

	DEPARTMENT OF PUBLIC SAFETY CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: DEC 02 2009	POLICY NO.: COR.05.02
		SUPERSEDES (Policy No. & Date): COR.05.02 & 03/08/93	
SUBJECT: SENTENCED FELON INMATE CASE RECORD MANAGEMENT			Page 1 of 11

1.0 PURPOSE

To provide guidelines for the security, maintenance, control of access, release of information, and retention of sentenced felon inmate case records.

2.0 REFERENCES AND DEFINITIONS

.1 References

- a. Hawaii Revised Statutes (HRS), Section 26.14-6, Department of Public Safety (PSD).
- b. HRS, Section 353C-2, Director of Public Safety, Powers and Duties.
- c. HRS, Section 26-38, Powers and Duties of Heads of Departments.
- d. Standards for Adult Correctional Institutions, American Correctional Association (ACA), 3rd Ed., Sections 3-4092, 3-4093, 3-4096, 3-4234.
- e. HRS Chapters 846-14, Hawaii Criminal Justice Data Center, Civil Identification; HRS 92F, Uniform Information Practices Act.
- f. Director's Memorandum 90-09, Guidelines for Controlling Access to Privacy and Confidential Information.
- g. Director's Memorandum 90-03, Release and/or Disclosure of PSD Information.

.2 Definitions

- a. Active Case Record (institutional file): Records that represent an inmate's institutional history during the time he is under the care and custody of the Department.
- b. Inactive Case Record (institutional file): The case record of an offender who has been discharged from incarceration, released on parole, terminated from supervision, or dies while under the care and custody of the Department.
- c. Secure Room: A room in which entry is restricted to specified persons and is controlled through a locked door. If there are

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windows, they shall be barred or a heavy wire mesh be used to prevent entry.

- d. Confidential Inmate Case Record: The disclosure of information in an inmate case record which would jeopardize facility security and management, or control of inmates, or frustrate government operations. Inmates and the public shall not be allowed access to records so classified.

3.0 POLICY

In compliance with Department Administrative Rules, an accurate, efficient, and secure system for the recording, management, and maintenance of inmate information shall be established at each correctional institution.

- .1 Inmate case records shall be clearly identified and stored in a secure room which shall be safeguarded from unauthorized personnel.
- .2 Recorded information shall be designed to facilitate planning, implementation, and evaluation of correctional program effectiveness.
- .3 Inmate case record information shall not be discussed with other persons except as necessary for professional reasons or to conduct legitimate departmental business; nor shall any record be released to a person who is not authorized by statute or the Administrative Rules of the Department to have access to the record.
- .4 The facility Warden or designee shall be responsible for establishing branch policies and procedures within the guidelines of this policy to ensure the security, maintenance, and control of access to these records.

4.0 PROCEDURES

- .1 File Content
 - a. The inmate institutional file shall contain the following records:
 - 1) Admission/Release Records
 - 2) Detainers
 - 3) Victim Notification

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- 4) Misconduct Reports
- 5) Reception Admission Diagnostic Reports, including Prescriptive Program Plan
- 6) Notice of Programming Form
- 7) Administrative Program Action Forms. Records comprising this category consists of documentation concerning an inmate's participation in or completion of correctional programs. Examples are: substance abuse programs, religious counseling, work assignments, reclassification, etc.
- 8) Sex Offender Treatment Reports
- 9) Individual Evaluation Summary (IES). This category includes reports relating to custody classification evaluation, IES, substance abuse evaluation, program evaluations, etc.
- 10) Hawaii Paroling Authority (HPA) Documents and Related HPA Correspondence.
- 11) Legal Documents. This category includes all pretrial records and information as well as OBTS/warrants, arrest records, mittimus/judgments, bail reports, and so forth directly related to the offenses inmate has been sentenced for.
- 12) Major Event Documentation (Chronological Action sheet). This category consists of a list of major events in chronological order with a brief description of the event. Examples of types of events to be recorded are: date of admissions, initial classifications, housing assignments, date of commitments, custody reviews, facility transfers and a list of dispositions of misconducts found guilty, etc.
- 13) Work Evaluation Reports and Inmate Pay Records
- 14) Conduct Reports
- 15) Restitution Contract and Payment Documentation
- 16) Pre-sentence Credits/Sentence Calculations

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- 17) Pre-sentence Diagnosis and Report from Circuit Court
 - 18) Furlough Contracts
 - 19) Miscellaneous Records. This category would include Inmate Acknowledgment Form of Admission and Orientation, Inmate Receipt Form of Departmental and Facility Rules, drug testing reports, and other documents that do not fit into any of the categories listed.
 - 20) Correspondence Records. All correspondence other than correspondence with Hawaii Paroling Authority.
 - 21) Medical/Dental History Documentation. This category shall include psychiatric and psychological reports.
 - 22) Grievances
 - 23) Inmate Personal Property Documentation
 - 24) Visitation Records
 - 25) Vocation/Education Training Reports. This category comprises documentation relating to an inmate's participation in vocational training programs, education programs, literacy classes, etc.
- b. Items 1 through 19 listed above shall be maintained in a single folder in a secure records room. The manner in which these records are to be arranged in the folder are described in Section 4.4. Item 20, correspondence records, shall also be maintained in the same room as Items 1 through 19 but in a separate folder.
 - c. Items 21 through 25, i.e., medical/dental history, grievances, inmate personal property records, visitation, and location/education training reports shall each be maintained as a separate inmate file in separate folders by the respective functional unit responsible for those records.

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.2 Security

- a. All active and inactive inmate case records shall be maintained in a secure room dedicated solely to case records; the room shall be used for no other purpose. Case records shall be kept in file cabinets which are classified as fire resistant and locked when not in use.
- b. A system for the issue and control of the keys to the case record room and file cabinets shall be established.
- c. Exceptions to the security requirement of a room dedicated to case records and used for no other purpose may be inmate personal property records, visitation records, and vocation/education records. These records may be kept in a room used for other purposes but they must be kept in a fire resistant file cabinet and the cabinet locked at all times when not in use.

.3 Disciplinary Reports

If an offender is found not guilty of an alleged rule violation, all documentation relating to the incident shall be removed from the offender's file. Where there are multiple alleged rule violations in which the offender is found not guilty of some of them, those shall be separated and removed from the offender's file. When multiple incidents/charges are listed on a single report, all charges resulting in a not guilty finding shall be marked over or blocked out.

.4 File Arrangement

Those inmate records which constitute the inmate institutional file (Items 1 through 15 in Section 4.1.a.) shall be maintained in a 6-part, legal size folder. Inserts of stiff paper (dividers) shall be used to separate and identify each major category of information within the folder. The information category shall be clearly printed at the bottom of each divider.

The folder consists of six (6) parts or three (3) sections: the first section constitutes the first two (2) parts as the cover is opened; the 2nd section represents the next or middle portion of the folder as it is laid open; and the 3rd section represents the last two (2) parts.

The sequence and location of the major categories of information within the folder shall conform to the following provisions:

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a. Outside cover of folder

The outside cover of the folder shall contain the following information:

- 1) Surname, First name, Middle name of the inmate.
- 2) Photograph of the inmate (refer to Department policy COR.08.11, Inmate Photographs).

b. Folder Tab

The folder tab shall have the inmate's name clearly printed (surname, first name, middle initial), SID number, and birthdate.

c. Information Identification and Arrangement

Within each section of the folder, the major categories of information shall be arranged as follows on the left and righthand side as viewed by the reader. The sequence given for each side is from top to bottom. Each information category represents a single divider and what shall be printed at the bottom of the divider.

1) First Section

Leftside:

- * Detainers
- * Victim Notification
- * Hawaii Paroling Authority
- * Restitution
- * Legal documents
- * Admission/Release History (reference Attachment C for the manner in which this information shall be arranged)
- * Pre-sentence Credits/Sentence Calculations

Rightside:

- * Chronological Action
- * Reception Admission Diagnostic Reports, including Prescriptive Plan and Updates

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- * Work Evaluations
- * Work Assignment/Pay Record
- * Conduct Reports

2) Second Section

Leftside:

- * Individual Evaluation Summary
- * Furlough Contracts

Rightside:

- * Presentence Reports (Pre-sentence diagnosis and report from Circuit Court)
- * Sex Offender Treatment History

3) Third Section

Leftside:

- * Administrative Program Action Reports
- * Notice of Programming

Rightside:

- * Misconduct Reports
- * Miscellaneous

.5 Requests for Information

The following provisions shall apply for all requests for access to inmate case records. Exemptions are authorized for Department staff members, the courts, or government agencies on official business.

- a. All requests for case record review shall be made in writing. Form PSD 1017, Request for Disclosure/Access of Department Information/Records (reference Attachment A) shall be used for this purpose. Each request for access shall be authorized by the signature of a staff member appointed that responsibility by the Warden or designee (signature block for Records Clerk at the bottom of the

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form). Completion of form PSD 1017 is necessary for the reporting of the number of requests by the public for government documents as specified under the provisions of Director's Memorandum 90-03. An individual shall be required to complete PSD 1017 even if they wish only to inspect a record and make no copies.

Individuals shall only be given those records as requested on form PSD 1017.

- b. Individuals shall be allowed to make copies of case records. Until the office of Information Practices promulgates guidelines or rules regarding fees to be charged the public for copying government records, individuals shall be charged \$0.50 per page and \$1.00 for a two-sided copy regardless of paper size. The appropriate section of form PSD 1017 shall be completed in this respect. All copy charges shall be receipted for and the money and receipts forwarded to the Department Business Management Office. The facility business manager shall be responsible for reconciling all fees collected prior to forwarding the money to the Business Management Office.
- c. A denial of a request to view a case record shall be documented on form PSD 1017. Denial of access shall be based upon the confidential status of that record (reference definitions, Section 2.2.d.). Individuals may appeal administrative decisions through procedures outlined in Director's Memo 90-3.
- d. Individual review of a particular case record shall be conducted under direct and continuous supervision.

.6 Consent to Release Information

Unless the release of information and/or the review of the inmate case record is mandated by Statute, permission to release the information shall be obtained from the inmate. Form PSD 8723, Inmate Consent to Release Personal Information (reference Attachment B) shall be used for this purpose. Consent forms are not required for release of information to judicial, law enforcement agencies, and the Office of the Ombudsman.

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.7 Inmate Access to Case Records

Under the provisions of HRS Chapters 846-14 and 92F, inmates may review their personal case records and make photo copies if desired. Exemptions and limitations on individual access shall be governed by the provisions of HRS Section 92F-22 and the confidential status of the record (reference definitions, Section 2.2.d.). Inmates shall not be permitted access to the case records of any other inmate. All requests for information shall be governed by the provisions of Section 4.5, Requests for Information.

.8 Access and Review of Case Records

- a. An inmate case record shall not be surrendered to any person or agency outside of the PSD without an order from a court or proper authorization as outlined under Section 4.5, Requests for Information. An exception to this provision is a request from the Department of the Attorney General (AG). Court orders shall be directed to the Director of the PSD, ordering the release of the case record to a person or agency, for a specified period of time and purpose. A receipt shall be obtained for all records removed under court order. The provisions of Section 4.5 do not apply to court orders.
- b. An immediate written report shall be forwarded to the Director of the PSD, and the Deputy Attorney General regarding any private attorney's request for information that involves the state in any litigation.
- c. Attorneys-at-Law, or other private service agencies who officially represent a specific inmate, may review that specific inmate's case record upon following the provisions of Sections 4.5 and 4.6., Requests for Information and Consent to Release Information.

Attorneys-at-Law or private service agencies who initiate a court order to review an inmate case record shall incur all copying costs as specified under Section 4.5.

- d. All reviews of inmate case records shall be under direct and continuous supervision.

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- e. Reviews of inmate case records shall be conducted in the inmate case records room or other designated area where secure and confidential use of the records can be assured.
- f. Reviewers of inmate case records shall not mark, mutilate or remove any material from the file without the approval of the Warden or his designee. A case record sign out system shall be established to maintain accountability of any record or file removed from the records room.
- g. Within the scope of their assigned duties, Department and facility staff members shall be allowed access to inmate case records upon approval by the Warden or designee.

.9 Inmate Transfer

When an inmate is transferred to another intra-state correctional facility, all of the inmate's institutional files shall be brought up to date and accompany the inmate. This includes all twenty four (24) record categories listed in Section 4.1.a. These files shall arrive at the receiving facility the same day the inmate arrives.

.10 Case Record Retention

When an offender is discharged from incarceration at a correctional facility, released on parole, terminated from supervision, or dies while under the custody of the Department, their case records (institutional file) are classified as inactive.

- a. Inactive institutional files of inmates who have been released on parole or terminated from supervision shall be:
 - 1) Kept by the Community Correctional Centers for a period of eight (8) years. After eight (8) years, the institutional files shall be transferred to the State Central Files as prescribed in .4 10 (c).
- b. Inactive institutional files of inmates who are discharged due to sentence expiration or who die while incarcerated shall be retained by the last correctional facility where the inmate was confined for a period of eight (8) years, after eight (8) years the institutional file(s) shall be transferred to the State Central Files as prescribed in .4 10(c).

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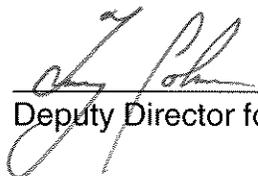
- c. In transferring files to the State Central Files, the procedures outlined in the Records Management Manual for the State of Hawaii, 1988, shall be followed. Three or four boxes of inactive files shall be accumulated before transfer to State Central Files in order to make the trip practical.

An inventory of what files have been sent to the State Central Files shall be maintained in order to assure prompt retrieval if needed.

5.0 SCOPE

This policy applies to all correctional facilities within the Department. The provisions of this policy apply to all case records except medical/dental records, psychiatric and psychological reports, and inmate grievances.

APPROVAL RECOMMENDED:

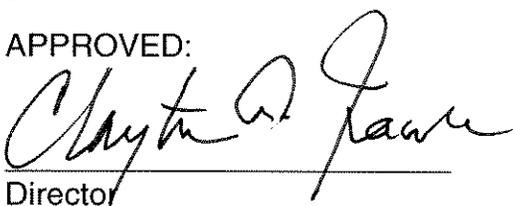


Deputy Director for Corrections

11/30/09

Date

APPROVED:



Director

12/2/09

Date

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
ACCESS OF DEPARTMENT INFORMATION/RECORDS

Request No.: _____ Written

Requestor's Name _____ Oral

Address: _____

City, State, Zip: _____

Record/Information Requested: _____

Reason for Request: _____

Requestor's Signature Date

<input type="checkbox"/> Access Granted	<input type="checkbox"/> Copy(ies) Requested	<input type="checkbox"/> Inspected	<input type="checkbox"/> Fees Waived
No. Pages/Sheets Reproduced:		Paper Size:	@ \$ _____ = \$ _____
One-Sided _____	_____	_____	_____
Two-Sided _____	_____	_____	_____
			Total: \$ _____
Total Time to Retrieve:	Amount Collected: \$	Check No.	

<input type="checkbox"/> Denial	<input type="checkbox"/> Appeal to OIP	<input type="checkbox"/> Suit Initiated
If Local Access denial, give reason: _____ _____ _____		
Requestor Informed of Appeal Rights and Process:		Yes <input type="checkbox"/> No <input type="checkbox"/>
Date Appeal Referred to Director: _____		

Records Clerk Date Authorized Administrator Date

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

(Facility)

INMATE CONSENT TO RELEASE PERSONAL INFORMATION

I, _____, hereby authorizes the Department of
(Print Name of Inmate)

Public Safety to release to _____
(Name)

of the _____ the following information pertaining to me
(Agency)

which is contained in the following documents in my inmate case record:

The above-mentioned person/agency requests this information for the purpose of:

I understand that such release will not result in any liability to the Department of Public Safety.

Witnessed by:

(Inmate Signature) (Date)

(Witness Signature) (Date)

APPROVED:

(Facility Administrator) (Date)