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 to establish a system of records management that ensures all legal requirements and applicable professional standards are met by each of its juvenile facilities.

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Procedure C: Access to Resident Records
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V. ATTACHMENTS

None

VI. PROCEDURES

Procedure A: Organization of Records

1. Each facility shall maintain resident records, which consist of the following records:
a. **Master Administrative Record** - the record containing court documents (e.g. judgment and commitment, writs and remands, and detainers), documents that residents may not have access to by law, grievance documents, and other documents specified by other Departmental policy and procedures as being part of the Master Administrative Record.

b. **Case Management File** - the record containing plans and documents concerning programs, services, behavior, incidents, and progress of the resident.

c. **Program Record** - the record of the resident’s participation in facility programs (including education and work assignments).

d. **Financial Record** - the record of all financial transactions of the resident.

e. **Property Record** - the record of all personal property of the resident and state property issued to the resident.

f. **Health Care Record** - the record of health care provided to the resident including medical, dental, optometric, and mental health care.

g. **Substance Abuse Treatment Record** – the record of substance abuse treatment provided to the resident.

h. **Visit Record** - the record of approved visitors and dates and times of visits.

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 Master Administrative Record and Case Management File shall be as follows:

   a. **Section I.** Admission and Orientation;

   b. **Section II.** Resident Housing, Work, and Status Chronology;

   c. **Section III.** Classification/Disciplinary/Special Management;

   d. **Section IV.** Correspondence;

   e. **Section V.** Confidential and Third Party; and

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3. Each facility shall also maintain other records relating to residents that are not maintained on an individual resident basis (e.g., logbooks and intelligence and investigative reports, etc.).

Procedure B: Maintenance of Records

1. Designated staff shall ensure that all of the component records of the Consolidated Record are created for each resident newly admitted to the Department. These records shall be maintained and updated until the resident’s detention is terminated or the resident is discharged. Upon transfer to another departmental facility, staff shall ensure that all of the component records are combined into a Consolidated Record. Upon termination of detention or discharge, the component records shall be combined into the Consolidated Record and inactivated.

2. For residents who are committed to an indeterminate period, are sentenced to a shock sentence, or are serving a drug court sanction, the Consolidated Record shall be stored at the facility until the resident’s discharge, expiration of the term of commitment, or age of majority (18 years of age), whichever is latest. For residents who are detained, the Consolidated Record shall be stored at the facility until one year after the resident’s detention is terminated. After the storage period is up, inactive resident records shall be sent to the State Archives.

3. Inactive resident records shall be stored separately from active records.

4. The Director of Classification & Collateral Services, 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.

5. Inactive resident records, whether stored at the 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 years and then sent to the State Archives.

7. Staff is not authorized to destroy resident records or operational records except those disciplinary records which are required to be expunged.

Procedure C: Access to Resident Records
1. Before any record or information contained in a record pertaining to a resident 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 resident or another person, verification of the agency or the person requesting the disclosure, etc.

2. A resident may request to review or have copies of documents in his/her resident record (other than mental health or substance abuse treatment records) by making a written request to the Director of Classification & Collateral Services, 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 Deputy Superintendent of Operations, or other supervisory staff designated by the Superintendent, if there is reason to believe that safety or security may be compromised by the review. The request shall be granted unless the Deputy Superintendent of Operations, or other supervisory staff designated by the Superintendent, determines that safety or security considerations preclude the review or require a delay in the review, provided disclosure of the information is otherwise permitted by law.

3. A resident 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 Director of Classification & Collateral Services, or designee. The Director of Classification & Collateral Services, or designee, shall consult with the facility psychiatrist or psychologist to determine whether it would be detrimental to the resident’s mental health for the resident to review the record. If it would be detrimental to the resident’s mental health, the resident shall be advised that the resident may sign a release to disclose this information to an authorized representative. If it would not be detrimental to the resident’s mental health, the facility psychiatrist or psychologist shall also determine whether the resident must review the record with mental health staff. The staff who is to act on the request shall consult with the Deputy Superintendent of Operations, or other supervisory staff designated by the Superintendent, if there is reason to believe that safety or security may be compromised by the review. The request shall be granted unless the Deputy Superintendent of Operations, or other supervisory staff designated by the Superintendent, determines that safety or security considerations preclude the review or require a delay in the review, provided disclosure of the information is otherwise permitted by law.

4. Designated staff shall monitor the resident during any review. The time for a resident’s review may be limited. If the resident requests copies of documents, copies shall be provided at the resident’s expense except as otherwise authorized by departmental policy and procedures. If the Deputy Superintendent of Operations, or other supervisory staff designated by the Superintendent, determines that there is a risk of the resident damaging,
destroying or altering the record, the resident may be provided a copy at the resident’s expense. In no case shall the resident be allowed to review, have a copy of, or access the information in any document that residents may not have access to by law (for example, victim notification, pre-disposition report, leave investigations, intelligence and investigative information, screening and assessment instruments, and arresting agency’s records).

5. If the resident requests a copy of the judgment and commitment or other document authorizing their confinement, it shall be provided, only once per document, within 3 working days of the request at no charge.

6. All other requests to review or receive information from resident records shall be forwarded to the Director of Classification & Collateral Services, or designee, who shall, if necessary, forward the request to the appropriate staff. All requests from the media shall be forwarded to the Superintendent or designee. The staff who is to act on the request shall consult with the Deputy Superintendent of Operations, or other supervisory staff designated by the Superintendent, if there is reason to believe that safety or security may be compromised by the review. The request shall be granted unless the Deputy Superintendent of Operations, or other supervisory staff designated by the Superintendent, determines that safety or security considerations preclude the review or require a delay in the review, provided disclosure of the information is otherwise permitted by law.

7. Representatives of other state agencies or criminal justice agencies may be allowed physical access to review a resident’s record or may be provided copies or otherwise receive information from resident 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 resident 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 Director of Classification & Collateral Services, 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 resident 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 adult facility or adult or juvenile community corrections records shall be referred to the appropriate adult facility or community corrections staff.

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11. Requests to review or receive information from deceased resident 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 Resident Records

1. A resident may request a correction of or clarification of information contained in his/her resident records by making a written request to the Director of Classification & Collateral Services. 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.

VII. PROFESSIONAL STANDARDS:

ACA:

4-JCF-2A-19 All special incidents, including but not limited to the taking of hostages, use of restraint equipment, or the use of physical force, are reported in writing, dated, and signed by the staff person reporting the incident. The report is placed in the juvenile’s case record and reviewed by the facility administrator and/or the parent agency.

4-JCF-3A-21 Juvenile’s legal commitment authority is documented by court order, statute, or compact. Materials in the case file are clearly identified as to source, verification, and confidentiality.

4-JCF-3A-22 The release practices and criteria employed by the releasing authority in making decisions are explained to the juvenile and are available in written form. These practices are as follows:

1. Specific enough to permit consistent application to individual cases.
2. Juveniles have access to the information on which release decisions are based, except information that, in accordance with the authority’s written policy, is specifically classified as confidential for good and sufficient reasons, and is so designated.
3. Juveniles are given the reason for deferral of release, and the decision is recorded in the case record.

4-JCF-3A-25 The releasing authority has available in writing information about a juvenile’s prior history, his/her current situation, and events in the case since any previous hearings, the juvenile’s future plans, and relevant conditions in the community. Materials in the case file are clearly identified as to source, verification, and confidentiality.

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4-JCF-3C-07 An impartial person or panel of persons conducts disciplinary hearings on rule violations. A record of the proceedings is made and maintained for at least six months.

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-5A-02 There is a summary-admission report prepared for all new admissions to the system that includes but is not limited to the following:

1. Summary account of the legal aspects of the case
2. Summary of criminal history
3. Family history
4. Medical, dental, and mental health and substance abuse histories
5. Vocational interests, if appropriate
6. Educational status
7. Religious background and interests
8. Recreational assessment
9. Psychological evaluation, including intellectual assessment
10. Housing officer staff reports
11. Staff recommendations

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.

4-JCF-6F-02 The facility maintains a record on each juvenile, available in a master file. The contents are identified and separated according to an established format, and include, at a minimum, the following information:

1. Demographic information (name, age, sex, place of birth, and race or nationality)
2. Initial intake information form
3. Authority to accept juvenile
4. Committing offense and disposition

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5. Referral source  
6. Case history/social history  
7. Medical consent forms  
8. Name, relationship, address, and phone number of parent(s)/guardian(s) and person(s) juvenile resides with at the time of admission  
9. Driver’s license number; social security number, and Medicaid number, when applicable  
10. Individual plan or program  
11. Signed release of information forms, when required  
12. Progress reports on program involvement  
13. Program rules and disciplinary policy signed by juvenile  
14. Grievance and disciplinary record, if applicable  
15. Referrals to other agencies, and final discharge or transfer report

4-JCF-6F-06 The facility or parent agency supports, engages in, and uses research activities relevant to its programs, services, and operations.

1. The facility administrator reviews and approves all research prior to implementation to ensure compliance with professional/scientific ethics, agency policy, and state and federal guidelines for the use and dissemination of research findings.  
2. Juvenile participation is voluntary in nonmedical, nonpharmaceutical, and noncosmetic research programs.  
3. Access to records is granted for the purpose of research, evaluation, and statistical analysis in accordance with a formal written agreement that authorizes access, specifies use of data, and ensures confidentiality.  
4. All research results are made available to the facility administrator for review and comment prior to publication or dissemination.