

103 CMR: DEPARTMENT OF CORRECTION

103 CMR 155.00: INMATE SIX-PART FOLDER

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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: Cancellation

103 CMR 155.00 cancels all previous Departmental policies, and orders for the maintenance of inmate case records, and, specifically, the inmate six-part folder.

155.03: Applicability

103 CMR 155.00 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.

155.04: Access

103 CMR 155.00 shall be maintained in the Central Policy File of the Department and shall be accessible to all Department employees. 103 CMR 155.00 shall also be maintained in each Superintendent's Central Policy File and in each inmate library.

155.05: 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.

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Criminal Justice Information System (CJIS). Database which offers law enforcement and criminal justice agencies within the state and across the nation secure access 24 hours per day seven 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 in custody of the Department of Correction who is not sentenced and is awaiting the outcome of a legal issue.

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

Index Divider. A spacer that is placed within the positions of the six-part folder to distinguish between sections of documents within each position.

Inmate. For the purposes of 103 CMR 155.00 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. 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 155.06(3).

### 155.06: Six-part Folder

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

The sentenced inmate's record shall be a standardized six-part folder containing relevant material related to the inmate's sentencing, CJIS/legal issues, classification, correspondence, discipline and activities, as outlined by 103 CMR 155.00. The six-part folder shall accompany the inmate upon a transfer from one institution to another within the Department of Correction. The six-part folder 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:

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- (a) Position I - Sentencing;
- (b) Position II - Legal/CJIS;
- (c) Position III - Classification;
- (d) Position IV - Correspondence;
- (e) Position V - Disciplinary; and
- (f) Position VI - Activities.

(3) Content. The specific material described in 103 CMR 155.00 shall be filed in the six-part folder, ordered according to the six-position format, and the material shall include the following:

Position I.

(a) Sentencing. 103 CMR 155.06(3)(a) 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.

Position II.

(b) CJIS. 103 CMR 155.06(3)(b) 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.

Position III.

(c) Classification. 103 CMR 155.06(3)(c) shall contain the inmate's signed personal program plan, inactive visiting card(s), handbook/orientation receipts and general population waivers.

Position IV.

(d) Correspondence. 103 CMR 155.06(3)(d) shall contain any and all inmate or inmate related correspondence and completed CORI/Evaluative requests.

Position V.

(e) Disciplinary. 103 CMR 155.06(3)(e) shall contain all original guilty disciplinary packages.

Position VI.

(f) Activities. 103 CMR 155.06(3)(f) shall contain work/educational release documents and emergency escorted trip requests.

155.07: Detainee Record

A detainee record shall be maintained on every detainee. Initial construction of the detainee record shall be performed by Records staff at the institution that receives the detainee. The detainee record shall be a manila folder containing relevant material related to the detainee's confinement within the Department of Correction. The folder shall accompany the detainee upon a transfer from one institution to another within the Department of Correction.

Upon release of the detainee, the detainee 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.

155.08: Preparation and Maintenance

(1) Responsibility. Initial construction of the six-part folder shall be performed by Records staff at the state's committing institutions. The folder shall be transferred whenever the inmate is transferred to another Massachusetts Department of Correction facility. It is the responsibility of the institution and the County Federal Interstate Unit (CFI) Manager or Records Manager/Designee having custody of the inmate to update the six-part folder 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 with a tab on the folder. The tab shall be typed and shall contain the inmate's name (last, first, middle initial, his or 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 155.06(3) and entered into the appropriate positions.

(3) Transfers. The six-part folder shall be made ready and shall accompany the inmate to his or her placement in the newly designated institution. In the case where an inmate is civilly committed to the Massachusetts Treatment Center, his six-part folder 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 an inmate is transferred to an out of state or federal jurisdiction, the original *mittimus* and six-part folder must be forwarded to the County, Federal and Interstate (CFI) Unit. The inmate shall travel with a copy of the original *mittimus*. All classification materials needed by the receiving jurisdiction will be provided by the CFI Unit. The sending institution is not required to provide any material from the six-part folder to transportation or to the receiving jurisdiction. In the case where an inmate transfers to a county institution, the original six-part folder and *mittimus* shall be forwarded to the CFI Unit.

(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 shall be responsible for retrieving the prior folder(s) and forwarding it to the committing institution. Facilities 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 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 material on top. In the event that there is not sufficient room in a position, a second six-part folder shall be created and properly labeled in accordance with 103 CMR 155.08(2).

Any forms/letters that are created must be reviewed and approved by the Central Records Manager/Designee prior to being filed in the six-part folder.

155.09: Confidentiality and Accessibility

(1) Responsibility. Each institution shall be responsible for the maintenance of the six-part folders for its population. The six-part folders shall be kept in a central location, in alphabetical order, with adequate room for their storage and with the ability to be secured during non-business hours.

For inmates outside the jurisdiction of Massachusetts, the CFI Unit shall file all appropriate documents, (e.g., disciplinary reports, classification reports, and progress reports) in the inmate's six-part folder. Upon an inmate's return to the jurisdiction of Massachusetts, CFI shall notify the designated housing institution, as well as forward the six-part folder and *mittimus* to that institution.

(2) Removal from Institutional Records Department. The six-part folder should not be taken from the records department unless the sign-out log has been completed, indicating where and with whom the six-part folder can be found. The folder must be returned to the record room at the end of the work day on which it was signed out.

(a) Institution Staff. Institution staff, authorized by the Superintendent, and other Department staff authorized by the Commissioner, in accordance with 103 DOC 153 and 103 CMR 157.00: *Access to and Dissemination of Evaluative Information*, are the only persons who may have access to the six-part folder. Access to the six-part folder is only for purposes related to the fulfillment of job functions. Discretion should be used in discussing the content of the six-part folder because of the confidential nature of the material contained therein.

(b) Inmates. In accordance with 103 DOC 153: *CORI Regulations*, inmates may review information about themselves, except as limited by 103 CMR 157.00: *Access to and Dissemination of Evaluative Information*.

155.10: Auditing of the Six-part Folder

The Records Staff at each institution and the CFI unit shall audit the six-part folder and *mittimus* upon intake of the inmate into the facility and in accordance with the Deduction From Sentence Schedule.

155.11: Safeguards Against Loss/Destruction

The Records Manager or Designee shall be responsible for the six-part folders and shall ensure their maintenance in a secured area that is safe from unauthorized use, theft, and loss or damage by fire, smoke, and water.

155.12: Outdated Inmate Records

Refer to 103 DOC 156.00: *Destruction of Inmate Records*.

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155.13: 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.

155.14: Annual Review

103 CMR 155.00 shall be reviewed at least annually by the Commissioner or designee. The party or parties conducting the review shall develop a memorandum to the Commissioner with a copy to the Central Policy File indicating revisions, additions or deletions which shall be included for the Commissioner's written approval and shall become effective pursuant to applicable law.

155.15: 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).