

	<b>State of Alaska Department of Corrections Policies and Procedures</b>	<b>Index #:</b> 603.01	<b>Page</b> 1 of 1
		<b>Effective:</b>	<b>Reviewed:</b>
		<b>Distribution:</b> Public	<b>Due for Rev:</b>
	<b>Chapter:</b> Records	<b>Subject:</b> Probation/Parole Case Record Management	

Authority

In accordance with AS 44.28.030, AS 33.05.010, AS 33.16.180, and AS 33.30.021, the Department of Corrections shall develop and adopt policies and procedures that are consistent with laws for the guidance, government and administration of correctional facilities, programs and field services.

Purpose

To establish procedures for the recording, management and maintenance of community corrections case records pertaining to probation, parole and presentence jurisdiction.

Application

To all employees.

Definitions

As used in this policy, the following definitions shall apply:

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A. Case Record:

Offender case record comprised of one or more folders labeled with identification and containing all documents and materials pertaining to the subject offender; a case record for each individual under probation, parole, or presentence jurisdiction which may be:

1. Open:

The case record initiated when an individual is committed to, or otherwise comes under the jurisdiction of, the Department which remains active and available on-site for review so long as the individual subject of the record is short of completing the period of jurisdiction or concomitant conditions of said jurisdiction such as prisoner presently incarcerated, escaped, absconder for whom arrest warrant has been issued, temporarily released on bond or bail, pending probation or parole revocation, probationer, parolee or conditional commuttee under active supervision within Alaska or interstate supervision in another State, offender serving concurrent or consecutive sentence in another jurisdiction with a companion Alaska jurisdiction, Alaska detainer on a prisoner in another jurisdiction, etc.; the case record repository is with the district office having jurisdiction over the offender who is the subject of the case record; or

2. Inactive:

A case record which is open in accordance with 1. above except that the offender has been transferred to another State via the Interstate Compact, the offender is an absconder with an outstanding warrant, or the case record is otherwise maintained in an inactive status such as during a period of imprisonment or during an appeal process; the case record repository is with the district office of venue, Central Classification in Anchorage, or Central Records in Juneau; or

3. Closed:

A case record that is closed and subject to storage by virtue of the jurisdiction of the Department ending and/or the subject of the record having satisfied all conditions of the jurisdiction as outlined under 1. above, or is deceased; the case record repository is with Central Records in Juneau.

**B. Case Record Extract:**

Photo-copy of case record document necessary to sustain jurisdiction and case record for purposes of opening Prisoner Case Record in accordance with 602.01, as follows:

1. Court, Parole Board or other document establishing jurisdiction;
2. Presentence Report with attachments;
3. Conditions of Conduct if not part of authority document under 1. above;
4. Psychiatric or psychological reports completed since presentence investigation and report under 2. above;
5. Probation or parole reports relevant to the incarceration; and
6. Petition or violation report appropriate to the incarceration and requisite due process.

**C. Offender:**

Person brought under the jurisdiction of the Department by Court or Parole Board Order or Conditional Commutation of Sentence by the Governor for purposes of probation, parole or other supervision or as the subject of a presentence investigation report.

**Policy**

- A. A case record for presentence investigations, probation, parole and/or conditional commutation will be opened and maintained on all offenders coming under the jurisdiction of the Community Corrections Unit of the Department.
- B. Community corrections case records will be established commensurate with case assignment in accordance with 902.01, Case Assignment.
- C. Each District Supervisor is responsible for initiating procedures for the development and monitoring of case records and the material therein.
- D. The probation/parole case record will remain under the ultimate jurisdiction and control of the District Supervisor where Court Venue is located and under the immediate control of the supervising Probation Officer.

**Procedures****A. Initiation of Case Record:**

The assigned probation officer shall maintain the case record in accordance with the following requirements:

1. All case information will be maintained in a four part classification folder;
2. All folders must be right hand opening with an identification tab on the right cover showing the offender's name, date of birth, Court CR number and OBSCIS number; and
3. All case material will be filed in the case record within one working day of receipt or production on site.

**NOTE:** This policy is not a complimentary companion to 602.01, Prisoner Case Record Management. The probation/parole case record does not change denomination with status, but remains under community correction's jurisdiction. A prescribed case record extract is provided to the institution of incarceration for purposes of opening a prisoner case record. The case record on a prisoner released to community corrections supervision will be maintained as an addendum to the probation/parole case record subject to activation and update with the individuals' return to prisoner status.

**B. Content and Organization of the File:**

1. All case records must be maintained in a four-part, legal size, classification folder designed to hold four individual file categories in one folder with one center leaf as described and denominated under 2. below. Case record folder specifications are as follows:
    - a. Four-part classification folder, legal size;
    - b. Cardboard, moisture resistant covers; with
    - c. Center leaf attached;
    - d. Cloth reinforced, expanding hinge;
    - e. Metal fastener on each folder page; and
    - f. Green in color.
  2. The Identification label on an offender's case record must be affixed to the tab of each case file with the offender's name, last name first, in capital letters, followed by the first name, middle initial and date of birth. The criminal case number and OBSCIS number will appear below the offender's name and date of birth;
  3. As a general rule, the material maintained in the folder will be in chronological order of document creation and in accordance with the following criteria:
    - a. Documents will never be removed from the case file because they are thought non-essential. Mandated extracts from the case record will always be made by photocopy and return of documents to the file. Duplicates may be removed; however, a clear copy or original must be maintained of every document comprising the case record unless purged or removed in accordance with law, regulation or policy;
    - b. Photographs will be attached to the inside bottom of the left folder cover;
    - c. Documents and/or envelopes will not be affixed to the folder by staple. All items contained in the file must be attached by metal fastener, adhesive or cellophane tape;
    - d. Materials maintained in the file may be separated into annual divisions by folder stock dividers. Each such divider must be tabbed at the bottom with the year for the material beneath the divider; and
    - e. Case record materials which become part of the offender file from the Prisoner Case Record in accordance with 602.01, Prisoner Case Record Management, or the Prisoner Health Care Record in accordance with 807.06, Health Care Record, will be maintained as much as possible in their respective folders and in the same subject matter section as called for in the respective case record management policy under which the document(s) originated.
  4. The four-part case record folder must be organized by subject matter and the four sections will be distinguished as follows:
    - a. Section One, inside the left cover;
    - b. Section Two, inside of center leaf opposite Section One;
    - c. Section Three, inside of center leaf opposite Section Four; and
    - d. Section Four, inside of right cover.
  5. Folder Section One will contain:
    - a. Indictments, followed by FBI/OBSCIS/APSIN criminal history records;
    - b. Presentence Worksheet (form 20-603.01A), Presentence Report (PSI) and any subsequent updated PSI reports;
    - c. All legal documents to include judgments and orders, petitions, revocation actions, warrants and amended judgments. These documents will be filed in ascending order
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of document creation. Documents which govern the offender's current supervision status will always be the top most document; and

- d. A photo depicting the offender's current appearance which was obtained in accordance with 902.05, Supervision Plan/Initial Interview, will be attached to the inside cover of Section One.
6. Folder Section Two will contain:
    - a. Chronological Record (form 20-603.018), filed in ascending order of creation;
    - b. Followed by out-dated Case Supervision Plan(s) (form 20-902.040) or Reassessment Plan(s) (form 20-902.04E);
    - c. The Notification of Firearms, Voter and Other Restrictions (form 20-603.01C) followed by the Restitution Payment Schedule (form 20-902.07A) when and where applicable will be filed beneath the Chronological Record and out-dated case plans, if any;
    - d. Evidence Record(s) (form 20-803.08B) in the chronological 1 record to coincide with the action date; and
    - e. Routine correspondence is maintained in ascending chronological order as the bottom most set of documents.
  7. Folder Section Three will contain:
    - a. The top most document will always be the Intake/Change of Status Notification (form 20-902.02);
    - b. Beneath the Intake/Change of Status Notification document will be the most current Risk/Need Assessment/Reassessment (form 20-902.03A or B);
    - c. If supervision classification in accordance with 902.03, Classification and Supervision Standards, warrants, a CSS interview and assessment, the Score Sheet (form 20-902.04B) will be placed beneath the most current and accompanying Case Plan (form 20-902.040 or E) which will be directly beneath the latest Risk/Need Assessment/Reassessment form; and
    - d. If the case has been assigned a volunteer probation advisor in accordance with 905.01, Volunteer Probation Advisors, the Volunteer Probation Advisor Agreement (form 20-905.01B) will be placed beneath the Intake/Change of Status Notification per a. above and on top of the most current Risk/Need Assessment/Reassessment per b. above.
  8. Folder Section Four will contain:
    - a. Monthly Progress Report(s) (form 20-902.03E) submitted by offender;
    - b. Reports submitted by treatment programs to include the Medical/Psychiatric Records Abstract (form 20-807.060) for prisoners released to community corrections supervision;
    - c. Release(s) of Information (form 20-602.01A) or similar;
    - d. Intrastate (form 20-902.20A) and Interstate (form 20-902.21A) travel permits;
    - e. Progress reports to include Parole Board Progress Report (form 20-915.06A) and Interstate Progress Report (form 20-902.21B); and
    - f. Referrals to treatment agencies such as CRC Referral (form 20-818.02A).
- C. Case Record Security:
1. Case records not in active use will be stored inside a locked file cabinet or room. Case record storage must be supervised and controlled by an employee. If a record must be removed from the storage area, a sign out-card indicating date removed, employee
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name and reason for the removal must be prepared and maintained in the system in place of the case record folder(s);

2. Except as otherwise provided in this policy, the release of information contained in the offender file will be controlled and limited to the following:
  - a. Information required by the personnel and agents of the Department in the normal conduct of business;
  - b. Information the offender has specifically authorized for release by signing an Authorization for Release of Information (form 20-602.01A); and
  - c. Information released to agencies or individuals which could reasonably be expected to promote the safety of the public or the rehabilitation of the offender.
3. Case record access must be strictly controlled in accordance with appropriate federal, state and departmental regulations. All information provided to offenders from their record or file will be evaluated by the Supervising Probation Officer or his or her District or Unit Supervisor to ensure that release of such information will not jeopardize the offender, his/her welfare or rehabilitation, the orderly administration of community corrections, or otherwise compromise or harm the Department;
4. Except as otherwise provided in this policy, access to offender case records is limited to personnel of the Department, contractor agents of the Department and the Ombudsman in the course of an official investigation and in conformance with statutory authority. A case record will not leave the supervising office for purposes other than court appearance, transfer or closure except when specifically authorized by the District Supervisor or in response to a Court Order; and
5. Case records reviewed by parties other than employees will be supervised' by Department personnel to ensure documents are not removed or photocopied without proper authorization.

**D. Case Record Access:**

1. Each District or Unit Supervisor shall ensure proper access to offender case records. In the absence of state or federal law to the contrary, the offender, offender's attorney, the attorney's agent, the Ombudsman, or other authorized persons may be granted access, upon request and upon specific approval by the Supervising Probation Officer, to the offender case record in accordance with these procedures;

**NOTE:** If the discretionary access, as approved or denied by the District or Unit Supervisor or designee in accordance with this policy is disputed, the Assistant Attorney General assigned to assist this Department may be contacted for advice on a case-by-case basis.

2. Absent statutory authority to the contrary or Court Order, access to the following records may be denied;
    - a. Records of classification; b. Identity of informants;
    - b. Maps, diagrams or photographs of the physical layout of an institution or descriptions of Departmental security procedures;
    - c. Presentence reports, if the court specifically finds that access by the offender will prove detrimental to the rehabilitation of the offender or the safety of the public;
    - d. Reports, memoranda or other documents prepared specifically for transmittal to the Alaska Department of Law or an attorney retained by the State of Alaska in anticipation of, or during the course of, litigation;
    - e. Any document or report containing medical, psychiatric/psychological, parole/probation or other investigations, or evaluations concerning the offender
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which the Deputy Commissioner for Operations, in the case of a ex-offender, or the District Supervisor or designee, in the case of a current offender under supervision, determines would, in all likelihood, lead to serious disruption of adjustment, rehabilitative progress, or would endanger any person;

- f. Any other record where a determination is made by the District Supervisor or designee that such information would result in a substantial risk of reprisal, endanger the security of a facility, or disclose the Department's position in litigation; and
  - g. Victim addresses, phone numbers, or other information contained in the case record which may disclose the whereabouts or location of a victim of a crime against person. This category of victim information will not be disclosed to an offender, the offender's attorney or anyone outside the Department other than those officials of the justice system with a specific need to know in connection with an active investigation or litigation such as agents of the Department of Public Safety or the Department of Law.
3. Denial of access to any of the records or documents set out in 2. above does not effect the offender's right to access any other records contained in the case record;
  4. Access to the following records may not be denied;
    - a. A copy of the judgment or any other document which is the authority for the offender being under the jurisdiction of the Department;
    - b. Any transcript of court proceedings involving the offender including comments made by the judge at the time of imposition of sentence;
    - c. Mail or copies of correspondence placed in the prisoner's file;
    - d. Presentence Reports, except where the Court has ordered otherwise; and
    - e. Any other record, access to which may not be denied under section 1., 2. or 3. above.
  5. Access to offender records under this policy is subject to rules and procedures established by the Regional Administrator with respect to time, place and manner of inspection;
  6. Individuals or agencies involved in research may have access to offender records with the approval of the Regional Administrator and in accordance with 501.02, Research Activities; and
  7. A person who is no longer under the supervision, custody or jurisdiction of the Department may have access to his or her closed case record through the Deputy Commissioner having jurisdiction over the repository of the file. The documents contained in the closed case record may be provided for viewing and/or photo-copying except those the Deputy Commissioner determines would result in substantial risk of reprisal or injury or would endanger the security of a facility. Any case record access or document reproduction costs will be paid by the individual requesting the access/duplication.
- E. Transfer of Case Record:
1. Transfer of community corrections case records, including prisoner and medical records held as addendum to probation/parole case records between district offices will be facilitated in accordance with 4. below after a "transfer summary" is recorded in the Chronological Record of the probation/parole case record(s) involved;
  2. When supervision is completed, the community corrections case record and any companion Prisoner or Health Care Records on hand will be sent to Central Records in
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accordance with 4. below. Case closure requires a "closing summary" to be entered in the Chronological Record of the probation/Parole Case Record;

3. When community supervision is affected by court action resulting in incarceration, a case record extract and any pre-existing prisoner or health care records on-hand will be sent within 24 hours in cases of probation revocation and within two work days in other instances of the official action imprisoning the offender to the appropriate institution in accordance with 4. below. In all such cases, an action, transfer or closing entry will be made to the chronological record of the probation/parole case record documenting the case record action and the reasons for said action;
4. All case records and file(s) will be transmitted as follows:
  - a. Notwithstanding h. below, case record materials will always be packaged in such a fashion as to conceal the contents from casual view, such as in a box or envelope of sufficient size to contain the entire case record. The package will be marked as CONFIDENTIAL and addressed to a specific recipient. Only the addressee will open the package. All intermediate handlers will forward the package unopened to the addressee. The contents of the case record package must include a cover memorandum explaining the purpose of the case record transmittal;
  - b. For transferring offenders within Alaska, the case record must be updated, packaged and sent via Certified Mail or accountable hand-carry to the receiving District Office to coincide with the offender's travel;
  - c. For offenders being transferred to another State for supervision, the case record must be denominated Inactive, updated to coincide with the transfer and sent via certified mail or accountable hand-carry to the Deputy Interstate Compact Administrator, Central Classification Unit at the Anchorage Administrative Office to be maintained in the interstate-out repository;

NOTE: Offenders transferred per this subsection will have sent to the receiving agency in advance of transfer, and to accompany the offender, a Transfer Packet as defined and applied in 902.21, Interstate Transfer/Supervision.

- d. Inactive probation case records as the result of an offender being an absconder or other deactivating circumstances while under the jurisdiction of probation will be retained on-site for the time period prescribed by the Regional Administrator and then packaged and sent via certified mail or accountable hand carry to Central Records at the Juneau Central Office for long-term retention. The inactive case record will there be maintained intact pending reactivation;
  - e. Inactive parole case records as the result of a parolee being an absconder or other deactivating circumstances while under the jurisdiction of parole will be packaged and sent via certified mail or accountable hand carry to Central Classification at the Anchorage Administrative Office. The inactive parole case record will there be maintained intact pending reactivation;
  - f. For probationers or parolees being incarcerated as part of revocation action, the case record must be updated within 24 hours of imprisonment action, denominated and prepared for transmittal as inactive per d. or e. above, and a case record extract sent via certified mail or accountable hand-carry to the appropriate receiving institution;
  - g. For offenders being imprisoned as part of sentencing, the case record must be updated within two work days of incarceration action, denominated and prepared for
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transmittal as inactive per d. above, and a case record extract sent via certified mail or accountable hand-carry to the appropriate receiving institution; and

- h. For inactive and closed offender case records, the file must be updated, denominated "closed" or "inactive" on the case record folder and on the transmittal list, and sent via insured mail, return receipt requested, or other accountable means to Central Classification, for inactive parole cases, or Central Records, for inactive probation cases and all closed case records, within a reasonable time following classification as inactive or closed and sent by the following means:
- (1) Sending personnel shall prepare a triplicate and alphabetized list of files, both case record and medical, for shipment and retention at Central Records in Juneau or Central Classification in Anchorage;
  - (2) The original copy of the list will be retained by the sender, the second copy will be sent under separate cover to Central Records or Central Classification to alert them to the shipment's arrival, and the third copy will be packed with the alphabetically arranged folders being shipped;
  - (3) Records' personnel, upon receipt of the shipment, shall inventory the case records received alongside the advance copy and the packing copy of the list, sign, and date receipt of records listed (noting any discrepancies) on the advance copy;
  - (4) Central Records or Central Classification staff shall return the advance copy of the signed list, checked off and/or annotated, to the sender as acknowledgement of shipment received; and
  - (5) The records officer of the sending facility shall receive, make any adjustments called for by annotation, and retain the list as documentation of case record shipment and disposition.

**F. Case Record Review:**

An offender case record review must be completed by the supervising officer or District or Unit Supervisor's designee at the time of transfer, classification to inactive status, and case closure to evaluate file information for accuracy, relevancy, order and retention. Staff shall supervise the destruction of any documents removed as duplicate or in accordance with law, regulations, or policy.

**G. Case Record Retention at Central Records:**

A case record received by central records will be retained in the round, just as it is received, for two years from the date of receipt. After two years, the contents of the case record will be microfilmed for perpetual retention and the paper folder contents destroyed. A case record may be retrieved from central records by name specific request.

**Implementation**

This policy and procedure is effective as of the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure within 14 days. All local policies and procedures must conform to the contents of this document and any deviation from the contents of this document must be approved in writing by the Commissioner or designee.

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DATE      12-15-86

S. Humphrey-Barnett  
Susan Humphrey-Barnett, Commissioner  
Department of Corrections

Applicable forms:

603.01A

603.01B

