



**ADULT COMMUNITY CORRECTIONS DIVISION  
STANDARD OPERATING PROCEDURES**

Procedure No.: ACCD 1.5.500	Subject: <b>OFFENDER RECORDS MANAGEMENT, ACCESS AND RELEASE</b>	
Reference: DOC 1.5.4; DOC 1.5.5	Page 1 of 4	
Effective Date: 12/07/13	Revision Dates:	
Signature / Title: /s/ Pam Bunke, ACCD Administrator		

**This procedure is referenced as ACCD 1.5.500 Case Records Management and ACCD 1.5.600 Offender Records Access and Release in Section 1.D. Standard Contract Terms; Access to Records – Offender Records/Files/OMIS access, in the following contracts: Alternatives, Inc., Butte Prerelease, Gallatin County Reentry Program, Helena Prerelease, Passages, Connections Corrections Program (CCP), Elkhorn, Nexus, START, and WATCH Contract.**

**I. DIVISION DIRECTIVE:**

The employees of the Adult Community Corrections Division programs and facilities will follow established procedures for the management of offender case records.

**II. DEFINITIONS:**

ACCD-Adult Community Corrections Division Program/Facility – The Division includes the Adult Interstate Bureau; the Probation and Parole Bureau which provides the Day Reporting Programs (DRP), Intensive Supervision Programs (ISP), and Enhanced Supervision Program (ESP); the Missoula Assessment and Sanction Center (MASC); and the Facilities Program Bureau which includes Treasure State Correctional Training Center (TSCTC), and the contracted facilities of Prerelease Centers (PRC), Sanction Treatment Assessment Revocation & Transition (START), Warm Springs Addiction Treatment and Change Program (WATCH), Connections Corrections Program (CCP), Passages Alcohol and Drug Treatment (Passages ADT), Passages Assessment Sanction & Revocation Center (Passages ASRC), NEXUS Correctional Treatment Center (NEXUS), and Elkhorn Treatment Center (Elkhorn).

Department or DOC – The Montana Department of Corrections.

OMIS-Offender Management Information System – The Department’s electronic data collection and reporting system.

Prerelease Facility Contract Manager – The Department’s employee who acts as the liaison for services and monitors the contractual agreements between the Department and prerelease centers: Alpha House PRC, Gallatin County Re-entry Program, Butte PRC, Great Falls Transition Center, Helena PRC, and Missoula PRC.

Treatment Facility Contract Manager – The Department’s employee who acts as the liaison for services and monitors the contractual agreement between the Department and ACCD contract treatment facilities: START, CCP, Passages, Elkhorn, Nexus, and WATCH.

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### III. PROCEDURES:

- A. All ACCD programs/facilities are required to maintain records of performance of duties pursuant to this procedure.
  1. ACCD programs/facilities will provide the Department, the Legislative Auditor, or their authorized agents with access to any of these records necessary to determine procedure compliance (§18-1-118, MCA).
  2. ACCD contracted facilities will create and retain all records supporting the services rendered and/or supplies delivered for a period of three (3) years after either the completion date of their contract with the Department or the conclusion of any claim, litigation, or exception relating to the contract taken by the State of Montana or a third party.
- B. ACCD Programs/Facilities
  1. Treasure State Correctional Training Center staff will follow *DOC Policy 1.5.5 Offender Records Management, Access, and Release*.
  2. Probation & Parole Bureau staff will follow the procedures of *P&P 40-1 Offender Records Access and Release*.
- C. ACCD Contract Facilities
  1. Facilities will allow the Department access to offender files.
  2. Offender case records consist of three (3) types: Clinical, medical and Department records.
    - a. Clinical Records
      - i. Clinical records include, but are not limited to:
        - 1) offender course completion flow chart;
        - 2) Initial Needs Assessment;
        - 3) Program Plan;
        - 4) Intake Assessment;
        - 5) Admission Agreement;
        - 6) disclosure consent form;
        - 7) offender curriculum/course progress form;
        - 8) individualized progress plan/report;
        - 9) individualized Transfer and Aftercare Plan;
        - 10) rules and measures to guide progression from phase to phase;
        - 11) confidentiality statement; and
        - 12) documentation of offender eligibility/acceptance into the program.
      - ii. Clinical records are the property of the facility and are subject to dissemination to the Department upon appropriate request.
    - b. Medical Records
      - i. Medical records include, but are not limited to:
        - 1) results of physical exams and laboratory findings;
        - 2) documentation of health care services provided and complaints;
        - 3) medication records; and
        - 4) information from other health care facilities.

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- ii. Medical records originated by the Department are the property of the Department. The facility may keep a copy of offender medical records but must return the offender medical record to the Department at the conclusion of the facility's treatment of the offender. The Department may request any new medical information maintained at the facility.
  - c. Department Records
    - i. Department records include, but are not limited to:
      - 1) documentation of the offender's previous prison, probation, or Board of Pardons records, including judgments and other court documents;
      - 2) facility reports to the Department concerning the offender's progress; and
      - 3) any disciplinary action that causes the facility to terminate the offender from the program.
    - ii. Department records are property of the Department. The facility may keep a copy of Department records and the Department may request Department record material.
3. Any breach of confidentiality by the facility or third party agents of the facility shall constitute good cause for the Department to cancel the contract with the facility, without liability. Any records and files delivered to the facility shall be returned to the Department.
4. Any Department waiver of an alleged breach of confidentiality by the facility or third party agents of the facility is not to imply a waiver of any subsequent breach.
5. In compliance with *DOC Policy 1.5.4 Transfer of Offender Records*, facility shall maintain offender records and provide reports that conform to those of the Department in both format and content.
6. Facilities will provide a computer with the ability to access the Internet for access to, and use of OMIS, and will provide offender information to the Department through OMIS.

The Department will be responsible for training and providing the guidelines of information that must be entered into the system, and is responsible for the actual cost of maintenance and support of the OMIS system.
7. The Department will provide computer-based training and reasonable technical assistance associated with access by facility personnel to OMIS; however, only those facility employees given security clearance by the Department may access OMIS (see *ACCD 1.7.100 OMIS Access for Contract Facilities*).
8. Facilities will not allow offenders any access to OMIS or to reports generated from OMIS.
9. Facilities will protect offender records as confidential and not allow other offenders access to view or handle offender records. Offenders may make written requests to review file materials and may be granted access to review non-confidential portions of their file. All information to be provided to an offender from a file must be evaluated by a designated facility employee to ensure that release of information will not endanger either the offender or others, or violate the privacy rights of the offender or others. The offender and supervising staff member will sign and date the request. Facility shall maintain offender records on-site in a locked, secure area. *DOC Policy 1.5.5 Offender Records Management*,

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*Access, and Release* provides written direction regarding the appropriate release of offender information to outside parties.

10. Facilities will protect offender records so only authorized personnel have access to the records.
11. Most offender file information is public information. The exceptions are for private information, information that is protected by a right of privacy such as medical, mental health, and treatment information; information that, if released would pose a threat to security or safety; NCIC information; information concerning a criminal investigation; fingerprints; and, presentence investigation reports.
12. Upon written request signed and dated by the offender and his/her supervising staff member, facility may release public information such as judgments and other court documents, and dispositions of the Board of Pardons and Parole. Any questions about the dissemination of offender file information should be directed to one of the Department's attorneys. The attorney will determine on a case-by-case basis whether offender record information is public or private.
13. In the event the facility obtains access to any records or files of the Department, the facility will keep such records and information confidential and will comply with all laws and regulations concerning the confidentiality of such records to the same extent as such laws and regulations apply to the Department.
14. Facility shall specifically keep confidential all records and files of Department offenders; Facility shall obtain prior written approval from Department before releasing or disclosing the contents of any such records or files. Facility further acknowledges that this requirement is in addition to and not in lieu of any other laws respecting confidentiality of inmate and criminal justice files and records.
15. Facilities agree to notify and advise in writing, all employees, agents, consultants, licensees, or subcontractors of the said requirements of confidentiality and of possible penalties and fines imposed by violation thereof, and secure from each an acknowledgment of such advisement and Agreement to be bound by the terms of its contract with the Department as an employee, agent, consultant, licensee or subcontractors of the facility, as the case may be.

#### **IV. CLOSING:**

Questions regarding this procedure should be directed to the Facility Administrator or Prerelease Facility or Treatment Facility Contract Manager.