



<b>POLICY TITLE: CLIENT RECORDS</b>		<b>PAGE 1 OF 5</b>
<b>POLICY NUMBER: 8.2 (JCC)</b>		
<b>CHAPTER 8: GENERAL ADMINISTRATION</b>		
 <b>STATE of MAINE</b> <b>DEPARTMENT of CORRECTIONS</b> <b>Approved by Commissioner:</b> 		<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VIII</b>
<b>EFFECTIVE DATE:</b> August 5, 2024	<b>LATEST REVISION:</b>	<b>CHECK ONLY IF</b> APA [ <input type="checkbox"/> ]

**I. AUTHORITY**

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

**II. APPLICABILITY**

Juvenile Community Corrections

**III. POLICY**

It is the policy of the Department of Corrections to establish guidelines regarding the contents and maintenance of records of juvenile community corrections clients. These records shall comply with all applicable federal and state laws, Departmental policies, and records retention schedules pertaining to the maintenance, protection, retention, retrieval, preservation, and disposal of client records.

**IV. DEFINITIONS**

None

**V. CONTENTS**

- Procedure A: Client Records, General
- Procedure B: Organization of Records
- Procedure C: Security of Client Records
- Procedure D: Transfer and Transport of Client Records
- Procedure E: Access to Client Records
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- Procedure G: Storage and Disposal of Inactive Records

**VI. ATTACHMENTS**

Attachment A: [Type II Folder Contents](#)

## VII. PROCEDURES

### Procedure A: Client Records, General

1. In order to provide effective and efficient delivery of services to juvenile community corrections clients, in addition to the Department's electronic database, a single paper file shall be established for each juvenile. The file shall contain certified copies of all legal documents concerning the juvenile, required signature forms, correspondence, and all other relevant paper records pertaining to the juvenile.
2. Department Policy (JCC) 8.1, Confidentiality of Juvenile Community Corrections Client Information and other applicable policies concerning safeguarding client confidentiality, dissemination of information, and access to client information shall be adhered to for client records, whether generated by the Department or by third parties and whether in paper form or electronic form, including emails (and any email attachments).
3. The Regional Correctional Administrator, or designee, shall:
  - a. establish a file management system in each juvenile community corrections office location;
  - b. ensure all client records are maintained in a secured area that is safe from unauthorized access, theft, and loss or damage by fire, smoke, or water;
  - c. designate staff to have responsibility for the maintenance and disposal of client records;
  - d. ensure staff are trained to perform all tasks associated with the maintenance of electronic and paper records; and
  - e. review a sampling of client records annually to ensure that the records are accurate and complete and are being kept in compliance with Department policies.
4. A juvenile community corrections client's record shall be maintained and updated until the juvenile is no longer in the custody of a juvenile correctional facility or under the supervision of juvenile community corrections.

### Procedure B: Organization of Records

1. As well as designated staff maintaining a juvenile community corrections client's record in the Department's electronic database, they shall ensure a paper Type 1 or Type II file is created and maintained for each juvenile community corrections client as set out below.
2. A Type I Client Records file shall be established and maintained in a standard manilla file folder for every juvenile who a juvenile community corrections officer is required to make a decision about or take action in relation to for any reason, including, but not limited to:
  - a. a juvenile arrested for an adult Title 12 or Title 29-A crime who a law enforcement officer requests be detained;
  - b. a juvenile arrested for a juvenile crime who a law enforcement officer requests be detained;

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- c. a juvenile who a law enforcement officer does not request be detained, but who is referred for a preliminary investigation; or
- d. a juvenile who comes under the Interstate Compact for Juveniles (ICJ).

The records maintained in this file shall consist of all relevant paper records pertaining to the juvenile.

3. If and when the juvenile is placed on probation or receives a disposition of an indeterminate commitment to a juvenile correctional facility, the contents of their Type I file shall be transferred to a Type II Client Records file, which shall be established and maintained in a 4-part folder with four (4) sections. The records in a Type II file shall be organized as specified in Attachment A, Type II Folder Contents. The titles of the sections are as follows:
  - a. Section I – Intake/Assessment;
  - b. Section II – Case Management;
  - c. Section III – Court/Legal; and
  - d. Section IV – Confidential/Third Party.
4. After a juvenile’s completion of probation or their discharge from an indeterminate commitment, if and when a juvenile community corrections officer is required to make a decision about or take action in relation to them for any reason (e.g., because they are arrested for a new juvenile crime), the Type II file shall be retrieved, even if inactive, and all further records shall be maintained there as an active file.
5. Designated staff shall ensure at least one photograph is maintained and updated on a yearly basis or as the client’s appearance changes in the electronic record, whichever comes first, for a client:
  - a. on probation;
  - b. on supervised conditional release (including a client on deferred disposition who is supervised by a JCCO);
  - c. on community reintegration; or
  - d. coming under the ICJ.
6. Photos shall not be taken of any other clients.

**Procedure C: Security of Client Records**

1. The Regional Correctional Administrator (RCA), or designee, shall ensure that appropriate security procedures are implemented for client records.
2. All client records, electronic and paper, shall be kept confidential and secure at all times.
3. Paper client records shall be stored in either the juvenile community services regional offices or in sub-offices.
4. Whenever any authorized Department staff accesses paper client records, they must take every precaution to ensure that the client records are not left where they can be

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found or easily accessed by an unauthorized person and shall return the records to their secure location.

5. Electronic client records shall only be saved and stored on electronic devices issued and approved by the Department. Any devices storing client record information shall be kept in a secure manner and location.
6. Whenever any Department staff believes the security of a juvenile community corrections client record has been breached, they shall notify the RCA, or designee, immediately as set out in Department Policy 5.6, Criminal Justice Information System Security.

**Procedure D: Transfer and Transport of Client Records**

1. The Regional Correctional Administrator (RCA), or designee, shall ensure that appropriate security procedures are implemented for the transfer and transport of paper records.
2. Whenever the supervision of a juvenile is transferred to another region as set out in Department Policy (JCC) 9.4, Transfer of Client Supervision, the RCA, or designee, shall ensure that:
  - a. all the paper records are transferred; and
  - b. the electronic record is current and complete.
3. Upon receiving transferred paper records, designated staff shall be responsible for inspecting all the records, including transfer receipts.
4. Client records that are transported by motor vehicle shall:
  - a. be transported in a secure container such as a locked box or briefcase whenever possible;
  - b. never be left unattended; and
  - c. be transported without stops that involve leaving the vehicle unattended if possible. If there must be a stop, client records shall not be left in the vehicle. They shall be removed from the vehicle and secured so that others cannot access them.

**Procedure E: Access to Client Records**

1. A request for any record or information contained in a record pertaining to a juvenile community corrections client shall only be in accordance with Department Policy (JCC) 8.1, Confidentiality of Juvenile Community Corrections Client Information.
2. Any time a record is reviewed by other than Department staff or copies of records are provided to other than Department staff or the information in a record is discussed with other than Department staff, that shall be documented in the relevant record and the signed release of information form and/or court order, if any, shall be placed in the record.
3. Requests to review or receive information from a deceased client's records shall be referred to the Department's legal representative in the Attorney General's Office.

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4. All requests from the media for information about a juvenile community corrections client shall be forwarded in accordance with Department Policy 1.23, Contact with News Media.

**Procedure F: Clarification or Correction of Records**

1. A client may request a correction or clarification of information contained in their record by making a written request to the Regional Correctional Administrator. 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.

**Procedure G: Storage and Disposal of Inactive Records**

1. Inactive client records shall be stored separately from active records in filing cabinets (or boxes) located in a secure location designated by the Regional Correctional Administrator (RCA), or designee, until the year that the juvenile becomes twenty-three (23) years of age or five (5) years after the end of their custody or supervision, whichever is longer, at which time the inactive records shall be transferred to the State Records Center or scanned electronically and archived annually.
2. Records that are transferred to the Records Center shall be retained in the Records Center for a period of twenty (20) years and then destroyed by the Records Center.
3. Accessing records that have been transferred to the Records Center shall be in accordance with policies established by the Records Management Office.
4. Client records may be copied and/or printed to assist Departmental staff in carrying out the Department's statutory functions, but the copies and/or printouts shall be destroyed once those functions have been completed.
5. As set out in Department Policy 1.26, Records Management for Department Records, records shall be preserved, even if the retention date has expired, if there is an ongoing or pending lawsuit (including matters for which there is a "litigation hold" or a lawsuit is otherwise reasonably anticipated), or there is an ongoing or pending audit.

**VIII. PROFESSIONAL STANDARDS**

None

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