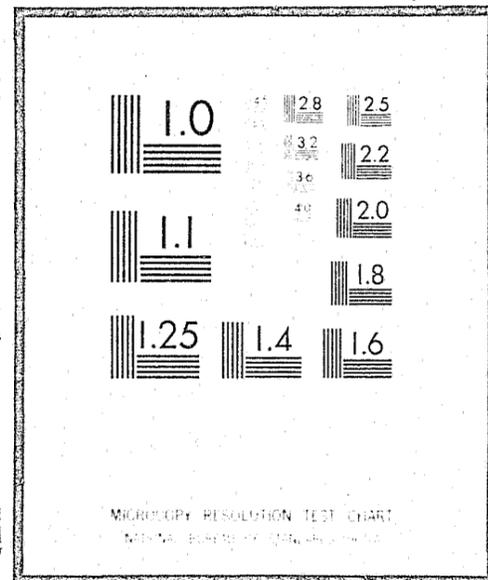


# NCJRS

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

U.S. DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE  
WASHINGTON, D.C. 20531

6/28/77

Date filmed

PROPOSED MANUAL RECORDS MANAGEMENT  
POLICIES AND PROCEDURES FOR:

Corrections Division, Board of  
Paroles and Pardons Administrator,  
and Field Services and Corrections  
Research and Statistics Bureau

August, 1976

39816



PROPOSED MANUAL RECORDS MANAGEMENT  
POLICIES AND PROCEDURES FOR:

Corrections Division, Board of  
Paroles and Pardons Administrator,  
and Field Services and Corrections  
Research and Statistics Bureau

August, 1976

39816

PROPOSED MANUAL RECORDS MANAGEMENT  
POLICIES AND PROCEDURES FOR:

Corrections Division, Board of Paroles  
and Pardons Administrator and Field  
Services and Corrections Research and  
Statistics Bureau

August, 1976

1077

The preparation of this report has been financed, in part, by  
the following LEAA Grants: LEAA Grant #73-ED-09-0020  
LEAA Grant #75A-1.1A  
LEAA Grant #75A-1.7A

Any expressions of opinion do not necessarily represent the  
official views of the Department of Justice, Law Enforcement  
Assistance Administration, National Advisory Commission on  
Criminal Justice Standards and Goals, Department of Social  
Services and Housing, Corrections Division, Board of Parole and  
Pardons or Corrections Research and Statistics Bureau.



STATE OF HAWAII  
DEPARTMENT OF SOCIAL SERVICES AND HOUSING  
CORRECTIONS RESEARCH AND STATISTICS BUREAU  
1149 BETHEL STREET, ROOM 416  
HONOLULU, HAWAII 96813

December 5, 1976

Dear Correctional Administrator;

This report reflects an intense effort by two LEAA interns to understand, study, review and organize an extremely complex area of manual records management policies and procedures. A completely exhaustive study was not possible due to the staff and time limitations that were imposed by the Bureau's Project Director.

It is intended that this report be utilized as a guide and working document for the development and implementation of records management policies and procedures for manual case files. The impetus for this study is the growing concern for the privacy and security of criminal justice records and their accuracy, completeness, and control.

It should be fully recognized that the full implementation of a records management procedure will require additional time, manpower and commitment by all concerned.

The following major phases are required to implement a records management procedure:

- Review of this report on records management
- Development of Departmental policies and procedures
- Development of an implementation plan
- Implementation of records conversion
- Training of all personnel regarding records management
- Establishment of policies and procedures with annual audit

The above phases represents a major undertaking and should be reviewed carefully for determination of priority.

The Bureau would like to commend the LEAA interns who had worked on this report for an invaluable study which will benefit all correctional agencies in the development and implementation of manual records management policies and procedures.

Sincerely,

*Conroy Y.F. Chow*

Conroy Y.F. Chow  
Project Director

## ACKNOWLEDGEMENTS

The Corrections Research and Statistics Bureau would like to acknowledge the time and effort devoted to this study during the Summer of 1976 by LEAA interns Quentin W. Lee, an Economics senior at the University of Hawaii, and Thomasine Au, a sophomore at the University of Hawaii. The Bureau would like to thank the Corrections and Parole staff who took time from their operational duties to discuss past, current and future practices and procedures involving records management policies. The Bureau would also like to thank all the other State offices and agencies contacted, without whose cooperation this report could not have been written.

In order to have a document which is readable, Mr. William H. Donham had contributed his time to review and edit the entire document. It is also appropriate at this time to acknowledge the clerical staff of the Intake Services Center for the final typing of the document and the Bureau's own clerical staff for making last minute changes, xeroxing and binding.

ACKNOWLEDGEMENTS

The Corrections Research and Statistics Bureau would like to acknowledge the time and effort devoted to this study during the Summer of 1976 by LEAA interns Quentin W. Lee, an Economics senior at the University of Hawaii, and Thomasine Au, a sophomore at the University of Hawaii. The Bureau would like to thank the Corrections and Parole staff who took time from their operational duties to discuss past, current and future practices and procedures involving records management policies. The Bureau would also like to thank all the other State offices and agencies contacted, without whose cooperation this report could not have been written.

In order to have a document which is readable, Mr. William H. Donham had contributed his time to review and edit the entire document. It is also appropriate at this time to acknowledge the clerical staff of the Intake Services Center for the final typing of the document and the Bureau's own clerical staff for making last minute changes, xeroxing and binding.

TABLE OF CONTENTS

Section		Page
	Title Page .....	i
	Cover Letter .....	ii
	Acknowledgements .....	iii
	Table of Contents .....	iv
	Executive Summary .....	1
	Introduction .....	3
1	Definitions .....	5
2	Questions and Issues .....	8
3	Fact-Finding and Research Methods--BPP HSP, HYCF and CRSB.....	17
4	Criteria for Policy Recommendation .....	65
5	Summary of Findings .....	75
6	Recommendations .....	84
7	Model Case File Proposal .....	114
8	Appendix .....	135

EXECUTIVE SUMMARY

The purpose of this report is to help administrators develop a records management policy that will both streamline the Corrections filing system and make its files more useful. To accomplish this, it is recommended that case files be removed and destroyed periodically.

The procedures recommended for handling inactive case files would work this way:

After an offender is discharged from Corrections, his case file would be retained for a certain number of years, depending on the seriousness of his crime. After this time, his case file would be subject to a purge review. During the purge review, information in the case file to be used for research, historical or statistical purposes would be compiled on a master document. The master document would then be microfilmed to be stored indefinitely. The rest of the information in the case file, if found useless, would then be destroyed.

A more detailed summary of recommendations follows:

1. Inactive case files at the Hawaii State Prison and the Board of Pardons and Paroles should be stored on a chronological basis according to the year an offender is discharged from the Department of Social Services and Housing. Within each chronological unit, the files should be maintained in alphabetical order. Storing the files chronologically instead of alphabetically, as is now the practice, would make periodic review and purging much easier and more efficient.

2. An adult offender's felony case file should be subject to a purge review twelve years after he is successfully discharged from DSSH. Right now, inactive case files are kept indefinitely. This not only takes up storage space, but because of the massive number of accumulated files, the information contained in them has become relatively worthless. In general, the longer a case file is kept, the more useless the information contained inside. Statistics also show that the chance of an offender returning to the custody of Corrections drops to a negligible level after he has been discharged for eight years.

3. An adult offender's misdemeanor case file should be subject to a purge review eight years after his successful discharge from DSSH.

4. A master document should be compiled for adult and juvenile case files. The master document should contain the most vital and frequently used information for research, historical or statistical purposes. And it should be micro-filmed before the case file is destroyed.

5. Inactive case files at the Hawaii Youth Correctional Facility should be subject to a purge review ten years after a juvenile is successfully discharged.

If an offender re-enters the jurisdiction of Corrections before his review date, the purge review date should be invalidated and the entire process started over again.

A much fuller discussion of the recommendations and the reasons for them can be found in Section 6 of the report.

## Introduction

Criminal justice systems require information networks in order to perform their duties efficiently. From the time an offender is arrested to his release from prison, files are created to promote effective reform treatment. These files contain highly sensitive information ranging from an offender's psychiatric history to chronological reports of his activities. When the inmate is released from the jurisdiction of the criminal justice system, what happens to his case files and records? Right now there are no policy guidelines to help the agency determine how to manage inactive files. All offender case files are kept, even though the offender has been discharged from parole or may have died.

The case files are composed of various documents concerning the offender. The documents are intended to be objective, but they differ in the degree of objectivity. For example, a parole officer's evaluation of an inmate tends to be subjective because he is dealing with the inmate's emotions and rationality, which may vary over a period of time. Although he is working in the best interest of the offender, the parole officer may be mistaken, yet his recommendations will still be used for the inmate's treatment. If the documents, on the other hand, record an individual's height and weight, the information should be more reliable because it can be verified objectively. In this case, a standard can be used, and the information will be valid at the time it was recorded.

This report is the first to deal with correctional records policy in Hawaii. The subject is complex, for it involves several State divisions and their unique records systems. Research was done in the various divisions and agencies in order to compile as complete as possible an information flow of Hawaii's criminal justice system.

This study concerns adult and juvenile inactive case files in Hawaii's criminal justice system. The overall perspective will be to formulate a records management policy for these files. This is a difficult task because it requires developing standards and procedures for handling documents and files as well as anticipating contingencies that may develop in the file flow.

There are eight parts to this study:

1. Definitions.
2. Questions and Issues.
3. Fact-Finding and Research Methods.
4. Criteria for Policy Recommendations.
5. Summary of Findings.
6. Recommendations.
7. Model Case File Proposal.
8. Appendix.

The authors of this study make no claim that this report represents the final word on criminal case files in Hawaii. On the contrary, the study is designed to help administrators develop a records management policy for their case files. We hope the study will be useful in fulfilling this need.

Section 1  
Definitions

HSP -- Hawaii State Prison.

ISC -- Intake Services Center.

BPP -- Board of Pardons and Paroles.

HYCF -- Hawaii Youth Correctional Facility.

CRSB -- Corrections Research and Statistics Bureau.

Purge Review -- The last stage before a case file is destroyed. It involves examining the case file for any useful material and removing it before the file is purged.

Purge -- For the purposes of this report, the destruction of a case file. This may be done in a number of ways, provided that any legible words, graphs, pictures, drawings, etc., are deleted from manually stored documents. Computer records and storage documents are subject to different rules.

Expunction -- The transfer of a case file from one designated storage section to another. For example, a case file may be transferred from the adult active section to the adult active parole section.

Sealing -- The restriction of case files to limited access. Sealing case files allows Corrections' personnel to control their accessibility, providing for the security and privacy of case file information.

Active Case File -- An inmate's case file while he is under the jurisdiction of Corrections or the Board of Pardons and Pardons.

Inactive Case File -- An inmate's case file when he is discharged from prison or parole and no longer under the jurisdiction of the Department of Social Services and Housing (DSSH). The case file is retained and considered inactive.

Definition of Public Records, HRS 92-50 -- "...any written or printed report, book or paper, map or plan of the State or of a county and their respective subdivisions and boards, which is the property thereof, and in or on which any public officer or employee has received or is required to receive for filing, but shall not include records which invade the right of privacy of an individual." (Emphasis added.)

There are certain qualifications to this definition. They are:

1. The records must be the property of the State or county.
2. An entry must be made on the record by a public officer or employee.
3. The record must be received for filing by a public officer or employee.

The case files used in Corrections and BPP are not public records, but the offender may have access to his case file documents at certain stages of his incarceration or parole. (See Page 18A for complete access.) Once he is discharged

from DSSH, all vestiges of accessibility to his case file ceases. Some documents in the case file can be inspected within the definition of HRS 92-50. But if any documents in an offender's inactive case file compromises another individual's privacy, then access to those documents is prohibited.

There is a subtle difference between the case file and the documents in it. Access to the entire case file is prohibited after the offender is discharged. But certain documents in the case file may be inspected if they fall within the confines of HRS 92-50.

Section 2

Questions, Issues and Clarifications

Need to Know and Right to Know

There is a subtle difference between the need to know and the right to know. The "need" to know concerns information from an offender's case file that criminal justice personnel need so they can handle their duties more effectively. In this case, information is dispersed to the agency with the usual security. The "right" to know is an entirely different matter. The offender should be allowed to review his case file for inaccuracies and false statements. The "right" to know is information from the offender's case file inherently subject to review by personnel with the proper qualifications.

Both the "right" and "need" to know appear to be applicable to different segments of the criminal justice system. The "need" to know is linked to agencies that deal with offenders; the "right" to know is one of the offender's options while under an agency's jurisdiction. It is apparent that the "right" and the "need" to know are not diametrically opposed to each other. Rather, they appear to cover different segments of the justice system.

Page 18A shows an inmate's access to his case file and the kind of documents he may review during his incarceration. Once he is discharged, access to his case file outside the limits of HRS 92-50 is restricted. The scope of this study deals mainly with the criminal records management policy, and the issue of the "need" versus the "right" to know criminal

information is more a topic of privacy and security.

The following are grounds on which an offender may try to gain access to his inactive case file:

1. He is being discriminated against in society.
2. His criminal information (not required by law) is being disseminated without approval from the originating agency.
3. He wants to verify the accuracy of the information contained in his case file.

1. The State cannot prevent the dispersal of public information. Therefore, it cannot be held responsible if the offender encounters discrimination because of a previous conviction. Previous convictions are a matter of public records; the case file information is not. The ex-offender will have to do his best under the circumstances. To help the offender, Hawaii's Legislature recently passed a law, HRS 731-2, to help fight offender discrimination. The law states that no State agency may discriminate against an offender solely because of a previous conviction. The problem of discrimination cannot be entirely rectified by the State. But the case file will not be used against him in his rehabilitation program.

2. The second argument for access is that criminal information is being disseminated indiscriminately. Records are restricted from the general public, but Corrections and authorized personnel may review them. Information may disseminate from three sources--government officials, the

offender's attorney or the offender himself. And since case file information is restricted, any dissemination can be readily traced to its source. If government officials released information harmful to the offender, they would be violating the purposes of their agencies. One of the goals of the offender agencies is to rehabilitate the offender as a useful member of society. If government officials were to hinder an offender's career, it would be counterproductive to the agency's goals and to the criminal justice system itself. Logically, the offender and his attorney would have some ulterior motive in revealing case file information. This is based on the assumption they would have their own interests at heart in dispersing information. The possibility is remote that government officials would restrict an offender's new start, especially with the checks and controls set up in the information facilities and systems to prevent such an occurrence.

3. The third argument is for personal verification of the accuracy of the files. If the inmate feels persecuted, it might possibly be a result of his criminal records. But after a criminal is released, his files are not open to public review. Only when the inmate is under Corrections care, does he have access to his case file. At this time his attorney may examine his file, and the inmate may challenge the accuracy of the information. The challenge and correction can be made when the offender reviews his case file. Except for a few documents, the inmate's verification can be accomplished only.

while he is in active status. (See Page 18A for complete description of inmate document accessibility for active status.)

The concept of the "need" to know criminal information versus that of the "right" to know is left unresolved. The issue is beyond the scope of this study and would require more extensive research into privacy and security and their repercussions. The subject was raised only to inform the reader of the issue being discussed nationally. It is a matter that may have to be settled by legal and legislative processes in order to get some firm guidelines to protect all interested parties.

Questions, Issues, Manual and Computer Files -- Retention Priority

Computerized files are being used for criminal justice information systems. FOCUS, OBTS and CCH will electronically store information once written on documents. The use and feasibility of computerized files is a moot point. The speed and accuracy of computerized data will help administrators in their duties and in treating offenders. The question is: How long should we retain the manual files when the same information is already in the computer? Manual files and documents offer a means of verifying information: They are tangible and can be readily traced. This is not the case with computerized files. Computer documents are useful, but erroneous information that doesn't identify the source is made more possible.

The key is the proper retention period for manual files transferred to computer, but the time span for retaining

manual files after they are computerized is unknown and beyond the scope of this study. This study focuses on manual files that have not yet been computerized -- that is, all the case files in HSP and BPP. Computerized files are being implemented into the Correctional Master Plan, but right now the transfer of information is only in the planning stages.

Computer files may either help or hinder records management policy. If the files are computerized, an administrator may want to purge the corresponding manual files immediately because there would appear to be no reason to retain them. But he may have unforeseen problems with security, access to the information and breakdown of the computer system. And he could find himself faced with the possibility of having no files at all during an emergency. At the other extreme, an administrator may be compelled to retain the manual files beyond policy limits to insure the accuracy of the information against unforeseeable emergencies. Either extreme is counterproductive to streamlining the information system. The subject is controversial, and it is being continually discussed to arrive at a solution.

The records management policies outlined in this study do not specifically address themselves to manual files being converted to computer files. There are too many variables to be considered in deciding when case files transferred to computer should be purged. The Corrections Research and Statistics Bureau, however, will recommend policy guidelines for computerized files in the future. And these guidelines

will cover the areas of security, information flow and retention of computerized files.

It should be noted that it is important to implement a computer system. The speed and versatility of the computerized system is beyond reproach. The danger lies in that if the computerized information is replete with errors and fails to verify its information, it may cause the users of the information to doubt the credibility of the data being provided. If that happened, the system could lose much of its effectiveness.

Suspended/Absconders Case File

Some inmates and parolees leave DSSH jurisdiction without securing the proper authorization and fail to return after an extended period of time. For the Corrections Division, the offender would be classified as an escapee and his file kept active. The BPP has two classifications. Prior to 1973, the Board classified these errant parolees as absconders. After 1973, this term was superseded by "suspended". In essence, both classifications are identical. It is the number of years that determines the difference between them. There is no available data on correctional escapees.

According to the Board of Pardons and Paroles' latest annual report, there are one hundred four case files in the suspended/absconder section. In a recent Board action of June, 1976, BPP discharged twelve case files from absconder status. One of the reasons was the excessive age of the files. Recidivism would be negligible for these cases. The files were placed in inactive status to allow for the possibility of returnees. This event shows the amount of administrative discretion involving these files, which number ninety-two cases.

The general Board policy for case files in suspended status is to retain these files. BPP would declare the files in suspended status. The rationale is that the regulations and laws supporting BPP do not allow the Board to change the parolee's status unless the parolee is present.

If the parolee is outside DSSH jurisdiction and not at the BPP meetings, the Board cannot revoke his parole. Instead,

it will place his file in suspended status. The file will remain in suspended status until an administrative decision is made. An absconder's maximum sentence is not a definitive standard for discharging his case file. His file will remain in suspension, and his parole will stop at the point he absconds.

How can records management policy apply to files like these? Some parolees have been at large longer than their prison term or parole. Current practice calls for Corrections to keep the inmate's case file in active status; the Parole Board, in suspended status. If the number of files becomes too large or too old, as in the cited example, the files may be evaluated by authorized personnel to determine if they should be kept or purged. The records management policy applies to inactive files with established and documented criteria; the suspended files have no documentation on an offender's whereabouts. There have been cases of escaped offenders returning to DSSH jurisdiction years after their departure: Some have returned after twenty-five years of freedom. Usually, they are evaluated on an individual basis and a decision is made for each returnee.

The reason this segment has been devoted to BPP suspended files is a matter of logic. There is a smaller percentage of escapees from Corrections compared to escaped parolees. The reason is that parolees have a greater opportunity to escape from DSSH than their Corrections counterparts. The issue of suspended files is a problem because it does not conform to

any exact standards. Records manage-policy applies only to inactive case files. This issue is being discussed to show a part of the file flow which seldom discussed. Even so, it is important in considering the information flow of Hawaii's entire criminal justice system. Until this issue is resolved, the present policy of allowing administrative discretion for each suspended case file will continue.

Section 3

Fact-Finding and Research Methods

Hawaii State Prison - Background

The Hawaii State Prison was built on a 15.6-acre site in 1918. Today, this facility is located at 2109 Kamehameha Highway. The maximum capacity is three hundred persons, the prison having 56,762 square feet of building space. The director of DSSH, in accordance with HRS 353-3, has control over prisons and correctional facilities. For the purpose of this study, only the Hawaii State Prison (HSP) will be under scrutiny. HSP is the central records depository for Corrections. All inactive adult and juvenile case files are sent there. The other adult facilities in the State prison system maintain only active case files on offenders within their sphere of authority. When the inmate is discharged, his case file is declared inactive and sent to the central records room at HSP. The other adult facilities do not retain any case file information on the discharged offender. Rather, it is left to personnel in HSP's central records room to perform this function.

Fact-Finding- HSP and HYCF

The Hawaii State Prison records room has approximately twenty-six legal size cabinets of adult inactive case files. As it would be time-consuming to manually count all the case files, it was decided that sample of twenty percent of the actual adult and juvenile population would sufficiently

represent the entire case file population. This percentage was arrived at for a number of reasons. One is that a sample percentage higher than twenty percent would have required too many in man-hours. Constraints on this study prevented greater in-depth research on the subject. Another reason is that a twenty percent sample of the cabinets, would still mean a sizable amount of case files to be counted. Intuitively, twenty percent seems a logical weight to provide an estimate of the population.

Using twenty percent sample figure, we estimate that HSP has 8,373 inactive adult case files and 4,297 juvenile inactive case files. There are 3,061 juvenile case files at Corrections Research and Statistics Bureau. Page 27 shows the actual figures determined from the sample. An average of each cabinet was taken by averaging out the sample and multiplying it by the number of cabinets containing the same files. By this means, the size of the entire population was estimated. The authors feel this was the most useful method, given the personnel and man-hours involved in this study.

Classification of file documents is based on the assumption that repeat offenders have the most experience in Corrections. With each entry and re-entry, new forms are made out on the offender. Thus, it was decided that the thicker files would have a higher probability of containing a greater variety of documents than those for first-time offenders. This involved inspecting the case files and selecting the thickest in terms of width. Using this method,

a number of case files were examined for content. Page 20 shows the documents actually found at HSP, while Page 23 shows the possible documents that can be placed in the case file.

Adult Files- Corrections

Legal Documents

1. Judicial documents- various orders- carbons
2. Mittimus- original and/or carbon
3. Indictment- carbon
4. Carbons of Plea and Arraignment

DSS-CD Forms

1. Individual Evaluation Summary
2. Admittance Record
3. Work Reports- original. Supervisor's evaluation on inmate and rating of work area.
4. DSS Delinquent Report
5. Prison Violation Reports- Corrections carbon and original
6. DSSH-CD Misconduct Report
7. Individual Evaluation Summary- Gives entire record of offender- pre trial, family history, etc.
8. Work evaluations- original
9. Conduct Record- original
10. Abstract of Criminal Records- original
11. Record- on cardboard- lists facts about the inmate and description, time admitted, etc.

Other Agencies

1. Statement of facts by Pardons Investigator
2. Violation of Parole Hearing
3. Pre Parole Interview
4. Institutional Summary by Division of Training and Treatment, Oahu Prison
5. Parole Violation Reports are listed- BPP
6. Commutation of Sentence letter signed by Governor- original BPP.
7. Board of Parole- documents- copy
8. Statements from Police Dept.- victims and inmate concerning inmate and involvement- carbon.

Medical

1. Psychiatric Evaluation
2. Physical Entrance Examination- document for Medical

Miscellaneous

1. Photographs
2. Record of employment
3. Letters of recommendation by friends, relatives and former employers regarding offender.
4. Letters from inmate, supervisor to Board of Paroles.
5. Chronological entries of contacts- original
6. Form on ID and list of residences- original

Offices that originated records

Primary:

1. Corrections
2. Judicial
3. HPD
4. BPP
5. Corrections/Psychiatrist

DSS-CD Forms  
For STATISTICS use

<u>Form No.</u>		<u>Date</u>
DSS-CD		
1	Information Sheet on New Commitments	Rev. 2/65
2	Individual Record Card (2 parts)(green)	"
3	Daily Population Movement Report, DSSH-CD (CRSB)-3	
	Daily-Report-Movement-of-Youth-and- Adult-Population	Rev.-1/71 3/73 7/1/75
	Daily-Miner-and-Adult-Population-Report	
4	Statistical Release Summary DISCONTINUED	
5	Monthly Statistical Report	Rev.-7/64 Rev. 8/74
6	Characteristics Report DISCONTINUED	
7	Daily Report of Parole Population and Movement	Rev. 8/62
8	Monthly Statistical Report, Movement of Juvenile Parole Population	DISCONTINUED Rev. 7/64
9	Maui Interim Community Correctional Center Identifying Social Data Sheet  (Takeover of Maui County Jail)	New Form 7/3/73
10	Maui Interim Community Correctional Center Offense Report  (Takeover of Maui County Jail)	New Form 7/3/73

Revised listing 6/72

DSS-CD Forms

<u>DSS-CD</u>		<u>Date</u>	
100	Forfeiture Commutation Restored	Rev. 6/62	DISCONTINUED
101	Forfeiture of Commutation	"	DISCONTINUED
<del>102</del>	<del>Eligible for Parole</del>	<del>"</del>	<del>DISCONTINUED</del>
102	Individual Overtime Incurred	5/73, 1/74	
103	Employee Application for Non-State Part-time Emp.	2/67	
104	Employment Substantiating Comments Required- Work Evaluation (yellow)	2/67	
105	Substantiating Comments Required- Conduct Evaluation	2/67	
106	Comments (blue)	2/67	
107	Report of Inmate Misconduct (pink)	Rev. 2/71	
108	Supervisor Accident Report (Ward or Inmate)	Rev. 3/65	
109	Letter Notifying Inmate to Appear in Court as Defendant	9/62	
110	Consent to Operate & Adminis- tration of Anesthetics	Rev. 1/70	
111	Request for Withdrawal of Savings	7/62	DISCONTINUED
112	Juvenile Parole- Budget	7/62	DISCONTINUED
113	Letter to Dan Liu, Apprehending Juvenile	7/62	DISCONTINUED
114	Transfer of Inmate to State Hospital	1/63	DISCONTINUED
115	PERSONNEL VACATION REQUEST	11/62	
116	CD Daily Personnel Attendance Report	Rev. 2/68	1/75
117A, B	Attendance Report	Rev. 5/73	1/75
118	Isolation Unit Log	1/64	
119	Isolation Order (pink)	Rev. 2/71	
120	Report of Detention Facilities	4/65	

## DSS-CD Forms

<u>DSS-CD</u>		<u>Date</u>	
121	Application for Approval of Transfer (wards)	11/63	DISCONTINUED
122	Recommendation for Transfer	"	DISCONTINUED
123	Order Approving Transfer	"	DISCONTINUED
124	HSP Training Program Attendance Report	9/65	
125	Inmate Payroll Form	1/67	
126	Resident Daily Pay Record	Rev. 7/71	
127	Monthly Visitation Report	11/66	
128	Monthly Progress Report	9/67	DISCONTINUED
129	Furlough Initiation	"	DISCONTINUED
130	Furlough Authorization	"	DISCONTINUED
131	Psychiatric Evaluation	"	DISCONTINUED
132	Counselor Report	"	DISCONTINUED
133	Parole Agreement	7/67	DISCONTINUED
134	Parent's Contract	"	DISCONTINUED
135	Notice of Report of Misconduct (pink)	Rev. 2/71, 7/73	
136	Narrative Report	Rev. 2/71	
137	Visiting and/or Correspondence Application	3/69, Rev. 12/74	
138	Quarterly Report	10/69	
139	Daily Medical Treatment Log Sheet	1/70	
140	Physical Examination & Treatment (yellow, card)	1/70	
140-a	(blank continuation sheet) (yellow, ruled)	1/70	
141	Dental Department, Examination-Diagnosis- History (yellow)	1/70	
142	Consent to Release Medical Information	1/70	
143	Refusal of Medication and Treatment	1/70	

DSS-CD Forms

<u>DSS-CD</u>	<u>Date</u>
144 Methadone Treatment Agreement	1/70
145 Methadone Side Effects	1/70
146 Employment Furlough Agreement	Rev. 10/71, 7/73
146-a School Furlough Agreement	Rev. 10/71
147 Resident/Parolee Complaint/ Grievance	11/70, 2/74
148 Disposition of Resident's Personal Property	4/71
149 Individual Resocialization Furlough Plan	Rev. 3/72, 8/73
150 Furlough Initiation	11/71
151 (no title) (Certification of age of majority)	3/72
152 Termination Report	Rev. 6/72
153 Resident Progress Report (month, year)	Rev. 6/72
154 Request Form for IES (BPP)	5/73 Rev. 4/75
155 Notice of Programming	7/73 Rev. 4/75, green
156 -- Request to Operate a Motor Vehicle	8/73 VOIDED 7/19/74 (CCB to pick this up)
157 Program Committee Waiver	12/73
158 Request for Administrative Review	2/74
159 Notice and Authorization of Personal Search	12/74

Revised listing 6/72

Hawaii State Prison Adult Inactive Case Files

26 3/4 cabinets- legal size. Full.

20% of Population= five cabinets.

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
76	94	44	77	86
72	62	84	90	74
69	63	94	97	95
61	73	83	69	100
<u>278</u>	<u>292</u>	<u>305</u>	<u>333</u>	<u>355</u>

Total number of case files in sample- 1,563

Average number of case files per cabinet- 313

Estimated total number of case files- 8,373

HSP Adult Parole Files

6 cabinets- legal size.

33% of Population = 2 cabinets

<u>1</u>	<u>2</u>
36	32
35	35
32	23
41	33
<u>144</u>	<u>123</u>

Total number of case files in sample- 267

Average number of case files per cabinet- 133

Estimated total number of case files- 801

Estimated Population of Inactive Case Files

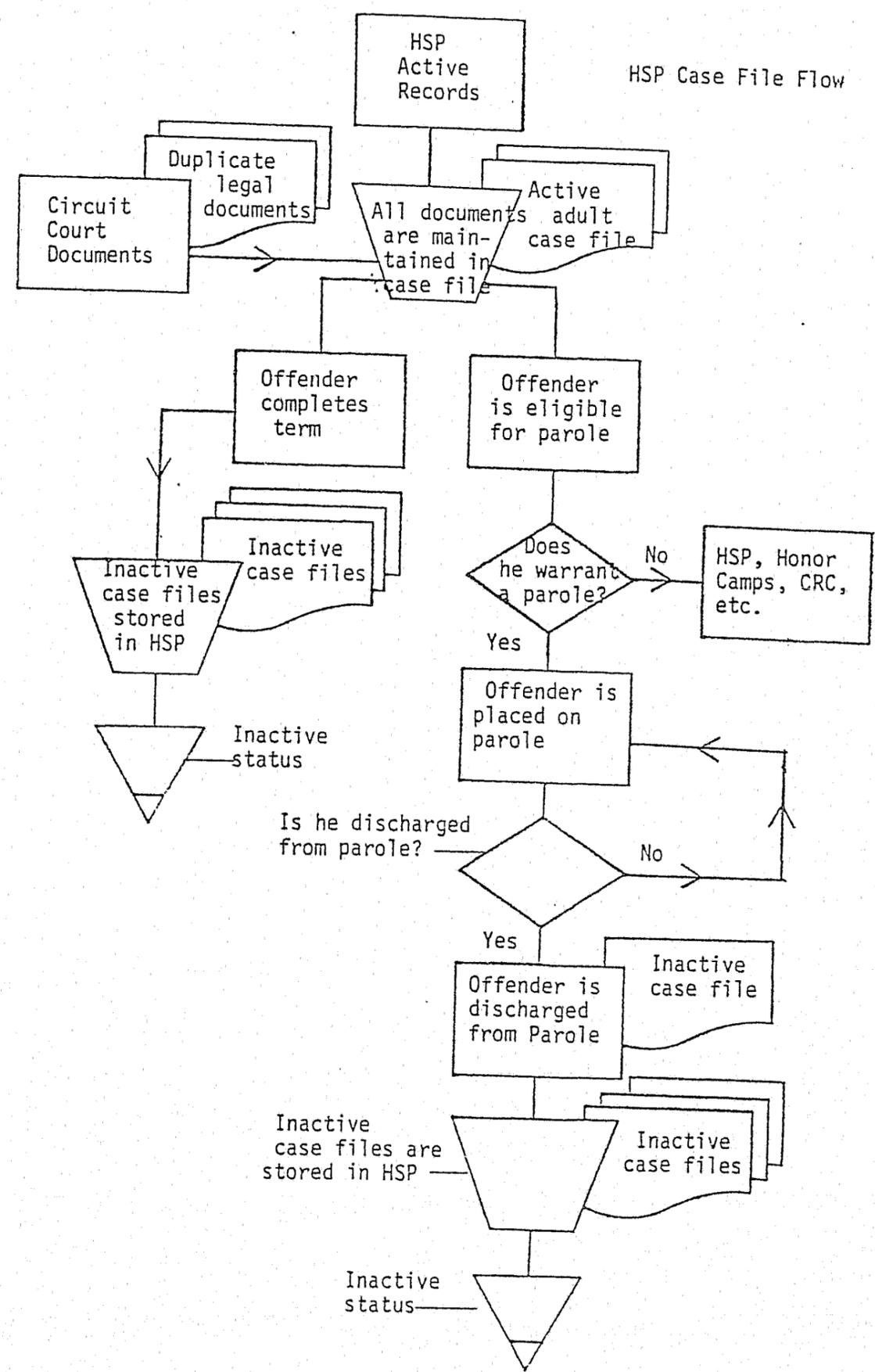
Inactive Juvenile Case Files at CRSB-	3,061
Inactive Juvenile Case Files at HSP-	4,297
Inactive Adult Case Files at HSP-	8,373
	<hr/>
Total-	15,731

The reason for the estimate of the file population and documentation classification is identification. There are about sixteen thousand inactive offender case files in DSSH. With an estimated number of files, the quantity can be placed in concrete terms. With the case file documents identified, the reader will have some idea of what is in a case file. Both of these factors will help him comprehend policy guidelines. Thus, the estimated population and classification will serve to identify what is contained in the case files and the number involved in this study.

After consultations with Corrections personnel, it was agreed that very little could be done statistically with the population estimates. The sample variances, standard error, etc., cannot be computed. There is only a rough population estimate, the needed data being filed in various parts of the case files. (Data is defined as vital statistics and demographics involving the offender and useful to the State.) There is no complete master card file or cross-reference of manual files in the Hawaii State Prison or the Hawaii Youth Correctional Facility.

The flow chart on Page 31 indicates the case file flow of the Hawaii State Prison. The active case file contains information on offenders not yet discharged from Corrections. The files moves from active case to adult parole status, both being considered active. By the end of the third year in prison, half of the offenders are paroled, according to the 1975 Management Data Book. Using a specific date and extending

HSP Case File Flow



to three years beyond that time, we estimate that fifty per- cent of the active files for inmates in the Hawaii State Prison will be in the adult parole file. Table 6 shows the recidivists per release. After the 114th month, or nine and a half years, everyone who will return to the criminal justice system will have done so. The table shows the present adult offender file flow at the Hawaii State Prison, offering some idea of how many offenders will be successfully discharged. When an inmate is discharged from parole or Corrections, his file is placed in inactive status.

The Correctional Master Plan calls for the replacement of HSP by a Community Correctional Center and the creation of an Intake Services Center. The ISC will have the responsibility of screening offenders and deciding on appropriate treatment. Initial proposals call for a series of diagnostic exams to screen the offender, each succeeding exam being more extensive than the preceding one. The ISC will have control over the offender case files in order to facilitate screening and other duties. This aspect of the Correctional Master Plan represents a future shift in correctional records management in Hawaii, and it will follow a basic axiom: Wherever the offender goes, so does his case file. A separate and secure storage facility in ISC will retain the case files.

The HSP records flow is well defined. The problem is that too many inactive case files are stored at HSP. The proportion of active to inactive files is quite large: There are three cabinets for active files and forty-three for inactive

ones. Corrections' personnel stated that referrals to the inactive case files are quite rare, perhaps as infrequent as six times a year. These records have not been reviewed since HSP was built. Instituting a records management policy involving HSP will be appropriate before the ISC is operational.

## Hawaii Youth Correctional Facility

### Background

The first youth correctional facility in Hawaii, called the Keoneula Reformatory School, was established in 1865. It included boys and girls under the control of the Board of Education, Kingdom of Hawaii. For about one hundred years the facility moved to various places and underwent name changes. The Department of Public Instruction, the Board of Industrial Schools and the Department of Institutions all had jurisdiction over the correctional facility. In August of 1961, the Department of Social Services and Housing assumed control of the renamed Hawaii Youth Correctional Facility. The facility, located on a 578-acre site in Waimanalo, is divided by the Kalaniana'ole Highway into two parcels. There is a 446-acre site for girls and 132-acre site for boys. The Olomana, Kaala and Maunawili dormitory buildings are being used for the boys. The Hawaii Revised Statutes, 352-2, provides statutory authority for the facility, stating:

"Section 352-2--Establishment and Supervision of the Hawaii Youth Correctional Facility. The Department of Social Services may institute and establish the Hawaii Youth Correctional Facility. The facility shall be conducted under the direction and supervision of the director of social services who shall have the entire management and control of all the facility and like management and control of all places of detention which may be used in connection with the facility."

All commitments to the facility are made by the four Family Courts of the Judiciary. Once commitment is made, the DSSH director is responsible for the custody, placement and care of the juvenile. Only law violators are committed to the facility. There are two types of court commitments. They are:

1. Long-term commitment--confinement of the juvenile offender up to the age of majority.
2. Short-term commitment--placement of a law violator on probation with detention at HYCF for a specified number of days.

The goals of the Hawaii Youth Correctional Facility are:

1. To provide residential care and treatment in each facility for only those children who are in need of such a program.
2. To provide supervision and control.
3. To provide the kind of institutional environment for children that will as near as possible resemble the environment of a good home with good parents.
4. To provide rehabilitative treatment to help restore the child to a useful and law-abiding life in the community.
5. To provide the kind of administration and management that--within the limits of budgetary resources--will make available to the line worker those facilities, equipment and skills necessary to efficiently and effectively carry out his responsibility for the

constructive care and treatment of children.

With these goals, the facility maintains a cottage type of environment to help rehabilitation. During the past few years, an increasing number of short-term commitments have been used by the Family Court system for the purpose of creating a "negative reinforcement" treatment methodology. Over this type of offender, the Family Court and Corrections maintain concurrent jurisdiction.

The juvenile parole administrator has the authority to place juvenile offenders on parole. When the offender successfully completes his parole, he is discharged from HYCF and provided with a follow-up program. At this point, his file is considered inactive and is placed in the HSP records room.

There are two types of discharge from juvenile parole. The first comes after one year of good behavior while on parole. The second is a mandatory discharge that occurs when a parolee reaches the age of majority (age 18). Unlike a good behavior discharge, a mandatory discharge is a release without any further supervision or follow-up program.

The Director of Social Services and Housing, under HRS 352-26, may for good reasons discharge or temporarily release any child committed to HYCF. Under HRS 352-15, the Director of Social Services and Housing or his agents, may place a child in a home to give him the benefits of schooling and a normal home life.

If a juvenile is not placed on parole, he is kept at HYCF until he reaches the age of majority. This is the long-term

commitment. When he reaches 18, he is no longer considered a ward of the Family Court and the State, and he is discharged from HYCF. There is no follow-up or rehabilitative program for the ex-juvenile offender. Likewise, his case file is considered inactive and sent to HSP for storage.

Juvenile parole is necessary in order to prevent injustice from occurring. If an offender is placed in HYCF until he reaches the age of majority, he may have to serve a longer term of confinement than that of an adult offender for the same crime. HRS 346-14 states that the director of DSSH will have the authority to:

- (1) Establish, extend and strengthen services for the protection and care of neglected children and children in danger of becoming delinquent.
- (2) Have the authority to establish, maintain and operate receiving homes for the temporary care and custody of neglected children until suitable plans are made for their care.

Therefore, a juvenile may be "paroled" in the sense of being placed in a family environment before he reaches 18. But his file is still considered active, and until he is discharged, his case file will remain at HYCF. When he is discharged, the State's jurisdiction over the offender ends, and his case file is placed in HSP for storage.

Fact-Finding- HYCF

The HYCF's inactive case files are stored in HSP and CRSB.

There are 7,358 inactive juvenile case files. Seventeen cabinets of these case files are at HSP, and the other five are stored at CRSB. Pages 39-40 show the sample drawn and how the 7,358 case files were computed. Page 41 shows the HYCF file flow. The only difference between the adult and juvenile case file flow is that the Family Court has discretion over the offender. Pages 42-43 show the HYCF file classification, which is composed mainly of Family Court and Correction's documents.

HYCF Inactive Juvenile Discharge Case Files at HSP

17 cabinets- legal size.

20% of Population = 4 cabinets

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
69	64	60	16
88	54	47	66
76	60	54	84
81	66	43	83
<u>314</u>	<u>244</u>	<u>204</u>	<u>249</u>

Total number of case files in sample- 1,011

Average number of case files per cabinet- 253

Estimated total number of case files- 4,297

Juvenile Case Files at CRSB

3 full cabinets

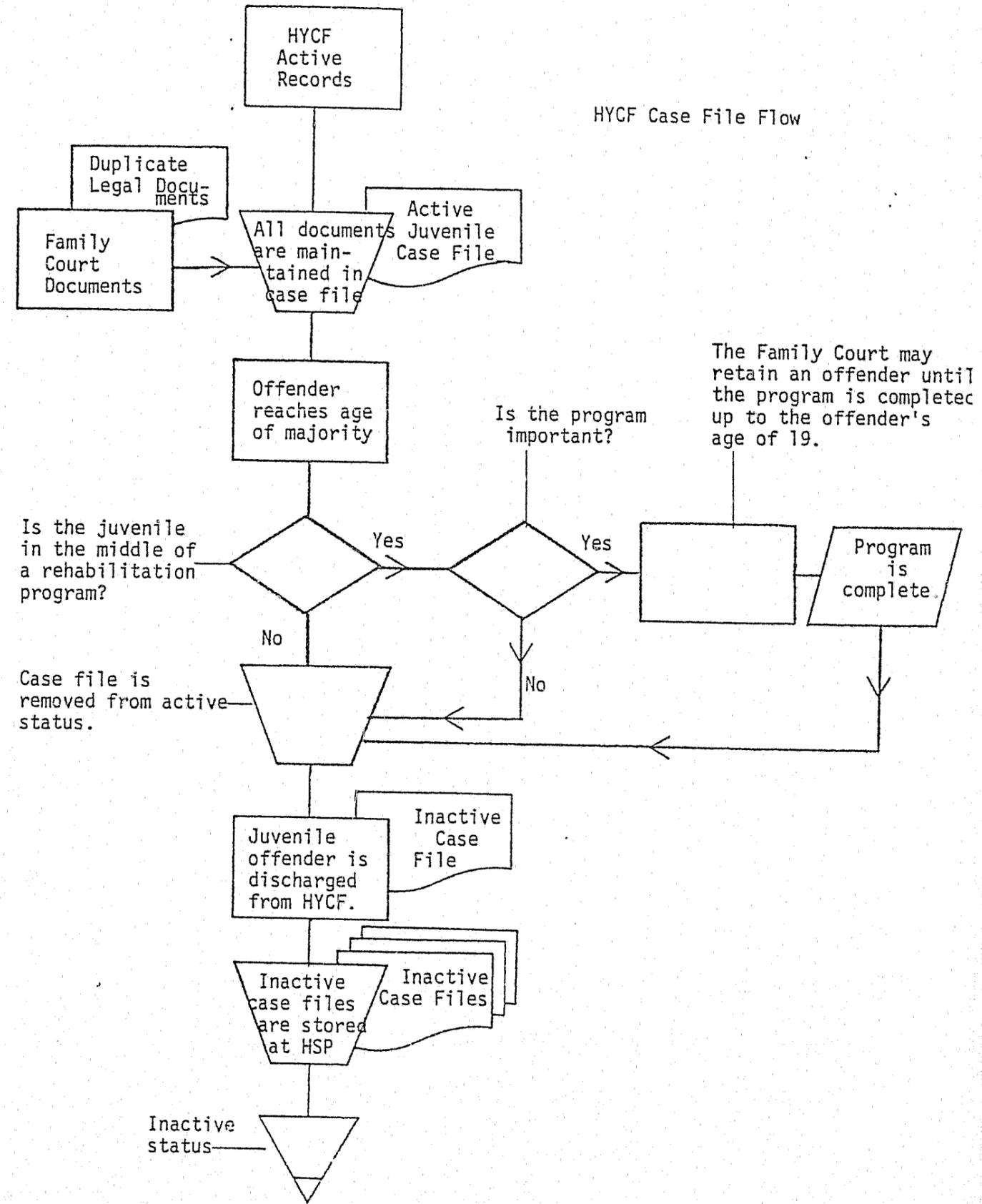
33% of Population of 3 cabinets = 1 cabinet

2 partial cabinets manually counted

<u>Full cabinet</u>	<u>Partially filled cabinets</u>	
183	215	52
223	90	23
195	120	0
211	125	0
<hr/>	<hr/>	<hr/>
812	550	75

Estimated total number of case files- 3,061

HYCF Case File Flow



The Family Court may retain an offender until the program is completed up to the offender's age of 19.

CONTINUED

1 OF 3

Juvenile Files

Legal Documents

1. Mittimus

DSS-CD Forms

1. Report of Misconduct
2. Parole agreement
3. Work evaluation report
4. Work performance report
5. Face sheet
6. Recommendations for parole
7. Furlough request
8. Pre-parole evaluation

Outside Agencies

1. HYCF evaluation report
2. Report card from Olomana School
3. Ward performance report from Dept. of Training
4. Special progress report from Dept. of Training School,  
Dept. of Institutions
5. DOH psychiatric interview
6. Police offense report
7. Family Court, 1st Circuit face sheet
8. HYCF student evaluation
9. Lanakila Mental Health Clinic psychological exam
10. Family court officers report on informal adjustment

Miscellaneous

1. Request slips for withdrawal of savings
2. Receipts for clothing
3. Transfer of ward's funds
4. Letters of correspondence
5. Speeding ticket
6. Statement of receipt for juvenile's property
7. Memos
8. Comments

When a juvenile is discharged from HYCF, it may be for one of the following reasons:

1. The juvenile has successfully completed one year of exemplary behavior while on juvenile parole. This may be before he reaches the age of majority.
2. The juvenile has reached the age of majority during his long-term commitment, and he is no longer a ward of the State.

The only way a juvenile can be returned to HYCF is if he was discharged before he reached the age of majority. When a juvenile offender is discharged from parole, he is also discharged from HYCF and DSSH. If he returns to Corrections before reaching the age of majority, he will re-enter HYCF. There is no recidivism to HYCF for people who are eighteen or older because the facility treats juveniles only. Since there is no data on discharged juvenile parolees and HYCF offenders entering HSP, this study will not include these people.

One reason for retaining the inactive juvenile case files is to prepare the adult file in case an offender enters the adult correctional system. This is based on the assumption the offender has been in HYCF previously. There is no data on this type of occurrence. Even if there was, it would be unfair to the new inmate if the agencies used the outdated information against him, for such action may cause faulty assumptions and different rehabilitative treatment. For this reason, it would be better if new screening processes were given to the offender and without depending on his juvenile case. Correctional

personnel stated that the inactive juvenile case files are consulted approximately once every six months. This opinion is rather subjective, since there is no form used to monitor a referral. It would be advisable to use current information instead of the outdated inactive juvenile case files because such action may have influence on the type of rehabilitative program offered to the offender.

Fact-Finding and Research Methods--  
Board of Pardons and Paroles

Background

With the enactment of Act 45 in 1909, the Territorial legislature brought to Hawaii the concept of parole. The act stated that the Judiciary could not fix the length of the sentence concerning an offender. Instead, the term of incarceration stayed within the maximum and minimum prison sentences as prescribed by law for the crime for which the person was convicted. The Governor had the authority to parole any prisoner who had served at least the minimum term, and the warden could grant a parole with the approval of the Attorney General. In 1917, Act 103 expanded the eligibility of parole to all inmates except those convicted of murder in the first degree. The Board of Prison Inspectors had legal custody of the parolee and the power to enact regulations concerning the retaking of parole violators. All paroles, however, were still subject to State executive approval.

The Sixteenth Legislature passed Acts 126 and 129 in 1931, establishing a Board of Prison Directors to handle paroles. The five members of the Board, serving without pay, had the authority to administer the correctional system, the paroling of prisoners subject to State executive approval, the supervising of paroled felons carried out by appointed parole officers and the establishing of minimum terms for incarceration subject to judicial review. In addition, the Board could make rules and revoke paroles. It was also given powers that included super-

vision of the discipline and of the governing of all Territorial prisons, prison camps and jails in the First Circuit jurisdiction. This authority lasted for eight years.

In 1939 the Legislature instituted the Department of Institutions. Under the provisions of Chapter 254-A, Section 6416, the director of the department had the power to govern, control, supervise and administer all Territorial prisons and prison camps through the warden. The powers of the Board of Prison Directors were transferred to the director of Institutions, and the board was redesignated as the Board of Pardons and Paroles. This statute was the last significant legislation concerning paroles enacted for seventeen years.

In 1957, Act 308 gave the Board of Pardons and Paroles the sole authority to grant paroles to prisoners who had served the minimum term of imprisonment. Act 256, also enacted, allowed Hawaii to enter the Interstate Compact for Supervision of Parolees and Probationers.

The Admissions Act passed by the First State Legislature in 1959 placed the Board of Pardons and Paroles' administrative unit (now known as the Division of Pardons and Paroles) under the Department of Social Services and Housing to encourage uniformity and coordination with the other DSSH agencies. In 1965, Act 102 directed the Board of Pardons and Paroles to determine an inmate's minimum term of imprisonment during his first six months of confinement in prison, without the necessity of review by the sentencing courts. In 1967 the Legislature passed Act 264, permitting the Board of Pardons and Paroles to

refix a minimum term of imprisonment. Act 92, passed in 1976, created a professional Hawaii Paroling Authority composed of a full-time chairman and two part-time members. The members of the Paroling Authority are to be nominated by a special panel and approved by the Governor.

Functions of the BPP from 1900 to today.

From 1900 to 1930, the Board of Pardons and Paroles was known as the Board of Prison Inspectors. From 1931 to 1939, it was called the Board of Prison Directors. Both the Boards of Prison Inspectors and Directors consisted of five members who served without pay. Their duties were:

1. To administer the Territorial prison and camps.
2. To parole prisoners subject to executive approval.
3. To provide for the supervision of paroled felons through an appointed parole office.
4. To fix minimum terms of imprisonment subject to review by the courts.
5. To make rules and regulations.
6. To revoke paroles where justified.

Prior to 1939, the Board had control of the correctional facilities and parole operations for the entire territory. In 1939, the Twentieth Legislature approved the creation of the Department of Institutions and transferred the administration of the Territorial prisons and prison camps from the Board of Prison Directors (renamed the Board of Pardons and Paroles in the same amendment) to the Director of Institutions. The

functions of the Board of Pardons and Paroles were defined to be:

1. To fix minimum terms of imprisonment and with executive approval and to refix such terms.
2. To grant the conditional release of felons.
3. To supervise felons on parole.
4. To revoke paroles.
5. To submit reports to the Governor on petitions for executive clemency.

The most significant change for the Board of Pardons and Pardons was the transfer of Correctional duties to the Director of Institutions (now Administrator for Corrections). With this transfer, the Board's primary functions came to rest only in the areas of parole and pardons.

#### Fact Finding

The (Board of Pardons and Pardons) BPP is a five-member board whose decisions are held accountable to the Governor. The (Division of Pardons and Pardons) DPP under the DSSH, provides the administrative support to the BPP. Table 1 shows the organization of the BPP and its relationship to the Governor. Although BPP is directly under the Governor, the Director of DSSH, under Section 14, A-4, of the H.R.S. may intercede in its functions when it requires his approval for rules and regulations established by the Board concerning personnel actions, budgetary processes and all purchasing matters. Thus, the Division of Pardons and Pardons is under both the Board of Pardons and Pardons and the Director of

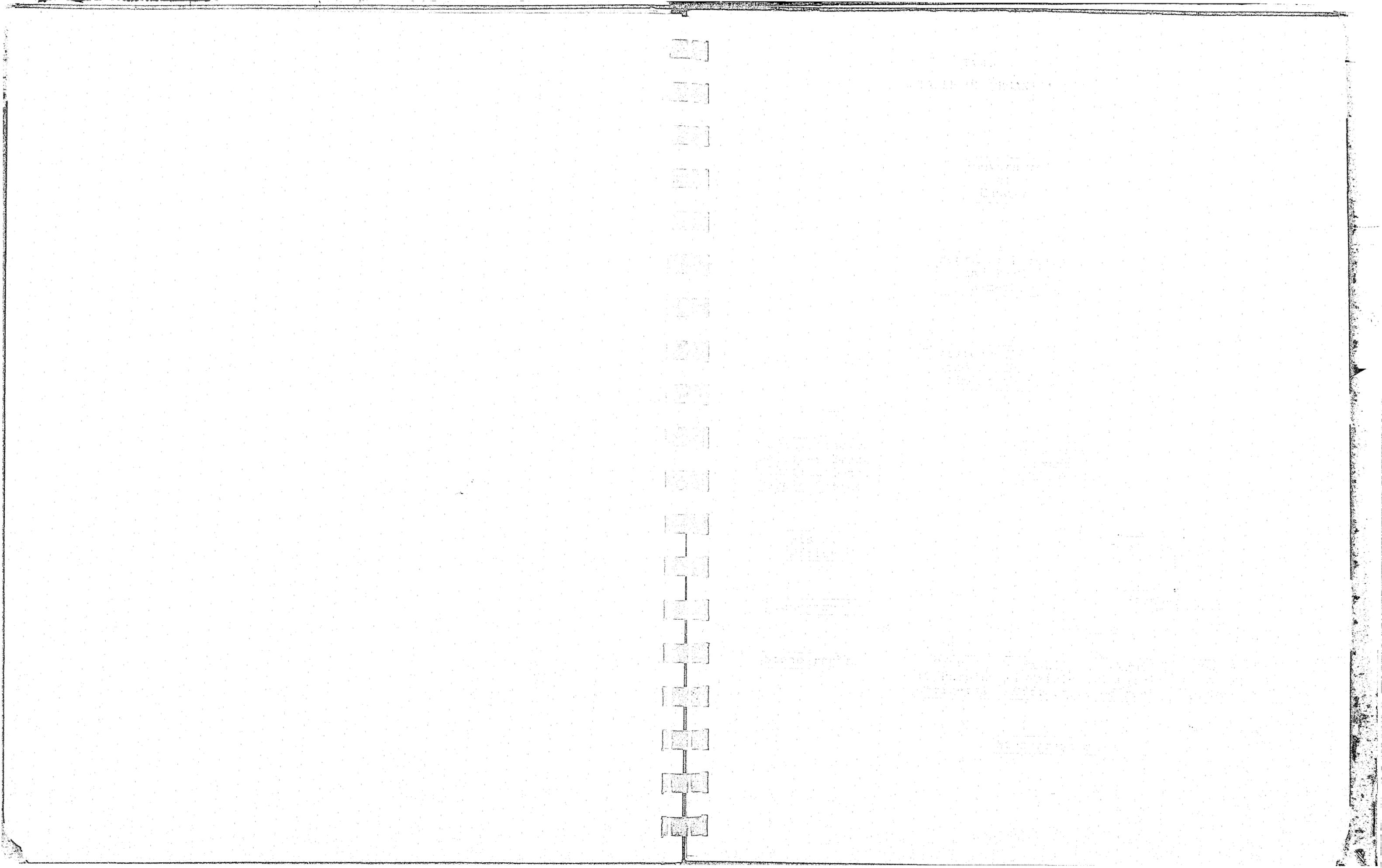
of Social Services and Housing.

There are a number of sections in the BPP file flow. Page 53 shows the internal file flow at the Board of Pardons and Pardons. Although the chart is not very explicit in designating the different sections, the possible sections are:

1. Active parole--Field File.
2. Active parole--Administrative file.
3. Active time served file.
4. Master card index file.
5. Current action pending file.
6. Suspended/absconder's file.
7. Automatic release file.
8. Discharge file.

The case files in sections one and two concerns inmates on parole. The field file has documents created by the parole staff while the administrative file has important administrative documents pertaining to the offender. This "dual" file system is maintained while the offender is on active parole. If the adult parolee violates parole or leaves parole jurisdiction, his file is combined and placed in section five, current action pending. When parole is disrupted, the active parole files in sections one and two are combined. The parolee is either discharged, his parole is revoked or he leaves the Board's jurisdiction. With these events, the active parole field file and administrative file merges to section five, to be considered by the Board. The fourth section is the master card file which traces the offender through the BPP records system.

The automatic release files, section seven, deal with the parolees scheduled to be released on a certain date. The active case files, section three, are used to assist the Board in recommending a minimum term to be served by the offender before he becomes eligible for parole. The number of active case files are equal to the active case files at HSP and the Honor camps. The suspended/absconders file, comprised of slightly over one hundred, are files of parolees who have left BPP's jurisdiction without proper authorization. It would be advantageous if the administrator were given greater latitude, because there are insufficient standards and empirical data concerning suspended/absconder files. There is always a possibility the offender will return to DSSH in the future.







The contents of the HSP case files on Pages 20-22 are identical to the BPP case files. The list on Page 57 is a BPP case file before 1973. The difference between the two files is that they are composites of samples taken from different populations. These lists are contents found in the case files. The list on Page 23 shows the possible documents that can be placed in the case file by Corrections and duplicated for BPP. The list on Page 59 is the possible BPP documents that can be placed in the Board of Pardons and Paroles' case files. These are originals that may be found in the BPP case files.

Finally, when the parolee successfully completes his parole, the Board will discharge him. In the BPP files, he moves from section five to section eight, and his case file is considered inactive. BPP will maintain his file. Before 1973, the discharge files were located at HSP.

Page 53 shows the internal flow chart for BPP and Page 60 shows the case file flow. This macro view of BPP shows the complexity of the offender file system. As BPP is one of the last State agencies to handle the offender, the records system has to allow for the various possible options the offender may take. Present policy at BPP is to retain all documents concerning the offender. The Hawaii Penal Code 669 calls for a record of all Board hearings to be retained. If this section of the Penal Code is to be taken literally, only a recording of the BPP hearing is required under the law.

The case files have no legal requirement to be retained. However, if a more liberal interpretation of the section is allowed, the case file, when presented to the Board, becomes part of the hearing, permitting its retention under Section 669 of the Hawaii Penal Code.

Adult Files- Board of Pardoles and Pardons

Legal Documents

1. DC-7/62 Mittimus-original
2. DC-32 Complaints-carbon
3. Various legal documents-carbons

DSS-CD Forms

1. Work report form
2. Conduct evaluation report
3. Supervisor Accident Report. Injury to ward or inmate.
4. Forms to make Chronological Reports on. No title.
5. Misconduct Report-original
6. Narrative Report, copy to all administrators- description of events.
7. Employment Furlough Agreement
8. Individual Evaluation summary. All details on offenses, etc.
9. Termination Report- status
10. Resident Progress Report- progress report of DSSH-CE 153 original from CCB/AFC
11. Personal history- carbon
12. Individual Resocialization Furlough Plan

Outside Agencies

1. Hoomana Training School report- carbon evaluation with intention of monitoring
2. CCB-01 originals. Furlough initiations to be released from HSP to be placed on furlough.

3. Chronologicals- lists actions and recommendations from various agencies- concerning the inmate. Originals.
4. Warrants of Arrest for Parole Violations- originals
5. F-26 HSP Routing Inmate form. Original
6. CRC- 02 Monthly Progress Report- original
7. Pre Parole Reports to office- original may be BPP source.
8. CCB-01 Furlough Initiation, CCB

Medical

1. Psychiatric reports- originals plus any medicine taken.
2. Physical Entrance exam- original. It lists physical items of inmate, tatoos, birthmarks etc.
3. Psychiatric Evaluation- carbon.

Miscellaneous

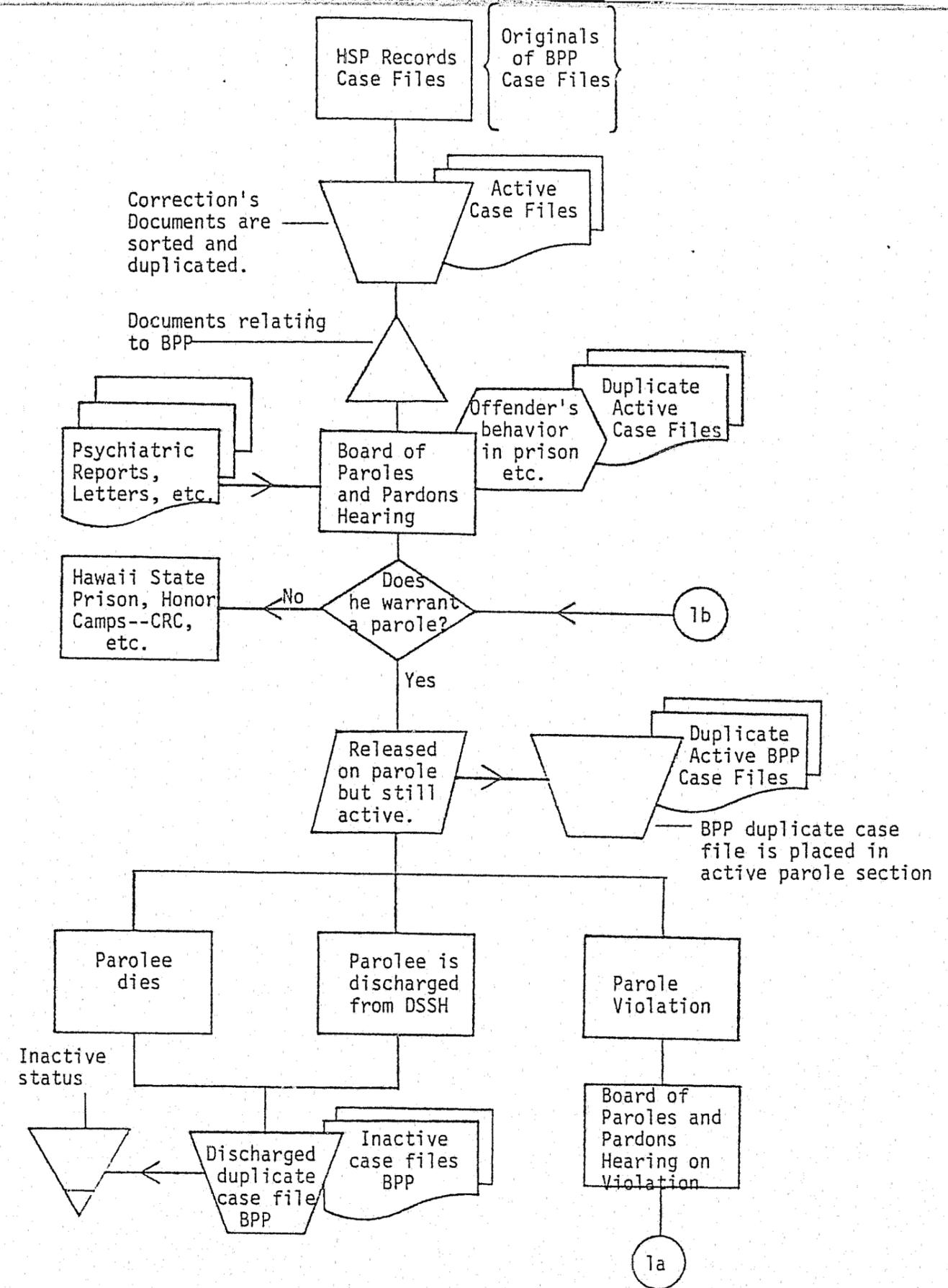
1. Inter office memos.
2. Correspondence- letters between officials
3. Photographs

Office that originated records

- Primary:
1. Corrections
  2. Unknown
  3. Judicial
  4. BPP

Board of Pardoles and Pardons Case File Documents

1. Order of Paroles
2. Order Revoking Parole
3. Warrant of Arrest
4. Chronologicals from Parole Officer
5. Notice of Board Hearing
6. Number RM-2--Application for Reduction of Minimum Term(s)
7. Number RM-3--Board of Parole and Pardons Decision



Case File Flow at Board of Paroles and Pardons

Board of Pardons and Pardons Discharge Files

There are five discharge file cabinets at the Board of Pardons and Pardons. However, only four of these are being used. The following figures were taken on July 13, 1976.

Cabinet	1	2	3	4
1st drawer	18	23	18	21
2nd drawer	16	26	27	9
3rd drawer	31	19	28	26
4th drawer	15	0	0	18
Total	<u>80</u>	<u>68</u>	<u>73</u>	<u>74</u>

Combined Total 295

Two hundred ninety-five was the total count of all the case files within the cabinets.

Section 669 states:

"Before holding the hearing, the Board shall obtain a complete report regarding the prisoner's life before entering the institution and a full report of his progress in the institution. The report shall be a complete personality evaluation for the purpose of determining his degree of propensity toward criminal activity."

This is one difference between the case files kept at HSP and BPP. Is the BPP case file protected under Section 669 of the Hawaii Penal Code? The question remains open to debate. The possible legal implication of the BPP case file is not included in this study.

The current policy of retaining inactive case files and all records was started in 1973. Before 1973, the Board sent its records to the Hawaii State Prison, where both Corrections and BPP would use the same case file. The records would move from Corrections (when the inmate was incarcerated) to the Board of Pardons and Paroles, where it would assist the Board in parole evaluations and parole programs. The physical separation of the records was a problem because it made administering the offender program difficult for the Board. It was decided the system was unfeasible, and in 1973, the Board of Pardons and Paroles started to keep its own records which contained duplicate Corrections documents. The differences in records-keeping may be explained by the offender flow. (See Page 22A for a complete view.) The Board handles the inmate in the last stages of DSSH juris-

diction. Theoretically, the inmate should be at the end of the criminal justice system. Once he is discharged, he is out of the system. The records system at HSP caused a time lag that hindered the Board's function. This is a possible reason for the change in record management policy involving Corrections and BPP.

Currently, the Board allows access to the files only to individuals bearing a court order or to authorized personnel. This access is along the same lines as Correction's access to outside parties. Thus, access to the files is limited, and there seems to be no problem of a case file falling into the wrong hands.

The question of consistency in case file policy is the dilemma. With the retention of case files by BPP, the validity of records management policies may be useless. If the case files are purged in one sector and retained in another, there may be problems involving the files. If the files are required to be retained by statute, then they should be classified as public and thus open to public inspection. The Hawaii Revised Statutes 92-50, defines public records to be:

"...any written or printed report, book or paper, map or plan of the State or of a county and their respective subdivisions and boards, which is the property thereof, and in or on which an entry has been made or is required to be made by law, or which any public officer or employee has received or is required to receive for filing, but shall not

include records which invade the rights of privacy of an individual." (Emphasis added.)

The last sentence may exempt the agency from allowing confidential records to be dispersed to the public. If the information dispersal violates an individual's privacy other than the specific person, access to those records will be denied. The situation is somewhat hazy and may require legislative remedy in order to settle the matter of legal requirements and records retention.

The situation involving uniformity of records management policies is important and cannot be resolved in a short time. Offices have different goals and methods in reaching them. In the process of accomplishing their goals, the agencies may appear to be at cross purposes with each other. However, compromises can be negotiated and differences resolved. The problem of uniformity is beyond the scope of this study. With the legislative process, new guidelines concerning records policy may be forthcoming in the future.

## Section 4

### Criteria for Policy Recommendation

The emphasis in this section will be on deciding the focal points in the case file flow that will be applicable to purge review. The three main events relevant to the records management process are:

1. Discharge of the offender from DSSH.
2. Death of the offender.
  - a. Under State jurisdiction.
  - b. Not within State jurisdiction.
3. The exoffender reaches a certain age.

Each event will alter the offender case file flow. These events were determined after examining the criminal justice system and locating specific events that may allow a case file to be considered inactive. Inactive status does not necessarily mean the files will be purged. In the State of Hawaii, the comptroller will have final authority over the disposal of government records. (HRS 94-3). Thus, the three events are merely means by which files may be permitted to become inactive.

1. Discharge of the offender from DSSH.

An offender may be discharged from DSSH in two ways. First, he may be discharged from parole. According to the 1975 Management Data Book, by the end of the third year of confinement, more than fifty percent of the residents are released, and ninety-three percent of the incarcerated

population is eventually paroled. Approximately fifty-four percent of the released parolees will be discharged from parole. It may be inferred that the majority of the offenders are taking this route. Another way an offender may be discharged is on his release from Corrections after having successfully completed his prison term. In this way, Corrections will maintain final jurisdiction over the inmate. Citing the preceding statistics, few inmates will go through this route. Discharge from parole seems to be the most logical alternative in the file flow. Table 2 shows the time per conviction. The third column indicates the number paroled. The fourth column shows the number of offenders who were, discharged from Corrections who were, put on probation or who had died in confinement. The number is quite small in comparison to the number of parolees. By the tenth year, all offenders that are to be released will be. For records management purposes, the case files of discharged offenders will be classified as inactive and placed in inactive status.

2. Death of the offender.

a. Under State jurisdiction

In Section 1, it was stated that the offender case files are neither required by law nor considered public records. The purpose of the case files is to help State personnel in rehabilitating the offender. With the death of the offender, the case files are useless to the personnel in providing treatment for him. Thus, death will be a major

criterion for determining when the case file should be declared inactive and eventually purged.

The possibility of lawsuits is a factor that could favor retention of case files in such cases. There are two causes which may affect the legal action concerning the State.

TABLE 2  
 CUMULATIVE PERCENTAGE DISTRIBUTION  
 OF  
 TIME SERVED PER CONVICTION  
 ( BY YEAR RELEASED )

YEAR	R E L E A S E D	P A R O L E D	O T H E R	DISTRIBUTION OF TIME SERVED PER CONVICTION																			
				--- SIX - MONTH PERIODS ---																			
				6	12	18	24	30	36	42	48	54	60	66	72	78	84	90	96	102	108	114	120+
1961	135	132	3	P O	0.0 33.3	3.8 66.9	14.3 66.9	24.8 66.9	43.0 100%	53.5 100%	64.9 100%	73.3 100%	77.1 100%	80.2 100%	84.8 100%	89.4 100%	90.9 100%	91.7 100%	92.5 100%	94.0 100%	95.5 100%	97.0 100%	98.5 100%
1962	155	145	10	P O	.7 20.0	1.4 20.0	9.7 30.0	26.3 50.0	45.7 50.0	63.0 50.0	73.4 70.0	81.0 90.0	86.6 90.0	88.6 90.0	89.9 90.0	91.2 90.0	92.5 90.0	94.5 90.0	94.5 100%	94.5 100%	95.2 100%	96.5 100%	96.5 100%
1963	175	164	11	P O	0.0 45.5	1.8 63.7	6.0 72.8	11.5 72.8	33.5 72.8	47.6 72.8	58.6 72.8	67.2 81.9	76.4 81.9	82.5 81.9	85.5 81.9	89.2 81.9	90.3 81.9	92.2 91.0	93.4 91.0	95.2 91.0	95.2 100%	95.2 100%	95.8 100%
1964	115	110	5	P O	1.8 40.0	2.7 40.0	10.0 40.0	18.2 60.0	37.3 60.0	45.5 60.0	65.5 60.0	72.8 60.0	77.3 60.0	84.6 60.0	88.3 80.0	93.7 80.0	94.6 100%	97.3 100%	98.2 100%	98.2 100%	98.2 100%	99.1 100%	99.1 100%
1965	117	112	5	P O	0.0 20.0	1.7 40.0	6.2 40.0	13.4 40.0	26.8 40.0	45.6 40.0	55.5 40.0	62.7 60.0	73.5 60.0	78.0 60.0	84.3 60.0	90.6 60.0	91.4 60.0	95.9 60.0	96.7 60.0	98.4 60.0	99.2 60.0	99.2 60.0	99.2 60.0
1966	113	108	5	P O	1.8 40.0	3.6 40.0	15.7 40.0	25.0 40.0	38.9 40.0	52.8 60.0	61.2 60.0	74.2 60.0	78.9 60.0	82.6 60.0	89.1 60.0	90.0 60.0	90.0 60.0	93.7 60.0	97.4 60.0	98.3 80.0	100% 80.0	100% 80.0	100% 80.0
1967	107	98	9	P O	0.0 66.7	5.0 66.7	16.3 66.7	23.5 66.7	34.8 66.7	45.0 66.7	54.2 66.7	62.4 66.7	69.6 66.7	71.6 66.7	75.6 66.7	80.6 66.7	82.6 77.8	83.6 88.9	86.7 88.9	92.9 100%	93.9 100%	93.9 100%	93.9 100%
1968	134	130	4	P O	.8 75.0	7.0 75.0	16.2 75.0	33.2 75.0	44.0 75.0	50.9 75.0	57.1 75.0	63.3 75.0	66.4 75.0	69.5 75.0	78.0 75.0	78.8 75.0	82.6 75.0	82.6 100%	86.4 100%	87.2 100%	89.5 100%	90.3 100%	91.9 100%
1969	101	98	3	P O	3.1 66.6	6.2 66.6	17.4 66.6	32.7 66.6	45.0 66.6	59.3 66.6	65.4 66.6	69.5 66.6	74.6 66.6	81.8 66.6	83.8 66.6	84.8 66.6	85.8 66.6	88.9 66.6	92.0 66.6	96.1 66.6	98.1 66.6	98.1 66.6	99.1 66.6
1970	91	88	3	P O	6.8 100%	12.5 100%	26.1 100%	50.0 100%	60.2 100%	67.0 100%	73.8 100%	77.2 100%	78.3 100%	79.4 100%	81.7 100%	85.1 100%	87.4 100%	88.5 100%	89.6 100%	89.6 100%	91.9 100%	91.9 100%	93.0 100%
1971	84	80	5	P O	7.5 80.0	18.8 80.0	27.5 80.0	37.5 80.0	51.3 80.0	60.0 80.0	65.0 80.0	68.8 80.0	68.8 80.0	70.0 80.0	71.2 80.0	71.2 80.0	75.0 80.0	80.0 80.0	85.0 80.0	85.0 80.0	85.0 80.0	87.5 80.0	88.7 80.0
1972	80	65	15	P O	3.1 93.3	12.3 100%	21.5 100%	36.9 100%	46.1 100%	53.8 100%	61.5 100%	64.6 100%	67.7 100%	67.7 100%	70.8 100%	73.9 100%	75.4 100%	76.9 100%	76.9 100%	80.0 100%	84.6 100%	84.6 100%	84.6 100%
1973	96	82	14	P O	2.4 78.6	12.2 78.6	26.8 85.7	51.2 92.8	64.6 92.8	74.4 100%	81.7 100%	84.1 100%	86.5 100%	90.2 100%	90.2 100%	91.4 100%	95.1 100%	95.1 100%	95.1 100%	96.3 100%	96.3 100%	96.3 100%	97.5 100%
1974	93	85	8	P O	2.4 75.0	13.0 75.0	22.4 87.5	40.1 87.5	57.8 87.5	76.6 87.5	84.8 87.5	89.5 87.5	91.9 87.5	94.3 87.5	95.5 100%	95.5 100%	95.5 100%	96.7 100%	96.7 100%	96.7 100%	99.1 100%	99.1 100%	99.1 100%

P-THOSE CONFINED IN PRISON THEN RELEASED TO PAROLE.  
 O-THOSE DISCHARGED FROM PRISON.

They are:

1. Negligence on the State's part.
2. No negligence on the State's part.

If there is negligence on the State's part, a possible lawsuit may be forthcoming, and the Attorney General may want to use the deceased case file in order to prepare the State's defense. Even if there is no negligence on the State's part, lawsuits may still be instigated.

The number of case files involved can be seen in Table 3. From 1967 to 1975, adult deaths totaled eight, involving eight case files from the file flow. Juvenile deaths are nonexistent. (See Table 4). The file flow is weighted more toward discharges from parole than toward deaths in terms of sheer number.

b. Not under State jurisdiction.

This phrase implies the person is discharged from DSSH. The State is not responsible for the person's actions after he is released from the State agencies. When the person dies, his case file should be considered inactive and purged within a reasonable amount of time. There is no logical reason for maintaining the file, unless it is used for a lawsuit or research or has historical value. With lawsuits, the plaintiff's case will be much weaker if the ex-offender is not under State control. The research and historical information would have been removed from the case file before its destruction. Legal action may be a temporary factor compared to the research and historical values in the files.

According to the Attorney General, the statute of limitation (HRS 657-7) requires that civil lawsuits be filed within two years after the event. Thus, lawsuits will not become a substantial reason for retaining files after two years has elapsed. This is on the assumption the offender has been discharged or dies. If he is merely injured, the file will assume former status after the two years have elapsed.

3. Age of the offender.

This factor pertains only to offenders discharged from DSSH. In Table 5, BPP age distribution of offenders on parole is shown. The important age bracket includes those who are sixty and over. The average number of parolees sixty and above for the past five years is twenty-three. Thus, there will be approximately twenty-three parolees who will be in their sixties at the time of their discharge.

Developing criteria for discharged offenders sixty and over was considered. Allowing for a new start, the case files would have been subject to a purge review even before the recommended retention periods for the appropriate case file. However, this may hamper the State in evaluating recidivists who leave the Correction's division before their sixtieth birthday and re-enter after turning sixty years of age.

There is no available data concerning recidivists after their sixtieth birthday. However, this criterion has been included in this section and in the proposed flow chart in order to inform the reader that the authors are aware of this

situation.

This problem may be resolved with the new ISC. For the present, it will be considered an area that requires more research.

TABLE 3

NUMBER OF DEATHS AT ADULT CORRECTIONAL FACILITIES: FY 67-68 TO FY 74-75

FISCAL YEAR	Total	Hawaii State Prison	Kulani Honor Camp	Olinda Honor Camp	Maui Comm Corr Facility	Laumaka Conditional Rel Ctr	Adult Furlough Center	Kamehameha Conditional Rel Ctr
1974-1975	0	0	0	--	0	0	--	0
1973-1974	3	3	0	--	0	0	--	0
1972-1973	0	0	0	0	--	0	0	--
1971-1972	2	1	1	0	--	0	0	--
1970-1971	0	0	0	0	--	0	--	--
1969-1970	2	1	0	1	--	0	--	--
1968-1969	0	0	0	0	--	0	--	--
1967-1968	1	1	0	0	--	--	--	--

-- denotes facility was not in operation during all or part of fiscal year.  
 Source: Corrections Division records.

TABLE 4  
 NUMBER OF ESCAPES, APPREHENSIONS, AND DEATHS AT HYCF:  
 FY 67-68 TO FY 74-75

Fiscal Year	Escapes	Appre- hensions	Deaths
1974-1975....	241	221	-
1973-1974....	172	163	-
1972-1973....	131	131	-
1971-1972....	78	76	-
1970-1971....	76	73	-
1969-1970....	56	55	-
1968-1969....	63	64	-
1967-1968....	95	104	-

Source: Corrections Division records.

Table 5

## Age Distribution of Total Parole Population as of June 30

Numbers are cumulative

<u>Age Group</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>Average</u>
26-30	93	90	62	69	63	75
30-34	86	86	86	88	78	85
40-45	87	74	76	64	48	70
50-60	41	41	48	44	51	45
60 and over	24	20	24	22	24	23

## Parolee's Number of Paroles as of June 30

	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>Average</u>
On 1st parole	314	308	319	325	317
On 2nd parole	127	111	111	110	115
On 3rd parole	59	52	50	51	53
On 4th parole	25	21	19	16	20
On 5th parole	7	7	8	7	7
On 6th parole	2	2	1	2	2
On 7th parole	2	1	1	0	1

Source: BPP Annual Reports

Average is rounded to nearest number.

Section 5  
Summary of Findings

The preceding sections discussed the case file flow in Hawaii's criminal justice system. The target of this study was the inactive case files. When an inmate is incarcerated, he is still under DSSH jurisdiction. During parole, the offender is placed back into society. His case file, however, remains active. Only when the parole has been successfully completed will the Records Management program begin. The pivotal point is the discharge from parole.

The main reason the major portion of this study is devoted to the Board of Pardons and Paroles is because it depicts the majority of discharges from DSSH. (See Table 2.) According to the 1975 Management Data Book, over ninety-three percent of the adults incarcerated will eventually be placed on parole. With this many offenders being released on parole, it would be logical to concentrate our efforts in an area where the majority of offenders are being diverted.

HSP, HYCF and CRSB are involved in treating the offender before he is placed on parole or in violation of parole. The case files at HSP and HYCF are useful, but once an inmate is released on parole, the BPP takes over the care of the offender.

On the following pages, the authors will briefly summarize the major points researched at each office.

HSP

The "Hawaii State Prison" for this section will mean only the facility on 2109 Kamehameha Highway. The Honor camps, adult furlough center and Halawa Jail are all part of the HSP system. Because of limitations in scheduling, the authors were unable to allocate time to these facilities. As a result, only the Hawaii State Prison will be examined.

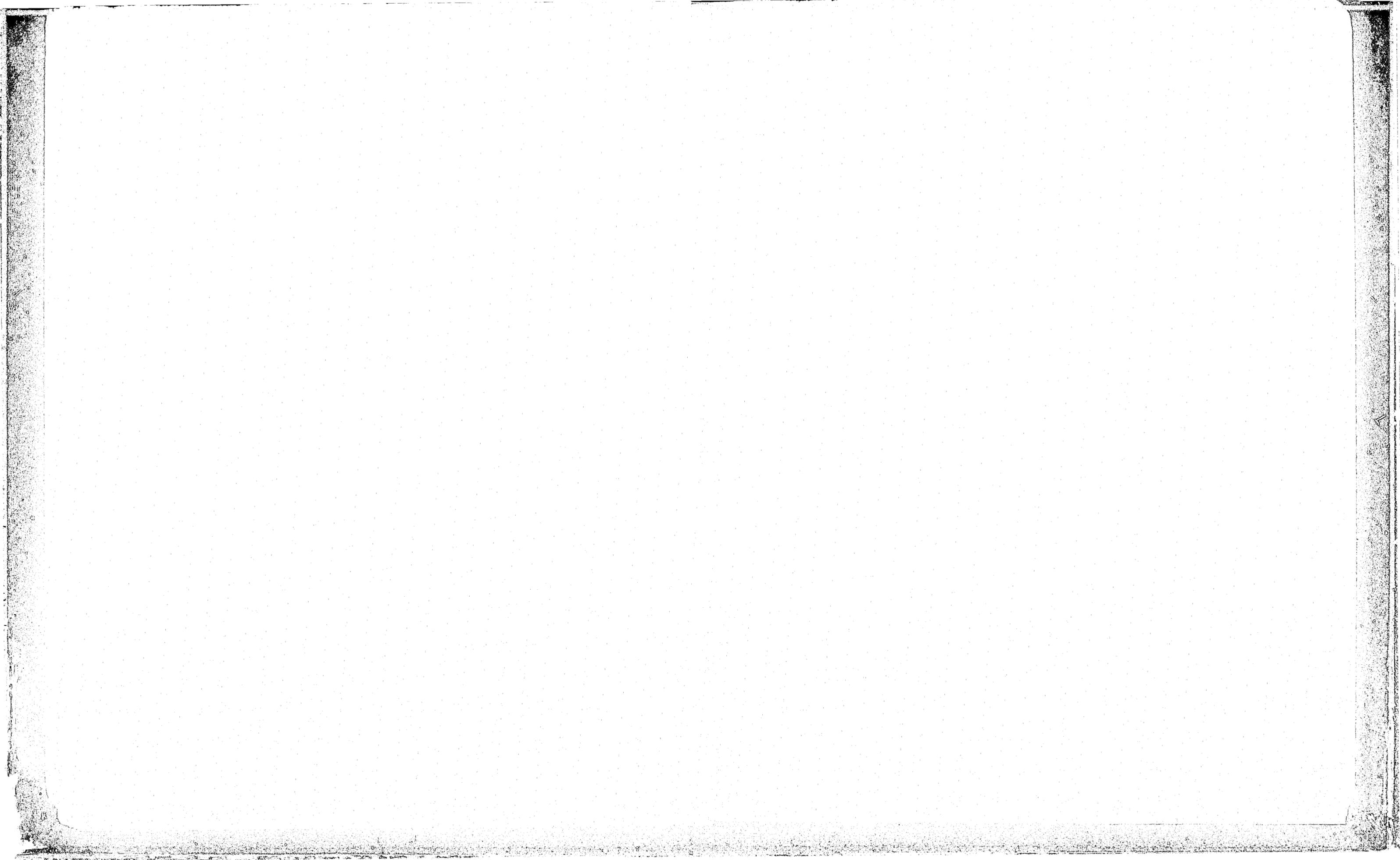
The Hawaii State Prison is the central records storage facility for the Corrections Division. Whenever an inmate goes to another correctional facility, his case file is transferred with him. In time, the case file returns to HSP. Security of the records room is fairly good. Only certain personnel are allowed to examine the active and inactive case files. The active and inactive case files are stored in separate cabinets and under custodial care during working hours. The cabinets are arranged in alphabetical order for both the inactive and active files. Each file contains every form generated by the offender while he is in the Corrections flow, ranging from originals to carbons, to chronologicals and legal documents.

It can be reasonably ascertained that some inactive files date back to the 1910's. A time span of over sixty-five years is involved with some inactive case files. There are approximately thirteen thousand case files in HSP. Eight thousand are adult inactive case files and three thousand are inactive HYCF case files.

The internal file flow moves from active to parole to inactive, all within the same room. The file itself is arranged in an orderly manner, and information can be extracted by referring to a number of documents. The information is dispersed fairly evenly and it is a time-consuming process to get the required information from the case file. All case files are manual; there is no electronic storage of the files. The case files have not been purged at all. Thus, every file should be stored at HSP.

The Referrals to the inactive case files are infrequent. In discussing the matter with various Correction's personnel, we obtained a subjective estimate of how often the staff refers to the inactive case files. It is subjective because there are no records or means by which the custodian can monitor the inactive case file referrals. Only recently has the practice been started. It was determined that the staff refers to the inactive case files only two or three times every six months. Also, the documents in the case file lose their value quite rapidly once they are placed in the file. They may help the BPP in fixing a minimum term and evaluations. However, Corrections personnel seldom re-examine the inactive case files except for information regarding recidivists. Any other matters seem to be insufficient motivation to re-examine them.

In summary, there are eight thousand inactive adult case files at HSP. They contain all the documents generated by the offender. The documents rapidly lose their administrative



Court documents, which are the counterpart of Circuit Court documents in an adult case file. The juvenile files also contain evaluations and reports unlike the adult chronologicals and individual summaries. The case files are government records and cannot be destroyed without the comptroller's approval. The inactive case files, dating back to the 1910's, are approximately four thousand in number.

In summary, the juvenile inactive files are composed of Correction's and duplicate Family Court documents. The only time the inactive case files are used is when an offender, previously a juvenile at HYCF, enters the adult sector of Corrections. The adult offender criteria of an offender's death is applicable only to the adults. Table 4 shows the current data on juvenile HYCF deaths. The criteria of a juvenile offender's death cannot be used for case file retention.

BPP

The Division of Paroles and Pardons is the administrative organization of the Board of Paroles and Pardons. It is known collectively as the BPP and is housed in the Kamamalu Building on 250 South King Street. In the BPP office, the case files are kept in various sections.

The BPP uses a two-tier system for the active parole section. The BPP Administrative Services Branch keeps a "dummy" file in order to file important documents concerning

the offender--e.g., mittimus--while the BPP Field Services keeps a duplicate file and retains parole reports. There are roughly five hundred parolees and parole case files. The only time both files are combined is when the parolee dies, when he is discharged or when he violates his parole.

The BPP maintains a separate duplicate case file on every adult offender in Corrections. Since the latter part of 1973, the Board has kept its own discharge files on its premises.

Although HSP is the central records room for almost all Corrections' inactive records, the BPP case files do not revert to HSP when the parolee is discharged. The Board of Pardons and Paroles is separate from the Hawaii State Prison. After 1973, BPP maintained their own case files.

The BPP situation is similar to HSP and HYCF. All agencies receive case file documents processed in the criminal justice system. Both the BPP and HSP's current practice is to retain these documents in the records system regardless of any policy directives.

There is a major difference in records management policy for BPP in comparison to Corrections. Under Act 9 of the Hawaii Penal Code Section 669, the Board of Pardons and Pardons claims a legal obligation to maintain duplicate case files beyond any records management policy. This is a legal issue and may require legislative action. When a parolee is discharged, dies or violates his parole, his file is classified as current action pending and placed in the same

section. A Board meeting is also held to determine the most reasonable course of action.

BPP is the end of the offender treatment flow. It provides treatment to parolees and tries to help them adjust to society. However, their primary duty is to insure the public's safety. With a majority of the offenders being assisted through this route, more emphasis has been placed on the BPP, its remedies and possible faults.

In summary, the BPP adult inactive case files are identical to the HSP case files. The only exception is that the Board of Pardons and Paroles have retained their files only since the beginning of 1973. The major difference between HSP's and BPP's case files is that the Board, under Section 669 of the Hawaii Penal Code, retains its duplicate case files beyond any records management policy, citing legal and recidivist reason.

#### CRSB

The Corrections Research and Statistics Bureau is located on 1149 Bethel Street. Its primary task is to research and correlate data for State personnel. CRSB is constantly using documents from the case files for research purposes. The reason CRSB is mentioned in this study is that it can alter the file flow to its bureau.

Theoretically, the entire case file can be sent to CRSB with proper authorization. In practice, only certain documents from the case file are sent to CRSB for research and

statistical purposes. With this in mind, CRSB is mentioned as a possible avenue to the case file flow. Usually, the information is secured from BPP or HSP records, the case files seldom being sent to CRSB. The three thousand juvenile inactive case files at CRSB date back to the 1940's.

With proper authorization, CRSB may obtain the case file, altering the case file flow. In practice, this rarely happens, since BPP or HSP files serve its purposes quite adequately. CRSB is mentioned in this records management study because of possible future centralization of case file records in this unit.

#### Summary

HSP, HYCF, BPP and CRSB all in some way affect the case file flow. Essentially, the case file is part of the documentary evidence of the offender's stay in DSSH. When the offender leaves the system, the case file is declared inactive.

HSP is the central records room for Corrections. The Corrections Division has been maintaining records on all of its offenders. The inactive case files in CD have never been sorted or reviewed. Yet their informational value has been decreasing with each passing year.

BPP maintains a duplicate case file on the same offenders. This duality saves time and increases efficiency. It is identical to the Correctional file and is expedient because of the location and manner in which it is stored.

There are now two identical case files being used for offender treatment: One is at BPP and the other at HSP. The two case files under the different agencies may affect the uniformity of any records management program implemented. It is a situation that may need more attention in the future.

Section 6  
Recommendations

This section will deal with guidelines concerning the inactive case files at HSP, BPP and the future ISC. These guidelines have been developed with all the research and fact-finding kept in proper perspective. There are four options.

They are:

1. Microfilming.
2. Transferring.
3. Recommended Retention.
4. Purging.

Microfilming is an expensive process. After consulting with State Archives officials, we estimate it will cost one to twenty-five cents per frame for recording. A microfilm frame can record only a one-page document. The reason for the wide variation in costs is due to the volatile labor. It is directly proportional to the data sensitivity. Page 108 shows Standard 8.5 from the National Advisory Commission. It indicates the type of data sensitive to dissemination. If the material being microfilmed is highly sensitive, the labor costs will be proportionally higher. There will be less personnel involved in the process in order to insure security. HRS 92-31 allows for microfilmed material to replace original documents. For example, the judicial documents are being microfilmed after ten years of storage. The originals are destroyed, and the microfilmed documents are valid in the judicial system.

The second option is to transfer the inactive case files to another area for safekeeping. Case files contain potentially sensitive information concerning offenders. If unauthorized information leaks out, it will be in violation of HRS 92-50, and legal action may be forthcoming. The records at HSP and the future ISC are and will be in a restricted area. Access to the files will be restricted to screened personnel. If the files are transferred to a less secure place, unwanted information dispersal may be possible. Transferring the files fails to address itself to the main point. Should inactive case files be kept beyond a certain date? In transferring the files, there is a shifting of files but no real evaluation to see if the agency really needs the files. Transferring inactive case files is a possibility. Unless there is some evaluation of the files and their contents, it will not help to correct the situation.

The third option is the recommended retention period, defined as keeping the files until a specified date. This option is predicated on the fact that the files are classified inactive and not as on parole or time served. Retaining an inactive file for a specified time means holding it unless some event occurs, such as death or recidivism, within the specified time period. During this time period, the file is sealed. When it expires, the file may be used in the prescribed manner as determined by the originating agency. This option can be used in conjunction with the other options. It provides one final waiting period before any action is taken

on the files.

The fourth option is purging. This means the removal and destruction of the inactive case files. The mode of destruction is unimportant as long as it is complete and no legible document remains after purging. This will help the agency remove unwanted files as well as insuring the ex-offender his privacy. In this study, it will be the final stage in records management policy.

These four options can be combined to form a viable and useful records management policy for the criminal justice system. The options may go from recommended retention and microfilming to transferring or purging. The combinations will be discussed in the proceeding section.

Present Situation: At HSP and BPP, inactive case files are stored in alphabetical order. This includes all case files, active and inactive, up to the master card files. The older files are stored with the new files in the same drawer.

Recommendation: The case files be stored on a chronological basis and segregated according to the year in which the inmate is discharged from DSSH. Alphabetical order should be maintained in each chronological unit.

Reason: If there is a records management policy, case files will be removed and destroyed. When a recommended retention period is used, the basis for changing the status of the case files is the year or age of the same. If the case files are stored alphabetically rather than chrono-

logically, it will require an increased amount of man-hours to sort them out. Efficiency will be increased with no major changes in the records system or the facility if the files are stored chronologically. The relevant year will be contained in one accessible location instead of being scattered throughout the entire records system.

Present Situation: HSP and BPP inactive files are kept and have yet to be evaluated since the formation of DSSH. Some files go back to the 1910's. This accumulation has built up to a point where the older files may impede the retrieval of case files in the inactive section. This is the situation at HSP. The situation at BBP has been discussed earlier.

Recommendation: That an offender's adult felony case files be subject to a purge review twelve years after he has been discharged from DSSH and that misdemeanor case files be subject to a purge review eight years after an offender has been discharged from DSSH.

Reason: This recommendation deals only with inactive case files. Twelve years was selected for felony case files for a number of reasons. Table 6 shows the recidivism per release. These are offenders released on parole. A certain percentage will violate parole and return to Corrections. This means the complement to this percentage will complete parole and be discharged from parole. If the ex-offender is recommitted to Corrections within the retention period allowed, it voids the review date. Ninety percent of the

CUMULATIVE PERCENTAGE DISTRIBUTION  
OF  
RECIDIVISM PER RELEASE  
( BY YEAR RELEASED )

YEAR	T O R T E A L	S U C C E S S F U L	F A I L U R E	O T H E R	DISTRIBUTION OF TIME FREE PER RELEASE																					
					--- SIX - MONTH PERIODS ---																					
					6	12	18	24	30	36	42	48	54	60	66	72	78	84	90	96	102	108	114+			
1961	171	85	77	9	PD	0.0	0.0	11.1	11.1	11.1	11.1	22.2	44.4	44.4	55.5	55.5	66.6	77.7	77.7	88.8	100%	100%	100%	100%		
					PV	34.6	50.0	63.5	71.2	75.0	84.6	90.4	90.4	94.2	98.0	98.0	98.0	100%	100%	100%	100%	100%	100%	100%	100%	
					PR	37.5	62.5	75.0	81.2	81.2	87.4	93.6	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
1962	197	111	74	12	PD	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	20.0	20.0	20.0	20.0	20.0	20.0	80.0	80.0	80.0	80.0	100%		
					PV	28.8	46.1	61.5	73.0	82.6	88.4	94.2	96.1	98.0	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
					PR	11.8	29.4	58.8	76.4	94.0	94.0	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
1963	211	117	80	14	PD	0.0	20.0	20.0	20.0	40.0	40.0	40.0	40.0	60.0	60.0	60.0	80.0	80.0	80.0	80.0	100%	100%	100%	100%		
					PV	21.6	47.1	74.5	82.3	90.1	92.1	94.1	98.0	98.0	98.0	98.0	98.0	98.0	100%	100%	100%	100%	100%	100%	100%	100%
					PR	37.5	66.7	87.5	95.8	95.8	95.8	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
1964	157	77	68	12	PD	0.0	25.0	25.0	25.0	50.0	50.0	75.0	75.0	75.0	75.0	75.0	75.0	75.0	75.0	75.0	100%	100%	100%	100%		
					PV	31.1	57.8	66.7	88.9	93.3	97.7	97.7	97.7	97.7	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
					PR	31.6	57.9	63.2	79.0	89.5	89.5	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
1965	157	92	53	12	PD	0.0	33.3	33.3	33.3	33.3	33.3	33.3	33.3	66.6	66.6	66.6	66.6	66.6	100%	100%	100%	100%	100%	100%		
					PV	37.5	65.0	85.0	92.5	95.0	95.0	95.0	95.0	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
					PR	20.0	80.0	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
1966	194	105	63	26	PD	0.0	0.0	0.0	0.0	50.0	50.0	50.0	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%		
					PV	43.1	66.6	88.2	88.2	90.2	90.2	94.1	96.1	96.1	98.1	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
					PR	30.0	50.0	60.0	70.0	90.0	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
1967	183	106	63	14	PD	0.0	0.0	33.3	33.3	33.3	33.3	66.6	66.6	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%		
					PV	51.1	57.8	75.6	84.5	91.2	91.2	93.4	95.6	95.6	97.8	97.8	97.8	100%	100%	100%	100%	100%	100%	100%	100%	
					PR	53.3	60.0	80.0	80.0	80.0	86.7	86.7	86.7	86.7	93.4	93.4	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
1968	175	79	77	19	PD	33.3	33.3	33.3	33.3	33.3	33.3	33.3	33.3	66.6	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%		
					PV	28.3	45.3	77.4	81.2	85.0	90.6	94.4	96.3	96.3	98.2	98.2	100%	100%	100%	100%	100%	100%	100%	100%	100%	
					PR	28.6	66.7	71.5	71.5	85.8	95.3	95.3	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
1969	138	72	47	19	PD																					
					PV	37.9	68.9	75.8	82.7	82.7	86.1	86.1	86.1	93.0	93.0	96.4	100%	100%								
					PR	5.6	38.9	66.7	72.3	72.3	72.3	89.0	94.6	94.6	100%	100%	100%	100%								
1970	135	74	50	11	PD	33.3	66.6	66.6	66.6	66.6	66.6	66.6	100%	100%	100%	100%										
					PV	28.0	36.0	56.0	68.0	84.0	88.0	88.0	88.0	96.0	100%	100%	100%									
					PR	22.7	45.4	54.5	68.1	81.7	86.2	90.7	100%	100%	100%	100%										

PD-THOSE RETURNING TO PRISON FROM DISCHARGE.  
 PV-THOSE RETURNING TO PRISON FOR A TECHNICAL VIOLATION.  
 PR-THOSE RETURNING TO PRISON FOR COMMITTING A NEW CRIME.

adult incarcerated population will be placed on parole. With a high percentage being put on parole, it would be logical to infer some conclusions from it. After looking at Table 6 a pattern emerges: Of those that will fail parole, the failure should be evident by the ninety-sixth month or eighth year. In the ninety-sixth month column, almost everyone who returns to Corrections because of a new crime violation, parole violation, etc., will be in by then. The data extends only to nine and a half years. There is a hundred percent recidivism of those that will return by that time. The rest will be successfully discharged from parole. The argument that inactive case files should be retained for recidivists fails to make sense after ten years. The standard was extended two extra years to provide for errors in the system. Standard 7.5 of the National Advisory Commission on Criminal Justice Standard and Goals (Page 105) calls for criminal information on a serious crime (felony) to be purged ten years after discharge. It was the authors' decision to expand the standard despite the empirical evidence and the recommendation that called for ten years.

Although Standard 18 of the SEARCH Group Technical Report No. 13, (Page 111) calls for seven years for felony criminal information and five years for misdemeanor conviction information, the authors feel this criteria is too lenient. The inclusion of Standard 18 was useful to get an idea of the minimum lengths being considered nationally. With the number of inactive files kept relatively stable, it may be

CONTINUED

2 OF 3

advantageous to retain the files a few years longer. It will allow more time for the files to be used before they are subject to a purge review. The words "purge review" means the files are evaluated for any value in the documents. The case file may have some research, historical or unique value useful to the agency.

If no value can be found, the files are placed in the purge status to be destroyed shortly. Consulting with Corrections' personnel, we found that there is virtually no referrals to the inactive case files except by outside agencies. This is current practice that probably will not change in the future. Corrections' personnel at HSP rarely consult the inactive case file unless specifically motivated to do so.

Eight years was selected for misdemeanor case files. The time is shorter because this is a far less serious crime. The rationale for eight years is Standard 7.5 (Page 105), which calls for seven years. With the addition of one year, it will allow for the review to take place without any time constraints. The review will include all documents in the case file, and none will be excluded unless agreed upon in the purge review.

Present Situation: The active and inactive case files at HSP, BPP and HYCF contain information useful to state agencies. After the 1920's, documents became more specific in purpose. This allowed for greater flexibility in circulating information throughout the information system. With

this increase in specific documents, there was not a single document that contained all the vital information needed for research, historical or statistical purposes. The case files expanded without a central document containing vital information.

Recommendation: That a master document be instituted to contain vital information for adult and juvenile case files. It should be microfiled before the purge review.

Reason: With a master card in the case file, one of the options can be used. The life span of microfilm is over fifty years. Thus, a permanent record can be made. Microfilming, however, is an expensive process. It involves labor and equipment, as well as money. Once a case file is destroyed, there is no record of the offender and information about him. A master document can easily be filmed and preserved. The information stored in it will be Type A data from the case film model. It should contain information especially from the case file front cover (Page 116) and the identification segment (Page 117) from the proposed case file for the ISC.

There will be a compact record of the vital statistics concerning the offender in a form that can be easily guarded. Microfilming is allowed under HRS 92-31. It can be treated as documentary evidence in a court of law. State Archives handles the majority of filming tasks necessary for preservation. It should be worth the costs of filming to retain offender information for research and offender demographic

purposes. Once the file is destroyed, the information cannot be recovered.

Present Situation: HYCF inactive case files are placed in HSP for storage. A juvenile offender is discharged from HYCF when he reaches the age of majority. Therefore, HYCF may have some recidivists in their facility after discharge. The inactive case files remain at HSP with no policy concerning them. The only feasible use for the inactive case files will be for adults entering Corrections who were previously juveniles at HYCF or for research value.

Recommendation: That HYCF inactive case files stored at HSP be subject to a purge review ten years after the juveniles have been discharged from HYCF.

Reason: There is very little use for juvenile inactive case files after the offender is discharged. A new offender entering Corrections should be subject to new screening processes and not treated according to events that occurred while he was a juvenile at HYCF. The use of outdated information may negate any rehabilitative efforts being constructed for the first-time adult offender. There is no empirical data for HYCF discharges entering HSP. The SEARCH report calls for seven years; Standard 7.5 of the National Advisory Commission, for ten years. The reason ten years was selected for inactive case files is that some HYCF crimes are serious and some are not, and it is difficult to decide which file according to its crime will be retained and which will be purged. There may be recidivism for discharged juvenile parolees under the

age of majority. However, there is no data concerning this situation. For the purpose of this study, this item will be considered negligible in comparison to discharges at the age of majority for juvenile offenders. The information vital to the agencies will be preserved and the files will be destroyed after the tenth year.

#### Summary of Recommendations

The records management policy will call for all four options to be used at different periods in the offender case file flow. All case files after the offender is discharged will have a recommended retention period as per the nature of the case file. When an offender or discharged offender (during the retention period) dies, his file will be subject to a purge review and appropriate action taken. The case file will have a master document for each offender when the file comes up for review. This master document will be microfilmed. If the other information is useless, it will be purged or the documents deleted after the recommended retention period. The authors recommend:

1. The case files be stored on a chronological basis, the basis being the year the offender is discharged from DSSH. Alphabetical order should be maintained in each chronological unit.
2. The adult offender's felony case files should be subject to a purge review twelve years after his discharge from DSSH.

3. The adult offender's misdemeanor case files should be subject to a purge review eight years after his discharge from DSSH.
4. A master document should be instituted for adult and juvenile case files containing vital and most frequently used information. It should be micro-filmed before destruction.
5. HYCF case files should be subject to a purge review ten years after the juvenile's discharge.

These are merely recommendations to assist the administrator in records management policy. If the offender re-enters Corrections before his review date, the purge review date will be invalidated and the process will start all over again.

Proposed Records Process

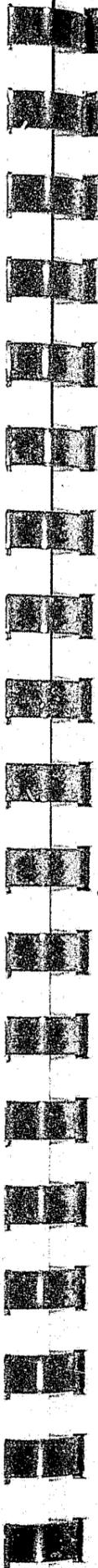
The flow chart on Pages 98-99 shows the proposed records process for the information system, starting from its present status to the recommended treatment for each specific case file criteria. The diagram depicts the complexities of the file system and the possible options a file may have with the proposed process.

Pages 96-97 are the proposed records policy incorporating the recommendations into procedures to be used by administrators in determining the status of their files. It is in proper relationship to State Archives procedures and forms. The references used to arrive at the policy are included in the study.

These recommendations have been presented in condensed form to help administrators visualize these guidelines in proper perspective to the records operations in Hawaii's criminal justice system.

Proposed Records Management Policy Procedures for HSP, BPP & ISC

Policy	Reference	Procedures
<p>Evaluation of Inactive Case Files (Criteria)</p> <p>1. Case files where there is a potential lawsuit.</p>	<p>HRS 657-4,7,13,J4</p>	<p>1. Put file in retention period of two years.</p> <p>2. If there is no action the file should be evaluated.</p> <p>3. If it involves an offender's death it should be subject to purge review. If not, then placed in former status.</p>
<p>Destruction of Records (Criteria)</p>	<p>Standard 18 from SEARCH</p> <p>Standard 7.5 from the National Advisory Commission; Criminal Justice Information System</p> <p>Empirical data from table # 6, H.R.S. 94-3</p>	<p>1. Prepare SA-2 form in triplicate.</p> <p>a. Total number of case records to be destroyed.</p> <p>b. Explanation of the nature of the case records.</p> <p>2. Prepare SA-1 "Records Disposition Authorization" in triplicate.</p> <p>a. Secure Branch Administrator's signature.</p>
<p>1. Adult felony case files after 12 years discharge from DSSH.</p> <p>2. Adult misdemeanor case files 8 years after discharge from DSSH.</p> <p>3. Juvenile case files 10 years after discharge from DSSH.</p> <p>4. Death of offender.</p>		

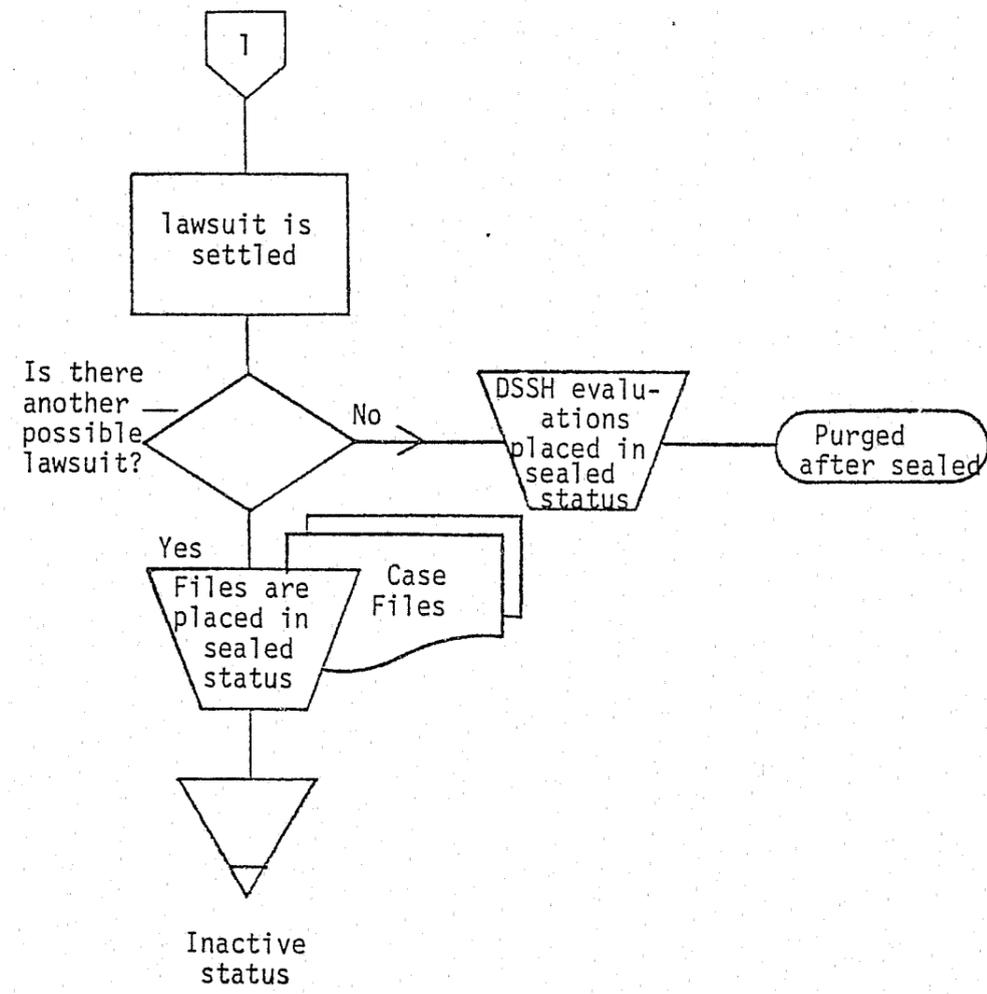


Microfilm master card  
from each case file  
prior to case file  
destruction

H.R.S. 92-31

- b. Send SA-1 and 2 to the Director for approval and forward to State Archives.
3. When approval is received from Archivist and Comptroller, destroy case files under supervision of an employee of the department.  
(see pages 89-90 for examples of AS-1 and 2)
1. Remove master document from case file prior to destruction of case file.
2. Prepare SA-1 and 2 forms in triplicate requesting filming and action according to policy.
3. Screened personnel to process the documents
4. The film is representative of the document in terms of clarity, etc.
5. Destroy the master document.
6. Master index be maintained on files destroyed and filmed.







STATE OF HAWAII  
RECORDS INVENTORY

Agency	Division or Bureau	Sheet No.	Date of Inventory	Name of Recorder
1. Description, Purpose and Use of Records			7. Volume in Cubic Feet Office _____ Other _____	
			8. Rate of Accumulation (cu.ft. per year)	
			9. Filing System	
			10. Location(s)	
			11. Frequency of Use (no. of referrals per mo.)	
			2. Office that Originated Records (if different from above)	
3. Duplication Elsewhere in Content or Form (Distribution of Copies)			Transfer	
4. Laws, Rules or Regulations Determining Use and Retention (include auditing requirements)			Immediate Destruction	
			Recommended Retention	
			Archivist's Recommendation	
			Final Action	
5. Audit Federal <input type="checkbox"/> Yes <input type="checkbox"/> No State <input type="checkbox"/> Yes <input type="checkbox"/> No		6. Inclusive Dates From _____ To _____		

INSTRUCTIONS FOR RECORDS INVENTORY SA-2 (Rev. 1/60)

Prepare this form in triplicate and please use pencil.

Fill in the top line first:

Title of agency  
Division or Bureau  
Number the sheets in the order filled out  
Date of inventory  
Name of person making the inventory

The numbered boxes are for recording information about your records as you make the inventory.

1. Description of Records:

The unit of entry is a series of records. A series is a distinct group of records. They relate to a particular subject or activity.

For example:

General Correspondence file of the agency head relating to the policies, administrative and operational activities, and procedures of the department.

~~Reports file:~~

- a. Case files on individual reports required by the Department of \_\_\_\_\_.
- b. Case files of reports required by other authorities.

Project working papers:

Background material, notes, rough drafts, interim and progress reports and related papers.

The description of the records should give information on:

- a. The purpose for which the records were created and their relation to the activities of the office.
- b. Their relationship to other records — in other offices as well as your own.
- c. Any unusual and significant kind of copy. (Give the location of the record copy.)
- d. The nature or type of record — correspondence, reports, press releases, abstracts, ledgers, maps, charts, etc.

- e. The subject matter of the records. What is their scope? Does it cover all subjects that are the concern of your department? Is it restricted to one particular phase of your operation?
- f. Has the series ever been cut off at the end of a calendar or fiscal year, or a biennium?

2. Office that Originated the Records:

Did this form originate in some other office and come to you?

Was this series at one time maintained by another office? Give name(s) and dates.

3. Duplication, in form or content. Is another copy of this form filed in another location? Is the information contained in this file obtainable elsewhere?
4. Give citations for laws, rules, or regulations determining the use and retention. Include auditing requirements, and departmental rules and regulations.
5. Audit: Are these records subject to audit by State, Federal or both?
6. Inclusive dates of the series.
7. Volume expressed in cubic feet. List office and storage amounts separately.

NOTE: For purposes of this report, cubic feet may be calculated according to the following table of equivalents:

Letter sized filing cabinets (full but workable) —  $1\frac{1}{2}$  cu. ft. per drawer

Legal sized filing cabinets (full but workable) — 2 cu. ft. per drawer

Tabulating cards — 10,000 per cu. ft.

3 x 5 filing case (full but workable) —  $\frac{1}{10}$  cu. ft. per 12-inch drawer

4 x 6 filing case (full but workable) —  $\frac{1}{6}$  cu. ft. per 12-inch drawer

5 x 8 filing case (full but workable) —  $\frac{1}{4}$  cu. ft. per 12-inch drawer

Map cases and other outsized equipment — cubic measurement of inside of containers

Adjustments for partially filled cabinets should be made.

- 
8. Rate of Accumulation: Give the cubic feet created per year.
  9. Filing System: Is it chronological, alphabetical, numerical, by subject, etc.?
  10. Location: Give all physical locations of the records.
  11. Frequency of Use: The number of times the series is referred to each month.

Standard 7.5 Completeness and Accuracy of Offender Data

Agencies maintaining data or files on persons designated as offenders shall establish methods and procedures to insure the completeness and accuracy of data, including the following:

1. Every item of information should be checked for accuracy and completeness before entry into the system. In no event should inaccurate, incomplete, unclear, or ambiguous data be entered into a criminal justice information system. Data is incomplete, unclear, or ambiguous when it might mislead a reasonable person about the true nature of the information.

2. A system of verification and audit should be instituted. Files must be designated to exclude ambiguous or incomplete data elements. Steps must be taken during the data acquisition process to verify all entries. Systematic audits must be conducted to insure that files have been regularly and accurately updated. Where files are found to be incomplete, all persons who have received misleading information should be immediately notified.

3. The following rules shall apply to purging these records:

a. General file purging criteria. In addition to inaccurate, incomplete, misleading, unverified, and unverifiable items of information, information that, because of its age or for other reasons, is likely to be an unreliable guide to the subject's present attitudes

or behavior should be purged from the system. Files shall be reviewed periodically.

b. Purging by virtue of lapse of time. Every copy of criminal information concerning individuals convicted of a serious crime should be purged from active files 10 years after the date of release from supervision. In the case of less serious offenses the period should be 5 years. Information should be retained where the individual has been convicted of another criminal offense within the United States, where he is currently under indictment or the subject of an arrest warrant by a U. S. criminal agency.

c. Use of purged information. Information that is purged but not returned or destroyed should be held in confidence and should not be made available for review or dissemination by an individual or agency except as

(1) Where necessary for in-house custodial activities of recordkeeping agency of the regulatory responsibilities of the Security and Private Council (Chapter 8);

(2) Where the information is to be used for statistical compilations or reserach studies- in which the individual's identity is not disclosed and from which it is not ascertainable;

(3) Where the individual to whom the information relates seeks to exercise rights of access

and review of files pertaining to him;

(4) Where necessary to permit the adjudication of any claim by the individual to whom the information relates that it is misleading, inaccurate, or incomplete; or

(5) Where a statute of a State necessitates inquiry into criminal offender record information beyond the 5 and 10 year limitations.

When the information has been purged and the individual involved is subsequently wanted or arrested for a crime, such records should be reopened only for purposes of subsequent investigation, prosecution, and disposition of the offense. If the arrest does not terminate in conviction, the records shall be reclosed. If conviction does result, the records should remain open and available.

Upon proper notice, a criminal justice agency should purge from its criminal justice information system all information about which a challenge has been upheld. Further, information should be purged by operation of statute, administrative regulation or ruling, or court decision, or where the information has been purged from the files of the state which originated the information.

Standard 8.5 Data Sensitivity Classification

Places and things included in criminal justice information systems should be classified by criminal justice agencies in accordance with the following system:

1. Highly Sensitive- places and things which require maximum special security provisions and particularized privacy protection. Items that should be included in this category include, for example:

- a. Criminal history record information accessed by using other than personal identifying characteristics, i.e., class access;
- b. Criminal justice information disclosing arrest information without conviction disseminated to criminal justice agencies;
- c. Criminal justice information marked as "closed",
- d. Computer, primary, and auxiliary storage devices and physical contents, peripheral hardware, and certain manual storage devices and physical contents;
- e. Security system and backup devices; and
- f. Intelligence files.
- g. Additional items that may be included in this category are: computer programs and system design; communication devices and networks;

criminal justice information disseminated to non-criminal justice agencies; and research and analytical reports derived from identified individual criminal justice information.

2. Confidential- places and things which require a high degree of special security and privacy protection. Items that may be included in this category for example, are:
  - a. Criminal justice information on individuals disseminated to criminal justice agencies;
  - b. Documentation concerning the system; and
  - c. Research and analytical reports derived from criminal justice information on individuals.

3. Restricted- places and things which require minimum special security consistent with good security and privacy practices. Places that may be included in this category are, for example, area and spaces that house criminal justice information.

Each criminal justice agency maintaining criminal justice information should establish procedures in order to implement a sensitivity classification system. The general guidelines for this purpose are:

- a. Places and things should be assigned the lowest classification consistent with their proper protection.

- b. Appropriate utilization of classified places and things by qualified users should be encouraged.
- c. Whenever the sensitivity of places or things diminishes or increases it should be reclassified without delay.
- d. In the event that any place or thing previously classified is no longer sensitive and no longer requires special security or privacy protection it should be declassified.
- e. The originator of the classification is wholly responsible for reclassification and declassification.
- f. Overclassification should be considered to be as dysfunctional as underclassification. It shall be the responsibility of the Security and Privacy Council to assure that appropriate classification systems are implemented, maintained and complied with by criminal justice agencies, within a given State.

Standard 18. Sealing and Purging of Arrest Record Information and Criminal Record Information

18.1 Each criminal justice agency should adopt procedures to insure that arrest record information and criminal record information are sealed or purged when required by federal or state statute, court order or court rule. In addition, such procedures should provide for the sealing or purging of-

(a) arrest record information where the arrest is not followed by formal charges or where prosecution is declined:

(b) arrest record information where the individual is acquitted or where the arrest is not followed by a conviction within two years of the arrest or detention, if prosecution is not actively pending at the end of that period and if the individual is not a fugitive;

(c) felony conviction records if the individual has been free of criminal involvement for a period of seven years following final release from confinement or supervision, unless the conviction record has been specifically exempted from sealing under federal or state statute; and misdemeanor conviction records if the individual has been free of criminal involvement for a period of five years following final release from confinement or supervision, unless the conviction record has been specifically exempted from sealing under federal or state statute.

18.2 Purging should be accomplished by the removal and destruction of all criminal justice information relating to the arrest, detention or charges. Sealing should be accomplished by some procedure that, as a minimum, removes the information from routinely available status requiring special procedures for access.

18.3 Sealing and purging should be accomplished in automated systems at intervals as frequent as feasible, and, in systems in which the sealing and purging process is not automated, upon request for access to the information or upon receipt of a court order or other formal notice that sealing or purging is required.

18.4 Sealed records should be permitted to be made available-

- (a) for employment and appointment purposes as authorized by Standards 11 & 12;
- (b) for research, evaluative and statistical purposes;
- (c) for review by the individual for purposes of challenge or correction;
- (d) for audit purposes;
- (e) if the individual is subsequently arrested for an offense which is subject to imposition of a higher sentence under a federal or state statute providing for additional penalties for repeat or habitual offenders;
- (f) if subsequent criminal charges are filed against the individual; and
- (g) upon court order.

18.5 Criminal justice agencies should maintain indexes of sealed records to facilitate access to the records for the purposes set out above. Access to such an index should be limited to authorized officials and employees of criminal justice agencies who need access for one of the purposes enumerated.

Section 7  
Model Case File Proposal

The following model is the result of a recent Peat, Marwick and Mitchell study involving the formulation of a case file format being recommended for the new Intake Services Center under the Correctional Master Plan. The data segments in the model are comprehensive and extremely detailed.

In examining the case file model, consider the offender case file selections. The first option is to select the different segments that represent concentration of information in which single documents provide extensive, intensive or diversified information in a concentrated form. This has been proposed in Section Six, Recommendations, which calls for a master document to be maintained in the case file. The second option is to select a limited number of documents that are illustrative of the case file as well as adequate in explaining the event under investigation. In the preceding section, part of the proposal called for a master document which contains information requirements from this model. This has fulfilled the two options listed here.

The authors feel record management policy will be pertinent to the proposed ISC case file. Its structure is based on similar lines as the past and present case files. With the advent of computer coded information, information retrieval and storage will be greatly facilitated. This will accentuate the Correctional Master Plan.

Type A data is information which is readily available to all agencies who deal with the individual and should accompany the individual to each agency such data may consist of:

- a. Front cover
- b. Identification data segment
- c. Summary record of offenses and dispositions
- d. Summary lead pages from data segments as required

Type B data is detailed information which serves as a basis for evaluation, analysis, and recommendation.

- a. Personal background
- b. Education and employment
- c. Health report
- d. Treatment history
- e. Chronology
- f. Miscellaneous

Type C data is information and reports which should be reviewed only by authorized persons or authorized agencies.

- a. Health reports
- b. Treatment history
- c. Legal documents
- d. Evaluations and recommendations

CASE FILE FRONT COVER

The front cover of the case folder will contain data which is most frequently extracted from the file.

- a. Name
- b. Identification number
- c. Current contract information: phone number, address, relative's phone number
- d. Attorney and phone number
- e. Counselor assigned by stage of processing
- f. Currently military (yes or no)
- g. Present offense, plea, and custody status (ROR, released with supervision, etc.)
- h. Amount of bail
- i. Court data, time, purpose, judge
- j. Due dates for release from incarceration/parole hearing, etc.
- k. Date paroled/probation, etc.
- l. Control classification, type of prisoner
- m. Taking medication or under psychiatric care

IDENTIFICATION SEGMENT

This segment will contain all types of data which will help to identify the individual.

- a. Name and aliases
- b. Date and place of birth
- c. Photograph (s)
- d. Fingerprints
- e. Height and weight
- f. Complexion
- g. Eyes and hair color
- h. Scars and tattoos
- i. Posture
- j. Manner of speech and tone of voice
- k. Physical proportions
- l. Identification numbers: A-number, Social Security number
- m. Address(es) and telephone numbers
- n. Marital status
- o. Citizenship
- p. Attorney

RECORD OF OFFENSES SEGMENT

Information about each offense the individual has been charged with will be in this segment.

General

- a. Criminal, juvenile, traffic (traffic cases only) ABSTRACTS (local and mainland)
- b. FBI report
- c. Trial and sentence data
- d. Date, place, offense and disposition
- e. Failures to appear
- f. Violence involved: weapons, etc.
- g. Number of arrests (juvenile, adult)
- h. Number of convictions
- i. Age at first arrest, first incarceration
- j. Number of commitments: length, facility

Specific

- a. Pleas, verdicts- dates of each
- b. Counts, period covered, nature, dates and places
- c. Property damage/monetary loss/defendants profit/restitution possible
- d. Aggravating/extenuating circumstances
- e. Defendant's version of offense (statement)
- f. How charged; indictment, arrest, etc.
- g. Original charges/final charges
- h. How convicted: plea, trial- date of case disposition

- i. Judge
- j. Attorney (court appointed or self-retained)
- k. Amount of bail, reductions, cash or bondsman
- l. Co-defendants and disposition
- m. Copy of HPD report

PERSONAL BACKGROUND AND STATUS SEGMENT

During fact finding, it was determined that the large amount of data proposed for this segment is often not extensively used. This segment is divided into eight sub-segments; information for each is identified below:

Family

- a. Standard of living
- b. Early developmental influences- physical/emotional
- c. Attitudes of father/mother, etc., in formative years- discipline, affection, rejection, etc.
- d. By whom reared, corporal punishment
- e. Age left home, reason (s), truancy- number, age ranges, comments
- f. Relationship of parents, siblings, et al.
- g. Family cohesiveness- marriage intact, foster home/institutional placements
- h. Relatives/friends with whom defendant is close; relationship with family: mother, father, siblings
- i. Emotional disorders, diseases, criminal backgrounds (parents, siblings)

Marital

- a. Father/Mother: name, age, date of birth, place of birth, ethnic background, extent of educa-

tion, address, phone number, employment, retired, present/last employer, nature of work/number of years

Home

- a. Father/Mother for each (indicate if current):
  1. date of marriage (s), age at time, age of spouse at marriage, outcomes, dates
  2. any children- ages (dates of births)- which marriage, current custody, ind. support, etc.
  3. attitude towards spouse/children and vise versa
  4. problems in marriage- brief description of marriage
  5. any criminal background- spouse, children
  6. social agency interest in family

Neighborhood

- a. Describe current residence in full/other occupants
- b. Type of neighborhood, influences in community
- c. Attitude toward home/neighborhood
- d. How long there- past residences
- e. Prior home/neighborhood which have had an influence

Religion

- a. Affiliation
- b. Frequency of attendance
- c. Pastor- name/church

- d. What has church meant to defendant

Interests

- a. Sports, hobbies, creative work, organizations-  
what he likes to do
- b. Talents and accomplishments
- c. Associates (family, etc.)

Personality

- a. Characteristics- observed, given by family, etc.
- b. Attitude about himself and others (family, et al.)  
et al.)
- c. Social adjustment in general

Financial

- a. Contracts with welfare, unemployment, or  
welfare agencies
- b. Means of subsistence during unemployment
- c. Assets/liabilities- general- current EOP:  
required monthly payments including child  
support
- d. Standard of living
- e. Income sources- amounts

Other

- a. Personal references (name, address, phone  
number, years known, position)
- b. Responses to questioning:
  - 1. What is your health?
  - 2. Would you like to see a psychiatrist/  
psychologist- if yes, for what problem?

- c. Individual's brief description of childhood, especially anything that was unusual, etc.
- d. What people influenced him: positively/negatively- how significant.
- e. What are his values?

EDUCATION, VOCATION AND EMPLOYMENT SEGMENT

This segment will contain valuable information for use in planning reintegration of the individual into the community.

Education

- a. Highest grade achieved, date
- b. Age left school- reasons
- c. Schools attended, dates, location (state)
- d. School adjustment (conduct, truancy, grades repeated, problems, attendance, academic behavioral)
- e. Ability to read/write
- f. Type of test given, test explanation, results, date

Vacation

- a. Type of school, dates, results
- b. Occupational skills and interests (if unemployable, note)
- c. Knowledge, abilities

Attitudes

- a. Towards past and future, employment, military, learning to read/write, etc.

Employment (including military)

- a. Dates, nature of work, earnings, reason for leaving, supervisor, employer, gross pay, job performances
- b. Employer evaluations

- c. Branch of service, serial number, rank, type of discharge
- d. Disciplinary actions: military, late for work, truancy, etc.
- e. If presently employed, details/comments
- f. Job possibilities

TREATMENT HISTORY SEGMENT

This segment will contain all information about the offender's behavior after arrest. The type of data to be included are:

- a. Institutional history: dates, report of adjustment, present status
- b. Parole history: dates, adjustment, outcome, violations
- c. Rehabilitation progress entered
- d. Record of bail or ROR jumping
- e. Progress towards meeting prescribed "correctional plan" and how well implemented by institution/ outside agencies (refer to Education segment)
- f. Conduct evaluations/reactions to circumstances
- g. Activities while incarcerated:
  1. Leisure activities
  2. Outstanding achievements
  3. Rule infractions/misconduct reports
  4. Behavior patterns observed
  5. Current outstanding problems
  6. Visitors/correspondence
- h. Escape history
- i. Number of counselor contacts:
  1. Pre-trial
  2. Pre-sentence
  3. Post-sentence
  4. Post-exit

j. Referrals to other agencies (CRSB, John Howard,  
etc.)

k. Supervision reports

## HEALTH SEGMENT

This segment would contain all information provided by medical doctors, psychiatrists and psychologists, relating to the individual's mental, emotional and physical status and needs.

Specific data elements in this segment should include:

- a. General physical condition
- b. General health problems
- c. Defendants estimate of health
- d. Use of narcotics, barbituates, marijuana, et al., alcohol
- e. Surgical history, serious injuries
- f. Current medications
- g. Under nourishment/obesity
- h. Disabilities
- i. Psychological and Psychiatric: rioting, dates, examiner, why referred, complete history
- j. Awareness of emotional problems, what has been done- does anything need to be done
- k. Mental, emotional, physical status and needs

PROGRAM PLANS, EVALUATIONS, RECOMMENDATIONS AND SUMMARIES

In this segment, a copy of every report prepared about the individual will be kept. The types of information for this segment would include:

- a. Classifications decisions- re: pre-sentence report
- b. Summary: total personality/history  
point out strengths/weaknesses  
ascertain needs- vice versa resources available/feasible  
prognostic tendency to recidivage, evaluate consensus of defendant and community  
describe/analyze circumstances attending commission of crime
- c. Attitude/interest in improving employability/towards education- educational wants and needs.
- d. Pastor, teachers, employer and family/spouse impression/evaluation- what caused failures
- e. Counselors evaluation of defendants intelligence level in social/operational functions, personality, problems and needs, potential for growth
- f. Analysis of factors contributing to present offense/prior convictions (may be different)
- g. Help needed by defendant to resolve difficulties
- h. Recommendations of action and support (reason) for recommendation (sentencing alternatives for P.S. report) (diagnostic team)
- i. Suggested plan- include role of: parents, pastor,

spouse (probation, sentence, etc.) education,  
employment

- j. Threat to public
- k. Nature of response to earlier correctional programming
- l. Personal stability/responsibility
- m. Deficiencies: education, vocational, emotional, etc.
- n. Psychological characteristics that determine offenders perceptions
- o. Custodial evaluation: behavior while incarcerated, prognosis of future adjustment
- p. Social evaluation: strengths and weaknesses
- q. In community evaluation
- r. Reactions and adjustments, relevant personality changes, current functioning ability
- s. Prognosis of future behavior- probable success on parole
- t. Plan if pre-trial release: residence, employment, etc.

source of information for the State in its efforts to help rehabilitate the offender. In addition, they provide a record of the offender's stay in the criminal justice system. The offender may use these documents to gain some insight into his behavior and the effectiveness of the rehabilitative program. The recommended master document will serve to accumulate unique and important information concerning the offender. With its preservation, vital statistics may be used for research purposes. It would also help the department in the planning of better offender programs and treatment.

The future Intake Services Center is part of the Correctional Master Plan and will take over records duties from HSP. The reason for the lack of in-depth study is simply the fact that the ISC has not been fully implemented into the criminal justice system. Any policy recommendations would be speculation without tangible references to the ISC.

The problem of computerized files and information retrieval was discussed earlier without any recommendations; and this study is primarily concerned with manual case files. The computer files, however, will be an integral part of the ISC. They are now in planning stages and will probably not be implemented until the new ISC is established. The rationale for the treatment of the ISC will have to serve for the computer files, for their electronic retrieval and for their dissemination. Any restraints or policy recommendations for both subjects may be more harmful than beneficial. The situation for the ISC and computer files will be resolved

before the implementation of the Intake Services Center.

This study is the first devoted to criminal records management in Hawaii. In the past, it has been an area neglected because of limitations in time and standards. It is hoped this study will serve to aid present records management policy and the formulation of future records management policies in the Intake Services Center. The underlying fact in records management policy is that government has only a limited amount of funds for the preservation of its documentary resources. Whether it be for storage of manual files, microfilming or computerized files, these funds must be applied judiciously for the preservation of the most important resources.

#### CHRONOLOGY OF EVENTS SEGMENT

This segment will contain a summary of all events which transpire after arrest. This segment might include:

- a. Record of custody; in and out dates and reasons
- b. Chronology of all reports and evaluations prepared
- c. Counselor assignment and changes

#### LEGAL DOCUMENTS SEGMENT

This segment will contain all legal documents which pertain to the individual.

- a. Arrest Report
- b. Pre-trial/pre-sentence reports
- c. ROR recommendations
- d. Court record of proceedings
- e. Mittimus
- f. Orders fixing bail, minimum term and final discharge
- g. Parole Board actions

#### MISCELLANEOUS DATA SEGMENT

Any correspondence or information about the individual which does not logically fit into one of the above segments will be placed in this segment. This could include all post exit follow-up information, correspondence, and summary data (i.e., number of arrests, infractions).

## Afterword

The proposed records policies should not be considered general principles in criminal records management. These recommendations cannot be reduced to exact standards. It is hoped these recommended standards will be applied with moderation and common sense. Safeguards have been set up to preserve the vital information before the file is destroyed. The uncertainty of each case file status prompted the selection of a "purge review" instead of outright case file destruction. In addition, a recommended retention period holds the information in a sealed period before deciding on possible alternatives concerning the inactive case files.

As stated previously, records management policy cannot be made exact or precise. Neither should it be based on intuition or arbitrary suppositions of value. Analysis is the essence of records management. Therefore, record policies should be based on a thorough examination of the documents in the case file. The evaluator should try to relate the case files to other records to understand their significance as evidence or organization and operations. There should not be complete consistency in judging files and retention periods. Informational values change over time. The future may call for different information requirements and radically new policies of records retention and management.

Offender case files are a unique combination of documents. They are in a form that makes them valuable as a

BIBLIOGRAPHY

1. Comprehensive Plan of the Board of Pardons and Paroles-  
State of Hawaii, 1973. 247 pages.
2. Criminal Justice System, National Advisory Commission  
on Criminal Justice Standards and Goals, 1973.  
284 pages.
3. State of Hawaii- Juvenile Justice Plan, State Law  
Enforcement and Juvenile Delinquency Planning Agency,  
1974. 599 pages.
4. Correctional Master Plan, volumes 4 and 5.
5. The Appraisal of Modern Public Records, T.R. Schellinberg,  
Bulletin of the National Archives #8, p. 233-78, 1956.
6. Memorandum- Guidelines on the Meaning of "Public Records",  
Attorney General, 1976, 22 pages.
7. Implication of Federal Privacy and Security Rules and  
Regulations for Procedures at Corrections, Parole and  
Corrections Research and Statistics Bureau. Summer 1975,  
31 pages, CRSB.
8. The State of Hawaii Privacy and Security Plan.

END