

**CHAPTER 6: NEWS MEDIA PROCEDURES**

**I. General Provisions**

**A. Purpose of Chapter**

This chapter describes the procedures and requirements for allowing representatives of the news media access to an inmate sentenced to death, as well as procedures for news media access to the execution. This chapter also provides procedures for releasing information relating to the execution.

**B. Policy**

The BOP recognizes the desirability of establishing procedures which afford the public information about its operations through the news media. In accordance with established policy, reasonable efforts will be made to accommodate representatives of the news media before, during, and after a scheduled execution. Media representatives will be treated in a fair and consistent manner in accordance with current policies and procedures of the BOP. The agency has the responsibility, however, to ensure the orderly and safe operation of its institutions, and therefore must regulate media access.

**C. Roles**

1. Representatives of the news media are those individuals described in Program Statement 1480.03, Contact with News Media, whose principal employment is to gather and report news.
2. The Warden will designate a specific staff member as the official representative to the news media regarding death penalty issues and the scheduled execution.
3. The BOP Assistant Director, Information, Policy and Public Affairs Division, will coordinate the release of information to the news media and assist the Warden in the selection of individual news media witnesses. The Department of Justice Office of Public Affairs will be kept informed of these matters.

## II. Condemned Individual Interviews

### A. Purpose

As stated in Program Statement 1480.03, Contact with News Media, it is not the BOP's intent to provide publicity for an inmate or special privileges for the news media, but rather to ensure a better informed public.

### B. Limits

With this in mind, representatives of the news media may be permitted to conduct interviews with condemned individuals. Guidelines regarding the frequency and length of interviews as well as accompanying security, will reflect BOP policy (Program Statement 1480.03, Contact with the News Media) and be established by the Warden, who will take into account available resources.

### C. Prohibition

Ordinarily, no media interviews will be permitted with the condemned individual once the execution date is within seven days.

## III. Media Orientation

### A. Definition

No later than eight days before a confirmed execution date, the institution will hold a Media Orientation to provide media representatives with information on the scheduled execution. No other press conference or Media Orientation regarding the execution will be scheduled or held until after the scheduled execution, except as provided below in subsection B. Every effort will be made by the Warden's representative to notify local, State, and national media representatives of the scheduled Media Orientation. Central Office Public Affairs staff will provide assistance to institution personnel in this area.

1. All persons, including media representatives, must have appropriate identification to enter the institution on any occasion. Media representatives must have appropriate press credentials. This requirement includes camerapersons, sound technicians, and reporters.
2. All individuals will be advised that they are subject to search of their person and equipment

prior to entering and prior to leaving a BOP facility.

**B. Updates Prior to the Execution**

Commencing eight hours prior to the scheduled execution, the Warden's representative will provide the news media with regular briefings or updates of the execution process.

1. No later than eight hours prior to the scheduled execution, a Media Center will be activated. Telephone lines, tables, risers for cameras and outlets for electrical equipment and cameras will be available. Restroom facilities (and if possible, vending machines) will also be provided.
2. The Warden's designated representative will be present in the Media Center to provide regular announcements.

**C. Media Orientation Releases**

During the Media Orientation, the following information will be made available to members of the media:

1. General information regarding the scheduled execution and about the individual scheduled for execution.
2. Specific information regarding procedures to be followed by the media on the date of the scheduled execution.
3. Media representatives will be reminded that there are obvious security concerns about aircraft flying over Federal correctional facilities and therefore, their assistance and cooperation in this matter is expected.
4. Media representatives will be informed of how the press pool will be established (see paragraph IV D 2) and advised that if they are selected as press pool witnesses to the execution, they will agree prior to the execution to:
  - a. sign the document designated as the Media Witness Press Pool Agreement (see Media Witness Press Pool Agreement, Appendix B);
  - b. be subject to a metal detection scanning;

- c. not make any photographic, visual or audio recordings of the execution (each media witness will be provided only paper and a pencil or pen while in the execution witness area); and
  - d. return to the Media Center after the execution to answer questions of all other media represented concerning their observations during the execution.
5. After the Warden's representative, media pool witnesses and appropriate Department of Justice staff, if available, have addressed the media in the Media Center, the press briefing will be terminated and all media personnel will leave the Media Center.

#### **IV. Media Center Operations**

##### **A. Requesting Authorization**

1. After an execution date is set by the court/Director of the BOP, and no sooner than twenty days prior to the scheduled execution, news media representatives will be advised, in writing, by the Warden's Designated representative that they may request, in writing, authorization to participate in the institution's Media Center activity in the hours preceding the scheduled execution (see Sample Letter to Media, Appendix C).

The requests, which must be in writing, should be received by the Warden no later than ten days prior to the execution. Requests must include names, social security numbers, and dates of birth for each representative of a media organization and his/her support staff. Only those media organizations submitting written requests, within the stated time frame, will be considered for participation in Media Center activities.

2. Requests for consideration may be granted by the Warden, provided they demonstrate that the requesting individual falls within the definition of "member of the press and broadcast media" set forth in BOP Program Statement 1480.03, Contact with News Media.

##### **B. Possible Limitations**

The number of media representatives may be limited by the Warden due to space and safety considerations, but

care will be taken to include representatives from both the print and broadcast media.

C. Briefing Packets and Updates

1. Packets

At the Media Center, commencing no later than eight hours prior to the scheduled execution, the Warden's representative will provide press briefing packets for reporters in the Media Center. The contents of the press briefing packet will include, but not be limited to, releasable information on the condemned individual, pool reporters (once selected), the sequence of events, and the history of Federal executions.

2. Updates

Written updates generally will be distributed to the press on a regular basis beginning eight hours prior to the scheduled execution. Updates will include:

- a. a summary of activities related to the execution and sequence of events; and
- b. a summary, cleared by the Warden, of the condemned individual's activities during his/her final twenty-four hours.

D. News Media Witness Selection

1. Number in Attendance

The Warden will permit no more than 10 members of the media to witness the execution. The number of additional media representatives authorized to remain in the Media Center on the day of the execution may be limited, due to space and safety concerns.

2. Pool Selection Process

- a. Press pool members will be selected by their peers at least three hours prior to the scheduled execution. Representatives from each of the following categories must be included:

- (1) one local newspaper (located within the city or town of the institution);

- (2) three television news programs of a station or network holding an FCC license (at least two being national broadcast stations);
- (3) one newspaper from the area where the crime was committed;
- (4) two wire services;
- (5) one radio station; and
- (6) two print media organizations.

b. Press pool witnesses will be selected from qualified media representatives who have been admitted into the institution's Media Center and who have provided staff with proper identification. A list of media representatives will be compiled by the Warden's representative and furnished to the media for their review in the selection process.

3. Signed Agreement

Media selected as press pool witnesses will then be required to agree to:

- a. act as a pool representative as described further in this chapter; and
- b. abide by all established conditions, rules, and regulations while in attendance at the execution; to include allowing a metal detector scan of their person.

4. Supplemental Representatives

In the event the media are unable to identify witnesses in each of the above described categories, the Warden's designated representative may name other qualifying media representatives to attend, with a maximum of 10 being named.

**E. Media Witnesses to the Execution**

**1. Search Process**

Each media pool witness attending the execution will be scanned by a metal detector prior to admittance to the Execution Facility.

- a. No pat or visual search of any media pool witness will be conducted unless the Warden has reasonable suspicion to believe the media representative is concealing weapons, drugs, audio or visual recording devices, or any other items not expressly authorized and the media representative agrees to be searched. If the representative refuses to be searched, he/she will not be permitted to serve as a media witness.

1. Electronic or mechanical recording devices include, but are not limited to, still, moving picture or video tape cameras, tape recorders or similar devices, and radio/television broadcasting devices.

2. The representative will only be permitted paper and a pencil or pen as provided by institution staff.

**2. Witness Briefing**

The 10 selected members of the news media will be required to sign both the witness agreement (Appendix A) and the Media Witness Press Pool Agreement (Appendix B). They must also attend the pre-execution briefing at the Media Center. This briefing, conducted by a representative of the Warden, will provide specific information on the event and expectations regarding their conduct. This will include:

- a. a review of approved materials that can be taken to the Execution Room;
- b. search procedures;
- c. escort procedures; and
- d. the role of pool reporters.

3. Prohibition of Substitutes

No substitute media pool witness will be permitted after this briefing is conducted.

4. Segregation after the Search

After the search, all witnesses will be segregated and escorted to the Execution Facility. Media witnesses will not be permitted to have physical contact with any other persons during this time.

5. Excluding Witnesses

The Warden will not exclude any media witness duly selected in accordance with this chapter from attendance at the execution or cause a selected media witness to be removed from the media pool witness area unless the media witness:

- a. refuses to submit to a reasonable search as outlined in these regulations;
- b. faints, becomes ill, or requests to be allowed to leave during the execution;
- c. causes a disturbance within the media pool witness area that disrupts the orderly progress of the execution as determined by the Warden's representative on site; or
- d. fails to abide by the provisions of the Witness Agreement.

6. The Execution Process

The selected media pool witnesses will be escorted as a group to the execution location prior to the execution and will be allowed to remain there throughout the execution process. The Warden will designate a BOP Spokesperson to remain with the media pool witnesses throughout the process and to answer questions.

F. Death Announcement

Immediately following the execution and prior to the post-execution press pool briefing, a Warden's representative will read the following prepared statement to the press and demonstrators:

**SAMPLE STATEMENT**

(To be read at post execution press briefing and to any assembled members of the public.)

\_\_\_\_\_, Warden of \_\_\_\_\_,  
reports that pursuant to the sentence of the United States  
District Court in \_\_\_\_\_,  
(Condemned Individual's Name)  
has been executed by lethal injection.

\_\_\_\_\_ was pronounced dead at  
(Condemned Individual's Name)  
\_\_\_\_\_ on \_\_\_\_\_.  
(Time) (Date)

**G. Press Pool Post-Execution Briefing**

All news media press pool witnesses will, after being returned from the execution to the Media Center, immediately brief other media representatives covering the event. The pool witnesses will provide an account of the execution and will endeavor to answer all questions asked of them by other media representatives. They will not report their observations regarding the execution to their respective news organizations until after the non-witness media representatives have had the benefit of the pool representatives' accounts of the execution.

**H. Post Execution Press Conference**

If deemed necessary and appropriate, representatives of the Department of Justice, USMS and BOP will answer questions from the assembled media for no more than 30 minutes after the press briefing.

**V. The Execution Information Center**

**A. Responsibility**

The Warden's representative will establish and operate an Execution Information Center.

B. Purpose

The Execution Information Center:

1. is a central processing point for all incoming media and public interest telephone calls pertaining to the scheduled execution;
2. allows the institution's staff to handle normal and routine business;
3. handles "crank" calls and bomb threats in accordance with BOP policy; and
4. establishes a log of calls for future reference, investigation and evaluation.

C. Location

1. The Execution Information Center will be located in an area identified by the Warden.
2. Only persons authorized by the Warden will be allowed in the Center's operational area. Center staff are responsible for keeping the area clear of unauthorized personnel.

D. Schedule

1. The Execution Information Center will commence operations at least five working days prior to the scheduled execution. The Information Center will operate twelve hours a day on the days prior to the scheduled execution and for the eighteen hours immediately preceding the scheduled execution. The Center will remain in operation until approximately one hour after the execution.
2. The Warden's representative will arrange coverage of telephones, based on the volume of calls.
3. Staffing for the Execution Information Center will be coordinated by the Warden's representative.

E. Screening Calls

1. Types of Calls

a. Business Calls

Calls from BOP staff or other Federal agencies relating to the execution; or from

BOP staff relating to operational issues affected by the execution which may need to be forwarded to the Command Center.

b. Personal Calls

Calls intended for individuals (staff or witnesses) connected with the execution.

c. Inquiry Calls

Execution-related calls from the general public.

1. Staff will endeavor to answer every call in a professional, courteous and efficient manner.
2. If bomb threats are received, the staff member receiving the call will utilize established procedures. Bomb threats will be communicated to the Command Center immediately.
3. If possible, all "crank" calls and calls considered to be an emergency, should be recorded and traced.