

BOBBY JINDAL
Governor

JAMES M. Le BLANC
Secretary


State of Louisiana
Department of Public Safety and Corrections
Louisiana State Penitentiary

October 29, 2010

ACLU Foundation of Louisiana Secretary of State
Commercial Division
PO Box 94125
Baton Rouge, LA 70804-9125
P.O. Box 56157
New Orleans, LA 70156

Dear Ms. Schwartzman:

This responds to your August 11, and September 29, 2010 correspondence concerning James Ridgeway's request for an extensive tour/investigation of Louisiana State Penitentiary (LSP). Contrary to the representation in your letter, LSP did not deny Mr. Ridgeway's request based on the content of Mr. Ridgeway's prior articles.

As you note in your letter, a great many people do visit LSP every month. Mr. Ridgeway, however, did not simply "request to tour the Louisiana State Penitentiary . . ." Mr. Ridgeway requested an open-ended, personalized multi-day investigation of most areas of LSP, including interviews of staff and inmates in some of the most secure and sensitive portions of the facility. Aside from the almost unlimited scope of the requested investigation, several of the specific investigations proposed by Mr. Ridgeway are prohibited by existing departmental and institutional regulations. See, e.g., DPSC Regulation No. C-01-013 and LSP Directive 01.014.

Nevertheless, LSP will provide access to most of the areas requested in Mr. Ridgeway's letter. It is standard procedure for LSP staff to accompany media representatives during any media visit, and I therefore have asked Cathy Fontenot, LSP's Assistant Warden of Programming, to accompany Mr. Ridgeway on his visit. Please have Mr. Ridgeway contact Warden Fontenot directly at 225.655.2897 to make arrangements for a visit to LSP as described in this letter.

I also note that Mr. Ridgeway has asked to interview me. I will try to meet with Mr. Ridgeway, at least briefly, depending on my schedule and availability at the time of his visit. In addition to the foregoing, we repeat our offer for Mr. Ridgeway to submit written questions on other matters identified in your letter

Very Truly Yours,



Burl Cain, CCE
Warden

cc: Mr. James Ridgeway
Assistant Warden Cathy Fontenot

**STATE OF LOUISIANA
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
CORRECTIONS SERVICES**

**Department Regulation
No. C-01-013**

20 June 2010

**FIELD OPERATIONS
General
Public Information Program and Media Access**

1. **AUTHORITY:** Secretary of the Department of Public Safety and Corrections as contained in Chapter 9 of Title 36.
2. **REFERENCES:** La. R.S. 46:1844(W)(1)(a); ACA Standards 2-CO-1A-25 through 27-1 (Administration of Correctional Agencies), 4-4019 through 4-4021 (Adult Correctional Institutions) and 1-ABC-1A-18, 1-ABC-1A-19, and 1-ABC-1A-20 (Adult Boot Camp Programs); Department Regulation Nos. B-03-004 "Access to and Release of Active and Inactive Offender Records," C-03-004 "Death Penalty" and C-05-001 "Activity Reports/Unusual Occurrence Reports Operational Units" and the Louisiana Register dated June 20, 2010.
3. **PURPOSE:** To state the general guidelines regarding Department policies aimed at maintaining informative relationships with the public, the media and other agencies.
4. **APPLICABILITY:** Deputy Secretary, Undersecretary, Chief of Operations, Regional Wardens, Wardens, Director of Probation and Parole, Director of Prison Enterprises and Communications Director. Each Unit Head shall develop procedures to facilitate interaction with the public, the media, and other agencies and is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation and to inform employees and offenders of its contents.
5. **POLICY:** It is the Secretary's policy to maintain a cooperative and responsible relationship with and to inform the public, media and other agencies concerning Department operations, accomplishments, challenges and critical incidents. News media inquiries shall be responded to in an accurate and timely manner, consistent with the security and privacy interests of the Department, its staff and offenders. All legitimate news media organizations shall be allowed reasonable access to the state's correctional facilities unless security considerations dictate otherwise.
6. **DEFINITIONS:**

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- A. **Commercial Production:** Freelance photographers, writers and film makers who intend to sell their work product (including uncommitted documentaries) for profit to other companies.
- B. **Credentials:** For purposes of identification, both photo identification, such as a valid driver's license, and identification (ID) card issued by the reporter's place of employment shall be required. In the absence of employee ID cards, the Department reserves the right to verify all identification and to refuse admittance when such identification is found to be suspect.
- C. **Designated Spokesperson:** An individual employee that has been given permission to speak to the media on behalf of the Department, institution, or Probation and Parole Office. These persons are granted permission to speak to the media by the Unit Head.
- D. **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.
- E. **News Release:** A written statement concerning an issue, event or situation for which the Department wishes to make a permanent record-for widespread dissemination.

7. RELEASE OF INFORMATION:

- A. The Secretary shall have discretion to grant or deny an interview request.
- B. Information regarding non-restrictive departmental operations, policies, procedures, etc. shall be released through the Communications Director.
- C. The Unit Head or designee shall be responsible for releasing information pertaining to their respective unit. Designated spokespersons shall be knowledgeable of issues and departmental policy and shall ensure the accuracy of information prior to release.

The Communications Director shall advise and assist the Unit Head in matters relating to national and international news media requests. Any contact from a national or international news representative shall be reported to the Communications Director prior to the release of any information.

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Additionally, if a local reporter's inquiry involves an issue that is currently newsworthy and receiving media attention or affects the entire Department, the Communications Director shall be contacted prior to the release of any information.

- D. The reporting of unusual occurrences shall be made in accordance with the requirements of Department Regulation No. C-05-001 "Activity Reports/Unusual Occurrence Reports Operational Units." In addition, the Secretary, Chief of Operations and Communications Director shall be made aware as soon as possible of any incidents involving offenders under the supervision of the Division of Probation and Parole.
- E. Unless specifically assigned to do so by the Unit Head, other departmental employees shall not make statements on behalf of the unit or the Department. Staff shall refer all media inquiries to the Unit Head or designee.

8. RELEASE OF DATA:

- A. In conjunction with the Secretary and Communications Director, and pursuant to Section 9.D. regarding critical incidents, units will proactively communicate with the news media regarding escapes, incidents of serious violence, riots, or other disturbances which result in fatalities, major injuries, major property damage or any other serious disruption of prison operations.
- B. Upon request from a news media representative, information regarding an offender shall be released in accordance with Department Regulation No. B-03-004 "Access to and Release of Active and Inactive Offender Records."
- C. Information regarding psychiatric, medical or juvenile criminal histories of offenders cannot be released. Additionally, pursuant to La. R.S. 46:1844(W)(1)(a), the name, address or identity of crime victims who, at the time of the commission of the offense were minors under 18 years of age, or who were victims of sex offenses, regardless of the date of commission of the offense, cannot be disclosed.

9. GENERAL PROCEDURES:

- A. Unit procedures shall address emergency and non-emergency responses to the news media and include, at a minimum, the following:
 - 1) Identification of areas in the unit that are accessible to news media representatives;
 - 2) Contact person for routine requests for information;
 - 3) Identification of data and information protected by federal or state privacy laws, or federal and state freedom of information laws;

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- 4) Special events coverage;
 - 5) News release policy; and
 - 6) Designated staff authorized to speak with the news media (which shall be submitted to the Communications Director each time the staff list is updated.)
- B. All staff shall be responsive to inquiries from the public and local, state and federal agencies by providing prompt, complete responses to all correspondence and other requests.
- C. Inquiries from legislative and executive bodies shall be referred to authorized staff as designated by the Secretary or Unit Head.
- D. Routine news releases shall be sent to local media outlets. In the case of critical incidents, news releases shall be approved by the Secretary and distributed by the Communications Director as soon as possible to known news organizations throughout the State via Fax, e-mail, etc. Each unit shall maintain a file of information released to the media within the past year.

10. GENERAL POPULATION AND OFFENDER INTERVIEWS:

- A. The Unit Head or designee shall facilitate interview requests. News media wishing to interview an offender shall submit a request to the Unit Head indicating whom they want to interview and the nature of the story. The request shall be submitted on official letterhead. Such requests must be made within a reasonable time frame, considering the scope of the story and the unit's ability to adequately prepare for the visit.
- B. In general, interviews pertaining to an offender's involvement in facility programming (education, vocational, faith-based, treatment, etc.) shall be granted. Interview requests that would focus on the details of the offender's crime shall not be granted, as the Department must be cognizant of the effect of such an interview on crime victims and their families.
- C. Offenders may be eligible to be interviewed by the media under the following conditions:
- 1) Assigned to general population (not to include initial reception unless a pressing need request is approved by the Secretary);
 - 2) Required to sign an Offender Media Release (Form C-01-013-A.) Because interviews are voluntary, the offender has the right to refuse to be interviewed, photographed or recorded by the media. The written release or decision not to be interviewed shall be filed in the offender's Master Prison Record;

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- 3) Receive no compensation or anything of value (monetary or through enhanced status) in exchange for, or as a result of, the interview.
- D. In general, interviews with offenders housed in maximum custody areas for behavior problems and/or poor conduct records and offenders convicted of sexual offenses are strongly discouraged.
- E. The Communications Director shall be notified of any media request for an offender interview on the day the request is made and prior to the commencement of the interview. The Unit Head shall give timely notice to the Secretary, Chief of Operations and Communications Director of any significant or potentially controversial event.
- F. The Warden may deny any offender interview request based on security, medical or other administrative reason including the following:
 - 1) The news media representative or news organization which is represented does not agree to the conditions established by the Department and the Warden;
 - 2) The news media representative or news organization has, in the past 12 months, failed to abide by any required conditions;
 - 3) The offender is physically or mentally unable to participate;
 - 4) The interview, in the opinion of the Warden, would endanger the health or safety of the interviewer, media crew, facility, offender, or could cause serious unrest or disrupt the operation of the facility;
 - 5) The offender is involved in a pending court action.
- G. Telephone interviews with an offender are prohibited. Note: Exceptions may be authorized by the Warden or designee.

11. RULES FOR MEDIA IN PRISONS:

- A. All media representative must have prior approval to visit an institution.
- B. Live broadcasts by television or radio (other than KLSP) are prohibited within correctional facilities, unless specifically authorized by the Secretary.
- C. Interviews shall take place on prison grounds in an area outside of offender living areas.

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- D. Interviews shall take place in view of a departmental employee for the safety of the media representative. The Warden or designee reserves the right to terminate any interview or coverage within the facility should a disturbance or disruption occur.
- E. All media visitors shall be provided with an escorting staff member for the duration of the visit.
- F. Interviews may be recorded by video, audio, notes or other methods with prior approval of the Warden and the offender to be interviewed.
- G. Only one media organization may be allowed to interview an offender at any given time. News conferences are not permitted for offenders.
- H. A media representative shall give written approval to allow the Department the opportunity to respond to any allegations which might be published or broadcast prior to distribution.
- I. The Warden may suspend all media visits during an institutional crisis or critical incident. The Warden or designee shall periodically brief all media on the situation. A media briefing center may be established at a remote location.
- J. Failure by a news media representative to comply with the rules of this regulation constitutes grounds for denying the representative and/or the representative's agency permission to conduct the interview or any other interviews for a 12-month period.

12. DEATH ROW AND EXECUTIONS:

- A. Death Row offenders must have their attorney's written approval prior to an interview, photograph and/or audio or video recording.
- B. Media access preceding and following an execution shall be in accordance with Department Regulation No. C-03-001 "Death Penalty."

13. PROCEDURES FOR COMMERCIAL PRODUCTIONS OR NON-NEWS MEDIA:

- A. Unit access by independent filmmakers, writers for non-news magazines and others may be permitted by special advance arrangement and with the approval of the Secretary and Unit Head.
- B. All commercial production staff are required to make a written request to the Unit Head for access. Written requests shall include, at a minimum, the following information, as applicable:

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- 1) Name, job title and employer of person requesting visit (if freelance, the organization represented);
 - 2) Topic of story, where it will be used and for what purpose;
 - 3) Name of individual(s) to be interviewed;
 - 4) Date and time of arrival and anticipated duration;
 - 5) Name of all persons accompanying requestor;
 - 6) If applicable, a hold harmless clause: "I recognize a visit to a correctional facility may present certain risks/hazards. I agree to assume all ordinary and/or usual risks to my personal safety inherent in a visit to an institution of this type."
- C. Written requests shall be forwarded to the Secretary for final review prior to project commencement.
- D. All commercial productions are required to read, understand and sign a Commercial Production Location Agreement (Form C-01-013-B) upon their arrival at the unit. The Unit Head or designee may require review of the material prior to distribution solely to insure that it comports with the Agreement.


14. EXCEPTIONS:

The Secretary or designee may make exceptions to specific sections of this regulation. Requests for exceptions, and the reasons therefore, shall be directed to the Secretary for consideration.

s/James M. Le Blanc
Secretary

This regulation supersedes Department Regulation No. C-01-013 dated 20 May 2005.

Forms: C-01-013-A Offender Media Release
C-01-013-B Commercial Production Location Agreement

<p>03/21/06</p>  <p>LOUISIANA STATE PENITENTIARY</p>	<p>CHAPTER:</p> <p>ADMINISTRATION, ORGANIZATION AND MANAGEMENT</p>	<p>DIRECTIVE NO.</p> <p>01.014</p>
	<p>SUBJECT:</p> <p>PUBLIC AND MEDIA CONTACT</p>	<p>ACA STANDARD:</p> <p>4-4005 4-4019-22 4-4279</p>
	<p>REFERENCE:</p> <p>Department Regulation No. C-01-013</p>	

PURPOSE: To describe the methods utilized by Louisiana State Penitentiary to maintain informative relations with the public, media and other agencies.

APPLICABILITY: All Louisiana State Penitentiary Wardens and Department Heads.

POLICY: It is the policy of Louisiana State Penitentiary to maintain positive, informative relationships with the public, the media and other agencies with related functions, consistent with the security and privacy interests of the Department, its staff, and the inmates confined at Louisiana State Penitentiary. These contacts participate in policy development, coordinated planning and interagency consultation.

PROCEDURE:

A. COMMUNITY AGENCIES

1. To further insure that the institution's missions and goals are met, Louisiana State Penitentiary will continue to maintain relationships through ongoing verbal and written communications with related community agencies by sharing ideas concerning policy development, coordinated planning and interagency consultations.
2. Informal and formal contacts are frequently made between the Louisiana State Penitentiary and outside agencies. These contacts are reflected in written Penitentiary Directives and training plans and are incorporated in day-to-day operations, as well as in times of emergencies and special events.

B. MEDIA RELATIONS

1. The Warden or his designee (Deputy Warden/Operations and Assistant Warden/Programming [Public Information Officer]) will provide factual, verbal and written information to the media about the facility. Visits to the institution by the news media will be encouraged.

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2. The Warden or his designee shall facilitate all routine media inquiries, interview requests and/or facility visits. Such requests must be made within a reasonable time frame, considering the scope of the story and the institution's ability to adequately prepare for the visit. The Warden or his designee will give timely notice to the Secretary, Chief of Operations, Communications Director and Assistant Secretary of any significant or potentially controversial event.
3. Institutional staff authorized by the Warden may contact the media for the purpose of explaining institutional or Department programs or for announcing important facts or events in the facility. Throughout this process, staff will preserve inmates' individual rights of privacy.
4. Employees of Louisiana State Penitentiary, other than authorized staff, will not comment to the news media or publish original printed material that refers to the Louisiana Department of Public Safety and Corrections or Louisiana State Penitentiary, by name or inference, without prior written approval from the Warden or his designee.
5. The Warden or his designee shall notify the Secretary, Chief of Operations, Communications Director and Assistant Secretary as appropriate of national and international media requests made to the Department upon receiving the request.
6. All on-site media contacts with inmates are at the sole discretion of the Warden.
7. Written permission should be obtained from an inmate prior to interviewing, photographing, and/or audio or video recording of the inmate. Death Row inmates must also have their attorney's written approval prior to an interview, photograph, and/or audio or video recording. No remuneration will be provided to any inmate for such contact with representatives of the media.
8. An inmate has the right not to be interviewed, photographed, or recorded by the media. Before interviewing, photographing, videoing or recording the voice of an inmate, written permission must be obtained from the inmate. The original copy of the inmate's authorization will be placed in the inmate's master prison record (Attachment 2).
9. Interviews with inmates housed in maximum custody areas for behavioral problems and/or poor conduct records are discouraged.
10. Access to inmates will also be restricted or disallowed to prevent them from profiting from their crimes, either materially or through enhanced status as a result of media coverage.

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C. MEDIA ACCESS

1. Media interested in visiting the institution must first send a written request to the Warden for approval. This request must include the following information:
 - * Name of all persons requesting visit/Job title/Employer. (If freelance – who they represent.)
 - * Topic of story/Where it will be used and for what purpose.
 - * Date and time of arrival and departure.
 - * Names of all individuals to be interviewed and a scope of footage that they would like to be taken.

Representatives of the media must have media credentials/press passes. Proper identification is required and social security numbers and dates of birth may be requested prior to approval of the visit.

Media are required to read, understand and sign a Location Agreement Form (Attachment 1) upon their arrival to Louisiana State Penitentiary.

2. All interviews must be approved by the Warden. All media visitors will be provided with an escorting officer for the duration of their visit.
3. Media will be permitted in all areas directly related to the topic of their approved stories in the company of their institutional escort. These areas include, but are not limited to, inmate housing areas, inmate/employee work assignment locations and visiting areas.
4. Media calls will be directed to the Warden. In the absence of the Warden, media calls will be directed to the attention of the **Public Information Officer** and/or **Deputy Warden/Operations**, who will respond promptly, accurately, and honestly, subject to the following conditions:
 - a. Local responses will be confined to Louisiana State Penitentiary. Comments will not be made that pertain to Department activities, operations or events at other Department of Public Safety and Corrections facilities.
 - b. In the event of an institutional emergency, all public and media access to Louisiana State Penitentiary may be limited. The Warden or his identified spokesperson will periodically brief all media on the situation.

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D. INSTITUTIONAL EMERGENCIES

1. In the event of an institutional emergency, all public and media access to Louisiana State Penitentiary may be limited. The Warden or his identified spokesperson will periodically brief all media on the situation as it is desirable that the news media be kept advised of activities as they develop.
2. It is of major importance that information disseminated to the media be accurate and factual, even at the expense of delaying announcements until the information to be made public is completely verified. Releasing information on the basis of assumption or rumor is to be avoided.
3. The Warden will establish a media briefing center away from the location of tactical operations and staff traffic. There will be additional separate briefing centers set up for inmate families and staff families where chaplains and mental health professionals will be available. The Secretary will be kept advised of information to be released.
4. In emergency situations, informal interviews with individual news personnel should be avoided.
5. The Warden or his designee will be the only person authorized to provide the news media information pertaining to a riot, disturbance, or taking of hostages.
6. In the event of major participation by other agencies, close coordination with the responsible representative of these agencies will be affected in the release of new bulletins.
7. Institutional staff members should be completely aware of this policy and should refer all requests for information to the Warden or his designee.
8. As a general policy, individual inmates or groups of inmates participating in a disturbance will not be permitted to be photographed or video taped by the media. This is to include radio station KLSP and the prison news magazine, The Angolite.

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E. COMMERCIAL PRODUCTIONS

1. All commercial productions are required to make a written request to the Warden for access. Written requests will include, at a minimum, the following basic information, as applicable:
 - Name, job title and employer of person requesting visit. (If freelance – who they represent.)
 - Topic of story, where it will be used, what purpose.
 - Name of individual(s) to be interviewed.
 - Date and time of arrival, anticipated duration.
 - Names of all persons accompanying requestor.
 - If applicable – a hold harmless clause: “I recognize a visit to a correctional facility may present certain risks/hazards. I agree to assume all ordinary and/or unusual risks to my personal safety inherent in a visit to an institution of this type.”
2. Written requests shall be forwarded to the Secretary for final review prior to project commencement.
3. All commercial productions are required to read, understand and sign a Location Agreement Form upon their arrival at the facility. The Warden or his designee may require review of the material prior to distribution solely to insure that it comports with the Location Agreement Form.

F. WRITTEN INQUIRIES

1. Written communication is an important avenue for public education and for maintaining contact and exchanging information with other parties.
2. All incoming and outgoing executive correspondence and copies of correspondence will be logged in the Warden’s Office.

G. TELEPHONE CONTACTS

Telephone contacts from the courts, legislative bodies, and other agencies will be routed to the Warden, or in his absence, to the Deputy Warden/Operations.

H. QUESTIONABLE INQUIRIES

1. All requests for information will be answered unless there is some question as to the legitimacy of the inquiry or an individual’s right to privacy.

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2. Those requests may be referred to Legal Services, Department of Public Safety and Corrections, for an opinion prior to response. In cases where such referral is likely to cause a significant delay in response, an interim response will be provided.

I. COPYING OF REQUESTED INFORMATION AND COPYING FEE CHARGES

1. Requests for information not readily available requiring programming, re-programming assistance or the reproduction of multiple pages of documents must be made available in compliance with all laws, codes, regulations and directives and can include charges for copies as specified by Department Regulation, B-06-001, HC-33.
2. Freelance or commercial productions may be required to provide payment for requested access to resources used beyond the scope of normal activities. This will be specified and agreed upon prior to filing via the Location Agreement Form.

3. COPYING FEE CHARGES

1-25 pages	\$1.00 per page
26-500 pages	\$0.50 per page
Greater than 500 pages	\$0.25 per page
Handling fee	\$7.50

J. INSTITUTIONAL VISITS

1. Institutional visits by members of the court, legislative bodies, or other criminal justice agencies are encouraged and will be arranged by the Warden's Office through the Deputy Warden/Operations and/or the Assistant Warden/Programming (Public Information Officer).
2. The Warden's Office will be notified in the event of court or legislative inquiries for this purpose, and the highest level of cooperation will be provided.

K. OTHER PUBLIC CONTACTS

1. Employee contacts with the public in the day-to-day activities of Louisiana State Penitentiary will be conducted with complete professionalism.
2. Individual employees receiving requests for official information from groups referred to in the policy statement will refer such inquiries to the Office of the Warden.

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3. Employees receiving requests for comments or information from the news media or publishers will refer such requests directly to the Assistant Warden/Programming (Public Information Officer).
4. All such requests must be promptly, accurately and completely answered in compliance with state, local, and federal laws governing public information and right to privacy.
5. All official information and press releases referring to the Department or institutional policy, or statements regarding institutional programming or conditions, will be issued only by the Warden or his designee.

L. FILMING OF VISITORS

1. Media must obtain a signed release from any visitor they wish to film (Attachment 3).
2. Filming can only be done in the presence of an escorting officer.

M. INSTITUTIONAL TOURS

Tours of institutional grounds, other than those listed in Section I, will be available upon request. These tours will be scheduled by the Office of the Warden.


Burl Cain, CCE - Warden

MAR 21 2006

Effective Date

Attachment 1: Location Agreement Form
Attachment 2: Inmate Media Release Form
Attachment 3: Visitor Media Release Form

This policy supersedes Penitentiary Directive No. 01.014 dated **May 31, 2005**.