



DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

PROGRAM STATEMENT

OPI:	PROGRAMS
Number:	1300.2C
Date:	January 15, 2008
Supersedes:	November 15, 2006
Subject:	Consent to Release Information

1. **PURPOSE AND SCOPE.** To provide uniform procedures to allow an inmate to release personal information from his or her official institutional record. Release of records is generally for the purpose of sharing with agencies and organizations involved in the rehabilitative process. Release of information for other purposes is provided in other DOC policies as outlined in Section 3, ¶¶ b. through d. of this directive.

2. **POLICY**
 - a. Unless a release of information is required by statute, it is DOC policy that inmates sign consent prior to the release of information. A copy of the consent form shall be maintained in the inmate's official institutional record.

 - b. DOC staff, contractors and volunteers shall acknowledge in writing that information about inmates is confidential and shall not be released without authorization pursuant to applicable policies and procedures.

3. **EXCEPTIONS**
 - a. **Public Records.** The following items of information are commonly contained in DOC files constitute public records. Public records do not require the inmate's consent for release.
 - 1) Inmate's name and full description (e.g., sex, race, height, weight, complexion, hair color, eye color, build and any identifying marks);

 - 2) Date of birth;

 - 3) DCDC Number, inmate's institutional photograph ("mug shot");

- 4) Criminal charge, sentence, date of sentence, mandatory release date, full term date, dates of jail credits, earned good time, posted detainers, judgment and commitment order; and
 - 5) Any other inmates' information that a D.C. Court has decided to be public records.
 - b. Health Information. Use and disclosure of health information shall be governed in accordance with PS 1300.3A, Health Information Privacy.
 - c. News Media. An inmate's authorization to release information to the news media shall be conducted in accordance with PS 1340.2A "Media Relations".
 - d. Research Activities. An inmate's authorization to release information during the conduct of approved research shall be conducted in accordance with PS 1311.1D "Research Activities".
4. **APPLICABILITY.** This directive applies to all inmates who are in the care and custody of the DOC. In addition, the following conditions must be met for special needs inmates.
 - a. **Juveniles.** DOC houses youthful offenders between the ages of 16 and 21 who are being held on adult criminal charges. Only the juvenile's legal representative may authorize the release of the individual's information except in the case of educational information that the inmate's parent or legal guardian may authorize.
 - b. **Emancipated Minors.** Juveniles who have been declared an emancipated minor in a court of law have the authority of an adult and accordingly will sign authorization for release of information in accordance with this directive.
 - c. **Mental Health Inmates.** Information regarding inmates with severe mental illness or who are severely developmentally disabled shall only be released to the inmate's legal representative or pursuant to court order.
 - d. **Health Care Decisions.** In the absence of a durable power of attorney and provided that the inmate's incapacity has been certified, the following individuals, in the descending order of priority set forth below, shall be authorized to grant, refuse or withdraw consent on behalf of the inmate with respect to the provision of any health-care service, treatment or procedure. The decision to grant, refuse or withdraw consent shall be based upon the known wishes of the inmate or, if the wishes are unknown and can not be ascertained, a good faith belief as to the best interests of

the inmate. At least one witness shall be present when this person makes the decision.

- 1) A court-appointed guardian or conservator, if the consent is within the scope of the guardianship or conservatorship;
- 2) The spouse or domestic partner;
- 3) Parent;
- 4) Adult sibling;
- 5) A religious superior if the inmate is a member of a religious order or a diocesan priest;
- 6) A close friend; or
- 7) The nearest living relative.

5. **PROGRAM OBJECTIVES.** The expected results of this program are:

- a. Information about inmates in the custody of the DOC shall be handled in accordance with federal and local statutes.
- b. Information about inmates in the custody of the DOC shall not be released to a third party unless authorized by the inmate or his/her parent or guardian (if applicable) or pursuant to court order.

6. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

PS 1300.2B Consent to Release of Information (11/15/06)

b. **Directives Referenced**

- 1) PS 1300.3 Health Information Privacy
- 2) PS 1300.1 Freedom of Information Act
- 3) PS 1311.1 Management Controls-Research Activity
- 4) PS 1340.2 Media Relations
- 5) PS 2420.2 Information Security
- 6) PS 4060.2 Inmate Record

7. **AUTHORITY**

- a. D.C. Code § 24-211.02, Powers; Promulgation of Rules
- b. D.C. Code § 7-1202.05, Power to Grant Authorization

8. **STANDARDS REFERENCED**

- a. American Correctional Association (ACA), 2nd Edition, Standards for Administration of Correctional Agencies: 2-CO-1A-14 and 2-CO-1A-25.
- b. American Correctional Association (ACA), 4th Edition, Performance-Based Standards for Adult Local Detention Facilities: 4-ALDF-7D-17 and 4-ALDF-7D-21.

9. **NOTICE OF NON-DISCRIMINATION**

- a. In accordance with the DC Human Rights Act of 1977, as amended, DC Official Code section 2-1401.01 *et seq.*, (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is also prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
- b. DOC prohibits discrimination against inmates based on race, religion, national origin, gender, sexual orientation or disability when making administrative decisions in providing access to programs.
- c. Inmates with disabilities, including temporary disabilities, are housed in a manner that provides for their safety and security. Housing used by inmates with disabilities, including temporary disabilities, is designed for their use and provides for integration with other inmates. Programs and service areas are accessible to inmates with disabilities who reside in the facility.
- d. Discrimination on the basis of disability is prohibited in the provision of services, programs and activities.


10. **PROCEDURES**

- a. The inmate, power of attorney or guardian pursuant to health care decision guidelines must sign an *Inmate Consent to Release Information Form* (Attachment) prior to the release of information in accordance with this directive.

- b. A staff shall witness the inmate, power of attorney or guardian signing the form and shall acknowledge the inmate's signature by signing in the appropriate section on the form.
- c. The employee who is authorized to release the information shall ensure that a copy of the *Inmate Consent to Release Information Form* is filed in the inmate's official institutional record.

11. **CONFIDENTIALITY**

- a. The DOC Training Academy shall ensure staff, contractors and volunteers are informed of policies on confidentiality of information at Orientation and annual In-service training.
- b. Within fifteen (15) days of this directive's effective date, staff shall acknowledge receipt of this policy in writing. Originals shall be forwarded and maintained in the Human Resources Management Division (HRMD).
- c. HRMD shall require new employees to sign acknowledgement during the administrative process and shall maintain the original receipt in HRMD files.


Devon Brown
Director

Attachment - Inmate Consent to Release Information Form