



## AR 569

# Confidentiality of Inmate Records

- The rules that govern how we maintain our inmate records are pretty well spelled out in the ARs, primarily AR 569. This AR Spells out the Security, Disclosure & Maintenance of Inmate Records.
- AR 568 covers Inmate Review of Departmental Records. This gives the conditions under which inmates themselves are allowed to review their own I-File.

# AR 569

## Confidentiality of Inmate Records

- AR 639 is Maintenance, Confidentiality & Disclosure of Medical Records. Most of you will have very little (if any) dealings with Medical Records, but you do need to understand how we are legally bound regarding any medical information discovered in the institution.



## AR 569

# Confidentiality of Inmate Records

- We have basically 2 types of records that we maintain on inmates and they both begin at essentially the same time when an inmate arrives at the institution:
  - Hard Copy- Which are maintained in physical files (I-files and C-files)
  - Electronic- NOTIS record

# AR 569

## Confidentiality of Inmate Records

- Hard Copy starts at the time of the inmate's arrival in the institution from the detention facility or jail at the judicial district that they were sentenced out of. They arrive with basically 3 categories of information:
  - Legal
  - Medical
  - Property



## Confidentiality of Inmate Records

- Medical- When they arrive at intake, they have a medical contact sheet that describes any medical conditions they may have, medications they're on, etc. Medical personnel are there to meet and interview them to find out if they have any medical needs that require immediate attention so they can establish their on-going medical file.

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## Confidentiality of Inmate Records

- Property- Property is also at intake to start a property file from their initial property inventory that they arrive with. Most inmates will only be permitted to keep
- Legal-
  - JOC- Judgment of Conviction- is the actual sentencing document that defines the crime according to NRS; the length of sentence; credited time off of the sentence for pre-sentence confinement (time served); restitution owed, if any; and any other conditions of their sentence such as required DNA testing, concurrent and/or consecutive sentence, etc.



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- Legal- Continued
  - Retake Warrant- In the event that a person's parole is being revoked, the document that we have receive with the body is the Retake Warrant that is drafted and delivered by the arresting Parole Officer. Holds, Wants or Warrants;

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## Confidentiality of Inmate Records

- Pre-Sentence Investigation Report or PSI- Is a report that is developed by the probation department that outlines the offender's "Criminogenic" factors. It is the tool that is used by both the defense & prosecution in developing their legal strategies because it provides such information as:
  - Criminal history (including juvenile);
  - Substance abuse history;
  - Emotional/mental health history;
  - A detailed summary of their current offense;
  - A family and social history;
    - » Current Address
    - » Siblings
    - » Broken home
    - » Marriages/Divorce
    - » Number of Children
    - » Aliases
    - » Nationality
    - » Marks, Scars, Tattoo



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- Jail Behavior Record- We also get a jail behavior record that gives us an overview of the inmate's behavior while they were in pretrial detention. It gives us information such as were they assaultive, were they cooperative, did they get along with other detainees, did they have mental health issues, were they segregated or isolated from other population, etc. This gives a lot of valuable information regarding how we can expect the inmates to behave upon intake.

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- With these receiving documents the intake caseworker develops two separate, but identical files:
  - I-File (Institutional): is maintained at the institution for as long as the inmate is in custody and follows the inmate from one institution to another. The I-files are maintained in a locked storage area at each institution.
  - C-File (Central) That is forwarded to Offender Management Division at the central office in Carson City.



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# Confidentiality of Inmate Records

- When they start off, these file are essentially duplicates of each other. They contain:
  - JOC or Retake warrant and any other pertinent legal documentation
  - PSI
  - A copy of the fingerprint card
  - Face sheet with a mug shot

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## Confidentiality of Inmate Records

- C-File to OMD
- I-File remains at institution and follows the inmate through their prison stay
- The intake caseworker also establishes the electronic (NOTIS) file which includes assignment of the inmate's NDOC number (aka "back number"), conducts an intake interview and inputs an intake case note/ chrono. That case note is a synopsis of all the information that we will have available to us to establish that inmate's initial custody level.



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AR 568 allows inmates to review their own I-file. They must first submit a request form via the Associate Warden's office and all confidential information is removed from the file.

Inmates are not permitted to copy anything from their files, nor are they entitled to remove anything from it.



## AR 569

# Confidentiality of Inmate Records

AR 639 covers Inmate Medical Records

Generally, they are maintained by medical staff. This AR is very specific about who has access to medical records.

Inmates can review their records, but as with AR 568, all confidential information will be removed prior.



## AR 569

# Confidentiality of Inmate Records

- So basically what I hope you take away from this hour is:
  - Know the AR's that pertain to Inmate Records:
    - Security of the files
    - Disclosure of the information they contain
    - How we maintain them at the institution

# AR 569

## Confidentiality of Inmate Records

- Understand your legal limits & obligations with regard to disclosure to keep you out of trouble.
- How we assemble, disseminate the information in both the Hard-Copy and Electronic files... Basically the how & the why of Inmate Records.

**NEVADA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REGULATION  
569**

**CONFIDENTIALITY OF INMATE RECORDS  
(TEMPORARY)**

**Supersedes:** AR 569 (11/14/08)  
**Effective Date:** 07/21/10

**AUTHORITY:** NRS 179A.090  
NRS 239.055  
NRS 209.131  
NRS 209.251

**RESPONSIBILITY:**

The correctional case records manager (CCRM) of the Offender Management Division (OMD) and the Associate Wardens/Facility Managers are responsible for compliance of this regulation.

All Departmental staff are to be aware of the requirements of this regulation to ensure that confidential inmate information is not inappropriately disclosed

**569.01 SECURITY OF INFORMATION**

1. Only Departmental and designated contract staff will be permitted access to inmate files during the normal course of their duties.
2. Questions pertaining to file access should be directed to the Associate Warden/Facility Manager, the CCRM of the Offender Management Division (OMD).
3. Inmates will not be used in the handling of any inmate file or any document destined to be placed in an inmate file.
4. Records should not be taken from their designated storage areas unless specifically approved by institutional procedures.
5. Except during approved inmate transfers inmate records will not be taken off institutional grounds without specific approval of the Associate Warden.
  - A. Written receipts will be maintained on all such removals.
  - B. Central files will not be removed from central office without the approval of the CCRM or OMA.

6. A system will be developed to track the removal of central or institutional files from their storage areas.
7. Files should not be left unattended when they are away from their storage area and should be returned to the designated storage area at the end of the workday.

#### **569.02 DISCLOSURE OF INFORMATION**

1. The disclosure of inmate information, whether written or verbal, outside the realm of an employee's duties is prohibited.
2. Employees should not discuss any information regarding inmates in the presence of persons not authorized to have that information.
3. Information pertaining to an inmate will be disclosed only when a defined need to know has been ascertained and the identity of the requester has been verified.
  - A. The decision on disclosure will be made by the Associate Warden/Facility Manager, CCRM or OMA.
  - B. Only employees who have been specifically designated by the OMA or CCRM may disclose information from any Departmental record.
4. Disclosure of information may be made to the following persons, offices or agencies:
  - A. Governor and the governor's staff.
  - B. Attorney general and attorney general's staff.
  - C. Secretary of state and secretary of state's staff.
  - D. A legislator or the legislative counsel bureau's staff
  - E. Departmental employees, as necessary.
  - F. Attorneys or appointed guardians or conservators of inmates for the purpose of verifying or challenging the record after obtaining reasonable verification of status.
  - G. A person of another governmental agency when a transfer of information is necessary for the Department to perform its constitutional or statutory duties. This includes any county or municipal sheriff.
  - H. A government entity when required by state law or federal law.
  - I. A law enforcement agency when required for investigation into unlawful activities.

J. To a person or governmental organization when necessary to obtain information for an investigation by the Department.

K. To state records.

5. Prior to any file review by inmates or other persons authorized by the Associate Warden, CCRM or OMA the file will be screened by designated staff to remove confidential information.

6. Requests for records must be submitted in writing. The CCRM will forward an acknowledgement letter advising the requester that the Department will need 30 days to respond to the request. The 30 days will begin from the "date stamped received" on the original request.

7. The Department will charge a fee for the production of records pursuant to NRS 239.052. The Department shall inform the requester of the amount of the fee prior to processing the requested records.

8. If the records request requires an extraordinary use of personnel, the Department may charge an additional fee. The Department shall inform the requester of the amount of the additional fee prior to processing the requested records.

9. Information which may be released to the public or the news media includes the following:

A. The name used by the inmate at the time of the conviction.

B. The Department identification number.

C. The commitment offenses of the inmate.

D. The county of commitment.

E. Any pending court action on record.

F. The current location of the inmate if he/she is not a safe keeper or presently out-of-state from the Department.

G. The projected expiration date.

H. Parole board actions.

10. Requests pertaining to interstate or state commitments should be referred to the OMA.

11. Administrative Regulation 120, News Media Contacts and Press releases, provides additional information regarding information that may be disclosed regarding inmates.

12. Department records, files and information pertaining to an individual inmate which are not specifically approved for release in the regulation are confidential, are not public record and are not to be communicated to the general public or to the news media.

13. If an inmate desires a release of his confidential or personal information, he/she may authorize that release with DOC Form 2021.

- A. The inmate must sign this consent form prior to the release of information.
- B. The form will be maintained in the institutional file.
- C. The authorization has no effect on information which is confidential to the Department.

### **569.03 MAINTENANCE OF INFORMATION**

- 1. All records and files should be maintained by the timely filing of documents.
- 2. All documents should be filed in the central and institutional files prior to the transfer of an inmate, or the transfer of the file to another entity.

### **APPLICABILITY**

- 1. This regulation requires an operational procedure.
- 2. This regulation requires an audit.

### **ATTACHMENTS**

DOC Form 2021

  
\_\_\_\_\_  
Howard Skolnik, Director

7/8/10  
\_\_\_\_\_  
Date

**CONSENT FOR THE DISCLOSURE OF INSTITUTIONAL FILE RECORDS**

Name: \_\_\_\_\_ DOC #: \_\_\_\_\_

Institution: \_\_\_\_\_

**INFORMATION TO BE RELEASED TO:**

Name: \_\_\_\_\_ Agency: \_\_\_\_\_

Address: \_\_\_\_\_

I \_\_\_\_\_ authorize the release of the following specific information from my Institutional Record File.

Information to be released (Inmate should initial each item to be released.)

_____ Education	_____ Employment	_____ Legal Information
_____ Disciplinary	_____ Initial Summary	_____ Holds/Detainers
_____ Progress reports	_____ Correspondence	_____ Sentence documents
_____ Pysch Panel Results	_____ All The Above	
_____ Other (specify) _____		

I understand that information within my institutional record file is confidential and except for disclosures provided in AR 569.03 and NRS 179A.100, I am to authorize the release of this information through consent form.

I also understand that information contained in my institutional file deemed confidential by the Department for safety/security reasons, may be removed from my file prior to review. Additionally, any photocopies requested will be made at my expense.

In consideration of this disclosure I release you in your individual and/or institutional capacity from any and all liability arising from the disclosure of otherwise confidential information pursuant to this consent.

This consent is subject to written revocation at any time and will automatically expire upon completion of this transaction and no later than 90 days from the date signed unless otherwise stated herein.

Not included in the scope of this consent is medical, mental health, substance abuse information not contained in the institutional file.

Inmates Signature: \_\_\_\_\_ NDOC #: \_\_\_\_\_

Date: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

DOC 2021 (06/10)

Cc: I-File  
C-File