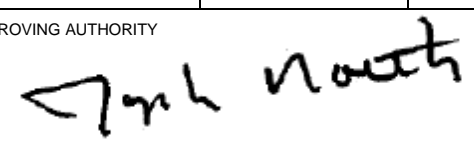
 <p><b>NEW YORK STATE</b> <b>Corrections and Community Supervision</b></p> <p><b>DIRECTIVE</b></p>	TITLE <b>Incarcerated Individual Identification Photographs (Mugshots)</b>		NO. 4038
			DATE 02/09/2022
SUPERSEDES DIR # 4038 Dtd. 02/23/21	DISTRIBUTION A B	PAGES PAGE 1 OF 5	DATE LAST REVISED
REFERENCES (Include but are not limited to) Correction Law, Section 149; Directives. #4035, #4037, #4914; IRC Manual, Chapter 6; Temporary Release Manual of Rules and Regulations	APPROVING AUTHORITY 		

- I. DESCRIPTION:** This directive provides guidelines for the taking, using, retaining, and distribution of incarcerated individual identification photographs. For other types of incarcerated individual photographs, see Directive #4035, "Incarcerated Individual Identification Cards."
- II. RECEPTION PHOTOGRAPHS**
- A. When an incarcerated individual 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 incarcerated individual 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 incarcerated individual's face. The photo will encompass the upper torso and head. Incarcerated individuals 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 incarcerated individual.
  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. Incarcerated individuals 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 incarcerated individual will wear a State-issued green shirt. If any undershirt is worn, it must be white. No personal clothing or jewelry is permitted. The incarcerated individual shall look directly at the camera, eyes open for the frontal photograph. The photo shall be a clear picture with the incarcerated individual 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 incarcerated individual (either by use of the Department's computer identification program, handheld, or stand) with the top of the placard at the neckline. The placard will contain the following information (as illustrated below):

1. Incarcerated individual's Department Identification Number (DIN)
2. Incarcerated individual's name (last, first)
3. Height (inches)
4. Weight
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 incarcerated individual's SEX, RACE, HAIR COLOR, EYE COLOR, DATE OF BIRTH (DOB), HEIGHT (in inches), and New York State Identification Number (NYSID). 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.

NOTE: The incarcerated individual's gender displayed on the mugshot card will reflect the gender identity (gender marker), if different from the gender that is automatically assigned based upon the DIN, as recorded in the DOCCS Mainframe system.

- D. There will be no need to re-photograph an incarcerated individual prior to a transfer from one facility to another, unless their appearance has changed. The original photograph will be kept on file in the Facility Identification (ID) Office and forwarded with an incarcerated individual's records upon transfer to another DOCCS facility.
- E. A digital photograph shall be taken of an incarcerated individual upon arrival, after transfer from one facility to another. Prior to photographing the incarcerated individual, the ID Officer shall take height and weight measurements with the incarcerated individual in their 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 incarcerated individual's [Form #4038A](#), "Incarcerated Individual Personal Appearance Form." This photograph will be stored in the ID system database. The staff member taking this photo shall verify that the incoming incarcerated individual's identification card accurately depicts the incarcerated individual, per Directive #4035.

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

- F. The mugshot photo card and the incarcerated individual personal appearance form will be forwarded to the facility Deputy Superintendent for Security (DSS) or designee for review. The photo and incarcerated individual 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 incarcerated individual 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 incarcerated individual will be re-photographed, and all information will be corrected.

Approved photos and incarcerated individual 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 incarcerated individual's ID envelope/legal folder.

- G. When, through no deliberate action on the part of an incarcerated individual, their 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 incarcerated individual drastically changes their 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 incarcerated individual, through litigation, changes their name, they will be re-photographed. The replacement cost of this new identification photograph shall be borne by the incarcerated individual as provided for in Directive #4035.

- H. Any employee who notices a change in an incarcerated individual'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.
- I. All incarcerated individuals 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 subsection II-A. When parole status is revoked and the incarcerated individual is transferred to some other facility, this photograph will be transferred with the incarcerated individual.
- B. If, on arrival at the receiving facility, the parole violator does not meet the standards of Directive #4914, "Incarcerated Individual Grooming Standards," a new photograph will be taken after the incarcerated individual 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 incarcerated individual'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 incarcerated individual scheduled for release.

Unless the incarcerated individual will be released to the US Bureau of Immigration and Customs Enforcement, the IRC will notify the ID Officer to make a "Released Incarcerated Individual Identification" card and will provide the incarcerated individual'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 subsection II-A) of each incarcerated individual 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 Incarcerated Individuals Pursuant to Correction Law 149."

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 Incarcerated Individual Identification Card".

If an incarcerated individual 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 subsection IV-D.

C. **Distribution**

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

If the incarcerated individual proposes to reside outside of a city, this notification shall also be sent electronically, via Outlook email, to the Sheriff of the county in which the incarcerated individual intends to reside.

2. **District Attorney's Office:** The IRC will also send a copy of the above required documentation electronically, via Outlook email, to the District Attorney's Office in the county where the instant offense was prosecuted.
3. **Community Supervision:** Four copies of the incarcerated individual'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 Incarcerated Individual Identification" card shall be placed in the incarcerated individual's personal property to be given to the incarcerated individual at release, per release procedures.

(See Chapter 6 of the IRC Manual for complete instructions; see Directive #4037, "Fingerprinting Incarcerated Individuals," and Correction Law Section 149 for further reference.)

- D. Photographs for New York City Police: This section is applicable for incarcerated individual 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 incarcerated individual has been convicted from or is being released to NYC, the required documents referenced in subsection IV-C shall be sent to the email 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 subsection IV-C, 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 subsection II-A.
- B. The incarcerated individual will be issued temporary release ID cards, as needed, in accordance with the "Temporary Release Manual of Rules and Regulations."