

Offender/Inmate Records and Access to Information --- Frequently Asked Questions

	Question:	Answer:
1	Often, an offender off supervision will ask for documentation in order to obtain their license with the DMV, or benefits from ESD. What are the limitations around giving them documentation once they are off supervision?	The process will remain the same as it currently stands. If an offender is off supervision but needs a particular document for services that fall within the matter of course documents, we can provide it to them upon request.
2	Since the offenders off supervision are asking for documents, should we have a separate request form for those?	No separate request form is necessary. You can use the current custom form or a contact note to document the request.
3	In the guidance it states an OMS notification will be sent for any request not completed in the 30-day time frame. If the offender has moved offices or facilities, will the notification be sent to the receiving site? Sending agencies are required to fulfill the requests.	No. The notification is set up to go to the sending site; more specifically, the person who initiated the custom form.
4	Will the functionality of the attachments work the same in the Drug Test tab as other attachment areas?	Yes. The "Public Only" checkbox is also an option in that tab.
5	Is there a way to tell if there is an attachment in a custom form without going into each one? Can the icon change if there is an attachment?	This would be a feature request we would need to make with JailTracker and may require funding.
6	Can we add date range parameters to the questionnaire report?	The request for date range parameter will be added to the OMS Request Log on SharePoint.
7	Are the 2 requests per year document based or request based?	The two requests are based on two requests for the year.
8	The directive, if I read it right, states an offender can request records within the past year. Most of our requests are from offenders who are looking for copies of their records from many years ago. Does this mean they will not be able to get copies of these records? If they can, how would they do so?	Records under this Rule are only available for the preceding year. Any records outside that timeframe can be denied. 28 V.S.A § 107(b) deems these records confidential and not subject to public disclosure. The only other means to obtain the records would be through court order or through discovery during litigation.
9	Given that DOC sites are not allowed to collect money from offenders, how will the \$.01 charge per page be handled? Example: Can the offender pay in cash, check, money order etc.? Do they have to mail it into someone at DOC central office?	The Rule reads that the Department <u>may</u> charge \$.01 per page for documentation that has previously been provided to the offender as a matter of course or as part of a previous records request. There is no process for payment at this time.

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10	It states “offenders may request any document.... provided that at least one year has passed since last request for the same document or information”	The intent is that documents or information completed or pertaining to the previous year for those currently incarcerated or under supervision with the DOC are available. This does not apply to formerly incarcerated or supervised individuals. Any such requests should be forwarded to the Department’s Records Officer. . However, individuals may access an entire Offender Movement History report at the time of their request, in accordance with the second footnote in the Guidance Document on page 8.
11	The last paragraph of the rule page 11 of 11 states that an offender can request documents from any date from 8/18/19 (effective date of rule) until 8/18/20 but at that point they can only request documents within the previous 12 months of their request?	The intent is that from the effective date of 8/18/19, an offender may request records available as outlined in the Rule and created within one year preceding their request at no cost to the offender. This means, any document created between 8/18/18 and 8/18/19 is available at their request with no charge. Requests for documents previously provided are subject to a charge of \$.01 (see question and answer #9).
12	With the 2 requests per year limitation, does it matter whether or not the offender is released to community supervision or not?	No. The two requests per year are based on time, not supervision status.
13	If an offender maxes out and comes back under supervision, does their right to 2 requests start over?	No. The two requests per year are based on time, not supervision status.
14	What is considered a "financial document"? Where does one find the definition for financial documents? A request came in for a copy of an offender's commissary list/receipts from when he was initially lodged until present day.	Refer to #9 "Offender Financial Information" under the "Matter of Course" documents. These are all the financial information documents that can be disclosed. If you can retrieve those lists and they are no more than a year old, then the request can be fulfilled.
15	Question on internal document: Agreement for Medical and Dental Diet Acceptance (page 4 of 10, #11 letter A): This does not fall under any HIPAA laws?	No. If an offender asks for a document that contains the requesting offender’s health information, it may be provided to the offender without violating HIPAA. The offender is receiving their own personal health information.
16	Question on internal document: Outside Purchase/Special Package Request Form (page 3 of 10, letter K): Does this include the check withdrawal form the inmate uses to purchase from our approved vendors?	Yes. If the document is substantially similar to any of the listed documents, and poses no security or safety threat, it may be provided.

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17	Question on internal document: Financial Account Balances (page 4 of 10, #9 letter B): This document is generated through Keefe Banking Systems, we are now obligated to put these in OMS? I thought we were not putting any financial records in OMS.	No. Not all documents under this rule are in OMS. The crosswalk indicates those which are housed in OMS and those which are not.
18	Question on internal document: Receipt and Disbursement Form FI61 (page 4 of 10, #9 letter D): This document is generated through Keefe Banking Systems, we are now obligated to put these in OMS? I thought we were not putting any financial records in OMS	See above (#17).
19	Question on internal document: Sentence Computation (page 6 of 10, #16 letter B): Is this just the report of "Charges Sentence View Report" or is the word document provided from the Sentence Comp unit? If so, does this include the credit and tally work sheets?	Yes. Sentence Computation only refers to the "Charges Sentence View Report" you are able to run in OMS.
20	The check box in the attachments section says "Public Only" - does this mean it is available to the general public?	No. The "Public Only" check mark means it can be requested by and provided to the offender. Public records requests need to go through our regular public records request process.