

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 disturbances, unusual or unexpected deaths or injuries to inmates or employees, escapes and walkaways, the Administrator or designee shall immediately notify the appropriate Assistant Commissioner or designee, and the Office of Public Information of the incident.

(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).

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, shall approve or disapprove 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 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 approval from the Office of Public Information to news media representatives and/or freelancers when the Administrator determines that the interests of safety, security and/or the orderly operation of the correctional facility would be disrupted by the activity of the news media representatives and/or freelancers.

(c) Inmate contact visits with news media representatives and/or freelancers may be restricted or prohibited when, in the judgment of the correctional facility Administrator or designee, the inmate's actions may interfere with safety or security concerns or the orderly running of the correctional facility. 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 to provide a noncontact visit consistent with the orderly operation of the correctional facility.

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

In (b), substituted "override the approval from the Office of Public Information" for "override the Office of Public Information's approval" preceding "to news media representatives" and inserted "safety," preceding "security"; in (c), inserted "safety or" preceding "security concerns".

Emergency amendment, R.2005 d.435, effective November 15, 2005, (to expire January 14, 2006).

See: 37 N.J.R. 4575(a).

In (c), substituted "been found guilty of a prohibited act identified in a zero tolerance policy" for "violated the Zero Tolerance Drug/Alcohol Policy", added "and established at N.J.A.C. 10A:4-12" and substituted "terminated" for "denied."