

	DEPARTMENT OF PUBLIC SAFETY	EFFECTIVE DATE: FEB 20 2013	POLICY NO.: ADM.01.04
	DEPARTMENT ADMINISTRATION POLICY AND PROCEDURES	SUPERSEDES (Policy No. & Date): ADM.01.04 of 6/20/08	
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1.0 PURPOSE

To delineate general policy pertaining to media relations and media access to information from the Department of Public Safety (PSD).

2.0 REFERENCES AND DEFINITIONS

.1 References

- a. Hawaii Revised Statutes (HRS), Chapter 92F.
- b. HRS, Chapter 846.
- c. Corrections Administrative Rules, Section 17-203.
- d. Pell v. Procunier - 417 U.S. 817 (1974), U.S. Supreme Court
- e. State Plan for Emergency Preparation, Annex F, Disaster Public Information.

.2 Definitions

- a. "Administrator" means an administrator of a division, facility, or a staff officer.
- b. "Criminal History Record Information" shall be as defined in HRS, Chapter 846.
- c. "Employee" means all employees of PSD, except employees of the agencies administratively attached to PSD.
- d. "Inmate" means sentenced or non-sentenced (pre-trial detainees and those awaiting sentence) adults placed within the jurisdiction of PSD.
- e. "Public Information Officer" or "PIO" is defined as a Department employee designated by the Director to receive, research and respond to requests for information, access to facilities or other accommodation by media representatives.
- f. "Media" or "Mass Media" refers to all representatives of newspaper, radio, television, magazine, and similar organizations, which publish, produce, and/or disseminate information to the public. Media is defined as a

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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.

- g. "Personnel Record" shall be defined in HRS, Section 92F-3.
- h. "Public" includes all groups of people in the community.
- i. "CONFIDENTIAL Information" is information, the unauthorized release of which could endanger or frustrate employees engaged in the Department's operations, expose employees and others to an invasion of their privacy, expose them to personal threats or loss or affect the security of a correctional facility.
- j. "Visitor" means a relative or friend of an inmate whose visit the Corrections Facility Administrator has approved and whose visits are subject to Rules and Regulations, Section 17-203, Subchapter 2, Visits.

3.0 POLICY

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 allows.

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 that the law and policy allows.

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.

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 which might threaten the security of a State building or

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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 requestor as per HRS, Chapter 92(f) regarding disclosure under the Uniform Information Practice Act (UIPA).

4.0 PROCEDURES

.1 Responsibility

a. 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.

b. Director/Deputy Director

1. Shall provide guidelines and policy direction to Division and Branch Administrators in the administration and management of media relations.
2. Shall be the sole spokespersons on matters relating to interdepartmental policy and administration.
3. Shall keep the Governor's Office informed of all critical developments on a timely basis.

c. Public Information Officer (PIO)

1. Shall act as the primary point of contact for the news media with the Department.
2. Shall provide guidance and assistance in all matters relating to media relations and their release of information to the public.
3. Shall keep the Director and Deputy Director apprised of any developments in the Department's media relations.
4. Shall provide assistance to administrators and act as an on-the-scene spokesperson for the department in emergency situations.

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5. Shall issue departmental news releases, research and respond to requests for information, access to facilities or other accommodation by media representatives.
6. Shall assist and advise in the planning and conduct of news conferences.
7. Shall maintain liaison with the news media, other government information offices, and community organizations.

d. Administrators

1. Administrators are responsible to develop additional policies and procedures to ensure compliance with the provisions of this policy, including the protection of confidential information.
2. Administrator's procedures 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.
3. Administrators may act as Department spokespersons in their respective areas of responsibility on a case-by-case basis as determined by the PIO or Director.

e. Corrections Facility and Law Enforcement Administrators

1. Corrections Facility and Law Enforcement Administrators are responsible for establishing clear procedures, consistent with this policy and procedure statement, in accordance with which communications with the news media and access by the media to personnel, facilities, and information are to be handled.
2. Corrections Facility and Law Enforcement Administrators may act as Department spokespersons in their respective areas of responsibility on a case-by-case basis as determined by the PIO or Director.

f. Employees

1. All requests by media representatives for information, interviews, or public comment should be directed to the PIO.

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2. Employees are responsible for promptly notifying their superiors whenever there has been communication with the media.
3. Employees are responsible for protecting confidential information that is not authorized for release.
4. Employees are responsible for complying with this policy and procedure statement and incorporating instructions provided at their division and facility levels.
5. Section heads and supervisors shall act as Department spokespersons when properly designated and authorized by the PIO on a case-by-case basis.

.2 Media Inquiry for Information

- a. All requests by media representatives for information, interviews, or public comment should be directed to the Public Information Officer.
- b. Upon receipt of a request for information (other than government records) pertaining to the Department from a media representative, the employee contacted must use PSD 0138 form to log: name of the person making the inquiry; date and time inquiry received (including telephone number that received inquiry); company or organization of employment of the caller; what the concern(s) of the caller; and telephone number to contact the person making the inquiry. 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 supervisor before release of such information. 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.
- c. All media requests shall be reviewed by the employee's immediate supervisor. The immediate supervisor shall notify their chain of command and the PIO of the media request. The PIO will consult with the Director and shall determine when, by whom, and to what extent the request can be fulfilled. If the information has already been released, the supervisor shall report such release to the supervisor's chain of command and to the PIO.

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- d. The appropriate Division and Branch Administrators shall be informed as soon as possible of the request and the nature of the response that is to be made.
- e. If there is likelihood that the information requested may relate to a topic of controversy or could reflect negatively on the Department, the appropriate Division and Branch Administrators, shall be consulted prior to the release of any information or statement.

3 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 Division and Branch Administrators, including the Director's Office, as to their content and methods of implementation.
 - 3. The PIO and appropriate Division and Branch Administrators shall be kept apprised of planned public information and education programs involving the news media.
- b. Ongoing Programs
 - 1. Any information relating to ongoing departmental programs shall be reviewed and released by the appropriate Division and Branch 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 Division and Branch 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 and therefore,

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inappropriate for release, shall be denied with an explanation giving the reason why the request cannot be met.

2. Appropriate Division and Branch 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 Division and Branch 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., and 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.

e. News Releases

1. All news releases shall be coordinated with the PIO.
2. Following review and approval of proposed news releases by the appropriate Division and Branch Administrators, news release requests will be submitted to the PIO for final editing, preparation in news release format, and distribution to the news media.
3. The PIO will assure appropriate review and approval of the news release by the Director, Deputy Director(s) and appropriate Division and Branch Administrators is completed.

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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 Division and Branch Administrators and the PIO. The PIO shall consult with the appropriate Division and Branch Administrators, Director and Deputy Director(s) to determine when, by whom, and to what extent the request can be fulfilled.
2. 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.
3. The PIO shall be informed of all interview requests and the topics to be discussed prior to acceptance of interview request.

4. 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 was filed.
 1. Dissemination of nonconviction data shall be limited to individuals and agencies specified in HRS, Section 846-10.

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- 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 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 on-going investigation by the facility, the Department, or any law enforcement agency.
 - 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 to access to inmates within the perimeter of any correctional facility.
- .5 Media Relations in Emergency Situations**

Department headquarters, correctional facility and law enforcement operational procedures for emergency situations shall include provisions for maintaining

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effective communications with, and accommodations for, the news media. These provisions shall include:

a. Designation of a News Media Relations Officer

A news media relations officer shall be designated for the on-site spokesperson during the emergency. When the PIO, or designee, is present, the media relations officer's functions may be assumed by the PIO, or designee. The spokesperson shall hold regular briefings for on-site media representatives and shall be accessible to the media. Upon request, the spokesperson shall also communicate by telephone with other news media who are not represented on-site.

The on-site release of information by correctional facilities shall be governed by the provisions of the Corrections Administrative Rules, section 17-203-11(d).

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. The room should be large enough to accommodate the media and permit photographing and filming. A Department media relations officer 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 which will guide and control the news media to the designated parking areas, briefing room, and restrooms. Signs and personnel shall also be posted where necessary; to keep unauthorized persons out of secured areas.

c. Establishing a Staging Area for Families

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

d. Establishing a News Media Room

A room shall be designated in advance where Department authorities may gather to monitor news medial broadcasts.

.6 Public Information During a Disaster

During statewide emergencies, primary responsibility for keeping the public informed is assumed by Civil Defense. The Department shall adhere to the guidelines prescribed in Annex F, Disaster Public Information, contained in the State Plan for Emergency Preparation.

5.0 SCOPE

This policy shall apply to all personnel within the Department of Public Safety.

APPROVAL RECOMMENDED:



 Deputy Director for Administration

2/15/13

 Date



 Deputy Director for Corrections

2/15/13

 Date



 Deputy Director for Law Enforcement

2-15-13

 Date

APPROVED:


 Director

2/20/13

 Date

INFORMATION FROM THE INQUIRYING CALLER

Name _____

Company or Organization: _____

Date _____

Time: _____

Contact Number: _____

Concern/question: _____

REFERRAL

Name _____

Position Title _____

Action Taken: _____

Information Provided: _____

AFTER COMPLETED, PLEASE FORWARD TO YOUR RESPECTIVE DIVISION ADMINISTRATOR/DEPUTY DIRECTOR