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| <p style="text-align: center;"><b>STATE OF IOWA</b><br/><b>DEPARTMENT OF CORRECTIONS</b></p> <p style="text-align: center;"><b>POLICY</b><br/><b>AND PROCEDURES</b></p> |                                | Policy Number<br>AD-CR-04  | Applicability<br><input checked="" type="checkbox"/> IDOC<br><input checked="" type="checkbox"/> CBC |
|   |                                | Policy Code<br>Public Access   | Iowa Code Reference<br>Chapter 9E, 22,<br>17A3, 22.7, 22.11,<br>904.601, 904.602,<br>905             |
| Chapter 1<br>ADMINISTRATION &<br>MANAGEMENT   | Sub Chapter<br>CASE<br>RECORDS | Related DOC<br>Policies<br>AD-GA-09<br>AD-PR-29<br>HSP-304   | Administrative Code<br>Reference<br>201-05   |
| Subject<br>RELEASE OF INFORMATION   |                                | ACA Standards<br>4-4095, 4-4097,<br>4-4098, 4-4099,<br>4-4102, 4-4396<br>PREA Standards<br>115.17(h) | Responsibility<br>William Sperfslage   |
|   |                                | Effective Date<br>November 2020  | Authority<br>Beth Skinner<br>Director<br>Signature on file at<br>Iowa DOC                            |

## I. PURPOSE

To outline the procedures that the Iowa Department of Corrections (IDOC) staff shall follow to ensure the privacy of all information contained in records of incarcerated individuals confined in IDOC facilities.

## II. POLICY

It is the policy of the IDOC that information/records regarding incarcerated individuals receiving services or who have previously received services under the jurisdiction or

supervision of IDOC or the judicial districts including third party records may only be released in accordance with the following standards and procedures.

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## **III. DEFINITIONS** – As used in this document:

- A. Master File – The hard copy Treatment and Legal Files. Items not found in the central file are located in the Iowa Corrections Offender Network (ICON) computer system.
- B. See IDOC Policy **AD-GA-16** for additional Definitions.

## **IV. PROCEDURES**

Treatment and Legal hard copy incarcerated individual records are maintained in a secure location at each facility and ensure access to authorized staff. **(4-4095)**

- A. Incarcerated individual Authorization for Release
  - 1. A release form must be signed by an incarcerated individual or former incarcerated individual prior to the release of confidential information. Confidential information may be released to criminal justice agencies, law enforcement agencies, prosecuting attorneys, Attorney Generals office, judges, Board of Parole, Judicial Districts of Correctional Services, other public offices, Child Support Recovery, and the Office of Citizen's

Aide Ombudsman for use in connection with official duties, audits and other purposes. Agencies receiving confidential information must agree to maintain the information as confidential.

2. The original *Consent for the Release of Confidential Information form, AD-CR-04 F-2*, must be maintained in the incarcerated individual file. **(4-4102)**

B. Institutional Procedures

The Wardens and Judicial District Directors shall develop and maintain procedures which shall insure the privacy and security of records maintained by the IDOC. These procedures must include the identification of individuals or agencies receiving information.

C. Staff Use of Incarcerated Individual Information

1. Each employee of the IDOC shall be aware of the consequences and penalties prescribed in **Iowa Code 904.602(11)** pertaining to the unauthorized release of information.
2. The specific privacy requirements that apply to each institution and District must be incorporated into the training provided each employee. (Also see IDOC Policy **AD-PR-29**, *Confidentiality of Information*)

D. General IDOC Dissemination of Information

1. The IDOC processes, stores, and disseminates information pertaining to incarcerated individuals currently or previously under supervision.
2. The IDOC assumes no liability for loss or exchange of information disseminated from IDOC records.
3. Any office, agency or individual authorized to receive confidential information will be notified to maintain the confidential status of the information. (Refer to **AD-CR-04 F-3**, *Notice of Confidential Information*) Confidential information will be labeled or stamped as "Confidential".
4. Information included in incarcerated individuals' files shall be released by the IDOC under the following circumstances:
  - (1.) The information is public; or

- (2.) The confidential information is being released to an office/ agency or individual authorized to receive the information as described above; or
- (3.) The incarcerated individual/ex-incarcerated individual has properly authorized the person/ agency to release/receive the information; or
- (4.) Court ordered.

E. Disclosure of Incarcerated Individual Records

1. Incarcerated individual and incarcerated individual attorney access:

- a. Access via incarcerated individual written consent.
- b. Copy charge.

(1.) IDOC records are protected and released as published in accordance with **Iowa Administrative Code 201-5** and pursuant to **Iowa Code Chapter 22.11**.

(2.) These standards apply to all IDOC records, policies, reports, meeting minutes, and any other documents that are not confidential pursuant to **Iowa Code Chapters 22.7 and 904.602(2)** and **Iowa Administrative Code 201-5**.

(3.) The following procedures shall apply regarding access by inspection/review or copying of department records.

- a) Photocopy charge - \$.15 per page plus \$45.00 per hour.
- b) Search fees - \$45.00 per hour.
- c) Incidental expenses related to providing copies of records including, but not limited to, supervision of the examination of the record may also be charged at an hourly rate of \$45.00 per hour.
- d) A minimum charge of \$11.25 will be assessed for search, supervisory review, or copying time up to 15 minutes. When the search, supervisory review,

or copying time exceeds 15 minutes, the fee assessed is charged according to the \$45 per hour rate. Fees may be modified or reduced if the records cannot be found or produced, or for any other reason at the discretion of the Records Administrator.

- e) No fees when complying with a subpoena for criminal records.
- (4.) The IDOC shall charge the requestor actual postage required to mail documents.
  - (5.) If the total cost of the records examination or copying cost shall exceed \$25.00, the requestor may be required to submit an advance deposit of the expected fee. (**AD-CR-04 F-1**, *Copy Fee Charge*). If the requestor has previously failed to pay a fee for copies of records, the requestor may be required to pay the previous unpaid fee and make an advance deposit of the expected current fee (even if both are less than \$25.00) prior to receiving copies of the records.
  - (6.) A fee of \$45.00 per name shall be charged for incarceration checks. This fee shall not be charged to public non-profit agencies.
  - (7.) All funds generated from this policy shall be deposited into each institution or the Central Office appropriated fund.
  - (8.) All checks from members of the public shall be made payable to the Treasurer, State of Iowa, Department of Corrections.
  - (9.) Fees assessed to incarcerated individuals shall be deducted from the incarcerated individual's account by way of store order.
2. Denied requests may be grieved by the incarcerated individual through the incarcerated individual grievance procedures.
  3. Publicly denied requests may be appealed to the Department Public Information Office.

F. Notarization of Incarcerated Individual Document

1. Designated institutional staff shall be responsible for substantiating the validity of an incarcerated individual's signature that requires notarization. If valid, the signature shall be notarized free of charge.
2. Pursuant to the **Iowa Code Chapter 9E**, a notary public may exercise reasonable discretion in performing, or declining to perform notarial services.

G. Incarcerated Individual/Other Access to File Information

1. The following list is designed to provide guidance in determining the access of incarcerated individuals to records in their own files. This list shall give direction with regard to how specific documents are to be handled in accordance with IDOC policy. **(4-4098)**
2. Incarcerated individuals may normally be allowed to have printed copies of the following records:

These records shall NOT be viewed electronically as they may contain confidential information which would need to be redacted (in printed form).

These records shall be reviewed by the Treatment Director or designee for confidential information or security concerns. The incarcerated individual must pay the assessed fees to get the copies that have been reviewed.

- a. Classification decisions and the justifications for these decisions:
  - (1.) Pre-parole hearing findings
  - (2.) Job reclassification decisions
  - (3.) Program hearing findings
  - (4.) Change of custody findings
- b. Visiting list
- c. Work performance evaluations.
- d. Vocational/educational assessment

- e. Sentencing Order
  - f. Detainers
  - g. Time computation sheets
  - h. Disciplinary and decision reports except confidential informant information
  - i. Notification of Parole Board decisions
  - j. Restitution plan
  - k. Intervention Summary
  - l. Generic notes
  - m. Kiosk Messages
  - n. OEmails
3. Incarcerated individuals may not be allowed to have access to the following records when the release of that information could result in physical or psychological harm to another person or the supervised individual or adversely affect an investigation into a supervised individual's possible violation of IDOC rules. Psychological and psychiatric information may be withheld if its release would jeopardize the incarcerated individual's treatment. If incarcerated individual access is allowed to a particular document, the documentation may be redacted pursuant to **Iowa Code section 904.602(9)**. Pursuant to **Iowa Code section 901.04**, this policy reflects a balance of incarcerated individual due process rights with confidentiality of the Presentence Investigation (PSI). Note that an incarcerated individual may review but may not possess the PSI. Decisions on allowing access and level of access shall be made by the Associate Warden of Treatment for the following records:
- a. Incarcerated individuals may review the pre-sentence investigation (PSI) of the current offense(s), as well as FBI and DCI rap sheets, Victim Impact information, Trial Information and Minutes of Testimony under staff supervision only. **Copies shall not be provided.** Electronic copies of these records will be printed so that the incarcerated individual may review them

under staff supervision. Once the incarcerated individual is done reviewing the document, it will be shredded. The incarcerated individual will not be charged the \$.15 copy fee for these printed records but will be charged the \$45 search fee for staff time.

b. If the Victim Impact Statement is a separate document attached to the PSI, the Victim Impact Statement shall be detached and excluded from review.

(1.) Correspondence with family, friends, and past and present employers of incarcerated individuals of a personal or confidential nature

(2.) Risk assessments

(3.) Progress reports

(4.) Social services questionnaires designed for professional use only

4. Incarcerated individuals shall not be allowed to have access to the following records: **(4-4098)**

a. Internal security documents

b. Confidential information received from law enforcement personnel about the background of persons applying to be allowed to visit with incarcerated individuals

c. Records alerts to include: enemies, notification requests, victim registration

d. Criminal investigation reports (i.e., Federal Bureau of Investigation and Division of Criminal Investigation criminal history documentation)

e. Personal History Data Sheet and picture

f. Transfer Instance

g. Investigative reports relating to disciplinary action

h. Presentence investigations



- i. Victim impact statements
  - j. Minutes of testimony, including confidential informant information
  - k. Reception reports
  - l. Third party records. Incarcerated individual may be referred to the original source of the information if these records are requested (i.e., evaluations from mental health institutions, evaluations from other states or jurisdictions correctional institutions).
  - m. Psychological and psychiatric information of a technical nature including diagnosis and test materials designed for professional use only.
  - n. Grievance investigation. (Personnel investigation as a result of incarcerated individual grievance filed.)
5. Criminal justice agencies and public officials in connection with official duties.
- a. Access to all records by necessity
  - b. Access via written or verbal request
6. Other agencies or persons for treatment purposes only:
- a. Access to any record directly related to incarcerated individual's treatment plan unless, if released, would jeopardize security or affect an investigation.
  - b. Access via incarcerated individual written request if not a public agency.
7. Public Access - If information released is considered to be confidential, the *Consent to Release of Information*, **AD-CR-04 F-2**, must be attached to the request. **(4-4099)**
8. Release of the following information regarding an individual previously or currently under supervision may be made upon request:
- a. Name

- b. Age
  - c. Sex
  - d. Status (incarcerated individual, parolee, probationer)
  - e. Incarcerated individual number
  - f. Location, **except home street address**
  - g. Duration of supervision, including release date(s) **(4-4097)**
  - h. Offense or offenses for which the incarcerated individual was placed under supervision
  - i. Incarceration credit (jail credit, residential credit, etc.)
  - j. County of commitment
  - k. Arrest and detention orders
  - l. Physical (description)/Incarcerated individual Photo
  - m. Type of service received
  - n. General release destination (if already released - but not home address)
  - o. Disciplinary reports and decisions which have been referred to the county attorney or prosecutor for prosecution and the following information of all other disciplinary reports:
    - (1.) The name and the subject of the investigation.
    - (2.) The alleged infraction involved.
    - (3.) The finding of fact and the penalty, if any, imposed as a result of the infraction.
9. Medical information shall only be released in accordance with IDOC Policy **HSP -304**, *Review/Release of Medical Information*. **(4-4396)**

H. Media Requests

Refer to IDOC Policy **AD-GA-09**, *Contact with the News Media and the Public*.

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Replaces policies AD-I-39.9, IN-V-24, IN-V-91.

Origination Date: March 2006. Revised: Oct. 2006, April 2008, Nov. 2008, May 2009, Oct. 2009. Reviewed: Feb. 2012. Revised: Oct. 2016, July 2018, May 2019, Aug. 2020, Nov. 2020.