

Sixth District Department of Correctional Services POLICY	Issue Date 02/27/92	Effective Date 07/30/18	Policy Number 102-18
Subject <b>CONFIDENTIAL OFFENDER INFORMATION</b>		Review Month December	Author 0590 (MLA)
Rescinds 102-10	References Secs. Ch. 22, Sec. 804.29; Ch. 692; Ch. 228 42 CFR; Ch. 1 Sec.2.35, Sec. 228.3, 907.9, 904.602		

**POLICY:**

The intent of this policy is to provide procedures to ensure the privacy of information contained within records of offenders supervised by the Sixth District and to be followed when a request is received to release information regarding an offender.

**DEFINITION:**

1. Public Official - Any officer of the federal government, any state or a political subdivision who, on a need-to-know basis, uses the information in connection with the officer's official duties relating to law enforcement, audits and other purposes directly connected with the administration of the official's program. Substance abuse and mental health information is released after obtaining a written release of information. Information can be discussed in order to enforce existing probation/parole agreements when the information is pertinent and needed due to an emergent situation, not to initiate new investigations or charges. Substance abuse and mental health information obtained from providers other than the Department of Correctional Services cannot be released by the Department of Correctional Services employees.

**PROCEDURE:**

1. Public Information - The following information regarding individuals receiving services from the Department is public information and may be given to anyone, however the information is limited to the offense(s) for which an individual is currently under supervision. Staff utilize the public information report in ICON (Reports/Core Offender Information Reports/Public Information) when releasing information to the general public. Any additional information beyond what is listed on that screen may be released after consultation with a supervisor and/or obtaining a release of information. Media requests for information are directed to Administration unless authorization was previously granted and the authorization is current and valid.
  - A. Name;
  - B. Age;
  - C. Sex;
  - D. ICON number;

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**PROCEDURE:** (continued)

- E. Status (work release, inmate, parolee, or probationer, etc.);
  - F. Location, except home street address;
  - G. Duration of offender's supervision;
  - H. Name of offense or offenses for which the offender was placed under supervision;
  - I. County of commitment;
  - J. Arrest and detention orders after the offender is in custody (Unservd arrest warrants and information supporting the warrant are confidential and are not disseminated to any person other than a peace officer, Magistrate, or another court employee, in the course of official duties);
  - K. Physical description including height, weight, hair, eye color, scars, marks, tattoos, and any other descriptive information which is readily observable when viewing the offender in a public place.
  - L. Type of services received. General information about referrals and the general location of referral agencies may be released but the specific agency to which an offender was referred and the specific location of the agency are confidential. Generally, nothing other than the type of referral (e.g. "substance abuse", "financial", etc.) and the county or counties which the agency serves are released.
  - M. Disciplinary reports and decisions which have been referred to the County Attorney or prosecutor for prosecution, and the following information of all other disciplinary reports:
    - 1.) The name of the subject of the investigation;
    - 2.) The alleged infraction involved;
    - 3.) The finding of fact and the penalty, if any, imposed as a result of the infraction.
  - N. Other information may be released after consultation with and approval by the supervisor.
2. Release Without Consent:
- A. Confidential information, with the exception of a PSI, may be released without the consent of the offender after verification of the identity of the requestor in the following circumstances:

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**PROCEDURE:** (continued)

- 1.) To a public official, such as a County Attorney, State Board Examiner, DHS investigator, in connection with their official duties relating to law enforcement, audits or other purposes directly connected with the administration of their programs (e.g. drug testing results that were obtained as part of probation/parole drug testing protocol, disciplinary reports, etc.)
  - 2.) When necessary in criminal or civil court proceedings, only if it is in order to enforce existing probation/parole agreements and is done so only to the extent necessary.
  - 3.) An order of a Court.
  - 4.) Medical and/or psychiatric emergencies that pose an immediate threat to offender health or someone else (shared information is only done so to the extent necessary).
- B. Procedures for verification of the identity of the requestor include:
- 1.) Recognition of the person or the person's voice from prior associations with the person.
  - 2.) Observation of an identification card issued by the agency employing the person.
  - 3.) If the request is received by telephone from a person with whom the staff is not familiar:
    - a. The staff secures the name of the person requesting the information and the name and telephone number of the agency.
    - b. The staff informs the person to send a request for the information, by fax, email or regular mail, on official agency stationery.
    - c. The staff verifies the legitimacy of the request, consults with a supervisor and releases the appropriate information.
- C. If the communication is received from a transmission source not accessible to the public (e.g. law enforcement radios or teletypes), staff may assume the requestor is an authorized recipient of the information and may release it without further verification.
3. Release with Consent - With a signed Release of Information (102A), confidential information may be released under the following circumstances:
- A. To public or private agencies when the offender is being referred for specific services not otherwise provided by the Department, however, information is released only to the extent that the information is needed by those agencies to provide the required services.

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**PROCEDURE:** (continued)

- B. That information produced by the Department of Correctional Services to which the offender has access may be released, except to other current correctional offenders. A reasonable fee for copying and services may be charged. Not all information in the offender's file can be released in this manner; restrictions apply. (see procedure 5 for information that is restricted). Consultation with a supervisor is required prior to releasing this information.
  - C. Required elements - a written consent to a disclosure under these regulations must include:
    - 1.) The specific name or general designation of the program or person permitted to make the disclosure;
    - 2.) The name or title of the individual or the name of the organization to which disclosure is to be made;
    - 3.) The name of the offender;
    - 4.) The purpose of the disclosure;
    - 5.) The signature of the offender and, when required for a offender who is a minor, the signature of a person authorized to give consent under §2.14; or, when required for a offender who is incompetent or deceased, the signature of a person authorized to sign under § 2.15 in lieu of the offender.
    - 6.) The date on which the consent is signed.
    - 7.) A statement that the consent is subject to revocation at any time except to the extent that the program or person which is to make the disclosure has already acted on it.
    - 8.) The date, event, or condition upon which the consent expires.
  - D. When releasing written documents a copy of the fully executed Release of Information (102A) and Prohibited Re-disclosure form (102B).
4. Offender Access to File:
- A. A current offender or former supervised individuals is given access to their own records which originated in the Department of Correctional Services and which are in the custody of the Department of Correctional Services but may be redacted pursuant to Iowa Code section 904.602(9).
  - B. A current offender or former supervised individual is given access to their own records which originated in the Department of Correctional Services and which are in the custody of the Department of Correctional Services, except when:

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**PROCEDURE:** (continued)

- 1.) Records which could result in physical or psychological harm to another person or the supervised individual, or;
  - 2.) Records which could adversely affect an investigation into a supervised individual's possible violation of Departmental rule (without a court order) or;
  - 3.) Criminal history data, minutes of testimony, intelligence data, surveillance data or investigation data/reports (FBI/DCI or grievance investigations that resulted in a personnel investigation and/or information received from other law enforcement personnel/agencies);
  - 4.) Psychiatric and/or substance abuse treatment information may be withheld by the Department of Correctional Services if its release would jeopardize the supervised individual's treatment;
  - 5.) Pre-Sentence Investigations:
  - 6.) Regulations, procedures and policies that govern the internal administration of the Department which may jeopardize the secure operation of an institution/facility or are ordered by the court (e.g. Security procedures for an offender):
  - 7.) Third party records. You may refer the offender to the original source of the information to obtain these records.
5. Re-dissemination of Confidential Information - Confidential information which has been generated by a source other than the Department of Correctional Services is not to be released by the Department of Correctional Services. Others requesting such information are to be referred to the agency or individual which created the information.
  6. Criminal History Data – Department of Correctional Services staff do not re-disseminate criminal history data outside the agency, unless:
    - A. The data is for official purposes in connection with prescribed duties of a criminal justice agency;
    - B. The agent documents in ICON what information was provided and to whom.
  7. Criminal Intelligence/Criminal Investigative/Criminal Surveillance Data - Criminal intelligence, criminal investigation and criminal surveillance data in the files of the Department of Correctional Services may be disseminated only to a peace officer, criminal justice agency, state or federal regulatory agency, and only if the Department is satisfied that the need to know and the intended use is reasonable.

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**PROCEDURE:** (continued)

8. Criminal History Information - Each time staff releases criminal history data, criminal intelligence data, criminal investigative data or criminal surveillance data, the release of the information is documented in the generic notes of ICON specific to the offender involved.
9. Expunged Records - After discharge from probation, the record of the person granted a deferred judgment pursuant to Section 907.3., Code of Iowa, is expunged and no information is released.
10. Release of Information about former offenders - The following information regarding offenders who are no longer under supervision by the Department of Correctional Services may be released to anyone, after supervisory approval:
  - A. Name of offender;
  - B. Status (inmate, parolee, probationer, etc.);
  - A. Name of offense for which the individual was under supervision;
  - B. Duration of supervision;
  - C. Type of closure (e.g. discharge, revocation, etc.).
11. Presentence Investigations - Presentence Investigations may be released upon request only to Judicial District Departments of Correctional Services, the Iowa Board of Parole, the Iowa Department of Corrections, and to facilitate interstate compact cases through the Interstate Compact and Offender Tracking System (ICOTS). Any other release of a Presentence Investigation is permitted only after an order from the Court for which the Presentence Investigation was prepared which specifically authorizes release of the Presentence Investigation.

BY ORDER OF:

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Bruce Vander Sanden, District Director