

RECORDS RETENTION AND DISPOSITION SCHEDULE



CRIMINAL RECORDS OF THE SUPREME AND COUNTY COURTS

**DIVISION OF COURT OPERATIONS
OFFICE OF RECORDS MANAGEMENT**

Rev. October 2005

**ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, I hereby repeal the July 1989 schedule for the retention and disposition of records of Supreme and County Courts and substitute the attached schedule, effective immediately.

Disposition of records pursuant to these schedules shall be in accordance with Part 104 of the Rules of the Chief Administrator.

**Jonathan Lippman
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Dated: March 27, 1997

AO/358/97

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http://www.courts.state.ny.us/admin/recordsmanagement/sch_admin_records.shtml

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NEW YORK STATE UNIFIED COURT SYSTEM

CRIMINAL RECORDS OF THE SUPREME AND COUNTY COURTS

RECORDS RETENTION AND DISPOSITION SCHEDULE

The following retention periods apply to records created after the reorganization of the Supreme and County Courts in 1896. Retention requirements for records created before 1896 are contained in the section on records of Predecessor Courts, items 30590 through 30650 on the schedule.

ALL RECORDS DATING PRIOR TO 1950 ARE TO BE RETAINED PERMANENTLY.

**EXCEPTIONS TO THIS AND OTHER SAMPLING POLICES
WILL BE EVALUATED UPON INDIVIDUAL REQUEST**

CASE FILES

A case file contains all papers and documents relating to an action, including case papers forwarded from criminal courts of limited jurisdiction, Motions, Notices, Affidavits, Orders, including Orders of Protection, Fine and Surcharge Letters, Medical and Mental Health Reports, Probation Reports, Records on Appeal, Transcripts, Transcripts of Judgment, and Warrants. Note that some courts currently store some of the documents listed above separately from the case file. These documents have been distinguished as separate record series in the schedules, but have the same retention requirements as the related case papers.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30010.	FELONY CASE FILES	
	Records of proceedings in felony cases initiated either by a grand jury indictment or Superior Court Information.	<ul style="list-style-type: none"> a. DISPOSED CASES <ul style="list-style-type: none"> 1. Pre-1950 Cases: Retain permanently for research purposes. 2. Post-1949 cases with the exception of Capital Cases which result in a conviction: Retain for fifty years from date of disposition, then destroy, except for cases to be retained as a permanent research sample. 3. Capital cases which result in a conviction: Retain permanently for research purposes. b. CASES TERMINATED IN FAVOR OF DEFENDANT Retain for twenty-five years, then destroy. c. UNDISPOSED CASES Retain for seventy-five years, then destroy, except for cases to be retained as a permanent research sample.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30020.	FELONY SCREENING CASE JACKETS	
	Empty annotated case jackets for cases that were heard by Felony Screening Units. All original case papers are either returned to the criminal court of limited jurisdiction or sent to superior court.	Jacket should accompany papers returned to criminal court of limited jurisdiction or sent to superior court.
30030.	LOCAL CRIMINAL COURT DISMISSALS	
	Case papers from criminal court of local jurisdiction for cases that were arraigned and dismissed.	Return to criminal court of local jurisdiction. Should not be retained by superior court.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30040.	<p>SPECIAL PROCEEDINGS CASE FILES also known as ADMINISTRATION ORDERS</p> <p>Records of proceedings in criminal matters for which the court has neither an indictment or Superior Court Information. These include, but are not limited to: Extraditions, Writs of Habeas Corpus, probation revocations, parole revocations, orders requiring appearance in a line-up and orders for the return of stolen property.</p>	<p>a. Retain Parole Revocations for fifty years, then destroy.</p> <p>b. Retain all other special proceedings case files for twenty-five years, then destroy.</p>
30050.	<p>YOUTH PART CASE FILES</p> <p>Records of proceedings in cases where the defendants were given youth status at the time of arraignment.</p>	<p>Retain permanently for research purposes.</p>

SUPPLEMENTAL CASE RECORDS

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30060.	COURT REPORTER NOTES Stenographic tapes, pads, audio tapes or machine- readable material that record the proceedings of the court.	Retain for fifty years, then destroy.
30070.	COURT REPORTER TRANSCRIPTS Transcripts of court reporter notes.	Considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.
30075.	DEFENDANT CRIMINAL HISTORY RECORDS ("RAPSHEETS") Arrest and case disposition records of defendants.	Destroy immediately after disposition.
30080.	EXHIBITS Exhibits presented as evidence in a case.	Return to party who introduced it immediately after disposition unless otherwise directed by the court. If record not claimed retain for thirty days, then destroy provided express notice has been given.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30088.	GRAND JURY MINUTE BOOKS	
	Books recording Grand Jury votes on indictment charges. Considered to be a court record UNLESS the information is recorded by the prosecutor's office.	Retain permanently for research purposes.
30090.	INDICTMENT TRANSFER ORDERS	
	Orders transferring indictments from Supreme Court to County Court.	Considered part of the case file. File in case file. If filed separately, retain for same length of time as case file.
30100.	INDICTMENTS	
	Original copy of indictments handed up by grand juries.	Considered part of the case file. File in case file. If maintained separately retain for same length of time as case file.
30110.	MENTAL HEALTH EVALUATIONS	
	Mental health records relating to criminal proceedings. Includes, but is not limited to, mental health evaluations, orders for examination and related medical records.	Considered part of the case file. File in case file. If filed separately, retain for same length of time as case file.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30120.	ORDERS Original orders, notices, judgments and transcripts that were filed with the County Clerk.	Retain for fifty years, then destroy.
30125.	ORDERS OF PROTECTION; TEMPORARY ORDERS OF PROTECTION Court orders protecting individuals from harassment/violence.	Considered part of the case file. File in case file. Retain order and file for fifty years, then destroy, EXCEPT for those cases to be retained permanently for research purposes.
30127.	ORDER OF PROTECTION AND WARRANT REGISTRY INFORMATION SHEET; ADDENDUM TO INFORMATION SHEET Form attached to Orders of Protection sent to the Order of Protection and Warrant Registry. Contains pedigree and case processing information.	Retain for twenty-five years, then destroy.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30130.	SEARCH AND SEIZURE ORDERS Chronological logs of warrants issued for search and seizure of alcoholic products in violation of prohibition laws. Includes but is not limited to, date of complaint, location, name of individual, verifying probable cause, owner of searched premises and date of search.	Retain permanently for research purposes.
30140.	SEARCH WARRANTS File of warrants authorizing a search. Includes the original copy of the warrant and a list of items found.	<ul style="list-style-type: none"> a. Search warrants associated with cases are considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file. b. For executed search warrants without associated cases, retain for five years, then destroy. c. If search warrant is not executed, retain for one year from date of issuance, then destroy.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30145.	SEX OFFENDER REGISTRATION FORMS	
	DCJS forms used to register sex offenders' addresses for the statewide Sex Offender Registry.	Considered part of the case file. File in case file. If filed separately retain for same length of time as case file.
30150.	STENOGRAPHER'S MINUTES	
	Summaries of day's activities in courtroom, prepared from court reporter's notes. Information includes a brief outline of the day's courtroom activities. May also include extensive testimony and presentations by attorneys.	Retain permanently for research purposes.
30160.	SUBPOENAED RECORDS	
	Records which have been subpoenaed from an outside agency, organization or individual.	Return to party who introduced it immediately after disposition unless otherwise directed by the court. If record is not claimed, retain for thirty days, then destroy provided express notice has been given.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30170.	SUPERIOR COURT INFORMATION	
	Original copy of Superior Court. Information waivers of indictments that were filed when the defendant waived the right to a grand jury.	Considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.
30175.	UCS DOMESTIC VIOLENCE REGISTRY INFORMATION SHEET (also known as FAMILY PROTECTION REGISTRY INFORMATION SHEET, also known as INFORMATION SHEET); ADDENDUM TO INFORMATION SHEET	
	Form attached to Orders of Protection sent to UCS Domestic Violence Registry. Contains pedigree and case Processing information.	Retain for one year, then destroy.

CASE MANAGEMENT RECORDS

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30180.	ARRAIGNMENT BOOKS Chronological daily log of arraignments. Information includes, but is not limited to, defendant's name, judge, indictment number, charge, court clerk, date of arraignment, defendant date of birth and actions taken during arraignment.	Retain for one year or until no longer needed, whichever is shorter, then destroy.
30190.	CALENDARS Daily schedules of cases to be heard before the court. Includes but is not limited to defendant's name, charge indictment number, judge, date and disposition.	Retain for one year or until no longer needed, whichever is shorter, then destroy.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30194.	CAPITAL CASE DATA REPORTS	<p>File original with the Court of Appeals.</p> <p>Retain Supreme/County Court copy until information is entered into the Court of Appeals' Capital Case Database and quality control is completed, then destroy.</p>
	<p>Reports describing detailed elements of disposed capital cases. Includes, but is not limited to: defendant's name, name of court and county, indictment number, name of sentencing judge, whether prior data report was submitted, dates of the offense/arrest/verdict or plea/sentence, whether indicted or convicted with a specific offense of Murder in the First Degree, case disposition, trial type (jury or bench), whether prosecutor served notice of intent to seek the death penalty, sentence imposed, whether defendant was found mentally handicapped upon sentence, whether sentence resulted from a separate sentencing proceeding, defendant's personal background (age, sex, religion, education, job, previous criminal convictions, etc.), victim's personal background, circumstances of crime (details of what transpired), name(s) of defense counsel and prosecutor(s) that were consulted or declined to comment and signature of Chief Clerk/Deputy Chief Clerk of the Supreme and County Clerk with date.</p>	

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30196.	CAPITAL CASE STATUS REPORTS Reports describing the status of pending capital cases. Includes but is not limited to: defendant's name, case number, judge's title and name, charges, indictment date, arraignment date, date intent due, date of intent, disposition dates, trial comments, top conviction charge, sentence date and description, Capital Case Data Report dates due, comments and amendments received, general comments of the clerk and county of trial.	File original with the Capital Case Coordinator. Retain Supreme/County Court copy until information is entered into the Court of Appeals' Capital Case Database and quality control is completed, then destroy.
30200.	CASELOAD ACTIVITY REPORTS Court copies of caseload activity reports (UCS-153, UCS-157, UCS-ET1) that are filed with the Office of Court Administration.	File original with the Office of Court Administration. Retain court copy for one year, then destroy.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30210.	COUNTY CLERK CRIMINAL CASE PAPERS FILING BOOKS	
	Log books listing all papers filed in a case, including but not limited to, indictments, orders, motions, notices and transcripts. Logs the type of paper and date of filing for each case.	Retain permanently for research purposes.
30220.	COUNTY CLERK CRIMINAL CASE PAPERS INDEXES	
	Alphabetical or numerical indexes which provide information on access to criminal papers filed with the county clerk. Includes indictment number, county clerk civil action number, defendant's name, date of indictment and reference to Minute Book or Criminal Papers Filing Book.	Retain permanently.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30230.	CRIMINAL DISPOSITION REPORTS Court copies of OCA-540A, OCA-540B and OCA-540C that are filed with the Office of Court Administration for transmission to the State Division of Criminal Justice Services for the maintenance of defendant criminal histories.	File original with the Office of Court Administration. Retain court copy for one year, then destroy.
30240.	CRIMINAL SURETY BONDS Notices of liens filed with the county clerk on property used as collateral for bail. Includes, but is not limited to: defendant's name, property description and affirmation by district attorney. May also include a certificate of discharge of surety bond lien.	Retain for six years from date of discharge, then destroy.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30250.	DEFENDANT RECORD CARDS Alphabetical files containing the defendant indictment history in the court. Includes, but is not limited to, defendant name, judge, charge, disposition, appearance history, dates, indictment number, pleas, bail, age, date of birth and counsel name.	Retain permanently for research purposes.
30260.	EXHIBIT LOG BOOKS Chronological logs used to control the processing of exhibits. Includes, but is not limited to, type of order, judge, defendant name, indictment number and date issued.	Retain for one year or until no longer needed, whichever is shorter, then destroy.
30270.	EX-PARTE LOG BOOKS Chronological logs of orders signed by the court. Includes, but is not limited to, type of order, judge, defendant name, indictment number and date issued.	Retain for one year or until no longer needed, whichever is shorter, then destroy.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30280.	GRAND JURY INDICTMENT LISTS Listings of indictments handed up by the grand jury. Includes defendant name and charge. May also include signature of judge, district attorney, name of grand jury foreman and court reporter.	Retain all pre-1951 lists permanently for research purposes. Retain post-1950 lists for five years from date of indictment, then destroy.
30290.	INDEXES: CASE FILES Alphabetic or numeric indexes providing information on access to superior court criminal case papers. Includes defendant name and indictment number. May also include charge, date of arraignment, date of conviction, disposition, date of order of mental health examination and county clerk file number.	Retain permanently.
30300.	INDICTMENTS - NO BILL List of indictments or copies of indictments which were requested by the district attorney that the grand jury did not find.	Retain permanently for research purposes.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30310.	LOCAL CRIMINAL COURT DISMISSAL LOG BOOKS	
	Chronological logs recording the transfer of dismissed felony arraignment papers from the criminal court of local jurisdiction to superior court.	Destroy immediately.
30320.	LOCAL CRIMINAL COURT TRANSFER SHEETS	
	Transfer forms recording the transfer of felony arraignment records to superior court. Includes, but is not limited to, defendant name, docket number, grand jury, date, indictment number and remarks.	Retain for one year or until no longer needed, whichever is shorter, then destroy.
30323.	LOG OF ORDER NUMBERS	
	Form listing order numbers for Family Offense Orders of Protection sent to the Order of Protection and Warrant Registry.	Retain for one year, then destroy.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30325.	MANDATORY SURCHARGE WAIVER FORMS	
	Forms created to capture information on imposition or waiver of surcharge.	Retain one copy for six years, then destroy. Destroy all other copies immediately.
30330.	MINUTE BOOKS	
	Chronological records of court proceedings maintained by part clerks. Includes, but is not limited to, date, defendant name, charges, judge name, disposition, witness names and juror names.	Retain permanently for research purposes.
30340.	MOTION LOG BOOKS	
	Chronological logs of motions filed with the court. Includes, but is not limited to, type of motion, decision, hearing date, part and date signed.	Retain for one year or until no longer needed, whichever is shorter, then destroy.
30350.	PRISONER RECALL SHEETS	
	Court copies of lists containing the names of prisoners to be returned from the custody of the sheriff for court appearances.	Retain for one year or until no longer needed, whichever is shorter, then destroy.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30360.	<p>RECEIPT FOR COMMITMENT LOG BOOKS</p> <p>Chronological logs of orders of commitment used to track the receipt of such orders by sheriff. Includes, but is not limited to, defendant's name, date of indictment, indictment number and name of sheriff receiving the orders.</p>	<p>Retain for one year or until no longer needed, whichever is shorter, then destroy.</p>
30370.	<p>RECEIPT OF WARRANTS LOG BOOKS</p> <p>Chronological logs of warrants issued after an indictment has been handed up. Used to track warrants received by law enforcement officials. Includes, but is not limited to, defendant name, date warrant issued and signature of law enforcement official receiving the warrant.</p>	<p>Retain until all warrants are executed or vacated, then destroy.</p>
30380.	<p>RECORD OF CONVICTIONS</p> <p>Certificates of conviction filed with the county clerk. Includes, but is not limited to, defendant name, charge, judge, date of conviction, county and docket number.</p>	<p>Retain permanently for research purposes.</p>

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30390.	RECORD OF CONVICTIONS INDEXES	
	Registry logs maintained by the county clerk; serves as an index to record of convictions.	Retain permanently for research purposes.
30400.	RECORD OF COURT ACTIVITY (including DOCKET BOOKS, DOCKET SHEETS, RECORD OF INDICTMENT BOOKS, and any other record which serves as the principal record of case activities)	
	Manual or machine-readable material containing a summary of actions in a case. Includes, but is not limited to, defendant name, disposition, arraignment dates, charge, judge, adjournment dates, court reporter and attorneys.	Retain permanently for research purposes.
30410.	SCHEDULING CARDS	
	Cards used to schedule cases. Includes, but is not limited to, defendant name and adjournment date.	Retain until case has been disposed, then destroy.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30420.	SEALING LOG BOOKS Chronological logs used to record sealing orders. Includes, but is not limited to date of order, judge, defendant name, indictment number and reason for issuing the order.	Retain for one year or until no longer needed, whichever is shorter, then destroy.
30430.	SPECIAL PROCEEDINGS LOG BOOKS/INDEXES Chronological logs recording the filing of special proceedings cases. Provides information on access to special proceedings case files. Information includes, but is not limited to, type of proceeding, petitioner name, proceeding number and disposition.	Retain for same length of time as Special Proceeding Case Files.

JURY SYSTEM RECORDS

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30440.	BALLOT CARDS Juror identification cards used to select jurors for voir dire panels.	Retain until end of term, then destroy.
30450.	JUROR ATTENDANCE BOOKS Record of juror attendance. Includes juror name, residence and mileage.	Retain for six years, then destroy.
30460.	JUROR MANAGEMENT ATTENDANCE REPORTS Computer generated record of juror attendance for the term. Includes name, address, index number and number of days served.	Retain for six years, then destroy.
30470.	JUROR RECEIPT BOOKS Court copies of stubs of the receipts issued to jurors. Includes, but is not limited to: name, mileage, attendance, date of payment and amount.	Retain for six years, then destroy.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30480.	JUROR SUMMONS Documents used to notify jurors they have been summoned to serve.	<ul style="list-style-type: none"> a. If used to note attendance, retain for six years, then destroy. b. If not used to note attendance, retain for one year or until no longer needed, whichever is shorter, then destroy.
30490.	PANEL SHEETS - GRAND JURY also known as MINUTES OF JURY DRAWING, GRAND JURY TIME BOOKS Manually-drawn lists of all jurors who have been summoned to a particular pool. Includes, but is not limited to, juror name, address, occupation, attendance and those excused.	Retain permanently for research purposes.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30500.	<p>PANEL SHEETS - TRIAL also known as MINUTES OF JURY DRAWING, COUNTY CLERK JURORS BOOK</p> <p>Manually-drawn lists of all jurors who have been summoned to a particular pool. Includes, but is not limited to, juror name, address, attendance, ward/town and those excused.</p>	<p>Retain permanently for research purposes.</p>

RECORDS OF ANCILLARY COURT ACTIVITIES

Records which document functions of the court that are not related to the prosecution of the court's criminal proceedings. These functions are mandated by statute.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30560.	GRAND JURY SPECIAL REPORTS Reports on special investigations conducted by grand juries.	Retain permanently for research purposes.
30570.	PROHIBITION PERMIT REGISTRATION BOOKS Chronological log of permits issued to manufacture, prescribe, compound, or sell alcoholic products. Includes, but is not limited to, individual or establishment registering the permit, address, file number, serial number, dates, type of permit and revocation of the permit.	Retain permanently for research purposes.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30580.	<p>WIRETAP ORDERS AND RECORDINGS</p> <p>Sealed order signed by a judge authorizing the use of a wiretap. Includes applications, supporting documents and when ordered by the court, audio recordings.</p>	<p>a. Retain audio recordings for ten years, then destroy, upon court order.</p> <p>b. Retain all other materials permanently for research purposes.</p>

PREDECESSOR COURT RECORDS

The following list identifies the records and recommended retention periods for courts which exercised jurisdiction over felony matters prior to the reorganization of the Supreme and County Courts in 1896. These include the following courts: Court of Oyer and Terminer and General Jail Delivery, Court of General Sessions of the Peace, Court of Sessions, Mayors Court of Albany, Superior Court of Buffalo, Recorder's Court of Utica, Recorder's Court of Oswego, City Court of Brooklyn.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30590.	BOND BOOKS Records of bond books posted before predecessor courts. Includes, defendant name, court, date, charge, surety bail, date of appearance and notes of forfeitures.	Retain permanently for research purposes.
30600.	CASE FILES Criminal case papers or special proceedings case papers from any predecessor court. Includes petitions, warrants, affidavits, notices of appeal and transcripts.	Retain permanently for research purposes.
30610.	INDEXES Alphabetical or numerical indexes providing information on access to case records of predecessor courts.	Retain permanently for research purposes.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
30620.	INDICTMENTS Original copies of indictments filed with the county clerk by predecessor courts.	Retain permanently for research purposes.
30630.	MINUTE BOOKS Chronological record of proceedings maintained by court clerks in any predecessor courts. Includes defendant name, date, charge, clerk, judge and disposition. May also include names of grand and petit jurors, names of witnesses and municipality in which proceedings were held.	Retain permanently for research purposes.
30640.	PETITION AND ORDER BOOKS Books of petitions and orders filed in predecessor courts.	Retain permanently for research purposes.
30650.	RECOGNIZANCES Record of bail agreement by defendants or witnesses to appear in court. Includes defendant names, witness names, amounts posted, charge and defendant occupations.	Retain permanently for research purposes.

**RULES OF THE CHIEF JUDGE
PART 38. RETENTION AND DISPOSITION OF THE RECORDS
OF THE COURTS OF THE UNIFIED COURT SYSTEM**

Section 38.1 Rules of the Chief Administrator of the Courts

(a) The Chief Administrator of the Courts, upon consultation with the Administrative Board of the Courts, shall adopt rules providing for the retention and disposition of the records of the courts of the Unified Court System, including (1) schedules for retention of each category of court record, (2) procedures for disposing of court records, (3) procedures for microphotography of court records, and (4) provisions to ensure the confidentiality of court records sealed or otherwise made confidential by law.

(b) Rules and schedules governing retention and disposition of records of the Court of Appeals and Appellate Divisions shall be adopted with the approval of the Chief Judge of the Court of Appeals and the presiding Justices of the Appellate Divisions for the records in their respective courts.

**RULES OF THE CHIEF ADMINISTRATOR
PART 104
RETENTION AND DISPOSITION OF COURT RECORDS**

Section 104.1 Application

(a) These rules shall apply to court records of all the courts of the Unified Court System, including records of commissioners of jurors. Any action taken with respect to the records of the Court of Appeals and Appellate Divisions shall be subject to the approval of the Chief Judge of the Court of Appeals and the Presiding Justices of the Appellate Divisions for the records in their respective courts.

(b) The term “court records” shall include all documents and records that are part of the court files of each case and all books, papers, calendars, statistical schedules and reports and other records pertaining to the management of court cases.

(c) The term “alternative format” shall mean a format for the reproduction and maintenance of records, including microphotography and electronic formats, approved by the Deputy Chief Administrator for Management Support.

(d) References to the Deputy Chief Administrator for Management Support shall include a designee of the Deputy Chief Administrator for Management Support.

Section 104.2 Retention Schedules

(a) The Chief Administrator of the Courts shall promulgate schedules for the retention and disposition of court records. These schedules shall include a description of each record and the time period required for its retention. The time periods shall take into account the needs of both the court and the parties appearing before the court, and the historical value of the records for research purposes.

(b) Unless a permanent record in an alternative format first is made and permanently retained, judgment rolls and other records, books and papers that affect the mental illness or the sanity or competency of any person shall be retained for at least 50 years; and that the judgment rolls and other records, books and papers that affect the marital rights or status or the custody of lineage of any person and judgment rolls regardless of their age that affect title to real property shall be retained permanently.

Section 104.3 Procedure for Disposition of Court Records

(a) Any court seeking to dispose of court records shall make a written request for such disposal to the Deputy Chief Administrator for Management Support. The request shall describe in appropriate detail the records sought to be disposed of, including the nature of the records and the range of dates of their filing or creation.

(b) The Deputy Chief Administrator for Management Support shall determine the request based upon the retention schedules created pursuant to section 104.2 of this Part and in accordance with the needs of the courts. The Deputy Chief Administrator may require that a sampling of the records be made, based upon a methodology approved by the Deputy Chief Administrator, and that the sample be retained for research purposes.

(c) Suitability of arrangement for the storage of court records outside of court facilities, including any contracts entered in for such storage, shall be approved by the Deputy Chief Administrator for Management Support.

(d) Nothing in the retention schedules or these rules shall limit the authority of the Deputy Chief Administrator for Management Support to permit the disposition of any court records upon a showing of special circumstances and as permitted by law.

(e) In those actions or proceedings where the retention schedules provide that the period of retention shall commence at the date of disposition of the action or proceeding, where the clerk of any court has opened a case file for such action or proceeding, and where a continuous period of at least five years has elapsed during which such file is totally inactive, there being no additional papers filed therein nor any additional notations made therein or on the file jacket, the required period of retention for such file shall be deemed to have commenced at the end of such five year period and the file may be disposed of in accordance with these rules and the appropriate retention schedules. This provision shall have no effect upon the action or proceeding or any substantive or procedural rights of any of the parties.

Section 104.4 Reproduction of Court Records in an Alternative Format

(a) All contracts, processes, procedures and apparatus for the reproduction of court records in an alternative format shall be subject to prior approval by the Deputy Chief Administrator for Management Support.

(b) Court records that have been reproduced pursuant to subdivision (a) may be disposed of pursuant to section 104.3, provided that the reproductions are satisfactorily identified and indexed, are in a format that allows for accurate reproduction, and are stored in a facility approved by the Deputy Chief Administrator for Management Support.

Section 104.5 Confidentiality

Court records that are reproduced in an alternative format, retained for research purposes or designated for disposition remain subject to all statutory provisions pertaining to access and confidentiality that are applicable to the original records. Arrangements for the reproduction, retention or disposal of court records that are sealed or otherwise deemed confidential must preserve the level of protection and nonaccess required by law.

COURT RECORDS DISPOSITION REQUEST - INSTRUCTIONS

A "Court Records Disposition Request" must be submitted to and approved by the Office of Court Administration prior to the destruction or other disposition of any UCS record, including records that have been micro-photographed or are in electronic format. The disposition request form and procedure will insure that records are disposed or in accordance with 22 NYCRR Part 104, "Retention and Disposition of Court Records".

1. **Identifying Information** - Enter name and address of the court and the name, title, phone and fax number of the contact person (usually the Chief Clerk).
2. **Record Series Title** - *A separate form must be submitted for each record series.* The title should be as it appears on the schedule. If your court identified this record by a different title, include both the schedule title and your local title.
3. **Record Series Number** - The number that appears to the left of the title on the schedule. If there are multiple retention periods, enter the appropriate letter (a, b, c) or description.
4. **Dates** - Specify beginning and ending dates of the records.
5. **Record Copy or Non Record Copy** - Check appropriate box.
6. **Record Format** - Check appropriate box. If record is in Microfilm or Electronic Format attach MICROFILM QUALITY TESTING REPORT or RECORDS MANAGEMENT CERTIFICATION FOR ELECTRONIC RECORDS FORM. If Microfilm Quality Testing Report does not indicate the year of records filmed, indicate corresponding microfilm roll numbers.
7. **Volume of Records** - The volume of records should be expressed as a numeric in cubic feet. The table below reflects Cubic Foot Equivalents:

<u>FILE FOLDER DRAWERS</u>	<u>CUBIC FEET</u>	<u>CARD FILE DRAWERS</u>	<u>CUBIC FEET</u>
Letter	1.5	3" X 5" X 26" long	0.2
Letter Transfile	2.0	3" X 5" X 14" long	0.1
Legal	2.0	3.5" X 7.5" X 26" long	0.4
Legal Transfile	2.5	3.5" X 7.5" X 14" long	0.2
Ledger	3.0	4" X 6" X 26" long	0.6
Jumbo	4.0	4" X 6" X 14" long	0.2
<u>SHELF UNITS</u>	<u>CUBIC FEET</u>	5" X 8" X 26" long	0.6
Letter, 36" long	2.4	5" X 8" X 14" long	0.3
Legal, 36" long	3.0	6" X 9" X 26" long	0.8
<u>RECORDS CENTER CONTAINERS</u>	<u>CUBIC FEET</u>	6" X 9" X 14" long	0.4
10" X 12" X 15" - standard	1.0	8" X 8" X 26" long	1.0
3.5" X 8" X 14" - tab	0.2	8" X 8" X 14" long	0.5
3.5" X 8" X 24" - check	0.4		
6" X 6" X 36" - map	0.7	<u>OTHER SITUATIONS:</u>	<u>CUBIC FEET</u>
6" X 6" X 48" - map	1.0	<i>Length X Width X Height</i> (inches) divided by 1728 =	
4" X 4" X 48" - map	0.4		

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