

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE	EFFECTIVE DATE 05/01/12	NUMBER 01.04.130
	SUBJECT PRISONER COMMITMENT FILES	
SUPERSEDES 01.04.130 (01/01/06)		AUTHORITY MCL 4.355; 445.81 <i>et seq</i> ; 791.201
PAGE 1 OF 4		

POLICY STATEMENT:

The Department shall maintain commitment files for each prisoner in which to record and maintain information regarding the prisoner's incarceration.

RELATED POLICY:

03.04.108 Prisoner Health Information

POLICY:

GENERAL INFORMATION

- A. Each newly received prisoner shall be assigned a unique six-digit identification number generated sequentially by the Offender Management Network Information System (OMNI) at the time the pre-sentence investigation is ordered. The assigned number shall be used for the prisoner on all subsequent commitments.
- B. A Central Office file, Record Office file, and Counselor file shall be created and maintained for each prisoner upon each commitment to the Department. Each prisoner file shall have a label affixed to the top left portion of the file cover indicating the prisoner's identification number and alpha character prefix. Each file shall contain information regarding, but not limited to, the prisoner's sentence, pending charges, programming and placement, institutional behavior, parole processing and relevant correspondence.
- C. The Records Administrator of the Central Records Section of the Operations Division, Correctional Facilities Administration (CFA), shall be responsible for management of the prisoner commitment file process.
- D. Other files, including medical and education files, may be created and maintained for each prisoner consistent with Department policy.
- E. Prisoners' Social Security numbers may be maintained in the files and records of the Department; however, the numbers shall not be displayed to members of the public or released outside of the Department except as authorized by state or federal law, court rule or order, or Department policy. If a document containing a prisoner's Social Security number is mailed outside of the Department, none of the Social Security number shall be visible on or, without manipulation, from outside of the envelope or packaging to ensure against inadvertent disclosure. Any document containing a prisoner's Social Security number shall be shredded prior to being disposed of unless an alternate disposal method has been established.
- F. Documents in a prisoner's commitment files are subject to disclosure under the Freedom of Information Act (FOIA) consistent with PD 01.06.110 "Freedom of Information Act - Access to Department Public Records". Although prisoners are not entitled to make FOIA requests, a prisoner may be provided with a copy of an appropriate document from his/her commitment files if it is helpful in responding to a grievance or correspondence from a prisoner. Prisoners are not entitled to receive copies of a commitment file, or portions of the file, except as provided in this paragraph. Prisoners shall not be permitted to review or inspect their commitment files except as set forth in PD 06.05.103 "Parole Eligibility/Lifer Review Reports".

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 05/01/12	NUMBER 01.04.130	PAGE 2 OF 4
-----------------------------------	----------------------------	---------------------	-------------

CENTRAL OFFICE FILE

- G. The Central Office file shall be created at the reception facility upon commitment and forwarded to the Central Office Record Office. The Central Office file shall be used as a screening file by Central Office staff for all prisoners and parolees.

RECORD OFFICE FILE

- H. The Record Office file shall be created at the reception facility upon commitment. The Record Office file shall be the official file which documents the sentences imposed against the prisoner and those activities which affect and control the prisoner's incarceration.
- I. Record Office files shall be maintained in the Record Office for the facility at which the prisoner is housed, except as follows:
1. Record Office files for parolees in a residential reentry facility or who are temporarily housed in a county jail shall be maintained in the Department Record Retention Center.
 2. Record Office files for prisoners under the Department's jurisdiction who are serving their Michigan sentence in a non-Department facility shall be maintained in an area designated by the Records Administrator.
- J. Record Office files for prisoners transferring to a Department facility shall accompany the prisoner. If for any reason the file is not available at the time of transfer, the receiving facility shall be notified of the delay and the file shall be sent to the receiving facility as soon as possible.

COUNSELOR FILE

- K. The Counselor file shall be created at the reception facility upon commitment. The Counselor file shall be used as the prisoner's working case file and shall be maintained by the housing unit where the prisoner is located.
- L. The Counselor files for prisoners transferring to a Department facility shall accompany the prisoner. If for any reason the file is not available at the time of transfer, the file shall be sent to the receiving facility as soon as possible. Counselor files for prisoners under the Department's jurisdiction who are serving their Michigan sentence in a non-Department facility shall be maintained in an area designated by the Records Administrator.

FILE MAINTENANCE

- M. The Records Administrator shall be responsible for identifying which forms are to be filed in prisoner commitment files and for determining their proper location.
- N. Staff shall avoid placing unnecessary and redundant documentation (e.g., duplicate copies of documents, post-it notes, envelopes, telephone messages) in the files. All forms requiring signatures and file entries shall be signed and dated.
- O. Although Record Office and housing unit staff are responsible for ensuring proper filing of documents in prisoner files maintained within their areas of control, all staff have a responsibility to notify the appropriate Record Office or housing unit staff when filing errors are discovered.

FILE SECURITY

- P. Staff shall access prisoner files only during the course of their official job duties and shall not use files or file information for personal reasons. No prisoner commitment file may be removed from an institution or office without the approval of the Director or appropriate Executive Policy Team (EPT) member, Regional Prison Administrator, Warden, Field Operations Administration (FOA) Regional Administrator, or Records Administrator unless required as part of the employee's official job duties.

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 05/01/12	NUMBER 01.04.130	PAGE 3 OF 4
-----------------------------------	----------------------------	---------------------	-------------

- Q. All files must be maintained in a secure location away from prisoner access. The area shall be kept locked except during business hours when staff are physically present. Files shall be directly supervised and controlled by assigned staff.
- R. Authorized staff from other state departments, including but not limited to the Department of the Attorney General and the Office of the Auditor General, shall be provided access to prisoner files upon request. Staff from the Office of the Legislative Corrections Ombudsman also shall be provided access consistent with PD 03.02.135 "Office of the Legislative Corrections Ombudsman". Unless specifically approved by the Director, appropriate EPT member, or Warden, other members of the public shall not have access to prisoner files except as set forth in PD 01.06.110 "Freedom of Information Act - Access to Department Public Records".

CORRECTION OF FILE DOCUMENTS

- S. A prisoner may challenge the accuracy of factual information in documents prepared by the Department which are contained in the prisoner's files but may not challenge opinions, impressions, and judgments contained in such documents and records. It is the prisoner's responsibility to present information in support of the challenge.
- T. The Warden or, for Central Office files, the Administrator of the Office of Legal Affairs or designee may order any revisions that are warranted, except that information contained in the Pre-sentence Investigation Report may only be revised by order of the court. Information pertaining to hearings conducted by the Department of Licensing and Regulatory Affairs may only be expunged with authorization of the Hearings Administrator in the Office of Legal Affairs.

INACTIVE COMMITMENT FILES

- U. The Record Office file and Counselor file shall become inactive when a prisoner paroled, dies, or is discharged from all sentences on which s/he is serving. The Central Office file shall become inactive when a prisoner dies or is discharged from all sentences on which s/he is serving.
- V. When a prisoner dies or is discharged from all sentences on which s/he is serving, the inactive Counselor file shall be destroyed. All other inactive commitment files shall be sent to the Department Records Storage Center one month after the files becomes inactive. Files shall be maintained in the Department Records Storage Center in accordance with the Department's Record Retention and Disposal Schedule.
- W. All requests for inactive commitment files from the Department Records Storage Center shall be processed through the Jackson Record Retention Unit in the Central Records Section.
- X. For discharged prisoners returning with new commitments, Record Office staff at the receiving facility shall request necessary inactive commitment files from the Jackson Record Retention Unit.
- Y. FOIA requests for documents contained within an inactive commitment file shall be processed through the Freedom of Information Act Section in the Office of Legal Affairs.
- Z. Subpoenas and requests from law enforcement agencies for information contained in an inactive commitment file shall be processed through the Records Administrator or designee.

PROCEDURES

- AA. Wardens shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive; this shall be completed within 60 calendar days after the effective date of the policy directive. This requirement includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed.

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 05/01/12	NUMBER 01.04.130	PAGE 4 OF 4
-----------------------------------	----------------------------	---------------------	-------------

AUDIT ELEMENTS

- BB. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self audit of this policy pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

APPROVED: DHH 04/26/12