

<u>ADMINISTRATIVE REGULATION</u>		REGULATION NUMBER 1350-04	PAGE NUMBER 1 OF 4
		CHAPTER: Public Affairs	
COLORADO DEPARTMENT OF CORRECTIONS		SUBJECT: Records Requests Pursuant to Colorado Open Records Act and Criminal Justice Records Act	
RELATED STANDARDS: ACA Standards NONE		EFFECTIVE DATE: January 1, 2013	
		SUPERSESION: NEW	
OPR: DFA	REVIEW MONTH: OCTOBER	 Tom Clements Executive Director	

### I. POLICY

The DOC governs access to its records and responds to requests for record reviews and photocopies, in accordance with Colorado Revised Statutes 24-72-101 *et seq.*

### II. PURPOSE

The purpose of this administrative regulation is to establish procedures for the appropriate routing of requests for record inspections and photocopies.

### III. DEFINITIONS

- A. Colorado Criminal Justice Records Act (CCJRA): The statute located at C.R.S. 24-72-301, *et seq.*, governing the maintenance, access, and dissemination of criminal justice records maintained for law enforcement purposes in the state of Colorado.
- B. Colorado Open Records Act (CORA): The statute located at C.R.S. 24-72-201, *et seq.*, governing the accessibility of public records maintained by a public agency.
- C. Criminal Justice Records: All books, papers, cards, photographs, tapes, recordings, or other documentary materials, regardless of form or characteristics, which are made, maintained, or kept by the CDOC for use in the exercise of functions required or authorized by law or administrative rule. This includes all records generated for law enforcement purposes, including certain professional standards investigations. **Electronic correspondence of employees may be a public record under public records law and may be subject to public inspection.** C.R.S. 24-72-302(4).
- D. Media: Journalists (including free-lance and blog), print, wire service, broadcast reporters, web based outlets and technical crews for any public information medium engaged in news gathering for bona fide public access or distribution purposes. Media also includes public affairs programming staff and "talk shows" that air on stations holding FCC licenses.
- E. Open Record: May be either a public record or a criminal justice record and is a record which is subject to inspection and/or release to the public. **Electronic correspondence of employees may be a public record**

CHAPTER	SUBJECT	AR #	Page 2
Records	Records Requests Pursuant to Colorado Open Records Act and Criminal Justice Records Act	1350-04	EFFECTIVE 01/01/13

**under public records law and may be subject to public inspection.**

- F. Public Record: All writings made, maintained, or kept by the state or any agency, institution, or political subdivision thereof for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt of expenditure of public funds, as defined by C.R.S. 24-72-203. **Electronic correspondence of employees may be a public record under public records law and may be subject to public inspection under C.R.S. 24-72-203.**
- G. Records Custodian: A specifically identified DOC employee, who has physical custody of or responsibility for a particular category of DOC records and **is the only party authorized to release such records and respond to records requests.**

#### IV. PROCEDURES

##### A. General information

1. Any request by any offender or member of the public, to inspect or receive a copy of a document, which cites the Colorado Open Records Act, the Criminal Justice Records Act or is otherwise clearly requesting to inspect or have produced, copies of a DOC open record, should be treated as an open records request and shall immediately be routed through the process in section IV.C. Open records requests must be acknowledged within 3 days of receipt so these must be addressed immediately.
2. Offender health care records may not be released without a completed "Authorization for Use and Disclosure of Health Information" form, (AR Form 950-02A). For information on release of offender health care records refer to AR 950-02, "Health Records/Confidentiality/Access."
3. Offender records requests are processed according to the procedures defined in AR 950-05, "Access, Review, Dissemination and Fees."

##### B. Requesting Records for Inspection or Photocopying

1. The preferred format for requests to view or purchase records is written.
  - a. Requests submitted via E-mail are acceptable.
  - b. If any DOC employee receives an oral request to view or purchase records, the DOC employee will continue to process the request as outlined in this policy and ask the Requestor (the individual or entity making the records request) to document the request in writing.
2. Offender Requests for Records
  - a. Offenders shall request records inspection and copying through their case manager. Case managers will forward the offender's request as detailed in section IV.C.
  - b. Requests for records shall be made in writing (kites or letters).
  - c. Grievances requesting records inspection will be procedurally denied and the offender will be informed to submit a written request to their case manager.

CHAPTER	SUBJECT	AR #	Page 3
Records	Records Requests Pursuant to Colorado Open Records Act and Criminal Justice Records Act	1350-04	EFFECTIVE 01/01/13

- d. Grievances related to the denial of inspection of a record will be procedurally denied. The remedy for denial of an open record is outlined in the law itself.
  3. Staff shall submit requests for records inspection and copying via email directly to [DOC\\_open\\_records@state.co.us](mailto:DOC_open_records@state.co.us) using the subject heading "OPEN RECORDS REQUEST."
- C. Routing Requests to View or Purchase Records
1. **All requests submitted by the Media shall be sent directly to the Public Information Officer and copied to [DOC\\_open\\_records@state.co.us](mailto:DOC_open_records@state.co.us) for tracking purposes.**
  2. **All requests for offender records should be directed to Offender Records.** These requests are tracked separately and **do not need to be copied** to [DOC\\_open\\_records@state.co.us](mailto:DOC_open_records@state.co.us).
  3. For all other requests for open records submitted by the public:
    - a. Upon receipt of a request for records, the recipient **shall immediately forward the request**, or detailed information regarding a verbal request, to [DOC\\_open\\_records@state.co.us](mailto:DOC_open_records@state.co.us) with the subject heading "OPEN RECORDS REQUEST."
    - b. [DOC\\_open\\_records@state.co.us](mailto:DOC_open_records@state.co.us) will route the request to the appropriate Records Custodian for response.
    - c. **If the recipient of the request is the identified and appropriate Records Custodian**, the recipient shall notify [DOC\\_open\\_records@state.co.us](mailto:DOC_open_records@state.co.us) that a request has been received and then proceed with the process identified in IV.C.4 below.
  4. Upon receipt of the request from [DOC\\_open\\_records@state.co.us](mailto:DOC_open_records@state.co.us), the Records Custodian shall:
    - a. Send a written acknowledgment, to the requestor, within three days of receiving the request for access to records.
    - b. Determine whether any records exist that are responsive to the request.
    - c. Arrange, with the Requestor, a mutually agreeable timeframe for response to the request.
    - d. Email a copy of the request and response to [DOC\\_open\\_records@state.co.us](mailto:DOC_open_records@state.co.us) upon completion of response with the subject heading "OPEN RECORDS REQUEST RESPONSE."
  5. The [DOC\\_open\\_records@state.co.us](mailto:DOC_open_records@state.co.us) shall establish and maintain a centralized tracking system or database of all open records requests.

## V. RESPONSIBILITY

- A. It shall be the responsibility of the Division of Finance and Administration to review this administrative regulation annually.

## VI. AUTHORITY

CHAPTER	SUBJECT	AR #	Page 4
Records	Records Requests Pursuant to Colorado Open Records Act and Criminal Justice Records Act	1350-04	EFFECTIVE 01/01/13

- A. *City of Colo. Springs v. White*, 967 P.2d 1042 (Colo. 1998)
- B. Colorado Criminal Justice Records Act, C.R.S. 24-72-301, *et seq.*
- C. Colorado Open Records Act, C.R.S. 24-72-201, *et seq.*

VII. HISTORY

NEW

ATTACHMENTS: A. AR Form 100-01A, Administrative Regulation Implementation/Adjustments

ADMINISTRATIVE REGULATION  
IMPLEMENTATION/ADJUSTMENTS

AR Form 100-01A (04/15/08)

CHAPTER	SUBJECT	AR #	EFFECTIVE
Records	Records Requests Pursuant to Colorado Open Records Act and Criminal Justice Records Act	1350-04	01/01/13

(FACILITY/WORK UNIT NAME) \_\_\_\_\_  
WILL ACCEPT AND IMPLEMENT THE PROVISIONS OF THE ABOVE ADMINISTRATIVE REGULATION:

AS WRITTEN    NOT APPLICABLE    WITH THE FOLLOWING PROCEDURES TO ACCOMPLISH THE INTENT  
OF THE AR

(SIGNED) \_\_\_\_\_ (DATE) \_\_\_\_\_  
Administrative Head