

GEORGIA DEPARTMENT OF CORRECTIONS



Standard Operating Procedures

Policy Name: Detainee Case Files

Policy Number: 213.19

Effective Date: 6/30/2020

Page Number: 1 of 10

Authority:
Commissioner

Originating Division:
Facilities Division
(Detention Centers)

Access Listing:
Level I: All Access

I. Introduction and Summary:

A case file is established and maintained for each detainee admitted to a Probation Detention Center (Center). All detainee case files are classified as confidential state secrets in accordance with O.C.G.A. § 42-5-36.

Center file information may be released by the Office of Legal Services upon receipt of a legally valid subpoena or if the records are declassified by the Commissioner.

II. Authority:

A. O.C.G.A. §§: 42-5-36, 42-8-65 and 42-9-41;

B. Ga. Comp. R. & Regs. 125-1-2-.02;

C. GDC Standard Operating Procedures (SOPs): 219.01 Case Management - Records Maintenance, 219.03 Access to Facility Offender Records, and 101.07 Open Records Request; and

D. ACA Standards: 4-ALDF-4D-11, 4-ALDF-4D-22-8, 4-ALDF-6C-15, 4-ALDF-7D-20, 4-ALDF-7D-21, 4-ALDF-7D-22, 4-ALDF-7D-23, 4-ALDF-2A-28, and 5-ACI-5A-02 (ref. 4-4286).

III. Definitions: None.

IV. Statement of Policy and Applicable Procedures:

A. The sentencing judicial circuit shall forward a legible copy of the necessary transfer documents and case materials to the receiving Center.

1. The originals shall be retained in the circuit;
2. Upon discharge of the detainee, the Center shall:

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- a. Ensure that all original supplement sheets are generated while in the Center;
 - b. Generate information necessary for continued supervision or closing of the case;
 - c. Post release plans;
 - d. Post new court orders; and
 - e. Forward modifications to the referring Department of Community Supervision (DCS) office for inclusion in the original case file.
3. The remaining copied materials in the Center case file shall be:
 - a. Maintained for at least ninety (90) days from the discharge of the detainee; and
 - b. Then shall be sent to the State Records Center.
 4. All files will be retained for four (4) years from the date of release and then destroyed in accordance with State Record Center policy;
 5. The Superintendent shall have the authority to direct longer retention of a particular file or files if determined necessary to do so;
 6. For purposes related to this procedure, discharge may include:
 - a. Program completion;
 - b. Death of detainee; or

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- c. Any other occurrence that terminates the Center's interest in the detainee in question.
- 7. Files of escaped detainees shall be:
 - a. Maintained until recapture and disposition of the case.
- 8. Files of released detainees shall be:
 - a. Boxed alphabetically by detainee name;
 - b. By release month; and
 - c. By year prior to sending them to the State Records Center.
- B. Detainee case files will be standardized as to their content and will contain the following documents:
 - 1. Court documents including:
 - a. Sentence to the Center; and
 - b. Special conditions.
 - 2. DCS/Probation case materials:
 - a. Received from the sentencing circuit;
 - b. Copies of Supplemental Sheets;
 - c. P-1, PSI if available;
 - d. Transfer Letter of Transmittal; and

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- e. Pre-admission Orientation Document, etc.;
- 3. Detainee Intake Data Sheets:
 - a. Signed acknowledgement of receipt of the handbook;
 - b. Supervision Assessment; and
 - c. Related classification documents.
- 4. Program Plan;
- 5. Visitation List;
- 6. Supplemental Sheets;
- 7. Documents generated from:
 - a. Disciplinary hearings;
 - b. Classification; and
 - c. Incidents pertaining to the detainee.
- 8. Photo of detainee;
- 9. Personal Property forms;
- 10. GCIC/NCIC information;
- 11. Indication of admission date; and
- 12. Maximum release date.

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C. Detainee case files will be standardized as to their organization:

1. Each Center may choose which method is best suited for their particular needs;
2. All case files will be organized by using one of the two methods listed below:
 - a. Method One: A facilities inmate folder (four-sectioned, expandable legal-size file folder with a hard pressboard cover) will be used to organize and maintain detainee records.
 - i. New documents used during the intake process of new detainees, as well as those generated while the detainee is incarcerated at the Center, should be placed in the facilities inmate folder;
 - ii. The contents of all detainee files will be organized according to the order outlined in Attachment 1;
 - iii. Upon discharge of the detainee, the remaining copied materials in the Center case file shall be transferred to a legal-size manila folder; and
 - iv. This folder will be maintained for at least ninety (90) days from the discharge of the detainee and then be forwarded to the State Records Center;
 - b. Method Two: A legal-sized manila folder will be used to organize and maintain detainee records.
 - i. New documents used during the intake process, as well as those generated while the detainee is incarcerated at the Center will be arranged as outlined in Attachment 2.
 - ii. Upon discharge of the detainee, the remaining copied materials in the Center case file shall be:

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iii. Maintained for at least ninety (90) days from the discharge of the detainee; and

iv. Then forwarded to the State Records Center.

D. Case files will be stored in a secured, designated record storage room:

1. Files will be stored in metal, fire-resistant cabinets;
2. Files will be stored alphabetically;
3. Inactive files will be stored separately from active files;
4. A staff person will be designated as the detainee record manager and shall be responsible for the:
 - a. Maintenance;
 - b. Security;
 - c. Organization;
 - d. Daily reconciliation; and
 - e. Accountability of detainee records Monday through Friday during normal business hours.
5. Attachment 3 of this policy will be used as a standardized method for all Detention Centers to record the signing in and signing out of Detainee Files;
6. A bound logbook will be used for official entries in documenting:
 - a. The times of day that the Detainee File Room was opened;

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- b. The time of day that it was closed; and
 - c. A statement verifying the daily reconciliation of all files assigned to the Detainee File Room.
7. In the event that a file is missing, the following steps will be taken:
- a. Notate missing file in the bound logbook; and
 - b. Complete an incident report and submit to the Assistant Superintendent/Superintendent.
8. In no case will a Detainee File be taken out of the Detainee File Room without being signed out;
9. Dido marks or any type of entry meant to signify a continuation of a repeated entry are not to be made on the:
- a. Detainee Case File;
 - b. Sign In/Sign Out Log; or
 - c. In the Official Logbook of the Detainee Records/File Room.
10. All entries should be printed legibly, with all spaces requiring information completed with each individual entry;
11. Each Superintendent shall publish a list of those staff positions which have unlimited access to detainee files;
12. Other access must be approved by the Superintendent or designee;

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13. No detainee will have access to confidential case files or be placed in a job assignment that would afford access to such records.

E. Confidentiality of Records:

1. Interns and volunteers may be shown case data, and cases may be discussed with them on a need-to-know basis only;
2. Volunteers should not be given copies of any detainee records or data;
3. Referral agencies and professional individuals involved in the treatment of detainees may be provided information on a need-to-know basis as an extension of treatment;
4. However, before providing any information, either verbally or written, a signed "Authorization for Release of Information" form should be obtained from the detainee;
5. A copy of this form will be maintained in the case file;
6. The only information which can be released to the public is that which is public record, such as verifying that a person is on probation, the charge and the sentence. However, even this information should not be offered freely, but given only when specifically requested; and
7. Information regarding where a detainee lives or works is confidential and will not be given to the public;

F. Some probationers may be sentenced under provisions of the First Offender Act (F.O.A.):

1. The following criminal justice agencies may request the record of discharge in a

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F.O.A. case when certification is made that new criminal charges are pending per O.C.G.A. § 42-8-65:

- a. Attorney General;
 - b. A District Attorney;
 - c. The office of a county probation system or of a state or county probation system of another state or of the United States;
 - d. An office of the State Board of Pardons and Paroles; and
 - e. An office of the pardons and paroles division of another state, or of the United States.
2. The record of discharge is the only information which should be released and only when requested by one of the above authorized agencies on a form provided by GCIC for a record check or on a form bearing the statement:
 - a. "This is to certify that the above-named has criminal charges pending in the court of....." (Signature of official).
 3. On a quarterly basis, the Superintendent will conduct an audit and review 10% of case files to ensure that files are accurate, up-to-date and properly maintained.

V. Attachments:

Attachment 1: Filing Order for Facility Folder (Method 1)
Attachment 2: Filing Order for Manila Folder (Method 2)
Attachment 3: Detainee Case File Sign In/Out Log

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VI. Record Retention of Forms Relevant to this Policy:

Upon completion, Attachment 1 and 2 of this SOP will be maintained until such time the SOP is revised or becomes obsolete. Attachment 3 will be maintained on file for twelve (12) months.