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

All Departmental Juvenile Facilities

III. POLICY

It is the policy of the Department of Corrections that each juvenile facility’s record keeping system be designed to comply with all applicable federal and state laws, Departmental policies and procedures and professional standards and that there be accountability for all documentation related to the care and management of residents in its juvenile facilities. Record keeping is an essential administrative function performed by all staff responsible for security, programs, and services delivery.

The Department has established general procedures to guide staff practices and responsibilities concerning resident records. The system is designed to ensure that information retained in manual or automated record files is controlled for accuracy, completeness, and appropriateness. Guidelines are established to ensure that resident records information is disseminated only when authorized.

IV. CONTENTS

Procedure A: Resident Records, General

V. ATTACHMENTS

None
VI. PROCEDURES

Procedure A: Resident Records, General

1. Each facility shall establish record keeping systems to implement the legal requirements and Department policies and procedures governing the confidentiality of, right of access to, and authority to disseminate information from resident records.

2. At each facility, the Superintendent shall designate staff to have responsibilities for record keeping regarding residents that include, but are not limited to:
   a. Developing, recording, maintaining, updating, and using accurate data to support decisions;
   b. Using prescribed record keeping methods to improve the efficiency and effectiveness of programs and services,
   c. Protecting confidential information,
   d. Controlling access to and dissemination of information,
   e. Preparing reports regarding records, and
   f. Monitoring and evaluating compliance with applicable requirements for record keeping.

3. The Superintendent shall be responsible to ensure that post orders are developed to provide instructions to appropriate staff regarding the details for performing all tasks associated with record keeping responsibilities.

4. Staff responsible for the assignment of a resident’s identification number shall verify it is consistent with the information obtained from the Department’s automated information system.

5. At least one (1) set of all photographs taken of a resident shall be maintained in the resident’s Master Administrative Record. Other sets may be maintained as required by the Superintendent, or designee.

6. Records may be kept in electronic form but shall be reproduced in paper form when a resident requests to review or have copies of documents in his/her records, in response to a release of information request, when the record is to be transferred to another facility, or when the record is inactivated.

7. All manual record entries shall be legible and made in black ink. The staff who makes an entry must print or sign his/her name legibly and record the date and
time of the entry. When an entry is made late or out of sequence, it shall be entered in the next available space on the record and shall include a notation that it is late or out of sequence. All corrections must be made as follows:

a. Striking through the entry with a single solid line, and signing, dating and timing the strike through,

b. Entering the correct information on the next available space on the record.

8. The Director of Classification & Collateral Services shall review a sampling of resident records annually to ensure that the records are accurate, complete, and up to date and are being kept in compliance with Departmental policies and procedures and post orders.

9. Resident records shall be inactivated in accordance with Departmental policies and procedures and secured in an approved storage area upon inactivation. Designated staff shall be assigned responsibilities for completing closing summaries indicating the reason for the inactivation of the specific record file.

10. Original resident records shall not be removed from the facility except when the resident is being transferred to another Departmental facility or the record is being archived.

VII. PROFESSIONAL STANDARDS:

ACA:

4-JCF-3D-09 All case records associated with claims of sexual abuse, including incident reports, investigative reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling are retained in accordance with an established schedule.

4-JCF-5D-11 Provisions exist to govern the maintenance and handling of educational and vocational records. Students’ rights to privacy and confidentiality in accordance with state and federal law are maintained.

4-JCF-6F-01 Juvenile case-record management, includes, at a minimum, the following:

1. Establishment, use, and content of case records
2. Signed and dated entries in the case record
3. Maintenance, secure placement and preservation of records to minimize the possibility of theft, loss, or unauthorized destruction of records
4. Schedule for retiring or destroying inactive records
5. Safeguards from authorized and improper disclosure
6. Security, which ensures confidentiality for any part of the information system that is computerized
7. A “release of information consent form” that complies with applicable federal and state regulations, a copy of which is maintained in the case record.

Employees, consultants, and contract personnel are informed in writing about the facility's policies on confidentiality of information and agree in writing to abide by them.