 <p>CD-050900</p>	<h1 style="text-align: center;">NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p style="text-align: center;"><i>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."</i> Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</p>	
	ISSUE DATE: 02/21/94 EFFECTIVE DATE: 02/21/94	REVIEWED: 06/30/17 REVISED: 03/06/15
	TITLE: Probation and Parole Offender Case Records	

AUTHORITY:

NMSA 1978 Section 31-21-6, 31-21-7 (F), as amended.

REFERENCE:

- A. ACA Standards 4-4281-8, *Standards for Adult Correctional Institutions*, 4th Edition.
- B. ACA Standards 4-APPFS-3D-27, 4-APPFS-3D-28, 4-APPFS-3D-29, *Standards for Adult Probation and Parole Field Services*, 4th Edition.

PURPOSE:

To ensure that information pertaining to Probation and Parole Division (PPD) offenders is properly recorded, managed, preserved and safeguarded in an orderly and systematic manner.

APPLICABILITY:

To all Probation and Parole Division (PPD) staff.

FORMS:

None

ATTACHMENTS:

Case Closure Check List Attachment (CD-050901.A)

DEFINITIONS:

- A. Case Management Information System (CMIS): New Mexico Corrections Department (NMCD) case management database.
- B. Case Record: A file that is maintained on offenders supervised by the PPD.
- C. Chronological Case Notes: Written or typed entries in CMIS relating to offender activity.
- D. Offender: An adult placed under, or made subject to, supervision, probation and/or parole, as the result of the commission of a criminal offense and released to the community under

the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.


POLICY:

- A. PPD shall assure permanent records of offender-related activities are developed and case records of such activities are maintained and safeguarded in an orderly and systematic manner.
- B. PPD case record management includes, but is not limited to the establishment, use, content, privacy, security, preservation and retention of inactive case records and for destruction. [**4-APPFS-3D-27**]
- C. The agency shall maintain written and/or electronic records of case plan decisions and events regarding offenders. [**4-APPFS-3D-28**]
- D. The contents of case records shall be separated and identified according to an established format. [**4-APPFS-3D-29**]
- E. All case records associated with claims of sexual abuse, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling shall be retained in accordance with an established schedule. [**4-4281-8**]



David Jablonski, Secretary of Corrections
New Mexico Corrections Department

06/30/17
Date

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AUTHORITY:

Policy *CD-050900*

PROCEDURES: [4-4281-8] [4-APPFS-3D-27]

A. Case Folders Contents:

Case folders will be letter size and at a minimum the following will be included in each offender's folder:

1. Parolee:

Parole Certificate, Institution Progress Report, Admission Summary, Parole Plan Investigations, FBI Form I 12, Rap Sheet, NCIC's, fingerprinted card and supervision plan.

2. Probationer:

Pre –Sentence Reports, Judgment and Sentence Order, Conditions of Probation, copy of FBI Form I-12, Rap Sheet, fingerprinted card, signed intake release, police reports and supervision plan.

NOTE: For instructions regarding the completion of the risk and needs assessment and reassessment forms refer to the Case Management System Operation Manual.

B. Labeling Case Folders:

1. All case folders will be labeled with the offender's last name in capital letters, followed by the first name and middle initial as follows: The name should be indicated as it is in the Judgment and Sentence or parole certificate regardless of whether or not it is the offender's true name.
2. The case folder will also include the New Mexico Corrections Department number if the offender is on parole (i.e., NMCD 12345). If the offender is a probationer, the label will include the offender number and the expiration date.
3. If the offender is on dual supervision or separate parole and probation supervision at

the same time, separate case files will be prepared.

4. The discharge date from probation or parole should also be included on the label.

Example:

DOE, John NMCD 12345
Expires: 1/1/2001

DOE, John D-202-CR-2000-00001
Expires: 1/1/2001

5. If a case is a compact supervision case, the offender's name on the label will be followed by the abbreviated name of the originating state with its assigned number as indicated in compact correspondence. Indicate whether the case is a probation or parole case.

Example:

PAROLE:
DOE, John D. TX
Expires: 1/1/2001 TDC-123

PROBATION:
DOE, John TX
Expires: 1/1/2001 12345

C. Dividing Case Materials Contained in File Folders: [4-APPFS-3D-28] [4-APPFS-3D-29]

1. The left side of the file folder should contain the following items:
 - a. FBI Flash Sheet;
 - b. Judgment and Sentence;
 - c. Probation Conditions or Parole Certificate;
 - d. Arrest Order(s) and Cancellation(s) thereof;
 - e. Probation or Parole Violations Reports (preliminary and full);
 - f. Motion to Revoke;
 - g. Arrest Warrants;
 - h. Sex Offender Registration form;
 - i. Completed through CMIS
 - j. Finger print card;
 - k. Notice of Arrest;
 - l. Remands/ Retakes;
 - m. Court motions;

- n. Phase conditions; and
 - o. Contracts for special programs
2. All other materials will be filed on the right side of the file folder in chronological order.

D. Separation and Filing Folders: [4-APPFS-3D-29]

File folders shall be filed in alphabetical order and separated into the following categories:

1. Reporting Cases - All probationers and parolees that are currently being supervised within the district office.
2. Non-Reporting Cases - Probationers being supervised by another district/unit or state; or, who have been committed to an institution without having probation revoked; or, who have probation supervision to begin upon completion of a sentence of incarceration.
3. Closed Cases- All cases that have been discharged or revoked will be kept in a separate filing cabinet at the District Office level until they are archived.

E. Opening and Retirement of Case Folders:

1. New Mexico Probationers:
 - a. The jurisdiction over a probationer remains with the sentencing court, case folders will be maintained by the district office.
 - b. If a New Mexico probationer has his or her probation revoked, one copy of the pre -sentence report, the judgment and sentence, police reports and/or the FBI rap sheet, the probation violation report, and the order revoking probation will be forwarded to the Reception and Diagnostic Records Center and the Institutional Probation and Parole Officer. Within ten working days termination of the case will be done in CMIS.
 - c. Upon a New Mexico probationer transfer to another district in the state, upon acceptance of the transfer, a copy of case materials will be forwarded to the receiving district. The original file folder will be maintained in the original jurisdiction in semi-active status.
 - d. Assessment of offender and need risk forms will be completed on all offenders within thirty (30) days of assignment of a case.
 - e. When closing an in-state transfer, the receiving district will then return the purged

case folder to the originating region.

2. New Mexico Parolees:

- a. Case folders for New Mexico parolees will be maintained by district offices.
- b. Upon a New Mexico parolee transfers to another district, the entire case folder is forwarded to the receiving district.
- c. If the parolee has probation to follow, as a result of the same conviction, the inactive probation folder will be maintained in the originating region.
- d. Thirty (30) days prior to parole closure, the supervising district will obtain pertinent documents from the sending district and open the probation case accordingly. During the course of parole supervision, the supervising PPO will advise the district maintaining the probation file of any parole violations, or other significant developments in the case that might merit notification of the sentencing judge.
- e. Upon receipt of notification of the issuance of a retake warrant for a parolee, the district office shall ensure that any Arrest and Holds issued have been cancelled, move the case to a semi-active status, track the case monthly and make notes in CMIS.

3. Case folders of Out-of-State Probationers and Parolees:

Case folders in this category will be initiated by the district office upon notification in the Interstate Compact Offender Tracking System (ICOTS) of the need for investigation. If a case is accepted for supervision, the district will forward response to the Interstate Compact Office via ICOTS.

4. Terminating Case and Purging Files:

Prior to terminating a case, the PPO shall ensure the case is closed appropriately by using the **Case Closure Check List** Attachment (*CD-050901.A*).

a. New Mexico Cases:

- 1) Case folders shall be purged from the district file within thirty (30) days after discharge and kept at the district office until archived.
- 2) After one year the purged case folders will be alphabetized and delivered per State Records retention schedules. As space necessitates, delivery can be made prior to one (1) year.
- 3) The following documents will remain in the case folder when it is purged:

- Parole Certificates;
 - Probation Conditions;
 - Parole-Probation Violation Reports; and
 - Judgment and Sentence or Order.
 - Pre- Sentence Reports;
 - Parole-Probation Discharge Requests;
 - Parole-Probation Discharge;
 - Chronological Case notes;
 - Restitution letters;
 - Promissory note;
 - Parole Certificate or orders issued by the court; and
 - Sex Offender Registration form, if required for offender.
- 4) Region Office will box the purged files in accordance with State Records Center and Archives (SRCA) storage and retrieval procedures and prepare each file for archival storage. Each region office will be responsible for delivery of the boxed, purged files to archival storage.
- 5) Each Region Office will be responsible for maintaining documentation of stored file inventory for retrieval as needed.
- 6) All privileged and confidential documents, which are not stored, will be boxed for destruction at SRCA or the district office.
- b. Out-of-State Cases:
- 1) The Interstate Compact Office is responsible for purging existing Central Office files and abiding by SRCA storage and retrieval procedures.
- 2) All field files on out-of-state cases will be held until archived.

F. Maintenance and Security of Offender Files:

Offender records shall be kept in a secure location, safeguarded from unauthorized and improper disclosure, and will not be available to offenders at any time, unless an offender is authorized by the Region Manager or designee to inspect his or her file or the contents thereof. Every effort shall be made to preserve all offender records in a safe and protected manner.



David Jablonski, Secretary of Corrections
New Mexico Corrections Department

06/30/17

Date

**NEW MEXICO CORRECTIONS DEPARTMENT
CASE CLOSURE CHECK LIST
(Probation/Parole/ISC/Magistrate)**

Offender Name: _____ **CMIS#** _____ **Case** _____

Close Date: _____ **PPO:** _____ **PPOS:** _____

Check	PROBATION PAROLE OFFICER DUTIES	Probation	Parole	Interstate Compact	Magistrate
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Generate "Discharge Order" via CMIS Word Merge *Exception – J&S Revoking Prob or Parole Revoke/Retake Notice Send Discharge Order to Judge/Parole Board for approval/signature	•	•		•
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	ISC Case Closure Notice and final progress report (Out of State case to NM) Close out ICOTS case. *If NM to other State-use this form; request final progress report from receiving state, attach Discharge Order; ICOTS			•	
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Certificate of Completion via CMIS Word Merge *Convicted felons only	•	•		
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Copy of Discharge Order, Certificate of Completion & Right to Vote Sheet to Offender	•	•		
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Discharge all COPS obligations to include a reason Print Copy (Uncheck Show Active Obligations Only)	•	•	•	•
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	NCIC Closure (to designated NCIC Authority; case file)	•	•		•
<input type="checkbox"/> Yes	Final Case Closure Note in CMIS as required by ACA & print	•	•	•	•
<input type="checkbox"/> Yes	NORCHEM - - close out testing schedule and/or archive offender info	•	•	•	•
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Make sure all Arrest Orders are cancelled in log book and case file contains documented proof	•	•	•	•
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Terminate case in CMIS via <i>Start/Term Screen</i> : Upon Completion OR IF REVOKED and sent to COUNTY JAIL	•	•	•	•
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	**DO NOT USE Start/Term Screen If REVOKED and sent to NMDOC: -Respond to Open Allegations -Change Court Case/Legal Status (if there is more than one case from other districts–this can be different) to Probation Violator/ Probation Revoked (DOC will add status' of INMATE). -Add END DATE to: Prob/Parole Agreement; -add END DATE to: Prob button located under court cases; -END DATE Risk/Needs via Workload Category field -Request that Supervisor remove you as PPO	•	•	•	•
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	-Review programming tab and close out any open programs -Close out OMP activities, goals, review schedule and plan if received a satisfactory discharge, unsatisfactory discharge or revoked to local jail. -Close out OMP activities, goals, review schedule leaving plan open if revoked to DOC.	•	•	•	•
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Give entire case file to PPOS Secretarial Duties	•	•	•	•
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Purge Case File	•	•	•	•
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Write Discharge Date on outside of file folder	•	•	•	•
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Cancel Flash (Pink to DPS; copy in case file)	•	•		•
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Cancel NCIC if NIC # is on paperwork	•	•		•
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Add to archive list	•	•	•	•
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Stamp file if case was never opened	•	•	•	•

"CASE CLOSURE CHECK LIST"

Offender Name: _____ **CMIS#**

Case Close date:

_____ **PPO** _____

PPOS

Check	Probation Parole Officer Duties	Probation	Parole	Interstate Compact	Magistrate
<input type="checkbox"/> YES <input type="checkbox"/> N/A	Generate "Discharge Order" via CMIS Word Merge *Exception – J&S Revoking Prob or Parole Revoke/Retake Notice Send Discharge Order to Judge/Parole Board for approval/signature	•	•		•
<input type="checkbox"/> YES <input type="checkbox"/> N/A	ISC Case Closure Notice and final progress report(Out of State case to NM) Close out ICOTS case *If NM to other State-use this form; request final progress report from receiving state, attach Discharge Order; ICOTS			•	
<input type="checkbox"/> YES <input type="checkbox"/> N/A	Certificate of Completion via CMIS Word Merge *Convicted felons only	•	•		
<input type="checkbox"/> YES <input type="checkbox"/> N/A	Copy of Discharge Order, Certificate of Completion & Right to Vote Sheet to Offender	•	•		
<input type="checkbox"/> YES <input type="checkbox"/> N/A	Discharge all COPS obligations to include a reason Print Copy (Uncheck Show Active Obligations Only)	•	•	•	•
<input type="checkbox"/> YES <input type="checkbox"/> N/A	NCIC Closure (to designated NCIC Authority; case file)	•	•		•
<input type="checkbox"/> YES	Final Case Closure Note in CMIS as required by ACA & print	•	•	•	•
<input type="checkbox"/> YES <input type="checkbox"/> N/A	NORCHEM - - close out testing schedule and/or archive offender info	•	•	•	•
<input type="checkbox"/> YES <input type="checkbox"/> N/A	Make sure all Arrest Orders are cancelled in log book and case file contains documented proof	•	•	•	•
<input type="checkbox"/> YES <input type="checkbox"/> N/A	Terminate case in CMIS via <i>Start/Term Screen</i> : Upon Completion OR IF REVOKED and sent to COUNTY JAIL	•	•	•	•
<input type="checkbox"/> YES <input type="checkbox"/> N/A	**DO NOT USE <i>Start/Term Screen</i> if REVOKED and sent to NMDOC; -Respond to Open Allegations -Change Court Case/Legal Status (if there is more than one case from other districts–this can be different) to Probation Violator/ Probation Revoked (DOC will add status' of INMATE). -Add END DATE to: Prob/Parole Agreement; -add END DATE to: Prob button located under court cases; -END DATE Risk/Needs via Workload Category field -Request that Supervisor remove you as PPO	•	•	•	•
<input type="checkbox"/> YES	- Review programming tab and close out any open programs -Close out OMP activities, goals, review schedule and plan if received a satisfactory discharge, unsatisfactory discharge or revoked to local jail. -Close out OMP activities, goals, review schedule leaving plan open if revoked to DOC.	•	•	•	•
<input type="checkbox"/> YES	Give entire case file to PPOS Secretarial Duties	•	•	•	•
<input type="checkbox"/> YES <input type="checkbox"/> N/A	Purge Case File	•	•	•	•
<input type="checkbox"/> YES	Write Discharge Date on outside of file folder	•	•	•	•
<input type="checkbox"/> YES <input type="checkbox"/> N/A	Cancel Flash (pink to DPS; copy in case file)	•	•		•
<input type="checkbox"/> YES <input type="checkbox"/> N/A	Cancel NCIC if NIC # is on paperwork	•	•		•
<input type="checkbox"/> YES	Add to archive list	•	•	•	•
<input type="checkbox"/> YES <input type="checkbox"/> N/A	Stamp file if case was never opened	•	•	•	•