

 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	<p>CHAPTER: 200</p> <p>PUBLIC/PUBLIC ACCESS</p>	<p>OPR:</p> <p>DIR</p>
	<p>DEPARTMENT ORDER: 207</p> <p><b><i>MEDIA RELATIONS</i></b></p>	<p>SUPERSEDES:</p> <p>DO 207 (01/02/06)</p>
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## PURPOSE

The Department strives to provide current, accurate and timely information to the public and the press.

## RESPONSIBILITY

The Director, Deputy Director, Communications Director, Public Information Office (PIO) personnel, and individual employees designated by the Director are authorized to address the media on behalf of the Department.

While all Department employees are required to comply in full, nothing in this policy should be construed to inhibit an individual's ability to speak about personal issues under ordinary circumstances or to express their personal opinions about Department operations in general.

## PROCEDURES

**207.01 MEDIA RELATIONS BY AUTHORIZED MEDIA REPRESENTATIVES ONLY** - The Director, Deputy Director, Communications Director, Public Information Officer (PIO) personnel and individual employees designated by the Director are authorized to address the media or public on behalf of the Department. Only Department authorized employees may represent Department for the media. If an employee is asked by the Director to address the media on behalf of the Department, the employee shall be dressed in Class A uniform and utilize state time.

### 207.02 REQUESTS FOR INFORMATION, INTERVIEWS AND TOURS

1.1 Department staff shall, except for legislative requests, refer all requests for information about the Department, interviews and tours to the Communications Director, PIO, Deputy Director or Director. See Department Order #110, Legislative Activities, regarding legislative requests for information.

1.1.1 Staff may not release any Department information that is not currently readily available on the Department's web page without the prior approval from the Director, Deputy Director, Communications Director or PIO.

1.1.2 When staff provides currently readily available information, the employee will immediately advise the PIO in writing.

1.2 Department staff shall refer all media requests to enter a Department facility or interview an inmate to the PIO. All requests from the media shall be submitted within the work week.

1.2.1 All requests:

1.2.1.1 To enter a facility shall be submitted to the Director, or his designee, within 24 hours of receipt.

1.2.1.2 For media visits to a facility shall be subject to approval by the Director, or his designee.

1.3 Department staff shall refer all media requests on the following to the PIO:

1.3.1 Financial and budgetary information requests pertaining to construction matters.

1.3.2 Prison population and population projections.

1.3.3 Aggregate information concerning personnel, training and staff development.

1.3.4 Aggregate information concerning inmates and previous inmates.

- 1.4 The PIO may be contacted at any time during non-business hours through the communications center.

### **207.03 COSTS**

- 1.1 Media representatives and/or media organizations requesting copies, printouts or photographs of public records for a non-commercial purpose may be charged a fee for copies of public records, and if appropriate, postage costs, but not for the research. The supervisor or staff who worked on the request shall determine the number of pages copied, calculate the charges, and add the information to the Request for Information/Documents - Media Relations Office, Form 207-4.
- 1.2 Charging to an account is a payment option available to a media representative/media organization.
- 1.3 The news media representative may submit a written request for an account number to the Communications Director. The request shall indicate the name of the news media agency, the email billing address and the person to whom the monthly invoices should be sent.
- 1.4 The Communications Director shall provide a written notification to the news media agency identifying their account number, the billing address, to whose attention invoices shall be sent, and advise that invoices will be issued on the 10<sup>th</sup> work day of the month for information/documents provided for the previous month. A copy of this notification shall be sent to the Chief Financial Officer.
- 1.5 The media representative shall complete the "Charge to" section of the Request for Information/Document form.
- 1.6 Upon delivery (by mail or in person) of the information/document, a representative of the Media Relations Office shall sign and date the Request for Information/Document. A copy of the form shall be sent to the Chief Financial Officer for inclusion in the monthly invoice.
- 1.7 By the 10<sup>th</sup> work day of the month, the Chief Financial Officer designee shall remit a monthly invoice to the specified email address of the news media with a copy to the Communications Director.

**207.04 STAFF CONTACT WITH MEMBERS OF THE MEDIA** - Any Department employee may speak with the media about personal issues or to express their personal opinions about Department operations in general on their own time. Whenever a Department employee has contact with the media, the employee is expected to demonstrate in demeanor and dress their professionalism. No interviews may be conducted on state property without express prior approval by the PIO staff or if unavailable, the Deputy Director.

**207.05 PROHIBITED CONDUCT** - The Arizona Code of Administrative Regulations R2-5-501 requires all state employees to conduct themselves in a manner that will not discredit or bring embarrassment to the State. A.R.S. §41-770 lists 14 reasons for discipline or dismissal from state service including improper political activity.

**207.06 DEPARTMENT WEB SITE** - The Department maintains a site on the "World Wide Web" for the purpose of disseminating general information about the Department and key management staff and providing selected public information. In addition, the site may allow for limited electronic communication between members of the public and the appropriate staff member or work unit. For additional information relating to Internet use and the Department's telecommunications infrastructure see Department Order #102, Information Technology.

- 1.1 Primary responsibility for the maintenance of the web site is assigned to the Media Relations Office. A staff member from that office is the Website Coordinator or "Webmaster." Each Division Director and Warden shall appoint a Web Liaison.

- 1.2 Examples of material that may be placed on the site include:
  - 1.2.1 Photographs of key staff, organizational charts, descriptions of divisions, bureaus or other organizational entities that are of interest to the public.
  - 1.2.2 The names and work telephone numbers and locations of selected management personnel. If appropriate, the divisional e-mail address may be included.
  - 1.2.3 Descriptions of prisons and other Department facilities include contact information for key personnel, location and driving directions, visitation information, inmate capacity and programs.
  - 1.2.4 Employment opportunities notably, information related to Correctional Officer employment opportunities, including methods for interested parties to apply for employment directly online.
  - 1.2.5 Department statistical reports, publications and news releases or news publications such as a current copy of the "ADC Post" newsletter, recent news releases, the current Annual Report or other copies of current statistical reports.
  - 1.2.6 Any written material that is identified as public information and which is required to be available on the site by Department Order.
  - 1.2.7 E- mail access to the "Webmaster" and as determined by the Director, other staff members.
  - 1.2.8 The General Access Department Order Manual.
  - 1.2.9 Information regarding the sale of prison goods (ACI and/or inmate hobby items for sale in the Prison Outlet Store).
  - 1.2.10 Inmate information such as at-large fugitives, biographical material about inmates who are on "death row" and offender classification system information.
  - 1.2.11 Other material deemed appropriate by the Department Webmaster and the Media Relations Office.
- 1.3 While the primary purpose of the "Website" is to provide information, material including electronic representations of documents located on the site shall not be considered public records. A disclaimer on the site (Attachment C) shall refer the reader to the appropriate location for access to official copies of documents or records.
- 1.4 Staff may submit suggestions by accessing the staff only web page located at <http://www.azcorrections.gov/WebUpdate.html>, and following the instructions posted there, or completing the Media Relations - ADC Web Page Update Request, Form 207-5.
- 1.5 The Webmaster in consultation with the liaisons, shall review material or information submitted by staff for inclusion on the web site. In addition, at the direction of the Webmaster, liaisons shall continually review the site for accuracy and timeliness. If necessary, the Webmaster may convene an ad hoc committee to determine whether or not material is appropriate for inclusion on the Web site or if the information is accurate.
- 1.6 Major changes to the appearance or content of the Department Website shall require the approval of the Director.

- 1.7 E-mail submitted to any staff member from the Web Page link shall be considered a project, and shall be subject to the appropriate project management controls. Appropriate management approval shall be required for any response.

#### **207.07 NEWS MEDIA REQUESTS**

- 1.1 The Communications Director or, if appropriate, a designee shall:
  - 1.1.1 Schedule and coordinate news media briefings.
  - 1.1.2 Prepare official Department news releases.
  - 1.1.3 Approve media representatives' routine access to institutions or other Department facilities and staff.
- 1.2 The PIO shall:
  - 1.2.1 Respond to media representatives' routine requests when the Communications Director is unavailable, and notify the Communications Director of such contact with any media representative within 24 hours and relate the information conveyed to the representative.
  - 1.2.2 Notify the Communications Director, at least 24 hours in advance, of any scheduled inmate activity/special event, which may be of media interest, and be available to meet with and be interviewed by media representatives on the activity/special event.
- 1.3 The Deputy Director, Division Directors, Regional Operations Directors, Regional Health Administrators, Wardens, Deputy Wardens, Administrators and Bureau Administrators shall be available to meet with and be interviewed by media representatives on activities and programs under their jurisdiction.

#### **207.08 EMPLOYEE MEDIA RESPONSE/MEDIA ACCESS TO FACILITIES, STAFF OR INMATES**

- 1.1 Employees shall immediately notify the Communications Director or, if appropriate, the PIO or Media Relations Office, when media inquiries are made directly, and shall not respond to inquiries unless authorized by this Department Order, the Director, the Communications Director or designee.
- 1.2 Access to Institutions, Facilities and Staff
  - 1.2.1 Media representatives' routine requests for access to prisons/facilities and staff shall be approved by the Communications Director at least 24 hours in advance, or access shall be denied.
  - 1.2.2 Except for scheduled events, access to correctional facilities and staff is limited to normal business hours, Monday through Friday, excluding holidays. The Warden, Deputy Warden or Bureau Administrator shall designate a time that is least disruptive to operations. Access may be granted on weekends, holidays or other than normal business hours for the purpose of covering a scheduled event.
  - 1.2.3 The Department retains the right to deny access to prisons/facilities and staff.
- 1.3 Access to Inmates

- 1.3.1 Media representatives may correspond with inmates through the mail as outlined in Department Order #914, Inmate Mail.
  - 1.3.2 Media representatives who wish to schedule a telephone interview with an inmate shall contact the Communications Director or designee during business hours, and in a reasonable period of time prior to the requested time, to schedule the interview. The appropriate Department staff member shall process the request in a reasonable period of time in order to allow the requestor to conduct the interview as approved.
  - 1.3.3 One-on-one interviews between media representatives and inmates may be conducted with prior approval of the Director as outlined in this Department Order.
  - 1.3.4 Conference calls of any kind between a media representative and inmates are not permitted.
  - 1.3.5 Unless authorized by the Division Director for Offender Operations, inmate phone interviews with the media shall be limited to 15 minutes.
  - 1.3.6 The Department retains the right to decline inmate interviews.
- 1.4 Special Media Access Restrictions
- 1.4.1 Requests to interview an inmate on Continuous Watch shall be denied. Media access to an execution shall be in compliance with Department Order #710, Execution Procedures and appropriate statutes.
  - 1.4.2 Inmates who are in detention status pending disciplinary action when an interview request is received are not permitted to be interviewed by telephone and shall not be photographed or videotaped while in that status.
  - 1.4.3 Media representatives may be denied access to prisons or other facilities if the Director, the Deputy Director or Division Directors determines that their presence may jeopardize the safety or security of the institution or facility, staff, inmate or the media representative.
  - 1.4.4 Inmate photographs on file are a matter of public record. Media representatives may take pictures of file photographs.
  - 1.4.5 Media representatives may request, and be authorized to take new photographs, to include facial views, in an institutional environment. A photo opportunity of this type shall not be staged. Furthermore, the Department shall not authorize media access when such access places an undue burden on an institution and staff, or presents a safety or security concern. Requests for a photo opportunity shall be made to the Communications Director and approved by the Division Director for Offender Operations.
  - 1.4.6 Inmates shall sign an Audio/Visual Release, Form 207-2 and/or the Inmate Interview Request, Form 207-1, prior to contact with a media representative, except when such contact is made through the mail in accordance with Department Order #914, Inmate Mail. Additionally, an Audio/Visual Release is not required for inmates who are filmed as part of file footage and whose names are not associated with the photograph or video.

## 207.09 NOTIFICATION OF SIGNIFICANT EVENTS

- 1.1 Significant events to be communicated with identified officeholders and the media:
  - 1.1.1 Escape of an inmate where resolution is not imminent.
  - 1.1.2 Death of an inmate by other than apparent natural causes.
  - 1.1.3 Death of an on-duty employee by other than apparent natural causes.
  - 1.1.4 Disturbance of significant size or duration where resolution is not imminent.
  - 1.1.5 Hostage-taking where resolution is not imminent.
  - 1.1.6 Other events of consequence per the Director.
- 1.2 Notification of identified officeholders and media of significant events shall be completed within the timelines provided:
  - 1.2.1 Governor's Office by the Director immediately by phone or email; if by phone, written notice to follow.
  - 1.2.2 Chairperson of the Joint Select Committee on Corrections by the Department's legislative liaison by phone or email within one business day; if by phone, written notice to follow.
  - 1.2.3 The Speaker of the Arizona House and President of the Arizona Senate by the Department's legislative liaison by phone or email within one business day; if by phone, written notice to follow.
  - 1.2.4 State legislators in the district where the significant event occurred by the Department's legislative liaison by phone or email within one business day; if by phone, written notice to follow.
  - 1.2.5 Media by the PIO officer through a News Advisory via email within one business day except when public safety warrants otherwise.
- 1.3 Notification of identified officeholders and the media augments established criminal justice notifications:
  - 1.3.1 Medical Examiner/Coroner by the Criminal Investigation Unit (CIU) investigator by phone immediately upon confirmation of death by a licensed physician, physician assistant or nurse practitioner.
  - 1.3.2 County Attorney by the CIU investigator by phone within one business day; written notice to follow for all apparent homicides.

## DEFINITIONS

**AUTHORIZED MEDIA REPRESENTATIVES** - Department's authorized media representatives are the Director, Deputy Director and public information officers. The Director may authorize the individual employees to represent the Department.

**MEDIA** - For the purpose of this Department Order, Media is channels of communication that serve many diverse functions, such as offering a variety of entertainment with mass or specialized appeal, communicating news and information or displaying advertising messaging.

**PUBLIC INFORMATION OFFICERS** - The Public Information Officer administers the Department's media affairs and represents the Department to the public through the press on issues impacting department policy, budget, and statutory roles and responsibilities, unless otherwise advised by the Director or Deputy Director.

**SIGNIFICANT EVENTS** - Disturbances, escapes, serious fires and other events of consequence.

**STATUTORY RESTRICTIONS** - There are a number of statutory restrictions and prohibitions impacting the dissemination of information. These statutes include:

- Information impacting Department operations - Pursuant to case law, where release of documents would be harmful to the best interest or operations of ADC or the State of Arizona, it shall not be released. See *Grimm v. Arizona Board of Pardons and Parole*, 115 Ariz. 260, 564 P. 2d 1227 (1977); *Belo v. Mesa P.D.*, 202 Ariz. 184, 42 P.3d 615 (2002).
- Ongoing Investigations - A.R.S. §31-221 restricts release of portions of an inmate's master record file such as (a) the identity of a confidential informant (b) information which may endanger the life or physical safety of any person or (c) jeopardizing an on going criminal investigation. Release of information which might jeopardize ongoing criminal investigations may be withheld by the Department. *Phoenix Newspapers, Inc v. Superior Court In and for County of Maricopa*, (App. Div. 1 1993) 180 Ariz. 159, 882 P.2d 1285, review denied.
- Department Staff Employment Information - Arizona Administrative Code R2-5-105 limits disclosure of information in employee personnel files to the following:
  - Name of employee
  - Date of employment
  - Current and previous class title
  - Other agencies to which the employee was assigned
  - Salary history
  - Employees' current and last known supervisorSocial Security numbers are restricted pursuant to Federal law. See 42 USC 405.
- Crime victims right to privacy - A.R.S. § 8-413 protects certain personal information about victims such as their address and telephone number unless the victim consents. Privacy interests can overcome the presumption in favor of disclosure of public records. The Department may withhold the release of information if it can demonstrate that public disclosure is outweighed by considerations of "confidentiality, privacy, or the best interest of the State." *Belo v. Mesa P.D.*, 202 Ariz. 184, 42 P.3d 615 (2002).
- Inmate Medical Records

§12-2292 prohibits the release of inmate medical records or information because it is considered confidential by law.

§12-2293, 2294 and 2294.01 require an authorization signed by the inmate for release of records or a court subpoena.

{Original Signature on File}

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**Charles L. Ryan**  
**Director**

## **ATTACHMENTS**

Attachment A - Web Page Disclaimer

**FORMS LISTING**

207-1, Inmate Interview Request

207-2, Audio/Visual Release

207-3, Video Request

207-4, Request for Information - Media Relation Office

207-5, Media Relations - ADC Web Page Update Request

## Disclaimer

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