



DISTRICT OF COLUMBIA  
DEPARTMENT OF  
CORRECTIONS

# PROGRAM MANUAL

<b>EFFECTIVE DATE:</b>	May 6, 2015	<b>Page 1 of 35</b>
<b>SUPERSEDES:</b>	1300.1F June 30, 2010	
<b>OPI:</b>	OGC	
<b>REVIEW DATE:</b>	May 6, 2016	
<b>Approving Authority</b>	Thomas Faust Director	

<b>SUBJECT:</b>	<b>FREEDOM OF INFORMATION ACT (FOIA)</b>
<b>NUMBER:</b>	<b>1300.1G</b>
<b>Attachments:</b>	Attachments 1 – Consent to Release Information Attachment 2 – FOIA Search Form Attachment 3 – Inmate Request to Review and/or Copy Records Attachment 4 – Inmate Request for Fund Release

**SUMMARY OF CHANGES:**

Section	Change
	<i>Major revisions to entire policy.</i>
	<i>Added Attachments: FOIA Search Form Inmate Request to Review and/or Copy Records Inmate Request for Fund Release</i>

**APPROVED:**

**Thomas Faust, Director**

5/6/2015

**Date Signed**

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1. **PURPOSE AND SCOPE.** These procedures are established to facilitate access to public records that are in the custody and control of the District of Columbia Department of Corrections (DOC).
  
2. **POLICY.** The public policy of the District of Columbia is that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. Accordingly, all persons are entitled to full and complete information regarding services and operations of the D.C. Department of Corrections and the official acts of its employees.
  
3. **APPLICABILITY.** For the purpose of this directive the *DOC workforce* shall include employees, contractors, volunteers, trainees, and other persons who are authorized to perform work for or on behalf of the DOC.
  
4. **COMPLIANCE**
  - a. It is the responsibility of each employee of the DOC to comply with the provisions of FOIA.
  - b. Any person who commits an arbitrary or capricious violation of the provisions of FOIA shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$100.00.
  
5. **NOTICE OF NON-DISCRIMINATION**
  - a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

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

- a. Clear guidelines to DOC employees on which records may be disclosed and which may not.
- b. Efficiency and timeliness in processing FOIA requests.

7. **DIRECTIVES AFFECTED**

a. **Directives Rescinded**

PM 1300.1F                      Freedom of Information Act (FOIA) (06/30/10)

b. **Directives Referenced**

- 1) PM 1300.3                      Health Information Privacy
- 2) PM 1340.4                      Media Public Relations/Scheduling Department Events/Facility Tours
- 3) PS 2000.2                      Retention and Disposal of Department Records
- 4) PP 1311.1                      Research Activity
- 5) PP 4030.1                      Inmate Grievance Procedure (IGP)
- 6) PP 4060.2                      Inmate Record

8. **AUTHORITY**

- a. D.C. Official Code § 2-531 et seq., Freedom of Information
- b. District of Columbia Municipal Regulations, Title 1 Chapter 4, Freedom of Information
- c. D.C. Official Code §24-211. 02 Powers; Promulgation of Rules

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- d. D.C. Code § 1-301.44c, Disclosure of Information to the Council; District of Columbia Auditor; Conditions on disclosure
- e. D.C. Code §1-301. 115a, Creation and duties of the Office of the Inspector General
- f. D.C. Code §1-207.42, Open meetings
- g. D.C. Official Code §1-615.51 et seq., Whistleblower Protection
- h. DCMR Title 1, Chapter 10, Duncan Ordinance
- i. 45 Code of Federal Regulations Parts 160 and 164 (Privacy Rules)
- j. 45 C.F.R. 164.501 et seq., the Health Insurance Portability and Accountability Act of 1996 (HIPAA)
- k. 5 U.S.C. §552, Federal Freedom of Information Act
- l. DC Code §16-801 et seq., Criminal Record Sealing
- m. D.C. Code § 1-631.01, et seq., Records Management and Privacy of Records
- n. District of Columbia Personnel Manual Chapter 31A Records Management and Privacy of Records
- o. D.C. Code §2-1707, Confidentiality Safeguarded
- p. 5 U.S.C. §552a, Federal Privacy Act
- q. D.C. Code §7-242, Use and disclosure of health and human service information
- r. D.C. Code §7-1605, Confidentiality of medical records and information
- s. D.C. Code §14-307, Physicians and mental health professionals

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- t. 42 U.S.C. §290dd-2, Confidentiality of records (Substance Abuse Treatment)
- u. Family Educational Rights and Privacy Act of 1974, 34 C.F.R. § 99.1, et seq.
- v. Individuals with Disabilities Education Act, 34 C.F.R. § 300.1 et. seq.
- w. Prison Rape Elimination Act, 28 C.F.R. § 115.5 et seq.
- x. D.C. Code §16-925, Privacy Protection for Victims of domestic violence
- y. D.C. Code §4-1303.06, Confidentiality of records and information (Child Abuse and Neglect Records)
- z. D.C. Code §2-1515.06, Confidentiality of youth records
- aa. D.C. Code §16-2331, Juvenile Case records; confidentiality; inspection and disclosure
- bb. D.C. Code §16-2332, Juvenile Social records, confidentiality, inspection and disclosure
- cc. D.C. Code §7-219, Confidentiality of Vital Records
- dd. D.C. Code §28-4505, Civil investigative demand
- ee. D.C. Code §5-417, Arson reporting
- ff. D.C. Code §2-223.01 et seq., Employees of District Contractors and Instrumentality Whistleblower Protection
- gg. D.C. Code §7-2271.04, Confidentiality of proceedings (Homeland Security)
- hh. District Personnel Manual, Section 1619.1, General Discipline
- ii. District Personnel Manual, Section 1803, Responsibilities of Employees

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jj. D.C. Code § 24-906. Youth Rehabilitation

9. **STANDARDS REFERENCED.** American Correctional Association 4<sup>th</sup> Edition  
Performance Based Standards for Adult Local Detention Facilities: 4-ALDF-7D-04  
– 7D-08.

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## CHAPTER 1 DEFINITIONS

1. **FREEDOM OF INFORMATION (FOIA) OFFICER.** A DOC staff member designated by the Director to administer the Department’s responsibilities under FOIA. This officer shall have the authority to grant or deny requests for information and records submitted under FOIA.
  
2. **PUBLIC RECORDS.** Public records are materials, such as books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics prepared, owned, used in the possession of, or retained by the DOC. Public records also include information relayed and/or stored in electronic communication systems, such as the internet, e-mail, talk-about, cell phone, telephone, and paging system. Disclosure of public records is subject to FOIA exemptions outlined in Chapter 6.
  
3. **PROTECTED HEALTH INFORMATION (PHI).** Information regarding a person’s past, present, or future physical or mental condition, provision of health care or payment for health care. HIPAA regulations provide standards for the electronic transmission of PHI transactions, protect the privacy and security of an inmate’s PHI, offer inmates specific rights regarding their PHI and establish guidelines that enable the health care industry to process claims and transactions more efficiently (See PM 1300.3, Health Information Privacy). Information contained in the inmate’s medical record is PHI and shall only be disclosed in accordance with HIPAA guidelines.
  
4. **OFFICIAL INMATE INSTITUTIONAL FILE.** A file maintained on each inmate that contains records relating to the inmate, which may include some or all of the following:
  - a. Separation Orders/Special Handling
  - b. DCDC Sentence Computation (Face Sheet #2)
  - c. DCDC Admission and Commitment Form (Face Sheet #1)
  - d. Commitment Pending Disposition Order
  - e. Judgment and Commitment Order (J&C)

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- f. Court Orders
  - g. U.S. Marshals Custody Record (USM-129)
  - h. Correspondence relating to sentence or jail credit
  - i. Detainers and related Interstate Agreement on Detainers correspondence
  - j. ID Photo
  - k. Release Authorization/Release Documents
  - l. Award of Good Time Credit Records
  - m. U.S. Parole Commission Notice of Actions
  - n. Death Notice/Certificate
  - o. Notice of Escaped Prisoner
  - p. Revoking Good Time Credits/Restoration of Revoked Good Behavior Credit
  - q. Writ
  - r. FBI Fingerprint Card
5. **FOIA-EXEMPT ENVELOPE.** An envelope or a folder or any similar packaging device, holding records that are exempt from disclosure in accordance with this directive, and inserted in or otherwise kept with an inmate’s institutional file. Typical documents inserted in this envelope are: PHI, forms filled out by visitors, investigative reports, separation orders and related documents, PSI and grand jury indictments.
6. **PUBLIC BODY.** The term ‘public body’ means the Mayor, an agency, or the Council of the District of Columbia.

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## CHAPTER 2 RESPONSIBILITIES

1. DOC shall carefully maintain and process all records concerning individuals to ensure that information is accurate, relevant, and timely, and to ensure that no inadvertent disclosure of information is made.
2. Only authorized employees shall, in the performance of their official duties, disclose records and information maintained by the DOC.
3. **DIRECTOR.** Execution of this directive is under the authority of the Director. The authority to grant or deny access to records and information is limited to the Director or his/her designee.
4. **DEPUTY DIRECTOR(S).** The Deputy Director(s) shall ensure that employees receive initial and subsequent annual training on the provisions of this directive. The Deputy Director(s) shall also be responsible for ensuring that designated employees receive additional need-based training to fully comply with the directive in the performance of their specific duties.
5. **FOIA OFFICER** shall:
  - a. Provide oversight and technical assistance for adherence to FOIA and this directive.
  - b. Provide a report of FOIA activities for the monthly District-wide Performance Measures.
  - c. By December 31<sup>st</sup>, submit the required fiscal year report to the DC Office of the Secretary.
6. **INMATES.** Inmates shall use the easy access described in Chapter 8 to review records approved for disclosure under FOIA and as outlined in this directive.
7. **EMPLOYEE TRAINING.** The DOC FOIA Officer shall, in conjunction with the Training Administrator, develop lesson plans for Pre-service, In-service and specialized employee training concerning the FOIA and its implementing rules.

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8. **CONTRACTS.** Contracts shall contain requirements, promulgated by the D.C. Office of Contracting and Procurement, to ensure compliance with the requirements imposed by FOIA. The contracting component shall be responsible for ensuring that the contractor complies with requirements relating to the release of information and records in accordance with the FOIA and this Program Manual.
  
9. **RECORDS AND REPORTS.** The FOIA requires the DOC to submit an annual report to the Council of the District of Columbia through the Mayor. The report shall cover FOIA compliance activities of the Department during each fiscal year. The report is due to the Office of the Secretary no later than December 31 of each year. The Secretary forwards the report to the Council of the District of Columbia no later than February 1 of each year.
  
10. **RETENTION AND DISPOSAL OF RECORDS.** The Program Statement on Retention and Disposition of Department's Records, PS 2000.2, shall govern the retention and disposition of records generated in the implementation of this directive.

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### **CHAPTER 3**

#### **REQUESTING DOC PUBLIC RECORDS**

1. Any person may request access to, and/or obtain a copy of any public record maintained by the DOC, unless the records are determined to be exempt under the D.C. Official Code §2-534(a).
2. Everyone to whom this directive applies shall be aware of the following:
  - a. All FOIA requests shall be forwarded to the FOIA Officer.
  - b. A written FOIA request is one whose outside envelope or fax or e-mail subject line states: "Freedom of Information Act Request" or FOIA Request" and includes a daytime telephone number, email address or mailing address of the requester. Although oral requests may be honored a requester may be asked to submit in writing a request for records.
  - c. Request for the use or disclosure of protected health information maintained on inmates shall be processed in accordance with PM 1300.3, Health Information Privacy.
  - d. DOC workforce persons who received requests for records contained in inmate's medical files, and do not have an expressed HIPAA role, shall forward the request to the DOC Privacy Officer. Those assigned a HIPAA role shall process the request in accordance with their assigned HIPAA role.
  - e. Inmates housed in DOC facilities may access records contained in their institutional file by requesting the assistance of their Case Manager.
  - f. Requests on the basis of court orders and subpoenas shall be forwarded to the Office of the General Counsel.
  - g. DOC workforce persons need not engage this directive when providing to the public information and records, which they customarily provide in the regular performance of their duties.

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### 3. RECORDS THAT MUST BE READILY DISCLOSED

The following records and information shall be published on the District Government and/or agency's website, and readily available to a requester.

- a. The names, salaries, title and dates of employment of all DOC employees and officers;
- b. Administrative staff manuals and instructions to staff that affect a member of the public;
- c. Final opinions, including concurring and dissenting opinions as well as orders, made in the adjudication of cases.
- d. Those statements of policy and interpretations of policy, acts, and rules which have been adopted by the DOC;
- e. Correspondence and materials referred to therein, by and with the DOC, relating to any regulatory, supervisory, or enforcement responsibilities of the DOC, whereby the DOC determines, or states an opinion upon, or is asked to determine or state an opinion upon, the rights of the District, the public or any private party;
- f. Information in or taken from any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by the DOC;
- g. Budget requests, submissions, and reports available electronically that the DOC transmits to the Office of Budget and Planning during the budget development process;
- h. The minutes of all proceedings of the agency.
- i. Copies of all records, regardless of form or format, which has been released to any person, under the DC Administrative Procedures Act, including FOIA, and

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which, because of the nature of their subject matter, the DOC determines have become or are likely to become the subject of subsequent requests for substantially the same records.

- j. A general index of the DOC public records referred to in §2-536(a), unless the materials are promptly published and copies offered for sale.

As appropriate, a record requester may be asked to submit his or her request in writing.

- 4. **All records identified in ¶ 3 (a – j) of this chapter, which were created since November 1, 2001, shall be made available on the agency’s website.**

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## CHAPTER 4

### REQUESTING NON-DOC RECORDS

1. Copies of certain records, such as parole and probation records, police records, and personnel records are commonly associated with and/or attached to DOC's records. Since these records originate in other agencies, requests for them shall be handled as follows:
  - a. If a document originates in another D.C. or Federal agency, it shall be removed from the file and placed in the FOIA-Exempt envelope prior to file review by the inmate or an agent acting on the inmate's behalf;
  - b. When records responsive to a request include a document from another D.C., Federal or non-government agency, the FOIA Officer shall consult with the originating agency for a determination of release of the requested document;
  - c. A requester seeking a document of this type may also submit a request directly to the FOIA Officer of the originating agency.
  - d. The following are contacts for original copies of typical non-DOC records:
    - 1) **For Police Records:**  
The FOIA/Privacy Officer, Room 2052  
Metropolitan Police Department  
300 Indiana Avenue, N.W.  
Washington D.C. 20001
    - 2) **For Litigation Records:**  
The FOIA/Privacy Officer  
DC Office of the Attorney General  
441 4<sup>th</sup> Street, NW  
Washington, DC 20001

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- 3) **For Personnel Records:**  
The FOIA/Privacy Officer  
D.C. Office of Personnel  
441 4<sup>th</sup> Street, N.W., Suite 300S  
Washington, D.C. 20001
  
- 4) **For FBI Records:**  
FBI Criminal Justice Information Services Division  
ATTN: SCU, Mod. D-2  
1000 Custer Hollow Road  
Clarksburg, WV 26306
  
- 5) **For Parole and Probation Records and PSI Prepared by CSOSA:**  
The FOIA/Privacy Officer, Room 1232  
Court Services and Offender Supervision Agency  
Of the District of Columbia  
633 Indiana Avenue, N.W.  
Washington, D.C. 20004
  
- 6) **For Inmate Education Records:**  
The FOIA/Privacy Officer  
D.C. Public Schools  
825 North Capitol Street, NE, 9<sup>th</sup> Floor  
Washington, D.C. 20002-4232
  
- 7) **For BOP Records:**  
Freedom of Information Act/Privacy Act Section  
Office of General Counsel, Room 841  
Federal Bureau of Prisons  
320 First Street, NW  
Washington, D.C. 20534

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e. **Pre-sentence Investigation Reports (PSI)**

PSI shall be maintained in the FOIA-exempt envelope, and may be disclosed to the subject of the report or a requestor with adequate authorization, only when diagnostic opinions and confidential sources and potentially harmful information have been removed/redacted.

f. **Records Concerning Federal and DC Youth Rehabilitation Act (YRA) Inmates**

- 1) Records on former YRA inmates, such as court-ordered studies conducted by the DOC as well as information on whether the person was confined, shall not be released without the DOC Office of General Counsel's review and approval and have been redacted.
- 2) The DOC Office of General Counsel shall determine whether the conviction has been expunged or set aside and whether disclosure is appropriate.

g. **Declassification**

When an authorized DOC staff person reclassifies a document exempt from disclosure to a document that can be disclosed, the document shall be removed from the FOIA-Exempt Envelope. If the record contains notice of non-disclosure, the notice shall be marked with a signed and dated notation that the record has been reclassified for disclosure.

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## CHAPTER 5

### GROUNDS FOR THE DISCLOSURE OF RECORDS

1. Category of records identified in Chapter 3, ¶3 is subject to mandatory disclosure under D.C. Official Code §2-536(a).
2. Records that are maintained by the DOC, which are not in the category of records identified in Chapter 3 may be disclosed on the following grounds:
  - a. The individual subject of the record has provided a duly executed disclosure authorization.
  - b. The disclosure is made to employees of the DOC authorized to receive information under the law and who have a need for the record in the performance of their duties.
  - c. Disclosure is made to Federal, state, local and/or foreign law enforcement officials for law enforcement purposes such as investigations, possible criminal prosecutions, civil court actions, or administrative and regulatory proceedings.
    - 1) If law enforcement officials request telephone monitoring records concerning inmate telephone calls, ordinarily only transactional data (e.g. date, time, duration of the call) shall be disclosed without proper process, even to other DC law enforcement agencies;
    - 2) Copies of the recorded telephone conversations, or written transcripts, shall only be disclosed to a requesting law enforcement agency when:
      - (a) Requested in an emergency situation;
      - (b) Criminal activity is discovered as part of the routine monitoring for prison administration purposes; or
      - (c) Requested through proper judicial process (e.g. grand jury or court issued subpoena and court orders).

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- d. Disclosure is made for research purpose when the recipient has provided DOC with adequate written assurance that the record will be used solely as statistical research or reporting record, and the record is provided in a form that is not individually identifiable.
- e. Disclosure is made to the DC Office of Public Records and Archives who may receive a record deemed to have sufficient historical or other value to warrant its continued preservation by the D.C. Government or for evaluation by the Administrator of the D.C. Office of Contracting and Procurement or his or her designee to determine whether the record has such value.
- f. Disclosure is made after receiving a proper request from appropriate D.C. and Federal offices (e.g., Office of the Attorney General for the District of Columbia, Metropolitan Police Department, U.S. Parole Commission, U.S. Attorney's Office, Court Services and Offender Supervision Agency, etc.) seeking access to records concerning D.C. inmates.
- g. Disclosure is made to members of Congress on behalf of constituents.
  - 1) Responses to individual members of Congress requesting information on behalf of a constituent shall be limited to public information unless the DOC staff member has first obtained the inmate's written disclosure authorization allowing a more thorough response;
  - 2) Written disclosure authorization from an inmate shall be obtained when practical, using the attached Consent to Release Form (Attachment 1). When this is not practical, staff should consider whether there is implied consent by the inmate. An example of implied consent is a Congressional inquiry, which resulted from a letter the inmate sent to the member of Congress and this letter is included with the request from the member of Congress;
  - 3) Implied consent may not be inferred when a third party (for example, the inmate's spouse or parents) initiated the Congressional request for information. In such a situation, only public information may be released to the member of Congress without the inmate's written consent; and

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- 4) Questions regarding appropriate responses to Congressional inquiries shall be directed to the DOC General Counsel's Office, FOIA Officer, and Public Information Officer.

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## CHAPTER 6

### GROUNDS FOR REQUEST DENIAL

1. **FOIA EXEMPTIONS.** A request for records maintained by the DOC shall be denied in whole or in part, to the extent that any of the following exemptions stipulated under the D.C. Official Code §2-534(a) applies.
  - a. Trade secrets and commercial or financial information obtained from outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained;
  - b. Information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy;
  - c. Investigatory records compiled for law-enforcement purposes, including the records of Council investigations and investigations conducted by the Office of Police Complaints, but only to the extent that the production of such record would:
    - 1) Interfere with enforcement proceedings, with Council investigation or with the Office of Police Complaints ongoing investigations;
    - 2) Deprive a person of a right to a fair trial or an impartial adjudication;
    - 3) Constitute an unwarranted invasion of personal privacy;
    - 4) Disclose the identity of a confidential source and, in the case of a record compiled by a law-enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, disclose confidential information furnished only by the confidential source;
    - 5) Disclose investigative techniques and procedures not generally known outside the government; and
    - 6) Endanger the life or physical safety of law-enforcement personnel.

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- d. Inter-agency or intra-agency memorandums and letters, including memorandums or letters generated or received by the staff or members of the Council, which would not be available by law to a party other than a party in litigation with the agency;
- e. Test questions and answers to be used in future license, employment, or academic examinations, but not previously administered examinations or answers to questions thereon;
- f. Records specifically exempted from disclosure by a statute that:
  - 1) Requires that the matters be withheld from the public in such a manner as to leave no discussion on the issue; or
  - 2) Establishes particular criteria for withholding or refers to particular types of matters to be withheld.
- g. Information specifically authorized by federal law under criteria established by presidential executive order to be kept secret in the interest of national defense or foreign policy which is in fact properly classified pursuant to such executive order;
- h. Information exempted from disclosure by D.C. Official Code § 28-4505 [civil investigation demand]; and
- i. Information disclosed pursuant to D.C. Official Code § 5-417 [arson reporting].
- j. Any specific response plan, including any District of Columbia response plan, as that term is defined in D.C. Official Code §7-2301(1A), and any specific vulnerability assessment, either of which is intended to prevent or to mitigate an act of terrorism, as that term is defined in §22-3152(1);
- k. Information exempt from disclosure by §47-2851.06 [master business license];
- l. Records or information, the disclosure of which would reveal the name of an employee who has provided information under the provisions of §§1-615.51 et seq. and 2-223.01 et seq., unless the name of the employee is already known to the public [whistleblower's identity];

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- m. Information exempt from disclosure by § 7-2271.04 [Confidentiality of Homeland Security proceedings]; and
- n. Information that is ordered sealed and restricted from public access pursuant to Chapter 8 of Title 16 of the D.C. Code.

If a part of a requested document can be disclosed and other parts cannot, the portion that can be disclosed shall be separated and provided to the requester. The requester shall be notified of the partial disclosure and the justification for this determination.

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## CHAPTER 7 REQUEST AND DISCLOSURE PROCEDURE

1. **REQUESTS FOR RECORDS.** Although oral request may be honored, a requestor may be asked to submit in writing a request for records.

All requests for records and information under the FOIA shall be addressed to the DOC FOIA Officer as follows:

- a. **The FOIA Officer**

DC Department of Corrections  
2000 14<sup>th</sup> Street, NW 7<sup>th</sup> Floor  
Washington, DC 20009  
(202) 671-2055

**Requests may be mailed to the address above, Faxed to (202) 671-1705 or submitted online to <https://foia-dc.gov/pa/main.aspx> or through the DOC website.**

- b. The requester shall clearly mark on the face of the letter and the envelope, cover sheet or subject line, **FREEDOM OF INFORMATION REQUEST** or **FOIA Request**.
- c. The request must describe the record sought, including the approximate dates covered by the request.
- d. A disclosure authorization shall be attached to a request by a third party, where applicable. Current inmates shall provide consent in accordance with PS 1300.3.
- e. The requester shall provide his or her full name, DOC number (if the requester is a former inmate) and current address or telephone number.

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- f. If the request is for an inmate’s record, the requester shall provide the full name and the DCDC number of the subject of the record requested.
  - g. The request and the accompanying disclosure authorization must be dated within three (3) months of the date of the request, where applicable.
2. **RESPONDING TO REQUEST.** Once the FOIA Officer has received an FOIA request, the following procedure shall be followed.
- a. The FOIA Officer shall review the request, locate the DOC office unit with custody of the requested records, obtain and review the records and decide whether to deny or grant the request.
  - b. The FOIA Officer’s decision to grant or deny an FOIA request is subject only to the review of the General Counsel and the Director.
  - c. Each custodian of DOC records shall timely make records in his or her custody available to the FOIA Officer upon the FOIA Officer’s request. Unless otherwise specified in the FOIA Officer’s request, the custodian shall make responsive records available to the FOIA Officer within 5 to 7 business days of receiving the request. If the custodian is unable to provide records within the stated time period, the custodian shall notify the FOIA Officer and seek an extension of time to provide responsive records.
  - d. If the custodian is uncertain whether a particular record is responsive to a FOIA request, the custodian shall consult with the FOIA Officer who will make the final determination.
  - e. For each record request that the FOIA Officer submits to a custodian of DOC records, the custodian shall utilize FOIA Search Form (Attachment 2) to provide the FOIA Officer with a calculation of the time spent: 1) searching for responsive records; 2) reviewing responsive records and 3) copying responsive records. The calculation shall be expressed in hours and shall be rounded off to the next highest quarter hour. The calculation shall also include the name and pay grade of each employee, including the custodian, who performed any of the foregoing activities.

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- f. Failure of any employee to comply with FOIA requirements may subject the employee to disciplinary action or criminal prosecution pursuant to D.C. Official Code §2-537(d) and §1619.1 of the District of Columbia Personnel Regulations.
- g. Within 15 business days of receiving a FOIA request, the FOIA Officer shall *either grant* the request (i.e., ensure that the requested public record is made accessible to the requester and notify the requester accordingly), *or deny* the request (i.e., notify the requester of DOC decision not to disclose the records, and the reason for denial).
- h. The FOIA Officer may give a written notice of no more than a 10-day extension of time to respond to a requester on the following 2 grounds:
  - 1) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or
  - 2) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among 2 or more offices of the DOC having substantial subject-matter interest therein.
- i. A response stating that a request has been granted shall also advise the requester of how the records will be available to the requester, the cost of searching, reviewing and/or copying (if applicable) or fee waiver (if applicable).
- j. A response stating that a request has been denied shall identify the record or records withheld, the exemption in the D.C. Official Code §2-534(a) on which the denial is based, how the exemption applies to the withheld records, and notice of appeal rights.
- k. The FOIA Officer shall keep a record of all FOIA requests and responses to them. All letters of denial shall be made available to any person on request, for inspection and/or copying.

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### 3. REVIEW OF DENIALS

- a. When DOC denies a request for records in whole or in part, the requester may appeal the denial to the Mayor or may seek immediate judicial review of the denial in the D.C. Superior Court.
- b. An appeal to the Mayor shall be in writing. The appeal letter shall include Freedom of Information Act Appeal or FOIA Appeal in the subject line of the letter as well as marked on the outside of the envelope. The appeal shall be mailed to:

**Mayor's Correspondence Unit**  
FOIA Appeal  
1350 Pennsylvania Avenue, NW  
Suite 221 Washington, D.C. 20004

The appeal can also be submitted online at <https://foia-dc.gov/pal/Main.aspx>

- c. The appeal shall include:
  - 1) A statement of the circumstances, reasons or arguments in support of disclosure;
  - 2) A copy of the original request, if any; and
  - 3) Daytime telephone number, email address or mailing address for the requester.
- d. The requester shall forward a copy of the appeal to the agency FOIA Officer.

### 4. FEES

- a. In accordance with the D.C. Official Code §2-532(b) and 1 DCMR 408, fees for searching and copying FOIA records shall be calculated as follows:
  - 1) Inmates in the custody of the DOC shall be charged \$0.10 per page and no fee for search and review.

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- 2) Other requester shall be charged as follows:
    - a) Commercial requesters may be charged for search, review and duplication costs.
    - b) Requesters that are educational or non-commercial scientific institutions for scholarly or scientific research, or a representative of the news media may be charged duplication costs only.
    - c) A requester other than those identified in a. or b. may be charged search and duplication costs.
  - 3) Duplication cost for non-inmates is \$0.25 per page.
  - 4) Search and Review costs are assessed as follows:
    - a) Searching for records, \$4.00 per quarter hour, after 1<sup>st</sup> hour, by clerical personnel (DS1 through 8);
    - b) Searching for records, \$7.00 per quarter hour after the 1<sup>st</sup> hour, by professional personnel (DS 9 through 13);
    - c) Searching for records, \$10.00 per quarter hour after the 1<sup>st</sup> hour, by supervisory personnel (DS 14 and above).
  - 5) Copies of records for members of the general public shall be submitted to the FOIA Officer who shall calculate the fee that is due and notify the requester to remit a check, bank draft on a bank in the United States, or a postal money order, made payable to the D.C. Treasurer prior to release of the records.
- b. The FOIA officer shall have the discretion to waive a fee, upon request made by a requester, and in accordance with the FOIA and regulations.

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## CHAPTER 8

### PROCESSING REQUESTS FROM INMATES

#### 1. REQUEST

- a. An individual in the agency's custody (inmate) may submit a FOIA request for the agency's public records, which shall be forwarded to the FOIA Officer and processed as outlined in this policy and in accordance the D.C. FOIA and regulations;
- b. To simplify an inmate's requests for his or her own records, an inmate may make a request for copies of specific documents from his or her official institutional record, or make a request to review the entire file;
- c. When an inmate submits a request to review, or obtain a copy of, his or her records, he shall be referred to his Case Manager;
- d. An inmate may review these records by making a written request to his Case Manager using the Inmate Request to Review/Or Copy Records (Attachment 3) or a plain sheet of 8 ½ X 11 paper. The request slip shall be scanned in PaperClip by the Case Manager;
- e. The Case Manager shall immediately acknowledge receipt, by signature and date, of the request in the comments section of the Inmate Request Slip and send a copy to the inmate. The Case Manager shall maintain a copy in the inmate's PaperClip file.
- f. The Case Manager shall, before the end of his or her shift, scan the inmate's FOIA request slip into PaperClip and notify the FOIA Officer via email for review;
- g. If it is determined that the inmate's official institutional record has not been retrieved for review by the inmate, the FOIA Officer shall make a records retrieval request of the institutional file and any files that were prepared during previous periods of incarceration; and

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- h. The Records Correctional Program Officer or designee shall within two (2) business days of receipt of the inmate's request, provide the Case Manager and inmate with written notification that the file is being retrieved and provide an expected date that the file shall be received for review.

## 2. REVIEW BY EMPLOYEE

- a. Within three (3) business days of receipt of the inmate's request in the Records Office, the Correctional Program Officer or designee, shall review the official Institutional File and ascertain that all records that may not be disclosed are placed in the FOIA-Exempt Envelope, and/or scanned into the sealed portion of the electronic records database so that the inmate will not have access to the confidential records.
- b. Records Office staff shall identify on the "Inmate Request to Review and/or Copy Records Form" (Attachment 3) items of records that have been removed from the institutional file as confidential records.
- c. Discipline records, incident reports, notice of hearings, list of inmate rights, notice of placement in Administrative Segregation, and investigative memoranda, shall be maintained together in the FOIA-Exempt Envelope only if a portion of an investigation or other discipline record contains materials that may not be disclosed.
- d. The FOIA-Exempt Envelope shall be secured in the Records Office.
- e. The Records Office Supervisor or designee shall notify the Case Manager that the record can be retrieved for the inmate's review.

## 3. REVIEW BY INMATE

- a. During the file review, the Case Manager shall maintain direct and constant supervision of the inmate, ensuring that the inmate does not remove any documents from the institutional file;
- b. The Case Manager shall enter the date of the inmate's file review on the Inmate Request to Review and/or Copy Records Form (Attachment 3), and initial the entry;

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- c. The Case Manager shall ask the inmate to initial the entry also, and if the inmate refuses to do so, shall enter a notation to that effect;
- d. The Case Manager shall advise the inmate if there were records withheld from disclosure and, if so, shall advise the inmate of the inmate's right to make a FOIA request for the withheld records. The Case Manager shall not discuss the types or nature of records or information that cannot be disclosed and that are maintained in the inmate's FOIA-Exempt Envelope; and
- e. The Case Manager shall file the completed Inmate Official Institutional File Review Request Form in the Inmate's Institutional File.

#### 4. REQUEST FOR COPIES

- a. Upon completion of the file review, the inmate may request copies of specific documents on the Inmate Request to Review and/or Copy Records Form (Attachment 3);
- b. The Case Manager shall count the number of pages contained in the documents requested and multiply that number by 10 cents. The Case Manager shall then advise the inmate of the cost for reproduction of the requested documents;
- c. The Case Manager shall access JACCS to determine if the inmate has sufficient funds in his or her inmate account to cover the costs;
- d. The Case Manager shall determine if the inmate is indigent based upon the following criteria:
  - 1) The inmate has less than \$5.00 in his or her inmate account, and
  - 2) The inmate has not received more than \$5.00 per month from work or outside deposits to his or her account for the previous three (3) months.
  - 3) The Case Manager shall complete a waiver of fees request if the inmate meets the criteria for indigence.

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- e. If the inmate has sufficient funds, the Case Manager shall give the inmate an Inmate Request for Fund Release Form to complete (Attachment 4). The disbursement authorization recipient is the DC Treasurer;
  - f. The Case Manager shall deliver the Inmate Request for Fund Release Form, (Attachment 4), to the Inmate Finance Office before the close of business;
  - g. The Inmate Finance Office staff shall immediately flag the account for the required amount; and
  - h. The Inmate Finance Office shall within two (2) business days prepare the debit and forward a copy of the debit approval, a copy of the inmate disbursement approval and a copy of the Request for documents to the Records Office Chief and the FOIA Officer.
5. **REVIEW DOCUMENTATION.** The Records Office Administrator or designee shall ensure that the log for Inmate File Reviews is completed. The log shall include the following information:
- a. Date indicated on the inmate's request to receive documents or review his or her official institutional file;
  - b. Date the request was delivered to the Records Office Supervisor or designee;
  - c. Date the institutional file was requested from WNRC when the complete institutional file is not in the Records Office;
  - d. Date that the institutional file was reviewed;
  - e. Date the Case Manager was notified that the file was available for review;
  - f. Date the Case Manager retrieved the file;
  - g. Date the Case Manager returned the file, along with the inmate's written request for copies of specific documents;
  - h. Date copies were made;
  - i. Date copies were retrieved by the Case Manager for delivery; and

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- j. Date the inmate signed for receipt of the requested documents.

## 6. INMATES ACCESS TO CERTAIN DOC POLICY AND PROCEDURES

- a. Inmates are to use the easy access procedures described in this section to review certain DOC Program Statements, rather than the FOIA procedures;
- b. For a current DOC Policy and Procedure containing rules (regulations published in the D.C. Register), easy access is available through the institution law library;
- c. For a current DOC Policy and Procedure not containing rules (regulations published in the D.C Register), inmates may request that it be placed in the institution law library.
  - 1) Placement of a requested Policy and Procedures in the law library is within the discretion of the FOIA Officer, in consultation with the Office of Policy and Procedure, and the Office of General Counsel.
  - 2) Placement of local institution's directives in the law library is at the discretion of the Warden in consultation with the FOIA Officer and the Office of the General Counsel.
- d. Inmates are responsible for the costs of making personal copies of any Program Statements maintained in the institution law library. For copies of Program Statements obtained under the FOIA procedures described in this directive, fees will be calculated in accordance with Chapter 7, Section 4.

## 7. INMATE CONSENT TO RELEASE RECORDS AND INFORMATION

To release an inmate's records and information to a third party, other than as permitted or required by the DC FOIA (or HIPAA Privacy Rules in regard to protected health information), consent or release authorization of the inmate shall be obtained and the following shall apply:

- a. A copy of the signed, dated, and witnessed Consent to Release Information Form (Attachment 1) shall be maintained in the inmate's institutional file.

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- b. Consent to release juvenile’s records, or the records of inmates with severe mental illness, or inmates with severe developmental disability, can be granted by the individual’s legal representative/guardian or parent or court order only.
  
- c. In the absence of a durable power of attorney, consent to provide any healthcare service, treatment or procedure to an inmate whose incapacity has been certified shall be granted, refused or withdrawn by the following (in descending order of priority):
  - 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.

**Attachments**

- Attachment 1 Consent to Release Information
- Attachment 2 FOIA Search Form
- Attachment 3 Inmate Request to Review/Or Copy Records
- Attachment 4 Inmate Request for Fund Release



**District of Columbia Government  
DEPARTMENT OF CORRECTIONS**

**INMATE CONSENT TO RELEASE OF INFORMATION**

Purpose: To authorize employees of the DC Department of Corrections and employees of any community based program or facility to release the contents of or information\* in my Official Inmate Institutional Record to educational facilities, social agencies, prospective employers, etc., for the purpose of assisting in my community programming and release planning. This consent will remain in effect 30 days from this date, unless revoked in writing, by me, prior to that date.

\* I am of the understanding that, pursuant to Privacy Rules, no protected health information (PHI) shall be released unless I have signed a separate "DOC-HIPAA Form 3 Authorization".

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

DCDC if inmate \_\_\_\_\_ SSN if other \_\_\_\_\_

Facility: \_\_\_\_\_

Information to Be Released: Specifically and meaningfully describe information you are authorizing to be released:

Purpose of this Authorization:

Persons/Organizations Authorized to Receive: Name or specifically identify the persons and/or organizations (or the classes of persons and/or organizations), including us, to whom you are authorizing the disclosure and subsequent use of the protected health information described above:

\_\_\_\_\_  
(Name) (Organization)

\_\_\_\_\_  
(Name) (Organization)

\_\_\_\_\_  
(Inmate's Signature) (Date)

\_\_\_\_\_  
(Witness' Signature) (Date)

**Include this authorization in the inmate's official institutional record.**



## DC DEPARTMENT OF CORRECTIONS

### Records Search Form

To facilitate the processing of requests for records submitted to the agency under the D.C. Freedom of Information Act, and, in accord with the fee implementation provision of the D.C. Municipal Regulations, 1 DCMR 408, response column of the below table shall be filled out by each employee that conducted a search for records, and the completed form shall be forwarded to the FOIA Officer, along with search result.

<b>1 DCMR 408</b>	<b>RESPONSE</b>
<i>Who conducted the search</i>	Name:
<i>Grade</i>	DS:
<i>Search time</i>	Number of hours or minutes:
<i>Copy made</i>	Number of pages:

Form Completed by: \_\_\_\_\_

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



**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**Department of Corrections**

**INMATE REQUEST TO REVIEW AND/OR COPY RECORDS**

<b>TO: (Name &amp; Title of Staff Member)</b>	<b>DATE:</b>	
<b>FROM (Inmate Name and Signature):</b>	<b>DCDC #:</b>	
<b>FACILITY:</b>	<b>HOUSING UNIT:</b>	<b>CELL #:</b>

SUBJECT: (Please identify the record(s) you want to review and/or copy. You may continue on back page, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

(Do not write below this line.)

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DISPOSITION:

Signature Staff Member	Date
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**(Maintain a copy in the Inmate's Institutional File and in Paperclip.)**

TOUCAN BUSINESS FORMS INC. (202) 543-0162

213315

Government of the District of Columbia  
DEPARTMENT OF CORRECTIONS  
Central Detention Facility

**INMATE REQUEST FOR FUND RELEASE**

To: C. D. F. Finance Office

\_\_\_\_\_, 20\_\_\_\_  
I, \_\_\_\_\_ DCDC \_\_\_\_\_ Level \_\_\_\_\_ cell no. \_\_\_\_\_  
authorize my fund in the amount of \$ \_\_\_\_\_ to be removed, from my account and paid to

Please specify by checking means of disbursement below:

Cash pick up \_\_\_\_\_ or Money Order \_\_\_\_\_

I understand that I must pay the cost of the money order and, also furnish a stamped envelope.

Inmate Signature \_\_\_\_\_ Witnessed by \_\_\_\_\_

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_  
\_\_\_\_\_  
Administrator