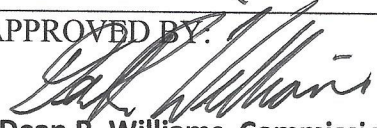


**STATE OF ALASKA
DEPARTMENT OF CORRECTIONS**



POLICIES & PROCEDURES

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CHAPTER: 600	NUMBER: 603.01	P&P TYPE: Public
TITLE: Division Of Probation And Parole Case Record Management		
APPROVED BY:  Dean R. Williams, Commissioner		DATE: 11/05/18

- ATTACHMENTS / FORMS:**
- (A.) DOC Offender Management System Data Entry Minimum Requirements List.**
 - (B.) Division Of Probation And Parole (DPP) Pre-Sentencing Documents List.**
 - (C.) Division Of Probation And Parole (DPP) Case Record Section Contents List.**
 - (D.) Authorization For The Release of Information Form.**

- AUTHORITY / REFERENCES:**
- | | |
|----------------------|---------------------------|
| 22 AAC 05.155 | DOC P&P 501.02 |
| AS 33.05.010 | DOC P&P 602.01 |
| AS 33.16.180 | DOC P&P 902.01 |
| AS 33.30.011 | DOC P&P 902.03 |
| AS 33.30.021 | DOC P&P 902.21 |
| AS 44.28.030 | |

POLICY:

- I. It is the policy of the Department of Corrections (DOC) to have procedures for the recording, management and maintenance of case records pertaining to probation, parole and pre-sentence jurisdiction.
- II. A case record for pre-sentence investigations, probation, parole and / or conditional commutation will be opened and maintained on all offenders coming under the jurisdiction of the Division of Probation & Parole (DPP).

APPLICATION:

This policy and procedure will apply to all Division of Probation & Parole employees.

DEFINITIONS:

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

Case Record:

Case record is comprised of one or more folders labeled with identification and containing all documents and materials pertaining to the subject offender. A case record is created for each individual under probation, parole, or pre-sentence jurisdiction and the case record may be:

- **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.
- **Inactive**
A case record which is 'Open' in accordance with the above description except that the offender is an

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absconder with an outstanding warrant, an offender who is in custody pending an immigration review, or the case record is otherwise maintained in an inactive status such as during a period of imprisonment or during an appeal process or a stay of supervision; the case record repository is with the district office of venue, Central Classification in Anchorage, or Central Records.

- **Closed**

A case record that is closed and / or subject to storage due to completion of supervision, unconditional discharge, transfer to open court / unsupervised probation, revocation or death.

Case Record Extract:

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

1. Court, Parole Board or another document establishing jurisdiction;
2. Pre-sentence 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.

Secure Area:

An area not generally accessible by the public and requiring individuals to have a specific security clearance to be in the area. Those individuals who do not have the appropriate security clearance must always be accompanied by a security-cleared employee .

PROCEDURES:

I. Initiation And Maintenance Of DPP Case Record:

- A. All probationers and parolees will have an active case record created if there is no existing record available. This case record shall be created as soon as possible and no later than five (5) working days after the offender begins supervision.
- B. Upon release from incarceration, reporting from court or interstate compact transfer the DOC offender management system shall be initiated / updated with the information described in the *DOC Offender Management System Data Entry Minimum Requirements List* (Attachment A).
- C. Chronological notes in the DOC offender management system shall be updated by the close of business or no later than the close of business the following work day. Please note, all chronological entries shall be entered into the DOC offender management system prior to the employees scheduled days off and / or any scheduled leave. Exceptions to this timeframe may be allowed on a case-by-case basis by the Supervisor. Chronological entries shall be printed for the case record at a minimum on a quarterly basis.

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D. The assigned Probation Officer (PO) shall maintain the DPP case record in accordance with the following requirements:

1. All case information will be maintained in a green 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, and DOC offender number; and
3. All case material will be filed in the DPP case record as soon as possible and no later than five (5) working days of receipt or production on site.
4. Documents including, but not limited to: conditions of supervision; modifications to conditions; and court approved versions of the PSRs, shall be uploaded in to the DOC offender management system within five (5) working days of receipt or court approval.

II. Content And Organization Of The DPP Case Record File:

A. All DPP case records must be maintained in a four-part, letter size, classification folder designed to hold four (4) individual file categories in one (1) folder with one (1) center leaf as described and denominated under B., below. DPP case record folder specifications are as follows:

1. Four-part classification folder, letter size;
2. Cardboard, moisture resistant covers; with
3. Center leaf attached;
4. Cloth reinforced, expanding hinge;
5. Metal fastener on each folder page; and
6. Green in color.

B. 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 DOC offender number will appear below the offender's name and date of birth.

C. Material maintained in the folder will be in chronological order of document creation and in accordance with the following criteria:

1. Except for documents that are not needed after sentencing, documents will never be removed from the DPP case file because they are thought non-essential. See the *DPP Pre-Sentencing Documents List* (Attachment B) for more details on which documents may be purged from the file after sentencing. 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 DPP case record unless purged or removed in accordance with law, regulation or policy; and
2. 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.

D. The four-part DPP case record folder must be organized by subject matter and the four (4) sections will

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be distinguished as follows:

1. Section One, inside the left cover;
2. Section Two, inside of center leaf opposite Section One;
3. Section Three, inside of center leaf opposite Section Four; and
4. Section Four, inside of right cover.

E. The detailed contents of each section of the DPP case record folder are listed in the *DPP Case Record Section Contents List* (Attachment C).

III. DPP Case Record Security:

A. DPP case records will be stored in a secure area.

B. Except as otherwise provided in this policy, the release of information contained in the offender file will be controlled and limited to the following:

1. Information required by the personnel and agents of the Department in the normal conduct of business;
2. Information the offender has specifically authorized for release by signing an *Authorization For The Release Of Information Form* (Attachment D); and
3. Information released to agencies or individuals which could reasonably be expected to promote the safety of the public or the rehabilitation of the offender.

C. DPP case record access must be strictly controlled in accordance with appropriate federal, state and Department regulations. All information provided to offenders from their record or file will be evaluated by the supervising Probation Officer or their District Supervisor to ensure that confidential, sensitive, and victim information will be removed or redacted.

D. 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 during an official investigation and in conformance with statutory authority. A DPP case record will not leave the supervising office for purposes other than court or Parole Board appearance, Attorney General's review, transfer or closure except when specifically authorized by the District Supervisor or in response to a Court Order or for other official case management purposes.

E. If the DPP case record is to be reviewed in person by non-DOC staff, the review shall be supervised to ensure documents are not removed or photocopied without proper authorization. A photocopying service may be used with the District Supervisor's authorization. Photocopying or associated service costs will be reviewed by the District Supervisor or Chief PO.

IV. DPP Case Record Access:

A. Each District Supervisor shall ensure proper access to offender case records. The offender, offender's

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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 and / or District Supervisor.

Note: If the discretionary access, as approved or denied by the District 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.

- B. Absent statutory authority or court order, access to the following records may be denied;
1. Identity of informants or information given in confidence;
 2. Maps, diagrams or photographs of the physical layout of any DOC institution, facility or office or descriptions of Departmental security procedures;
 3. 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;
 4. Other documents, if the District Supervisor finds that access by the offender will prove detrimental to the rehabilitation of the offender or the safety of the public;
 5. 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; and
 6. Victim addresses, phone numbers, or other information contained in the DPP case record which may disclose the whereabouts or location of a victim. 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.
- C. Upon specific request offenders and their attorneys may receive a copy of their full risk / need assessment but it is preferred that they be provided a risk / need summary only.
- D. Offender, legal guardian or their defense attorney access to records not specifically noted above in Procedures section IV., A. or IV., B. above or where the Court has ordered otherwise, may not be denied.
- E. Access to offender records under this policy is subject to rules and procedures established by the District Supervisor with respect to time, place and manner of inspection.
- F. Individuals or agencies involved in research may have access to copies of offender records with the approval of the Chief PO and in accordance with DOC P&P 501.02, Research Activities.
- G. 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 Central Records section of the Department. The documents contained in the closed case record may be provided for viewing and / or copying except those as defined in Procedures section IV, A., B. and C. above. Any case record access or document reproduction costs will be paid by the individual requesting the access / duplication.

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H. Access to the case record of a deceased offender may only be authorized by the legal representative of the estate.

V. Transfer / Closure Of DPP Case Record:

A. Whenever a file is transferred its location shall be updated and recorded in the DOC offender management system. The entry into the DOC offender management system shall include the type of case record action (e.g. transfer or closure) as well as the reasons for the action and date.

B. All DPP case records and file(s) shall be transmitted as follows:

1. DPP case records will be packed to conceal the contents from casual view, such as in a box or envelope of sufficient size to contain the entire case record, addressed to a specific office, and marked as "CONFIDENTIAL".
2. For transferring offenders within Alaska, the DPP case record must be updated, packaged and sent by hand-carry, courier, or United States Postal Service with tracking service to the receiving District Office at the time of the offender's transfer.
3. For offenders being transferred to another State for supervision, the case record shall be packaged in accordance with B. 1 above and sent in accordance with B. 2 above to the Interstate Compact (ISC) office.
4. Closed offender case records will be sent to Central Records or their designee in a reasonable timeframe.

C. Transfer of DPP case records, including institutional records held as addendum to DPP case records, between district offices will be facilitated in accordance with B., above after a "transfer summary" is recorded in the DOC offender management system.

D. When formal supervision has ended, the DPP case record and any companion institutional records will be sent to Central Records in accordance with B., above. Case closure requires a "closing summary" to be entered in the DOC offender management system.

E. When probation and parole supervision is affected by court action resulting in incarceration, any institutional file will be sent within one (1) working day in cases of probation and / or parole revocation to the appropriate institution in accordance with B., above (unless the receiving institution does not have the record capacity to receive the institutional file).

F. For probationers or parolees being incarcerated as part of a revocation action, the DPP case record must be transmitted to the institution within five (5) working days following receipt of the disposition order and / or notice of Parole Board action. If the offender has less than 30 days left to serve the DPP case file should remain under DPP control.

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- G. For offenders being imprisoned as part of sentencing, the case record must be updated within five (5) working days of receipt of all relevant court documentation.
- H. For all other case record closures, the DOC offender management system must be updated within five (5) working days of receipt of all relevant court documentation.

VI. DPP Case Record Review:

A probation and parole case record review must be completed by the supervising officer or District 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.

VII. DPP Case Record Retention At Central Records:

A DPP case record received by Central Records will be retained in accordance with state retention schedules. A DPP case record may be retrieved from Central Records by name specific request.

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