


| | | |
|---|--|------------------------------|
| POLICY OF STATE OF DELAWARE DEPARTMENT OF CORRECTION | POLICY NUMBER 7.1 | PAGE NUMBER 1 of 4 |
| | RELATED ACA STANDARDS: 2-CO-1E-01, 2-CO-1E-02, 2-CO-1E-03, 2-CO-1E-04, 2-CO-1E-06, 2-CO-1E-07, 2-CO-1E-08, 2-CO-1E-09 | |
| CHAPTER: 7 CENTRAL OFFENDER RECORDS | SUBJECT: CASE RECORDS MANAGEMENT | |
| APPROVED BY THE COMMISSIONER AND EFFECTIVE THIS DATE: |  | |
| APPROVED FOR PUBLIC RELEASE | | |

I. AUTHORITY: 11 *Del. C.* §4322, 4349, 6517; 29 *Del. C.* §8903, 10002(i)

II. PURPOSE: To provide consistent and timely management of all offender case files.

III. APPLICABILITY: All Department of Correction (DOC) employees, volunteers, persons and organizations conducting business with the DOC and all offenders under the custody and supervision of the DOC.

IV. DEFINITIONS:

Chronological: Sequential order by date or time.

Central Offender Records (COR): Unit which maintains and updates offender records.

Delaware Automated Correction System (DACs): Department's offender management system.

Public record: Written or recorded information made or received by a public entity relating to public business.

V. POLICY: To ensure an accurate, efficient and secure system for recording, managing and maintaining offender case record data.

VI. PROCEDURES:

A. Case record data will be maintained in a uniform manner by all recording facilities. A six-position case record will be maintained on every offender committed under the supervision of the DOC. The current legal case record of each offender housed by the DOC will be maintained at COR.

Each position of the case record is identified by one of the following six categorical headings:

- Legal
 - Legal paperwork from previous incarcerations will be maintained in the six-position case record.
 - Legal paperwork from current incarceration will be maintained in the legal case record maintained at COR.

| | | |
|---|------------------------------|-------------------------------|
| POLICY OF STATE OF DELAWARE DEPARTMENT OF CORRECTION | POLICY NUMBER 7.1 | PAGE NUMBER 2 of 4 |
| SUBJECT: CASE RECORDS MANAGEMENT | | |

- Classification
- Conduct
- Correspondence
- Supplemental
- Confidential

Only the specific material described herein will be entered into the offender's case record.

1. Legal – Information will include data related to the Courts, sentence and offender identification. Materials are listed in a top-to-bottom/reverse chronological order with the most recent on top. Information will be grouped as follows in the order indicated. Any special notations will be placed on the top. (i.e. Victim Notification)

- Detainers
- Offender Blue Sheet (pending charge sheet)
- Vital statistics with photograph
- Computer generated status sheet(s)
- Meritorious credit reports (electronic)
- Court orders and commitments
- Various legal documents including Parole and Pardon documents, Federal Bureau Identification (FBI) or State Bureau of Identification (SBI) documentation, law suits and older fingerprint cards
- Level IV Agreement to Return (ATR) (if applicable)
- Warrant check from Portal XL (NCIC)

2. Classification – Information will include all offender classification and progress forms. Included are:

- Initial classification record
- Reclassification
- Furlough reports and exclusion sheets
- Correspondence relating to classification
- Pre-parole reports
- Parole Board results

3. Conduct – This information will include material related to the offender's institutional adjustment and program participation. Included are:

- Pending Adjustment Board action form
- Adjustment Board package
- Disciplinary reports
- Administrative segregation form

| | | |
|---|-----------------------------|------------------------------|
| POLICY OF STATE OF DELAWARE DEPARTMENT OF CORRECTION | POLICY NUMBER 7.1 | PAGE NUMBER 3 of 4 |
| SUBJECT: CASE RECORDS MANAGEMENT | | |

4. Correspondence – Information will include official offender correspondence, including letters of commendation.
 5. Supplemental – Information will include section reports regarding the offender, including Probation and Parole summaries and community/religious activities. Included are:
 - Housing Rules
 - Emergency Contact Information
 - Strip Search Authorizations,
 - Phone Call Lists
 6. Confidential – Information will include documents of such a confidential nature. The dissemination of any and all information contained in the case records of offenders committed to the DOC shall adhere to Delaware Code. Included are:
 - Pre-sentence investigation reports (PSI) and/or criminal history or probable cause narratives
 - Psychological/psychiatric reports
 - Victim notification letters
 - Sex offender registration
- B.** A uniquely labeled six-position case record will be created for each offender by COR. The six-position case record will be sent to the facility where the offender is being housed. The label will contain the following information:
- Full name (Last, First, Middle) and any aliases
 - Date of birth, race, sex
 - State Bureau Identification (SBI) number
- C.** When an offender is recommitted to the DOC, the previous folder(s) will be utilized. Any additional data for inclusion in the folder will be inserted into the appropriate section. Each facility will be responsible for maintaining the case records for the offender during incarceration. The records will be kept in a secure, central location.

Institutional staff authorized by the Commissioner, Director of Central Offender Records and Bureau Chiefs are the only personnel who may have access to case records. Access to the case records is only for purposes related to the fulfillment of specific job functions.

Case records should not be removed from the facility Records Section without a completed sign-out card indicating the location, date and to whom the records have been released. All case records should be returned to the Records section at the end of the same workday.

| | | |
|---|------------------------------|-------------------------------|
| POLICY OF STATE OF DELAWARE DEPARTMENT OF CORRECTION | POLICY NUMBER 7.1 | PAGE NUMBER 3 of 4 |
| SUBJECT: CASE RECORDS MANAGEMENT | | |

All offender case records are to be controlled, confidential records; that is, not to be handled by any offender. Responsibility for the custody of each case record lies with the facility staff and COR.

- D.** When an offender is transferred from one facility to another, the case record and health record will be transported simultaneously with the offender. It is the responsibility of the facility or other designated personnel to ensure that a Record Custody Transfer Form is completed and all files being transferred are placed in a catalogue case for transport. The form will be prepared by the discharging facility and presented to the transporting officer.
- E.** Upon the offenders discharge/release from facility supervision, the record will be immediately forwarded to COR. Case records for those offenders not under the jurisdiction of the DOC will remain in COR in an inactive status for a period of three years, at which time they will be forwarded to archives.
- F.** The PSI (other than a pre-sentence report prepared for the Superior Court or the Court of Common Pleas), the pre-parole report, supervision history and all other case records obtained in the discharge of official duties by any employee of the Department, are privileged and will not be disclosed directly or indirectly to anyone other than the Courts, Board of Parole, Attorney General and Deputy Attorney Generals or other entitled entities or persons. The PSI reports prepared for the Superior Court and the Court of Common Pleas shall be under the control of the respective Courts.

The Department will make available to the Board of Parole any reports the Board requires concerning casework performed in the community/facility and regarding family/individual contact that is pertinent in determining the offender's parole eligibility.

- G.** A Release of Information (ROI) is required to be signed by the offender, prior to the release of any information which is not governed by applicable federal and state regulations. A copy of the completed form will be maintained in the case record.