



POLICY DIRECTIVE

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| Policy: | DOC 1.5.20 RECORDS RETENTION |
| Effective Date: | 01/15/2026 |
| Revision Date(s): | |
| Signature/Title: | /s/ Eric Strauss, Director |

I. PURPOSE

The Department of Corrections will manage the retention, transfer and destruction of official records according to state and federal laws. The Department will manage retention schedules according to state general retention schedules or within agency-specific retention schedules

II. DEFINITIONS (see Glossary)

III. PROCEDURES

A. General Requirements

1. Retention, transfer and destruction of Department records will be managed according to ARM 44.14.107.
2. The Department will follow the State Records Retention and Disposition schedule for appropriate public records, unless the records are not covered under the Secretary of State's (SOS) General Schedule.
3. For records not listed in the Secretary of State's General Schedule:
 - a. The Department must have complete, current, disposal plans on file with the SOS office, and,
 - b. The Department will submit the "Records and Information Management Agency Delegation of Authority" form to the Secretary of State's Office every five years.
 - c. On records older than 25 years, with possible historical value, the records must first be offered to the Montana Historical Society. If the Montana Historical Society declines the records, then the agency must receive approval from the SOS subcommittee for destruction of those records.
4. Records subject to state or federal regulation or licensure or that are managed as other agency records will be maintained under those regulatory records managements (i.e., Boilers, Elevators, Education, Drivers' License Services).
5. Access and disclosure to any format of records are to be managed under state and federal laws, ARM and *DOC 1.5.5 Offender Records Management, Access, and Release*.
6. Listing(s) of destroyed records will be documented, and documentation will be kept for 30 years.

IV. SCHEDULING

A. Retention Schedules

1. **Digital Records** are identified as records the Department maintains in a digital format. Digital format could be items maintained in a "cloud" storage or physical storage medias (i.e., hard drives, memory cards, USB drives, etc.). Digital Records include emails, chat, and cloud-based data collaboration tools. Digital Records, other than those listed below, will be retained, transferred and destroyed, according to state laws and policies.

2. **Financial Records** are identified as records on agency financial management. These records can be in a paper or digital form.
 - a. General Agency Financial Records are managed for retention and destruction under State General Schedule Sections 1 and 2. An RM88 will be used by the agency to track which documents were destroyed.
 - b. Financial Records for Offender Accounting are managed under Offender Management Records.
3. **(Offender) Health Records** are identified as records the agency maintains on offender health information. These records can be in a paper or digital form. The agency's official Offender Health Record is recognized as *TechCare*.
4. **Human Resource Records (Staff)** are identified as the records the agency maintains on agency staff employment. These records can be in a paper or digital form.
 - a. General Human Resource Records are managed under State General Schedule Section.
5. **Legal Service Records** are identified as records that are generated during legal defense, litigation, representation, or general solicitation and dissemination of information to render legal advice. These records can be in a paper or digital form.
 - a. Legal Services Records are managed under State General Schedule Section 3.
6. **Investigative Records** are identified as records that are maintained during and to the conclusion of potential criminal proceedings. The product of Investigative Records will be maintained as part of the Criminal Case Files of the prosecution jurisdiction. These records can be in a paper or digital form.
 - a. Investigative Records are managed under RM3 Agency Records Retention Schedule.
 - b. Investigative Records may be records that include PREA, STG and Institutional Security.
7. **Offender Management Records** are identified as records that are used to assess or determine offender management plans. The Department's recognized Offender Management Records are; the agency's "official" digital Offender Management System (OMS), the Main File, the Mini File, the Probation and Parole File, the Board File, the Facilities/Placement Bureau File. These records can be in a paper or digital form.
 - a. Offender Management Records are managed under RM3 Records Retention Schedule.
 - b. Historically valuable records can be offered to Montana Historical Society when they have reached agency retention expiration.
 - c. Offenders that were/are supervision only offenders for other state's must have any documents, that originated from the other state, suppressed upon the offender's discharge from Montana supervision.
8. **Security Records** are identified as records that log and record the supervision of groups of individuals subject to incarceration. These records include special housing records management. These records can be in a paper or digital form.
 - a. Security Records are managed under RM3 Agency Records Retention Scheule.
9. **Youth Offender Management Records** are identified as agency records on offenders that are adjudicated for a felony crime committed under the age of 18 and the case remains in a Youth Court, including Extended Jurisdiction cases, or 4 misdemeanors committed within one year and sentenced to the Montana Department of Corrections, and the case remains in Youth Court. These records can be in a paper or digital form.
 - a. Youth Offender Management Records are managed under RM3 Records Retention Schedule.

V. CLOSING

Questions about this policy should be directed to the Records Bureau Chief.

VI. REFERENCES

- A. *ARM 44.14.107*
- B. *DOC 1.5.5 Offender Records Management, Access, and Release*