

 <p style="text-align: center;">Massachusetts Department Of Correction <b>POLICY</b></p>	Effective Date 6/28/2022	Responsible Division General Counsel
	Annual Review Date 3/4/2024	
Policy Name 103 DOC 156 DESTRUCTION OF INMATE RECORDS	M.G.L. Reference: M.G.L. c. 124, §§1 (j) and (q); M.G.L. c. 66, §8	
	DOC Policy Reference:	
	ACA/PREA Standards: 2-CO-1E-01	
Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Inmate Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicability: Staff
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Location: Department Central Policy File Each Institution's Policy	
<p><b>PURPOSE:</b> The purpose of 103 DOC 156 is to establish procedures for the storing and destruction of outdated Department of Correction (Department) inmate records.</p> <p><b>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:</b> General Counsel Superintendents Central Records</p> <p><b>CANCELLATION:</b> 103 DOC 156 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules and regulations governing storage and destruction of outdated inmate records, which are inconsistent with this policy.</p> <p><b>SEVERABILITY CLAUSE:</b> If any part of 103 DOC 156 is for any reason held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.</p>		

## TABLE OF CONTENTS

156.01	Definitions	3
156.02	Institutional Six-Part and Two-Flap Folders	4
156.03	Storage of Ex-Inmate Case Records and Mittimuses	4
156.04	Inmate Management System Records	4
156.05	Historical Records	4
156.06	Security and Safety of Inmate Records	5

## **156.01**

### **DEFINITIONS**

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

Central Record: Prior to 2008, the folder of information about an inmate, which is similar in content to the institutional Six-Part folder. These records are stored with a contracted vendor.

Central Records Department: Office responsible for maintaining and managing the (historical) Central Record, as well as maintaining and managing the institutional inmate Six-Part Folder of inmates no longer in the custody of the Department.

Inmate Records: Any or all of the following types of records about an inmate: Central Records, institutional folders, institutional Six-Part folders, institutional Two-Flap folders and Mittimus papers and electronic IMS files.

Institutional Six-Part Folder: The standard folder for new commitments to the Department which has six separate sections for filing of appropriate material.

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.

Mittimus: The package of sentencing documents received from a court upon commitment of an inmate to the Department.

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.

Records Conservation Board: The state agency having authority over the retention and destruction of official documents.

State Archive: The state agency responsible for monitoring and storing various state records and/or documents.

Vendor: A certified individual/company which has obtained the contract for managing outdated inmate records.

**156.02**

**INSTITUTIONAL SIX-PART AND TWO FLAP FOLDERS**

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 maintained in an orderly fashion and all recent filings shall be appropriately filed.
2. Within ninety (90) days of the release date, the Six-Part Folder and Mittimus shall be forwarded to the Central Records Department.

**156.03**

**STORAGE OF EX-INMATE CASE RECORDS AND MITTIMUSES**

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

1. The Mittimus and Six-Part Folder shall be pulled.
2. Upon release of the inmate, the Mittimus shall be filed within the current Six-Part Folder. Within ninety (90) days of the inmate's release date, the Six-Part Folder and Mittimus shall be forwarded to the Central Records Department.
3. The Mittimus and Six-Part Folder 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.
4. Information contained in the IMS does not need to be maintained in the institutional Six-Part 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 Executive Office of Technology Services and Security (EOTSS) 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. IMS data is stored indefinitely.

**156.05**

**HISTORICAL RECORDS**

Prior to 2008, the Department maintained both a Central Record (maintained at the Central Records Department) as well as Institutional Six-Part and Two-Flap

Folders (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 Mittimuses and other inmate records that are kept in the institutional file and for those Mittimus records kept in areas other than the institutional file. The Mittimus and Six-Part Folder documents shall be destroyed only after written permission for said destruction has been requested and received from the Records Conservation Board, in accordance with the approved retention schedules.

**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.