



Ministry of JUSTICE

National Offender
Management Service

TITLE		
Prisoners' Access to the Media		
This instruction applies to :		Reference :
Prisons		PSI 37/2010
Re -issue date	Effective Date	Expiry Date
11 December 2023	12 July 2010	N/A
Issued on the authority of	HMPPS Agency Board	
For action by	Governors/Directors of Contracted Prisons. In this document the reference to Governor also applies to Directors of Contracted Prisons and MoJ Press Office	
For information	All staff in prison establishments. Prisoners must also be made aware of the amendments detailed in this Instruction.	
Provide a summary of the policy aim and the reason for its development/revision	<p>This PSI replaces PSO 4470 Prisoners' Access to the Media. This PSI provides the policy on prisoners' access to the media by means of correspondence, telephone calls and face to face interviews by means of a visit.</p> <p>Updates December 2023: The following amendments have been made : The criteria at 3.2:</p> <ul style="list-style-type: none"> • Clarification added that <i>all five</i> criteria must be satisfied as a condition of consent for telephone contact with the media. • Clarification added that telephone contact must be shown to be <i>necessary</i>, and not merely more suitable than written correspondence. • Clarification added that this criteria refers to <i>serious</i> distress to victims <i>of the prisoner</i>, rather than any distress to any victims. <p>Throughout, clarification has been added that this PSI concerns requests from prisoners to speak to the media, and media requests to speak to a named prisoner, rather than more general requests concerning the media.</p> <p>An Annex has been added (Annex A) to provide sample letters requesting information from prisoners/the media</p>	

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	following a request for telephone conversation with the media.
Contact	Operational Policy Team Operational_policy1@justice.gov.uk Press Office Prisons Desk Pressofficeprisonsdesk@justice.gov.uk
Associated documents	Prison Rules 34 and 35 & YOI Rules 9 and 10
Audit/monitoring: Directors and Governing Governors of prisons.	
This PSI replaces PSO 4470 Prisoners' Access to the Media which is hereby cancelled.	

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1. Executive summary

- 1.1 This PSI replaces the guidance previously contained in Prison Service Order 4470 Prisoners' Access to the Media. This PSI provides details of the policy on requests from prisoners to speak to the media, and media requests to speak to a named prisoner, by means of correspondence, telephone calls and face to face interviews by means of a visit. It sets out the exceptional circumstances under which prisoners are allowed access to the media through visits or by telephone as well as the restrictions regarding written correspondence, and provides a process for application and the consideration of applications by Governors and Directors or in the case of face to face interviews, centrally on behalf of the Secretary of State. It also gives advice on the physical conditions under which the visit or telephone conversation should take place.
- 1.2 Furthermore, the policy on contact via face to face interviews/visits has been relatively unchallenged since the introduction of PSO 4470 in 2005. However, in the light of continuing consideration of obligations under Article 10 (freedom of expression) of the European Convention on Human Rights, the policy needs to be clarified to reflect the fact that there are additional, exceptional circumstances in which face to face interviews may be permitted. There may be circumstances other than an alleged miscarriage of justice in which there is a sufficiently strong public interest in what is being said by the prisoner that requires a face to face interview. For example, if a prisoner alleges torture by a public official. Therefore the guidance on the consideration of applications for face to face interviews has been amended to reflect this.

Desired outcomes

- 1.3 This instruction will ensure that prison staff, particularly prison Media Liaison Officers, are fully aware of the policy for prisoners' access to the media and in particular the criteria for consideration and handling of requests for face to face meetings with the media/journalists.

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Application

- 1.4 From the commencement date of this instruction staff must be fully familiar with the contents of this PSI. The term 'journalist' throughout the PSI applies to any relevant media professional.

Mandatory actions

- 1.5 *Governors must ensure that the procedures set out in this PSI are fully implemented.* Those who apply for visits or telephones calls should also be informed about the policy.

Resource Impact

- 1.6 The impact on resources is likely to be minimal.



Ian Poree
Director of Service Development

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2. Operational Instructions

SECTION 1: Overview

1.1 This PSI brings together all policy on handling prisoners' requests to communicate with the media (and requests from the media to speak to a named prisoner), and provides Governors with the necessary information on how to deal with such requests.

1.2 Prisoners can communicate with the media in three ways:

Written correspondence – most prisoners will be able to contact the media through letters only. Prisoners do not need permission from the Governor to send or receive letters from the media but there are restrictions on what can be sent out, as outlined in paragraph 2.2 below;

Telephone – *if a prisoner wishes to contact the media by telephone and the call is intended or likely to be published or broadcast by radio or television or posted on the Internet the prisoner must first apply in writing to the Governor for permission. The Governor must decide whether to permit the application in liaison with Press Office.* This will only be allowed in exceptional circumstances where the prisoner intends to make serious representations about matters of legitimate public interest affecting prisoners, including where appropriate an alleged miscarriage of justice in the prisoners' own case, and where the other criteria in Section 3 are met;

Visits – *prisoners must apply in writing to the Governor if they wish to receive a visit from a member of the media and copies of such requests must be passed immediately to Press Office under cover of the form at Annex G.* Decisions on such requests will now, once the Governor has given his or her view, be made centrally on behalf of the Secretary of State. Press Office who will consult Ministers where appropriate.

Visits by the media will only be allowed in exceptional circumstances, where there is a need for a face to face interview because:

(i) the prisoner claims a miscarriage of justice and requires the assistance of a journalist to challenge the safety of their conviction or sentence;

or

(ii) there is some other sufficiently strong public interest in the issue sought to be raised during the visit and the assistance of a particular journalist is needed. See Section 4.4 – 4.16 for guidance on how these criteria may be met.

Governors must consider written applications on their merits taking account of the criteria set out in the PSI and advice of Press Office should be sought if it is unclear whether the prisoner fulfils the listed criteria. In all applications involving requests for face-to face interviews the Governor will have to provide Press Office with any relevant information and their view on whether the interview should take place so that the decision can be made centrally on behalf of the Secretary of State – details are set out in Section 4.

1.3 *Governors must ensure that systems are in place to alert prisoners to this policy on communication with the media and to ensure they are aware that a breach of these rules may lead to disciplinary proceedings. Where possible, establishments should consider incorporating this information in to induction procedures.*

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- 1.4 Where Governors are concerned that a prisoner may contact the media while on Release on Temporary Licence (ROTL), they can on an individual basis include a prohibition on such contact as part of the prisoner's licence conditions.
- 1.5 Where journalists request to speak to or visit a prisoner for purposes other than those described in Sections 3 and 4, for example to do a general article on prison life and conditions, or to examine issues such as drugs misuse, they should be directed to Press Office.

SECTION 2: Written correspondence**Introduction**

- 2.1 This section sets out HMPPS policy on prisoners writing to the media and should be read in conjunction with [PSI 49/2011 Prisoner Communication Services](#). Prisoners requesting access to the media should be advised that in most cases letters will be the only appropriate form of contact, and is the only means of communication that does not need the permission of the Governor. Restrictions on the content of letters are outlined in paragraph 2.2 below.

Content

- 2.2 *Correspondence which is intended for publication or for use by radio or television or for posting on the Internet (or which if sent, would be likely to be published or broadcast) must not contain material which:*
 - *is for publication in return for payment (unless the prisoner is unconvicted);*
 - *is about the prisoner's own crime or past offences or those of others, except where it consists of serious representations about conviction or sentence or forms part of serious comment about crime, the processes of justice or the penal system;*
 - *refers to individual prisoners or members of prison staff in such a way that they might be identified;*
 - *is likely to appear in a publication associated with a person or organisation to whom the prisoner may not write as a result of the restriction on correspondence in [PSI 49/2011 Prisoner Communication Services](#);*
 - *contravenes any of the other restrictions on content applying to letters in [PSI 49/2011 Prisoner Communication](#).*

SECTION 3: Telephones**Introduction**

- 3.1 This guidance sets out the exceptional circumstances under which prisoners should be allowed access to the media by telephone where it is intended for or is likely to be published or broadcast.

Consideration of requests

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3.2 *If a prisoner wishes to contact the media by telephone and the call is intended or likely to be published or broadcast by radio or television or posted on the Internet the prisoner must first apply in writing to the Governor for permission. The Governor must decide whether to permit the application in liaison with Press Office. This will only be allowed where the following criteria are met:*

- *the sole purpose of the conversation is to comment on matters of legitimate public interest affecting prisons or prisoners, including where appropriate an alleged miscarriage of justice in the prisoner's own case;*
- *it is necessary that the prisoner contacts the media by telephone, as the purpose of the conversation cannot be satisfied by written correspondence; for example where the prisoner needs to provide comment as a matter of urgency, due to the immediacy of the subject or the media's need to report it within a timescale that could not be met by written correspondence;*
- *serious distress to victims of the prisoner and/or outrage to public sensibilities is not likely to result from the broadcast. This is likely to occur if, for example, the prisoner's crimes or conduct are recent, notorious or horrific. If reasonable guarantees can be provided by the broadcaster that listeners will not be able to identify the prisoner – including by name, voice, or by any description of his or her crime – then this may provide grounds for permitting a telephone call which would otherwise fall to be refused on this ground;*
- *permitting the telephone call will not pose a threat to security, or to good order or discipline, and can be arranged without undue disruption to existing staff duties. Particular regard should be given to the likelihood of inciting ill-feeling among other prisoners; and*
- *there is no reason to doubt that the journalist, broadcaster or prisoner will respect and abide by any reasonable conditions required of them, and that they will do everything practicable to keep the discussion within prison regulations*

3.3 *Where a prisoner is unconvicted, Governors must be confident that both the prisoner and journalist understand the risk of prejudicing any on-going court cases, and are aware that it is the responsibility of the journalist and media organisation to prevent the broadcast of any material which may be seen as contempt of court.*

Applications

- 3.4 To ensure a clear audit trail and consistency, the administration of requests should be handled by a particular group or individual, such as the establishment's Secretariat.
- 3.5 *Initial requests from either the prisoner or journalist should be directed to the Governor by written application.*
- 3.6 *Both prisoners and journalists must be asked to demonstrate in writing that they meet the criteria at paragraph 3.2. above. Annex A provides sample letters to use when requesting this information.*
- 3.7 *If the Governor is satisfied that the application fits the criteria and decides to allow the conversation, both the journalist and prisoner must be required to give signed undertakings to abide by the conditions set. Annex D gives a copy of this undertaking.*

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- 3.8 *In all cases where it is intended to give permission, Press Office must be informed before the interview takes place. If necessary, Press Office will inform Ministers of interviews likely to be high-profile or provocative.*

Facility

- 3.9 The telephone calls are likely to have to be arranged within a short time-scale, but Governors are entitled to take into account interests of good order or discipline when arranging dates and times. If the broadcaster's deadline is considered unreasonable in terms of the provision of suitable staff to undertake this work, the request may be refused after consultation with Press Office.
- 3.10 Governors should endeavour to provide a suitable quiet location for the telephone call, but the journalist and prisoner should be made aware that this is dependent on operational concerns, at the discretion of the Governor.

Content

- 3.11 *The conversation must be monitored by an appropriate member of staff as it takes place.*
- 3.12 *The content of the conversation must consist solely of matters of legitimate public interest affecting prisons or prisoners, including where appropriate an alleged miscarriage of justice in the prisoner's own case.*
- 3.13 *The subjects for discussion must not breach any relevant prison regulations as to content. In particular, prisoners must not:*
- *make gratuitous reference to victims or make any statement which is likely to cause them, or the wider public, unnecessary distress;*
 - *refer to prisoners or prison staff in a way which identifies them;*
 - *contravenes any of the other restrictions on the content of correspondence contained in paragraph 2.2.*
- 3.14 *All requests to broadcast the conversation live must be refused.* Broadcasters should be asked to provide assurances that the interview will be pre-recorded and that HMPPS will be offered a reasonable opportunity to examine the content and request the removal of any breaches of the terms of this policy.
- 3.15 Press Office should be consulted over any content that appears to breach the conditions set. If necessary, a formal request for removal of any improper content may be given to the broadcaster, with a warning that any broadcast of this content may result in the journalist being refused further access to the prisoner by telephone.

SECTION 4: Visits**Introduction**

- 4.1 This PSI sets out the exceptional circumstances under which prisoners should be allowed face-to-face visits with journalists. It is the responsibility of the prisoner to demonstrate that

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s/he satisfies the criteria in paragraph 4.5 below. The final decision will normally be made centrally on behalf of the Secretary of State.

- 4.2 *If a journalist who is a friend or relative of the prisoner wishes to have a social visit in this capacity, the visitor and prisoner must give written undertakings that any material obtained during the visit will not be used for professional purposes. An example of this form is attached at Annex E.*
- 4.3 *Prisoners must identify one journalist/media outlet which they consider will best suit their needs in investigating or publicising their particular miscarriage of justice or issue/matter which it is felt should be brought to the attention of the public as outlined in paragraph 1.2 of this PSI. It is the responsibility of the prisoner to satisfy him/herself that the journalist they request to see is appropriate for this role. HMPPS has no responsibility for the content of any article or programme.*

Criteria

- 4.4 Approval for a visit by a journalist will normally only be granted where the prisoner fulfils the criteria below.

- 4.5 The criteria are that:

- (i) the matter relates to an alleged miscarriage of justice where the sole purpose of the visit is to allow a prisoner the opportunity to highlight an alleged miscarriage of justice in their own case;

and

the prisoner has exhausted all appeals and, in relation to those appeals, has no further access to publicly funded legal assistance (exceptionally, a visit may be permitted where all appeals have not been exhausted, but where the Criminal Cases Review Commission has agreed to accept an application from the prisoner, or where the Criminal Cases Review Commission has made the decision to refer the case to the Crown Court or Court of Appeal);

or

- (ii) there is some other sufficiently strong public interest in the issue sought to be raised during the visit and the assistance of that journalist is needed. It is not possible to define all the factors that may have to be taken into account to determine what the public interest is in a matter raised by a prisoner and how strong that public interest is. (The circumstances in which the "sufficiently strong public interest" test might be met are, for example, where the prisoner intends to make serious representations about matters of legitimate public interest that affect prisoners or prisons or the processes of justice or the penal system; or the prisoner claims they have information relating to allegations of torture). However, consideration should always be given to the possible impact on the victim, or the victim's family, of the publication of an interview with the prisoner and the need for confidence in the criminal justice system.

- 4.6 *In respect of either reason for a visit mentioned above the Secretary of State must also be satisfied that:*

- (i) a visit is the only suitable method of communication; and the journalist and prisoner have previously communicated by written correspondence, which has shown that the purpose of the visit cannot be satisfied by written correspondence;

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and

- (ii) the journalist intends a serious attempt to investigate or bring to public attention the prisoner's case or the other issue with a sufficiently strong public interest raised by the prisoner;

and

- (iii) permitting the visit will not pose a threat to security, or to good order or discipline (this will include a consideration of the prisoner's behaviour in prison).

Application

- 4.7 To ensure a clear audit trail and consistency, the administration of requests should be handled by an appropriate group or individual, such as the establishment's Secretariat or where appropriate the Media Liaison Officer.
- 4.8 Initial requests for face-to-face visits from either the prisoner or journalist should be directed to the Governor by written application.
- 4.9 *Both prisoners and journalists must be asked to demonstrate in writing that they meet the criteria at paragraph 4.5 and 4.6 above. Annex B provides sample letters to use when requesting this information.*
- 4.10 *On receipt of the request and any supporting documentation, the Governor must:*
 - (i) *immediately forward a copy of the documentation to Press Office*
 - (ii) *identify the particular circumstances of the prisoner and any threat to security, or to good order or discipline (including consideration of the prisoner's behaviour in prison). Significant information about the prisoner, particularly relating to local notoriety, or an ongoing relationship with a journalist or media outlet must also be passed on;*
 - (iii) *immediately forward any information identified in (ii) above to Press Office, along with his or her views.*
- 4.11 In deciding whether the request fulfils the criteria identified in paragraphs 4.5 and 4.6, the following will be considered:
 - (i) whether the journalist and prisoner have already established a relationship through written correspondence and telephone conversations but which has proved insufficient for the purposes of investigation and makes a face-to-face interview essential. Consideration may be given to circumstances such as:
 - (a) where the case concerns an alleged miscarriage of justice, that the journalist needs to come to a view on the guilt or innocence of the prisoner in order to fully back his/her case based on his/her direct impressions of the prisoner or, where there is some other sufficiently strong public interest in the issue sought to be raised during the visit by the prisoner, there is a need to substantiate what the prisoner has to say;
 - (b) where the case involves complex legal or evidential issues the detail of which makes correspondence impossible

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(c) where the prisoner has poor literacy that inhibits his/her ability to correspond by letter, or in the case of a foreign national prisoner who is unable to correspond in English.

and

(ii) whether the journalist has demonstrated serious intent to investigate the alleged miscarriage of justice or other matter of sufficiently strong public interest and some research has been undertaken. In the case of a miscarriage of justice, journalists should be expected to have established contact with the prisoner's solicitors where relevant and had permission from the prisoner to gain access to the details of the case;

and

(iii) where a prisoner has a website dedicated to their alleged miscarriage of justice or the matter of strong public interest that they wish to raise, operated on their behalf, whether this provides adequate public coverage and attention, and negates the need for the resources of the journalist.

4.12 In respect of an alleged miscarriage of justice (as detailed in paragraph 1.2 of Section 1: Overview), prisoners may be asked to confirm the status of any appeals by providing relevant documentation from the Court of Appeal or the Criminal Cases Review Commission as proof.

4.13 *Before allowing a visit to take place the Secretary of State will need to be satisfied that the journalist is an employee of a publication or broadcaster, and that the intended article or programme will be used solely by this organisation.* If the journalist is freelance, they should be asked to provide written evidence that they have a commission from a named publication/broadcaster and confirm that use of any material gained during the interview is for this publication/broadcast only.

4.14 If the request is refused, the journalist and prisoner will be notified in writing, with an explanation of why this decision was made.

4.15 *If the request is approved the journalist and prisoner must be required to give signed undertakings to abide by the parameters of the interview as set out in this section.* Annex C contains a copy of this undertaking.

4.16 Press Office will inform Briefing and Casework Unit of any interview that is particularly high profile.

Facility

4.17 *A face-to-face visit with a journalist agreed under the above conditions must be treated as a special visit, outside the prisoner's statutory entitlement.*

4.19 Visits should be arranged for as soon as is operationally appropriate. Governors are entitled to take into account interests of good order or discipline when arranging dates and times.

4.20 A room which offers privacy and quiet should be provided for the interview. Consideration may be given to using legal visits rooms. This would allow the date of the interview to be determined by legal visits booking availability.

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- 4.21 Given the likely complexity of cases, Governors should attempt to offer a minimum of 90 minutes for the interview, where this is operationally possible.
- 4.22 *A member of prison's discipline staff must be in sight and sound of the interview while it takes place.* If the establishment has a trained MLO, this person should be used where appropriate, alternatively a member of the prisoner's wing management may be considered. The staff member should be briefed by Press Office as to the restrictions on discussion content, set out in paragraph 4.23 and 4.24 below. If the prisoner is high profile, or the prison wishes it, Press Office will attend the interview.

Content

- 4.23 *Discussion during the visit must be limited to the prisoner's representations against his/her conviction or sentence or serious comment on matters of sufficiently strong public interest.*
- 4.24 *Prisoners must not say or offer anything for publication which:*
- (i) prejudices the outcome of any appeal or involves a contempt of court;*
 - (ii) makes gratuitous reference to victims or makes a statement which is likely to cause them or their family unnecessary distress;*
 - (iii) refers to prisoners or prison staff in a way which identifies them;*
 - (iv) contravenes any of the other restrictions on the content of correspondence contained in paragraph 2.2 or does anything which contravenes the restrictions under which the visit has been permitted.*
- 4.25 *Any breach of the restrictions on content must be interrupted by staff and may lead to the interview being terminated if staff think this is appropriate.*
- 4.26 *The visit must be terminated immediately if:*
- it contravenes agreement on proper content;*
 - there is violence or the threat of violence;*
 - the discussion relates to escape plans or any other subject which poses a threat to security, good order or discipline;*
 - any unauthorised article is passed between the prisoner and the visitor.*

Recording of interview

- 4.27 *Visits by journalists are intended to be permitted for research purposes only, and requests for interviews to be filmed or broadcast will normally be refused.*
- 4.28 Where facilities exist, tape recording of the interview and simultaneous monitoring may be used but must comply with the guidance contained in PSI 10/2012 - Conveyance and Possession of Prohibited Items and Other Related Offences - in relation to the bringing in and using of any recording equipment within the prison. This recording should be kept for record.
- 4.29 Where a journalist requests permission to tape record interviews this may be allowed where:

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- (i) this is for personal use only as an aid to memory;
- (ii) the journalist has signed the undertaking that this recording will not be broadcast in any form;
- (iii) this poses no security risk.

Further requests

- 4.30 It is expected that one visit will be sufficient to cover the details of the case, as journalists should be able to continue to access details through the prisoner's solicitors. Consideration may be given to allowing additional visits only where there can be shown to be an exceptional need, such as the discovery of new evidence, or the need to discuss new information that has come to light.
- 4.31 Consideration may be given to allowing access to a second outlet where an exceptional need can be demonstrated, for example where the original media outlet failed to run the article or programme.

Informing Victims

- 4.32 *Where the prisoner has been convicted of a serious violent or sexual offence, and a decision has been made to grant the interview, Governors must ensure that the relevant Victim Liaison Officer is informed of the interview and instructed to advise the victim or the family of the victim. A sample letter is provided at Annex F.*

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ANNEX A – SAMPLE REQUEST FOR INFORMATION FOR TELEPHONE CONVERSATION APPLICATION**INITIAL RESPONSE TO PRISONER**

Thank you for your letter dated [] requesting a telephone conversation with [media outlet] / I have received a letter from [media outlet] requesting a telephone conversation with you.

HMPPS policy, set out in PSI 37/2010, permits prisoners to have a telephone conversation with a media outlet of their choice in particular circumstances. These circumstances are when:

- *the sole purpose of the conversation is to comment on matters of legitimate public interest affecting prisons or prisoners, including where appropriate an alleged miscarriage of justice in the prisoner's own case;*
- *it is necessary that the prisoner contacts the media by telephone, as the purpose of the conversation cannot be satisfied by written correspondence;*
- *serious distress to victims of the prisoner and/or outrage to public sensibilities is not likely to result from the broadcast.*
- *permitting the telephone call will not pose a threat to security, or to good order or discipline, and can be arranged without undue disruption to existing staff duties.*
- *there is no reason to doubt that the journalist, broadcaster or prisoner will respect and abide by any reasonable conditions required of them*

Such visits are, however, very much the exception. It is for you to demonstrate why you need the call from a journalist, and why other means of communicating with the journalist are not sufficient and that you meet the criteria set out above in accordance with PSI 37/2010.

Furthermore, any such visit cannot be broadcast live. Agreements which define the terms of the call are required to be signed by both you and the media outlet.

In order to ensure that you satisfy the criteria for being allowed a visit, you need to provide the following information:

- the reason for your request and why you consider that it fits the above criteria
- what, if any, previous contact you have had with [media outlet]

Consideration will be given to your request on receipt of your reply to this letter.

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INITIAL RESPONSE TO MEDIA

I have received a letter from a prisoner [], requesting a telephone conversation with you / thank you for your letter [date] requesting a telephone conversation to prisoner [xx].

HMPPS policy, set out in PSI37/2010, permits prisoners to have a telephone conversation with a media outlet of their choice in particular circumstances. These circumstances are when:

- *the sole purpose of the conversation is to comment on matters of legitimate public interest affecting prisons or prisoners, including where appropriate an alleged miscarriage of justice in the prisoner's own case;*
- *it is necessary that the prisoner contacts the media by telephone, as the purpose of the conversation cannot be satisfied by written correspondence;*
- *serious distress to victims of the prisoner and/or outrage to public sensibilities is not likely to result from the broadcast.*
- *permitting the telephone call will not pose a threat to security, or to good order or discipline, and can be arranged without undue disruption to existing staff duties.*
- *there is no reason to doubt that the journalist, broadcaster or prisoner will respect and abide by any reasonable conditions required of them*

Such visits are, however, very much the exception. It is for the prisoner to demonstrate why s/he needs the telephone conversation with a journalist, and why other means of communicating with the journalist are not sufficient. Any comments/information you have relating to the above will also be taken into consideration.

Any such call and cannot be broadcast live. Agreements which define the terms of the call are required to be signed by both you and the prisoner in the event that a visit is approved.

In order to ensure that you satisfy the criteria for being allowed a visit, please provide the following information:

- the reason you wish to visit the prisoner and why you consider that it fits the above criteria
- what, if any, previous contact you have had with [] a brief description of what research you have undertaken into the case, if any

Consideration will be given to your request on receipt of your reply to this letter.

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ANNEX B – SAMPLE REQUEST FOR INFORMATION FOR MEDIA VISIT APPLICATION**INITIAL RESPONSE TO PRISONER**

Thank you for your letter dated [] requesting a visit from [media outlet] / I have received a letter from [media outlet] requesting a visit to you.

HMPPS policy, as set out in PSI 37/2010, permits prisoners to receive a visit from a media outlet of their choice in particular circumstances. These circumstances are:

- (i) where the prisoner alleges that s/he is a victim of a miscarriage of justice and requires the assistance of a journalist to investigate his/her case and/or bring it to the attention of a wider public (the expectation is that this assistance will be necessary only after the prisoner has exhausted all avenues of appeal); or
- (ii) there are some other sufficiently strong public interest in the issue sought to be raised during the visit and the assistance of a particular journalist is required.

Such visits are, however, very much the exception. It is for you to demonstrate why you need the visit from a journalist, and why other means of communicating with the journalist are not sufficient and that you meet the criteria set out above in accordance with PSI 37/2010.

Furthermore, any such visit cannot be filmed or broadcast. Agreements which define the terms of the visit are required to be signed by both you and the media outlet.

In order to ensure that you satisfy the criteria for being allowed a visit, you need to provide the following information:

- the reason for your request and why you consider that it fits the above criteria
- the matter concerns an alleged miscarriage of justice, the status of any outstanding appeals, or the result of your last appeal
- what, if any, previous contact you have had with [*media outlet*]
- why written correspondence and telephone conversations are not sufficient for your purposes

Consideration will be given to your request on receipt of your reply to this letter.

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INITIAL RESPONSE TO MEDIA

I have received a letter from a prisoner [], requesting a visit from you / thank you for your letter [date] requesting a visit to prisoner [xx].

HMPPS policy, as set out in PSI 37/2010, permits prisoners to receive a visit from a media outlet of their choice in particular circumstances. These circumstances are:

- (i) where the prisoner alleges that s/he is a victim of a miscarriage of justice and requires the assistance of a journalist to investigate his/her case and/or bring it to the attention of a wider public (the expectation is that this assistance will be necessary only after the prisoner has exhausted all avenues of appeal); or
- (ii) there is some other sufficiently strong public interest in the issue sought to be raised during the visit and the assistance of a particular journalist is needed.

Such visits are, however, very much the exception. It is for the prisoner to demonstrate why s/he needs the visit from a journalist, and why other means of communicating with the journalist are not sufficient. The prisoner will also need to satisfy the Secretary of State that the content of discussion during the visit consists solely of the prisoner's representations against the safety of his/her conviction or sentence or serious comment about a matter with a sufficiently strong public. Any comments/information you have relating to the above will also be taken into consideration.

Any such visit cannot be filmed or broadcast. Agreements which define the terms of the visit are required to be signed by both you and the prisoner in the event that a visit is approved. Failure to adhere to the restrictions set out may result in subsequent requests for access to prisons being denied.

In order to ensure that you satisfy the criteria for being allowed a visit, please provide the following information:

- the reason you wish to visit the prisoner and why you consider that it fits the above criteria
- if the case concerns an alleged miscarriage of justice, whether you are aware of any outstanding appeals
- what, if any, previous contact you have had with [] a brief description of what research you have undertaken into the case, if any
- why written correspondence and telephone conversations are not sufficient for your purposes

Consideration will be given to your request on receipt of your reply to this letter.

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ANNEX C - UNDERTAKING TO BE SIGNED BY PRISONER/JOURNALIST BEFORE VISIT

[to be signed by journalist]

MEDIA ACCESS TO PRISONERS - VISITS**MEDIA AGREEMENT ON THE CONTENT AND PARAMETERS**

I understand that the Secretary of State has agreed to permit me a special visit to [prisoner name] detained in HMP [] to discuss his/her claim that his/her conviction was unsound or to discuss some other issue in which there is a sufficiently strong public interest

I have not offered, and agree not to offer, any payment or gratuity or benefit to the prisoner or any third party in return for the visit or for the subsequent publication of any statements made by the prisoner during the visit or information communicated during the visit.

I accept that during my visit to HMP []:

- I will be escorted at all times while in the establishment and the visit will take place within sight and sound of prison staff. At all times during my visit, I will be subject to any directions by staff of the establishment
- *the discussion during the visit must be confined to the prisoner's representation against his conviction or matters of sufficiently strong public interest, for instance, that seriously affect prisoners or prisons.;*
- *there must be no unnecessary reference during the visit to the victims, or families of the victims of the prisoner's offence or statement made intended to upset them or undermines public confidence in the criminal justice system;*
- It is an offence to convey items to a prisoner contrary to the regulations of the prison

No pictures of the prison or prisoner may be taken;

I will seek to avoid distress or harm to the victims of the offence or their family in my use of any material obtained from the visit.

I understand that it is my responsibility to ensure that any publication or broadcast as a result of my visit does not prejudice the outcome of any appeal against conviction by the prisoner, or involve a contempt of court.

I understand that if permission is given for me to tape-record the conversation, this shall be for personal use as an aid to memory only and will not be broadcast in any form under any circumstances.

I understand that any breach of the above agreement may lead to the visit being immediately terminated, and may lead to subsequent requests for access to prisons being refused.

I confirm that any material gained from the visit will be used solely by the publication/broadcaster named below, as agreed with the Governor.

Signature:

Name:

Organisation / representing:

Date:

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[to be signed by prisoner]

MEDIA ACCESS TO PRISONERS – VISITS MEDIA AGREEMENT ON THE CONTENT AND PARAMETERS

I understand that the media organisation/representative named below wishes to visit me.

[name of organisation / representative]

I undertake to confine discussions during the visit to representations that my conviction or sentence was unsound or to serious comment on the matter of sufficiently strong public interest which I have raised.

I agree that I will not make any unnecessary references to the victim/s or families of the victim/s of the offence/s for which I have been convicted or make statements intended to upset them.

I understand and accept that HMPPS is not acting as an agent for the media and has no responsibility for the outcome of the visit or for any contract which might exist between myself and the media. The onus will be on the media not to violate any confidentiality.

I understand and accept that there must be no payment or gratuity in any form offered to me in return for the visit.

*I do / do not consider it necessary to consult any member of my family or any other legal custodian.

Signature:

Name (in block capitals):

Prison:

Prison number:

Date:

* Delete as necessary

UNCLASSIFIED

**ANNEX D – UNDERTAKING TO BE SIGNED BY PRISONER/JOURNALIST BEFORE
TELEPHONE CALL**

[to be signed by journalist]

**MEDIA ACCESS TO PRISONERS - TELEPHONE
MEDIA AGREEMENT ON THE CONTENT AND PARAMETERS**

I understand that the Governor of HMP [] has agreed to permit me a telephone call to [prisoner name] to discuss matters of legitimate public interest regarding prisons and prisoners, namely [topic].

I have not offered, and agree not to offer, any payment or gratuity or benefit to the prisoner or any third party in return for the conversation or the subsequent publication of any statements made by the prisoner during the telephone call.

I accept that the conversation:

- must be confined to the prisoner's comments on crime, the processes of justice, or the penal system, namely [topic].
- will not be about the prisoner's own crime or past offences or those of others and will contain no malicious or gratuitous reference to the victims, or families of the victims of the prisoner's offence or statement made intended to upset them.
- will under no circumstances be broadcast live, but pre-recorded and HMPPS offered a reasonable opportunity to examine the content and request the removal of any improper content.

I understand that it is my responsibility to ensure that the use of material from the telephone call does not prejudice a fair trial in the prisoners' own case or that of others.

I understand that any breach of the above agreement may lead to the telephone call being immediately terminated.

Signature:

Name:

Organisation / representing:

Date:

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[to be signed by prisoner]

**MEDIA ACCESS TO PRISONERS - TELEPHONE
MEDIA AGREEMENT ON THE CONTENT AND PARAMETERS**

I understand that the Governor of HMP XX has agreed to permit me a telephone call with the media organisation / representative named below:

[name of organisation / representative]

I undertake to confine discussions during the telephone conversation to serious comment about crime, the processes of justice, or the penal system.

I agree that I will not make any reference to my current or past offences or malicious or gratuitous references to the victim/s or families of the victim/s of the offence/s or make statements intended to upset them.

I agree that I will not make any reference to other prisoners or prison staff in a way that might identify them.

I understand and accept that HMPPS is not acting as an agent for the media and has no responsibility for the outcome of the telephone call or for any contract which might exist between me and the media. The onus will be on the media not to violate any confidentiality.

I understand and accept that there must be no payment or gratuity in any form offered to me in return for the telephone call.

*I do / do not consider it necessary to consult any member of my family or any other legal custodian.

Signature:

Name (in block capitals):

Prison:

Prison number:

Date:

* Delete as necessary

UNCLASSIFIED

ANNEX E**PRO-FORMA FOR JOURNALISTS VISITING PRISONERS ON DOMESTIC VISITS**

[to be signed by the journalist / visitor]

I confirm that I am visiting prisoner [] as a friend or relative, and not in my professional capacity as a journalist.

I agree that I will not use any information received during the visit for professional purposes, in particular for publication by myself or others.

I am aware that failure to abide by these conditions may lead to my being refused future visits to the prisoner.

Signed:

Name:

Date:

[to be signed by the prisoner]

I confirm that I am receiving a visit from [] in his/her capacity as a friend or relative.

I undertake that during this visit I will not give any material or information for use in his/her professional capacity as a journalist.

I am aware that failure to abide by this undertaking may lead to my being refused future visits from this individual.

Signed:

Name:

Prisoner No.

Date:

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ANNEX F

LETTER TO VICTIM LIAISON OFFICER

This letter informs you of the intention to allow an interview to take place between prisoner [] and [], a journalist with [outlet].

This interview is being permitted under PSI XXXX which permits prisoners access to the media through face-to-face interviews in circumstances where:

- (i) the prisoner claims a miscarriage of justice and requires the assistance of a journalist to challenge the safety of their conviction; or
- (ii) there is some other sufficiently strong public interest issue sought to be raised during the visit and the assistance of a journalist is needed.

In order to minimise any distress to the victim, or the family of the victim, I would be grateful if you could inform them of the intention to allow this visit to take place, and the likelihood of resulting publicity about the case.

The interview will be limited in scope and subject to certain restrictions, for example:

- the prisoner will not receive any payment, gratuity or benefit from giving the interview
- the prisoner the prisoner must make no unnecessary reference to his/her victims, or their families, or make any statement intended to upset them or cause offence or undermine public confidence in the criminal justice system,
- the journalist must undertake to avoid causing distress or harm to victims in his/her use of any material obtained from the visit before the interview is allowed to take place
- the prisoner will not be filmed or photographed and the interview will not be broadcast in any form under any circumstances

A member of prison staff will be present at the interview to ensure that restrictions are not breached, and both prisoner and journalist are aware that any breach of conditions will lead to the visit being terminated.

Should the victim or the victim's family want to express any concerns regarding this interview, they may wish to consider contacting the journalist [name] at [organisation] on [tel.].

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ANNEX G

PRO FORMA INFORMING PRESS OFFICE OF INTENDED VISIT

Name of prisoner:	Establishment:
Prison number:	Offence / Date of Conviction:
Contact name and number at Establishment:	Media outlet / name of journalist:
Relevant information: - about the prisoner: particularly sensitive victim issues / high-profile case / strong public feeling in local area - about the media outlet: local reputation / particularly negative attitude towards the prison	Proposed date / timescale of visit: