

**RELEASE OF PUBLIC INFORMATION**  
**Division 039**  
**Temporary Adoption and NOI to Amend**

**291-039-0005**

**Authority, Purpose, and Policy**

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: It is the purpose of this rule to establish uniform procedures and guidelines for the release of information to all persons including the news media. Information will be released regarding the Department of Corrections programs, services, facilities, and its employees, contractors, volunteers, and inmates/offenders.

(3) Policy: It is the policy of the Department of Corrections that prompt and accurate responses will be given to inquiries by all persons including the news media. Information released will be consistent with all laws governing the release of public information and the disclosure of public records.

**Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075**

**Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075**

**291-039-0010**

**Definitions**

**(1) Correction Information Systems (CIS): A computer system that has information about inmates in prison and offenders on probation, parole and post-prison supervision.**

**(2) [4] ) Communications Manager:** The employee who is designated by the Director of the Department of Corrections to coordinate media relations and public inquiries concerning policy.

**(3) [2] Criminal Justice Agency:** An agency as defined in ORS 181.010(8).

**(4) [3] Department of Corrections Facility:** Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

**(5) [4] Director:** The Director of the Department of Corrections.

**(6) [5] Employee:** Any person employed full-time, part-time, or under temporary appointment by the Department of Corrections; any person employed under contractual arrangement to provide services to the Department; any person employed by private or public sector agencies who is serving under Department-sanctioned special assignment to provide services or support to Department programs.

**(7) [6] Functional Unit:** Any organizational component within the Department of Corrections responsible for the delivery of services or coordination of program operations.

**(8) [7] Functional Unit Manager:** Any person within the Department of Corrections who reports to either the Director, assistant director, or administrator and has responsibility for the delivery of services or coordination of program operations.

**(9) [8] Inmate:** Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision, or probation status.

**(10) [9] News Release:** An official statement or announcement relating to the Department of Corrections intended for distribution to the news media.

**(11) [10] Offender:** Any person under the supervision of local Community Corrections who is on parole, post-prison supervision, or probation status.

**(12) [11] Public Information:** All Department of Corrections information that is not exempt from disclosure by statute.

**(13) [12] Public Information Officer(s):** One or more employees within a functional unit who coordinate the release of information for that unit consistent with Department policy and all laws governing release of public information and disclosure of public records.

**(14) Offender Public Information Screen: The screen accessed through**

CIS which details the following information about an inmate or offender:

(a) Name and State Identification number (SID) of inmate/offender;

(b) Date of birth;

(c) Sentence(s) and beginning dates of sentences (past and present);

(d) Offense(s) (past and present);

(e) County of commitment (past and present);

(f) Institution admission date or field admission date;

(g) Location of incarceration or supervision;

(h) Earliest release date;

(i) Discharge date (past and present); and

(j) Physical description;

(k) Name of institution counselor or Community Corrections parole or probation officer.

(15 {13}) Volunteer: An approved person who donates time, knowledge, skills, and effort to enhance the mission, activities and programs of the Department. Volunteers serve at the pleasure of the Department and are not considered employees. [Any person who is selected or volunteers to render service without pay to the Department.]

Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075

## PROCEDURES

### 291-039-0015

#### Requests for Release of Information

(1) Any person, including the news media, may request information about Department programs, services, facilities, employees, volunteers, inmates, and offenders.

(2) Each functional unit manager, in consultation with the Communications Manager, will designate one or more employees to serve as the public information officer(s). The functional unit manager may perform this function if he/she desires.

(3) ~~[The following routine]~~ **Upon request, information listed on the Offender Public Information screen** regarding inmates and offenders may be released by the designated ~~[communication center]~~ staff at Department facilities. **Staff shall act in their official capacity only when releasing this information.**

~~[(a) Name of inmate/offender;~~

~~(b) Date of birth;~~

~~(c) Sentence(s) (past and present);~~

~~(d) Offense(s) (past and present);~~

~~(e) Date received (past and present);~~

~~(f) County of commitment (past and present);~~

~~(g) Location of incarceration or supervision;~~

~~(h) Parole release date (past and present);~~

~~(i) Discharge date (past and present); and~~

~~(j) Physical description.]~~

(4) Inmate/offender photographs may be released when the release will enlist public assistance in apprehending fugitives from justice and/or the release will not interfere with other law enforcement efforts. Employees, contractors, and authorized volunteers have a responsibility to volunteer such inmate/offender-related information to an inmate's/offender's employer and other law enforcement agencies when, in their professional judgment, the public's right to know outweighs the individual's right to privacy, because public safety may be in jeopardy based on an analysis of the inmate's/offender's actions or criminal history.

(5) Request for other than the routine information listed above will be referred to the unit's public information officer.

(6) If the information request involves questions of Department policy, major issues or news developments, the unit's public information officer will direct such requests to the Director or the Communications Manager.

(7) If death or serious injury has occurred, the names of inmate(s), offender(s), ~~[and]~~ or victim(s) will not be

released until the next-of-kin have been notified and, where applicable, the cause of death will not be released until the death certificate has been signed.

(8) Inmate/offender presentence reports are not public records. The presentence report, or any reports based on the contents of that report, may be made available to the victim by Department of Corrections employees in accordance with the provisions in ORS 137.077.

(9) Request for information concerning a current or former contractor(s) will be referred to the Department of Corrections Purchasing Unit for response.

(10) Request for information concerning a current or former employee(s) or volunteer(s) will be referred to the Department's Human Resource Section for response. Employment reference checks concerning a current or former employee(s) or volunteer(s) will be referred to the supervisor of the current or former employee(s) or volunteer(s) for response.

(11) Request for release of records and copies of such records will be handled in accordance with the Department's rule on **Release of Public Records** (OAR 291-037).

(12) No Department employee will issue an official Department of Corrections press release, schedule an official press conference, or hold an official media event without prior approval from the Director or the Communications Manager.

(13) Employees shall not, without written authorization from the Director or the Communications Manager, make written or oral statements, in what he/she gives others reasonable grounds to believe to be an official capacity, where the effect of such statements would be to impair or diminish the security, supervision, discipline, or the orderly and effective operation of any Department facility or program.

(14) Employees desiring to provide ~~specific data on~~ **DOC public information as defined in these rules that** they wish to make public through the news media must notify the functional unit's public information officer or the Communications Manager

before contacting news media representative(s).

(15) Employees who are not authorized to make public statements as official Department representatives are not restricted in their access to the news media, but must clearly specify in contacting the media that they are not official Department representatives and are speaking solely on their own behalf rather than on behalf of the Department.

(16) Community Corrections:

(a) Community corrections employees in counties have access to the statewide Corrections Information System. ~~[The following i]~~ **Information listed on the Public Information screen** ~~[, which can be found in the Corrections Information System,]~~ regarding inmates and offenders may be released. **Staff shall act in their official capacity only when releasing this information** ~~[-]~~

~~[(A) Name of the inmate/offender;~~

~~— (B) Date of birth;~~

~~— (C) Sentence(s) (past and present);~~

~~— (D) Offense(s) (past and present);~~

~~— (E) Date received (past and present);~~

~~— (F) County of commitment (past and present);~~

~~— (G) Location of incarceration or supervision;~~

~~— (H) Parole release date (past and present);~~

~~— (I) Discharge date (past and present); and~~

~~— (J) Physical description.]~~

(b) If, in the interest of public safety, information other than that listed should be released to an employer or law enforcement agency, then that release of information must be documented in the case file. Documentation must include the information released, the person or agency who received the information, and the public safety reason for the release.

(c) If a county employee wishes to release inmate or offender information other than routine information or information related to the protection of public safety, the county shall receive approval from the

Assistant Director for Community Corrections.

**Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075**

**Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075**

**291-039-0020**

**News Media Centers During Major Emergencies**

(1) News media centers have been established in the event a major disturbance or emergency situation occurs in a Department of Corrections facility. The news media centers are identified on Attachment I, "News Media Centers." (NOTE: An alternate news media center will be established and announced if the disturbance or emergency involves or renders the predesignated news media center as unusable.)

(2) The functional unit manager will designate a news media center and notify the Communications Manager of its location for any facility established after promulgation of this rule.

(3) During times of a major disturbance or emergency, news media representatives will be directed to report to the designated news media center.

(4) The news media centers will be the only areas in which briefings will be held, unless otherwise notified.

(5) The Communications Manager or the public information officer will provide appropriate news briefings consistent with the needs of the Department to maintain or restore order, safety, and security.

(6) If space limitations will not accommodate all media, a "pooling" arrangement will be established by the Communications Manager wherein the functional unit will enable the designated media source to provide sound and visual equipment.

**Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075**

**Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075**

**291-039-0025**

**News Media - Reporting of Unusual Incidents**

Instructions to Department employees regarding the reporting of unusual incidents are specified in the Department of Corrections policy on **Unusual Incident Report Process** (40.1.6.)

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**Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075**