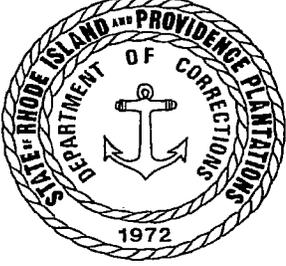


# RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	<b>POLICY NUMBER:</b> 5.05-4 DOC	<b>EFFECTIVE DATE:</b> 03/29/10	<b>PAGE 1 OF 5</b>
	<b>SUPERCEDES:</b> 5.05-3 DOC	<b>DIRECTOR:</b> <span style="float: right;">Please use BLUE ink.</span> 	
<b>SECTION:</b> CASE RECORDS		<b>SUBJECT:</b> INMATE/FORMER INMATE ACCESS TO PERMANENT CASE RECORD INFORMATION	
<b>AUTHORITY:</b> Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director; § 42-56-17, Identification and description of inmates; § 38-2-1 et seq., Access to Public Records			
<b>REFERENCES:</b> ACA Standard # 4-4098, (inmate access to records); RIDOC policy #'s 1.07-3 DOC, Public Access to Departmental Records/Inmate Information; 13.10-1 DOC, Inmate Grievance Procedure; 18.59-3 DOC, Confidentiality of Medical Information			
<b>INMATE / PUBLIC ACCESS?</b>		<b>X YES</b>	
<b>AVAILABLE IN SPANISH?</b>		<b>X YES</b>	

I. **PURPOSE:**

To specify the procedures for processing requests from current and former inmates for information contained in their permanent case records.

II. **POLICY:**

Current and former inmates may have access to select documents and records contained in their Rhode Island Department of Corrections (RIDOC) permanent case records [Identification (ID)], consistent with applicable statutes and the safe, secure, and orderly functioning of the facilities.

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Release of information contained in inmate medical files is addressed in policy # 18.59-3 DOC, or a successive policy.

### III. PROCEDURES:

#### A. Department Philosophy:

1. The RIDOC recognizes an individual inmate's right to access personal information contained in his/her permanent case record within a reasonable time of such request.
2. It further recognizes its legal mandate to insure the safe, secure, and orderly functioning of its facilities. Consequently, individual inmates may not be granted access to certain documents or records contained within their case records, as provided in the next section.
3. The RIDOC recognizes the need to balance access with sound use of public resources in retrieving and photocopying records.

#### B. Documents/Records Inaccessible to Inmates/Former Inmates:

1. While inmate requests for information contained in permanent case records are reviewed on an individual basis, there are general categories of documents and information to which inmate access is denied:
  - a. Any record or document which, if disclosed either directly or indirectly, would:
    - (1) jeopardize the security of the facilities or the safety of inmates, staff, or the general public;
    - (2) hinder the progress of an inmate's treatment or rehabilitative program (such as psychological reports submitted to the Parole Board); and/or
    - (3) contain the opinions and/or recommendations of members of established boards and/or committees (including, but not limited to Classification and Disciplinary Hearings) and may compromise the personal or official discretion of any member.

- b. Any record or document which would not be available by law or rule of Court to an opposing party in an ongoing or pending litigation to which the RIDOC is a party.
- c. Preliminary drafts, notes, impressions, memoranda, working papers, and work products.
- d. Investigatory records.

C. Requests for Information:

1. Current inmates utilize the "Inmate Case Record Information Request Form" (Attachment 1), obtained from Counselors or the facility Law Library.

Inmate Case Record Information Request Forms must be completely and accurately filled out, be legible, and specifically identify a particular desired document or record. Inappropriately completed forms are returned to inmates for resubmission.

2. Requests for information from **current inmates** are sent to their Assigned Counselor.
3. Requests from **former inmates** must be in writing and are submitted to the Records Unit Office Manager.
4. The parties listed above respond to requests for information within ten (10) business days after receipt of such requests and notify inmates/former inmates of:
  - a. Requests are charged against current inmates' accounts (via Money Transfer Slips) at the rate of fifteen cents (\$.15) per page.
  - b. Former inmates are charged fifteen cents (\$.15) per page.
  - c. Extension -- If additional time is needed, the inmate/former inmate is notified within ten (10) business days of his/her request that the request is being researched.

D. Inmate Appeal of Information Accuracy:

1. The contents of inmate case records represent the latest information received in written form. They may be outdated as the result of new or revised information which has not been received or filed.
2. Any inmate may challenge whether the information contained in his/her case record is factual excluding opinions, impressions, and judgments of correctional professionals (via a pink slip or the Inmate Grievance Procedure, policy # 13.10-1 DOC, or a successive policy). It is the inmate's responsibility to present evidence in support of the challenge.

Former inmates may submit challenges in writing to the Central Office Warden/designee.

3. Clear and convincing evidence refuting whether the information is factual results in correction or expungement as determined by the Records Unit Supervisor or designee.

NOTE: Clear and convincing evidence is that evidence which is presented by the individual disputing the factual information and is considered to be "highly probable" by the Records Unit Supervisor or designee.

4. Documentation of all inmate appeals of information *accuracy* remains in inmates'/former inmates' permanent case records.

E. Requests from Former Inmates

If a former inmate requests information from his/her permanent case record, he/she must submit a request in writing which has been notarized attesting to the identity of the requestor. [See item III.C. 4. regarding cost per page.]

F. Payment

1. The Records Unit Office Manager accepts payment for copies via:
  - a. Cash;
  - b. Personal check;

- c. Bank check;
  - d. Money order.
2. Checks should be made payable to the "State of Rhode Island".
  3. The Records Unit Office Manager forwards all payments for copies to RIDOC's Business Office.

**RHODE ISLAND DEPARTMENT OF CORRECTIONS  
INMATE CASE RECORD INFORMATION REQUEST FORM**

Inmate's Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Facility (Circle one): ISC HSC MAX Price MED Moran MED MIN WR McDonald WOM Dix WOM

Cell Number: \_\_\_\_\_ RIDOC Inmate ID #: \_\_\_\_\_

The above-named inmate requests officials of the Rhode Island Department of Corrections to release information from his/her Identification (ID) file or the purpose of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Specific documents/records requested are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Inmate's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date Request Received:

**RESPONSE:**

Request is:             Approved             Denied

**Note:** Approved requests are charged against the inmate's account (via a Money Transfer slip) at the rate of fifteen cents (\$.15) per page.

Reason(s) for denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Staff Signature

\_\_\_\_\_  
Date

Original – Inmate  
Copy – Records & ID (for filing)