NEW YORK STATE Department of Corrections and Community Supervision **DIRECTIVE**	TITLE **Release of Information to the News Media and Others**		NO. 0401 DATE 12/09/2025
SUPERSEDES DIR #0401 Dtd. 08/06/24	DISTRIBUTION A B	PAGES PAGE 1 OF 9	DATE LAST REVISED
REFERENCES (Include but are not limited to) See Section II	APPROVING AUTHORITY		

I. BACKGROUND: This directive sets forth the Department's policies on media and others' access to information, facilities, employees, parolees, and incarcerated individuals. It attempts to balance their right to access information in the public's name with laws safeguarding the personal privacy rights of staff, parolees, and incarcerated individuals. It also seeks to weigh their right to know what is occurring within correctional facilities and area offices against the Department's responsibility to maintain safety and security for staff, incarcerated individuals, parolees, and the surrounding communities.

The United States Supreme Court has repeatedly held that there is no media right of access to correctional facilities around the nation (Pell v. Procunier, 417 US 817 [1974]), in part because of states' legitimate need to maintain safety and security. In addition, Correction Law Section 146 does not include the media among those with a right of access to correctional facilities.

The general public's access to information, correctional facilities, and area offices is more specifically described in Civil Rights Law Section 50-a, 7 NYCRR Part 51, and Directives #2009, "Maintaining Logs-Dissemination of Criminal History Record Information," #2010, "FOIL/Access to Departmental Records," #2012, "Release of Employee Personnel and Payroll Information," and #2013, "Personal Identifying Information."

II. REFERENCES

- Civil Rights Law § 50-a
- United States Supreme Court Case Pell v. Procunier, 417 US 817 (1974)
- Health Insurance Portability and Accountability Act (HIPAA)
- Public Officers Law § 87, § 95
- Criminal Procedure Law § 160.50, § 720.35
- Correction Law § 146
- Penal Law § 205.20
- County Law § 671, § 674, § 677
- 7 NYCRR Part 51
- ACA Expected Practices:
  - 5-ACI-1A-22, 5-ACI-1E-05, 5-ACI-3D-06
  - 2-CO-1A-25, 2-CO-1A-26, 2-CO-1A-27, 2-CO-1A-27-1, 2-CO-3C-01
  - 4-APPFS-1C-01
  - 2-1046, 2-1079, 2-1126, 2-1128, 2-1130
- Directives #0403, #0410, #0415, #2009, #2010, #2012, #2013, #4403, #4750

III. POLICY

A. General: The Department is committed to meeting its responsibilities to uphold the Freedom of Information Law (FOIL) (Public Officers Law Section 87), the Personal Privacy Protection Law (Public Officers Law Section 95), the Civil Rights Law, NYCRR Title 7, and all other applicable statutes regarding the disclosure of information.

B. Information Releases

1. All facility/area office press releases and statements/letters prepared for public dissemination shall be reviewed and approved in advance of release by the Department's Public Information Office (PIO). The sole exception is facility release of information on escapees in accordance with the facility's Ready Emergency Data book.
2. New York Department of Corrections and Community Supervision (DOCCS) staff and volunteers shall not represent themselves as official agency spokespeople unless authorized to do so by the PIO.
3. Central Office employees shall receive approval from the PIO through their respective Deputy, Associate, or Assistant Commissioner before responding as agency spokespeople to any inquiries from the media.

C. Interviews with Incarcerated Individuals

1. It is the policy of New York State to make its incarcerated individuals and programs generally accessible to the media to the extent deemed appropriate.
2. It is the responsibility of Superintendents/designees to accompany media and others while inside of correctional facilities. No other staff shall be interviewed by the media or others unless approved in advance by the PIO.
3. Media and others will be escorted from any Department location if at any time they willfully violate the rules contained herein or any facility rule or direction from the Superintendent/designee, or if any incident arises that in the judgment of the PIO requires their removal.

D. Parolee Media Interviews

1. DOCCS staff may not attempt to interfere with a parolee's right to talk to the media or others.
2. The Department will not assist in setting up interviews with parolees.
3. All parolee interviews will take place off Department premises. No parolee interviews will be conducted at any Community Supervision office or area office unless special permission is granted by the PIO or their staff.

IV. INFORMATION SOURCES

A. Records Access Officer: Information releasable to the media and others under FOIL will be provided upon written request to the:

Records Access Officer
Department of Corrections and Community Supervision
The Harriman State Office Campus
1220 Washington Avenue
Albany, NY 12226-2050

B. Public Information Office (PIO)

1. Requests for information releasable to the media and others may be sent to the Public Information Office (PIO):

Telephone: (518) 457-8182
Email: thomas.mailey@doccs.ny.gov
publicinformation@doccs.ny.gov
Mail: Public Information Office
Department of Corrections and Community Supervision
The Harriman State Office Campus
1220 Washington Avenue
Albany, NY 12226-2050

a. "Media" shall mean any printed, broadcast, or electronic means of conveying information to any portion of the public and shall include, but not be limited to, newspapers, periodicals, books or other publications, licensed radio and television stations, streaming platforms, news agencies and wire services, internet-based news or journalistic organizations, podcasts, and social media or other digital communication outlets.

b. "Media Representatives" shall be defined as:

(1) Credentialed representatives of a bona fide media organization who present valid credentials of their affiliation with the media to the PIO.

(2) Journalists who are not employees of a media organization but who have written documentation of a media organization's interest in the subject for which the journalist is seeking information, interview, or access, who can provide media credentials described above or previous documented work.

The PIO may require written FOIL requests from media and others seeking multiple documents, compilations of data, and employee personnel data, among other documents.

2. Media and other requests for overall or facility/area office-specific information may be directed either to the PIO or to the Superintendent/Bureau Chief (BC) or their designees at the appropriate facility/area office. Responses shall be formulated in collaboration with the PIO. The PIO will determine the release of information (by whom, what, and in what form).

3. In the event of an unusual incident occurring at a specific DOCCS work location, all media and other inquiries shall be directed to the PIO, which shall decide the best manner of response to media inquiries. The PIO shall ensure that the media are provided with appropriate updates on such incidents.

Should any type of incident occur that requires the rescheduling of access to a DOCCS work location, the PIO or the Superintendent/BC shall advise the media and others with as much advance knowledge as possible. The canceled media event shall be rescheduled following resolution of the incident, if practicable.

C. DOCCS Website: The Department's website, https://www.doccs.ny.gov, provides press releases and general information. Its "Incarcerated Lookup" and "Parolee Lookup" sections provide access to most of the incarcerated individual's/parolee's information listed in subsection VI-A.

D. DOCCS Social Media Accounts: The PIO manages the Department's social media.

V. RELEASE OF EMPLOYEE DATA

A. Releasable Information: In accordance with Civil Rights Law Section 50-a, the Personal Privacy Protection Law, and Directive #2012, the PIO will release the following information about employees:

1. Full name
2. Salary information
3. Earliest date of service
4. Current and previously assigned facility/area office
5. Duty status

B. Employees Under Discipline: The existence and content of a Notice of Discipline (NOD) served upon an employee shall not be routinely disclosed by the PIO because NODs are non-final actions.

NODs may be released and discussed in response to an interview request if the subject of a notice has become the subject of a media story and if disclosure is not prohibited by law.

The PIO may make available, upon request by the requestor, any arbitrator's decisions rendered in response to NODs, as final decisions are available under FOIL unless disclosure is prohibited by another statute.

VI. RELEASE OF INCARCERATED INDIVIDUAL/PAROLEE DATA

A. Releasable Information: Except as limited or prohibited by subsection VI-B, the following information may be made available on any incarcerated individual/parolee:

- Commitment or legally changed name
- Release eligibility dates
- Department Identification Number (DIN)
- Previous incarceration history
- Date of birth
- Assigned facility
- Birthplace
- Transfer history (except transfers to OMH custody and transfers for holding pending civil confinement determination)
- City and county of commitment
- General state of health, subject to HIPAA rules
- Work assignments
- Crime(s) and sentence(s) of commitment
- Departmental actions regarding confinement and release
- Standard conditions of parole (special conditions subject to FOIL)
- Personal information, such as height and weight

Most of the above listed information is available to the media under the "Incarcerated Lookup" and "Parolee Lookup" sections on the Department's website at: https://www.doccs.ny.gov.

B. Exceptions

1. Criminal Procedure Law Section 720.35 prohibits the disclosure of all official records and papers on incarcerated individuals/parolees committed as youthful offenders.

2. Criminal Procedure Law Section 160.50 requires the sealing of records pertaining to any reversed conviction.
3. Information regarding parole/release violations will be released only by the PIO or their designee in coordination with the Area Supervisor/BC and the Parole Revocation Specialist.
4. Individuals requesting information regarding disciplinary history will be required to submit a FOIL request at: https://doccs.ny.gov/freedom-information-law-foil.
5. In accordance with State Law, mugshots are no longer provided to ensure the privacy rights of individuals involved in the justice system and to allow law enforcement agencies to determine when disclosure is reasonable given the circumstances.

C. Incarcerated Individual/Parolee Death: The Department will not confirm the death of an incarcerated individual or parolee under its custody/supervision before notification of next of kin. Those seeking the cause of an incarcerated individual/parolee death shall contact the office of the coroner/medical examiner of the county in which the death occurred. County Law Section 671 and Section 674 require inquiries into incarcerated individuals' deaths and autopsies to determine cause of death. County Law Section 677 leaves it to coroners and medical examiners to determine if results will be released and to whom.

D. Board of Parole Decisions: The Department cannot confirm the decision by the Board of Parole before notification of the incarcerated individual(s), as well as the victim(s) impacted by the crime.

E. Board of Parole Transcripts

1. Release of decisions made by the Board of Parole may be made available by the PIO. Transcripts of release interviews and Parole Board narratives are public records and may be made available pursuant to a FOIL request. However, any information concerning the individual's health, mental health, HIV/AIDS status, drug treatment, names of family members, names and addresses of proposed employers, address of proposed residence, and information regarding the victim of the offense for which the incarcerated individual has been convicted, must be redacted from the transcript and cannot be disclosed.
2. Staff shall not speculate or comment upon the Board of Parole's reasoning in deciding to grant release.

F. Other Information: Any other incarcerated individual/parolee information shall be released at the Commissioner's discretion, giving due consideration to applicable federal and state statutes.

G. Regional Directors and Area Supervisors/Bureau Chiefs (BC) Authorization

1. Regional Directors and Area Supervisors/BCs are authorized to respond to requests from members of the general public for information about a specifically named parolee. The PIO will normally respond to such inquiries from the media or may designate the Regional Director or Area Supervisor/BC to do so. In responding to such requests, only the information listed above in subsection VI-A is to be released.

2. No information will be released unless confirmation of the identification of the individual in question is made by verifying the New York State Criminal History Record Information (NYSCHRI) number, DOCCS DIN, date of birth, and/or other documented identifier.

VII. INTERVIEWS WITH INCARCERATED INDIVIDUALS

A. Types of Interviews

1. Media Interviews: A media interview is defined as a meeting between an eligible incarcerated individual under the conditions cited below with either (1) a credentialed, full-time representative of a bona fide media organization or (2) journalists who are not employees of any media outlet but have written documentation of a bona fide media's interest in the subject for which the non-employee is seeking interview access or can provide media credentials or previous documented work.
2. Other Interviews: Other interviews include individuals who are not members of the press or former members who have written documentation of a bona fide media's interest in the subject for which the non-employee is seeking interview access or can provide media credentials or previous documented work.

B. Approval: All interviews and access to correctional facilities shall be approved and arranged by the PIO in accordance with applicable sections of Correction Law Section 146 and 7 NYCRR Part 51, "Public Contacts of Institutions and Employees." Media and others are not required to advise the PIO of the subject of an interview.

C. Interviewee Eligibility

1. Incarcerated individuals in general confinement status may, at the discretion of the Commissioner, receive face-to-face interviews.
2. Incarcerated individuals in administrative segregation status may, at the discretion of the Commissioner, substitute one media interview for their one non-legal visit per week.
3. Incarcerated individuals in pre-hearing confinement status or serving a disciplinary confinement sanction, which includes Special Housing Units (SHU) and Residential Rehabilitation Units (RRU), will not be approved for media interviews.

D. Arranging an Interview

1. It is the requestor's responsibility to contact the incarcerated individual to:
   a. Ask if the incarcerated individual agrees to be interviewed.
   b. Inform the incarcerated individual to obtain from staff, and fill out and sign, a copy of Form #0401A, "Media Interview Consent Form."
   c. Inform the incarcerated individual to file the consent form with the Superintendent.
   d. Inform the incarcerated individual to notify the requestor of their interest in writing or via a collect telephone call when steps a through c have been completed.
2. It is the requestor's obligation to maintain contact with the incarcerated individual to ensure the steps above have been completed. Staff should not ask incarcerated individuals if they have consented to an interview or if they have or will sign a consent form unless directed to do so by the PIO or the Superintendent/designee.

3. Upon the requestor's knowledge of the incarcerated individual's interest, the requestor will then contact the PIO to request an interview.

   Requestors should list potential dates for the interview, desired times and lengths of the interview, equipment that they desire to bring, the need for photographs and/or generic film or video footage of the facility, and the names of others who will attend and their roles. The PIO will review requests with the Superintendent and the Commissioner where necessary and advise requestors as to what portions of the request can be reasonably accommodated.

4. After the steps above have been completed by the incarcerated individual and the requestor, the PIO will then authorize the Superintendent to schedule the interview with the conditions set in subsection VII-E. Interviews will be scheduled on State business days, granting the requestor access no earlier than 8 a.m., with departure scheduled no later than 4 p.m., unless the requestor can justify the need for an exemption to the satisfaction of the PIO.

E. Interview Rules and Restrictions

1. No third parties, including attorneys or individuals acting as legal representation for an incarcerated individual, shall be present for an interview with the requestor except under extraordinary circumstances as approved by the Commissioner, whose decision is final. Requestors must submit a request, in writing, to the PIO with a justification.
2. Requestors may visit incarcerated individuals in accordance with Directive #4403, "Visitor Program." However, media and others visiting under that directive are subject to its rules and procedures, including those barring cameras and tape recorders while limiting the use of paper and specifically limiting writing implements to "flex-pens" issued by the visiting room officer and returned to the visiting room officer at the conclusion of the visit.
3. Incarcerated individuals are permitted to include reporters and others among their allotted numbers under the call-home program, which allows incarcerated individuals to make collect calls during certain hours of the day.
4. Interviews are limited to one media outlet at a time. Multiple requests will be scheduled individually in time frames established jointly by the Superintendent/designee and the PIO.
5. Interviews for live broadcast are prohibited. If an interview is broadcast live, the incarcerated individual may be denied future interviews, and the medium may be denied future access to prisons.
6. Individuals under 21 years of age are prohibited from conducting incarcerated interviews.
7. Interviews may be denied if the mandates of this directive are not followed or if the incarcerated individual, media, or requestor attempts to circumvent this directive.
8. Any attempt by the requestor to alter the agreed-upon conditions for an interview after arriving at the facility may be grounds to deny or immediately terminate the interview.
9. In order to minimize facility disruption, access for a single story/report will be limited to a maximum of two visits unless the requestor, in advance of the first visit, establishes to the Commissioner's satisfaction a legitimate need for more access.

10. Incarcerated individuals may not request or receive compensation or remuneration in any form for themselves or others for their participation in a media or any other interview.
11. An incarcerated individual who has been interviewed by representatives of the news media shall not be subjected to Departmental discipline or any other adverse action for participation in the interview or views expressed therein.

F. Conduct of the Interview

1. The interview will take place in an area designated by the Superintendent or Superintendent's designee and approved by the PIO. The interviewing and photographing of the incarcerated individual will occur only in this designated area unless other arrangements have been previously approved by the Superintendent and PIO.
2. No other facility access will be granted to the requestor during an interview visit unless previously approved by the PIO.
3. All interviews between representatives of the news media, others, and incarcerated individuals shall be supervised by way of direct observation by an assigned security employee. Such observation does not mean monitoring or listening to the interview in a manner that could reasonably be interpreted as having a chilling effect. Such observation is to occur in a manner that minimizes interference with the interview but maintains appropriate security observance. Departmental staff shall not photograph or audio or videotape media interviews.
4. Incarcerated individuals may only bring to the interview property that is allowed during a legal visit, unless an exception is pre-approved by the Superintendent/designee and PIO.

VIII. IMAGES AND "TOOLS OF THE TRADE"

A. Equipment: Reasonable limits will be placed on the amount of "tools of the trade" media and others may bring in to make still photographs, video, and audio recordings during any program story or interview. Picture and sound equipment may not be used during access to and egress from an interview site. Media and others shall not be permitted to video while walking through a facility but, with the approval of the Superintendent/designee, can stop to take specific pictures. Notebooks and writing implements are allowed. Under no circumstances will a representative of the media or other requestor be allowed to bring a cellphone, laptop, or similar equipment into a facility. At no time will media or other requestors allow incarcerated individuals access to any of their equipment. Tools of the trade are subject to search.

B. Photographs

1. Consent forms signed by all subjects are required for any photograph or video in which incarcerated individuals, parolees, or staff are identifiable, whether as part of a crowd, a program in operation, or in any other setting.
2. No pictures may be made by the media or others of individual youthful offenders unless they specifically consent.
3. Photographs taken while physically standing on any Department property require the prior permission of the PIO. Violators risk confiscation of their exposed film or deletion of the images in question from their digital camera(s).

4. The Department has no authority over the making of pictures or sound recordings of its property when the media is physically standing off Departmental property.

C. Aircraft: Those desiring to do an aircraft flyover of a facility are advised to obtain permission in advance from the PIO. Flyovers are regulated by the Federal Aviation Administration. Additionally, the Department is obligated to respond to any potential security breach, including the close proximity of any aircraft whose identity and/or intentions are not known.

D. Drones/Unmanned Aerial Systems (UAS): The use of drones or UAS on Department property is strictly prohibited without prior approval from the PIO and after consulting with the Superintendent/designee. Violators may be subject to deletion of digital images, video, or audio recordings of DOCCS property or staff that are deemed to be a security risk or violation of personal privacy.

If the operator of the drone attempts to or does introduce contraband into the facility with the drone, the matter will be referred to local law enforcement for the issuance of criminal charges up to and including a felony charge of promoting prison contraband pursuant to Penal Law Section 205.20.

IX. OTHER FACILITY ACCESS

A. Media and other access may be requested to observe certain programs or locations. A decision on whether to approve access and/or the making of still or video photos and audiotape will be made by the PIO in consultation with the Superintendent/designee.

B. Certain areas of the correctional facility will not be accessed during a visit either for security reasons or for the privacy of incarcerated individuals. These include, but are not limited to, disciplinary housing areas, arsenals, perimeter security systems, medical and mental health units, protective custody units, and any other areas deemed of a sensitive security nature by the Superintendent and PIO.

C. Interviews of attendees during program observance will be at the discretion of the PIO and the Superintendent/designee.

D. Access by student researchers, including those in journalism or media programs, is governed by Directive #0403, "Research Studies and Surveys."

E. The roles of the media and those of facility volunteers (Directive #4750, "Volunteer Services Program") are separate and distinct, as is their ability to access various parts of facilities. Therefore, no media or requestors will be allowed to serve as volunteers unless approved by the PIO. Volunteers shall not take information learned as volunteers and share that with the media for story purposes unless previously approved by the PIO.