

POLICY

Recognizing that an offender has a right to contact and communicate with the media, it is the policy of the Spartanburg County Jail to permit offenders to have access to the news media, consistent with the secure and orderly management of the institution. **Note: While offenders have such right, the right to correspond/communicate with media representatives is no greater than any other right to communicate, and as such, communication can be limited to written correspondence and/or telephone communications as may be deemed appropriate.**

PROCEDURAL GUIDELINES

It is no the intent of this policy to provide publicity for an offender or special privileges for the news media, but rather to ensure a better-informed public. The Jail has a responsibility to protect the privacy and other rights of offenders; to protect the rights and privacy of victims and witness or other members of the public; and where appropriate officers and staff. Therefore, interviews will be regulated to ensure the orderly and safe operation of the Jail. Ordinarily, live television or radio interviews will not be permitted in the jail, nor are cameras; video or audio recordings; video phones or other electronic recording devices permitted in the jail.

In those instances where a media interview is granted, the general guidelines listed below will apply:

As a matter of identification, persons will be deemed representatives of the news media if his/her principal employment is to gather or report news for a national or international news service; a radio or television program of a station holding a Federal Communications Commission license; a news magazine of a national circulation, sold by newsstands and mail subscriptions to the general public; or a general circulation newspaper.

A newspaper is termed "general circulation" if it circulates among the general public in the community in which it is published and if it publishes news of general character or general interest. A key determination is if the paper qualifies for the publication of legal notices in the community in which it is located or the area to which it is distributed. Usually a newspaper is considered by law to be a newspaper of general circulation and so qualified to publish legal notices must contain items of general interest to the public such as news of political, religious, commercial, or social affairs.

Correspondence and Phone Contact with the Media

Offenders may correspond with the media via the U. S. mail or may use institutional telephones to make collect calls to the media. This shall generously meet the inmate/prisoner's right to communicate with the media.

Personal Interviews

A news media representative who desires to conduct an interview with an offender must apply in writing to the Director, indicating familiarity with and agreement to comply with the rules and regulations of the Jail as provided to that person by staff. This process ensures compliance with the following conditions:

1. Before requesting an interview, the news media representative acknowledges a professional responsibility to make reasonable attempts to verify any allegations regarding an offender, staff member, or institutional program. [Attachment 1](#) will be used for that purpose.
2. The representative agrees to provide the Jail Director with an opportunity for written or verbal response to any allegation made by the inmate against officers or staff and/or specific conditions within the jail before publication or broadcast, if he feels such response is warranted.

3. The representative understands he or she may obtain and use personal information from only the primary source and may not obtain information from one offender regarding another offender who refuses to be interviewed
4. **The media representative agrees and understands that no photographs; video and/or audio recording of such interview shall be made.**
5. The representative understands that failure to adhere to the standards of conduct set forth by this policy constitutes grounds for denying the media representative future access to the Jail and/or the offender, and in such case, the news organization will have to assign another representative who will agree to abide by the facility's rules and guidelines.

Offender Consent

An Offender has the right not to be interviewed by the media. Before permitting such interview, a visiting representative of the media must obtain written permission from that individual.

[Attachment 2](#) will be used by the media when making a request for a one on one interview with an offender.

The original copy of the request will be placed in the Offender's file, and a copy will be sent to the media representative. **Again, no photographs and/or electronic recordings of any nature shall be permitted.** The Jail staff will provide a photograph/mug shot of the offender upon request.

Limitations

The Jail Director may suspend all media visits during an institutional emergency and for a reasonable time after the emergency.

Interviews by reporters and others not included in the definition of news media may be permitted only by a special arrangement and with the Jail Director's approval, after consultation with the County Administrator and/or County Attorney. Ordinarily, media interviews granted under this policy will be limited to a half hour but no more than one hour in length.

An offender may not hold a press conference, which is defined for the purposes of this policy as a media interview with a representative of more than one media outlet at a time, nor can such interviews be scheduled back to back, but may be limited, so as not to interfere with the jail's normal operations.

An offender currently confined in the Jail may not be employed by a news organization, act as a reporter, or publish under a byline. An offender may not receive compensation or anything of value for interviews with the media outlet to be published under a byline. Note: While the jail cannot prevent a media outlet from publishing letters or articles sent from an inmate detained in the jail nor can it preclude the media outlet from keeping such person on its payroll, the jail staff will not provide and/or assist such person to access to typewriters; computers; word processors; recording devices; or other items not permitted at all for inmates not will staff assist such person by permitting interviews or other special privileges.

Approval Process

Either an offender or a representative of the news media may initiate a request for a personal interview. A media representative will submit a request for a personal interview within a reasonable time prior to the proposed interview. Staff will notify an offender of each interview request and will, as a prerequisite, obtain written consent from the offender before the interview takes place. The written consent or denial will become part of the offender's central file. [Attachment 2](#) will be completed by the offender, agreeing to an interview.

As a prerequisite to granting the interview, an offender must authorize Jail staff to respond to comments made in the interview and to release information to the news media relative to the offender's comments when

such comments reflect negatively against the jail's office or staff and/or allegation are made about conditions of containment and the Director feels that such response is appropriate or warranted.

The Jail Director normally will approve or disapprove an interview request as soon as possible.

Disapproval

The Jail Director will document any disapproval of a requested interview. A request for interview may be denied for any of the following reasons:

1. The news media representative or the news organization represented does not agree to the conditions established by this policy or has in the past failed to abide by the required conditions.
2. The offender is physically or mentally unable to participate. This must be substantiated by a medical officer's statement (a psychologist or psychiatrist will verify mental incapacity) and place in the offender's record.
3. The offender is a juvenile (under age eighteen) and written consent has not been obtained from the offender's parent or guardian, or the court if necessary.
4. The offender has not given written consent.
5. The interview, in the Director's opinion, would endanger the health or safety of the interviewer or would adversely affect the good order of the facility.
6. The offender is involved in a pending court action, and the court of jurisdiction in that matter has issued an order forbidding such interviews (i.e., issued a "gag" order).
7. The offender is a "protection" case, and information regarding his or her whereabouts would endanger the offender's safety.
8. Other articulated reasons based on the continued orderly operations of the Jail and/or where the premature release of such information would have an adverse affect on an on-going criminal investigation.

Conditions of Interviews

Ordinarily, interviews will not be subject to auditory supervision except for compelling security or offender management reasons.

Interviews will normally be held in the visitation area and/or a place so designated by the Director. The Director may also choose to: Limit interview times if these activities are imposing a serious drain on staff time or use of the available interview facilities; limit interviews if the offender is in a locked unit or if media personnel entering the Jail would create a disruption.

Tours

If the news media representative wishes to tour the Jail in conjunction with a personal interview, that tour will be approved, provided no other intervening factors as noted are in force.

Press Pools

The Jail Director may establish a press pool when the frequency of requests for interviews and visits has reached a volume that so warrants. All news material generated by such a press pool is made available to all media without right of first publication or broadcast.

When a press pool is established, the Jail Director will so notify all news media representatives who have requested interviews or whose visits have not yet been conducted. Selected representatives admitted to the Jail will conduct the interviews under specific established guidelines.

Press pool selection by peers generally will consist of one representative from each of the following groups:

- National and international news services
- Television and radio networks and outlets
- News magazines and newspapers
- All media in the local community

If no interest has been expressed by one or more of these groups, no representative from that group need be selected.

“Perp” walk

Jail officers and staff will not participate in staged “perp” walks (planned exhibits/walk-by’s of defendants for the expressed purpose of allowing the media to photograph or video-tape them for publication or broadcast). Media representatives may photograph or videotape offenders from a public location where they have a legitimate right to be. However, the media will not be allowed to photograph or video tape defendants inside the jail; inside the vehicular sally port unless such view can be seen from outside of the enclosed walls; any courtroom unless so authorized by the presiding judge; and/or other areas from which they and/or other members of the public have been or may be excluded. Officers and staff employed by the jail are not authorized to release to the media and/or the public the dates and times of expected transfers; releases; transport times and expected routes for court appearances; transport times and/or dates and time of medical appointments; and/or any other similar appearances outside of the jail. This policy is in effect to enhance the safety and security of the inmate; the public; and the officers and staff of the jail.

Policy Subject to Change

As with any policy, the Director reserves the right to change; modify; and/or suspend any or all parts of the above policy at anytime with or without notice. Should any part be found not to be in compliance with any applicable state or federal law, then such findings shall not affect the remaining sections unless so noted by a court of competent jurisdiction. This policy is to serve as a guide and a basis for internal guidance and discipline, and it is not intended to create any third party right as a basis for legal action against the county; the department; and/or its employees.