

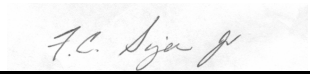


STATE OF MARYLAND  
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
DIVISION OF CORRECTION

 DIVISION OF CORRECTION DIRECTIVE	<b>PROGRAM:</b>	<b>GENERAL ADMINISTRATION</b>	
	<b>DCD #:</b>	<b>20-12</b>	
	<b>TITLE:</b>	<b>Access to Inmate Case Records</b>	
	<b>ISSUED:</b>	<b>January 1, 2006</b>	
	<b>AUTHORITY:</b>		<b>Patricia Allen</b> <b>ASSISTANT COMMISSIONER</b>
	<b>APPROVED:</b>		<b>Frank C. Sizer, Jr.</b> <b>COMMISSIONER</b>

I. REFERENCES:

- A. Correctional Services Article, Title 3, Subtitle 6, ACM
- B. State Government Article, Title 10, Subtitle 6, Part III, Access to Public Records, ACM
- C. Health General Article, §§4-301 – 4-303, ACM
- D. COMAR 12.02.04.03 and 12.02.07.04
- E. DCDs 20-10; 35-8; 75-3; 100-203; 122-220; 126-220; 130-600, Sect. 630
- F. DPSCSDs 124-310; 124-311
- G. MCCS Standards .08A. and .08E.
- H. ACA Standards 4-4095, 4-4098 and 4-4099
- I. OBSCIS Manual
- J. Commitment Procedures Manual

II. APPLICABLE TO: Division of Correction Headquarters and All Facilities

III. PURPOSE: To establish policy and procedure to control access to inmate case records.

IV. DEFINITION:

**Inmate case record** – as used in this DCD, paper and/or automated records assembled, maintained, and used in accordance with the provision of Correctional Services Article, §3-602, ACM; it excludes separate records maintained by education, medical, mental health, addictions treatment and social work service providers, access to which is governed by regulations and directives specific to those areas.

## V. POLICY:

- A. It is the policy of the Division of Correction to strictly control access to inmate case records in accordance with established laws.
- B. It is the policy of the Division of Correction to ensure that inmate case records are kept in a secure area, accessible only to authorized institutional personnel requiring the records in the performance of their duties.

## VI. PROCEDURE:

## A. Media and Research Projects

- 1. The following inmate information may be disclosed to newspapers and other print or electronic media:
  - a. name;
  - b. age;
  - c. court of conviction;
  - d. offense;
  - e. length of sentence;
  - f. date of admission; and
  - g. place of confinement.
- 2. For statistical or other research projects, prior written approval shall be obtained from the Secretary of Public Safety and Correctional Services through the Commissioner of Correction, in accordance with DCD 35-8.

## B. Information Requests from the Public:

Upon request (i.e., a visitor or telephone call) only the following public information may be given about an inmate:

- 1. the name and DOC number of an inmate;
  - 2. the criminal offense(s) for which the inmate is currently incarcerated (prior criminal history excluded);
  - 3. the length of sentence(s);
  - 4. the admission date, sentence imposition date, and sentence start date;
  - 5. the current housing location; and,
  - 6. the inmate's current release date.
- C. If an inmate escapes, the following additional information may be given to law enforcement personnel:

1. date of escape;
  2. physical description including scars, marks or tattoos;
  3. photograph; and
  4. address and visiting list information.
- D. Any request for access to an inmate's case record shall be referred to the warden for final decision. The request shall include a completed copy of Appendix 1, Application and Consent Form for Release of Inmate Case Record Information (DC Form 20-12aR). The warden may grant access to an inmate case record, with a written request, to the following individuals:
1. an inmate or a person who has the written authorization of the inmate;
  2. a provider of medical services, if the record is necessary to ensure medical care;
  3. the inmate's attorney;
  4. a person authorized by court order;
  5. a person authorized by law;
  6. a Maryland judge;
  7. a state's attorney;
  8. an employee of a state department or agency if the request is in the furtherance of the employee's lawful duties; and
  9. an employee of a state, federal, or local law enforcement agency, if the request is in the furtherance of the employee's lawful duties.
- E. Prior to granting access to an inmate case record to any person, except Maryland judges or state's attorneys, the warden shall be satisfied that the records:
1. will be used only for the legitimate purposes of the person or agency receiving them and not for any improper or unauthorized purpose; and
  2. will not be further disseminated to any person or agency not authorized to receive them.
- F. The warden shall ensure that:
1. records are reviewed in the presence of an institutional employee;
  2. a fee authorized by law is made for all photocopies provided; and

3. copies of DC Form 20-12aR (Appendix 1) are maintained together in a separate file and include the following information:
  - a. the date of review;
  - b. the name of the inmate;
  - c. the commitment number of the inmate;
  - d. the name of the person requesting access;
  - e. the reason for the request; and,
  - f. the warden's signature for each approved request for access to inmate case records.

The original DC Form 20-12aR shall be maintained in section VI of the inmate's base file.

#### G. Attorney Access to Case File Information

1. Each warden shall schedule times for attorney visits for file reviews. For administrative purposes, prior to the review of the case record, an attorney shall provide the warden with a minimum of 24 hours notice, in writing, of the request to review the case record.
2. Prior to review, the attorney shall provide the warden with a completed DC Form 20-12aR (Appendix 1) signed by the inmate.
3. The attorney shall show valid identification before access is permitted. If the records are to be reviewed by an employee or agent of the attorney, the warden shall ensure that proper identification accompanies the employee.
4. An attorney, employee or agent of the attorney may review only those records for which the request has been made in accordance with this directive.

#### H. Inmate Access to Inmate Case Record Information

1. An inmate's request to review his/her records after completion of DC Form 20-12aR shall be submitted to the warden for a final decision.
2. If the warden approves the request for record review, the review shall be scheduled within 30 days of the warden's approval of the request. If disapproved, designated staff shall advise the inmate and document this on the progress sheet within 30 days of the warden's signature.
3. Case management staff shall ensure that the material to which an inmate may not have access to is removed from the case record before the review is allowed.

4. An inmate shall be permitted to review his/her case record once every six months, unless the warden approves additional reviews.
  5. An inmate may not have access to any information regarding victims or, enemies.
  6. An inmate may not review the case record of another inmate.
- I. Inmate Access to Commitment/Automated Records
1. A request for access to commitment/automated records, specifying the record/information to be reviewed, shall be submitted to the warden in writing.
  2. An inmate may not have access to victim notification or victim impact information.
  3. An inmate may receive summary information regarding his/her commitment or diminution records in accordance with the procedures established in the Commitment Procedures Manual.
  4. An inmate may receive a copy of OBSCIS I, Screen 17, page 1(Maintain Diminution of Confinement) annually by requesting a copy of his/her automated diminution of confinement record from his/her assigned case management specialist.
  5. An inmate may receive copies of commitment orders by writing to the court, which imposed the sentence, or from his/her assigned case management specialist.
  6. An inmate may receive information concerning detainers by requesting a copy of OBSCIS I, Screen 04, Maintain Detainer Data, from his/her assigned case management specialist.
  7. Inmates may not have access to OBSCIS I screens 02, Maintain Alerts; Screen 12, Maintain Enemies List; Screen 15, Maintain Schedule Data; and Screen 18, Maintain Traffic Data. The Maintain Traffic Data screen is excluded because it contains alert information. Inmates may request copies of other OBSCIS I screens from his/her assigned case management specialist.
  8. Persons who have the written authorization of the inmate may have printed copies of all OBSCIS I data bases except Screens 02, 12, 15, and 18.
- J. Disclosure of information which is not collected or generated by the Division of Correction, but may be maintained in the inmate case record, is to be controlled by procedures established by the agency collecting the information including agencies within the Department of Public Safety and Correctional Services.

- K. If the warden denies permission to an inmate to access case record information, an appeal may be made through the administrative remedy procedure.
  - L. If the warden denies access to any individual listed in VI.D. above, the individual shall have 15 calendar days in which to appeal to the warden. The warden shall respond to the appeal within 15 calendar days of receipt of the appeal.
  - M. An institutional directive is required.
- VII. ATTACHMENT:
- Appendix 1, - Application and Consent Form for Release of Inmate Case Record Information (DC Form 20-12aR)
- VIII. RESCISSION: DCD 185-4 (January 15, 1984)
- Distribution: A  
C  
L

Department of Public Safety and Correctional Services  
Division of Correction

\_\_\_\_\_  
Institution/Facility

**Application and Consent Form for Release of Inmate Case Record Information**

- 1. Inmate: \_\_\_\_\_ DOC#: \_\_\_\_\_
- 2. Inmate Records Release to  Self  Other Name: \_\_\_\_\_
- 3. Specific items in the inmate record to be reviewed:  
\_\_\_\_\_
- 4. Reason for reviewing the inmate record:  
\_\_\_\_\_  
\_\_\_\_\_
- 5. If my request to review the inmate case record is approved, I agree to use the information only for legitimate purposes and in the furtherance of my official duties. I agree that any information obtained shall not be disseminated to any person or agency not authorized to receive it.

_____ Printed Name	_____ Signature	_____ Date
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- 6. **Warden's Decision:**  Approved  Disapproved

_____ Warden/Designee Signature	_____ Date
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Comments: \_\_\_\_\_

- 7. **Certification:**  
\_\_\_\_\_ Copies received by or sent to \_\_\_\_\_ on \_\_\_\_\_  
The inmate record was reviewed in my presence by \_\_\_\_\_ (Print Name) \_\_\_\_\_ (Signature)  
on \_\_\_\_\_.

_____ Staff Member/Title	_____ Date
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**Consent for Release of Inmate Case Record Information  
When Not Specifically Governed by ACM**

I understand that my case records are protected under appropriate federal and state confidentiality regulations and cannot be disclosed without my written consent unless otherwise allowed by the aforementioned regulations. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it, and that, in any event, this consent expires automatically, as described below.

Specification of the date, event, or condition upon which this consent expires:  
=====

Completed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Inmate: \_\_\_\_\_ Witness: \_\_\_\_\_

Distribution: Custodian of Records File  
Inmate Base File