

103 CMR 155.00: INMATE CASE RECORDS

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155.01 Purpose

To establish rules and regulations for the maintenance of inmate case records.

155.02 Authorization

103 CMR 155.000 is issued pursuant to M.G.L. C.124, § 1 (f), (g), and (j). 103 CMR 155.000 is not intended to confer any procedural or substantive rights not otherwise granted by state or federal law, nor any private cause of action.

155.03 Cancellation

103 CMR 155.000 cancels all previous departmental policies, and orders for the maintenance of inmate case records.

155.04      Applicability

103 CMR 155.000 is applicable to the maintenance of inmate case records within the Department of Correction, both at central office and at all institutions.

155.05      Access

103 CMR 155.000 shall be maintained in the central policy file of the department and shall be accessible to all department employees. 103 CMR 155.000 shall also be maintained in each superintendent's central policy file and in each inmate library.

155.06      Definitions

Added Data. A form used to make notifications of new factual data including but not limited to the following: legal name change, changes of sentences, change of emergency address, release dates, sentence information.

Administrative Chronology. A chronological record listing inmate moves, transfers, board hearings, and significant events.

Board of Probation. A report detailing criminal history as reported by the Criminal History Systems Board.

Forms. Printed material in the way of a report, data sheet, or a paper that is to be included in the case record.

Inmate. Any individual, whether in pre-trial, unsentenced, or sentenced status, who is confined in a correctional institution.

Inmate Case Records. The standard six-part folder or computerized record used by the Department of Correction for the recording and/or filing of correspondence, reports, and appropriate forms.

Position. Refers to one of the six sections which exist in every folder. Material to be filed in the folder is designated for a particular position.

Sentence Information Form. A form detailing essential information relating to an inmate's sentence(s).

Two-Flap Folder. A folder used to contain inmate records. This type of file was used prior to the development of the six part folder. This two-flap folder is still being used for short-term inmates (sentence less than one year).

155.07      The Inmate Case Record

(1)      Organization

It is the policy of the Department of Correction that each Massachusetts correctional institution maintain one case record on each of its current inmates. The case record shall normally be a standardized six-part folder containing relevant material related to the inmate's admittance, transfer, background data, classification, programming, and release, as outlined by 103 CMR 155.000. Those facilities utilizing a computerized record system (Inmate Management System {IMS}) shall maintain information within this system. Upon the release or transfer of an inmate to a non-IMS institution, appropriate information must be printed and filed, pursuant to established procedure, in the standard six part folder. In cases of short-term offenders, i.e., Massachusetts Alcohol and Substance Abuse Center or MCI-Framingham sentences of one year or less, a two flap folder may be utilized. The folder shall accompany the inmate upon a transfer from one institution to another within the Department of Correction. The case record shall be organized in a manner which will make all data easily accessible for maximum utility, thereby making it an efficient tool for security, classification, investigation, and recording of significant events or correspondence.

(2)      Format

The case record folder shall be divided into six positions. The titles of these positions are as follows:

- (a)      Position I - Legal
- (b)      Position II - Classification

- (c) Position III - Institutional Programming
- (d) Position IV - Community Programming
- (e) Position V - Health
- (f) Position VI - Parole

(3) Content

The specific material described herein shall be entered in the case record folder. Ordered according to the six-position format, the material shall include, but not be limited to, the following:

- Initial intake information
- Case information from referral source, if available
- Case history/social history
- Medical record, when available
- Individual plan or program
- Signed release of information forms
- Evaluation and progress reports
- Current employment data and education data
- Program rules and disciplinary policy, signed by offender
- Documented legal authority to accept offender
- Grievance and disciplinary record
- Referrals to other agencies
- Approved visitation list
- Personal property inventory
- Final discharge report

and shall be incorporated as follows:

Position I

(a) Legal - The information to be included under this heading will be related to court, administrative chronology, sentence, identification and general correspondence.

Position II

(b) Classification - The information to be included under this heading shall be the forms regarding the classification and progress of the inmate.

Position III

(c) Institutional Programming - The information to be included under this heading shall be material related to the inmate's institutional adjustment and program participation.

Position IV

(d) Community Programming - The information to be included under this heading shall be the various forms describing the inmate's participation in work or education release. The institution may maintain separate work/education release and program related activity files on inmates currently on positive status in any of these areas. Once the inmate is terminated from the institution, information maintained in the separate work/education or program related activity files shall be incorporated into position IV of the six position folder.

Position V

(e) Health - The information to be included under this heading will be forms related to the inmate's medical and mental health.

Position VI

(f) Parole - The information to be included under this heading shall be material relating to the inmate's parole, commutation and early parole consideration.

155.08      Detainee Records

A case record shall be maintained on any detainee held in a Massachusetts Correctional Institution. Initial construction of the folder shall be performed by clerical staff at the institution that receives the detainee. The case record shall normally be a two flap folder containing relevant material related to the detainee's admittance such as, but not limited to: transfer; background data; disciplinary/incident reports; and court, classification, programming, and release information. Those institutions utilizing a computerized record system (Inmate Management System {IMS}) shall maintain information within this system.

Upon the release or transfer of a detainee to a non IMS institution, appropriate information shall be printed and filed, pursuant to established procedure, in the two flap folder. The folder shall accompany the inmate upon a transfer from one institution to another within the department of correction. The case record shall be organized in a manner to make all data easily accessible for maximum utility, thereby making it an efficient tool for security, classification, investigation, and recording of significant events or correspondence.

Upon the commitment of a detainee to the department of correction all information contained in the two flap folder shall be merged into the inmate's six part folder. Those facilities with the IMS shall utilize the "copy prior record" feature to copy information from the computerized detainee record to the inmate record.

Upon release of the detainee the two flap folder shall be forwarded, within a 24 hour period, to the designated institution/location for storage.

155.09      Preparation and Maintenance

- (1) Responsibility.      Initial construction of the folder shall be performed by clerical staff at the state's committing institutions. The folder shall be transferred whenever the inmate is transferred. It is the responsibility of the institution having custody of the inmate to update case folders according to the established format described in 103 CMR 155.07 and 155.08.
- (2) Procedure.      The folder shall be started on each inmate at the committing institutions with the insertion of a tab on the folder. The tab will contain the inmate's name (last, first, middle initial) and his commitment number. All index dividers will be marked and entered into the appropriate positions. Any papers regarding the inmate that arrive at the committing institution will be entered in the appropriate positions.
- (3) Transfers.      Transfers of an inmate shall be indicated on the administrative chronology by the

sending institution. The folder should be made ready and shall accompany the inmate to his placement in the newly designated institution. Upon the transfer of an inmate from an IMS to a non IMS institution, appropriate information shall be printed and filed, pursuant to established procedure, in the standard six part folder. In the case where an inmate is civilly committed to the Massachusetts Treatment Center his updated case record shall be immediately forwarded. In the case where an inmate is scheduled to be admitted to an institutional infirmary, Lemuel Shattuck Hospital (LSH) or medical special housing unit in another institution, the inmate's updated case record shall be simultaneously transferred. In the event an inmate is admitted to such medical institution after the transfer, the inmate's updated case record shall be forwarded immediately upon knowledge of the admission. In the case where a female inmate is transferred to an out of state or federal jurisdiction, the original mittimus and six part folder must be returned to MCI-Framingham. In the case where a male inmate is transferred to an out of state or federal jurisdiction, the original *mittimus* and six part folder must be returned to MCI-Cedar Junction. All classification materials including the six part folder and *mittimus* needed for transportation purposes and record retention at the receiving jurisdiction will be provided by the county/interstate and federal classification office. The sending institution is not required to provide any material from the six part folder or the *mittimus* to transportation or the receiving jurisdiction. In the case where a male or female inmate transfers to a county institution, the six part folder and *mittimus* shall accompany the inmate.

- (4) Prior Offenders. When an inmate is admitted on a new commitment, but was previously incarcerated in a state correctional institution, the new institution shall be responsible for retrieving the original folder, screening and reorganizing the old material and reactivating the folder according to the format and instructions — 103

CMR 155.07 through 155.09. Those facilities with the IMS shall utilize the "copy prior record" feature to copy information from the last computerized inmate record to the current inmate record.

- (5) Filing. Any papers regarding the inmate that need to be filed shall be entered in the appropriate position of the six part folder. Filing shall be completed promptly with new material being placed in the front of each position. In the event that there is not sufficient room in position III Institutional Programming to accommodate all documents, then positions IV, V and VI may be combined in the sixth position of the six-part folder and positions IV and V may be utilized for additional position III documents.

155.10 Confidentiality and Accessibility

- (1) Responsibility. Each institution shall be responsible for the maintenance of the case records for its population. The folders shall be kept in a central location in locked file cabinets, with adequate room for their storage. Staff at the designated site shall be responsible for maintaining six part folders and *mittimus* on all inmates committed and presently housed in an out of state or federal jurisdiction. The six part folder and *mittimus* shall be kept together and secured in a locked file cabinet separate from the site's active population. The county/interstate and federal classification office shall provide material, i.e. disciplinary reports, classification boards, and progress reports to the designated sites for filing in the inmate's six part folder.

Upon an inmate's return to the jurisdiction of Massachusetts the designated site shall be notified by the county/interstate and federal classification office for reactivation of the six part folder.

- (2) Removal from File Room. The case record folder should not be taken from the records department

unless a sign-out slip or notebook has been filled out, indicating where and with whom the case record can be found. The folder must be returned to the record room at the end of the work day on which it was checked out.

- (a) Institution Staff. Institution staff authorized by the Superintendent and other department staff authorized by the Commissioner, in accordance with 103 DOC 153.00 and 103 CMR 157.00, are the only people who may have access to the case records. Access to the case records is only for purposes related to the fulfillment of job functions. Discretion should be used in discussing the content of case records because of the confidential nature of the material contained therein.
- (b) Inmates. In accordance with 103 DOC 153.00, inmates may review information about themselves, except as limited by 103 CMR 157: Access to and Dissemination of Evaluative Information.

155.11      Auditing of Records

The superintendent of each correctional institution shall develop procedures for periodic auditing of case records to ensure those records are current and accurate. Procedures shall be developed for both paper and computerized (IMS) inmate records. Procedures shall designate:

- (1) staff responsible for conducting the review;
- (2) the frequency of review;
- (3) the method for documentation of the review.

155.12      Safeguards Against Loss/Destruction

The staff member designated by the superintendent to be responsible for the case record folders shall ensure their maintenance in locked files that are safe from unauthorized use, theft, and loss or damage by fire, smoke, and water.

155.13      Outdated Inmate Records

Refer to 103 DOC 156.00: Destruction of Inmate Records.

155.14      Responsible Staff

The superintendent or designee shall be responsible for implementing 103 CMR 155.00 at each correctional institution. The Commissioner shall be responsible for supervising the overall implementation of 103 CMR 155.00.

155.15      Annual Review

103 CMR 155.00 shall be reviewed at least annually by the Commissioner and/or a designee. The party or parties conducting the review shall submit a memorandum to the Commissioner with a copy to the Central Policy File indicating that the review has been completed. Recommendations for revisions, additions, and deletions shall be included.

155.16      Severability

If any article, section, subsection, sentence, clause or phrase of 103 CMR 155.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner, or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 103 CMR 155.00.

REGULATORY AUTHORITY

103 CMR 155.00: M.G.L. c. 124, § 1(f), (g), and (j).