

CHAPTER 19
NEWS MEDIA AND PUBLIC INFORMATION
DISSEMINATION

Authority

N.J.S.A. 30:1B-6 and 30:1B-10.

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R.2008 d.176, effective May 28, 2008.
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Chapter Expiration Date

Chapter 19, News Media and Public Information Dissemination, expires on May 28, 2013.

Chapter Historical Note

Chapter 19, Public Information, was adopted as R.1989 d.440, effective August 21, 1989. See: 21 N.J.R. 1490(a), 21 N.J.R. 2517(a).

Pursuant to Executive Order No. 66(1978), Chapter 19, Public Information, was readopted as R.1994 d.255, effective April 25, 1994. See: 26 N.J.R. 1287(b), 26 N.J.R. 2129(b). Pursuant to Executive Order No. 66(1978), Chapter 19 expired on April 25, 1999.

Chapter 19, Public Information, was adopted as new rules by R.1999 d.310, effective September 7, 1999. See: 31 N.J.R. 1739(a), 31 N.J.R. 2622(a).

Chapter 19, News Media and Public Information Dissemination, was readopted as R.2004 d.29, effective December 19, 2003. See: 35 N.J.R. 4427(a), 36 N.J.R. 446(a).

Chapter 19, News Media and Public Information Dissemination, was readopted as R.2008 d.176, effective May 28, 2008. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10A:19-1.1 Purpose

(a) The purpose of this chapter is to establish policies and procedures for:

1. Disseminating information to the public; and
2. Photographing, interviewing, recording, filming and/or videotaping inmates for public dissemination by the news media.

10A:19-1.2 Scope

This chapter is applicable to all administrative units within the New Jersey Department of Corrections.

10A:19-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Freelancer” means an individual who is not under contract with a news service or publication and whose writings and/or services regarding the Department of Corrections are scheduled to be published or broadcast by a news service or publication as verified by the Office of Public Information.

“News media representative” means an individual with valid press credentials who provides any means of communication to the public.

Amended by R.2004 d.29, effective January 20, 2004.
See: 35 N.J.R. 4427(a), 36 N.J.R. 446(a).

10A:19-1.4 Forms

(a) The following forms related to public information are available by accessing the Department of Corrections computer network (DOCNet). Interested individuals who do not have access to DOCNet may obtain copies of forms by contacting the Administrative Rules Unit, New Jersey Department of Corrections:

1. 283-I Inmate Consent for the News Media; and
2. 283-II News Media Representative/Freelancer Agreement.

Administrative change.
See: 35 N.J.R. 1137(a).
Amended by R.2004 d.29, effective January 20, 2004.
See: 35 N.J.R. 4427(a), 36 N.J.R. 446(a).
Amended by R.2006 d.419, effective December 4, 2006.
See: 38 N.J.R. 3226(a), 38 N.J.R. 5161(a).

In the introductory paragraph of (a), deleted “shall be reproduced by each correctional facility from originals that” preceding “are available” and inserted “by accessing the Department of Corrections computer network (DOCNet). Interested individuals who do not have access to DOCNet may obtain copies of forms” and “, New Jersey Department of Corrections”.

SUBCHAPTER 2. PUBLIC INFORMATION DISSEMINATION

10A:19-2.1 Office of Public Information

(a) The Office of Public Information, within the Office of the Commissioner of the New Jersey Department of Corrections, is responsible for:

1. Maintaining and increasing public knowledge of the Department of Corrections by developing and disseminating information relative to correctional philosophy and programming to the following:
 - i. The news media;
 - ii. The general public;
 - iii. Governmental agencies;
 - iv. Community and social organizations; and
 - v. Department of Corrections personnel.
2. Publicizing the effectiveness of innovative programs;
3. Responding to public inquiries and complaints; and
4. Coordinating all public communications including, but not limited to:
 - i. Speaking engagements;
 - ii. Interviews;
 - iii. Press releases;
 - iv. Tour groups;
 - v. Annual reports; and
 - vi. Department of Corrections pamphlets.

10A:19-2.2 Responsibilities of the Director of Communications

(a) The Office of Public Information, New Jersey Department of Corrections, is managed by the Director of Communications or designee who shall be responsible for:

1. Being accessible to information sources within the Department of Corrections in order to receive and gather information;
2. Keeping abreast of major trends and events within the Department of Corrections;

3. Disseminating accurate and often instant information concerning emergencies, Departmental plans, programs, services and activities to the following:

- i. The news media;
- ii. The general public;
- iii. Governmental agencies;
- iv. Community and social organizations; and
- v. Department of Corrections personnel.

4. Preparing news releases, fact sheets and reports describing and explaining events, policies and activities of the Department of Corrections;

5. Conferring regularly with the Department of Corrections Commissioner or designee;

6. Arranging for news media representative and/or freelancer interviews with personnel and inmates within the Department of Corrections; and

7. Ensuring that current and accurate information is available on the Department of Corrections website at www.state.nj.us/corrections.

Amended by R.2004 d.29, effective January 20, 2004.

See: 35 N.J.R. 4427(a), 36 N.J.R. 446(a).

In (a), inserted “or designee” following “Director of Communications” in the introductory paragraph and added 7.

10A:19-2.3 Release of information

Employees of the Department of Corrections shall not impart information to news media representatives, freelancers or other persons not officially connected with a correctional facility or the Department of Corrections without prior notification to the Commissioner or designee except as provided in N.J.A.C. 10A:22. This section shall not restrict the right of employees to comment on public policy or other issues of public concern in a manner which will not interfere with the security or orderly operation of a correctional facility, or result in a breach of necessary confidentiality.

Amended by R.2004 d.29, effective January 20, 2004.

See: 35 N.J.R. 4427(a), 36 N.J.R. 446(a).

Rewrote the section.

Amended by R.2005 d.221, effective July 5, 2005.

See: 37 N.J.R. 863(a), 37 N.J.R. 2543(b).

Substituted “notification to the Commissioner or designee” for “authorization from the Office of Public Information” preceding “except as provided in N.J.A.C. 10A:22”.

10A:19-2.4 Newsworthy events

(a) The Office of Public Information, New Jersey Department of Corrections, shall be notified of upcoming newsworthy events at least one week before the event.

(b) The Office of Public Information shall evaluate the newsworthiness of events and provide for appropriate news coverage.

(c) Events considered newsworthy shall include, but are not limited to:

1. Supervisory staff appointments;
2. Approval of Federal grants;
3. New construction;
4. Expansion or addition of services;
5. Significant changes in programs;
6. Opening of new correctional facilities;
7. Open houses;
8. Inspection tours;
9. Special events;
10. Volunteer activities and social functions of a commemorative or programmatic nature;
11. Public appearances by Department of Corrections personnel;
12. Participation of Department of Corrections personnel at conferences;
13. Publication of books, pamphlets or articles by Department of Corrections personnel;
14. Creation and/or operation of special programs or projects by inmates;
15. Execution of an individual sentenced to death (see N.J.A.C. 10A:23); and
16. Any other event worthy of public notice.

10A:19-2.5 Emergency situations

(a) The Office of Public Information, New Jersey Department of Corrections, shall be informed of all incidents of an unusual nature, which occur at a correctional facility or involve inmates or staff, that may stimulate inquiries from the news media.

(b) In emergency situations, such as, but not limited to, disturbances; unusual or unexpected deaths or injuries to inmates, employees, volunteers or visitors; and escapes, the Administrator or designee shall immediately notify the appropriate Assistant Commissioner or designee, and at the direction of the Assistant Commissioner or designee, the Office of Public Information.

(c) After obtaining full information from the correctional facility, the Office of Public Information may release the pertinent facts to the news media with the approval of the Commissioner or designee.

(d) If it is determined that public knowledge of emergency situations or ongoing investigations would threaten the maintenance of order, safety, or security within a correctional

facility, the Office of Public Information shall release information to the news media at a later more appropriate time.

(e) Information concerning the suspension of visiting programs within correctional facilities shall be disseminated in accordance with N.J.A.C. 10A:18-6, Visits.

Amended by R.2004 d.29, effective January 20, 2004.

See: 35 N.J.R. 4427(a), 36 N.J.R. 446(a).

In (a), deleted “, parolees” following “inmates”; in (b), substituted “walkaways” for “walkways” and inserted “or designee” following “Assistant Commissioner”; in (c), substituted “release” for “relay” preceding “the pertinent facts” and inserted “or designee” following “Commissioner”; rewrote (d).

Amended by R.2008 d.176, effective July 7, 2008.

See: 40 N.J.R. 1602(a), 40 N.J.R. 4220(b).

In (b), inserted “but not limited to,” “volunteers or visitors; and” and “at the direction of the Assistant Commissioner or designee,” substituted a semicolon for a comma following “disturbances” and a comma for “or” following “inmates”, and deleted “and walkaways” following “escapes” and “of the incident” following “Information”.

10A:19-2.6 News media representative and/or freelancer contacts

All news media representative and/or freelancer inquiries shall be processed in the Office of Public Information, New Jersey Department of Corrections, in accordance with N.J.A.C. 10A:19-3, News Media Representative and/or Freelancer Contacts with Correctional Facilities and Inmates.

Amended by R.2004 d.29, effective January 20, 2004.

See: 35 N.J.R. 4427(a), 36 N.J.R. 446(a).

10A:19-2.7 Division monthly and annual reports

(a) The Assistant Commissioner of each Division within the New Jersey Department of Corrections shall submit a copy of the monthly and annual Division reports to the Office of Public Information.

(b) The annual report for the preceding fiscal year shall be submitted by the Assistant Commissioner to the Office of Public Information, New Jersey Department of Corrections, no later than October 1 of each calendar year.

(c) The Board of Trustees and Advisory Council shall submit an annual report to the Office of Public Information.

Amended by R.2004 d.29, effective January 20, 2004.

See: 35 N.J.R. 4427(a), 36 N.J.R. 446(a).

In (a), substituted “the” for “his or her” and inserted “Division” preceding “reports”.

10A:19-2.8 Public access to information

(a) Members of the public may obtain general information and/or contact the Department of Corrections by:

1. Accessing the official Department of Corrections website at www.state.nj.us/corrections. Informational categories available on the website include, but are not limited to, offender search and offender statistics, correctional facility names, locations and phone numbers, in the news press releases, New Jersey Administrative Code Title 10A,

Department of Corrections rule proposals, frequently asked questions, careers in corrections, and information regarding the Open Public Records Act (OPRA);

2. Writing to the New Jersey Department of Corrections, Office of Public Information at PO Box 863, Trenton, New Jersey 08625-0863; and

3. Telephoning the Department of Corrections at (609) 292-9340.

New Rule, R.2004 d.29, effective January 20, 2004.
See: 35 N.J.R. 4427(a), 36 N.J.R. 446(a).

SUBCHAPTER 3. NEWS MEDIA REPRESENTATIVE AND/OR FREE-LANCER CONTACTS WITH CORRECTIONAL FACILITIES AND INMATES

10A:19-3.1 Interviewing and photographing inmates by news media representatives and/or freelancers

(a) An inmate may be photographed, interviewed, recorded, filmed and/or videotaped by news media representatives and/or freelancers:

1. If the inmate has sufficient mental capacity to understand the nature and implication of these activities;
2. If the inmate indicates approval by signing Form 283-I Inmate Consent for the News Media; and
3. If such activity does not interfere with the security or orderly running of a correctional facility, satellite unit or residential facility.

(b) In the event an inmate is a juvenile sentenced as an adult or an inmate does not have sufficient mental capacity to understand the nature and implication of being photographed, interviewed, recorded, filmed and/or videotaped by news media representatives and/or freelancers, the written consent of the inmate's guardian shall be required.

Amended by R.2004 d.29, effective January 20, 2004.
See: 35 N.J.R. 4427(a), 36 N.J.R. 446(a).

In (a), deleted "his or her" preceding "approval" in 2 and substituted "a correctional facility" for "an institution" in 3; in (b), inserted "is a juvenile sentenced as an adult or an inmate" following "In the event an inmate".

10A:19-3.2 News media presence at an execution

(a) Pursuant to N.J.S.A. 2C:49-7, news media representatives shall be permitted to be present at the execution of an individual sentenced to death for the purpose of giving the news media representatives' respective association an account of the execution.

(b) There shall be no photographing, tape recording, filming, or videotaping of an execution by news media representatives.

(c) News media attendance at the execution of an individual sentenced to death shall be in accordance with N.J.A.C. 10A:23, Lethal Injection.

10A:19-3.3 Requests by news media representatives and freelancers

(a) All requests by news media representatives and freelancers to photograph, interview, record, film and/or videotape an inmate(s) shall be submitted in writing, in person, or by telephone to the Office of Public Information, New Jersey Department of Corrections for review.

(b) The Office of Public Information shall verify the affiliation of each news media representative or freelancer.

(c) In order for a request to be considered, the publisher or company that the freelancer represents shall submit a statement to the Office of Public Information which indicates that the product of the freelancer will be published or broadcast.

Amended by R.2004 d.29, effective January 20, 2004.
See: 35 N.J.R. 4427(a), 36 N.J.R. 446(a).

In (c), substituted "In order for a request to be considered, the publisher or company that the freelancer represents shall submit" for "A free-lancer must have his or her publisher or company submit".

10A:19-3.4 Decision on news media representative and/or freelancer requests

(a) The Office of Public Information, New Jersey Department of Corrections, in consultation with the Commissioner or designee, shall review and make a decision regarding all requests by news media representatives and/or freelancers to photograph, interview, record, film and/or videotape an inmate(s) and shall notify the Administrator of the correctional facility of the decision in writing. If the request is approved, the Office of Public Information shall provide to the Administrator written verification of the name and number of the inmate(s) and the audio/visual mode(s) that has been authorized.

(b) The Administrator of the correctional facility, in consultation with the Commissioner or designee, may request a subsequent review of the approval from the Office of Public Information to news media representatives and/or freelancers when the interests of discipline, safety, security, and/or the orderly operation of the correctional facility would be disrupted by the inmate or the activity of the news media representatives and/or freelancers. If the decision is overturned and the request denied after the subsequent review, the Administrator shall provide a written report within 24 hours to the Commissioner or designee as to the reasons therefor.

(c) Inmate contact visits with news media representatives and/or freelancers shall be prohibited when the inmate has been found guilty of a prohibited act identified in a zero tolerance policy as defined in N.J.A.C. 10A:1-2.2 and established at N.J.A.C. 10A:4-12. In those cases in which contact visits have been terminated, every effort will be made