



STATE OF MONTANA BOARD OF
PARDONS AND PAROLE
POLICY DIRECTIVE

Policy No. BOPP 1.2	Subject: MEDIA RELATIONS
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Section 2: General Administration	Effective Date: July1, 2022
Signature: /s/ Joseph McElroy, Chief of Staff	Revised:

I. POLICY

The Board of Pardons and Parole (BOPP) will maintain positive and informative relationships with the public, the media, and other agencies with related functions. It will provide timely, complete, and accurate information on BOPP operations, accomplishments, critical incidents, and emergencies in compliance with all statutes that govern confidentiality and public information by balancing the public’s right to know with the individual’s right to privacy.

II. APPLICABILITY

All BOPP Departments.

III. DEFINITIONS

Facility/Program – Refers to any division, prison, secure care correctional facility, correctional or training program, or community-based program under Montana Department of Corrections (DOC) jurisdiction or contract. This term includes the facility building or residence, including property and land owned or leased and operated by the BOPP and DOC.

News Media Representatives – Properly credentialed representatives of any accredited news organization that reports news for a general circulation newspaper, news magazine, national or international news service, radio or television news program, and Internet news service. Authors and freelance journalists who are researching and/or writing about corrections or criminal justice issues must provide their credentials to verify their association with legitimate news or media organizations. Nothing in this definition is intended to remove from the BOPP Chairman, Chief of Staff, DOC Director and/or Deputy Director, Communications Director to the discretion to determine who constitutes news media representatives for purposes of access to offenders.

News Release – An official BOPP written statement distributed to the news media to inform the public and provide media coverage related to department business.

Offender – Any individual in the custody or under the supervision of the Department of Corrections or its contracted service providers.

Public Information Officer (PIO) – An official spokesperson is the Board Chair of BOPP. The Board Chair may designate an official representative to provide information to the public and news media.

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Public Record for Adult Offenders – Information including, but not limited to name, date of birth, race, gender, eligibility for parole, execution of warrant or sentence, term expiration, court documents unless expressly sealed by court order, FBI number, fine(s) imposed, jail credit time, supervising facility or program, participation or non-participation in a court-ordered program, court docket number, and offense in accordance with *2-6-101, MCA*.

Public Record for Juvenile Offenders – Except as provided in *41-5-215, MCA*, youth court records on file with the clerk of court, including reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts, orders, and decrees are public information until the record is sealed in accordance with *41-5-216, MCA*.

IV. BOPP DIRECTIVES

A. General Requirements

1. The BOPP will operate in a transparent way that encourages better public understanding of goals and operational procedures, and will:
 - a. provide prompt, complete responses to correspondence and requests from the media
 - b. participate in organizations and meetings that assure cooperation with other criminal justice agencies in information gathering, exchange, and standardization, including strategic and contingency planning at federal, state, and local levels.
2. The BOPP will provide current and information in verbal and written form to the public and media unless the information release is limited by the confidentiality, safety, and security needs of a program, facility. This also applies to identified victims and dispositional hearing information in accordance with *46-23-110 MCA*.

B. Department Spokespersons

1. Designated spokesperson for the BOPP is the Board Chair or designee.
2. To ensure accuracy of information provided to the public, the BOPP does not authorize staff or contracted staff to comment to the news media as official department spokesperson, or to publish or release original printed materials developed by the BOPP without approval of the Chairman.
3. BOPP staff wishing to speak to the media as private citizens, not as representatives of the BOPP, will make such contacts during off-duty hours and make clear to the media they are representing personal views, not the views of the BOPP.

C. Responsibilities

1. The Board Chair of BOPP, or designee, is responsible for the following duties:
 - a. respond to media inquiries after normal duty hours; and
 - b. contact the DOC and appropriate administrator if an inquiry pertains to an issue that may affect the entire DOC or generate significant media coverage.

- c. promptly contact the DOC communications director if a local reporter's inquiry involves a controversial issue or may impact the DOC
 - d. forward, when necessary and available, copies of videotapes and newspaper clippings pertaining to the BOPP to the Chairman.
2. BOPP employees are responsible for the following duties:
 - a. refer media inquiries to the Board Chair and/or designee depending on the nature of the inquiry.
 - b. refer media inquiries for staff information to the administrator; and
 - c. consult with the legal services with questions regarding confidentiality or the legitimacy of an inquiry.

D. Media Inquiries

1. The Board Chair or designee will ensure that media inquiries are promptly and accurately responded to in accordance with the following:
 - a. inquiries that require a telephone response will be responded to during the working day in which the inquiry is received, or as soon thereafter as possible
 - b. written responses will be made within two weeks of receipt of the inquiry
 - c. when a response may be significantly delayed, an interim verbal or written response will be provided.
2. Information may be released from adult offender records except for information in which the offender or another person has a right to privacy that outweighs the public's right to know as demonstrated in the following circumstances:
 - a. the information threatens the security or safety of a person or institution
 - b. medical or psychological information
 - c. the information is made confidential by law, e.g., the pre-sentence investigation report
 - d. investigative information
 - e. youth offender records maintained within an adult offender record in compliance with this policy.

E. Filmmaker and Writer Access to Programs

1. Filmmakers, writers for non-news magazines, and other related personnel will direct inquiries about access to correctional programs to the DOC communications director.
2. Filmmakers and writers will be subject to the established rules on offender confidentiality.

F. Denial of Media Access

1. The Board Chair of the BOPP may restrict access to records when it is determined such disclosure is jeopardizing the safety and security of DOC program, BOPP/DOC staff, or offenders. The Board Chair will independently weigh the privacy interest against the public's right to know to determine if the board should release the information (Rule 20.25.103)
2. During emergencies, and to the extent possible, regular briefings will be scheduled to ensure the flow of timely information to the media.

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V. CLOSING

1. Questions concerning this policy should be directed to the Board Chair or Chief of Staff.

VI. REFERENCES

- A. 2-6-101, MCA; 2-6-102, MCA; 2-15-112, MCA; 41-5-215, MCA; 41-5-216, MCA; 46-23-504, MCA; 46-23-508, MCA 46,23,110, MCA
- B. *Art. Sec 9 and 10 of the Montana Constitution and Title 2, Chapter 3, Public Participation in Governmental Operations*
- C. 4-4019, 4-4020, 4-4021; *ACA Standards for Adult Correctional Institutions, 4th Edition*
- D. 3-JTS-1A-25, 3-JTS-1A-26; *ACA Standards for Juvenile Correctional Facilities, 2003*
- E. *DOC Policies 1.5.5 Case Records Management; 1.8.1 Victim Services; 3.3.4 Media Access to Offenders*

VII. ATTACHMENTS

None.