

103 CMR ~~155-.00~~: INMATE SIX-PART FOLDER~~CASE RECORDS~~

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155.01 Purpose

To establish rules and regulations for the maintenance of inmate case records and, specifically, the inmate six-part folder.

155.02 Authorization

103 CMR ~~155-.000~~ is issued pursuant to M.G.L. ~~c~~e.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~~departmental~~ policies, and orders for the maintenance of inmate case records, and, specifically, the inmate six-part folder.

155.04      Applicability

103 CMR ~~155-.000~~ is applicable to the maintenance of inmate case records, and, specifically, the inmate six-part folder, 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~~department and shall be accessible to all ~~Department~~department employees. 103 CMR ~~155-.000~~ shall also be maintained in each ~~Superintendent's~~superintendent's central policy file and in each inmate library.

155.06      Definitions

County Federal Interstate Unit (CFI): A Unit within the Classification Division responsible for issues related to inmates who are housed in a county, federal or other state jurisdiction, as well as county, federal or other state jurisdiction inmates housed within the Department.

Criminal Justice Information System (CJIS): Database which offers law enforcement and criminal justice agencies within the state and across the nation secure access twenty-four (24) hours per day seven (7) days a week to state and interstate criminal history record information, protective orders, missing and wanted person files, driver's license and motor vehicle information, firearms licensing and gun sales transactions, and other critical criminal justice information, via the National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications System (NLETS).

Detainee: A person~~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 custody of the Department of Correction who is not . Any individual, whether in pre-trial, unsentenced, or sentenced and status, who is awaiting the outcome of confined in a legal issue. correctional institution.

Detainee Record: A manila folder created to maintain records of detainees.

Index Divider: A spacer that is placed within the positions of the Inmate Case Records. The standard six-part folder to distinguish between sections of documents within each position.

Inmate: For the purposes of this regulation only, any person serving a sentence under the law or otherwise in the legal custody of the Department of Correction.

Inmate Sentence Listing: The form providing essential inmate sentencing information including the date of imposition of the sentence, any jail credits, effective date of sentence, offense, sentence, sentencing court, and sentencing statute.

Official Version (OV) - A statement of the facts upon which the inmate's sentence was based. Official Version - A statement of the facts upon which the inmate's sentence was based.

Position: One of the six sections which exist in every inmate's six-part folder.

Six-part folder: An inmate record divided into six categories and the computerized inmate record used by

the Department of Correction for the recording and/or filing of documents in accordance with 103 CMR 155.07(3).~~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/Detainee Case Record

(1) Organization

It is the policy of the Department of Correction that each Massachusetts correctional institution shall maintain an inmate case record on each inmate within of its current population (both sentenced and unsentenced).

~~inmates.~~ The sentenced inmate's case record shall normally be a standardized six-part folder containing relevant material related to the inmate's sentencing, CJIS/legal issues, admittance, transfer, background data, classification, correspondence, discipline and activities 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 and the House of Correction. The six-part~~

~~folder.~~ 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 ~~six-part~~ folder shall be divided into six positions. The titles of these positions are as follows:

- (a) \_\_\_\_\_ Position I - ~~Sentencing~~ Legal
- (b) \_\_\_\_\_ Position II - ~~Legal/CJIS~~ Classification
- (c) \_\_\_\_\_ Position III - ~~Classification~~ Institutional Programming
- (d) \_\_\_\_\_ Position IV - ~~Correspondence~~ Community Programming
- (e) \_\_\_\_\_ Position V - ~~Disciplinary~~ Health
- (f) \_\_\_\_\_ Position VI - ~~Activities~~ Parole

(3) Content

The specific material described herein shall be ~~filed~~ entered in the ~~six-part~~ folder, ~~ordered.~~ Ordered according to the six-position format, and 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) Sentencing - This section shall contain the initial offender face sheet, inmate sentence listing, deduction from sentence (DFS), completed interstate agreement detainer (IAD) paperwork, official version and the inmate appeal form.~~

~~(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) CJIS- This section shall contain the most recent CJIS, Docket entry sheets, initial CJIS, FBI Report and the inmate's fingerprint card. If the inmate is released, the initial and final release checks/package shall be filed on top, under the position II coversheet.~~

~~(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) Classification- This section Institutional Programming - The information to be included under this heading shall contain be material related to the inmate's signed personal inmate's institutional adjustment and program plan, inactive visiting card(s), handbook/orientation receipts and general population waivers participation.~~

Position IV

~~(d) Correspondence- This section shall contain any and all inmate or inmate related correspondence and completed CORI/Evaluative requests.~~

~~(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) Disciplinary - This section shall contain all original guilty disciplinary packages.

~~(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) Activities - This section shall contain work/educational release documents and emergency escorted trip requests.

~~(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 RecordRecords

A ~~detainee~~ record shall be maintained on ~~every~~ detainee. ~~held in a Massachusetts Correctional Institution.~~ Initial construction of the ~~detainee record~~ folder shall be performed by ~~Record~~ clerical staff at the institution that receives the detainee. The ~~detainee~~ record shall ~~normally~~ be a ~~manila~~ two flap folder containing relevant material related to the detainee's confinement within the Department of Correction 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 ~~detainee~~ inmate upon a transfer from one institution to another within the ~~Department~~ department of Correction.

~~Upon release of the detainee, the detainee correction. The case record shall be maintained at the Department of Correction institution where the detainee was located. Records of released detainees shall be maintained by year of release and by alphabetical order and shall be stored in accordance with the Massachusetts State-Wide Record Retention Schedule 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 six-part folder shall be performed by Recordsclerical staff at the state's committing institutions. The folder shall be transferred whenever the inmate is transferred to another Massachusetts Department of Correction facility or the House of Correction. It is the responsibility of the institution having custody of the inmate to update the six-part folder~~ease folders~~ according to the established format described in 103 CMR 155.07 and 155.08.

(2) Procedure. The creation of a six-part folder shall begin~~be started on each inmate at the committing institutions~~ with the insertion of a tab on the folder. The tab shall be typed and shall~~will~~ contain the inmate's name (last, first, middle initial,) and his/her commitment number, the number of folders the inmate has (e.g., 1 of 2, 2 of 2) and all prior incarcerations. All index dividers shall be labeled in accordance with 103 CMR 155.07(3)~~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 six-part folder ~~shall~~should be made ready and shall accompany the inmate to his/her 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 six-part folder~~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 forwarded~~returned to MCI-Framingham. ~~In the Central Date Computation Unit. The~~case where a male inmate shall travel with a copy~~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 by the ~~for transportation purposes and record retention at the~~ receiving jurisdiction will be provided by the CFI Unit.~~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 to the receiving jurisdiction. In the case where ana male or female inmate transfers to a county institution, the original

~~six--part folder and mittimus shall be forwarded to accompany the county institution inmate.~~

- (4) Prior Offenders. When an inmate is admitted on a new commitment, but was previously incarcerated in a state correctional ~~institution~~, the Central Records Unit new institution shall be responsible for retrieving the prior original folder(s), ~~screening~~ and forwarding it ~~reorganizing the old material and reactivating the folder according to the committing institution. Facilities 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 appropriate documents/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 and in the appropriate index with the newest new material on top. being placed in the front of each position. In the event that there is not sufficient room in a position, a second 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 shall be created and properly labeled in accordance with 103 CMR 155.09(2).

Any forms/letters that are created must be reviewed positions IV and approved by the Central Records Manager/designee prior to being filed in the six-part folder. 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 six-part folders case records for its population. The six-part folders shall be kept in a central location, in alphabetical order locked file cabinets, with adequate room for their storage and with Staff at the ability to 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 during non-business hours. ~~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.~~

For inmates outside the jurisdiction of Massachusetts, the CFI Unit shall provide material, (e.g., disciplinary reports, classification reports, and progress reports) to the Central Date Computation Unit 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 Central Date Computation Unit~~county/interstate and federal classification office for reactivation of the six--part folder and mittimus shall be returned to the institution in which the inmate is housed.~~

- (2) Removal from Institutional Records Department.~~File Room.~~ The six-part~~case record~~ folder should not be taken from the records department unless the sign-out logslip~~or notebook~~ has been filled~~completed~~ 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 signed~~checked~~ out.

- (a) Institution Staff. Institution staff, authorized by the Superintendent, and other Department~~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 six-part folder.~~case records.~~ Access to the six-part folder~~case records~~ is only for purposes related to the fulfillment of job functions. Discretion should be used in discussing the content of the six-part folder~~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 Records Staff at superintendent of each ~~correctional~~ institution shall audit the six-part folder ~~develop procedures for periodic auditing of case records to ensure those records are current and mittimus upon intake of the accurate.~~ Procedures shall be developed for both paper and computerized (IMS) inmate intorecords. Procedures shall designate:

- ~~(1) staff responsible for conducting the review;~~
- ~~(2) the frequency of review;~~
- ~~(3) the facility and in accordance with method for documentation of the~~ Deduction From Sentence Schedule ~~review.~~

155.12 Safeguards Against Loss/Destruction

The Records Manager/designee shall ~~staff member designated by the superintendent to~~ be responsible for the six-part ~~case record~~ folders and shall ensure their maintenance in a secured area ~~locked files~~ that is ~~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 Superintendents ~~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 ~~develop~~ 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 or, and deletions which shall be included for the Commissioner's written approval and shall become effective pursuant to applicable law.

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).