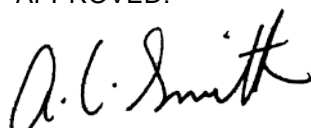




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| <b>SUBJECT:</b><br><b>Media Policy – Death Row and Executions</b> | PAGE <u>  1  </u> OF <u>  10  </u>  |
|   | NUMBER: <b>01-COM-13</b>  |
| <b>RULE/CODE REFERENCE:</b>                                       | <b>SUPERSEDES:</b><br>01-COM-13 dated 07/13/17  |
| <b>RELATED ACA STANDARDS:</b>                                     | <b>EFFECTIVE DATE:</b><br><b>September 3, 2019</b>  |
|   | <b>APPROVED:</b><br> |

**I. AUTHORITY**

Ohio Revised Code 5120.01 authorizes the Director of the Department of Rehabilitation and Correction, as the executive head of the department, to direct the total operations and management of the department by establishing procedures as set forth in this policy.

**II. PURPOSE**

The purpose of this policy is to establish general guidelines for working with the media in relation to inmates on death row.

**III. APPLICABILITY**

This policy applies to all employees and contractors of the Ohio Department of Rehabilitation and Correction (ODRC), as well as inmates sentenced to death under Ohio law.

**IV. DEFINITIONS**

**Credentials/Credentialing Process** - There are two forms of identification that need to be submitted to be granted access to the prison and the Media Center. This includes state-issued photo identification, such as a valid driver’s license, and an identification (ID) card issued by the reporter’s place of employment. The requesting media representative must also submit a letter on affiliate letterhead from the news organization represented. This letter must include home address, work, mobile and home telephone numbers. In the absence of employee ID cards, ODRC reserves the right to verify all identification and to refuse admittance when such identification is found to be suspect. The media representative must present the same credentials on-site at the prison.

**Designated Spokesperson** - An individual employee given permission to speak to the media on behalf of the ODRC. These persons are granted permission to speak to the media by the Director or Communications chief.

**Large Metropolitan Areas** - Columbus, Cleveland, Cincinnati, Dayton, Toledo, Akron/Canton, Youngstown.

**News Media** - Any accredited agency that gathers and reports news for a general circulation newspaper, news magazine, national or international news service, or radio/television news program. This includes newspapers, publications, television/radio stations and internet news services. Authors or freelance journalists who are researching and/or writing articles about corrections or criminal justice topics must provide credentials to verify their association with a legitimate news/media organization.

**News Release** - A written statement concerning an issue, event or situation for which the ODRC wishes to make a permanent record with wide-area dissemination.

**Pool Interview** - Conducted by a reporter who has been selected through either a lottery or by their peers. The interview occurs with an inmate. Once concluded, the reporter is responsible for distributing the interview to media outlets statewide. Typically, the pool interview occurs with inmates who are scheduled for executions; however, there may be other instances where ODRC will allow inmates to participate in pool interviews.

**Public Information Officer (PIO)** - The employee designated by the managing officer and approved by the Communications chief to handle public information duties for that facility.

## **V. POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) to maintain a cooperative and responsive posture to inform the public, through the media, concerning appropriate issues related to inmates on death row and the lethal injection process in Ohio. To facilitate positive relations with the public, media and other public agencies, public information staff shall work diligently to answer news media inquiries in an accurate and timely manner providing there are no risks to the security of an ODRC institution/operation or a criminal investigation.

## **VI. PROCEDURES**

### **A. Media Interaction Regarding Death Row and Executions**

1. All media inquiries received by ODRC regarding death row operations, inmates on death row, and executions shall be directed to the Office of Communications for review and handling. The Office of Communications may delegate an inquiry to an institution public information officer (PIO) to be addressed when determined appropriate.
2. In general, the Communications chief shall serve as the designated spokesperson for all execution-related issues. The Director or Communications chief may designate alternate ODRC staff to speak to the media on execution-related issues when determined appropriate.

### **B. Routine Data for Release**

1. Upon request from a news media representative, the following information about a death row inmate shall be made available:
  - a. Name and inmate number;
  - b. Age and date of birth;

- c. Race, gender, and available physical description;
  - d. County where crime was committed;
  - e. Crime and sentence;
  - f. Admission date;
  - g. Sentencing entry;
  - h. Prison transfers (dates and locations only);
  - i. Outside court actions regarding confinement and release, where known;
  - j. RIB actions (RIB dispositions only);
  - k. Institutional work assignments;
  - l. Security level;
  - m. Prior ODRC incarceration(s);
  - n. Release eligibility and supervision history (date and type only);
  - o. Time at Large (absconded or escaped);
  - p. Death (The identity of a deceased inmate shall be withheld until next-of-kin and surviving victims have been notified or for 24 hours following death, whichever occurs first). The cause of death shall not be released until made official.
2. Information regarding psychiatric, medical, or juvenile criminal histories of ODRC inmates cannot be released under law.
  3. Inmate photos can be accessed by the ODRC internet site. If the photo is not available on the internet, the Office of Communications may provide the photo provided there is not a threat to security.
  4. Other information shall be released to the news media at the discretion of the Director/designee.

### **C. Rules for Media in Department Facilities**

The general rules for all media representatives inside an ODRC facility include, but may not be limited to, the following:

1. A media representative must have advanced approval to visit an institution.
2. Media representatives may be required to provide appropriate credentials prior to entrance to an ODRC facility.
3. The institution PIO or Office of Communications staff shall make this policy available in advance of a media visit to ensure members of the news media are aware of their responsibility regarding security prior to their arrival at the institution. News media representatives must sign an ODRC Media Release form (DRC1754) upon each visit to an ODRC facility, indicating they are familiar with the rules and regulations of the facility and agree to abide by them.
4. Live broadcasts by television or radio are prohibited within correctional facilities.
5. The managing officer/designee reserves the right to terminate any interview or coverage within the facility should a disruption or disturbance occur.

6. Media must always be escorted by the managing officer's designee while in the institution.
7. No electronic or photographic recording equipment is permitted in the death row living or recreation areas without the express approval of the Communications chief. Any photography or videography at an ODRC facility must be restricted to shots which do not identify individual inmates, except with prior written consent of the inmate. If an inmate agrees to be photographed, a consent form must be signed prior to photographing.
8. A representative of the news media is requested to give ODRC an opportunity to respond to any allegation which might be published or broadcast prior to distribution.
9. The managing officer may suspend all media visits during an institution critical incident.
10. Media representatives will be required to observe all barricades and restricted areas. Any media representative failing to cooperate with the ODRC shall be promptly removed from the grounds and denied re-admittance until deemed appropriate by the Director. Law enforcement agencies will assist as needed.
11. Failure by a news media representative to comply with the rules of this policy constitutes grounds for denying the representative and/or his/her agency permission to conduct the interview or any other interviews for a twelve month period.

**D. Death Row Inmate Interviews or Media Interaction - Prior to a Scheduled Execution Date**

1. The Director/designee shall have discretion to grant or deny any interview request.
2. News media wishing to interview a death row inmate must submit a request in writing to the Office of Communications indicating whom they want to interview and the nature of the story. This request shall be submitted on official letterhead of the media outlet.
3. The Office of Communications shall be notified of any media request for a death row inmate interview as soon as possible, but no later than the business day of or immediately following receipt of the request.
4. Media representatives and journalists who are on an inmate's personal visitation list shall be denied media interviews with that offender.
5. Only one media organization may be allowed to interview an inmate at any given time. News conferences are not permitted for inmates.
6. If more than one media interview request is received for an inmate for any given day, the inmate will be asked to choose to whom he/she wants to talk. No more than three interviews will be permitted within a thirty day period. When excessive media requests are received for one individual inmate, the ODRC may consider allowing a pool interview of the inmate.

7. Interviews shall involve no more than one death row inmate at any given time.
8. Telephone interviews of death row inmates are not permitted. In addition, telephone conversations with death row inmates may not be recorded, broadcasted or simulcasted on any media (i.e., television, radio, internet, social media, podcast, etc.)
9. Inmates are not permitted to receive compensation or anything of value in exchange for, or as a result of, the interview. Media representatives or journalist organizations who violate this condition may be restricted from further access to inmate interviews.
10. Interviews may be no longer than one hour and conducted during the normal business hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, except with permission of the Office of Communications.
11. Inmates must not be in a restricted population in order to be eligible for a media interview. As the term is used in this policy, inmates in restricted population include inmates in:
  - a. Restrictive Housing;
  - b. Extended Restrictive Housing; and
  - c. Extended Restrictive Housing Transitional.

Inmates in limited privilege housing, protective custody, initial reception, or a mental health residential setting are not eligible for media interviews unless there is a pressing need and the request is approved by the Director/designee. Inmates that would otherwise be in a restricted population but for their mental health status are also not eligible for media interviews.

12. In addition to population status, the following issues shall be reviewed in considering the inmate for eligibility for a media interview or interaction:
  - a. Recent disciplinary history;
  - b. Medical and mental health status of the inmate, to include his/her physical and/or mental ability to participate;
  - c. Security Threat Group affiliation; and
  - d. Any other issue that may present a security or safety concern if the interview were permitted.
13. In addition to the above issues, the Communications chief and/or managing officer may deny any inmate interview request based on security, medical or other administrative reason including:
  - a. The news media representative or news organization which he/she represents does not agree to the conditions established by ODRC;
  - b. The news media representative or news organization has, in the past twelve months, failed to abide by any required conditions;

- c. The interview, in the opinion of the managing officer and/or Communications chief, would endanger the health or safety of the interviewer, media crew, ODRC staff, inmate, or could cause serious unrest or disrupt the operation of the institution;
  - d. The inmate is involved in a pending court action.
14. If the inmate is determined to be eligible, the institution PIO shall contact the inmate within a reasonable amount of time to determine his/her interest in participating.
15. The inmate shall be advised to notify his/her attorney before conducting a media interview in case there is a pending or anticipated legal action.
16. Attorneys, family members, spiritual advisors and other individuals are not permitted to be present during media interviews of an inmate, nor are media representatives able to accompany any of these individuals on a visit with the inmate.
17. Inmate interviews and other media interactions are voluntary. The inmate has the right not to be interviewed, photographed, or recorded by the media. The inmate shall be asked to sign the Media Permission Grant/Refusal form (DRC1753) indicating his/her decision on participating in the media interview. The written release or decision not to be interviewed shall be retained on file in the institution.
18. An inmate's refusal to participate in a media interview with an association or specific outlet will not automatically render him/her ineligible for other media interviews.
19. The Office of Victim Services (OVS) shall be notified of any inmate with a registered victim who has been approved and has agreed to participate in a media interview, prior to the interview being conducted. In the event of other ODRC-authorized media interaction with an inmate, OVS shall be notified as soon as possible after the event if it appears that an inmate with a registered victim will appear in media coverage. The purpose of this notification is to allow OVS to notify the victim(s) that media coverage is possible.
20. The institution PIO shall make this policy available in advance of the interview to ensure members of the news media are aware of their responsibility regarding security prior to their arrival at the institution. News media representatives must sign an ODRC Media Release form (DRC1754) indicating they are familiar with the rules and regulations of the institution.
21. Inmate interviews must take place in an area outside of the inmate living area; however, on the prison grounds.
22. Inmate interviews must take place in the presence of an ODRC employee for the safety of media representatives. The managing officer/designee reserves the right to terminate any inmate interview should a disruption or disturbance occur or should the media representative fail to adhere to the guidelines established for the interview.
23. Interviews may be recorded by video, audio, notes, or other methods with prior approval of the Office of Communications and the person to be interviewed.

**E. Death Row Inmate Interviews – Once the Execution Has Been Scheduled**

1. The Director/designee retains the discretion to grant or deny any interview request of a condemned inmate.
2. If the Office of Communications receives a written request to interview an inmate, the condemned inmate shall be asked if he/she would like to participate in media interviews. If the eligible inmate agrees to media interviews, and a written interview request is received from the Ohio Legislative Correspondence Association (OLCA), then the Director/designee shall grant or deny that request as outlined in this policy. If the interview is granted, OLCA shall be given the first opportunity to interview the inmate. The OLCA interview shall occur no earlier than sixty calendar days before a scheduled execution and must be completed no later than fourteen calendar days before the scheduled execution. Unless the inmate denies the OLCA interview, no other media outlets shall be permitted until after the OLCA interview is completed.
3. The OLCA pool interview of the condemned inmate shall be conducted during the normal business hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, and shall be limited to three hours in length.
4. Other than the OLCA pool reporter, other news media wishing to interview a death row inmate with a scheduled execution date must submit a request in writing to the Office of Communications indicating whom they want to interview and the nature of the story. This request shall be submitted on official letterhead of the media outlet.
5. In general, the guidelines for death row inmates listed in section VI.E of this policy shall apply, although additions or exceptions to these guidelines may be determined appropriate by the Communications chief.
6. Media interviews of condemned inmates will no longer be allowed 72 hours prior to the inmate's transfer to the Southern Ohio Correctional Facility (SOCF) or while the inmate is at SOCF.

**F. Media Relations During an Execution**

1. Scheduled execution dates shall be listed on the ODRC website when they are provided by the Supreme Court of Ohio.
2. Approximately thirty days prior to a scheduled execution date, if a stay has not been granted, ODRC shall notify the media of the execution date and time and request credentials for those reporters who wish to cover the execution from the ODRC Media Center.
3. Only those media representatives who have properly cleared the credentialing process, as established by the Office of Communications, will be permitted entrance into the prison and the ODRC Media Center. Non-credentialed media will be permitted to cover the event from the prison parking lot.

4. Media representatives shall be required to submit appropriate credentials, in accordance with ODRC instructions, in advance of the scheduled execution by the deadline established by ODRC. ODRC reserves the right to verify all credentials and to refuse admittance when such identification is found to be suspect or the media outlet is not a recognized news organization.
5. Media Witnesses at an Execution
  - a. Media representatives who submit credentials to cover the execution are not permitted to visit the inmate while the inmate is at the death house.
  - b. Pool reporters and media witnesses will be notified of their selection at least two weeks prior to the execution. Media witnesses at an execution shall be limited and selected according to the following guidelines:

Pool reporters

- The OLCA will select a print pool reporter.
- A television pool reporter shall be selected by the Director through a lottery composed of the four major news network affiliates (ABC, CBS, FOX, and NBC) from the closest large metropolitan area to the inmate's county of commitment. If the four major affiliates in the largest metropolitan area closest to the inmate's county of commitment decline the television pool reporter spot, the television pool reporter shall be selected through a lottery made up of the television stations that have submitted credentials to cover the execution.
- ODRC shall select a representative to serve as the radio pool reporter.

Additional Media Witnesses

- An Associated Press (AP) reporter selected by the AP in Columbus.
  - A reporter from the newspaper with the largest daily circulation in the inmate's county of commitment.

(and/or)
  - A reporter from the newspaper with the largest circulation in the closest large metropolitan area to the county of commitment.
6. The ODRC Media Center shall be activated at 7:00 a.m. on the actual day of the execution. Media witnesses (including pool reporters) must report to the prison Media Center no later than 7:50 a.m. on the morning of the execution.
  7. Upon signing into the Media Center, all media witnesses shall be required to sign the Agreement to Serve as a Media Witness at an Execution (DRC1756). In addition, pool reporters are required to review and sign the Agreement to Serve as a Pool Reporter at an Execution (DRC1757).
  8. The ODRC Communications chief shall conduct a news briefing at 8:00 a.m. on the actual day of the execution. The Communications chief retains the discretion to change the time of the news briefing based on media attendance and other scheduling concerns.



9. All media representatives who have been credentialed to cover the execution from the Media Center are required to be processed into the institution and in the Media Center no later than 8:30 a.m. on the day of the execution. There shall be no movement of media representative to/from the Media Center from 8:30 a.m. until the conclusion of the execution.
10. Once processed through the entry building, media representatives shall be limited to the Media Center and, for those approved to witness the execution, the execution viewing area. Movement shall be limited and controlled to/from the Media Center. Media shall not have access to any other areas of the prison on the day of an execution.
11. While inside the prison, photographs and recorded video may not be taken outside of the Media Center. While outside the prison but on prison grounds, photographs and recorded video may only be taken of authorized areas while under escort by an assigned ODRC employee.
12. Immediately prior to the execution, media witnesses shall be escorted as a group to the execution building after they have been cleared for security purposes by correctional staff assigned to this task.
13. Media witnesses are limited to bringing into the execution viewing area only those items provided to them by ODRC. Pens, pencils and note pads shall be issued to journalists by designated ODRC staff.
14. No electronic or mechanical recording devices will be permitted in the execution viewing room including, but not limited to, still cameras, film/video cameras, smart phones, smart watches or tape recorders. No artistic paraphernalia will be permitted therein. If such devices are discovered, the witness shall be immediately removed from prison property.
15. Immediately following the execution, the media witnesses shall be escorted back to the Media Center for the briefing. Media representatives shall not be permitted to leave the Media Center until the conclusion of the media briefing.
16. The official ODRC spokesperson shall make a formal announcement regarding the time of death. ODRC shall also electronically distribute a news release containing this information. Pool reporters will be required to brief assembled journalists in the Media Center as outlined in the agreement.
17. Following the briefing by pool reporters, any victim witnesses who wish to address the media will be provided the opportunity to do so. Once any victim witnesses address the media, those individuals witnessing on behalf of the inmate will be provided the opportunity to speak with the media. It is the sole discretion of the victim and/or offender witnesses whether to address the media assembled in the Media Center.
18. A written transcript approximating the inmate's final statement shall be provided following the briefing. This transcript shall be derived from the collective recollection of media witnesses attending the execution.

- 19. The ODRC Media Center shall close one hour after conclusion of the execution and all remaining media representatives shall be escorted out of the prison.
- 20. Failure to comply with any procedures and security regulations will cause the individual in question to be refused admission to the Media Center to witness the execution or subsequent executions.

**G. Access to Death Row and/or Death Row Inmates by Non-News Media**

Access to institutions by independent filmmakers, writers for non-news magazines, and others may only be permitted by special advance arrangement and approval of the Communications chief.

**H. Exceptions**

At times, the Director/designee may make exceptions to specific sections of this policy. Requests for exceptions are to be directed to the Communications chief for consideration.

**Related Department Forms:**

|   |          |
|---|----------|
| Media Permission Grant/Refusal                        | DRC 1753 |
| Media Release   | DRC 1754 |
| Agreement to Serve as a Media Witness at an Execution | DRC 1756 |
| Agreement to Serve as a Pool Reporter at an Execution | DRC 1757 |