative Director of Medical/Forensic Services, who will review the request and determine that the interview is not contraindicated by the Treatment Team based on the patient's clinical condition and ensure the patient and guardian, as applicable, is notified.

4. PROBATIONERS/PAROLEES: Individuals on probation or parole are at liberty to contact the media and engage in interviews unless such contact is prohibited under the terms of his or her supervision. These PUDCs may either initiate the contact or media representatives may contact the NHDOC Information Officer requesting such an interview. When a supervising PPO is contacted with a request for an interview with a PUDC, the PPO should advise the Information Officer of the request for information purposes for the Department. However, the supervising PPO should refrain from discussing any details of the subject's file except for the information that is already of a public nature. The supervising PPO shall inform the NHDOC Information Officers of any media interview requests.

G. Termination of News Media Access to PUDCs.

- 1. Staff may terminate news media access to a PUDC for any of the following reasons.
 - a. Any reasons for which permission may be rescinded under Section F;
 - b. Refusal or failure to abide by any condition set by the Information Officer, or designee, any facility rule, or any staff instructions;
 - c. The subject of the news media representative is exhibiting behavior which is inappropriate, including inappropriate physical contact;
 - d. An emergency or critical incident occurs;
 - e. The information or material being sought or obtained is beyond that for which the Information Officer gave authorization.
- 2. If staff terminates news media access to a PUDC, the PUDC shall be separated from the news media representative pending approval of the termination from the Shift Commander or higher ranking security supervisor. Any termination, whether approved or not, shall be documented in an incident report.
- 3. The PUDC or guardian of the PUDC may rescind consent for or terminate the access by the news media at any time for any reason. This will be documented and filed in the client record.

I. News Media Access to Staff at Work Site:

- 1. DOC permits on-site interviews with employees of the Department at the work site. The Department must be cognizant of RSA 98-E, Public Employee Freedom of Expression in these cases. No live video and/or sound recordings are permitted inside any institution. Cell phone recording devices are prohibited. The following process shall be followed:

- a. A news media representative who wishes to conduct an interview of, audio/video record, or photograph Department staff at a Department facility, office, or other staff work site shall make a written request to the Information Officer. The Information Officer will review the request with the employee's Warden/Director, or designee, setting out the name of the staff, the type of access, the purpose of the access, and where and when the publication will be broadcast or made public.
- b. A request for news media access to an employee at the work site shall be granted only with the approval of the Information Officer or the Commissioner.
- c. Prior to granting approval of a news media request for access to employee, the Information Officer will ask the staff if the staff wishes to participate.
- d. Permission for news media access to an employee may be denied or rescinded if there is a reasonable suspicion that the access or the publication or broadcast might facilitate criminal activity or a violation of the facility's rules or create a risk to safety, security, or orderly management of the facility; might harm the welfare of the staff or a client or including by violation of a right to confidentiality; the employee is unavailable or unwilling to participate; or it is determined to be an excessive demand on staff resources.
- e. The news media representative may appeal to the Commissioner any denial or rescinding of permission for access to an employee.
- f. If the staff agrees to participate, the staff shall sign a completed Staff Consent for News Media Access Form (Attachment #2), which shall be forwarded to the Information Officer. Staff participating in any media interview, audio/video recording, or photographing shall not receive any compensation for participation or use of the material or information.
- g. The news media representative shall be required to agree, in writing, to abide by all conditions set by the Information Officer by signing the Authorization for News Media Access to Staff or Client Form (Attachment 3) and return it to the Information Officer.
- h. The news media representative shall be required to comply with all facility security practices, including, but not limited to, a scan or search of his or her person and of any items to be brought into the facility pursuant to NH RSA 622:6-a Security Screening Required.
- i. Any material or information obtained including, but not limited to, the interview, audio/video recording, or photograph, shall not be used other than for the purpose set out in the written request to the Information Officer, or designee, and for which authorization was given.
- j. Arrangements for news media access shall be made by the Information Officer, taking into consideration the staff's responsibilities and operational needs.
- k. Staff members who agree to be interviewed should only comment on or discuss their area of responsibility or expertise. Any questions pertaining to Department policy should be referred to the Information Officer
- l. The staff to which the news media is seeking access may rescind consent for or terminate the access at any time for any reason

H. Media Access to Department Facilities for Documentaries

1. A representative of the news media requesting permission to make a documentary video or audio recording shall make a written request to the Commissioner through the Information Officer using the Documentary Request Form (Attachment 4). Such a request shall state the subject of the documentary, the times requested for access on the site, the type of activities to be video/audio recorded, any person or persons to be interviewed, and the amount and type of equipment.

2. If applicable, the Information Officer will ask the appropriate Warden/Director for a recommendation as to whether the Commissioner should grant approval for the production of the documentary.
3. If the Commissioner grants approval, the Commissioner or designee, shall execute an agreement with the documentary creator setting forth the conditions for recording the documentary. One of the conditions shall be that the Commissioner, or designee, is entitled to view or listen to the documentary before it is broadcast publicly to ensure all conditions have been complied with and all required consents have been obtained and that, if not, the documentary will be edited or not broadcast, as appropriate.
4. The news media representative shall be required to comply with all facility security practices, including, but not limited to, a scan or search of his or her person and of any items to be brought into the facility.
5. The Information Officer, or designee, shall assign an employee(s) to accompany the person(s) creating the documentary to ensure any person in custody or under supervision who filmed in an identifiable manner or whose voice has been recorded in such a way as to identify the person has signed or signs a consent form to appear in the audio/video recording.

I. Media Access to Departmental Facilities During Emergency Situations:

1. In the event of an emergency situation at one of the Department's facilities, when possible, a location away from the immediate area of the emergency but on the grounds close enough so the media can receive and report up-to-date information, will be designated by the Commissioner, through the Information Officer, as the press area.
2. The Information Officer will brief the press periodically, providing them with up-to-date information. The Commissioner may additionally designate other departmental employees, if necessary, to provide updated information. Staff members in their official capacity will not provide the media with information, either directly or indirectly, since it is important that the information provided be accurate, timely and cleared so as not to further jeopardize the emergency situation. Media will not be permitted outside the designated press area without the express approval of the Commissioner. Once the emergency situation has been resolved and the security and good order of the facility has been secured, the Department will attempt to facilitate requests by the media to view the area of the emergency for damages, etc. If the total number of media representatives cannot be accommodated to view the area, a representative from each media (radio, newspaper, and television), chosen by their peers, will serve to report back to other members of the media.

REFERENCES:

Standards for the Administration of Correctional Agencies

Second Edition Standards

2-CO-1A-14; 2-CO-1A-25 thru 27-1; 2-CO-3C-01

Standards for Adult Correctional Institutions

2016 Standards Supplement

4-4021;

Fourth Edition Standards

ACI – 4-4021 4-4279

Standards for Adult Community Residential Services

Fourth Edition Standards

4-ACRS-7F-01 thru 7F-03

Standards for Adult Probation and Parole Field Services

Third Edition Standards

3-3027 thru 3-3029

Other

(Administrative Rules) PART Cor 305

Access of Visitors to Institutions and facilities of the Department of Corrections

NH RSA 622:6-a Security Screening Required

LYONS/jc

Attachments

STATE OF NEW HAMPSHIRE, DEPARTMENT OF CORRECTIONS
Helen E. Hanks, Commissioner



Request for News Media Access to Person Under Department Control or Staff Member

I, _____, on behalf of _____
Media Representative Name of Media

am requesting access to _____
Name of PUDC or Staff Member

for the following purpose(s) _____

To be published or broadcast: _____
When Where

I understand that the PUDC's or Staff member's participation is voluntary and is contingent upon the approval of the Information Officer, the Victim Services Bureau, Commissioner's Office and the staff member/ PUDC or their guardian. I understand that access, if granted is subject to certain conditions, which if violated will result in the termination of access by facility staff. I further understand that the PUDC/Staff member may terminate the access at any time for any reason. I also understand that the publication, broadcasting, or any other disclosure of identifying information of a PUDC who is a minor or an adult with a guardian is strictly prohibited at all times and that a PUDC or staff member who is 18 or over and who does not have a guardian must specifically authorize the publication or broadcast of identifying information.

If you have any questions, please contact the Public Information Office at (603)271-5602.

Signature of News Media Representative

Date

File: Original in Personnel Record for Staff
Original Scanned in Client Record – Filehold for PUDCs

STATE OF NEW HAMPSHIRE, DEPARTMENT OF CORRECTIONS
Helen E. Hanks, Commissioner

Attachment 2



CONSENT TO CONTACT WITH NEWS MEDIA

PLEASE PRINT:

Date _____
Name, ID _____
Facility Name _____
Name of Media Representative _____
Name of Organization _____
Media Phone Number _____
Media E-Mail Contact: _____

(1) I do hereby freely give permission to the above named news media representative to contact me for the following purpose:

- Interview Videotape recording
 Photographs Audio recording
 All of the above

By signing this consent form, I understand that

- My decision is voluntary
- I authorize the above named news organization to use any information gathered about me for any legitimate purpose
- I authorize the facility and/or the NH Department of Corrections and/or their designees to release to the above listed organization any documents or information pertaining to allegations or comments made by me during this interview with my written consent
- I am holding the facility and/or the NH Department of Corrections harmless in the publication of any article written or broadcast pursuant to this release.

(2) _____ I do not want the media to contact me.

Signature
Date:

Staff Witness Signature:
Date

File: Original to be scanned into Client Record – Filehold

STATE OF NEW HAMPSHIRE, DEPARTMENT OF CORRECTIONS
Helen E. Hanks, Commissioner



AUTHORIZATION FOR NEWS MEDIA ACCESS TO STAFF OR PUDC

PERSON UNDER DEPARTMENTAL CONTROL

AFF

_____ **Representing** _____
Name of Individual **Name of News Media**

Is authorized to interview audio record video record photograph
(please check all that apply)

For the purpose(s) of:

to be published or broadcast on (if known) _____
When **Where**

Subject to the following conditions:

1. This authorization may be rescinded at any time pending any appeal by the news media representative to the Commissioner of Corrections.
2. The staff or PUDC to whom access is granted may terminate at any time for any reason.
3. If authorization is granted for access to staff, the access may be terminated at any time for any reason.
4. If authorization is granted for access to staff, the staff may, if staff desires, be accompanied by the Public Information Officer or designee;
5. If authorization is granted for access to a PUDC the access may be terminated:
 - a. If there is reasonable suspicion that the access or the publication or broadcast might facilitate criminal activity or violation of the facility's rules or create a risk to safety, security, or orderly management of the facility; the impact on the victim would be excessive; the access might adversely impact a criminal investigation or prosecution; the access might harm the welfare of a PUDC, including by a violation of a right to confidentiality; the PUDC is unavailable or unable or unwilling to participate; it is determined to be an excessive demand on staff resources; or refusal or failure to abide by any condition set by the Public Information Officer, or designee, any facility rule, or any staff instructions;
 - b. The PUDC or the news media representative is exhibiting behavior which is inappropriate, including inappropriate physical contact;
 - c. An emergency or critical incident occurs; or
 - d. The information or material being sought or obtained is beyond that of which the Public Information Officer, or designee, gave authorization.
6. Any material or information obtained including, but not limited to, the interview, audio/video recording or photograph, shall not be used other than for the purpose set out in the written request to the Public Information Officer, or designee, and for which authorization was given.

7. The Public Information Officer, or designee, may be present during any interviewing, audio/video recording, or photographing of a PUDC or staff by the news media.
8. If the PUDC is an adult with a guardian, the use of the PUDC's name, hometown, or other personal information, identifiable photographs, or identifiable audio/video recordings or any other disclosure of identifying information is strictly prohibited at all times.
9. If a PUDC is 18 years of age or over and has no guardian, the PUDC/Staff's identity, hometown, or any other personal information shall not be disclosed by any representative of the media, unless specifically authorized on the Consent for News Media Access Form.
10. If a PUDC is 18 years of age or over and has no guardian, photographing or audio/video recording which might reveal the identity of the PUDC shall not be done, unless specifically authorized on the Consent for News Media Access Form.
11. If a PUDC is 18 years of age or over and has no guardian, the media's work product shall not contain any information which might lead to the identification of the PUDC, unless specifically authorized on the Consent for News Media Access Form.
12. If a PUDC is 18 years of age or over and has no guardian, should the identity of a PUDC be disclosed as a result of the media access authorized, that identity shall not be confirmed by any representative of the media, unless specifically authorized on the Consent for News Media Access Form.
13. The interview/audio/video recording/ photographs shall be used only when and where and for the purpose(s) noted above, provided any broadcast noted above may be repeated or any publication noted above may be reprinted as is customary for the media; and
14. Other conditions, if any: _____

Date Approved: _____ Information Officer or Designee

Date Approved: _____ Commissioner or Assistant Commissioner

On behalf of myself and the news media I am representing, I agree to the above conditions.

Signature of Media Representative Date

Position Media

This form should be forwarded to:
New Hampshire Department of Corrections
Information Officer
 NH Department of Corrections
 PO Box 1806 Concord, NH 03302 Phone: (603)271-5602 Fax: (888) 908-9477
 E:Mail feedback@doc.nh.gov

Or

Tina Thurber
Information Officer
 NH Department of Corrections
 PO Box 1806 Concord, NH 03302
 Phone: (603)271-5648 E-Mail: Tina.Thurber@doc.nh.gov

STATE OF NEW HAMPSHIRE, DEPARTMENT OF CORRECTIONS
Helen E. Hanks, Commissioner



DOCUMENTARY REQUEST FORM

Date of Request: _____ Media Affiliation: _____

Name of Producer: _____

Specific Subject of Documentary: _____

Requested for Access on Site (e.g., 3 days 8:00am – 2:00pm)

Amount and Type of Equipment: _____

Type of Activities to be Audio/Video Recorded: _____

Name(s) of individuals to Create Documentary (e.g., Reporter, Cameraperson, etc):

Signature of Producer: _____

Approve Deny Warden or Correctional Administrator Signature Date

Approve Deny Commissioner's Signature Date

Comments: _____
