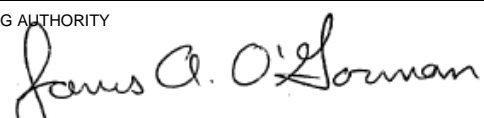
 <p><b>NEW YORK STATE</b> <b>Corrections and Community Supervision</b></p> <p><b>DIRECTIVE</b></p>	TITLE		NO. 4038
	<p><b>Inmate Identification Photographs (Mugshots)</b></p>		DATE 01/24/2020
SUPERSEDES DIR# 4038 Dtd. 01/25/18	DISTRIBUTION A B	PAGES PAGE 1 OF 4	DATE LAST REVISED
REFERENCES (Include but are not limited to) Correction Law, Section 149; Dirs. #4035, #4037, #4914; IRC Manual, Chapter 13	APPROVING AUTHORITY 		

I. **DESCRIPTION:** This directive provides guidelines for the taking, using, retaining, and distribution of inmate identification photographs. For other types of inmate photographs see Directive #4035, "Inmate Identification Cards."

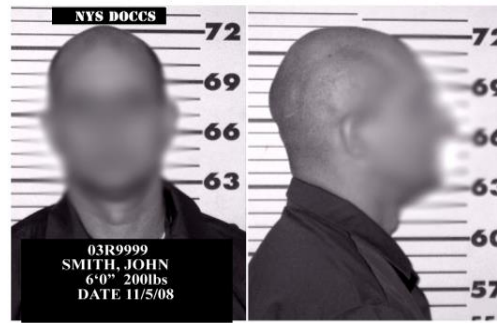
II. **RECEPTION PHOTOGRAPHS**

- A. When an inmate enters the system, it is the responsibility of the Identification (ID) Officer at the receiving facility to take a good quality identification photograph. This standard photograph shall be a 2 ¼" x 2 ¾" black and white (use of color is permitted only where black and white digital system is unavailable) bust type and exhibit both a full front and profile view on a 4" x 6" size index (mugshot) card.
1. All inmate pictures must be taken with the standard white height chart background, **using an inch scale.**
  2. The camera will be level with the viewfinder centered on the inmate's face. The photo will encompass the upper torso and head. Inmates should stand approximately 12" from the chart for both images with the inch scale clearly visible above the shoulder line. Additionally, the camera will be positioned 8' from the inmate.
  3. The photo area will contain adequate lighting so that glare is not an issue on the digital output.
  4. The camera capture resolution will be 640 x 480 to ensure proper size and quality of the digital output.
  5. Inmates who wear eyeglasses for any purpose and/or approved religious headwear (i.e., a kufi or Tsalot Kob), will have four photos taken. One frontal and one profile with the item(s) on, and one frontal and one profile with the item(s) off. The inmate will wear a State issued green shirt. If any undershirt is worn it must be white. No personal clothing or jewelry is permitted. The inmate shall look directly at the camera, eyes open for the frontal photograph. The photo shall be a clear picture with the inmate readily identifiable. Left or right profile will be taken in the same manner as illustrated below.

**Once the photos are taken, the ID Officer will review them before processing to ensure accuracy. Additionally, they will ensure that the height matches in both the frontal and the profile photo.**

- B. The front view photograph shall include a placard positioned in front of the inmate (either by use of the Department's computer identification program, hand held, or stand) with the top of the placard at the neckline. The placard will contain the following information (as illustrated below):

1. Inmate's DIN,
2. Inmate's name (last, first),
3. Height (inches),
4. Weight, and
5. Photo date.



Sex - MALE Race - White Hair - Brown Eyes - Hazel DOB - 10/20/61

HT IN INCHES

NYSID # - 123456789

ID CARD # 00000558

- C. The 4" x 6" size mugshot card shall also record the inmate's SEX, RACE, HAIR COLOR, EYE COLOR, DOB, HEIGHT (in inches), and NYSID number. Any readily identifiable features (e.g., scars, tattoos, etc.) on the head, neck, arms, hands, and torso shall also be indicated on the mugshot card.
- D. There will be no need to re-photograph an inmate prior to a transfer from one facility to another, unless his or her appearance has changed. The original photograph will be kept on file in the Facility Identification (ID) Office and forwarded with an inmate's records upon transfer to another DOCCS facility.
- E. A digital photograph shall be taken of an inmate upon arrival, after transfer from one facility to another. Prior to photographing the inmate, the ID Officer shall take height and weight measurements with the inmate in his or her stocking feet. The ID Officer will note this, and any personal identifying features/characteristics such as scars, birthmarks, tattoos etc., from the waist up which may readily be utilized for identification purposes on the inmate's [Form #4038A](#), "Inmate Personal Appearance Form." This photograph will be stored in the ID system database. The staff member taking this photo shall verify that the incoming inmate's identification card accurately depicts the inmate, per Directive #4035, "Inmate Identification Cards."

NOTE: All inmate ID/Mugshot photos will be taken with the subject inmate in their stocking feet and appropriate floor covering shall be in place.

- F. The mugshot photo card and the inmate personal appearance form will be forwarded to the facility Deputy Superintendent for Security (DSS) or designee for review. The photo and inmate appearance form shall be reviewed to ensure photo clarity and resolution and ensure the accuracy of the information reported as related to personal identifying characteristics. Should any discrepancies be noted (e.g., incorrect height, reflection in photo, missing or incorrect inmate information listed on right side of photo, height chart not visible in photo, personal clothing, jewelry, etc.), the ID Officer and Area Supervisor shall be notified. If necessary, the inmate will be re-photographed and all information will be corrected. Approved photos and inmate personal appearance forms will be forwarded to designated clerical staff, as necessary, to update FPMS screen #3 (personal characteristics) information via reception/classification system (F451). Once complete, the forms will be forwarded to the Inmate Records Coordinator (IRC) for placement and retention in the inmate's ID envelope/legal folder.

- G. When, through no deliberate action on the part of an inmate, his or her appearance has changed to the degree that the existing identification photograph is no longer a recognizable likeness (e.g., from illness, surgery, weight gain/loss), a new identification photograph shall be taken at facility expense.

If an inmate drastically changes his or her physical appearance by altering the length, style, and/or color of hair, or by the growth or removal of a beard or mustache, or when an inmate, through litigation, changes his or her name, he or she will be re-photographed. The replacement cost of this new identification photograph shall be borne by the inmate as provided for in Directive #4035, "Inmate Identification Cards."

- H. Any employee who notices a change in an inmate's appearance from the existing photograph shall bring it to the attention of the DSS, or designee, who will make the determination regarding the need to re-photograph. Additionally, all inmates will be re-photographed every 24 months.

### III. PAROLE VIOLATOR DETAINEE PHOTOGRAPHS

- A. Parole violator detainees will be photographed as soon as they are received as specified in Section II-A above. When parole status is revoked and the inmate is transferred to some other facility, this photograph will be transferred with the inmate.
- B. If on arrival at the receiving facility, the parole violator does not meet the standards of Directive #4914, "Inmate Grooming Standards," a new photograph will be taken after the inmate is in compliance with the standards. The cost of this photograph shall be borne by the facility.

### IV. RELEASE PHOTOGRAPHS: Includes: Parole, Conditional Release (CR), Maximum Expiration (ME), discharge to Office of Mental Health, Office of Children and Family Services, Division of Juvenile Justice, and Opportunities for Youth, Immigration, or any other release.

- A. Identification: By the 15th of the month, preceding an inmate's release to Parole, CR, or ME and immediately after notification of any other type of release, the IRC shall provide the facility ID Officer with the name of any inmate scheduled for release.

Unless the inmate will be released to the US Bureau of Immigration and Customs Enforcement, the IRC will notify the ID Officer to make a "Released Inmate Identification" card and will provide the inmate's Social Security Number to the Officer. If no card is on file, the field is left blank.

- B. Photographing: The facility ID Officer shall take up-to-date standard black and white mugshot photographs (as in Section II-A above) of each inmate on the list, but with the addition of the NYSID numbers. The 4" x 6" card shall be attached to each of the two copies of [Form #2034](#), "Notice of Release of Prisoners."

The ID Officer shall also take one full front mugshot (release photo) on a white background, without the height chart and without the board, and then make a "Released Inmate Identification Card".

If an inmate has been convicted from or is being released/paroled to NYC, the required police photographs shall be produced and distributed under separate specifications set forth in Section IV-D below.

**C. Distribution**

1. Police: The IRC shall mail the following documents to the Police Chief of the city, town, or village in which the inmate resided at the time of his or her conviction, AND in which the inmate proposes to reside, so that they will be received at least 48 hours prior to the actual release date:
  - The completed [Form #2034](#), "Notice of Release of Prisoners" (which includes a comment on the amount of time remaining to be served on the full term of sentence)
  - The inmate's photograph, mugshot card (4" x 6") (1 copy)
  - A cover letter

If the inmate proposes to reside outside of a city, this notification shall also be sent electronically, via Outlook E-mail, to the Sheriff of the county in which the inmate intends to reside.

2. District Attorney's Office: The IRC will also send a copy of the above required documentation electronically, via Outlook E-mail, to the District Attorney's Office in the county where the instant offense was prosecuted.
3. Community Supervision: Four copies of the inmate's mugshot photograph card (4"x6").
4. Facility File: A copy of each photograph mugshot card shall be retained in the facility file.
5. Personal Property: The "Released Inmate Identification" card shall be placed in the inmate's personal property to be given to the inmate at release, per release procedures.

(See Chapter 13 of the IRC Manual for complete instructions; see Directive #4037, "Fingerprinting Inmates," and Correction Law Section 149 for further reference.)

- D. Photographs for New York City Police: This Section is applicable for inmate addresses in the Bronx, Brooklyn, Manhattan, Queens, and Staten Island (or in any of the five counties: Bronx, Kings, New York, Queens, and Richmond).

If an inmate has been convicted from or is being released to NYC, the required documents referenced in Section IV-C above shall be sent to the address listed below.

One print of this photograph shall be retained in the facility file, and the other ones sent electronically, along with the documents required in Section IV-C above, to [NYSDOCReleases@NYPD.ORG](mailto:NYSDOCReleases@NYPD.ORG).

- E. Immigration and Customs Enforcement (ICE): When the facility receives requests from ICE for photos, it is imperative that the photos are provided in color as they are required for travel documents. Photos should be 2" x 2" where the facial image can be cropped to fit into the 2" x 2" space. The photo must be in color and taken against a plain background (no height chart).

**V. TEMPORARY RELEASE**

- A. Prior to any first temporary release, the facility ID Officer shall take up-to-date bust type photographs, front and side views as specified in Section II-A above.
- B. The inmate will be issued temporary release ID cards, as needed, in accordance with the "Temporary Release Manual of Rules and Regulations."