

1                    **Inmate/Offender Records and Access to Information**

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3                    **Authority**

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5                    This rule is adopted pursuant to 28 V.S.A. § 107.

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7                    **Purpose**

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9                    The purpose of this rule is to provide offenders and inmates access to information  
10                    about them maintained by the Department of Corrections (DOC) in a manner  
11                    consistent with the confidentiality, health, safety, security, and rehabilitation of  
12                    inmates, offenders, and other persons.

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14                    **Inmate or Offender Records**

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16                    The term “Inmate/Offender Records” as used herein shall mean and include the  
17                    information generated, collected, and maintained by DOC regarding a person in the  
18                    custody or under the supervision of DOC. This information is maintained in various  
19                    formats including electronic, hard copy, and other media when necessary (example:  
20                    video and audio recordings). Inmate/Offender Records may contain the following  
21                    types of information:

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- 23                    1. Victim/Protected Person Information – information that relates to an
  - 24                    inmate/offender’s victim or another protected person, such as a confidential
  - 25                    informant.
  - 26                    2. Court Orders – copies of Court Orders which pertain to the inmate/offender.
  - 27                    3. Offender Identifying Information – information that could be used to identify
  - 28                    the inmate/offender, such as a social security number or address
  - 29                    information.
  - 30                    4. Outside Legal Information – information maintained by the DOC that was
  - 31                    generated by a another agency or organization for use in a legal or
  - 32                    administrative proceeding, such as affidavits.
  - 33                    5. Supervision Information – information that relates to the classification and
  - 34                    supervision of the inmate/offender, such as furlough conditions and housing
  - 35                    determinations.
  - 36                    6. Notification Documents – information related to notifications other than
  - 37                    victim notification, such as law enforcement notification of escape from
  - 38                    furlough.
  - 39                    7. Risk and Needs Reducing Services Information – information related to the
  - 40                    inmate/offender’s risk level, treatment needs, risk reducing services,
  - 41                    programming, and other information that relates to the offender’s
  - 42                    criminogenic risk and treatment.
  - 43                    8. Sex Offender Registry Information – information related to the
  - 44                    inmate/offender’s requirements to register with the Vermont Sex Offender
  - 45                    Registry.

- 1 9. Investigation Information and Outcome – information collected as part of the  
2 investigative function of DOC, including pardon investigations and pre-  
3 sentence investigations.
- 4 10. Financial Information – information related to the inmate/offender’s  
5 finances, including supervision fees and restitution.
- 6 11. Case Management and Case Planning Information – information related to  
7 the offender’s case, including case plans, contact notes, and release planning  
8 information.
- 9 12. Signed Releases for Information – documents that the inmate/offender has  
10 signed that authorize DOC to release specific documents/information to a  
11 stated person.
- 12 13. Due Process and Incident Reporting Documents – information related to  
13 inmate discipline, due process, grievances and incidents. This includes,  
14 disciplinary reports, hearing information, and incident reports.
- 15 14. Medical and Mental Health Information – information related to the health or  
16 mental health of the inmate/offender.
- 17 15. Family and Support Persons Information – information about or related to  
18 the inmate/offender’s family or support persons, such as names and  
19 addresses.
- 20 16. Personal Property Record Information – information related to the personal  
21 property of the inmate/offender.
- 22 17. Communications Information – information related to the communications of  
23 the inmate/offender with outside persons, including inmate mail and phone  
24 calls.

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26 **Inmate/Offender Public Use File**

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28 The term “Public Use File” as used herein shall mean and include select information  
29 from the Inmate/Offender Records of an inmate or offender, limited to:

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1. Last name;
2. First name;
3. Middle name;
4. Current age;
5. Booking date;
6. Date released if applicable;
7. Race;
8. Sex;
9. Town of residence;
10. Active agencies;
11. Field Corrections Service Specialist;
12. Facility Corrections Service Specialist;
13. Minimum release date;
14. Maximum release date;
15. Legal status;
16. Charge status;
17. Charge description;

- 1 18. Bail amount; and
- 2 19. List sentence for each charge.

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4 **Access to Inmate/Offender Records**

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6 1. Inmate/Offender Records Access Request

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- 8 a) An inmate/offender may request a complete copy of his/her record once
  - 9 every calendar year. An inmate/offender may also make a subsequent
  - 10 request for any record not previously provided once every calendar year.
  - 11 b) An inmate/offender shall request a copy of his/her record in writing.
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13 2. DOC Responses to Inmate/Offender Records Access Requests

- 14 a) DOC shall provide a copy, either electronically or in paper form to the inmate
  - 15 within 30 days of the written request, or notify the inmate/offender of the
  - 16 denial of the request. If the information requested could potentially
  - 17 jeopardize the safety or security of the facility or any person if retained by
  - 18 the inmate/offender, the DOC may permit the inmate/offender to inspect the
  - 19 redacted record in the presence of a DOC staff member.
  - 20 b) DOC shall not withhold a record in its entirety because that it contains some
  - 21 confidential or exempt information.
  - 22 c) DOC shall redact information that:
    - 23 i. could unreasonably interfere with the DOC's ability to perform its
    - 24 functions; or
    - 25 ii. could compromise the health, safety, security, or rehabilitation of the
    - 26 offender, inmate, or another person.
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28 3. Except where prohibited by law, criminal justice personnel and other agencies,

29 departments, or organizations may be permitted access to inmate/offender records

30 when necessary to perform assigned work duties.

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32 4. Except where prohibited by law, the Commissioner or Deputy Commissioner, of

33 DOC, may release records for reasons related to public safety, institutional security,

34 or when it is in the best interest of the inmate/offender or a victim.

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36 **Timing and Appeals**

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38 DOC shall provide a copy, either electronically or in paper form, to the inmate within

39 30 days of receipt of the written request or notify the inmate/offender of denial of

40 the request.

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42 Upon receipt of the requested records or the denial of the request, the

43 inmate/offender shall have 7 days to appeal DOC decision regarding his/her access

44 to the corresponding records. This appeal shall be made in writing.

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1 Upon receipt of the appeal, DOC shall respond within 7 days. DOC shall issue a final  
2 decision regarding access to the inmate/offender record no later than 45 days from  
3 its receipt of the initial request.

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5 **Correction of Fact**

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7 An inmate/offender may request DOC to correct a fact in his/her corresponding  
8 record maintained by DOC that is material to his/her rights or status. However, an  
9 inmate/offender may not request DOC to correct a fact that was determined at a  
10 hearing or other proceeding that afforded the offender or inmate notice and  
11 opportunity to be heard on the determination.

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13 The offender/inmate shall use the offender grievance system to request DOC to  
14 correct a fact.

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16 **Public Access to an Inmate/Offender's Public Use File**

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18 DOC shall permit anyone to review the contents of the Public Use File regarding an  
19 inmate/offender. To review the Public Use File of an inmate or offender, a person  
20 must submit a request in writing to DOC.

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