

	<b>MARICOPA COUNTY SHERIFF'S OFFICE</b> <b>POLICY AND PROCEDURES</b>	
	<b>Subject</b>  <b>INMATE CUSTODY RECORDS</b> <b>AND FILES</b>	<b>Policy Number</b> <b>DB-1</b>
	<b>Effective Date</b> <b>07-31-24</b>	
<b>Related Information</b> DF-1, <i>Inmate Classification and Files</i> GJ-11, <i>Serious Diagnosed Illness, Serious Physical Injury or Death of a Prisoner or Inmate</i>		<b>Supersedes</b>  DB-1 (12-14-21)

**PURPOSE**

The purpose of this Office Policy is to establish guidelines and procedures for the secure maintenance, transfer, and storage of inmate judicial and custodial records and files located in all custody bureau facilities.

**POLICY**

It is the policy of the Office to establish procedures for maintaining, transferring, and storing inmate judicial and custodial records throughout the inmate's incarceration period to include changes in the inmate's custody status.

**DEFINITIONS**

**Classification File:** The file maintained by the Classification Section which contains information relating to an inmate's classification status. The file may be maintained in digital and hard copy formats.

**Commitment File:** The file containing the inmate's judicial records pertaining only to charges, holds, or sentencing information.

**Custody File:** The file containing the inmate's judicial and custodial records. The Custody File consists of two files, the Commitment and Jail File.

**Full-Custody:** Continuous custody until the inmate is judicially released on all charges, holds, or sentences. Inmates who have been temporarily released into the community and return, such as those serving a work release or weekender sentence, are not considered full-custody.

**Inmate:** A person who has been accepted for confinement into an Office jail facility.

**Intake Process:** Procedures for accepting prisoners into an Office jail facility, including booking, fingerprinting, Initial Appearance (IA) Court, classification, dress-out, and assignment and transfer to a housing facility.

**Jail File:** The file containing the inmate's custodial records pertaining only to jail-related information, exclusive of any judicial records, with the exception of any protective orders.

**Litigation Hold Notice:** A written directive prepared by the Maricopa County Attorney's Office (MCAO) or any other party that requests preservation of relevant records, documents, and Electronically Stored Information (ESI) in anticipation of future litigation against the Office.

**Page Two:** The recording of additional charges based on active warrants or new criminal charges discovered since the date and time of acceptance into custody.

**PROCEDURES**

1. **Custody File Content:** Information contained in an inmate’s Custody File shall include judicial custody records and jail-related active records collected during the inmate’s incarceration period. Custody Files shall be maintained, transferred, and stored by detention personnel, as specified in this policy.
  - A. A Custody File consists of **two** files as follows:
    1. Commitment File; and
    2. Jail File.
  - B. To ensure confidentiality and privacy, inmate records and files shall be maintained in areas restricted to authorized personnel. All inmate records and files shall be located in an area **not** accessible to inmates.
2. **Custody File Maintenance and Transfer:** A Custody File shall be established at the Intake, Transfer and Release (ITR) facility for all newly booked inmates accepted into custody. Designated ITR facility personnel shall be responsible for maintaining a Custody File for newly booked inmates pending the initial classification of an inmate and transfer to a jail facility.
  - A. **Custody File Separation:** When a newly booked inmate has completed the intake process, or an inmate’s status changes to full custody, the Custody File shall be separated into two separate files; the Commitment File and Jail File. The separation and transfer of the files shall be completed by designated ITR personnel as follows:
    1. **Commitment File:** This file shall be transferred to Sheriff’s Information Management Services Division (SIMS).
    2. **Jail File:** This file shall be sent to the receiving jail facility.
  - B. **Page Two Exception:** When an inmate is seen in Initial Appearance (IA) Court on a Page Two, the Jail File or the Commitment File shall not be transferred from its current jail facility unless the inmate’s status has been changed to full custody, or the inmate has been reclassified.
  - C. **Jail File Transfers:** Jail Files shall only be transferred to:
    1. A jail facility when the inmate is reassigned for housing;
    2. SIMS upon the inmate’s release from custody; or
    3. Legal Liaison Section (LLS) of the Administrative Services Division (ASD) upon an inmate’s release due to an in-custody or imminent death.
  - D. **Release from Custody:** Upon an inmate’s release from custody, SIMS shall combine the inmate’s Commitment File with the Jail File to reestablish the inmate’s Custody File.
3. **In-Custody and Imminent Deaths:** The Commitment and Jail Files for an inmate who has been released due to an in-custody death or imminent death shall be forwarded to the LLS. The LLS is responsible for combining the Commitment File with the Jail File to reestablish the Custody File.
  - A. The LLS shall retain the Custody File and the Classification File for a period of three years after the inmate’s year of death, unless otherwise directed by the LLS Commander, legal counsel, or a

litigation hold notice. Further information regarding Classification files is specified in Office Policy DF-1, *Inmate Classification and Files*.

B. If the death of an inmate occurs at the ITR facility, the detention shift supervisor shall ensure the pertinent records and documents are placed in the Custody File and forwarded to the LLS, as specified in Office Policy GJ-11, *Serious Diagnosed Illness, Serious Physical Injury or Death of a Prisoner or Inmate*.

4. **Storage and Retention of Custody Files:** When an inmate is released from custody and the judicial and custodial records are not otherwise provided to the LLS, the Custody File shall be forwarded to the Office's records warehouse for storage. Records warehouse personnel shall be responsible for ensuring Custody Files are maintained and secured for a period of three years after the inmate's date of release, as specified by Arizona State Library, Archives and Public Records retention schedules.