

**NEW YORK CITY DEPARTMENT OF CORRECTION
MEDIA ACCESS POLICY**

I. INTRODUCTION

This Policy sets forth the New York City Department of Correction's policies, guidelines, and procedures regarding media access to information, facilities, employees, and people in custody. It attempts to balance the media's right to access information to inform the public, with laws and policies concerning the security of department personnel, people in custody, and the communities surrounding the facilities and divisions; the privacy rights of department personnel and people in custody; and the normal operation and primary purpose of the Department's facilities.

It is the policy of the Department of Correction to make its information, facilities, employees, and people in custody accessible to the media to the extent practicable, appropriate, and consistent with the unique privacy, security, and other circumstances of correctional facilities. In all decisions implementing this policy and granting or denying access to the media, DOC employees will act in a manner that is neutral as to the viewpoint of the media organization or representative or as to the intended content of the media dissemination.

II. DEFINITIONS

- a. "Media" shall mean any printed 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, news agencies, wire services, Internet based news or journalistic organizations, and social media outlets.
- b. "Media representatives" shall be defined as:
 - i. Credentialed representatives of a bona fide media organization ("Media Organization") and any assistants, crew members, or associates who accompany them, and who present valid credentials of their affiliation with the media to the Deputy Commissioner for Public Information ("DCPI"). Valid credentials may include those from NYPD, state law enforcement, or identification from the represented media organization.
 - ii. Journalists ("Journalists") and any assistants, crew members, or associates, who are not employees of a media organization but who have written documentation of media organizations' interest in the subject for the which the journalist is seeking interview or access, who can provide media credentials described in 1 above or previous documented work.
- c. "Media interview" is defined as a meeting between an eligible person in custody under the conditions of this policy with any media representative.

- d. "Media access" or "media visit" is defined as access to a Department facility or areas of a Department facility at the request of and to permit information gathering by media representatives concerning a facility or person in custody, other than a media interview.

III. POLICY

a. RELEASE OF INFORMATION GENERALLY

The Department is committed to meeting its responsibilities to uphold all applicable laws, rules or regulations regarding the disclosure of information.

b. INFORMATION RELEASES

- i. All Departmental press releases and statements/letters shall be released through the Department's Office of Public Information (OPI).
- ii. Employees shall not represent themselves as official agency spokespeople or respond to any inquiries while on duty from the media as set forth in the Department of Correction Rules and Regulations, Chapter 8, Media Relations; and Directive 8126: Interaction with the Media Between Department Personnel and people in custody, unless authorized to do so by the OPI, the Commissioner, or a designee of one of the above-mentioned individuals.
- iii. All information requested by media representatives concerning the operation of the Department, its policies and procedures, if released, shall be released by the Deputy Commissioner of Public Information (DCPI), the Commissioner, or a designee of one of the above mentioned individuals.

c. INFORMATION SOURCES

- i. Office of Public Information (OPI): Information releasable to the media may be requested of the OPI by calling 718-546-0631. The OPI may require that media seeking information including, but not limited to, multiple documents, compilations of data, and employee personnel information or data, submit a written FOIL request to the Records Access Officer.
- ii. Department of Correction Website: The Department's website, <http://www.nyc.gov/html/doc/html/home/home.shtml>, provides press releases and general information. Its "Inmate Lookup" section provides access to most of the information listed in Section E below.
- iii. Records Access Officer: Information releasable to the media under the Freedom of Information Law (FOIL) will be provided upon written request to the:

Records Access Officer
New York City Department of Correction
Legal Division
75-20 Astoria Boulevard
East Elmhurst, New York 11370

d. RELEASE OF EMPLOYEE DATA

- i. Releasable Employee Information: The Department, through OPI, will release the following information about employees:
 - full name

- earliest date of service
 - current assigned correctional facility
 - current title
 - date of cessation of service, if applicable
- ii. Other employee information: The OPI will make available, upon request from the media, other employee information subject to any relevant federal, state, or local statutes, including New York Civil Rights Law Section 50-a(1) and FOIL.

e. **RELEASE OF DETAINEE DATA**

- i. Releasable Detainee Information: Except as prohibited by section 2, below, the following information may be made available about any person in custody:
- Date of entrance
 - Offense charged
 - Term of sentence (if applicable)
 - Age
 - Sex
 - Place of Birth
 - Race/Ethnicity
 - How and when discharged
 - Previous incarceration history

Some of the above listed information is available to the media under the "Inmate Lookup" section on the Department's website, <http://a073-ilsweb.nyc.gov/inmatelookup/pages/common/find.jsf>. Some of the information is self-reported and may not be available for a particular person in custody.

- ii. Exception: Records sealed pursuant to Criminal Procedure Law, including §§160.50, 160.55, 160.58 and Article 720, or otherwise prohibited from release by court order.
- iii. Detainee Death: The Department will not confirm the death of a person in its custody before notification of next of kin. Those seeking the cause of a person in custody's death shall contact the New York City Office of the Chief Medical Examiner.
- iv. Other Information: The OPI may make available, upon request from the media, other detainee information subject to any relevant federal, state, or local statutes.

f. **MEDIA INTERVIEWS AND ACCESS**

i. GENERAL

- Approval: All media requests shall be authorized by the OPI. Media representatives shall adhere to the Department's Media Access Policy, the agreed upon Location Agreement, the Department's Security Requirements for All Media Visitors – Exhibit B, and instructions and

orders from facility staff that address privacy and security considerations.

- Media visits to Department facilities and programs shall be approved and arranged by the DCPI in accordance with applicable sections of 9 NYCRR, including Parts 7023 and 7008, and Chapter I, Title 40, of the Rules of the City of New York, including Section 1-14. In order to facilitate a visit, the DCPI or his or her designee may ask a media representative the topic of the visit, and a media representative may choose, but is not required, to provide the requested information.
- DOC may limit a detainee in-person media interview in accordance with any applicable laws, rules, regulations, or court orders.

ii. REQUEST FROM MEDIA REPRESENTATIVES TO INTERVIEW PEOPLE IN CUSTODY

- Media representatives may interview people in custody when proper requests have been received from both the detainee(s) and the media, and approval has been granted.
- Prior to any interview being conducted, the person in custody will be asked to sign a request and consent form, authorizing the interview. Said form shall be made available in English and Spanish. A duplicate copy of the consent form shall be given to the person in custody. In addition:
 - a. the consent of an attorney of record will be required for a person in custody undergoing examination for competency pursuant to court order.
 - b. the consent of an attorney of record and parent or legal guardian will be required for a person in custody under 18 years of age.

iii. REQUEST FROM PEOPLE IN CUSTODY TO BE INTERVIEWED BY MEDIA REPRESENTATIVES

- People in custody shall be entitled to access to representatives of the media. Media interviews shall not count against the number of visitors people in custody are permitted to receive.
- People in custody shall be permitted to receive from and send correspondence to representatives of the media, in accordance with applicable sections of 9 NYCRR, including Part 7004, and Chapter I, Title 40, of the Rules of the City of New York, including Section 1-11.
- Any person in custody who requests an interview with a media representative, either filmed or oral, shall submit said request in writing to the Commanding Officer of the Facility and the OPI, along with the necessary signed statement of consent. Such consent shall also be signed by the person in custody's attorney of record and/or parent or legal guardian, if required in accordance with Section III.F.2.c.1 or 2 above. The consent document shall be made available upon request and shall be available in facility law libraries.

- People in custody shall have the right to decline any interview request from members of the media or to decline to participate in a media visit and shall also have the right to terminate the interview or participation in a media visit at any point during the interviewing session or media visit.
- Media interviews will be scheduled and authorized by OPI and shall be conducted in the Visit Area or any other area designated by the Commanding Officer of the Facility and the OPI.

iv. MEDIA INTERVIEW AND ACCESS RULES

- Unless otherwise approved, interviews shall be held on non-visiting days (Mondays and Tuesdays) only, excluding holidays, and shall be no longer than one hour each between the hours of 9:00 a.m. and 5:00 p.m. There shall be no more than two (2) media interviews per detainee per week and no more than one (1) per day per detainee.
- Media interviews or visits are limited to one Media Organization or Journalist at a time. In the event that numerous media representatives seek to interview a person in custody, the person in custody shall determine the order in which the interviews occur subject to approval and scheduling by the OPI.
- In the event that media outlets seek to visit, photograph, or record within a facility in the absence of a detainee interview, the OPI shall begin its processing of media visit requests in the order in which requests are received. To the extent practicable taking into account any present operational, staffing, security, or privacy considerations, and the scheduling preferences of the requesting media entity, the OPI shall approve and schedule access.
- No more than three (3) media representatives, unless otherwise approved, shall be permitted to attend a given media interview or visit. The identities, personal identifying information, and job titles of the media representatives planning to attend a media interview or visit must be provided in writing to the OPI at least five (5) business days prior to the date of the media interview or visit. The identified media representatives may not attend the media interview or visit until they are approved by the OPI based on security considerations. Commanding Officers of the Facility or their designee have the right to search any individuals attending an interview or visit, and such individuals shall follow Department directions as well as security-related instructions and orders from facility staff. Please see the attached Security Requirements for Media Representative Visitors for complete information.
- Subject to the approval of the OPI and the consent of the person in custody and staff being filmed or taped, media representatives shall be allowed to utilize equipment commonly considered “tools of the trade” as defined and subject to Section 5 below. All equipment is subject to

being searched and to restrictions on where equipment may be taken and by whom in order to address privacy or security considerations in areas where security features (e.g., locking mechanisms, control panels, routes of ingress/egress) people in custody under 18 years of age, people in custody receiving medical treatment or people in custody who have not provided consent to be interviewed or filmed are present.

- To ensure the safety and security of the institution or facility, staff, visitors, people in custody, and media representatives, all media interviews and visits shall be directly observed. Such observance of the interview or visit shall not be construed as authorization to monitor or directly listen to the interview or visit 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 or visit but maintains appropriate observation for security purposes. Departmental staff shall not photograph, audiotape, or videotape media interviews or visits (except as necessary to maintain security footage).
- In order to minimize facility disruption, access for a single story will be initially authorized for a maximum of two (2) media interviews or visits. Additional interviews or visits may be granted subject to scheduling and staffing limitations of Departmental staff.
- Access may be denied, rescheduled or limited if the Department determines that the visit will unreasonably: compromise privacy, safety, security, good order, disrupt operations, burden staff, or adversely affect people in custody.
- A person in custody 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.

v. EQUIPMENT AND PHOTOGRAPHS/VIDEOS

- Equipment/“Tools of the Trade”: Unless otherwise approved, media representatives may bring one (1) camera per media interview or visit to make still and video pictures and audiotape during any media interview or visit. Picture and sound equipment may not be used during access to and egress from an interview or visit site. Paper notebooks and writing implements are allowed. Under no circumstances will a media representative be allowed to bring a cellphone, laptop, tablet, or similar equipment into a facility. At no time will a media representative allow a person in custody access to any of their equipment. Tools of the trade are subject to search. Please refer to the Security Requirements for Media Representative Visitors –Exhibit B attached.

vi. Photographs and audio/video

- All still photographs and audio/video taken by a media representative will be permitted only after the Media Organization or Journalist has

signed a written release, indemnity and hold harmless agreement with the Department of Correction. Please refer to the Location Agreement – Exhibit A, attached.

- Still photographs or video of any type of key, lock, locking mechanism, keyholes, doorknobs, control rooms, and/or other similar equipment used to secure the doors, gates and windows, or other security features are prohibited. There will be no exceptions.
- Still photographs or audio/video of people in custody or groups of people in custody are prohibited unless (i) each person in custody in the photograph or audio/video cannot be identified, or (ii) each person in custody agrees to be photographed or recorded for use publicly by the specific media has signed a consent form, as well as (a) his or her parent or guardian and the attorney of record, if any, if the person in custody is under 18 years of age, or (b) the attorney of record if any, for a detainee undergoing a competency examination.
- Still photographs or audio/video of Department personnel are prohibited unless (i) each employee in the photograph or audio/video cannot be identified, or (ii) each employee has signed a consent form agreeing to be photographed or recorded for use by the specific media.
- Any violation of the above prohibitions will be grounds for immediate termination of any interview or media access. Violators risk the confiscation of their exposed film or deletion of the images in question from their digital camera(s). The Media Organization or Journalist shall destroy and shall not disseminate any footage that violates the above prohibitions.
- 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.

IV. LIMITATION OF MEDIA ACCESS AND APPEAL PROCEDURES

- a. Media representatives on a media visit will be escorted and removed from any
- b. Department location, and any recordings will be subject to deletion or confiscation, if at any time media violate the rules contained herein, any Location Agreement (Exhibit A) between DOC and the media organization, or any facility rule or direction from the Commanding Officer/designee that address privacy and security considerations. Media representatives or outlets who violate these rules or the terms of any Location Agreement may be denied future access to any Department of Correction facility.
- c. Media representatives will be escorted and removed from any Department location if any incident arises that is determined to constitute a threat to the safety, security, privacy interests, or good order of the facility that requires the removal of the media.
- d. The Department may deny, revoke or limit a media interview with a media representative or a person in custody only if it is determined that such interview constitutes a threat to the safety or security of the facility.

- e. Interviews or media visits for live broadcast are prohibited. If an interview or media visit is broadcast live, the media outlet and media representatives involved in the interview or media visit may be denied future access to any Department of Correction facility.
- f. Prior to any determination to deny, revoke, or limit the interview between the media representative and the person in custody, said parties are to be provided with written notification of the specific charges, including the names and statements of the parties making the charges and shall be allowed an opportunity to respond.
- g. Any person (person in custody or media representative) affected by a determination to deny, revoke, or limit a media interview, may appeal such determination to the Board of Correction pursuant to BOC Rule 1-14.
- h. Upon determining that an interview should be denied, revoked, or limited, the Department shall forward written notification including the appeal procedure to the Board of Correction and any party affected by the determination, within twenty- four (24) hours.
- i. The Department and/or the parties affected by the determination may submit any relevant material to the Board for consideration. In the event that an affected party elects to appeal an unfavorable determination, said party shall give notice in writing to the Board and the Department of their intent to appeal.

V. OTHER FACILITY ACCESS

- a. Media may request access to observe particular 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 Deputy Commissioner for Public Information, based on security, privacy, and operational concerns.
- b. The parameters of media visits will be articulated in a specific Location Agreement to be agreed to by DOC and any Media Organization or Journalist prior to any visit by such media representatives.
- c. Media access to certain areas of the correctional facility may not be granted during a visit either for safety, security, good order, or for the privacy of people in custody. These areas include but are not limited to disciplinary housing areas, arsenals, perimeter security systems, medical and mental health units, showers or similar housing areas that would unreasonably intrude on detainee privacy, protective custody units, plus any other areas deemed a privacy or sensitive security nature by the Deputy Commissioner for Public Information or the Chief of Operations/designee.
- d. Interviews of attendees during program observance will be at the discretion of OPI and the Chief of Operations/designee and based on consideration of disruption to the program in question, safety and privacy concerns.

VI. REFERENCED DOCUMENTS

Ex A Location Agreement & Appendix

Ex B Security Requirements

Ex C BOC Minimum Standard 1-14