

<b>POLICY TITLE: PRISONER RECORDS MANAGEMENT</b>		<b>PAGE 1 OF 6</b>
<b>POLICY NUMBER: 11.6</b>		
<b>CHAPTER 11: RECORDS</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b>	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
	<b>Approved by:</b> <i>Martin Magnusson</i> <b>Signature of Commissioner</b>	
<b>EFFECTIVE DATE:</b> <b>February 1, 2002</b>	<b>LATEST REVISION:</b> <b>September 20, 2010</b>	<b>CHECK ONLY IF</b> <b>APA [ ]</b>

## I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

## II. APPLICABILITY

All Departmental Adult Facilities

## III. POLICY

It is the policy of the Department to establish a system of records management that ensures all legal requirements and applicable professional standards are met by each of its adult facilities.

## IV. CONTENTS

Procedure A: Organization of Records  
 Procedure B: Maintenance of Records  
 Procedure C: Access to Prisoner Records  
 Procedure D: Clarification or Correction of Prisoner Records

## V. ATTACHMENTS

None

## VI. PROCEDURES

### Procedure A: Organization of Records

1. Each facility shall maintain prisoner records, which consist of the following records:
  - a. Administrative Record - the record containing court documents (e.g. judgment and commitment, writs, remands, and detainers), documents that

prisoners may not have access to by law, grievance documents, and other documents specified by other Departmental policy and procedures as being part of the Administrative Record.

- b. Case Management Record - the record containing plans and documents concerning programs, services, behavior, and progress of the prisoner.
- c. Program Record - the record of the prisoner's participation in facility programs (including education and work assignments).
- d. Financial Record - the record of all financial transactions of the prisoner.
- e. Property Record - the record of all personal property of the prisoner and state property issued to the prisoner.
- f. Health Care Record - the record of health care provided to the prisoner including medical, dental, optometric, and mental health care.
- g. Substance Abuse Treatment Record – the record of substance abuse treatment provided to the prisoner.
- h. Visit Record - prisoner's designated visitor list, prisoner's request to add or delete visitors, authorized visitors list, restricted visitors list, and dates and times of visits when maintained on an individual prisoner basis.
- i. Telephone Record - the record of approved phone numbers (PIN list).
- j. Consolidated Record - the consolidated record consists of all the above records.

2. The sections for the Administrative Record and Case Management Record shall be as follows:

- a. Section I. Intake and Reception
- b. Section II. Prisoner Housing, Work, and Status Chronology
- c. Section III. Classification/Disciplinary/Special Management
- d. Section IV. Correspondence
- e. Section V. Confidential and Third Party
- f. Section VI. Court and Personal Legal.

3. Each facility shall also maintain operational records relating to prisoners that are not maintained on an individual prisoner basis (e.g., logbooks and intelligence and

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
11.6 Prisoner Records Management	11. Prisoner Records	Page 2 of 6 9/20/10R

investigative reports).

### **Procedure B: Maintenance of Records**

1. Staff at the reception facility shall ensure that all of the component records of the Consolidated Record are created for each prisoner newly committed to the Department. These records shall be maintained and updated until the prisoner is released to probation or parole or supervised release as a sex offender or unconditionally released and discharged from incarceration. Upon transfer to another Departmental facility, staff shall ensure that all of the component records are combined into a Consolidated Record. Upon release to probation or parole or supervised release as a sex offender or unconditional release and discharge from incarceration, the component records shall be combined into the Consolidated Record and inactivated.
2. The Classification or Records Officer, or designee, shall assign staff to ensure all records are properly updated and maintained, consistent with legal requirements and Department policies and procedures. On an annual basis, designated staff shall perform audits of a random sample of these records.
3. Inactive prisoner records shall be stored at the reception facility for seven (7) years after the prisoner is released from incarceration. They shall be stored separately from active records.
4. After seven (7) years, inactive prisoner records shall be sent to the State Archives.
5. Inactive prisoner records, whether stored at the reception facility or State Archives, shall not be separated but portions may be copied by Departmental staff as needed.
6. Operational records shall be stored at the facility for seven (7) years and then sent to the State Archives.
7. Staff are not authorized to destroy prisoner records or operational records except those disciplinary records which are required to be expunged.

### **Procedure C: Access to Prisoner Records**

1. Before any record or information contained in a record pertaining to a prisoner is disclosed, the necessary steps shall be taken to ensure that there is no disclosure of information that is not permitted by law. Such steps may include removal of some documents prior to disclosure of records, deletion of the name of or other identifying information about another prisoner or another person, verification of the agency or the person requesting the disclosure, etc.
2. A prisoner may request to review or have copies of documents in his/her prisoner record (other than mental health or substance abuse treatment records) by making

<b>POLICY NUMBER/TITLE</b>	<b>CHAPTER NUMBER/TITLE</b>	<b>PAGE NUMBER</b>
<b>11.6 Prisoner Records Management</b>	<b>11. Prisoner Records</b>	<b>Page 3 of 6</b> 9/20/10R

a written request to the Classification or Records Officer, or designee, who shall, if necessary, forward the request to the other appropriate staff. The staff who is to act on the request shall consult with the Chief of Security, or other supervisory staff designated by the Chief Administrative Officer, if there is reason to believe that safety or security may be compromised by the review. The request shall be granted unless the Chief of Security, or other supervisory staff designated by the Chief Administrative Officer, determines that safety or security considerations preclude the review or require a delay in the review.

3. A prisoner may request to review or have copies of documents in his/her mental health or substance abuse treatment record by making a written request to the Classification or Records Officer, or designee. The Classification or Records Officer, or designee, shall consult with the facility psychiatrist or psychologist to determine whether it would be detrimental to the prisoner's mental health for the prisoner to review the record. If it would be detrimental to the prisoner's mental health, the prisoner shall be advised that she/he may sign a release to disclose this information to an authorized representative. If it would not be detrimental to the prisoner's mental health, the facility psychiatrist or psychologist shall also determine whether the prisoner must review the record with mental health staff. The staff who is to act on the request shall consult with the Chief of Security, or other supervisory staff designated by the Chief Administrative Officer, if there is reason to believe that safety or security may be compromised by the review. The request shall be granted unless the Chief of Security, or other supervisory staff designated by the Chief Administrative Officer, determines that safety or security considerations preclude the review or require a delay in the review.
4. Designated staff shall monitor the prisoner during any review. The time for a prisoner's review may be limited. If the prisoner requests copies of documents, copies shall be provided at the prisoner's expense, except as otherwise authorized by Policy and Procedures 24.4, Library Services, General Guidelines. If the Chief of Security, or other supervisory staff designated by the Chief Administrative Officer, determines that there is a risk of the prisoner damaging, destroying or altering the record, the prisoner may be provided a copy at the prisoner's expense. In no case shall the prisoner be allowed to review, have a copy of, or access the information in any document that prisoners may not have access to by law (for example, victim notification, pre-sentence investigation, furlough investigations, supervised community confinement investigations, intelligence and investigative information, screening and assessment instruments, and arresting agency's records).
5. If a prisoner requests a copy of the judgment and commitment or other document authorizing their confinement, a true and attested copy shall be provided, only once, within three (3) business days of the request at no charge.
6. All other requests to review or receive information from prisoner records shall be forwarded to the Classification or Records Officer, or designee, who shall, if necessary, forward the request to the appropriate staff. All requests from the

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
11.6 Prisoner Records Management	11. Prisoner Records	Page 4 of 6 9/20/10R

media shall be forwarded to the Chief Administrative Officer, or designee. The staff who is to act on the request shall consult with the Chief of Security, or other supervisory staff designated by the Chief Administrative Officer, if there is reason to believe that safety or security may be compromised by the review. The request shall be granted unless the Chief of Security, or other supervisory staff designated by the Chief Administrative Officer, determines that safety or security considerations preclude the review or require a delay in the review. The request shall be granted if the disclosure of the requested information is permitted by law.

7. Representatives of other state agencies or criminal justice agencies may be allowed physical access to review a prisoner's record or may be provided copies or otherwise receive information from prisoner records. The request shall be granted if the disclosure of the requested information is permitted by law.
8. Except for authorized Department of Corrections' staff, no other person shall be permitted physical access to prisoner records. Copies of the requested documents shall be provided upon receipt of an appropriate signed Department of Corrections release of information form and copying fees. The Classification or Records Officer, or designee, shall consult the Department's legal representative in the Attorney General's office if there is reason to believe that the release is not appropriate or that the disclosure of the requested information is not permitted by law.
9. Requests to review prisoner records pursuant to a subpoena or court order shall be forwarded to the Department's legal representative in the Attorney General's office.
10. Requests to review or receive information from juvenile facility or adult or juvenile community services records shall be referred to the appropriate juvenile facility or community services staff.
11. Requests to review or receive information from deceased prisoner records shall be referred to the Department's legal representative in the Attorney General's office.
12. Any time a record is reviewed in person, or copies of documents are provided, it shall be documented in the relevant record and the signed release of information form or court order, if any, shall be placed in the record.

**Procedure D: Clarification or Correction of Prisoner Records**

1. A prisoner may request a correction of or clarification of information contained in his/her prisoner records by making a written request to the Classification or Records Officer. If the requested correction or clarification concerns a significant matter and is determined by the appropriate staff to be valid, the record shall be corrected or clarified.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
11.6 Prisoner Records Management	11. Prisoner Records	Page 5 of 6 9/20/10R

## VII. PROFESSIONAL STANDARDS

### ACA:

- ACI - 4-4095** Written policy and procedure govern case record management, including at a minimum the following areas: the establishment, use, and content of inmate records; right to privacy; secure placement and preservation of records; and schedule for retiring or destroying inactive records.
- ACI – 4-4098** Written policy and procedure govern inmates' access to information in their case records.
- 4-ACRS-7D-08** Procedures govern case record management, including, at a minimum, the following areas: the establishment, maintenance, use, and content of case records; and schedule for retiring or destroying inactive records. The policies and procedures are reviewed annually. All entries in the case record are signed and dated. Appropriate safeguards exist to minimize the possibility of theft, loss, or destruction of records. Records are safeguarded from unauthorized and improper disclosure. When any part of the information system is computerized, security ensures confidentiality. The facility uses a “release of information consent form” that complies with applicable federal and state regulations. Employees, consultants, and contract personnel are informed in writing about the facility’s policies and procedures on confidentiality of information and agree in writing to abide by them.
- 4-ACRS-7D-11** Procedures govern offenders’ access to information in their case records.

<b>POLICY NUMBER/TITLE</b>	<b>CHAPTER NUMBER/TITLE</b>	<b>PAGE NUMBER</b>
<b>11.6 Prisoner Records Management</b>	<b>11. Prisoner Records</b>	<b>Page 6 of 6</b> 9/20/10R