



State of Indiana
Indiana Department of Correction

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01-04-104

POLICY AND ADMINISTRATIVE PROCEDURE

Manual of Policies and Procedures

Title

THE ESTABLISHMENT, MAINTENANCE AND DISPOSITION OF OFFENDER RECORDS

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 4-1-6-1; IC 5-14-3-1; IC 11-8-2-5(a)(8); IC 11-8-2-5(a)(10); IC 11-8-2-5(a)(12); IC 11-8-5-1; IC 11-10-1-2; IC 11-10-2-4; IC 11-13-3-3; IC 35-38-1-13; 210 IAC 1-6; 240 IAC 6-1	00-03-101 00-01-102 01-04-101 02-01-101	ACA Standards

I. PURPOSE:

This policy and administrative procedure presents the parameters for the establishment, maintenance, release, and disposition of offender records by the Department of Correction.

II. POLICY STATEMENT:

The Department of Correction shall develop and maintain an offender records system that will maintain necessary information on all offenders committed to the Department. Information placed in the system shall be collected in a manner that provides the greatest degree of current, accurate data and facilitates program planning, development, implementation, and review.

The data contained in the offender records system shall be controlled to ensure the confidentiality and security of the information and to protect the integrity of the record. The release of information or data contained in the system shall be based upon appropriate statutes, promulgated rules, Department policies, and administrative directives. Information maintained by the Department shall be destroyed only upon approval by the Indiana Archives and Records Administration (IARA).

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III. DEFINITIONS:

For the purpose of this policy and administrative procedure, the following definitions are presented:

- A. AGENT: A third party who meets statutory requirements and has written consent to gain access to certain offender records. (210 IAC 1-6-4[B])
- B. ASSISTANT DEPARTMENT RECORDS COORDINATOR (ADRC): Assistant to the Department Records Coordinator, the Commissioner’s designee responsible for the management and control of Department offender records.
- C. CLASSIFICATION OF INFORMATION: The degree of access that applies to information in the official record which complies with the following:
 - 1. Unrestricted – Information pertaining to an offender that is considered by law as public information and which may be released to anyone.
 - 2. Restricted – Information pertaining to an offender that may be accessed by the subject of the records, the subject’s agent and other limited persons based upon their need to access the record but which may not be release to the general public.
 - 3. Confidential – Information pertaining to an offender which is considered by statute or rule as confidential. **All juvenile records are designated as confidential.**
- D. COMMITMENT ORDER: A court document that orders a person to the custody of the Department and specifies the length of the offender's commitment (e.g., State Form 8466, “Abstract Of Judgment,” State Form 9176, “Dispositional Order,” Sentencing Order, or Pre-Sentence Investigation).
- E. CRIMINAL HISTORY DATA: Information collected by criminal justice agencies or individuals consisting of identifiable descriptions and notations of arrests, indictments, information, or other formal criminal charges. Any dispositions, including sentencing and correctional system intake, transfer and release, including information obtained from a federal Department of Justice Information System.

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- F. **CRIMINAL INTELLIGENCE INFORMATION:** Information relating to a pending investigation(s) of alleged criminal conduct or other misconduct of offenders.
- G. **DATA SUBJECT:** An individual about whom personal information is indexed or may be located under his/her name, personal number, or other identifiable particulars in a personal information system.
- H. **DEPARTMENT RECORDS COORDINATOR (DRC):** The Commissioner's designee responsible for the management and control of Department offender records.
- I. **DETAINER:** A warrant placed against a person in a federal, state, or local correctional facility that notifies the holding authority of the intention of another jurisdiction to take custody of that individual.
- J. **DISCHARGE:** The final separation or unconditional release of an offender from the jurisdiction of the Department of Correction.
- K. **DISPOSITIONAL ORDER:** A juvenile court document which orders a juvenile delinquent to the Department and states the offense(s) for which the juvenile was adjudicated.
- L. **DOC NUMBER:** The number assigned by the Department to identify an offender.
- M. **EXPUNGEMENT:** To erase or delete a portion or an entire adult or juvenile offender record by court order or administrative procedure.
- N. **FACILITY RECORDS COORDINATOR (FRC):** The Facility Head's designee responsible for the management and control of facility offender records.
- O. **GUARDIAN:** A person appointed by a court invested with the power and charged with the duty of taking care of the person and/or managing the property of another. One who legally has the care and management of the person or the estate, or both, of a child during his/her minority.
- P. **IDOC RECORDS MANAGEMENT SYSTEM (IRIS):** The electronic storage system used by the Department for the storing and maintenance of offender records.

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- Q. **LIMITED CRIMINAL HISTORY:** Information with respect to any arrest, indictment, information or other formal criminal charge, which includes a disposition.
- R. **OFFENDER:** An adult or juvenile person committed to a department of correction (federal, state, or local) and housed or supervised in a facility either operated by the department of correction or with which the department of correction has a contract, including an adult or juvenile under parole supervision; under probation supervision following a commitment to a department of correction; in a minimum security assignment, including an assignment to a community transition program.
- S. **OFFENDER DATA CARD:** A standardized personal information card that contains pertinent physical, criminal, management, and dispositional data related to an offender.
- T. **OFFENDER PACKET:** The offender records developed and/or maintained by the facility in which the offender is housed during his/her period of confinement with the Department.
- U. **OFFICIAL RECORD (Offender Record):** The data maintained by the Department for each offender received into its care and custody and which provides the source of written, printed, photocopied, or electronically stored materials pertaining to services, programs and other official actions performed on behalf of the offender compiled and maintained as a part of an offender packet.
- V. **PERSONAL INFORMATION:** Any information that describes, locates, or indexes anything about an individual or that affords a basis for inferring personal characteristics including, but not limited to, education, financial transactions, medical history, criminal or employment records, finger and voice prints, photographs, or his/her presence, registration or membership in an organization or activity or admission to a facility.
- W. **PREDISPOSITION OFFENDER:** An offender who is to be sentenced by the court, and is subject to commitment to the Department, to be temporarily committed to the Department for not more than thirty (30) days for evaluation, classification, and determination of proposed assignment.
- X. **PRIOR COMMITMENT HISTORY:** A sentence of confinement, regardless of where served, for any length of time, served prior to the current commitment period.

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- Y. RE-ENTRY PORTFOLIO: A folder of information and documents compiled by staff for each offender with an Earliest Possible Release Date (EPRD) that includes originals or copies of certificates, resumes, birth certificates, Social Security cards, BMV-issued identification cards, and other materials to be used in the community and provided to the offender upon release. The Re-Entry Portfolio Face Sheet shall be used when creating a Re-Entry Portfolio on behalf on an offender.

- Z. SAFEKEEPER: An adult, prior to sentencing, who is approved by the Commissioner to be housed by the Department upon request of a court and a jail. The adult’s placement in the county jail has proven to pose a substantial threat to the safety of others, or places the offender in danger of serious bodily injury, or death.

IV. RECORDS IDENTIFICATION AND OFFENDER NUMBERING SYSTEM:

A. OFFENDER PACKETS AND RECORDS:

The offender record includes all recorded data, except fiscal and internal affairs records, maintained by the Department which pertains to committed or court ordered offenders.

- 1. Types of Packets:
 - a. Offender Packets:
 - 1) Adult (includes Department commits, Pre-Dispositional, and Escape); and,
 - 2) Youth (juvenile)
 - b. Parole Services Packets:
 - 1) Adult Parolees;
 - 2) Youth on Community Supervision; and,
 - 3) Interstate Compact Offenders.

- 2. Facility Records:
 - a) Admission Records;
 - b) Conduct Records;
 - c) Parole Records;

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- d) Classification Records;
- e) Custody Records;
- f) Program Records;
- g) Work/Maintenance Records;
- h) Education Records;
- i) Correspondence;
- j) Offender Grievance;
- k) Confidential Records; and,
- l) Re-Entry Portfolio.

B. OFFENDER NUMBERING SYSTEM:

1. The Department Offender Numbering System identifies the offender and serves as a cross-reference to the offender's name and other departmental records.
 - a. The Department Offender Numbering System shall:
 - (1) Include the identifier, "DOC," for each offender. This indicates the Department is the issuing agency followed by a set of six (6) unique numbers.
 - (2) Control the issuance of numbers through a central location;
 - b. Once a six (6) digit number is assigned it shall follow the offender through repeated returns to the Department regardless of the type of commitment or court order (e.g. youth who returns as an adult, pre-dispositional or safekeeper returned as a regular commitment, or recommitment with a new sentence).
 - c. Adult Intake Facilities shall contact the DRC prior to assigning a number to any offender under the age of eighteen (18). The DRC shall determine whether the offender is a Youth Incarcerated as an Adult, or an Alternatively Sentenced Juvenile. The DRC shall be responsible for instructing the Adult Intake Unit on procedures for issuing a new number.
2. The Offender Numbering System contained in this policy and administrative procedure is a continuation and expansion of the

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system that became effective January 1, 1985. All other systems are grouped together and referred to as "prior" numbering systems.

3. All numbers assigned to offenders shall contain the prefix: DOC. The three (3) letters shall be capitalized and shall identify the number as a Department issue. The number shall consist of six (6) digits. The complete number consists of three (3) capital letters followed by a six (6) digit number; e.g. DOC 851234.
4. The Department Record Coordinator (DRC) is responsible for the allocation of DOC numbers to the Intake Units or selected facility locations.

The DRC shall allocate numbers to the following Intake Units, and to other facilities as needed on an individual basis:

- a. Logansport Juvenile Intake/Diagnostic Facility (Juvenile Male);
 - b. Madison Juvenile Correctional Facility (Juvenile Female);
 - c. Indiana State Prison (Male Offenders with Death Sentences);
 - d. Indiana Women's Prison (Female Offenders with Death Sentences);
 - e. Reception/Diagnostic Center (Adult Male);
 - f. Rockville Correctional Facility (Adult Female); and,
 - g. Central Office Administration (COA).
5. The Intake Units are responsible for:
 - a. The assignment or reassignment of a DOC number to each offender legally committed or court ordered to the Department and received by the Intake Unit; and,
 - b. The assignment of DOC numbers in sequence beginning with the lowest number in the Unit's allotment.
 6. A DOC number shall be assigned to each adult and juvenile offender under the following circumstances:
 - a. Individuals received as initial commitments to the Department;
 - b. Individuals received as safekeepers;

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- c. Individuals received for pre-dispositional diagnostic services; or,
 - d. Individuals received by the Department for other purposes (e.g., offenders approved by the Commissioner to be housed in the Department at the request of a county sheriff).
- 8. When an offender who has been assigned a “new” DOC number, and later is inadvertently assigned a second “new” DOC number the following shall apply:
 - a. The first number should be reapplied whenever possible;
 - b. If duplication is discovered, the DRC shall be notified;
 - b. If historical data may be compromised, then the intake facility shall notify the DRC;
 - c. If the duplication is discovered after the offender has been transferred from an intake facility the controlling facility shall notify the DRC;
 - d. The DRC shall be the final authority for determining which DOC number shall be used.
- 9. Each DOC number allocated or issued to Intake Units or offices by the DRC must be accounted for in one of the following ways:
 - a. Offender name associated with a number;
 - b. Voided number; or,
 - c. Unused number.

V. PACKET DEVELOPMENT:

A. PACKET DEVELOPMENT/RETRIEVAL:

- 1. Offender Packets:
 - a. All jackets shall be letter size, 8 1/2" x 11" with a tab.

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- b. All adult and juvenile facility records shall be contained in a packet. The packet shall be contained in a green six (6) section self-contained jacket with tabs, or jacket approved by the DRC.
- c. Each Intake Unit is responsible to provide jackets for the facility packets that it develops.
- d. Each adult and juvenile offender packet shall contain a removable Confidential section. The Confidential section shall:
 - 1) Contain a letter-size manila folder shall be used for the Confidential section with an “acco” fastener at the top of the inner right side;
 - 2) The words, “SECTION VII, CONFIDENTIAL,” in two (2)-inch block lettering shall be stamped horizontally on the outside front cover;
 - 3) The Section VII Confidential folder shall be maintained between Sections V and VI of the offender packet; and,

These folders shall be provided by the Intake Unit, facility, or office that initiates the respective packet(s).

- e. The tab on the green, maroon, and manila jackets shall identify the offender associated with the records. Each tab shall face the inside of the jacket and shall list in order the following information:
 - 1) DOC Number;
 - 2) Offender's commitment last name followed by a comma; and,
 - 3) Offender's commitment first name.
- f. Each facility shall ensure the following:
 - (1) Each staff person who regularly files / scans documents in any offender packet / IRIS must have

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ready access to the listing of documents for each of the sections.

- (2) Court Materials
 - (a) File original documents as received from the court in the facility packet; and,
 - (b) Copies of legal size court documents may be reduced to 8 1/2" x 11" if legibility is not impaired.
- (3) Department documents are to be 8 1/2" x 11" or smaller
- (4) Documents to be filed / scanned in both the offender packet and IRIS shall be filed in the same section of both, unless otherwise indicated.
- (5) Each document is to be "acco" fastened within the respective section. **No loose papers shall be in any section of the packet.**
- (6) File and scan only one (1) copy of each document unless specifically authorized by the staff person responsible for the local offender records unit.
- (7) Each document shall clearly and legibly identify the offender by name and DOC number. If not easily discernible, the staff person who submits the document(s) for filing / scanning is responsible to insert the offender's name and DOC number in the upper right corner of the document. Additional information is useful on each document, (e.g. date and source of the document).
- (8) Staff designated by the facility shall be trained in filing, scanning, and records handling.
- (9) File / scan in chronological order in each section with the most recent dated document on top, unless otherwise indicated (e.g. yellow forms [front sheets] are to be filed and remain on top of the respective

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section. NOTE: Offender photographs shall be placed on the top in Section 2.)

- (10) The list of documents in Attachment B of this policy and administrative procedure for each section is both specific for enumerated documents and examples of documents to be filed in a particular section (i.e. the section listings are specific but not all inclusive). Documents similar to those listed shall be filed in that section. Facility forms without a State Form number shall be reported to the DRC. An attempt shall be made to standardize the form for Department usage.
- (11) Some of the lists specify the sequence of filing selected documents (e.g. on top, under top, on bottom). The remaining documents are presented in alphabetical order, but the list does not imply the sequence of filing. These documents shall be filed in chronological order during the serving of the sentence.
- (12) As section cover forms become filled with entries, place a new form on top and continue. Forms are: State Forms 31594, 31599, 31669, 31679, and 31682. (See Attachment A)
- (13) Insert entries on the face of the form only. Staff shall not make entries or write on the back of any such form.
- (14) When an offender turns-over-to (TOT) a new sentence, the same packet shall continue to be used. New packets are not to be developed because of a change in the offender's status or sentence.
- (15) If a facility or office receives documents to be filed for an offender not currently assigned to that facility, the facility is responsible to ascertain the offender's current location and forward the documents to the appropriate facility or storage warehouse.

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- g. If a packet becomes unwieldy in size an addendum shall be developed. Addendum(s) to a packet shall be organized in the same format as the original packet.
 - (1) The original packet shall be labeled "#1 of 1."
 - (2) The first addendum to a packet shall be labeled "#2 of 2" and subsequent addenda shall continue as, #3 of 3, etc.
 - (3) The addenda shall be considered an extension of the original packet and shall not contain documents duplicated solely for the creation of the addenda.
 - (4) The most current information shall be contained in the original packet and shall proceed chronologically through the addenda. All packets shall be stored together as one (1) packet.
- h. Each facility and office records unit shall develop and maintain a sign-out system to account for each active offender packet that is released to an individual including the individual's office or agency.

2. Packet Retrieval:

Upon receipt of an individual, the facility shall ascertain if the individual has previously been committed to the Department. If it is so determined, the facility shall retrieve the offender's prior active/inactive records and incorporate them into new records. The retrieval process shall be in accordance with Attachment C.

VI. CLASSIFICATION, ACCESS, REVIEW, CHALLENGE, EXPUNGEMENT, RELEASE, AND SECURITY OF INFORMATION:

A. CLASSIFICATION OF INFORMATION:

1. Unrestricted:

Unrestricted (public) information includes, but is not limited to, the following:

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- a. Offender's commitment name;
- b. Offender's DOC number;
- c. Alias(es);
- d. Age (Birth month, day and year);
- e. Court documents:
 - (1) State Form 8466, "Abstract Of Judgment;"
 - (2) Court orders;
 - (3) Docket sheet;
 - (4) Warrant/detainer; and,
 - (5) Any sentencing information;
- f. Date of beginning Department incarceration--after arrival;
- g. Current Projected Release Date (PRD);
- h. Earliest Possible Release Date (EPRD);
- i. Maximum Release Date (MRD);
- j. Date received at facility;
- k. Transfer date;
- l. Current and past status:
 - 1) Facility to which assigned or present location if different from assigned facility except when transfer is imminent or in process;
 - 2) Program assignment; e.g., education, farm, industries, work--excluding progress report;
 - 3) Releases--excluding offender's address:
 - (a) Court order--after return to court's jurisdiction;
 - (b) Death;
 - (d) Discharge--after discharge;
 - (e) Escape/abscond;
 - (f) Parole/Community Supervision;
 - (g) Transfer to another jurisdiction, excluding witness relocation program;
- m. Parole Board/Clemency Commission:
 - 1) Eligibility/hearing date;
 - 2) Action taken;
 - 3) Clemency action by Governor; and,

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4) Executive Order Number;

- n. Community Transition Program information;
- o. Location; and,
- p. Conduct summary:
 - (1) Number of reports;
 - (2) Offense and code; and,
 - (3) Disposition.

2. Restricted:

Restricted information includes, but is not limited to, the following:

- a. Education records;
- b. Medical records;
- c. Sex Offender records;
- d. Substance Abuse records;
- e. Disciplinary code reports;
- f. Criminal History;
- g. Employment records;
- h. Finger and voice prints;
- i. Photographs;
- j. Facility summaries;
- k. Psychiatric and psychological reports;
- l. Social History reports;
- m. Progress reports; and,
- n. Voice/Telephone recordings.

3. Confidential:

Information that may not be inspected by an offender or his/her agent including, but not limited to the following:

- a. Criminal intelligence;
- b. Federal criminal justice documents relating to the offender;
- c. Internal investigative materials - excluding State Form 39591, "Report of Investigation of Incident;"
- c. Parole/Clemency protest documents;

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- d. Information received by the Department, whether solicited or not, that, if disclosed, might result in physical harm to the individual providing such information or to any other individual, including the offender;
 - b. Information obtained by the Department only upon a promise of confidentiality shall be released to the offender or his/her agent only upon receipt of a valid court order; and,
 - c. Any other information required by law or promulgated rule to be maintained as confidential.
4. Juvenile Records:

All juvenile offender information is considered confidential.

B. ACCESS TO OFFENDER RECORDS INFORMATION:

- 1. The following persons, designees, or agencies shall have access to offender records information, within the classifications as indicated:
 - a. Unrestricted:

Anyone, upon written request.
 - b. Restricted:
 - (1) An adult offender who has been committed or court ordered to the Department may access his/her own records;
 - (2) Authorized agent for an adult offender, upon written request, with proper authorization:

In order to gain access the following conditions apply:

- (a) The agent shall be free from a current commitment to, legal control of, or receiving

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correctional services from the Department;
or a court probation obligation;

- (b) The adult offender shall complete State Form 46729, "Authorization to Release / Request Information," identifying the person acting as his/her agent for access to the offender's records.
 - (c) The agent shall provide proper identification upon request of the staff person authorizing access to the information;
 - (d) If doubt exists as to the identity of the offender's agent, the offender shall be contacted for verification when possible; and,
 - (e) If the offender's signed statement identifying the agent is not on file with the facility or office, or is not presented by the agent when making the request to access the information, the agent shall be advised that he/she may obtain such authorization from the offender court order
- (3) Health Services records may be released to a dentist, physician, psychologist, or psychiatrist designated in writing by the adult offender about whom the information pertains. Additionally, Health Services records may be released to an attorney representing the offender upon submission of a State Form 46729, "Authorization to Release/Request Information," containing the signature of the offender. Health Services records including the following:
- (a) Dental;
 - (b) Medical;
 - (c) Psychiatric; and,
 - (d) Substance Abuse.

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- (4) Employees of the following agencies/organizations who need the information in the performance of their lawful duties:
 - (a) Criminal justice agencies, including Homeland Security and Law Enforcement agencies;
 - (b) Family and Social Services Agencies. Upon notification by the FSSA that the information is for the purpose of locating a parent of an abandoned or deserted child and that the information obtained will be treated as confidential by the division or by the agency, department, or any other state to which the information is released. The following information may be released:
 - (1) Full name of parent;
 - (2) Social Security Number of parent;
 - (3) Date of birth of parent;
 - (4) Address of parent's residence;
 - (5) Amount of wages earned; and,
 - (6) Number of dependents claimed on state and federal tax withholding forms;
 - (c) Internal Revenue Service;
 - (d) Probation Officers;
 - (e) Prosecutor Offices;
 - (f) Public Defender (State);
 - (g) Social Security Administration;
 - (h) U.S. Postal Service;
 - (i) Office of the Attorney General;
 - (j) Department of Mental Health;

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- (k) Disability Determination Bureau;
 - (l) Health Care Staff providing services for an offender in or under Department custody/care;
 - (m) Governor and Governor's staff; and,
 - (n) Parole/Clemency Board.
- (5) The Commissioner may release restricted information when it is determined that there exists a compelling public interest for disclosure that overrides the interests to be served by non-disclosure.
- (6) Department employees as approved by the Commissioner, Facility Head or designee who need the information in the performance of their lawful duties;
- (7) Person(s) designated by a court order enforceable in the State of Indiana;
- (8) Researchers in accord with the administrative procedures for "Research and Statistics," Policy 00-04-201;
- c. Confidential:
- (1) Adult Offenders
 - (a) Department employees as approved by the Commissioner, Facility Head or designee who need the information in the performance of their lawful duties; and,
 - (b) Persons designated by an Indiana court order.
 - (2) Juvenile Offenders:

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- (a) Department employees as approved by the Commissioner, Facility Head or designee who need the information in the performance of their lawful duties;
 - (b) Juvenile records may be released to a parent or legal guardian or a legal representative of the youth, parent, or legal guardian upon specific written request, unless the release of such record(s) is contrary to the health, welfare, or safety of the youth.
 - (c) Persons designated by an Indiana court order.
- (3) The Commissioner may release confidential information when it is determined that there exists a compelling public interest for disclosure that overrides the interests to be served by non-disclosure.
- (4) Researchers in accord with administrative procedures for "Research and Statistics," Policy 00-04-201;
- 2. A person authorized to access an offender's record at a higher level of security shall be entitled to have access to records maintained at a lower level of security.
 - 3. When providing access to offender records, staff shall be attentive in maintaining the safety and security of the facility(ies).
- C. REVIEW AND RELEASE OF OFFENDER RECORDS INFORMATION:
- 1. Upon receipt of a written request (SF 46729), or court order, the staff person who receives the request shall forward it to the staff person(s) responsible to approve a request for disclosure, review, and/or release of offender records information. Requests for records shall be completed by the facility in which the offender and packet are currently located. Requests for records of offenders that have been released shall be forwarded to Central Office Records for response.

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2. Upon receipt of an official request to access an offender's record, the staff person(s) responsible to consider information shall:
 - a. Verify that the requester satisfies the criteria for access to requested information;
 - c. Request clarification and/or additional documentation as pertinent;
 - d. Approve the request if the requester satisfies the criteria;
 - e. Deny the request if the requester fails to satisfy the criteria;
 - f. Inform the requester of the appeal procedure;
 - g. Record on State Form 31594, "Access - Assignment - Movement - Release," the following information, at minimum:
 - (1) Requester's name and DOC number if an offender;
 - (2) Agency or function represented;
 - (3) Purpose of request;
 - (4) Date access was granted or denied; and,
 - (5) Name of staff person granting or denying access;
 - h. File/scan forms in offender's packet as appropriate.
2. An authorized staff person(s) responding to approved requests for offender records information shall allow disclosure, review and/or release of records in accord with Section IV, B, of this policy and administrative procedure;
3. Access to offender record information may be denied:
 - a. When the requester fails to submit a request for access in accordance with this policy and administrative procedure or to satisfy the eligibility requirements as stated in Section IV, B, of this policy and administrative procedure; and/or,
 - b. When the staff person designated as being responsible for the offender records determines that to release the records

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would not be in the best interests of the offender or the Department.

4. The following appeal process shall be applied, if a request for access to an offender’s records is denied, in whole or in part:
 - a. The requester shall be directed to appeal, in writing, to the DRC; and,
 - b. If the appeal is not approved, a written appeal may be made within thirty (30) days of the denial of the appeal to the Commissioner or designee who shall review the request and notify the requester of the final decision.
5. Unauthorized disclosure or failure to protect restricted or confidential information:
 - a. Any staff person who knowingly or intentionally discloses information classified as restricted or confidential commits a Class A misdemeanor; and,
 - b. Any staff person may be disciplined in accordance with State Personnel Department rules if he/she intentionally, knowingly or recklessly discloses or fails to protect information classified as restricted or confidential. Improper disclosure of restricted or confidential information by a staff person is cause for disciplinary action up and including dismissal of the staff person.

D. CHALLENGE OF OFFENDER RECORD INFORMATION:

1. An offender must give written notice to the Department to challenge, correct, or explain information contained within his/her record;
2. The challenge must pertain to specific documents and/or issues within the offender's record;
3. An investigation shall be made under the authorization of the Facility Head or DRC to determine the status or content of such reports as alleged by the challenger; the investigator shall determine if the reports challenged are properly a part of the record

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and, in fact, do contain the elements that are challenged and ascertain the source of the challenged information;

4. If the challenged data was generated or received by sources other than the Department, the offender is to be advised to direct his/her request to change or delete such information to the authoring agency and the offender in turn is to be advised of the last known address of the authoring agency or person;
5. If after such an investigation, information is found to be incomplete, inaccurate, not pertinent, not timely, or not necessary to be retained for statutory responsibilities or related services, it shall be promptly corrected or deleted from the offender's record;
6. When such a change in the record does occur, each facility holding or retaining a duplicate record of such information shall be advised to correct those copies of duplicates accordingly;
7. If a dispute concerning information in an offender's record is not resolved by the investigation, the offender shall be notified and shall be advised that he/she may file a statement of not more than two hundred (200) words setting forth his/her position with the Facility Head, who shall ensure that the statement is included in the offender's record with the disputed information;
8. If there is an addition, deletion, or statement of offender's position, the Department official responsible for maintaining that record shall advise the offender of any previous recipient(s) and supply the previous recipient(s) a copy of the addition, deletion or offender's statement of position, in accordance with provisions of IC 4-1-6-5; the Department official notifying any previous recipient(s) shall require an acknowledgment that the additions, deletions or offender's statement of position was received.

E. EXPUNGEMENT OF OFFICIAL RECORD:

When a facility receives a court order to seal or expunge specific records in an offender's file, the facility shall forward the order to the Executive Director of Classification. The Executive Director or designee shall verify the order. Once verified, the Executive Director shall order the records sealed via the Director of Operational Support. The Director of Operational Support shall contact the affected facility, Parole District, or the Department's record warehouse to cause the specified records to be

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sealed or expunged and placed in the confidential section of the offender’s record. Once completed, the facility shall advise the Executive Director or designee that the task has been completed.

The Executive Director or designee shall make the necessary adjustments to the offender information system, the Offender Case Management System (OCMS), and the Department’s website Offender Locator function to comply with the court order.

Records ordered to be sealed or expunged shall be placed in a manila envelope. The outside of the sealed manila envelope shall display the following language, “Not for Public Information. Release only to a verified criminal justice agency.

In the event that a criminal justice agency requests access to the sealed records, the request shall be forwarded to the Executive Director of Classification for verification. When verified, the Executive Director shall order the specified records be released to the criminal justice agency, through the DRC. The DRC shall contact the affected facility to release the sealed records to the criminal justice agency. Once the record has been released, the facility shall advise the Executive Director or designee that the task has been completed.

F. SECURITY OF OFFENDER RECORDS:

1. Facilities shall:

- a. Designate a specific room or location as an offender records storage area. This area must be capable of being secured from offender and other traffic and must be capable of being locked during all hours other than normal business hours.
- b. Ensure that access to the records storage area is limited and no unauthorized individuals are allowed into the offender record storage area.
- c. Develop and maintain a list of staff authorized to access the offender records:
 - (1) Multiple lists may be required due to the need to maintain specific offender records in separate locations within a facility; and,

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- (2) Access to one area of the offender record does not automatically authorize access to all areas of the record.

- d. Supervise education, dental, medical, psychological, psychiatric, and other packet information kept in other locations, such as in the Health Services Unit or school. These records shall be secured and unauthorized persons are denied access to these records. These files shall be secured during non-business hours and maintained in a prescribed records storage area.

- e. Maintain a system to account for records removed from a records storage area indicating the date of removal, the offender record removed, and the person who removed the record. All offender packets shall be accounted for at the end of the business day.

- f. Ensure offender records remain out of a records storage area only as long as necessary for the immediate work to be completed. Staff shall use IRIS when possible to reduce packet movement.

- g. Ensure offender records outside the secure records storage area are secured by lock and key in the absence of the staff person(s) working with the records.

- h. No confidential section of an offender packet, shall be allowed to be viewed, stored, or enter any area near offenders.

- i. Ensure that all of the offenders' records are collected and properly assembled before the offenders are transferred or before the records are transported to the Records Storage Facility.

- j. Non-Departmental personnel shall not remove an offender record. Non-Departmental personnel, such as the Attorney General's or Governor's office, may use IRIS for access to offender records.

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- k. When a facility receives a Social Security Card for an offender, and it is determined the offender is no longer in custody, due to death or release, the Social Security Card shall be mailed to the Executive Director of Re-Entry and Medicaid as soon as possible. The Executive Director of Re-Entry and Medicaid has a specific time frame in which the Social Security Administration is to be notified.

- 2. Transportation of Offender Records:
 - a. Security of offender records shall be maintained during transport;
 - b. Offender records shall be transported by:
 - (1) Local Department staff;
 - (2) Other Department staff (e.g., Intake Unit transportation staff)
 - (3) Certified or registered mail with return receipt requested only when approved by the Executive Director of Classification; or,
 - (4) The Indiana Archives and Records Administration (IARA).
 - c. Offender records shall be transported simultaneously with the individual.

- 3. Offender packets shall not be transferred with an offender when the offender is being transferred to the Community Transition Program (CTP) or a contract work release facility (X series facilities in the offender information system).

South Bend Work Release/Re-Entry Center is not a contract facility, and the packet shall accompany the offender being transferred.

Packets not accompanying the offender to CTP or a contract work release/Re-Entry center shall be retained by the sending facility for two (2) months (Attachment C).

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3. Each State agency collecting, maintaining or transmitting personal information shall treat the information in the same manner as the originating agency in terms of classification and security.

G. REQUESTS FOR OFFENDER RECORDS INFORMATION FOR RESEARCH:

All requests for access to offender records to provide research information shall be made in accordance with Policy and Administrative Procedure 00-04-201, "Research and Statistics."

VII. STORAGE, RETRIEVAL AND DISPOSITION:

All offender records shall be maintained in accordance with established Records Retention Schedules. Each facility with offender records shall maintain those records until authorized to transfer them or dispose of them.

The Department has established Records Storage Warehouses to store the offender records of those offenders who have been released from the Department. In order to store these records so that they may be disposed of in accordance with the approved Records Retention Schedule, the records of offenders released on Parole supervision shall be handled separately from the offender records of those offenders released to probation or by discharge or court order.

Attachment C presents the procedures to be followed when an offender is released from the Department and the manner in which records shall be transferred to the approved Records Storage Warehouse.

VIII. STAFF TRAINING:

Facility Heads, DRC, ARC, and Inter-Facility Storage Site Supervisors are responsible for initial and continuing staff training pertaining to this policy and administrative procedure.

Training assistance may be requested from the Division of Staff Development and Training.

IX. APPLICABILITY AND APPROVAL:

This policy and administrative procedure is applicable to all Department facilities and staff.

signature on file
 Robert E. Carter, Jr.
 Commissioner

 Date