



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Casey Gerber

Name of Individual Certifying this Document/Proposed Document

Director, Office of Juvenile Offender Review

Title



Casey Gerber

Signature

06/24/2019

Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (6/2019)

 <p style="text-align: center;">WISCONSIN DEPARTMENT OF CORRECTIONS Division of Juvenile Corrections</p> <p style="text-align: center;">Policy and Procedure</p>	EFFECTIVE DATE 10/24/2018	PAGE NUMBER 1 of 9
	MANUAL REFERENCE	<input checked="" type="checkbox"/> New <input type="checkbox"/> Revision
	DJC POLICY # 100.01.13	Original Date: 10/24/2018
	ORIGINATED BY John D. Paquin, Administrator X  Date Signed: 10/24/2018	
DISSEMINATION <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Confidential – Security Related <input type="checkbox"/> Facilities <input type="checkbox"/> Field Offices <input type="checkbox"/> Health Services <input type="checkbox"/> Supervisory Staff Only	PRIORITY <input type="checkbox"/> Policy/Directive <input checked="" type="checkbox"/> Information Discuss at Staff Meeting Read/Route/Post	
	REPLACES POLICY N/A	
SUBJECT: Division of Juvenile Corrections Media Policy		

Purpose

The purpose of this policy is to provide guidelines for media access to DJC staff, youth and worksites.

Policy

It is the goal of the Department of Corrections to make staff, youth, volunteers, and others available for interviews with members of the media to further public understanding of operations and to open correctional facilities to media access as allowed by Department policies and relevant laws.

References

Wisconsin Statutes s. 938.78 – Confidentiality of records

Wisconsin Statutes s. 938.999 – Interstate Compact for Juveniles

Wisconsin Statutes s. 949.165 – Escrow accounts; moneys received as a result of the commission of a serious crime

Wisconsin Administrative Code DOC 379.06 – News media access to youth

Definitions, Acronyms, and Forms

DJC – Division of Juvenile Corrections

DHS – Wisconsin Department of Health Services

DOC – Wisconsin Department of Corrections

DOC-1163 – Disclosure of Non-Health Confidential Information

DOC-1927B – Staff Media Consent and Liability Waiver

DOC-1927C – Youth Media Consent and Liability Waiver

DOC-1862 – Media Agreement Release Parents or Guardians of Youth DJC

Communications Office – The unit within the DOC Secretary's Office responsible for managing internal and external communications, including media relations. The Communications Office includes the DOC Communications Director, Deputy Communications Director, and any other DOC employees designated by the Communications Director to act as a member of the Communications Office.

Interview – Any interaction between a member of the media and DJC staff, youth, volunteers, or others that will be referred to, reproduced, recorded, or broadcast in any form that occurs in a DOC facility or under the auspices of DOC operations. This does not include interactions between members of the media and DJC staff which occur outside of work hours where DJC staff are not wearing their uniform and do not speak for the DOC or interviews between youth on juvenile community supervision and members of the media that are not facilitated by DOC.

Media – An individual employed, contracted, or otherwise acting on behalf of a newspaper, radio station, television station, website, production company, or other organization whose primary purpose is reporting news or producing programming or content which will be broadcast or published in any form. The Communications Office may require a member of the media to provide proof of their status under this definition.

Media Advisory – Communication to the media regarding an event that will take place in the future.

OVSP – Office of Victim Services and Programs

Press Release – Statement or other communication sent to the media giving information on a particular issue or issues. This includes information provided in person, by phone, email, or any other medium.

Protected or Confidential Information – Any information protected by state or federal privacy or confidentiality laws, which may include juvenile confidential information, education information, medical information, or AODA treatment information. Juvenile confidential information is further defined as any information protected by Wisconsin Statutes s. 938.78, which may include the youth's name (including any nicknames), date of birth, DOC number or other unique identifying number, description (including any distinguishing features), committing county, committing offense, any audio or visual depiction that would identify the youth, or any other information or records which could be used to identify the youth. This also includes records kept or information received about a specific youth.

Volunteer – An individual not employed by the Wisconsin Department of Corrections who is inside a DOC facility in a volunteer capacity. This does not include individuals visiting someone confined at a DOC facility or any individual not employed by DOC inside a DOC facility acting in an official or professional capacity.

Youth – For the purposes of this policy, "youth" refers to any individual held in a juvenile correctional facility or on juvenile community supervision. This policy does not apply to youth held in a DHS facility, youth held in a juvenile detention center or other juvenile facility not operated by DOC, or youth not supervised by the Division of Juvenile Corrections.

I. General Guidelines

A. Members of the media shall have at least the same access as members of the public to youth in juvenile facilities or on juvenile community supervision.

B. Consent to Media Interview

1. DJC staff, volunteers, and youth must consent before participating in an interview while inside a DOC facility or under the auspices of DOC operations.

a. Youth must provide written consent by completing DOC-1927C.

b. The parent, guardian, or legal custodian of youth under age 18 must also provide written consent for the youth to participate in a media interview by completing DOC-1862.

c. DJC staff and volunteers (other than staff listed by title in Section I.C.1 of this policy) must provide written consent by completing DOC-1927B.

2. This policy does not prevent DJC staff from speaking to members of the media outside work hours while not in uniform as long as they do not speak on behalf of the DOC.

3. DOC shall not facilitate or assist members of the media who wish to interview DJC staff, youth, volunteers, or others who have declined to consent to an interview inside a DOC facility or under the auspices of DOC operations.

C. DJC Staff with Authority to Speak on Behalf of the DOC

1. The following staff are authorized to speak on behalf of the DOC after notifying the Communications Office:

a. DJC Administrator

b. DJC Assistant Administrator

c. Regional Chief(s)

d. Superintendent(s) of juvenile facilities

2. DJC staff participating in media interviews are responsible for following relevant laws and Department policies, including those governing the confidentiality of certain information.

D. Media Contacts

1. Each worksite shall establish an internal process to report all media contacts to the Communications Office by phone or email to the contact information provided in this section.

2. Pursuant to each worksite's internal process, DJC staff shall report the media contact and refer members of the media to the Communications Office by providing the following contact information:

- a. Phone number: 608-240-5060.
 - b. Email address: DOCMedia@wisconsin.gov.
3. When reporting a media contact, DJC staff shall provide at least the following information to the Communications Office:
- a. Time and date of contact
 - b. Full name and organization of contact
 - c. Contact information, including phone number or email address
 - d. Deadline (if known)
 - e. Subject matter of the inquiry
- E. Youth on juvenile community supervision may freely participate in interviews with members of the media that are not facilitated by the DOC.

II. Media Advisories and Press Releases

- A. The Communications Office shall issue all press releases and media advisories on behalf of DJC.
- B. Staff shall submit all necessary information to the Communications Office for consideration.
- C. Exceptions to Sections II. A and II. B of this policy may be granted by the DOC Deputy Secretary, DOC Assistant Deputy Secretary, or Communications Office.
- D. The Communications Office shall not provide protected or confidential information in response to media inquiries unless appropriate written authorization is provided to the Communications Office.

III. Tours of DJC Facilities

- A. Members of the media requesting tours of DJC facilities shall be directed to the Communications Office which shall relay the request to the DJC Administrator, Assistant Administrator, Superintendent, Regional Chief, or designee of the appropriate juvenile facility.
- B. The Superintendent, Regional Chief, or designee of the facility may approve the tour request after consultation with the DJC Administrator or Assistant Administrator. The following factors shall be considered:
 - 1. The impact on DJC or facility operations
 - 2. The advancement of legitimate correctional objectives
 - 3. Whether the tour would jeopardize or be detrimental to:
 - a. The safety, security, or order of the facility;
 - b. The safety, welfare, or well-being of DOC staff;
 - c. The safety, welfare, well-being, or program participation of youth; and
 - d. The welfare of victims, families of victims, or the community.
- C. If the tour request is approved, the Communications Office will consult with DJC to develop the conditions for the tour and identify a date and time for the tour.

- D. If members of the media wish to bring equipment into the facility during a tour to record audio, video, or take still pictures, a list of equipment must be provided for review to the Communications Office at the time background check information is provided.
- E. The conditions of the tour must contain at least the following provisions:
 - 1. Members of the media must successfully complete a background check and security screening procedures;
 - 2. Members of the media must be escorted at all times by DOC staff and follow the direction of DOC employees;
 - 3. Members of the media shall ask their DOC staff escort before speaking with other DOC staff or youth; and
 - 4. Pursuant to Wis. Admin. Code 379.06, members of the media must complete DOC-1927C before participating in a tour of a DJC facility.

IV. Review Process for Facilitated Media Interviews with Youth

- A. Members of the media who wish to conduct an interview with youth in a juvenile facility or on juvenile community supervision shall be directed to the Communications Office and provide all requested information.
 - 1. The Communications Office shall not confirm the identity of a youth in a juvenile facility or on juvenile community supervision without appropriate written authorization.
 - 2. Members of the media are responsible for providing appropriate authorization if they wish to have DOC facilitate an interview with a specific youth in a juvenile facility or on juvenile community supervision.
- B. When an interview request is received, the DOC Communications Office shall relay the interview request to the DJC Administrator and Assistant Administrator.
 - 1. If the youth is currently held in a juvenile facility, the interview request shall also be sent to the superintendent or designee of the facility.
 - 2. If the youth is on juvenile community supervision, the interview request shall also be sent to the regional chief or designee of the region supervising the youth.
- C. In determining whether to approve the interview, the following factors shall be considered:
 - 1. The impact on DJC, facility, or region operations;
 - 2. The advancement of legitimate correctional objectives;
 - 3. Whether the interview will jeopardize or be detrimental to:
 - a. The safety, security, or order of DOC facilities;
 - b. The safety, welfare, or well-being of DOC staff;
 - c. The safety, welfare, well-being, or program participation of youth; or
 - d. The welfare of victims, families of victims, or the community.

4. If the Superintendent or Regional Chief believes a youth is not able to provide informed consent due to a medical or mental health condition, they must seek input from a licensed medical or mental health professional to determine the appropriate method to obtain informed consent; and
 5. If the Superintendent or Regional Chief believes a media interview may have an adverse impact on a youth's health or the provision of medical or mental health care, they must seek input from a licensed medical or mental health professional.
- D. The DJC Administrator, Assistant Administrator, Superintendent, Regional Chief, or designee shall consult with the DJC Victim Coordinator and OVSP to determine the potential impact of the interview on the welfare of any victims or families of victims.
- E. Any of the following conditions shall result in an interview not being approved:
1. The parent, guardian, or legal custodian of a youth under age 14 not consenting to the interview.
 2. The youth not consenting to the interview.
 3. The youth is being held in restrictive housing.
 4. Failure by members of the media to complete a written agreement not to disclose juvenile confidential information prior to an interview.
 5. A licensed medical or mental health professional reasonably believes the youth is not able to provide informed consent to participate in an interview.
 6. A licensed medical or mental health professional reasonably believes an interview will have an adverse impact on the youth's health or the provision of medical or mental health.
- F. The Superintendent, Regional Chief, or designee shall convey their decision to the DOC Communications Office, who shall inform the member of the media making the request.
- V. Facilitated Media Interviews Involving Youth or DJC Staff
- A. Interviews with youth occurring in juvenile facilities
1. The requester shall provide the following in writing to the DOC Communications Office at least one week prior to the date of the interview:
 - a. The full legal names and other requested information for all individuals who wish to conduct an interview inside the facility; and
 - b. A full list of equipment for review to be brought into the facility.
 2. The Communications Office shall inform the requester in writing if any individuals have not passed a background check or any equipment is not being allowed into the facility.
 3. Members of the media shall comply with applicable security screening procedures.

4. The conditions of the interview shall be communicated to the requester at least 24 hours in advance of the interview and must be accepted in writing by all individuals participating in the interview before the interview takes place.
5. Only the Superintendent, Regional Chief, or designee or the Communications Office may change the conditions of the interview.
6. Members of the media shall follow all relevant laws and Departmental policies while on facility grounds.
7. Members of the media shall follow the directions of DOC staff and shall be escorted at all times by DOC staff while on facility grounds.

B. Interviews with youth not occurring in juvenile facilities:

1. The Communications Office shall consult with the DJC Administrator or Assistant Administrator to develop appropriate conditions for the interview.
2. If the youth is on juvenile community supervision, the Communications Office shall also consult with the Regional Chief of the region supervising the juvenile.
3. The conditions of the interview shall be communicated to the requester at least 24 hours in advance of the interview and must be accepted by all individuals participating in the interview before the interview takes place.
4. Only the DOC Communications Office, DJC Administrator, Assistant Administrator, Regional Chief, or designee may change the conditions of the interview.
5. DOC staff shall attend the interview to ensure compliance with the agreed conditions.

C. Interviews with DJC staff

1. If the Communications Office receives a request by a member of the media to interview staff, the Communications Office shall relay the request to the DJC Administrator or Assistant Administrator, and the Superintendent, Regional Chief, or designee supervising the employee for review.
2. If the interview is approved, the Communications Office shall contact the employee to be interviewed.
 - a. If the employee accepts, they must provide consent by completing DOC-1927B except as noted previously in this policy.
 - b. If the employee declines, the Communications Office shall decline the interview on the employee's behalf.
3. If the employee consents, the Communications Office shall develop appropriate conditions for the interview, which must be accepted by the members of the media participating in the interview.
4. This policy does not prevent DJC staff from speaking to members of the media outside work hours while not in uniform as long as they do not speak on behalf of the DOC

- D. Failure by a member of the media to follow this policy may result in the immediate termination of an interview.

VI. Media Interactions Regarding Youth Confined or Supervised under the Interstate Compact for Juveniles

- A. All media interactions shall be in compliance with the Interstate Compact for Juveniles.
- B. Media interactions regarding youth confined or supervised under the Interstate Compact for Juveniles shall be resolved by the DOC Communications Office following consultation with the DJC Administrator or Assistant Administrator and the appropriate agency.

VII. Money Received as a Result of the Commission of a Serious Crime

- A. As soon as any staff member becomes aware of a request that any contract or prior to any other individual or entity entering into a contract on the youth's behalf under Wis. Stat. s. 949.165, staff shall notify the Superintendent or Regional Chief in writing.
- B. The Superintendent or Regional Chief shall communicate the notification to the Communications Office and Office of Legal Counsel.
- C. Youth conduct and activity shall be in compliance with Wisconsin Statutes s. 949.165.

cc: Office of Secretary
DJC Leadership Team

