

Massachusetts Department of Correction

Destruction of Inmate Records

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156.01 Terms Defined

For the purposes of this policy, terms used are defined as:

1. Central office case record - Prior to 2008, the folder of information about an inmate, stored in the central office records room, which is similar in content to the institutional six-part folder. These records are stored with a contracted vendor.
2. Central Records Department - Office responsible for maintaining and managing the (historical) central office case record, as well as maintaining and managing the institutional inmate six-part folder of inmates no longer in the custody of the Department.
3. Inmate records - Any or all of the following types of records about an inmate: central office case records, institutional folders, institutional six-part folders, institutional two-flap folders and mittimus papers and electronic IMS files.
4. Institutional six part folder - The standard folder for new commitments to the Department which has six separate sections for filing of appropriate material.
5. Institutional 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 folder is still being used for short term inmates (sentences less than one (1) year).
6. Mittimus papers- The package of sentencing documents received from a court upon commitment of an inmate to the Department.
7. Inmate Management System (IMS) - The Department's automated information system that provides processing, storage and retrieval of inmate-related information needed by Department personnel and other authorized users within the criminal justice system.
8. Records Conservation Board - The state agency having authority over the retention and destruction of official documents.

9. State Archive - The state agency responsible for monitoring and storing various state records and/or documents.
10. Vendor - a certified individual/company which has obtained the contract for managing outdated inmate records.

156.02 Institutional Six-Part and Two Flap Folder

The following steps are to be followed in handling institutional six part and two flap folders once an inmate has left the Department's custody:

1. The folder shall be reviewed to update chronologies and file any recent material.
2. Within ninety (90) days of the release date, the folder and mittimus shall be forwarded to the Central Records Department.

156.03 Storage of Ex-Inmate Case Records and Mittimus Papers

The following steps are to be adhered to in handling a Six-Part or Two Flap Folder as well as the mittimus papers once an inmate has left the Department's custody.

1. The mittimus shall be brought up to date by including a copy of the appropriate release document, i.e., parole or discharge paper.
2. Within two (2) weeks of the inmate's release date, the mittimus shall be filed within the institutional six-part/two flap folder. Within ninety (90) days of the inmate's release date, the Six-Part or Two Flap Folder and mittimus shall be forwarded to the Central Records Department.
3. In accordance with time frames established by the Records Conservation Board as set forth in the most current Massachusetts Statewide Retention Schedule, the mittimus shall be securely stored after the inmate is released via good conduct discharge, expiration of sentence, discharge from civil commitment, or discharge from Parole Board supervision. Mittimus

papers shall only be destroyed after written permission for said destruction has been requested and received from the Records Conservation Board, in accordance with the approved retention schedule.

4. Information contained in the IMS does not need to be maintained in the institutional six-part folder/two flap folder or central office folder. Such information is available electronically.

156.04 Inmate Management System Records

Data from the IMS electronic records shall be stored on disks that have a full one (1) to one (1) mirror and hot online spare disks that will synchronize with any of the data disks should one malfunction. On a nightly basis, the Office of Technology and Information Services Division ("OTIS") shall run two (2) backup procedures for the IMS Database to include a hot backup of the database and a backup of the archive logs. These two (2) procedures shall be done to the OTIS tape drive. Tapes shall be taken to a secure off-site storage location.

156.05 Historical Records

Prior to 2008, the Department maintained both central office case records (maintained at the Central Records Department) as well as Institutional Six Part and Two Flap case records (maintained at the institutions). This practice ceased in 2008. The records of inmates discharged prior to 2008 are stored with contracted vendors.

The latest Massachusetts Statewide Records Retention Schedule establishes the required retention periods for mittimus records that are kept in the institutional file and for those mittimus records kept in areas other than the institutional file. Mittimus records shall be destroyed only after written permission for said destruction has been requested and received from the Records Conservation Board.

156.06 Security and Safety of Inmate Records

To the extent possible, the individual/contracted vendor in charge of the particular type of inactive inmate record shall ensure the safe and secure storage of such records against unauthorized use, theft, and loss or damage by fire, smoke or water.