

**INTERNAL DOCUMENT**

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THIS DEPARTMENT OF CORRECTIONS' GUIDANCE DOCUMENT IS INTENDED TO ASSIST STAFF IN UNDERSTANDING THE REQUIREMENTS OF 28 V.S.A. § 107, APA RULE 19-035, and THE DEPARTMENT'S DIRECTIVE 251.01.

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### 1. GENERAL GUIDANCE

This document outlines the procedures for providing offenders and inmates (collectively “offenders”) access to their own records as directed by the Administrative Procedures Act (APA) Rule 19-035, Offender/Inmate Records and Access to Information.<sup>1</sup>

Offenders may be provided certain documents either (1) as a matter of course or (2) only upon request. Matter of course documents should be made available to offenders at the time created or updated. Only upon request documents may be provided once a year. Department staff shall follow the process outlined in this document when responding to an offender’s request for records.

### 2. DOCUMENTS PROVIDED AS A MATTER OF COURSE

As part of their day-to-day functions, Caseworkers (CSS) and Probation and Parole Officers (PPO) are required to provide offenders a copy of the following documents as a matter of course:

1. Field Supervision Documents
  - a. Home Confinement Schedule
  - b. Offender Schedule (handwritten)
  - c. Request for Offender Driving Privileges
  - d. Travel Permits
  - e. Agreement to Participate in Community Restitution Program
  - f. Conditions of Supervision
  - g. Special Conditions for Domestic Violence Offenders
  - h. EPICS Summary
  - i. Residence Investigation and Approval
  - j. Supervision Contract
  - k. Telephone Report Supervision Probation Contract
  - l. Field Return to Facility Explanation
  - m. Work Crew Orientation
  - n. Payment Contract/Waiver
  - o. P&P Offender Orientation
2. Facility Specific Documents
  - a. Request to Produce Resident Publication Form
  - b. Resident Handbook Acknowledgement Form
  - c. Approved Visitors List
  - d. Notice of Rejection/Disposition of Mail
  - e. Request for Inmate-to-Inmate Correspondence

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<sup>1</sup> The rule is commonly referred to as the “Offender File Rule.”

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- f. Telephone Request Sheets
  - g. Re-Entry Checklist
  - h. Re-Integration Furlough Planning
  - i. Residence Verification and Approval
  - j. Notice of Disapproved Publication
  - k. Outside Purchase/Special Package Request Form
  - l. Refusal of Court Clothes
  - m. Authorization of Special Observation Checks
  - n. KOP (Keep on Person) Contract
  - o. PREA Inmate Orientation Form
  - p. Out of State Transfer Order
3. Administrative Segregation Documentation
- a. Administrative Segregation Review (7 day)
  - b. Administrative Segregation Placement Report
  - c. Notice of Hearing/Waiver of 24-hour Notice of Hearing
  - d. Ad. Seg. Waiver of Appearance/Hearing/Refusal to Appear
  - e. Confidential Informant Form
  - f. Hearing Report Form
  - g. Appeal Process Notice Form
  - h. Inmate Appeal Form
  - i. Notice of Review
  - j. 60 Day Central Office Review Form
  - k. Segregation Confinement Log Sheet
  - l. Special Observation Form
  - m. Removal from Segregation Status
4. Grievance Process Documents
- a. Right to Grieve Form
  - b. Informal Complaint & Plan for Resolution Form
  - c. Offender/Inmate Grievance Submission Form
  - d. Grievance Investigation & Superintendent's/District
  - e. Manager/Supplemental Housing Manager Response
  - f. Grievance Submission Rejection Memo
  - g. Decision to Appeal to Corrections Executive
  - h. Response to Appeal to Corrections Executive
  - i. Decision to Appeal to Commissioner
  - j. Response to Appeal to the Commissioner
5. Furlough Violation Process Documents
- a. Notice of Suspension Report form
  - b. Notice of Hearing/Waiver of 24-hour Notice
  - c. Waiver of Appearance/Hearing/Refusal to Appear

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- d. Confidential Informant Form
- e. Hearing Report Form
- f. Inmate Appeal Form
- 6. Other Due Process Documents
  - a. Notice of Hearing for Preliminary Probable Cause Hearing
  - b. Notice of Hearing/Waiver of 24-Hour Notice of Hearing
  - c. Preliminary Probable Cause Hearing Refusal to Appear
  - d. Preliminary Probable Cause Notice of Hearing
- 7. Inmate Discipline Process Documents
  - a. Incident Reports - Related to DR
  - b. Inmate Disciplinary Report Form
  - c. Notice of Hearing/Waiver of 24-Hour Notice of Hearing
  - d. Confidential Informant Form
  - e. Waiver of Appearance/Hearing/Refusal to Appear
  - f. Inmate Disciplinary Appeal Form
  - g. Hearing Report Form
  - h. Special Observation Form
- 8. Law Library Forms
  - a. VT6602 Law Library Use Request Form
  - b. VTLL05 Legal Photocopy Request Form
  - c. VTLL08 Law Terminal Use Form
  - d. Acknowledgement Forms (Inmate Access to Court)
- 9. Offender Financial Information
  - a. DOC's Payment Coupon
  - b. Financial Account Balances
  - c. Offender Collection Memo & Offender Financial Obligations Form (426.01)
  - d. Receipt and Disbursement Form FI61
  - e. Request/Response for Release Money for Housing
  - f. Request/Response for Release Monies for other than Housing
  - g. Staff Request for Inmate Release Money for Housing
- 10. Americans with Disabilities Act (ADA) Documents
  - a. ADA Accommodation Decision Appeal to Commissioner
  - b. ADA Accommodation Notification to Facility Staff
  - c. ADA Offender/inmate Orientation to ADA
  - d. Request for Reasonable Accommodation/Response Form
- 11. Special Diet Documents
  - a. Agreement for Medical and Dental Diet Acceptance
  - b. Inmate Request for Religious Diet/Alternative Meal
  - c. Religious Diet Cancellation Request
  - d. Religious Diet Participation Agreement

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- e. Service Agreement for Medical or Dental Diet Refusal
  - f. Special Diet Cancellation Request
  - g. Inmate Religious Accommodation Request Form
  - h. Religious Accommodation Request
  - i. Religious or Alternative Diet
12. Property Documents
- a. Confiscation of Inmate Property
  - b. Personal Property Report
  - c. Property Forms (Denial, Disposition, Property Receipts)
  - d. Report of Lost or Damaged Property
13. Risk Intervention Program/Services Documents
- a. Agreement to Participate
  - b. Corrective Action Plan RRP
  - c. Corrective Action Plan VTPSA
  - d. Group Handouts RRP
  - e. Group Handouts VTPSA
  - f. Homework RRP
  - g. Homework VTPSA
  - h. Inmate Request For Clinical Services
  - i. Program Termination Letters
  - j. Refusal of Treatment Form
  - k. Risk Reduction Program Participation Agreement
  - l. Risk Reduction Program Plan
  - m. VTPSA Handbook
  - n. VTPSA Plan
  - o. Program Completion Assessment
  - p. RRP Offender Referral
14. Sex Offender Registry Documents
- a. Certification of Compliance with DOC-Recommended Treatment
  - b. Notice Form Regarding Non-Compliant Designated High-Risk Sex Offenders
  - c. Sex Offender Notice of Non-Compliance Letter
  - d. Sex Offender Registry Change of Address/Employment/Education Form
  - e. Sex Offender Registry Change of Treatment/Supervision Status Form
  - f. Sex Offender Registry Information
  - g. Sex Offender Registry Notification of Requirement to Register Form
  - h. Sex Offender Registry Registration Form
  - i. Sex Offender Registry Update Form
  - j. Vermont Sex Offender Registry Notification of Requirement to Register Form
  - k. Vermont Sex Offender Registry Notification of Requirements to Register Form - Out of State Jurisdiction

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15. Security Threat Group Information
  - a. Security Threat Group Member Renunciation Form
  - b. Security Threat Group Member Self-Admission Form
16. Sentence Computation/Good Time Documents
  - a. Earned Reduction of Term (ERT)
  - b. Sentence Computation
17. Releases of Information; Liability
  - a. Reciprocal Release of Information
  - b. Release of Information - HIPAA
  - c. Release of Liability
  - d. Release of Liability Declaration
18. Interstate Agreements
  - a. Interstate Compact & Corresponding Travel Permit
  - b. Interstate Agreement on Detainers Paperwork
19. Parole Documents
  - a. Modification of Parole Conditions
  - b. Parole Hearing Notices
  - c. Parole Order
  - d. Parole Summary and Decisions
  - e. Parole Reprimand
  - f. Parole Violations Report
20. Home Detention Documents
  - a. Home Detention Investigation Form
  - b. Department Request for Review – Home Detention
  - c. Notice to Court of Home Detention Revocation
21. DNA Documents
  - a. DNA Receipt
  - b. DNA Testing Refusal Form
  - c. Notification of DNA Testing Report
22. Probation Documents
  - a. Juvenile Probation Violation Complaint
  - b. Probation Orders (Warrant)
23. Field/Electronic Monitoring Documentation
  - a. Electronic Monitoring- 30 Day District Manager
  - b. Electronic Monitoring Completion
  - c. Electronic Monitor Placement
24. Case Planning Documents
  - a. Case Staffing Form
  - b. Case Transfer Request
  - c. Case Plan (all)

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- 25. Assessments and Evaluations
  - a. Violent Risk Appraisal Guide (VRAG)
  - b. Program Services Disability Screening
- 26. Other Information
  - a. Waiver of Extradition
  - b. Developmental Services Questions
  - c. Naloxone Interest
  - d. Affidavits from DOC staff
  - e. Court Hearing Notices
  - f. Notice of Collateral Consequences
  - g. Thinking Report
  - h. Communications with OOS for Extradition
  - i. CSS Child Survey

Staff may choose to document the provision of these documents to the offender by entering a contact note using the category "Record Request."

### SUBSEQUENT REQUESTS FOR MATTER OF COURSE DOCUMENTS

If an offender requests documents previously provided as a matter of course and has not made more than two (2) requests in the preceding year, the CSS/PPO shall provide the documents in accordance with the [REQUEST PROCESS](#) outlined in Section 4, below. If an offender has made more than two (2) requests for the documents, the CSS/PPO shall:

1. Create a new *Offender/Inmate Records Request* custom form in the offender's record in the Offender Management System (OMS). Fill out the "Offender/Inmate Request Submitted" and the "Offender/Inmate Records Request Denied" sections of the custom form.
2. Scan and upload the *Offender/Inmate Records Request Form* submitted by the offender in the Documents section of the custom form. The request form shall be categorized with document name as "Offender/Inmate Records Request Form" and document category as "Offender and Inmate Record Requests."
3. Update the "Complete When Request Has Been Fulfilled/Denied" section of the *Offender/Inmate Records Request* custom form.
4. Run the "Offender/Inmate Records Request Denied" report in the reports tab of the custom form.
5. Both the CSS/PPO and Offender/Inmate shall electronically sign the "Offender/Inmate Records Request Denied" custom form report, signifying completion of the request.
6. Print the "Offender/Inmate Records Request Denied" custom form report and give a copy to the Offender/Inmate.

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### 3. DOCUMENTS PROVIDED ONLY UPON REQUEST

The CCS/PPO shall provide offenders with the below documents only upon request, and only for the preceding 12 months:

1. Incident Reports
2. Contact Notes
3. Transitional Housing Case Notes
4. Points Based Classification
5. Offender Movement History<sup>2</sup>

CCS/PPO staff shall follow the [REQUEST PROCESS](#) set out in Section 4, below, to complete the request.

If an offender requests documents outside the preceding 12 months, then the CSS/PPO shall deny the request using the *Offender/Inmate Records Request* custom form.

### 4. REQUEST PROCESS

Offenders will submit the *Offender/Inmate Records Request Form* to their CSS or PPO. The timeline for responding to the request begins once the CSS or PPO signs the request form.

Once the CSS/PPO signs the request form, the CSS/PPO has 30 calendar days to fulfill the request by following these steps:

1. Create a new *Offender/Inmate Records Request* custom form in the offender's record in OMS. Fill out the "Offender/Inmate Request Submitted" section of the custom form.
2. Sign and date the "Complete When Request Is Submitted" section of the *Offender/Inmate Records Request Form*.
3. Scan and upload the signed *Offender/Inmate Records Request Form* in the Documents section of the custom form. The request form shall be categorized with document name as "Offender/Inmate Records Request Form" and document category as "Offender and Inmate Record Requests."
4. Provide a copy of the signed request form to the offender.

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<sup>2</sup> Given the functionality of OMS, Offender Movement History does **not** have to be limited to the preceding 12 months. Therefore, the entire report will be provided at the time of the request.

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5. Provide the offender with an estimate of charges, if any, within two (2) business days of receiving the request form.
6. Extract the requested documents from OMS. Refer to the OMS reference guide “Extracting Documents from OMS for Offender/Inmate Records and Access to Information.”
7. Review all documents and make any necessary redactions by using the Adobe Pro Redaction Tool. (See [REDACTION](#) section for further instruction.)
8. Update the “Complete When Request Has Been Fulfilled/Denied” section of the *Offender/Inmate Records Request* custom form.
9. Run the “Offender/Inmate Records Request Completed” report in the reports tab of the custom form.
10. Both the CSS/PPO and offender shall electronically sign the “Offender/Inmate Records Request Completed” custom form report.
11. Provide the offender the requested records, redacted as appropriate, and the signed “Offender/Inmate Records Request Completed” custom form report.

Any request not completed within the 30-day timeframe will trigger a notification from OMS to the CSS/PPO, Supervisor and Site Manager that a request is late and has not been fulfilled.

### Transfers Pending Request

When an offender is transferred from a facility or field site and there is an active record request pending, the CSS/PPO from the originating or sending site remains responsible for completing the request process.

## 5. REDACTION

Offenders are permitted to obtain the documents described in Section 2 and 3 even if it contains some confidential or exempt information. If confidential or exempt information is contained in the document, the record must be redacted.

When redacting information in an offender record, the CSS/PPO shall consider whether the information would:

1. Unreasonably interfere with the Department’s ability to perform its functions; or
2. Compromise the health, safety, security, or rehabilitation of the offender, inmate, or another person.

In determining whether information meets this standard, the CCS/PPO should consider:

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- Who and what the information is about;
- If there are security concerns with providing the information;
- If providing the information could impact the health, safety, and/or rehabilitation of the offender or others; and
- whether the information could be manipulated to an offender's benefit.

The CCS/PPO **shall review each document in its entirety** to ensure that all confidential, privileged or exempt information is redacted. Information to be redacted includes:

1. Victim information;
2. Confidential Informant information;
3. Information that, if known by the offender, could put another person at risk or harm;
4. Information about another offender;
5. Attorney-Client privileged information;
6. Personal health information; and
7. Security procedures

## 6. APPEALS

An offender has seven (7) calendar days to file an appeal of any denial of a records request. A CSS/PPO shall promptly forward the appeal to Central Office's Records Officer for response. The Records Officer shall respond no later than 45 days from the receipt of the offender's initial request.