

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(New Administrative Regulation)

501 KAR 6:300. News media.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110, 439.470

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1) (a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 439.470 requires the commissioner to promulgate administrative regulations for the conduct of persons placed on probation or parole but not conflict with conditions of the parole board or court. This administrative regulation establishes procedures concerning news media for the Department of Corrections.

Section 1. Definitions.

- (1) "DOC" means the Department of Corrections.
- (2) "News media" means a form of mass media that focuses on delivering news to the general public, but does not include broadcast programs syndicated by independent producers, television stations, networks, or others for the primary purpose of entertainment.
- (3) "PIO" means public information officer.
- (4) "VSB" means the Victim Services Branch.

Section 2.

- (1) A news media request or inquiry shall be handled by the Division of Public Affairs at the DOC headquarters in Frankfort, Kentucky.
- (2) A request by a news media representative to visit an institution, probation and parole office, or other DOC office shall be reviewed on a case-by-case basis and a decision rendered by the Division of Public Affairs in conjunction with the warden, director, or commissioner.
- (3) Credentials. A state issued photo ID shall be required to verify the identity of a news media representative. An identification card issued by the reporter's place of employment may also be required if needed to verify the credentials of a media representative. In the absence of an employee identification card, the DOC may refuse admittance if the identification is suspect.
- (4) Live broadcasts including television, radio, phone, and virtual communication from inside the perimeter of an institution shall not be permitted at any time.
- (5) Arrangements for interviews and visits by representatives of the media shall be made in advance to the Division of Public Affairs. A brief summary of the purpose of the visit or interview shall be provided and shall be subject to approval. Approved interviews shall primarily be conducted virtually. Private prison and community center administrators shall refer all news media inquiries concerning DOC policies, DOC inmates, or DOC clients to the Division of Public Affairs.
- (6) The Division of Public Affairs staff shall make this administrative regulation available in advance of a media visit to ensure that members of the news media are aware

of the requirements. Each news media representative shall sign a Corrections Media Release Form upon each visit to a DOC institution or office, indicating familiarity with this administrative regulation and agree to abide by it. Failure by a news media representative to comply with this administrative regulation may result in immediate removal from the institution or office and may constitute grounds for denying the representative or his or her agency permission to attend future media events within a DOC institution or office.

Section 3. Inmate Interviews and Photographs.

(1) Media representatives may be permitted to interview an inmate if the inmate gives written consent to be interviewed. A news media representative wishing to interview an inmate shall submit to the Division of Public Affairs a brief summary of the purpose of the interview, which is subject to approval.

(2) An approved interview by a news media representative shall include only the news media representative, the inmate, and DOC staff. There shall not be anyone else present including family members, lawyers, or others.

(3) The Division of Public Affairs may establish time limits for an interview or other media event coverage.

(4) A news media interview shall not be permitted for an inmate in a high security unit, in protective custody, on watch, or on other significant medical or mental health status. An inmate involved in an internal affairs investigation may also be prohibited from granting interviews until that case is closed.

(5) The news media shall not interview an inmate away from institutional grounds except with direct authorization from the commissioner.

(6) An inmate shall not receive compensation or anything of value, in exchange for or as a result of participating in an interview. A media representative or entity who violates this stipulation may be restricted from further access to inmate interviews.

(7) The Division of Public Affairs may grant or deny an interview request. The Division of Public Affairs may consider safety and security concerns in an interview denial. The Division of Public Affairs may terminate an interview or coverage within a DOC facility if a disruption of any type occurs.

(8) A recording device may be used by a media representative during an interview with prior approval.

(9) If an inmate interview is approved, the Victim Services Branch shall review the inmate's information to determine if the inmate has any registered victims. The VSB shall attempt to contact a registered victim to notify the victim of the interview in advance of the interview.

(10) If a media visit has been approved, the media representative may take photographs of specific parts of the correctional institution or probation and parole office with approval of the appropriate warden or director.

(a) Media shall be escorted at all times while on institutional or office grounds by the designated staff.

(b) If news media films or photographs an inmate or an offender under supervision in which the inmate or offender may be identified, a signed copy of the Corrections Release Form shall be obtained from the inmate or offender to provide written consent before the video or photo may be shown or shared.

(11) Parole hearings. Because parole hearings are considered an open proceeding, an inmate who appears may be filmed, photographed, or recorded without signing a consent form; however, the general provisions of this section shall still apply to any interview before or after the hearing. Interviews shall not be conducted outside the parole hearing without prior DOC approval and the inmate's written permission using the Corrections Release Form.

Section 4. DOC Institutional Grounds.

- (1) News media wanting to video or photograph the exterior of a correctional institution shall notify the Division of Public Affairs. News media shall remain in the parking lot. Any video or photograph obtained shall not include an identifiable inmate.
- (2) High security areas, control centers, control panels and any other area designated by the warden for safety or security reasons shall not be filmed or photographed.

Section 5. Dissemination of Information.

- (1) Dissemination of DOC information shall be the responsibility of the Division of Public Affairs including contact from a national or international news media representative.
- (2) Institutional PIOs shall assist with the announcement of an escape or other incident within an institution as needed. Every effort shall be made to notify the family of an inmate involved in the emergency prior to the release of information to the media. Names of involved staff shall not be released to the media until the designated next of kin or family is notified.
- (3) Individual staff members, contractors, or volunteers shall not respond to media inquiries unless they have received prior approval from the Division of Public Affairs.
- (4) The Division of Public Affairs shall be informed of all correspondence sent to or received from a news media representative.

Section 6. Release of Information.

- (1) The following information about an inmate, parolee, probationer, or other releasee may be provided to the news media:
 - (a) Name;
 - (b) Age;
 - (c) Sex;
 - (d) Physical description;
 - (e) Photograph;
 - (f) County where crime was committed;
 - (g) Crime;
 - (h) Sentence;
 - (i) Disciplinary information including incident and penalty;
 - (j) Institutional work assignments;
 - (k) Prior DOC incarceration; and
 - (l) Release eligibility.
- (2) Information regarding an inmate's mental health, medical, or juvenile criminal history, or substance use disorder treatment shall not be released except in compliance with KRS 610.015, 610.320, 610.340 and 635.120.

Section 7. Procedures During Emergency Conditions. Admittance of a media representative to a correctional institution may be denied or limited during an emergency situation, including an escape, disturbance, fire, or natural disaster. However, with approval of the Deputy Commissioner of Adult Institutions and the Commissioner, the news media may be granted access to the institution once it is determined that access will not jeopardize the security or safety of any person.

- (1) Media staging area. A pre-designated area shall be established for the media to use as a staging area during an emergency condition. This area shall be as close to the emergency scene as possible without inhibiting the resolution of the situation. News media representatives shall be directed to the staging area upon arrival.
- (2) Press briefings. A briefing location for the media shall be established near the staging area. The news media shall be advised of developments by frequent news briefings held

in the designated briefing location or press releases. A final briefing shall be held or press release provided as soon as possible after the emergency situation is resolved.

(3) Media pools. With approval of the Deputy Commissioner of Adult Institutions and the Commissioner, a media pool may be formed to enter a correctional institution, if it is determined that doing so no longer jeopardizes the security or safety of any person. Efforts shall be made to allow the media to use their equipment while serving as a pool reporter. The media pool shall be chosen from the media representatives assembled at the staging area with the selections made by the media representatives present in conjunction with DOC designated staff.

(4) Media pool agreement. Media selected for the media pool shall agree to ensure that all news material generated by the media pool will be made available to all media without right of first publication or broadcast.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Corrections Release Form", 2024; and

(b) "Corrections Media Release Form", 2024.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: March 4, 2024

FILED WITH LRC: May 15, 2024 at 10:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 23, 2024, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegContact@ky.gov.