

**FAIRFAX COUNTY SHERIFF'S OFFICE  
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 621  
SUBJECT: RELEASE OF INFORMATION  
CONSENT FORM**

**I. PURPOSE**

- A. To publish guidance concerning the release of documents and other types of information pertaining to inmates from official Adult Detention Center records, to non-criminal justice agencies and individuals; and,
- B. To prescribe a standard "Release of Information Consent Form" which is to be completed by inmates prior to the release of information from official Adult Detention Center records to any non-criminal justice agency or individual.

**II. POLICY**

It is the policy of the Fairfax County Adult Detention Center that the administration uses a consent form which complies with applicable federal and state regulations. The inmate signs a "Release of Information Consent Form" prior to the release of information, as required by statute or regulation, and a copy of the form is maintained in the inmate's case record.

**III. DEFINITIONS**

- A. Official Adult Detention Center (ADC) Records. Data and information contained in the following sources comprise an inmate's official ADC record.
  - 1. Sheriff's Information Management System (SIMS).
  - 2. ADC Administrative Files - manual and microfiche.
  - 3. ADC Classification Files.
  - 4. DOC Prisoners' Files.
  - 5. ADC Medical Records.
  - 6. ADC Dental Records.
  - 7. ADC Psychological Records.
  - 8. ADC Program Records including scholastic records compiled by support personnel from the Fairfax County Public School System.
  - 9. ADC Property Records.
  - 10. ADC Finance Records.
  - 11. Others as may be designated.
- B. Official Record Information. On-line computerized data and computer printouts. Handwritten, printed and typed notes, memoranda, letters, and forms; to or about an inmate, which are originated by an inmate, the ADC staff, or any other agency or individual.
- C. Releasable Information.
  - 1. This SOP addresses the release of information, including documents, other than

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that which can be released to the public verbally, and to criminal justice agencies under the provisions of SOP 530.

2. Under the Virginia Freedom of Information Act (Code of Virginia, Section 2.1-342, B, 1 and 3, the following records may not be released to the public.
  - a. "Memoranda, correspondence, evidence and complaints related to criminal investigations;...; and all records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment."
  - b. "...scholastic records...except that...access shall not be denied to the person who is the subject thereof..."
  - c. "...medical and mental records, except that such records can be personally reviewed by the subject person or a physician of the subject person's choice; however, the subject person's mental records may not be personally reviewed by such person when the subject person's treating physician has made a part of such person's records a written statement that in his opinion a review of such records by the subject person would be injurious to the subject person's physical or mental health or well-being."
3. For purposes of this SOP, the following records and record information may be released.
  - a. Program Records. A diploma or certificate showing dates of attendance or completion of a specific program conducted in the ADC. Information from program records which indicate that a specified inmate participated in a program conducted in the ADC, and dates of participation. Program lists, however, may not be released.
  - b. Administrative Records. Only information from booking cards, court cards, court orders, and official criminal justice documents which indicate dates of confinement, release dates, transfer dates, destination to which an inmate was transferred, charges, bond, court dates, conviction data, sentence or other forms of disposition. Except for copies of court orders, no other administrative record (including computerized data), or copy thereof, may be released to a non-criminal justice agency or individual.
  - c. Classification Records. No document or information from an inmate's ADC classification file or Department of Corrections file may be released, except that, miscellaneous documents, such as favorable correspondence addressed to the ADC about an inmate, from a non-criminal justice agency or individual, may be copied and released in cases where the inmate concerned is aware that such correspondence has been sent to the ADC. Unfavorable information concerning an inmate's jail adjustment may not be released.
  - d. Medical, Dental and Mental Health Records.
    - 1) See paragraph III, C, 2, c.

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- 2) Copies of inmate's medical, dental, and mental health records may be released to correctional authorities in other jurisdictions at time of transfer to that jurisdiction's custody. However, at time of release of such records, a notation shall be affixed to the records indicating that: "Further dissemination of information contained in these records shall not be made without the express written authorization of the Fairfax County, Virginia, Sheriff's Office."
- 3) All requests for information or documents from an inmate's ADC or Department of Corrections medical, dental, or mental health record will be referred to the Supervisor, Medical Section. (See paragraph IV, A, 6 regarding Department of Corrections records.) All medical, dental, and/or mental health record information released to non-criminal justice agencies or individuals must include a statement that: "Further dissemination of information contained in these records shall not be made without the express written consent of the Fairfax County, Virginia, Sheriff's Office."

e. Property and Financial Records.

- 1) Property records may not be released without approval of the Chief, Confinement Branch.
- 2) Financial records may not be released except that information from an inmate's financial record, or copies of ADC checks, may be released to show that an inmate paid a legitimate obligation from funds in his ADC account while confined in the ADC.

D. Valid Rehabilitative or Criminal Justice Purpose.

Information which, if released would:

1. Contribute to a presently confined inmate's opportunity for employment upon release.
2. Assist a presently confined inmate in enrolling in an educational or vocational training program after release.
3. Assist presently confined inmates in obtaining assistance or benefit from local, state, or federal agencies; such as, the Veterans or Social Security Administration.
4. Be beneficial to a course of treatment in public or private hospitals, clinics, or programs, in cases of inmates anticipating follow-up physical, psychological, and substance abuse treatment.

**IV. PROCEDURE**

A. General Provisions.

1. Inmates may authorize the release of information, including documents, from their official ADC records, to non-criminal justice agencies and individuals,

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provided the information is releasable under the provisions of this SOP, and will be used in furthering a valid rehabilitative or criminal justice purpose.

2. Information, including documents, contained in official ADC records, will not be released to non-criminal justice agencies or individuals on the basis of verbal request. Requests for the release of information or document must be in writing.
  - a. Inmates requesting release of information from their official ADC records should use the standard Inmate Request Form, or other form of written communication.
  - b. Non-criminal justice agencies and individuals shall be instructed to address requests for information to:  
  
Supervisor, Records and Transportation Section  
Fairfax County Adult Detention Center  
10520 Judicial Drive  
Fairfax, Virginia 22030
3. All requests for information from official ADC records must be specific as to nature and kind. Request such as: "Any information you have on John Doe while he was in your jail" will not be honored.
4. Questions concerning the validity or purpose of requests for information concerning inmates, and those involving interpretation of the exclusion rule (Code of Virginia, Section 2.1-342, B, 1 - 3), shall be referred to the Commander, Confinement Division for resolution.
5. Prior to releasing documents from official ADC records, the documents shall be scrutinized to ensure the contents meet the test of releasability as set forth in paragraph III, C, of this SOP.
6. Care will be exercised when compiling a summary from one or more official records for release. Reference to inmates other than the subject shall be deleted from written summaries and emphasis shall be placed on maintaining objectivity during the preparation process.
7. Inmates will be required to execute a written consent form prior to the release of information or documents pertaining to them, to any non-criminal justice agencies or individual. A consent form is not required when record information is exchanged between criminal justice agencies.
8. Nothing in this SOP precludes the denial of requests for information under provisions of the exclusion rule; if release of the requested information would be detrimental to the individual or the ADC; or when there is reason to believe the information would be used for other than a valid rehabilitative or criminal justice purpose.
9. Inmates under 18 years of age are not permitted to authorize the release of information, including documents, from their official ADC records; nor will information from official ADC records concerning an inmate under 18 years of age be released to any individual or agency, except upon the express authorization of a judge or official of the Juvenile and Domestic Relations District

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Court of Fairfax.

10. Exceptions to these procedures may be made in response to court ordered subpoenas for documents and information. In such instances, however, no information or document will be released unless the matter has first been referred to, and approved by, the attorney representing the Sheriff's Office. Inmates are not required to execute a Release of Information Consent Form under these circumstances.

**B. Administrative Requirements.**

1. A request for information or documents from a non-criminal justice agency or individual pertaining to an inmate will be referred to the Supervisor, Records and Transportation Section for review. Requests pertaining to medical, dental and/or mental health matters will be forwarded to the Supervisor, Medical Section.
  - a. If the requested information is releasable under the provisions of this SOP, the inmate concerned will be notified and queried as to whether he wishes to release the document or information.
    - 1) Should the inmate consent, he will be required to execute Attachment 1 or 2, as appropriate, prior to release of the record or information.
    - 2) Should the inmate object, the requestor shall be notified. If the requestor again petitions for release of the information, the matter will be referred to the County Attorney's Office for a decision as to whether the request should be processed, in spite of the objection, under provisions of Section 2.1-342 of the Code of Virginia.
  - b. An initial response will be made to the agency or individual within 5 work days indicating either that the requested information will, or cannot, be provided in accordance with Section 2.1-342, A, of the Code of Virginia.
    - 1) Where the information is releasable, and the inmate consents to its release, the initial response shall include an estimated date when the information is to be forwarded. Should research and copying time be involved, the requestor will be informed of the approximate cost of supplying the information. Reasonable charges for copying and research time are authorized under Section 2.1-342, A, 4, of the Code of Virginia.
    - 2) If the requested information is not releasable under the provisions of this SOP, the requestor will be notified within 5 work days. The notification shall explain why the record or information cannot be provided, citing applicable paragraphs of Section 2.1-342 of the Code of Virginia.
    - 3) Should more than 5 work days be required to determine whether requested information may be released, the ADC is authorized by law, an additional 7 work days in which to arrive at a determination. In this situation the requestor shall be notified that

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the request is under review and that a response will be forthcoming at the earliest possible date.

- c. In situations where the release of documents or information is requested by an inmate, the guidelines set forth in Paragraph IV, B, 1 above will be followed.
- d. The Release of Information Consent Form at attachment 1, will be executed and filed in the inmate's ADC Administrative file prior to releasing ADC record information to non-criminal justice agencies or individuals in all cases other than those pertaining to medical, dental, and mental health matters.
- e. The Release of Information Consent Form at attachment 2, will be executed and filed in the inmate's ADC medical record in all cases involving release of medical, dental, or mental health information or documents to non-criminal justice agencies and individuals.



**STACEY A. KINCAID  
SHERIFF**

**01/01/00  
DATE APPROVED**

**01/23/97  
EFFECTIVE DATE**

**Revised: October 1996, June 2013**