


|                                                                                                                                                                                                                                                                                                                                                       |                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| NH DEPARTMENT OF CORRECTIONS<br>POLICY AND PROCEDURE DIRECTIVE<br>Pursuant to RSA 21:H:8-(III)<br>Internal Practices and Procedures<br><br><b>SUBJECT: CLIENT RECORDS<br/>MANAGEMENT</b><br><br><b>PROPONENT: <u>Director of Security and<br/>Training</u></b><br><i>Name/Title</i><br><u>Commissioner's Office 271-8016</u><br><i>Office Phone #</i> | CHAPTER <u>General Administration</u>     |
|                                                                                                                                                                                                                                                                                                                                                       | STATEMENT NUMBER <u>464</u>               |
|                                                                                                                                                                                                                                                                                                                                                       | EFFECTIVE DATE <u>07/16/2020</u>          |
|                                                                                                                                                                                                                                                                                                                                                       | REVIEW DATE <u>07/16/2023</u>             |
|                                                                                                                                                                                                                                                                                                                                                       | SUPERSEDES PPD# <u>1.39, 1.06</u>         |
|                                                                                                                                                                                                                                                                                                                                                       | DATED <u>12/30/12</u>                     |
| <b>ISSUING OFFICER:</b><br><br><br><i>Helen E. Hanks, Commissioner</i>                                                                                                                                                                                               | DIRECTOR'S INITIALS: _____<br>DATE: _____ |
|                                                                                                                                                                                                                                                                                                                                                       | APPENDIX ATTACHED:<br>YES _____ NO _____  |
| <b>REFERENCE NO:</b> See reference section on last page of PPD.                                                                                                                                                                                                                                                                                       |                                           |

(a) **PURPOSE:**

To provide guidelines and procedures for the collection, utilization, maintenance and retention of the non-medical records of residents.

(b) **APPLICABILITY:**

To all staff involved in the management, maintenance, security, reviewing and handling of resident records.

(c) **POLICY:**

- (1) The administrator of the bureau of classification and client records or designee shall be responsible for the establishment, utilization, contents, privacy, security, preservation and destruction of the non-medical records of residents.
- (2) It is the policy of the DOC to allow all residents access to information in their non-medical client records. Any information in the confidential section of the non-medical records shall be removed prior to the resident's review.
- (3) The DOC shall provide access to non-medical resident records for the purpose of agency planning, implementation, and evaluation of programs, and provide for case record auditing by the bureau of professional standards to ensure records are current and accurate.

- (4) Residents shall complete and sign a Release of Information Form (Attachment 1) prior to the release of information from their non-medical record. A copy of the completed form shall be maintained in the record. The release shall expire six months from the date of issue.

(d) PROCEDURE:

- (1) Establishment of Non-medical Client Records:
- a. Facility reception staff shall be responsible for the initiation and development of the electronic client non-medical record (ECR) at the time of the reception of the resident. Court commitment documents, pre-sentence investigation reports, and initial intake documents shall be used in the establishment of the Electronic Data Storage Area (EDSA) non-medical record by the office of client records staff.
  - b. All non-medical information shall be entered into the ECR or scanned into EDSA.
  - c. Name change(s) shall be listed as an alias. The resident's legal name at time of reception shall remain the name of the resident for the length of his or her involvement with the DOC, unless a court orders otherwise.
  - d. Incident reports related to a resident shall be stored in the EDSA. Confidential Incident Reports shall be redacted before a resident is permitted a file review (B)(4)(b).
- (2) Management of Non-medical Client Records:
- a. Non-medical client records shall be utilized by:
    1. Classification boards;
    2. Disciplinary boards;
    3. Parole boards;
    4. Investigations bureau;
    5. Warden's office;
    6. Commissioner's office; and
    7. Attorney general/county attorney offices.
  - b. The individuals listed in (a) above shall be the only individuals who have unlimited access to the ECR and EDSA, and are permitted to remove paper files from the office of client records.
  - c. No original paper files shall be kept out overnight except for:
    1. The commissioner's office;
    2. The wardens' offices; and
    3. The attorney general/county attorney offices.
  - d. No individual shall remove paper files without prior approval from the office of client records staff except for the individuals listed in (a) above.
  - e. Records entered into the ECR and scanned into the EDSA shall have the same security level as the paper copy record.
  - f. In addition to (2)(a), the following employees shall be authorized to review resident non-medical records in the performance of their assigned duties, but shall not be authorized to remove paper files from the office of client records:
    1. Directors;
    2. Administrators;
    3. Security officers with the rank of lieutenant and above;
    4. Mental health staff;
    5. Medical personnel;
    6. Teachers;
    7. Shop foremen/managers;
    8. Outside crew coordinator;
    9. Probation/parole officers;

10. Plant maintenance engineer;
  11. Transportation officers;
  12. Counselor/case managers;
  13. Victim services staff; and
  14. Librarian.
- g. DOC employees who must make recommendations and decisions concerning residents shall avail themselves of the information in the resident's records.
  - h. The following personnel, other than DOC employees, shall be authorized to review client paper or electronic records:
    1. Counselors of the vocational rehabilitation office; and
    2. Federal government agents.
  - i. Residents shall request an appoint to review the resident's records via a Request Slip to their case manager pursuant to 312.
  - j. Attorneys for clients shall review individual files if the supervisor of client records receives a written release from the resident involved. The release shall be filed in the EDSA and shall expire six months from the date of issue. Confidential material shall be removed prior to the attorney's review.
  - k. Requests for reviewing files by personnel and agencies other than those listed shall be managed pursuant to COR 412 for NON-GOVERNMENTAL PERSONNEL ACCESS TO RESIDENT NON-MEDICAL RECORDS.
- (3) The ECR and EDSA shall be maintained separately from the resident's:
    - a. Medical;
    - b. Dental;
    - c. Behavioral health; and
    - d. Victim confidential records.
  - (4) Upon a resident's return to any DOC facility, the office of client records shall retrieve the resident's official records from inactive status.
  - (5) Privacy of Client Records.
    - a. Employees shall keep all information contained in a resident's record confidential, and shall not print any unnecessary documents from the file.
    - b. If personnel other than those noted need access to a resident's client record, administrators shall advise the supervisor of client records in writing who requires access the reason for the access. The supervisor of client records will bring to the attention of the commissioner or designee any case in which the supervisor recommends access should be denied.
  - (6) Auditing Client Records:
    - a. All client records shall be reviewed on an ongoing basis at initial classification and unit classification evaluations to ensure that appropriate and accurate material is being entered into the record. The chairperson of these boards shall note any discrepancies and submit noted discrepancies to the supervisor of client records for appropriate corrective action.
    - b. All staff involved in the reviewing and handling of official records shall review files at the time of any custody change (i.e., classification, parole, and release) for accuracy, relevancy and completeness. Documents no longer appropriate, relevant or any duplication of documents shall be referred to the supervisor of client records for

appropriate action.

(7) Security of Client Records:

- a. Paper records less than 10 years old of in-active residents shall be stored on-site for access.
- b. Active paper records in use shall be supervised and controlled by the employee who is authorized access to the records.
- c. All paper records are to be returned to the office of client records storage area by 1600 hours so they can be properly secured in the filing system prior to close of business. Paper records sent to DOC facilities shall be stored overnight in a central location under lock and key.
- d. If a client paper record must be removed from the storage area, a sign out form shall be completed and filed in place of the official record. Unauthorized persons shall not remove any records.
- e. If records are stored in Filehold, a request to copy these records shall be made to the supervisor of client records/designee. A copy of the client record will be available on a removable storage device for review with the resident.
- f. Residents shall not be permitted to view pre-sentence investigation(s).
- g. No paper copies of Filehold client records shall be made by any staff member not identified in (B)(1).

(8) Preservation of Client Records:

- a. Active paper client records are stored in the office of client records at the New Hampshire State Prison for Men (NHSP/M).
- b. Non-active paper client records are stored in a designated area at the NHSP/M until expiration of parole, at which time they are stored as indicated in (9) below.
- c. Paper records of inactive or released residents shall be kept for two years in a designated area of the prison. After two years, client records shall be forwarded to the NHSP/M Warehouse or New Hampshire State Archives for a period of 10 years.
- d. Records of persons convicted of a sex offense shall be kept on the premises or scanned into the EDSA. These records will be stored for 100 years from the resident's date of birth.
- e. CORIS and Filehold Records are management systems maintained within the DOC Information Technology (DOC IT) infrastructure. Access to this system shall follow DOC IT security policy and procedures.

(9) Destruction of Official Records.

- a. When records have been stored for a period of 10 years after closure the supervisor of client records will notify the NHSP/M Warehouse or State Archives to destroy those records.
- b. Records of persons convicted of a sexual offense shall be disposed of in accordance with (8)9d).

(e) Resident Access to Their Electronic Client Records.

- (1) Residents who want to review their records/electronic documents shall submit a request slip to their respective Correctional Counselors/Case Managers (CC/CMs). Residents shall not be allowed to review their files more frequently than once every six months unless the CC/CM approves an exception in writing.

- (2) CC/CMs shall notify the supervisor or designee of client records and will facilitate the resident's request to review their record/electronic documents. The CC/CMs is responsible for ensuring that the records are properly sterilized before presenting the file to the resident. Client records staff shall copy electronic documents to a portable storage device for use during the review. At no time will a resident be left alone with their records.
- (3) The following confidential material shall be removed:
- a. Police reports;
  - b. Psychological letters;
  - c. Mental Health evaluations;
  - d. Victim witness notification letters;
  - e. Incident reports that reveal security procedures or that are marked confidential;
  - f. Material marked confidential when received from other agencies;
  - g. PSIs (pre-sentence investigation); and
  - h. Record Checks.
- (4) Counselors at NHSP/M shall pick up the file from client records. Counselors at NHCF/W, NNHCF or the Transitional Housing Units/Work Center will have the record sent to the site. They supervise the review of the file, and positively ensure that no material is removed, changed, or copied. For NHSP/Men, the file shall be returned to client records at NHSP/M the day it is reviewed. If the file is reviewed at NHCF/W, NNHCF or the Transitional Housing Units/Work Center, the file shall be returned as soon as the review is complete, but no more than four days from the time it is removed from client records. The CC/CM shall set the timeframe for the review. The portable drive shall be treated the same as a hard copy. After the review by the resident, the portable drive shall be returned to client records. All information that has been copied shall be removed from the portable drive.
- (5) The resident may request via a request slip and an attached cash withdrawal slip, copies of documents in the file as prescribed in PPD 667. If the resident requests a copy of the sentencing mittimus and indictment, the first copy shall be given free of charge. Subsequent requests for copies of the mittimus and indictment shall result in a charge per PPD 667. If the resident wants copies, they are to mark the page on the outside of the document, or note the page on the portable drive that they wish copied. A cash withdrawal slip shall accompany the request for copies.
- (6) The client records staff is the only authorized staff to make copies of the resident's file. The resident shall be notified of any copies that cannot be made and the reasons therefore.

#### REFERENCES:

Standards for the Administration of Correctional Agencies  
Second Edition Standards  
2-CO-1E-01; 1E-03; 1E-07 thru 1E-09

Standards for Adult Correctional Institutions  
Fourth Edition Standards  
4-4095

Standards for Adult Community Residential Services  
Fourth Edition Standards

Standards for Adult Probation and Parole Field Services  
Third Edition

Other

KENCH/lb

**RELEASE OF INFORMATION**  
**Liberación de Información**

**PERSON'S NAME:**

**Nombre de Preso:**

**PERSON' NUMBER:**

**Numero de Preso:**

**DOB:**

**Fecha de Nacimiento:**

I hereby authorize \_\_\_\_\_  
Yo por la presente autorizo \_\_\_\_\_

of the \_\_\_\_\_, to examine and discuss my records  
de \_\_\_\_\_, para examinar y discutir mis antecedentes

at the New Hampshire State Prison, at \_\_\_\_\_, New Hampshire.  
A la Prisión del Estado de New Hampshire, a \_\_\_\_\_, New Hampshire.

This release specifically includes all records regarding  
Esta liberación específicamente incluye todos los antecedentes al respecto

\_\_\_\_\_  
\_\_\_\_\_

I understand that these records are confidential and will not be released unless I sign  
Entiendo que estos antecedentes son confidenciales y no estaran liberados a menos que yo firme  
this release. I further understand that this consent to release information may be revoked in  
esta liberación. Ademas entiendo que este consentimiento a liberar información puede ser revocado  
writing by me at any time.  
en escrito por mi en cualquier momento.

This release expires on \_\_\_\_\_.  
Esta liberación termina en \_\_\_\_\_.

**Dated / Fecha:** \_\_\_\_\_

**Signed By:** \_\_\_\_\_

**Witness / Testigo:** \_\_\_\_\_