

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

2
3 **Authority**

4
5 This rule is adopted pursuant to 28 V.S.A. § 107.

6
7 **Purpose**

8
9 The purpose of this rule is to define what are “offender and inmate records” and to
10 provide for release or inspection of designated offender and inmate records to
11 specific persons, including providing offenders and inmates access to information
12 about them maintained by the Department of Corrections (DOC), in a manner
13 consistent with the confidentiality, health, safety, security, and rehabilitation of
14 inmates, offenders, and other persons.

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16 **Inmate or Offender Records**

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18 The term “offender/inmate Records” shall mean and include all of the information
19 generated, collected, and maintained by DOC for any inmate or offender.

20
21 **Offender/Inmate Public Use File**

22
23 The term “Public Use File” as used herein shall mean and include the following
24 information from the offender/inmate records of an inmate or offender, limited to:

- 25 1. Last name;
26 2. First name;
27 3. Middle name;
28 4. Current age;
29 5. Booking date;
30 6. Date released if applicable;
31 7. Race;
32 8. Sex;
33 9. Town of residence;
34 10. Active agencies;
35 11. Probation and Parole Officer;
36 12. Corrections Service Specialist;
37 13. Minimum release date;
38 14. Maximum release date;
39 15. Legal status;
40 16. Charge status;
41 17. Charge description;
42 18. Bail amount; and
43 19. List sentence for each charge.

1 **Health Records**

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3 Access to offender/inmate medical/mental health and alcohol/drug treatment
4 records is governed by the Health Insurance Portability and Accountability Act and
5 accompanying regulations. Medical/mental health and alcohol/drug treatment
6 records are not included in an offender/inmate record for the purpose of this rule.
7

8 **Education Records**

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10 Inmates/offenders are entitled to inspect and review their education records
11 pursuant to the Family Educational Rights and Privacy Act. Education records are
12 not included in an offender/inmate record for the purpose of this rule.
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14 **Information Provided to Offender/Inmate as a Matter of Course**

15
16 The DOC shall provide inmates/offenders with documentation related to their
17 custody and/or supervision as part of day to day business. These documents, are
18 part of the offender/inmate record. The DOC shall provide inmates/offenders with
19 a copy of the following information, or any subsequent version of said information,
20 at the time of its creation or within the next face-to-face meeting between the
21 Corrections Service Specialist or Probation and Parole Officer and an
22 offender/inmate:
23

- 24 1. Field Supervision Documents
- 25 a. Home Confinement Schedule
 - 26 b. Offender Schedule (handwritten)
 - 27 c. Request for Offender Driving Privileges
 - 28 d. Travel Permits
 - 29 e. Agreement to Participate in Community Restitution Program
 - 30 f. Conditions of Supervision
 - 31 g. Special Conditions for Domestic Violence Offenders
 - 32 h. EPICS Summary
 - 33 i. Residence Investigation and Approval
 - 34 j. Supervision Contract
 - 35 k. Telephone Report Supervision Probation Contract
 - 36 l. Field Return to Facility Explanation
 - 37 m. Work Crew Orientation
 - 38 n. Payment Contract/Waiver
 - 39 o. P&P Offender Orientation
- 40 2. Facility Specific Documents
- 41 a. Request to Produce Resident Publication Form
 - 42 b. Resident Handbook Acknowledgement Form
 - 43 c. Approved Visitors List
 - 44 d. Notice of Rejection/Disposition of Mail
 - 45 e. Request for Inmate-to-Inmate Correspondence
 - 46 f. Telephone Request Sheets

- 1 g. Re-Entry Checklist
- 2 h. Re-Integration Furlough Planning
- 3 i. Residence Verification and Approval
- 4 j. Notice of Disapproved Publication
- 5 k. Outside Purchase/Special Package Request Form
- 6 l. Refusal of Court Clothes
- 7 m. Authorization of Special Observation Checks
- 8 n. KOP (Keep on Person) Contract
- 9 o. PREA Inmate Orientation Form
- 10 p. Out of State Transfer Order
- 11 3. Administrative Segregation Documentation
 - 12 a. Administrative Segregation Review (7 day)
 - 13 b. Administrative Segregation Placement Report
 - 14 c. Notice of Hearing/Waiver of 24 hour Notice of Hearing
 - 15 d. Ad. Seg. Waiver of Appearance/Hearing/Refusal to Appear
 - 16 e. Confidential Informant Form
 - 17 f. Hearing Report Form
 - 18 g. Appeal Process Notice Form
 - 19 h. Inmate Appeal Form
 - 20 i. Notice of Review
 - 21 j. 60 Day Central Office Review Form
 - 22 k. Segregation Confinement Log Sheet
 - 23 l. Special Observation Form
 - 24 m. Removal from Segregation Status
- 25 4. Grievance Process Forms
 - 26 a. Right to Grieve Form
 - 27 b. Informal Complaint & Plan for Resolution Form
 - 28 c. Offender/Inmate Grievance Submission Form
 - 29 d. Grievance Investigation & Superintendent's/District
 - 30 e. Manager/Supplemental Housing Manager Response
 - 31 f. Grievance Submission Rejection Memo
 - 32 g. Decision to Appeal to Corrections Executive
 - 33 h. Response to Appeal to Corrections Executive
 - 34 i. Decision to Appeal to Commissioner
 - 35 j. Response to Appeal to the Commissioner
- 36 5. Furlough Violation Process Forms
 - 37 a. Notice of Suspension Report form
 - 38 b. Notice of Hearing/Waiver of 24 hour Notice
 - 39 c. Waiver of Appearance/Hearing/Refusal to Appear
 - 40 d. Confidential Informant Form
 - 41 e. Hearing Report Form
 - 42 f. Inmate Appeal Form
- 43 6. Other Due Process Forms
 - 44 a. Notice of Hearing for Preliminary Probable Cause Hearing
 - 45 b. Notice of Hearing/Waiver of 24 Hour Notice of Hearing
 - 46 c. Preliminary Probable Cause Hearing Refusal to Appear

- 1 d. Preliminary Probable Cause Notice of Hearing
- 2 7. Inmate Discipline Process Forms
- 3 a. Incident Reports - Related to DR
- 4 b. Inmate Disciplinary Report Form
- 5 c. Notice of Hearing/Waiver of 24 Hour Notice of Hearing
- 6 d. Confidential Informant Form
- 7 e. Waiver of Appearance/Hearing/Refusal to Appear
- 8 f. Inmate Disciplinary Appeal Form
- 9 g. Hearing Report Form
- 10 h. Special Observation Form
- 11 8. Law Library Forms
- 12 a. VT6602 Law Library Use Request Form
- 13 b. VTLL05 Legal Photocopy Request Form
- 14 c. VTLL08 Law Terminal Use Form
- 15 d. Acknowledgement Forms (Inmate Access to Court)
- 16 9. Offender Financial Information
- 17 a. DOC's Payment Coupon
- 18 b. Financial Account Balances
- 19 c. Offender Collection Memo & Offender Financial Obligations Form
- 20 (426.01)
- 21 d. Receipt and Disbursement Form FI61
- 22 e. Request/Response for Release Money for Housing
- 23 f. Request/Response for Release Monies for other than Housing
- 24 g. Staff Request for Inmate Release Money for Housing
- 25 10. Americans with Disabilities Act (ADA) Forms
- 26 a. ADA Accommodation Decision Appeal to Commissioner
- 27 b. ADA Accommodation Notification to Facility Staff
- 28 c. ADA Offender/inmate Orientation to ADA
- 29 d. Request for Reasonable Accommodation/Response Form
- 30 11. Special Diet Forms
- 31 a. Agreement for Medical and Dental Diet Acceptance
- 32 b. Inmate Request for Religious Diet/Alternative Meal
- 33 c. Religious Diet Cancellation Request
- 34 d. Religious Diet Participation Agreement
- 35 e. Service Agreement for Medical or Dental Diet Refusal
- 36 f. Special Diet Cancellation Request
- 37 g. Inmate Religious Accommodation Request Form
- 38 h. Religious Accommodation Request
- 39 i. Religious or Alternative Diet
- 40 12. Property Forms
- 41 a. Confiscation of Inmate Property
- 42 b. Personal Property Report
- 43 c. Property Forms (Denial, Disposition, Property Receipts)
- 44 d. Report of Lost or Damaged Property
- 45 13. Risk Intervention Services Information
- 46 a. Agreement to Participate

- 1 b. Corrective Action Plan RRP
- 2 c. Corrective Action Plan VTPSA
- 3 d. Group Handouts RRP
- 4 e. Group Handouts VTPSA
- 5 f. Homework RRP
- 6 g. Homework VTPSA
- 7 h. Inmate Request For Clinical Services
- 8 i. Program Termination Letters
- 9 j. Refusal of Treatment Form
- 10 k. Risk Reduction Program Participation Agreement
- 11 l. Risk Reduction Program Plan
- 12 m. VTPSA Handbook
- 13 n. VTPSA Plan
- 14 o. Program Completion Assessment
- 15 p. RRP Offender Referral
- 16 14. Sex Offender Registry Forms
 - 17 a. Certification of Compliance with DOC-Recommended Treatment
 - 18 b. Notice Form Regarding Non-Compliant Designated High Risk Sex
 - 19 Offenders
 - 20 c. Sex Offender Notice of Non-Compliance Letter
 - 21 d. Sex Offender Registry Change of Address/Employment/Education
 - 22 Form
 - 23 e. Sex Offender Registry Change of Treatment/Supervision Status Form
 - 24 f. Sex Offender Registry Information
 - 25 g. Sex Offender Registry Notification of Requirement to Register Form
 - 26 h. Sex Offender Registry Registration Form
 - 27 i. Sex Offender Registry Update Form
 - 28 j. Vermont Sex Offender Registry Notification of Requirement to
 - 29 Register Form
 - 30 k. Vermont Sex Offender Registry Notification of Requirements to
 - 31 Register Form - Out of State Jurisdiction
- 32 15. Security Threat Group Information
 - 33 a. Security Threat Group Member Renunciation Form
 - 34 b. Security Threat Group Member Self-Admission Form
- 35 16. Sentence Computation Information
 - 36 a. Earned Reduction of Term (ERT)
 - 37 b. Sentence Computation
- 38 17. Releases
 - 39 a. Reciprocal Release of Information
 - 40 b. Release of Information - HIPAA
 - 41 c. Release of Liability
 - 42 d. Release of Liability Declaration
- 43 18. Interstate Agreements
 - 44 a. Interstate Compact & Corresponding Travel Permit
 - 45 b. Interstate Agreement on Detainers Paperwork
- 46 19. Parole Documentation

- 1 a. Modification of Parole Conditions
- 2 b. Parole Hearing Notices
- 3 c. Parole Order
- 4 d. Parole Summary and Decisions
- 5 e. Parole Reprimand
- 6 f. Parole Violations Report
- 7 20. Home Detention
- 8 a. Home Detention Investigation Form
- 9 b. Department Request for Review – Home Detention
- 10 c. Notice to Court of Home Detention Revocation
- 11 21. DNA Documentation
- 12 a. DNA Receipt
- 13 b. DNA Testing Refusal Form
- 14 c. Notification of DNA Testing Report
- 15 22. Probation Documentation
- 16 a. Juvenile Probation Violation Complaint
- 17 b. Probation Orders (Warrant)
- 18 23. Electronic Monitoring Documentation
- 19 a. Electronic Monitoring- 30 Day District Manager
- 20 b. Electronic Monitoring Completion
- 21 c. Electronic Monitor Placement
- 22 24. Other Information
- 23 a. Waiver of Extradition
- 24 b. Developmental Services Questions
- 25 c. Program Services Disability Screening
- 26 d. Naloxone Interest
- 27 e. Affidavits from DOC staff
- 28 f. Court Hearing Notices
- 29 g. Notice of Collateral Consequences
- 30 h. Case Plan (all)
- 31 i. Thinking Report
- 32 j. Communications with OOS for Extradition
- 33 k. Case Staffing Form
- 34 l. Case Transfer Request
- 35 m. CSS Child Survey
- 36 25. Assessments and Evaluations
- 37 a. Violent Risk Appraisal Guide (VRAG)

38
39 **Offender/Inmate Annual Compilation**

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41 The term “offender/inmate annual compilation” as used herein shall mean and
42 include select information from the offender/inmate records of an inmate or
43 offender, limited to:

- 44 1. Preceding 12 months of Incident Reports;
- 45 2. Preceding 12 months of Contact Notes;
- 46 3. Preceding 12 months of Transitional Housing Case Notes;

- 1 4. Points Based Classification History for the preceding 12 months; and
- 2 5. Offender Movement History for the preceding 12 months.

3 **Information Provided to Offender/Inmate Upon Request**

4 5 1. Offender/inmate Records Access Request

- 6
- 7 a) Offenders/inmates may make an annual request for information about them
- 8 previously provided as a matter of course, or maintained in the
- 9 offender/inmate annual compilation. All requests must be in writing and
- 10 given to the offender/inmate's Corrections Service Specialist or Probation
- 11 and Parole Officer . All subsequent requests made after the initial request
- 12 must be made 365 days or later after the original request or the last
- 13 subsequent request.
- 14 b) Any information maintained in an offender/inmate record, which is not
- 15 provided as a matter of course, or maintained in the offender/inmate annual
- 16 compilation is confidential and is not subject to an offender/inmate records
- 17 access request.
- 18

19 2. The DOC Responses to Offender/inmate Records Access Requests

- 20
- 21 a) The DOC shall provide inspection or a copy of the requested information,
- 22 either electronically or in paper form to the offender/inmate within 30 days
- 23 of the written request or notify the offender/inmate of the denial of the
- 24 request. If the information requested could potentially jeopardize the safety
- 25 or security of the facility or any person if retained by the offender/inmate,
- 26 the DOC may require the offender/inmate to inspect the redacted record in
- 27 the presence of a DOC staff member.
- 28 b) The DOC shall redact information that:
 - 29 i. would unreasonably interfere with the DOC's ability to perform its
 - 30 functions; or
 - 31 ii. may compromise the health, safety, security, or rehabilitation of the
 - 32 offender, inmate, or any another person.
- 33 c) The DOC shall not withhold information in its entirety because it contains
- 34 some redactable information.
- 35 d) If the offender/inmate's request includes documentation that has previously
- 36 been provided to the offender/inmate as a matter of course or as part of a
- 37 previous records request, then the request may be subject to production fees
- 38 of \$ 0.01 per page.
 - 39 i. The DOC shall provide the offender/inmate with an estimate of the
 - 40 charges within 2 business days from the date of the submitted the
 - 41 request. Upon receipt of the estimate an offender/inmate may:
 - 42 (1) Pay the fee estimate resulting in the DOC producing the
 - 43 requested records within 30 calendar days of receipt of
 - 44 payment.
 - 45 (2) Retract their request resulting in the DOC not producing
 - 46 the requested records.

- 1 (3) Modify the request, resulting in the DOC providing a
2 new estimate of charges within two business days.
- 3 ii. Offender/inmate records subject to fees shall not be disclosed until
4 the DOC is in receipt of any estimated fees.
- 5 iii. The offender/inmate request shall not be subject to fees if loss or
6 destruction of the information was not a result of the
7 offender/inmate's actions.
- 8
- 9 3. Except where prohibited by law, the DOC may release and permit inspection
10 of offender/inmate records to criminal justice personnel, law enforcement
11 officers, and other State of Vermont government branches, State or
12 governmental agencies, State or governmental departments, DOC volunteers,
13 DOC service providers, and the Vermont Parole Board when necessary to
14 perform assigned work duties.
- 15
- 16 4. Except where prohibited by law, the DOC shall release and permit inspection
17 of offender/inmate records to the court appointed representative of an
18 offender/inmate estate or court appointment offender/inmate guardian shall
19 be entitled access to information required to perform their guardianship
20 powers.
- 21
- 22 5. Except where prohibited by law, the Commissioner or Deputy Commissioner,
23 of DOC, may release records for reasons related to public safety, institutional
24 security, or when it is in the best interest of the offender/inmate or a victim.
- 25

26 **Timing and Appeals**

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28 Upon receipt of the requested records or the denial of the request, the
29 offender/inmate shall have 7 calendar days to appeal DOC's decision regarding
30 his/her access to the corresponding records. This appeal shall be made in writing
31 and given to the offender/inmate's Corrections Service Specialist or Probation and
32 Parole Officer.

33

34 Upon receipt of the appeal, DOC shall respond within 7 calendar days. DOC shall
35 issue a final decision regarding access to the offender/inmate record no later than
36 45 calendar days from its receipt of the initial request.

37

38 **Correction of Fact**

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

45

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

3
4 **Public Access to an Offender/inmate’s Public Use File**

5
6 DOC shall permit anyone to review the contents of the Public Use File regarding an
7 offender/inmate. To review the Public Use File of an inmate or offender, a person
8 must submit an Access to Public Records, pursuant to 1 V.S.A. 315, et seq. request in
9 writing to DOC.

10
11 **Offender/inmate Responsibilities**

12
13 Offenders/inmates are responsible for the safe-keeping of any information
14 requested or provided by the DOC. All information is subject to the DOC’s property
15 limit for inmates. Loss or destruction by the offender/ inmate of information
16 previously provided to the offender/inmate as a matter of course or as part of a
17 previous records request, may result subsequent requests for the same information
18 to be subject to production fees of \$ 0.01 per page and limited to an annual request.

19
20 **Effectiveness of Rule**

21
22 Offenders/ inmates are entitled to records provided as a matter of course upon the
23 effective date of this rule.

24
25 Offenders/ inmates may make a one-time request within 365 days of the effective
26 date of this rule for the following:

- 27
28 1. The preceding 365 days of any information provided as a matter of course,
29 and not previously provided to the offender/inmate pursuant to DOC
30 directive. This request shall be made pursuant to the process identified in
31 the Information Provided to Offender/inmate Upon Request section of this
32 rule. This request shall be fulfilled at no cost to the offender/inmate.
33
34 2. The preceding 365 days of any information provided as a matter of course,
35 and previously provided to the offender/inmate pursuant to DOC directive.
36 This request shall be made pursuant to the process identified in the
37 Information Provided to Offender/inmate Upon Request section of this rule.
38 This request shall be subject to production fees of \$0.01 per page.
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