

PAROLE BOARD FILES AND BOARD PACKETS

The Board is responsible for an offenders "Field File" while they are inmates. A Field File is the file that follows the offender throughout their sentence. The Field File is not the same as an offender's prison file although they may have some of the same documents. The prison file never leaves the prison, where as the Field file goes to the Parole Board when they are in prison and to the Probation offices when the offenders are in the community. DOC has a Standard Operating Procedure for Field File Organization and Management which is attached. The Field File generally has 6 parts. (There are still some older files that are just two sided but contains the same information. See pages 4 & 5 of the attached procedure)

Section 1 is all the Sign up/ supervision material on an offender and is placed in there by the P&P Officer See Page 3 or the procedure for complete list of paperwork that you might find in this section.

Section 2 contains all the Legal or Court Documents (See page 4)

Section 3 is the offender's Monthly reports/Travel Permits/and Payment receipts, which usually are authored by the offender and submitted to the P&P Office for placement in the file. (See page 4)

Section 4 is Treatment Records, termination reports, release plans, etc. Information in this section is placed there by DOC employees. (See page 4)

Section 5 is Victim Information and Correspondence. This information could be place there by the Parole Board staff or by P&P Officers. (See page 4)

Section 6 is BOPP Documents and placed there by Parole Board Staff. This section is used for only "incarcerated information". In this section you will find Offender Time sheets, which give the parole eligibility dates and discharge dates. Next will be a copy of the initial classification paperwork which list the treatment recommendations given when an offender comes into the institution. After that information is placed in chronological order. It will have any correspondence addressed to and answered by the Board, parole reports, psycho-sexual evals, psych evals, treatment completions, non-compliance notifications, and dispositions and other any other information that may have been sent to the Board.

Parole Packets is the information sent to the Parole Board members approximately one week in advance of the hearings. This information will include the facility prepared parole report, a Board staff report, and psych or sex offender reports, risk assessment, a list of placement where the offender has been at, prior board dispositions, any letter of support or opposition that were received, and any other information the offender has chosen to send to the Board for consideration. Once the parole board hearing has been completed, this packet information is placed in the BOPP section of the field file.

Before an offender can view his file, Board Staff needs to go through and redact any privacy issue information. When an offender requests to review his file, they are given the entire file to look at (minus any redacted information). They can then request any copies of information that they wish. Offenders can not only request to see the Field File, but also the Prison File should they choose. Offenders can also see or have copies the parole packet , however it should be noted that the offender has read, checked for accuracy and signed off on the parole report prior to it being sent to the Board. (See page 7 of the procedure for more information)



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 40-3	Subject: FIELD FILE ORGANIZATION AND CASE RECORDS MANAGEMENT
Reference: <u>P&P 40-1; P&P 40-7; P&P 60-3; DOC 1.5.5; DOC 1.7.3; 2-6-101, MCA; 2-6-201 through 213, MCA; 46-23-1004(4) and (5), MCA; 53-1-203, MCA</u>	Page 1 of 8
Effective Date: 09/24/01	Revision Dates: 12/03/01; 06/17/02; 03/01/05; 08/01/05; 06/29/12
Signature / Title: /s/ Ron Alsbury, Probation & Parole Bureau Chief	

I. BUREAU DIRECTIVE:

To ensure uniformity and consistency, Probation & Parole Bureau employees will follow established procedures when creating, organizing and managing offender field files for each offender under the supervision of the Bureau.

II. DEFINITION:

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

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.

Department – The Montana Department of Corrections.

Inactive Offender Case Record – The hard copy field file of an offender no longer under the supervision of the adult Probation & Parole Bureau or Adult Interstate Bureau. 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 his/her job-related duties and responsibilities.

Offender Field File – The OMIS and/or hard copy record used for offender management containing legal documents, reports, and offender records to include, but not limited to, material regarding custody, classification, treatment programs, and community supervision. Also referred to as “case record.”

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

OMP-Offender Management Plan – A feature in OMIS designed to track an offender’s programming or treatment plan while under the supervision of the Department. Provides quick access to offender’s plan for review of the status of current and historical treatment/programming.

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;

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supervising facility or program; participation or non-participation in a court-ordered program; court docket number; and offense in accordance with §2-6-101, 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:

Offender field files are the primary record on all adult offenders and contain the complete sentencing, commitment and/or referral documents that authorize the Department and the Probation & Parole (P&P) Bureau to maintain legal custody and/or supervision of offenders. These files are used on a daily basis for routine case management and decisions regarding placements, custody, classification, treatment and supervision, as well as the Adult Interstate Bureau's transfer and supervision activities. In addition, these files are used for workload analysis of P&P Bureau and Adult Interstate Bureau (Interstate Bureau) staff; to determine release from supervision dates on offenders; location of offenders; conducting research and statistical reports; and providing historical information for selected requests.

Supervisors will conduct audits of file organization and management compliance pursuant to *P&P 40-5 Case Record Auditing*.

A. ORGANIZATION OF OFFENDER FIELD FILES

1. Youth Offender Records

When a youth offender is transferred to adult probation and parole, his/her records will be transferred by the Department's Youth Services Division (YSD) in a blue file folder which is to be kept separate within the offender's adult field file. Instructions regarding the date the records will be sealed and destroyed will be included.

Unless directed otherwise by the Court or Juvenile Probation, records of criminally convicted youth received from the Court or Juvenile Probation are treated as adult offender records. Records directed to be maintained as youth records will be kept separate in a blue file folder within the adult file. The folder used by YSD is Smead® Cutless®/WaterShed® 30% Recycled Wallets, Manufacture #71177, Blue.

2. Adult Offender Field Files

Offender field files for adult offenders will be formally established at the time of sentencing or when they have been transferred to Department custody or supervision, both as a hard copy file and in OMIS. P&P Officers will confirm that a record of the offender is not currently in OMIS before creating new files.

a. Hard Copy Offender Field Files

- 1) 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.
- 2) All P&P offices and the Board of Pardons and Parole (BOPP) will use the same style of file and labeling system:

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- a) 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.
 - b) 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).
- 3) Once the file has been organized according to this procedure, it will not be reorganized.
 - a) P&P Officers are not precluded from reorganizing a file established prior to October 1, 2001 into the new filing system if need arises, but are not required to do so.
 - b) 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.
 - 4) When a report, form or other document is removed for copying, it will be filed where originally located.
 - 5) To reduce copying and mailing costs, files will not contain numerous copies of the same documents when they are transferred.
 - 6) All transfers and movements of offender field files will be noted in the offender’s OMIS Narrative giving details of dates sent and received and locations.

b. Organization

Field files will be organized, maintained and audited according to the following structure:

- 1) Documents will be filed chronologically by date from bottom to top in the appropriate section. *Adult Chronological History* notes written prior to OMIS entries will be removed from Chronological Books and placed in Section 1. The *Adult Chronological Face Sheet*, if printed from OMIS, will be filed under Section 1.
- 2) 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.
- 3) Monthly reports may be disposed of after five (5) years.

Section 1–Sign Up/Supervision

Adult Chronological Face Sheet (if printed)	DOC Commitment
Adult Chronological History (prior to OMIS)	Classifications/Warrants
Sexual/Violent Offender Registration and Notification	Risk/Needs Assessment (prior to OMIS entries)
Original Parole Certificate (on top of rules)	DOC Inmate Escape reports/forms
Original Conditions of Supervision	Community Corrections Program Screenings and paperwork
PREA/Grievance Acknowledgement	Interstate Compact
Firearms Notification	Warrants/Authorization to Pick Up & Hold
Search Notification	Notification of Offenders Sentenced to DOC or MSP/MWP
Supervision Fee	General Correspondence related to P&P Supervision
ACIS/Profile forms (prior to OMIS entries)	Wage Garnishment Statement
Jail Sanction forms	Employer Notification Letter
Intervention Hearing forms	MASC/Passages ASRC paperwork
Violation Reports/Police Reports obtained while under supervision (chronological)	DNA Testing forms (if done by P&P)
Request for Destruction/Disposal/ Selling of Confiscated Property (includes firearms)	

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Section 2–Court Documents (chronological)

Police Report pertaining to original offense
resulting in sentence

Information/Affidavits

Plea Agreements

Pre-Sentence Investigation/Questionnaire

Post-PSI Documents (PSI Questionnaire)

Sentencing Orders/Judgments

Bench Warrants

Court Orders (appearance, continuance, etc.)

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

Travel Permits

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). Alcohol/drug testing results while on P&P Supervision. Medical records received as part of P&P Supervision. ACCD treatment/PRC release plans, termination reports.

Treatment requests, evaluations, reports and correspondence relating to treatment **during incarceration** will be placed in Section 4 between colored sheets of paper to set it apart from treatment information while not incarcerated.

Section 5–Victim Information/Correspondence

Victim Letters/Information

Letters/memos relating to victims

Section 6–BOPP Documents

All reports and correspondence during incarceration, other than treatment, (psycho evaluations, psycho-sexual evaluations, etc.) relating to BOPP or MSP, MWP, TSCTC, Prerelease, Regional Prisons, etc. BOPP will organize this section according to staff and Board needs.

(The BOPP section will not include any pre-incarceration paperwork such as a prerelease screening form. This section is used only by BOPP for incarceration information.)

c. OMIS-Offender Management Information System

Offender information entered into OMIS includes, but is not limited to:

Commitment name and offender number

Expiration dates of sentence, probation
or parole

Physical address

Aliases

Birth date

Physical description

Photographs

Social security number

FBI number

State I.D. number

Tattoos, marks, scars

Military history

Emergency contact

Family members

Associations with other offenders

Gang affiliations

Registered victim information

Court and sentencing data

Current offense

Risk and needs assessments

Criminal history

Reports and forms

Chronological files

Employment status

Offender Management Plan

Substance abuse history

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

Documents will be filed chronologically by date from bottom to top in the appropriate section. *Adult Chronological History* notes written prior to OMIS entries will be removed

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from Chronological Books and placed in file on left side. The *Adult Chronological Face Sheet*, if printed, will be filed on the left side on the top.

LEFT SIDE

1. Adult Chronological Face Sheet (if printed)
2. PREA/Grievance Acknowledgement
3. Firearms Notification
4. Sexual/Violent Offender Registration and Notification
5. Offender Case Plan
6. Conditions of Supervision
7. Monthly Reports, Travel Permits, original/white copy), Drug Screening results (in chronological order); Restitution receipts
8. Interstate Compact information
9. Adult Chronological History (prior to OMIS entries)
10. ACIS/Profiles Forms (prior to OMIS entries)
11. Risk/Needs Assessment (prior to OMIS entries)
12. Supervision Fee
13. Jail Sanctions
14. Violation Reports/Police Reports obtained while under supervision (chronological)
15. Intervention Hearing forms
16. DOC Inmate Escape reports/forms
17. Search Notification form
18. Community Corrections Programs Screening, letters, etc. Treatment evaluations, reports, and correspondence
19. General Correspondence
20. Notification of Offender Sentenced to DOC or MSP/MWP
21. Parole Warrants/Authorization to Pick Up & Hold
22. Wage Garnishment Statement

23. Employer Notification Letter
24. MASC/Passages ASRC (formerly BASC) paperwork
25. Medical Records related to P&P Supervision
26. DNA Testing Forms

RIGHT SIDE (chronological)

1. Police Report pertaining to original offense resulting in sentence
2. Legal Information/Affidavit
3. Plea Agreement
4. Pre-Sentence Investigation, questionnaire, correspondence and Evaluations
5. Sentencing Order/Judgment/Minute Entry (if applicable)
6. DOC Commitment Classification and Warrant
7. BOPP Reports, Dispositions
8. Prison Classification forms and treatment requests/completions
9. 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.

B. 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. Initial OMP data and subsequent management plan will include goals, programs, providers, completions, failures, in progress, pending or incompletes.
 - b. *Adult Chronological History* will be entered and maintained in OMIS. All contact and triggering events pertaining to offender should be documented in *History* on an ongoing basis throughout offender's supervision.
 - c. Medical, psychological, and pharmaceutical information entries (including note entries) should be placed only in areas specifically designed for this kind of information (e.g. medical records).

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2. Accommodations will be made to assist staff who are required to type entries into OMIS, but are unable to do so.

C. TRANSFER OF FIELD FILE

All transfers and movements of offender field files will be noted in the offender's OMIS Narrative, giving details of dates sent and received and locations. If loose papers of a file are found after file was sent to another location, the papers should be sent to the location noted in the Narrative.

1. When an offender field file is received from the Board of Pardons and Parole (BOPP) for use in a pre-sentence investigation report preparation, a grievance issue, etc., the file will be returned to the BOPP within 30 days.
2. When an offender is sentenced as a new prison commitment or returned to custody as a probation or parole violator, the field file is sent to the BOPP within 30 days. The BOPP maintains this file until the offender is paroled or discharged, then forwards it to the assigned supervising P&P Officer.
3. When an inmate is granted parole or released to P&P supervision, the BOPP (for parolees) or IPPO (for discharges to suspended sentences) will send the receiving P&P office the offender's file.
4. When a parolee transfers out of state, the BOPP or P&P Officers will send the file to the Adult Interstate Bureau.
5. Probationer field files will remain in, or be returned to, the P&P office where the offender was sentenced when a probationer transfers out of state.
6. Discharged or deceased offender's 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.

D. CENTRAL OFFICE FILE

1. The Deputy Compact Administrator is responsible for maintaining the Department's central office file system.
2. The Interstate Bureau uses offender field files for the supervision or responsibility 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 Bureau will examine the offender's judgment(s) and other relevant documents to ensure compliance with Interstate Commission regulations, procedures and statutes.

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E. 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 incoming 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 Narrative, 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.
7. No unauthorized person will have access to offender records.

F. CONFIDENTIAL/INVESTIGATIVE FILES

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 Regional Administrator (RA) or designee and the P&P Bureau Chief, in consultation with the Department's Legal Services Unit, will determine when files will be designated confidential or investigative, whether the designation is temporary or permanent, and where the file will be stored.

Confidential/investigative files will:

1. Be identifiable as to individual offenders;
2. Be maintained separate from, and not combined with, other offender case records; and
3. Not be reviewed under any freedom of information procedure.

G. RELEASE OF FILE INFORMATION

1. Significant portions of offender field files are public information. However, release of central office and offender field file information will be strictly limited to conform to *DOC 1.5.5 Offender Records Management, Access and Release, P&P 40-1 Offender Records Access and Release*, and appropriate federal and state statutes.
2. Information contained in a youth record associated with an offender field file 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 central office and offender field files deemed confidential will be available to Department staff on a need-to-know basis.
4. No file material will be removed from the Interstate Bureau, a P&P field office, or produced for any outside authority without written application to and approval of the RA or designee, or by court order.
5. Offenders will not be permitted access to the files of other offenders under any circumstances.

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H. RECORDS RETENTION AND DESTRUCTION

The retention and destruction of all inactive offender case records will comply with *P&P 40-7 Offender Records Retention and Destruction*. The P&P Bureau will maintain, at each of its locations maintaining offender records, a perpetual record of all offenders, offender files, and the status and final disposition of those files.

IV. CLOSING:

Questions concerning this procedure shall be directed to the Regional Administrator or designee.

Forms

DOC 1.5.5 (Attachment) Authorization for the Release of Information