



DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE
OPERATIONAL PROCEDURE

Procedure:	PPD 1.5.501 CASE RECORDS ORGANIZATION, MANAGEMENT, AND RETENTION
Effective Date:	06/17/2019 Page 1 of 8
Revision Date(s):	03/24/2021; 09/15/2022
Reference(s):	PPD 1.5.500; DOC 1.5.5; DOC 1.7.3; 2-6-1003, MCA; 41-5-206, MCA; 41-5-208, MCA; 41-5-Part 16, MCA; 46-23-1004, MCA
Signature / Title:	/s/ Jim Anderson, Public Safety Chief

I. PURPOSE:

Offender case records are the primary record on all adult and youth offenders and contain the complete sentencing, commitment and/or referral documents that authorize the Department and Probation and Parole to maintain legal custody and/or supervision of offenders. These records are used on a daily basis for routine case management and decisions regarding placements, custody, classification, treatment, and supervision, as well as the supervision activities of interstate transfers. In addition, these files are used to determine an offender’s date of release from supervision; the location of offenders; conducting research and statistical reports; providing historical information for selected requests; and for workload analysis of the Probation and Parole staff.

Probation and Parole staff will follow this procedure to ensure uniformity and consistency when creating, organizing, and managing each offender case record under their supervision.

II. DEFINITIONS:

208 Transfer – Transfer of a youth’s supervisory responsibility to District Court after a juvenile disposition, pursuant to §41-5-208, MCA.

Central Office File – Offender field files maintained in the Helena Central Office on each offender under the supervision or responsibility of the Interstate Compact Section.

Conditional Discharge from Supervision – As defined in §46-23-1020, MCA: 1) a discharge from supervision by the Department of Corrections for the time remaining on the sentence imposed if the probationer or parolee complies with all the conditions imposed by the District Court or the Board of Pardons and Parole; and 2) a release from the obligation to pay supervision fees imposed as part of a sentence or as terms of parole or probation.

Correctional Facility – Montana State Prison, Montana Women’s Prison, and the private and regional prisons contracted to the Department of Corrections.

Criminally Convicted Youth – Any youth convicted in adult court pursuant to §41-5-206, MCA, except a youth convicted of a crime that carries a possible punishment of life, death, or 100 years in prison.

Destruction – The act of incinerating or shredding printed case records and deleting electronic records in a manner that renders the records permanently irretrievable.

Extended Jurisdiction Transfer – Transfer of a youth’s supervisory responsibility to District Court when the stayed District Court order is imposed pursuant to §41-5-Part 16, MCA.

Inactive Offender Case Record – The hard copy field file of an offender no longer under the supervision of Probation and Parole or Interstate Compact Section. Also referred to as “dead file.”

Need to Know – The staff member requesting information must have that information in order to properly and adequately perform job-related duties and responsibilities.

Offender Case Record – The primary records for offenders that may include, but are not limited to, certified documents that authorize the Department to maintain legal custody and/or supervise the offender, reports, classification, treatment programs, and grievances; utilized to provide basic physical, biographical, or historical information about an offender, and to aid placements, custody, classification, treatment, and supervision.

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

Probation and Parole – Oversees the Probation and Parole regional offices and interstate transfers.

Public Record for Adult Offenders – Information including, but not limited to: name, date of birth, race, gender, eligibility for parole, execution of warrant or sentence, term expiration, court documents, unless expressly sealed by court order, FBI number, fine(s) imposed, jail credit time, supervising facility or program, participation or non-participation in a court-ordered program, court docket number, and offense in accordance with §2-6-1003, MCA.

Triggering Event – Any change that affects the accuracy of information stored in OMIS, such as change in custody level or location, address, gender, life-status.

III. PROCEDURES:

A. GENERAL INFORMATION:

1. Offender case records for adult offenders will be formally established at the time of sentencing or when they have been transferred to Department custody or supervision as an OMIS record and a hard copy field file. Probation & Parole (P&P) Officers will confirm that a record of the offender is not currently in OMIS before creating new records.
2. Case records will be organized, maintained, retained, and audited according to this procedure and *PPD 1.5.700 Audits of Case Management and Records*.
3. Probation and Parole will maintain at each of its locations offender records, a perpetual record of all offenders, and the status and final disposition of offenders’ case records.
4. No unauthorized person will have access to offender case records.
5. *208 transfers, extended jurisdiction transfers, or criminally convicted youth:*
 - a. Hard copy case records related to Youth Court orders and received directly from a Department youth facility, Youth Court, and Juvenile Probation or Parole will be kept in blue file folders within the adult file. The supervising P&P Officer will determine when the records must be sent back to Probation and Parole or Youth Court to be sealed as follows, and mark the date on the folder:
 - 1) 208 transfers (§41-5-208, MCA) – upon the youth’s 25th birthday, or sooner if

designated by court order.

- 2) Extended jurisdiction transfers (§41-5-Part 16, MCA) – upon termination of the District Court order.
 - 3) Criminally convicted youth (§41-5-206, MCA) – original documents are returned upon youth's 18th birthday; copies of documents are destroyed.
- b. Case records created based on a District Court order are considered and treated as adult offender records.

B. ORGANIZATION OF ADULT OFFENDER CASE RECORDS:

1. OMIS Offender Record: Offender information is entered into the proper OMIS modules:

- a. Basic Information
- b. Legal
- c. Safety
- d. Placement
- e. Case Management
- f. Compliance
- g. Relationships

2. Hard Copy Offender Field Files:

- a. Offender field files will be organized into six (6) sections as indicated below. Documents will be **filed chronologically** by date from bottom to top in the appropriate section.
- b. When it is determined that a document shall be maintained in OMIS, that document will no longer be maintained in the field file.
- c. *Criminal History Records Check*– Results of a CJIN/NCIC check must be destroyed once they have been reviewed. They **must not** be maintained in the field file.
- d. All P&P offices will use the same style of file and labeling system:
 - 1) *File Folder*: The file folder to be used in all offices is Smead® End-Tab Classification Folders, Manufacture #C4025A2D, Red (or exact equivalent). This folder has a 2" gusset with two dividers.
 - 2) *Labels*: The labels will show the offender's Last Name, First Name and DOC # only. All labels will be white, Avery File Folder Labels, Laser 5366 (or exact equivalent).
- e. Once the file has been organized according to this procedure, it will not be reorganized.
- f. P&P Officers are not precluded from reorganizing a file established prior to October 1, 2001 into this filing system if need arises, but are not required to do so. If the older file contains BOPP incarceration history documentation written on the front of the file, this information will be placed in the BOPP section.
- g. When a report, form, or other document is removed for copying, it will be filed where originally located.
- h. To reduce copying and mailing costs, files will not contain numerous copies of the same documents when they are transferred.
- i. All transfers and movements of offender field files will be noted in the offender's OMIS Chronological Notes giving details of dates sent and received and locations.
- j. All forms designated under "Probation and Parole Documents" in OMIS must be scanned into OMIS and should be disposed of after scanning. Records not scanned into OMIS must be retained for five (5) years pursuant to the state records retention schedule.

3. File Section Organization*:**Section 1–Sign Up/Supervision:**

Original Parole Certificate
 Jail Sanction forms
 Police Reports obtained while under supervision (chronological)
 Request for Destruction/Disposal/Selling of Confiscated Property (includes firearms)
 DOC Inmate Escape reports/forms
 General Correspondence related to P&P Supervision
 MASC/Passages ASRC paperwork

Section 2–Court Documents (chronological):

Police Report pertaining to original offense resulting in sentence
 Bench Warrants

Section 3–Monthly Reports/Travel Permits/ Payment Receipts:

Monthly Reports
 Restitution, Fines, Fees

Section 4–Treatment:

All treatment requests, evaluations, reports, and correspondence relating to treatment (chemical dependency, mental health, sexual offender)
 Treatment attendance reports (self-help cards)
 Medical records received as part of P&P Supervision. FPB treatment/prerelease release plans, termination reports

Section 5–Victim Information/Correspondence:

Victim Letters/Information
 Letters/memos relating to victims

Section 6–BOPP Documents:

As of February 2022, the BOPP is uploading all documentation.

**If a document is scanned into OMIS, it does not have to be retained in the field file.*

4. Field Files in Place Prior to October 1, 2001: These files were organized, maintained, and audited according to the following structure:

- a. Documents are filed chronologically by date from bottom to top in the appropriate section.
- b. *Adult Chronological History* notes written prior to OMIS entries were removed from Chronological Books and placed in file on left side.
- c. The *Adult Chronological Face Sheet*, if printed, will be filed on the left side on the top.
- d. When it is determined that a document shall be maintained in OMIS, that document will no longer be maintained in the field file.

LEFT SIDE:

1. Monthly Reports, Travel Permits, original/white copy), Restitution receipts
2. DOC Inmate Escape reports/forms
3. Community Corrections Programs Screening, letters, etc. Treatment evaluations, reports, and correspondence
4. General Correspondence
5. MASC/Passages ASRC (formerly BASC) paperwork
6. Medical Records related to P&P Supervision

RIGHT SIDE (chronological):

1. Police Report pertaining to original offense resulting in sentence
2. Legal Information/Affidavit
3. Plea Agreement
4. Prison Classification forms and treatment requests/completions
5. Parole eligibility/discharge date (pink ½ sheet), Basic Information Sheet, FBI Rap Sheet, pink classification summary (these 4 items always on top during each period of incarceration until there is a new judgment or revocation).

The BOPP section starts again on top of the old information when there is a new judgment or revocation.

C. CASE RECORDS MANAGEMENT:

1. Case record entries into OMIS must be complete, accurate, and accomplished in a prompt and timely fashion, especially when providing information on a triggering event. Most record entries should be accomplished within the workday and no later than the workweek.
 - a. Offender case plans will include goals, programs, providers, completions, in progress, pending or incompletes.
 - b. Chronological entries will be made and maintained in OMIS on an ongoing basis throughout offender's supervision and must include all contact, and triggering events pertaining to offender should be documented in the chronologicals.
 - c. Medical, psychological, and pharmaceutical information entries (including note entries) should be placed only in areas specifically designed for this kind of information (for example, medical records).
2. Accommodations will be made to assist staff who are required to type entries into OMIS, but are unable to do so.

D. TRANSFER OF OFFENDER FIELD FILE:

1. All transfers and movements of offender field files will be noted in the offender's OMIS Chronologicals giving details of dates sent and received and locations. Prior to sending a file, staff will review the file. All forms designated under "Probation and Parole Documents" in OMIS must be scanned into OMIS and should be disposed of after scanning. Records not scanned into OMIS must be retained for five (5) years pursuant to the state records retention schedule.
2. When an offender is sentenced to prison or DOC commitment either as a revocation or new sentence, the file will be maintained in the probation office of the county of commitment. If there are multiple causes in different counties, the file will be maintained in the probation office of the last county where the offender was sentenced. The file will remain there until the offender is released to supervision, at which time the file will be sent to the supervising office.
 - a. If an offender is placed in MASC, START, or Passages ASRC for the purposes of assessment and placement consideration, any file material protected by HIPAA will need to be scanned and securely sent to the facility administrator or designee.
3. When a probationer absconds, the file will be sent to the probation office of the last county where the offender was sentenced. The file will remain there until revocation is resolved. When a probationer is pending revocation without absconding, the file will be maintained by the supervising Officer. When a parolee or conditional release offender absconds, and a warrant is requested from the Interstate Compact Section ("Interstate") office, the file will be sent to the Interstate office.
4. When a probationer, parolee, or conditional release offender transfers out of state, the file will be maintained in the probation office that referred the offender for Interstate transfer.
5. When an offender is deported, the offender's field files will be sent to the Interstate Compact Section.

6. Discharged or deceased offenders' field files will be returned to the county of commitment to be placed in the inactive offender case records.
7. The field file of an offender granted a conditional discharge from supervision (CDFS) will be returned to the county of commitment to be placed in a location specifically for CDFS offender files until the date of the offender's discharge. The file will then be placed with the inactive case records.

E. CENTRAL OFFICE FILES:

1. The Compact Administrator is responsible for maintaining the Department's central office file system.
2. The Interstate Compact Section uses offender field files for the supervision of offenders entering or leaving the state of Montana. The hard copy files have been transferred to the central office from P&P field offices or the BOPP and will be maintained according to this procedure.
3. The Interstate Compact Section will examine the offender's judgment(s) and other relevant documents to ensure compliance with Interstate Commission regulations, procedures and statutes.

F. OFFENDER FIELD FILE STORAGE AND SECURITY ISSUES:

1. All offender field files will be kept in a secure office or secure file cabinet.
2. Files will be maintained in alphabetical order for easy reference.
3. All appropriate file material will be placed in the file in a timely manner, not exceeding 60 days.
4. File transfers or movements will be entered into the offender's OMIS Chronologicals, both when sent and when received, and include the name and agency of the person receiving the file, date, purpose and destination of the file.
5. Records in use will be directly supervised and controlled by a staff member.
6. Only staff with a need to know will have access to offender files.

G. CONFIDENTIAL/INVESTIGATIVE FILES:

1. Confidential or investigative files may be established for offenders whose case may be particularly sensitive and require restricted and controlled access to avoid breaches of confidentiality or to protect the offender or others. The Deputy Chief or designee and the Probation and Parole Chief, in consultation with the Department's Legal Office, will determine when files will be designated confidential or investigative, whether the designation is temporary or permanent, and where the file will be stored.
2. Confidential/investigative files will:
 - a. be identifiable as to individual offenders;
 - b. be maintained separate from, and not combined with, other offender case records; and
 - c. not be reviewed under any freedom of information procedure.

H. RELEASE OF RECORDS INFORMATION:

1. Significant portions of offender records are public information. However, release of offender records information will be strictly limited to conform to *DOC Policy 1.5.5, Offender Records Management, Access and Release, PPD 1.5.500 Offender Records Access and Release*, and appropriate federal and state statutes.
2. Information contained in a youth record associated with an adult offender will not be released except by court order. P&P Officer will refer any persons requesting youth information without a court order to the clerk of court of the sentencing jurisdiction.
3. Information from offender records deemed confidential will be available to Department staff on a need-to-know basis.
4. No record material will be removed from the Interstate Compact Section, a P&P field office, or produced for any outside authority without written application to and approval of the DC or designee, or by court order.
5. Offenders will not be permitted access to the records of other offenders under any circumstances.

I. ADULT OFFENDER HARD COPY RECORDS RETENTION AND DESTRUCTION:

1. Administrative Support employees shall be assigned the responsibility of records retention and destruction.
2. Offenders Conditionally Discharged from Supervision (CDFS):
 - a. The field file of an offender granted a CDFS will be returned to the county of commitment to be placed in a location specifically for CDFS offender files until the date of the offender's discharge.
 - b. The file will then be placed with the inactive case records.
3. Adult Inactive Offender Case Record Retention:
 - a. The P&P office in the original sentencing jurisdiction shall retain offender field files for five (5) years after the offender has completed the offender's sentence, not counting the calendar year the file was deemed inactive.
 - b. This includes deferred offender records, records of criminally convicted youth, and records of deceased offenders.
 - c. If an offender returns to community supervision before five (5) years after completing a prior sentence, any dead files will be removed from the inactive records and maintained with offender's current records.
4. Case Records Storage:
 - a. Printed offender case records shall be stored in locked file cabinets or locked storage rooms that can only be accessed by authorized employees.
 - b. Case records stored outside of OMIS on computers, floppy disks, compact discs, or other electronic mediums shall be archived and stored in a manner that ensures electronic access is limited to the positions identified as having access to the printed records.

5. Inactive Offender Case Record Destruction:
 - a. Inactive case records may be destroyed five (5) years after termination or discharge from P&P supervision, not counting the calendar year the file was deemed inactive (for example, all records deemed inactive during 2006 are eligible to be destroyed after 1/1/2012). Records destruction shall be permanent and accomplished under direct supervision.
 - b. Regions may contract to have destruction accomplished or choose to destroy records within the region, which requires a witness be present.

6. Medical Records:
 - a. Adult offender medical records obtained in the course of P&P supervision shall be retained in the same manner as other documents in the field file.
 - b. Adult offender medical records that are part of incarceration in a correctional facility should be kept separate from the offender field file until the file is considered inactive. It will then be retained with the offender's field file for five (5) years, not counting the calendar year it was deemed inactive.

7. Approval to Destroy Records:
 - a. The Department's Central Services Division (CSD) will maintain an *RM 7 Rolling Disposal Request* with the Records and Information Management Division of the Secretary of State's office. This allows offender case records to be destroyed without further approval.
 - b. For the destruction of other types of records, an *RM 5 Records Disposal Request* form must be completed and sent to CSD for approval. This must be done whether or not the record is on the CSD Retention Schedule.

IV. CLOSING:

Questions regarding this procedure shall be directed to the Deputy Chief or Probation and Parole Chief.