

**Rhode Island Department of Corrections
POLICY UNIT**

TO: RIDOC Employees

VIA: Ellen Evans Alexander, Assistant Director, Administration

FROM: Gina M. Caruolo, Chief/Program Development, Policy Unit

DATE: March 26, 2010

**SUBJECT: 5.05-4 DOC, Inmate/Former Inmate Access to Permanent
Case Record Information; 03/29/10**

The enclosed policy, 5.05-4 DOC, effective 03/29/10, supercedes policy #5.05-3 DOC and contains the following change(s) (underscore = new text; ~~strikethrough~~ = deleted text):

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) and ~~6-part folders~~], consistent with applicable statutes and the safe, secure, and orderly functioning of the facilities.

C. Requests for Information:

1.b. ~~The following parties receive requests for information from current inmates, in the following order:~~

- (1) ~~Assigned counselor (present inmates); (Level I)~~
- (2) ~~Warden or designee of the Intake Service Center (ISC) (male inmates) or the Warden or designee of the Women's Facilities (female inmates) (Level II)~~

2. Requests for information from current inmates are sent to their Assigned Counselors.

~~23.~~ Requests from **former inmates** must be in writing and are submitted to:

a. the Records Unit Office Manager ; (~~Level I~~)

b. ~~Assistant Director of Institutions and Operations/designee (Level II)~~

~~34.~~ 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. ~~Approval~~

(1) ~~Information is made available to the requesting inmate/former inmate.~~

(2) a. Approved requests are charged against current inmates' accounts (via Money Transfer Slips) at the rate of fifteen cents (\$.15) per page.

(3) b. Former inmates are charged ~~twenty-five cents (\$.25)~~ fifteen cents (\$.15) per page. ~~for the first one hundred (100) pages. After one hundred pages, the fee is ten cents (\$.10) per page.~~

b. ~~Denial~~ Respondent specifies reason(s) for denial.

D. Inmate Challenge Appeal of Information Accuracy:

4. Documentation of all inmate challenges 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 ~~appear in person and show identification~~

submit a request in writing which as been notarized attesting to the identity of the requestor. [See item III.C.3.a. (3) 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 Manger forwards all payments for copies to RIDOC's Business Office.

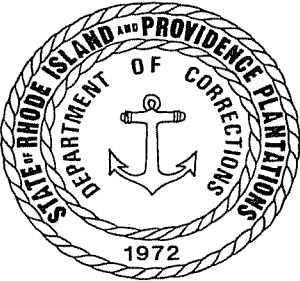

Unless otherwise specified, unit/program/facility managers are responsible for ensuring subordinate staff is adequately trained in the contents of this policy.

This policy IS approved for inmate/public access.

Cao
Enclosure

RHODE ISLAND DEPARTMENT OF CORRECTIONS

POLICY AND PROCEDURE

	POLICY NUMBER: 5.05-4 DOC	EFFECTIVE DATE: 03/29/10	PAGE 1 OF 5
	SUPERCEDES: 5.05-3 DOC	DIRECTOR: Please use BLUE ink. 	
SECTION: CASE RECORDS		SUBJECT: INMATE/FORMER INMATE ACCESS TO PERMANENT CASE RECORD INFORMATION	
AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director; § 42-56-17, Identification and description of inmates;; § 38-2-1 <u>et seq.</u> , Access to Public Records			
REFERENCES: 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			
INMATE / PUBLIC ACCESS?		X YES	
AVAILABLE IN SPANISH?		X YES	

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.

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)