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Scott Crow, Director Oklahoma Department of Corrections	Signature on File		

**Information Requests and Release of Information from Agency
Records and Media Access to the Oklahoma Department of
Corrections**

Effective communication with the public, the State Legislature, the Governor and other state agencies is essential to the successful operation of the Oklahoma Department of Corrections (ODOC). In accordance with the "Oklahoma Open Records Act" (51 O.S. 24A.1 et seq.), ODOC recognizes the inherent right of access to and review of government records. Citizens of the State of Oklahoma may be informed of the operations of the ODOC and understand correctional procedures, the agency will ensure prompt and reasonable access to its records. The appropriate agency representative will respond fully and promptly to requests for information concerning agency operations or specific inmates/offenders, as allowed, from all parties. Such communication will be tracked with regard to privacy protection. These procedures will apply to requests from the public; the legislative, executive, and judicial branches of local, state, and federal government; the media; private agencies; and educational institutions. (2-CO-1A-26, 2-CO-1A-27, 5-ACI-1A-21, 4-ACRS-7F-01)

I. Media Access to the Department of Corrections (4-ACRS-7F-01)

The following procedures will be implemented regarding media requests for information or interviews with the ODOC personnel and inmates/offenders.

A. Designation of Persons Authorized to Address the Media

1. The agency director, unit chief administrators, chief of Staff, public information manager (PIM), and individual employees designated by the agency director are authorized to address the media or public on behalf of the ODOC.
2. Agency staff will refer all requests about ODOC concerning interviews and tours to the Communications and Government Relations unit.
3. When an agency staff member is contacted by a member of the media, the staff member will forward the communication to the Communications and Government Relations unit. Each communication will be tracked by the public information manager (PIM), or an assigned member of the communications team, in such a manner as can be accessed and searched by authorized individuals.
4. Legislative request will be handled by the agency director, the chief of Staff or the legislative liaison.

B. Facility Access

1. All media requests to enter a facility will be filed with the Communications and Government Relations unit.
2. For security reasons, the request will list the date and time requested to enter the facility, the names of all persons who are requesting entry and the type of equipment that will be carried into the facility.

3. ODOC will determine if personnel are available to conduct the search of all equipment and escort the media for the duration of the visit. If personnel are not available, the request will be denied.
4. Media access will be granted on a first-come, first-served basis.
5. No video tape or audio recording may be made without specific authorization. This is for the security of staff, inmates and the media.
6. For safety and security reasons, the media will be accompanied at all times while in the facility by a representative of the Communications and Government Relations unit.

C. Access to Inmates

Any request by a media representative to interview an inmate will be made through the Communications and Government Relations unit and requires the approval of the agency director and a signed release from the inmate prior to the interview being conducted. The signed release will be placed in the inmate's field file.

- D. Request by other individuals, organizations or groups to film, record or interview will follow the same procedures as outlined above.

II. Requests for Information

Upon direction, all employees are responsible for responding to requests for information from the public. Requests will be acted on as soon as possible so the information can be gathered and provided to the requestor in a timely manner.

A. Unwritten Requests

Whenever possible, requests for information will be in writing. It will be the responsibility of the General Counsel's Office to confirm any unwritten request by communicating with the requestor, in writing or by electronic mail, to confirm and clarify the request. No request will be denied because it is not made in writing.

B. Written Requests

In response to a written request for information, the responding party will prepare a written response advising whether the requested documents are in the agency's possession. If the documents are in the agency's possession, the response will indicate whether the documents are subject to the "Oklahoma Open Records Act." If the documents are not subject to the "Oklahoma Open Records Act," the applicable provision of the act will be cited. If the document is subject to the "Oklahoma Open Records Act," the agency will advise the requestor of the length of the document and the cost

of reproduction, as outlined in Section V. of this procedure. Reproduction costs must be paid before the document is released.

III. Prompt Access to Records

Requests for information received by ODOC personnel will be answered in a timely manner. However, it is recognized that workloads, time necessary to collect data, or priorities may necessitate the inability to meet the requested time frame. In these cases, the requestor will be contacted in writing or by telephone before the deadline and informed that the request is still being processed and the estimated completion date. If the information requested is confidential, not available, or cannot be compiled in a reasonable amount of time, the requestor will be informed why the information request cannot be answered. Burdensome requests may be negotiated with the requestor to reduce costs and work load.

If a request for information is received in which the requestor has specified a date to respond, no acknowledgment will be necessary unless the requested date cannot be met.

IV. Reasonable Access to Records (5-ACI-1A-22)

The "Oklahoma Open Records Act" does not impose any additional record-keeping requirements. Requests for records that are not available will be denied. Only records currently in existence will be available to the public.

A. Records Open for Inspection (5-ACI-1A-22)

All records of ODOC are open to any person for inspection, copying, and mechanical reproduction during regular business hours, except those specifically listed below.

1. Legal documents and materials prepared in anticipation of litigation and records protected by state evidentiary privilege (51 O.S. § 24A.5.). Investigatory reports prepared by the office of Inspector General under the direction of the general counsel and litigation files are confidential and will not be released pursuant to the "Oklahoma Open Records Act" (51 O.S. § 24A.12). (5-ACI-1A-22 b#3)
2. Personal notes and personally created materials (other than departmental budget requests) prepared as an aid to memory or research leading to the adoption of a public policy or implementation of a public project may be kept confidential prior to taking action (51 O.S. § 24A.9.).
3. Minutes of meetings lawfully closed to the public, such as executive sessions, as authorized by the "Open Meeting Act" (25 O.S. § 301 et seq, 51 O.S. § 24A.5.1.b).
4. Records that, if disclosed, would give an unfair advantage or

disadvantage to competitors such as: (51 O.S. § 24A.10.B)

- a. Bid specifications for competitive bidding prior to publication;
 - b. Contents of sealed bids before the opening of bids;
 - c. Computer programs or software (excluding data);
 - d. Appraisals relating to the sale or acquisition of real estate prior to the award of a contract; and
 - e. The prospective location of a private business or industry prior to public disclosure, except for records otherwise open to inspection, such as applicators for permits or licenses.
5. Any information relating to research of which the disclosure could affect the method of conducting or the outcome of the research until the project is completed (51 O.S. § 24A.19.1.) (5-ACI-1A-22 b#3).
 6. Records from the Oklahoma State Bureau of Investigation (OSBI), Federal Bureau of Investigation (FBI), Oklahoma Office of the Chief Medical Examiner, Office of Juvenile Affairs (OJA) and Department of Defense (DOD) obtained by the ODOC may not be released. Requestors of these records must apply directly to these agencies. (5-ACI-1A-22 b#3)
 7. Information that may endanger the safety of an informant will not be released to the public.

B. Employee Personnel/Training Records

Public access to, and retrieval of, information contained in employee personnel/training records will be in accordance with [OP-110105](#) entitled "Employee Personnel Records" and 51 O.S. § 24A.7.

C. Inmate/Offender Records (4-APPFS-3C-03)

1. Inmate/Offender health records are exempt from the "Oklahoma Open Records Act." Public access to, and retrieval of, information from inmate/offender health records will be in accordance with [OP-140108](#) entitled "Privacy of Protected Health Information."
2. Request for information in inmate/offender records from the public will be in accordance with [OP-060212](#) entitled "Maintenance and Access of Inmate/Offender Records" and accompanied by at least the name of the inmate/offender. Other information such as date of birth, race, gender, social security number (SSN), and ODOC number of the inmate/offender should be provided if available for verification purposes.

D. Records Requests

Requests regarding matters under investigation, or matters involving litigation or potential litigation will be forwarded to the office of General Counsel. Requests from the Governor's office, the legislature, or Board of Corrections members will be referred to the appropriate unit office, Communications and Government Relations office and/or the office of the Director.

V. Communication with the Public

A. Monitoring Communication

All communication from the public, excluding contact pertaining to a victim, which will be forwarded to the community outreach unit, contact from a member of the media or a member of the legislature or a legislator's staff or any other government employee regarding legislation, shall be input and stored on a Communications and Government Relations unit tracking spreadsheet maintained by the Communications and Government Relations unit. This spreadsheet will be accessible and searchable by authorized personnel.

B. Data Input

The Communications and Government Relations unit is responsible for creating and maintaining a form, which can be accessed and completed by staff members. This form will populate the Communications and Government Relations unit spreadsheet. This form will also include the ability to input all available information in a format that is also able to be tracked and reviewed.

C. Cost of Copying

For those records open to inspection, 25 cents per page will be charged for copying. The proceeds from copy charges will be deposited in the ODOC Revolving Fund 200. If a request is made solely for commercial purpose or the request clearly causes excessive disruption of the public body's essential functions, a reasonable fee may be imposed to recover the direct cost of the document search (51 O.S. § 24A.5.4.). Publication in a newspaper or broadcast by news media will not constitute a resale or use for commercial purpose.

VI. Release of Information to the News Media (2-CO-1A-25, 2-CO-1A-27, 2-CO-1A-27-1, 2-CO-3C-01, 5-ACI-1A-22, 5-ACI-3D-06, 4-ACRS-7F-01, 4-ACRS-7F-02, 4-ACRS-7F-03, 4-APPFS-1C-01)

The following procedures will be implemented regarding media requests for information or interviews with ODOC personnel and inmates: (2-CO-3C-01, 5-ACI-1A-22 b#5)

A. Public Information Manager (PIM)

The departmental public information manager (PIM) is the official spokesperson for ODOC. The Communications and Government Relations unit is responsible for developing and reviewing annually the public information program. The PIM (or designee) is responsible for providing the news media requested information concerning the agency's programs, services, and policies. (2-CO-1A-25, 5-ACI-1A-22 b#2 and #6, 4-ACRS-7F-01, 4-APPFS-1C-01) Requests from the media will be handled through the agency PIM at no charge to media representatives. (2-CO-1A-27, 2-CO-1A-27-1)

1. Each facility/unit head will designate a staff member to assist the agency's Communications and Government Relations unit.
2. The PIM will be notified when staff or inmates are contacted by the news media with a request for information or interview.

B. Media Access to Inmates/Offenders (5-ACI-1A-22 b#4, b#5, 4-ACRS-7F-02)

1. Incarcerated Inmates

Inmates may accept or reject ODOC approved media interview requests. The procedures for media interviews with incarcerated inmates during non-emergency conditions are as follows: (2-CO-3C-01, 5-ACI-3D-06, 4-ACRS-7F-03)

- a. All requests for interviews will be made in writing through the PIM.
- b. The PIM will obtain clearance from the appropriate facility head in regard to scheduling access of news media representatives into the correctional facility.
- c. Media representatives may be permitted to interview those inmates who consent in writing to be interviewed for a stated purpose and without compensation. (5-ACI-3D-06, 4-ACRS-7F-03)
- d. An inmate may not be photographed in a manner, which is individually identifiable, without the inmate signing a "Release" form ([Attachment A](#), attached).
- e. Any special requirements created by the presence of a news media representative will be arranged by the PIM in consultation with the agency director and the news media representative. (5-ACI-1A-22 b#4)

- f. The facility head will assign a staff person to assist the Communications and Government Relations unit during the visit.
- g. Media interviews will not be allowed for any inmate sentenced to death, assigned to death row, or awaiting execution.

2. Probation and Parole

Offenders under probation and parole supervision may submit to news media interviews at any time without the need for a release from the agency.

3. Private Prison

Inmates assigned to private prisons may submit to news media interviews or requests. The private prison facility head will notify the Communications and Government Relations unit when Oklahoma inmates are contacted or interviewed by the news media.

C. Interview Guidelines for Oklahoma Department of Corrections Employees

Employees of ODOC have the right to accept media interview requests. Employees having contact with the media will complete the "Employee/Media Contact Form" ([Attachment B](#), attached) and submit it to the facility/unit head.

1. Requests for Scheduled Interviews

- a. All media interview requests made of individual employees will be reported to the PIM through the employee's chain of command.
- b. The employee's comments in an interview may not involve the divulging of confidential information.
- c. A "Release" form ([Attachment A](#)) is not required for employee interviews with the news media.
- d. Interviews with employees should be scheduled so as not to interfere with the employee's assigned duties or work schedule.

2. Spontaneous Interviews

In case of spontaneous interviews where the employee appears in public on behalf of ODOC in an official capacity as an ODOC employee, the employee will refer the media to the public information office or chief of Staff in accordance with Section I. A. item 1. of this

procedure. Private prison officials who act or appear in the interest of ODOC will report to the chief administrator of Communications and Government Relations the content of the interview.

D. Denial of Media Access (5-ACI-3D-06)

1. Inmates

Media access to inmates in a correctional facility may be denied by the agency director, chief of Operations, chief of Staff, affected unit administrator, or chief administrator of Communications and Government Relations.

2. Correctional Employees

Media access to correctional employees may be denied by the agency director, chief of Operations, chief of Staff, affected unit administrator, or chief administrator of Communications and Government Relations.

3. Notice of Denial

Whenever media access to a facility, an inmate or correctional employee is denied due to reasons cited above, the agency director may provide reasons for the denial. (5-ACI-1A-22 b#1)

VII. References

Policy Statement P-020100 entitled "Management of Oklahoma Department of Corrections Information"

OP-060212 entitled "Maintenance and Access of Inmate/Offender Records"

OP-110105 entitled "Employee Personnel Records"

OP-140108 entitled "Privacy of Protected Health Information"

25 O.S. § 301 et seq. ("Open Meeting Act")

51 O.S. § 24A.1. et seq. (Oklahoma Open Records Act")

51 O.S. § 24A.5.

51 O.S. § 24A.5.1.b.

51 O.S. § 24A.5.4.

51 O.S. § 24A.7.

51 O.S. § 24A.9.

51 O.S. § 24A.10.B.

51 O.S. § 24A.12.

51 O.S. § 24A.19.1.

74 O.S. 840-2.11

74 O.S. § 840-2.5

74 O.S. Supp. 2012, Ch. 62, Appendix Title 257 § 20-1-4 (Oklahoma Ethics Commission- Ethics and Conflicts of Interest-misuse of office)

VIII. Action

Executive/Senior staff are responsible for compliance with this procedure.

The chief of Staff is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the agency director.

This procedure will be effective as indicated.

Replaced: OP-020108 entitled "Information Requests and Release of Information from Agency Records and Media Access to the Department of Corrections" dated June 16, 2020

Distribution: Policy and Operations Manual
Agency Website

<u>Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment A	"Release"	Attached
Attachment B	"Employee/Media Contact Form"	Attached