

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons



PROGRAM STATEMENT
Employee Speeches and
Publications Review Process

Approved by	 William K. Marshall III Director, Federal Bureau of Prisons
DPI	DIR
Number	1411.02
Date	June 22, 2026

Summary of Changes

<i>Program Statement Rescinded:</i> 1411.01 Employee Speeches and Publications Review Process (1/28/1999)
<i>Changes:</i> - Updated to reflect the current Division of Primary Interest (DPI) as the Office of Communications and Multimedia Production (OCMP) in the Director's Office, rather than the Assistant Director of Information Technology and Data Division (ITDD), formally known as the Information, Policy, Public Affairs (IPPA) Division. - Removed the paragraph regarding the Union's role.

1. PURPOSE AND SCOPE

To establish procedures for Bureau of Prisons (Bureau) staff to obtain guidance and approval to make public speeches or publish material developed as a personal or independent project by the staff member. This program statement does not cover publication activities undertaken as official, assigned duties.

This program statement does not impose any restrictions on staff who wish to speak about or publish materials not related to the policies, procedures, and practices of the Bureau or the Department of Justice (DOJ), and it does not replace any statutory or regulatory provisions on federal staff speech or publications.

a. Program Objectives.

- To promote informed public discourse by encouraging responsible sharing of knowledge related to criminal justice and corrections.

- To ensure that any public communications by Bureau staff do not disclose privileged, sensitive, or protected information.

b. **Institution Supplement.** None.

2. DEFINITIONS

a. “**Publish**”, “**publication**”, and “**publication activity**” refer to all forms of public expression, including speeches, articles, books, and other media developed by staff members independently during off-duty hours.

b. “**Protected information**” refers to any content restricted from public release under the Freedom of Information Act (FOIA), the Privacy Act, or other applicable regulations. This includes information deemed sensitive or that could compromise the orderly operation or security of Bureau institutions, staff, or inmates. Staff with questions about the release of specific information should consult the Office of General Counsel for guidance.

3. POLICY AND OVERVIEW

a. It is Bureau policy to permit staff to engage in independent, off-duty publication activities without management review or approval, except when:

- The activity is part of the staff member’s official duties or assigned responsibilities.
- The content addresses or focuses on the staff member’s official duties or the programs, operations, or policies of the Bureau.
- The invitation to participate was extended due to the staff member’s official Bureau role.
- The person extending the invitation has direct or indirect interests that may be affected by the staff member’s official Bureau responsibilities.
- The content includes or relies on privileged or sensitive information.
- The views expressed could reasonably be interpreted or leave the impression that the staff member is representing or speaking on behalf of the DOJ or the Bureau.
- The staff member is identified as affiliated with the Bureau or DOJ. See section 7 of this program statement for disclaimer requirements.

A staff member must obtain prior Bureau approval if any of the above conditions apply. See section 5 of this program statement for the mandatory review process.

- b. Staff do not need prior approval for independent, off-duty publication activities that:
- Address criminal justice topics in a general manner, based on the staff member's personal experiences and/or education, and does not focus specifically on the Bureau or the staff member's official duties and responsibilities.
 - Do not contain privileged or sensitive information, or pose a risk to institutional security or safety.
 - Are unrelated to corrections or criminal justice.

If unsure whether review is required, staff may request a voluntary advisory review. See section 4 of this program statement for more information.

c. This policy does not apply to publication activities that are specifically assigned as part of official Bureau duties. Such work is subject to supervisory review, consistent with other official work products.

- Staff do not retain ownership or have intellectual control over reports, studies, or other materials produced on the job. These may not be published without supervisory authorization, unless obtained through a FOIA request.

d. Impromptu, informal, or unprepared presentations, such as classroom or panel discussions, are not subject to prior review under this program statement due to their spontaneous nature. However, staff must still avoid disclosing privileged information or giving the impression of speaking on behalf of the Bureau or the DOJ.

4. MANDATORY REVIEW AND APPROVAL PROCESS

When a staff member determines a publication activity requires a mandatory review in accordance with the provisions of this program statement, the following process must be followed:

- a. The staff member submits an email or memorandum through their CEO outlining the proposed publication or speech to the Chief, Office of Communications and Multimedia Production (OCMP). The staff member must include all relevant details, e.g.,:
- name and/or identification of the outlet, event, or forum for publication;
 - the intended audience;
 - the proposed date for publication or presentation;
 - any deadlines imposed by external publishers or organizers; and
 - any other factors necessary for an accurate review.

- b. The Chief, OCMP may refer the manuscript to the Office of General Counsel, Assistant Directors in the relevant program areas, or other subject matter experts to assist in determining: (1) whether it contains any information restricted under the FOIA, the Privacy Act, or other applicable statutes or regulations; (2) whether the manuscript should be approved for publication, based on considerations such as FOIA/Privacy Act compliance, institutional security concerns, or whether the author has inappropriately given the impression of speaking on behalf of the Bureau, either through explicit statements or by failing to include a disclaimer; and (3) what revisions or restrictions, if any, are necessary before publication may be approved.
- c. In addition to reviewing for improper release of information and security risks, the Chief, OCMP, along with other reviewing offices, may note factual inaccuracies or misrepresentations of Bureau policy. Such inaccuracies, if identified, may be grounds for denying publication approval. The Bureau may require authors to correct such inaccuracies prior to publication. However, statements of opinion may not be cited as grounds for denial.
- d. After the manuscript has been reviewed, as appropriate, by the Office of General Counsel, Assistant Directors in the relevant program areas, or other subject matter experts, the Chief, OCMP, will ordinarily issue a final decision regarding publication approval within 90 days.
- e. The staff member will be notified in writing of the final decision. Notification will also be provided to the Warden, Regional Director, or Assistant Director in the staff member's chain of command.
- If authority to publish is not granted, the proposed manuscript will be returned to the staff member with the written reasons for denial. The staff member may revise the manuscript based on feedback and resubmit for another review.

5. VOLUNTARY ADVISORY REVIEW PROCESS

A staff member may request a voluntary advisory review of a proposed publication activity at any time. This review is intended to assist the staff member in determining whether the content requires mandatory review and to identify potential issues in advance.

The voluntary review process will be as follows:

- a. The staff member sends an email to the OCMP, copying their immediate supervisor. The subject should state that the staff member is requesting a voluntary review and the body of the email will clearly outline the proposed publication, including the topic of the proposed publication, the sources of information to be used, the intended publication outlet or audience, and whether the author will be identified as a Bureau or DOJ staff member.

- b. The Chief, OCMP, may consult with the Office of General Counsel, Assistant Directors in the relevant program areas, or other subject matter experts, to develop an advisory opinion.
- c. Normally, the Chief, OCMP, will notify the staff member in writing of any questions or concerns.
- d. The advisory review process is voluntary; therefore the staff member is free to accept or disregard the feedback. However, if the proposed activity falls under the criteria outlined in section 4 of this program statement, the staff member will be responsible for complying with all the aforementioned provisions of the mandatory review process including resubmitting request formally via memorandum.
- e. The advisory opinion is non-binding and will not be considered a final approval or disapproval of the publication activity.

6. LIMITATIONS ON COMPENSATION

Acceptance of compensation for speaking and publishing is governed by 5 CFR § 2635.807, *Teaching, Speaking, and Writing*.

Staff members seeking to publish materials must comply with this provision and all applicable Bureau policies regarding outside employment. Questions regarding employment and/or compensation relating to publication activities must be directed to the Bureau's Ethics Officer for clarification.

It is the staff member's responsibility to obtain clarification on all relevant issues prior to entering into an employment agreement or accepting compensation.

7. DISCLAIMERS

A disclaimer is not required when the topic of the publication activity is unrelated to corrections or criminal justice.

No disclaimer is needed if the material clearly represents the views, policies, or procedures of the Bureau or DOJ, and was approved through the appropriate chain of command.

Required disclaimer language:

"Opinions expressed in this article are those of the author and do not necessarily represent the views of the Federal Bureau of Prisons or the Department of Justice."

REFERENCES

Program Statements

None

Federal Statutes

5 U.S.C. § 552, Freedom of Information Act (FOIA)

5 U.S.C. § 552a, The Privacy Act of 1974

Federal Regulations

5 CFR § 2635.807

ACA Standards

None

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on the Bureau's intranet site.