

CHAPTER 19**PUBLIC INFORMATION****Authority**

N.J.S.A. 2C:49-7, 30:1B-6 and 30:1B-10.

Source and Effective Date

R.1999 d.310, effective September 7, 1999.
See: 31 N.J.R. 1739(a), 31 N.J.R. 2622(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 19, Public Information, expires on March 6, 2005. See: 35 N.J.R. 4427(a).

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: Source and Effective Date.

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. INTRODUCTION**

- 10A:19-1.1 Purpose
- 10A:19-1.2 Scope
- 10A:19-1.3 Definitions
- 10A:19-1.4 Forms

SUBCHAPTER 2. PUBLIC INFORMATION DISSEMINATION

- 10A:19-2.1 Office of Public Information
- 10A:19-2.2 Responsibilities of the Director of Communications
- 10A:19-2.3 Release of information
- 10A:19-2.4 Newsworthy events
- 10A:19-2.5 Emergency situations
- 10A:19-2.6 News media representative and/or free-lancer contacts
- 10A:19-2.7 Division monthly and annual reports

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 free-lancers
- 10A:19-3.2 News media presence at an execution
- 10A:19-3.3 Requests by news media representatives and free-lancers
- 10A:19-3.4 Decision on news media representative and/or free-lancer requests
- 10A:19-3.5 Inmate consent
- 10A:19-3.6 Notification of news media representative and/or free-lancer
- 10A:19-3.7 News media and/or free-lancer agreement

SUBCHAPTER 1. INTRODUCTION**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.

“Free-lancer” 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.

10A:19-1.4 Forms

(a) The following forms related to public information shall be reproduced by each correctional facility from originals that are available by contacting the Administrative Rules Unit:

1. 283-I INMATE CONSENT FOR THE NEWS MEDIA; and
2. 283-II NEWS MEDIA REPRESENTATIVE/FREE-LANCER AGREEMENT.

Administrative change.
See: 35 N.J.R. 1137(a).

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

10A:19-2.3 Release of information

(a) Personal information concerning inmates and information on matters affecting security within correctional facilities shall be considered confidential and shall not be released to the public (see N.J.A.C. 10A:22-2, Release and Examination of Inmate and Parolee Records).

(b) To ensure compliance with (a) above, employees of the Department of Corrections shall not impart information to news media representatives, free-lancers or other persons not officially connected with a correctional facility or the Department of Corrections without prior authorization from the Office of Public Information 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.

(c) The Office of Public Information shall consult with the Office of the Commissioner, New Jersey Department of Corrections, whenever possible, before releasing information to the public.

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, parolees or staff, that may stimulate inquiries from the news media.

(b) In emergency situations, such as disturbances, unusual or unexpected deaths or injuries to inmates or employees, escapes and walkways, the Administrator or designee shall immediately notify the appropriate Assistant Commissioner and the Office of Public Information of the incident.

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

(d) Should it be felt that public knowledge of emergency situations or ongoing investigations would threaten the maintenance of order or security within a correctional facility, the Office of Public Information may choose to withhold information from the news media or release the information 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.

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

All news media representative and/or free-lancer 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 Free-Lancer Contacts with Correctional Facilities and Inmates.

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 his or her monthly and annual 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.

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 free-lancers

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

1. If the inmate has sufficient mental capacity to understand the nature and implication of these activities;
2. If the inmate indicates his or her 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 an institution, satellite unit or residential facility.

(b) In the event 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 free-lancers, the written consent of the inmate's guardian shall be required.

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 free-lancers

(a) All requests by news media representatives and free-lancers 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 free-lancer.

(c) A free-lancer must have his or her publisher or company submit a statement to the Office of Public Information which indicates that the product of the free-lancer will be published or broadcast.

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

(a) The Office of Public Information, New Jersey Department of Corrections, shall approve or disapprove all requests by news media representatives and/or free-lancers to photograph, interview, record, film and/or videotape an inmate(s) and shall notify the Administrator of the correctional facility of the decision by telephone. 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 may override the Office of Public Information's approval to news media representatives and/or free-lancers when the Administrator determines that the interests of security and/or the orderly operation of the correctional facility would be disrupted by the activity of the news media representatives and/or free-lancers.

(c) Inmate contact visits with news media representatives and/or free-lancers may be restricted or prohibited when, in the judgment of the correctional facility Administrator or designee, the inmate's actions may interfere with security concerns or the orderly running of the correctional facility. Inmate contact visits with news media representatives and/or free-lancers shall be prohibited when the inmate has violated the Zero Tolerance Drug/Alcohol Policy as defined in N.J.A.C. 10A:1-2.2. In those cases in which contact visits have been denied, every effort will be made to provide a noncontact visit consistent with the orderly operation of the correctional facility.

10A:19-3.5 Inmate consent

(a) When a request by the news media representative and/or free-lancer to photograph, interview, record, film and/or videotape an inmate(s) has been approved by the Office of Public Information and the correctional facility Administrator, a staff member designated by the Administrator shall provide the inmate with Form 283-I INMATE CONSENT FOR THE NEWS MEDIA for the inmate's review.

(b) The inmate shall indicate his or her approval of the news media representative and/or free-lancer request by signing Form 283-I INMATE CONSENT FOR THE NEWS MEDIA in the presence of the designated staff member.

(c) The Administrator of the correctional facility shall notify the Office of Public Information of the inmate's decision.

10A:19-3.6 Notification of news media representative and/or free-lancer

The Office of Public Information, New Jersey Department of Corrections, shall notify the news media representative and/or free-lancer, by telephone, of the final decision to approve or disapprove the request to photograph, interview, record, film and/or videotape an inmate(s).

10A:19-3.7 News media and/or free-lancer agreement

(a) Upon arrival at the correctional facility, the news media representative and/or free-lancer shall present valid press credentials or other identification approved by the Office of Public Information, New Jersey Department of Corrections, and complete and sign Form 283-II NEWS MEDIA REPRESENTATIVE/FREE-LANCER AGREEMENT.

(b) Photographing, interviewing, recording, filming or videotaping of an inmate by any news media representative and/or free-lancer shall not be permitted to take place prior to the signing of Form 283-II NEWS MEDIA REPRESENTATIVE/FREE-LANCER AGREEMENT and the completion of Form 283-I INMATE CONSENT FOR THE NEWS MEDIA.

(c) The original of Forms 283-I and 283-II shall be retained by the correctional facility. A copy of these forms shall be given to the news media representative and/or free-lancer, and a copy shall be forwarded to the Office of Public Information, New Jersey Department of Corrections.