

CRIMINAL RECORDS OF THE CRIMINAL COURT OF THE CITY OF NEW YORK, CITY COURTS, DISTRICT COURTS & TOWN AND VILLAGE COURTS

FILING STRATEGIES

July 2002

The filing strategies that follow are intended to improve the management of criminal files by **(1)** facilitating the purging and disposition of obsolete records and **(2)** establishing filing and maintenance practices that maximize access and cost savings. Because the operations of each court may differ, the following are offered as options, not a compendium of rules. Clerks are encouraged to apply these suggestions in ways which work best for them. There is no preferred method of implementation; the most effective process is to apply a system which has a consistent, internal logic and works effectively within the context of your overall operations.

The rewards of efficient files management are numerous and well documented. Purging obsolete files and implementing basic files management results in more efficient use of existing space, recycling of storage equipment, improved use of personnel resources, and cost-effective use of monies for technology applications, including microfilming and imaging.

Local criminal records do not lend themselves easily to files management. Difficulties arise because of the following factors:

- ! There are 5 *different* types of criminal actions identified in the Records Retention and Disposition Schedule for Criminal Records of the Criminal Court of the City of New York, City Courts, District Courts & Town and Village Courts. These are: Misdemeanors, Felony Arraignments, Motor Vehicle/Traffic, Parking and Violations.
- ! Each case type has one or more of eight different retention requirements: one year, six years, ten years, twenty years, twenty-five years, fifty years, seventy-five years or permanent. In addition, there is a sampling requirement for some case types but not for others.
- ! The retention period for each case type is based on the disposition charge, NOT the arrest charge.

- ! The records are not marked in a way that makes the case type and/or the disposition charge easily identifiable.
- ! The records retention schedule is set up by case type, the filing systems are generally alphabetical or numerical.

PURGING

Your goal should be to have the ability to identify cases quickly so that future purge activities become automatic and easy. ***This is best accomplished by identifying eligible records by the disposition charge.***

Because the disposition will most often be expressed as a section number of the Penal Law or Vehicle & Traffic Law, it will be necessary for you to consult a source which will tell you whether the number corresponds to a felony, misdemeanor, infraction or violation, as these have different retention requirements.

This information can be found in a variety of sources, some of which are listed below.

- ! Your local Police Department. They probably have one of the following or similar sheets, which they use to fill out arrest information.

- ! For general information, you can consult the City, Town and Village Courts Resource Center
98 Niver Street
Cohoes, New York 12047
Telephone: 800-232-0630
518-238-2077

SEALING

You will need permission to open sealed records to see if they were sealed because the case was terminated in favor of the defendant (dismissed or acquitted only) or because the defendant received youthful offender treatment. Youthful Offender status does not fall under the “terminated in favor of defendant category” even though it is sealed; it must be retained for the same length of time as an ordinary conviction. Discuss procedures for opening sealed records with your Town Justice, O.C.A. District Office, or the City, Town and Village Courts Resource Center.

CREATING A FILING STRATEGY

One of the goals of this process is to structure your filing system and apply techniques that will enable you to easily identify and purge eligible records in the future, using any combination of the following suggestions. Use the Flowchart for Purging Criminal Case Files to assist you in identifying retention periods. At the time of disposition you might:

I. COLOR CODE THE CASE FILE

- ! Use different colored markers to color code the folder or document. Use any combination of colors to identify disposition charges. If records have tabs where the docket/case/identifying number is the most visible part of the file, use a highlighter pen to color right over the number. If the docket/case/identifying number is not readily visible, place a colored mark in whichever corner is most visible when the folders are placed in the filing system. Markers or pencils are preferred to labels. Labels are not recommended because some may eventually fall off.

2. UTILIZE ELECTRONIC TRACKING RECORDS

- ! If you have computerized tracking records, include fields for docket/case/identifying number (including year), case type, date of initiation, date of disposition and disposition charge. This will enable you to produce a list of eligible records by docket/case/identifying number.

3. REDESIGN FILING SEQUENCES

- ! Establish a filing system where you file cases after disposition *separately* from those still pending disposition.

- ! Establish a filing system where you file disposed cases by destruction year.

4. ANNOTATE CASE FILE, CASE JACKET

- ! Use letters, either alone or in combination with color coding, to identify case disposition information. You can highlight this notation by using a colored marker (or several different colors if you want to differentiate between disposition charges). For example, you might want to use a red **M6C** to indicate Misdemeanors with a 6 year retention (cases terminated in favor of defendant).
- ! Place a stamp on the jacket that identifies the type of disposition charge (violation, misdemeanor or felony).
- ! Utilize a bar code system, designed to assist in the identification of disposition charge, as well as the date of disposition.

WHATEVER PROCESS YOU USE MAKE SURE YOU:

- 1) Assign a year to every case number; break off numbering system at the end of each year.
- 2) Always include the disposition charge and date in a prominent place, either on the outside of the case jacket or folder or as any entry into an electronic tracking record.
- 3) For courts utilizing dual filing systems where the court has one file and judges maintain another, combine the files into the court file immediately after disposition. Do not combine judges personal notes with the court file.
- 4) Do not interfile civil cases with criminal cases.

CREATE A FILES MANUAL

It is helpful to document the organization and implementation of your filing strategies, including the processes and procedures required for all phases of files management from case initiation through records disposition. The manual should include regulations, policies, and informal practices; it should be up-dated as practices change. Retain one master copy permanently, including up-dates, to document all procedures (old and new) so that older records can be accessed even after the procedures have been changed. Include in the manual all files management strategies: legacy systems (inherited systems), current systems and newly devised systems.

CREATE A FILES MANAGEMENT PLAN

It is helpful to document your current filing methods and to analyze and identify options for future implementation. The plan should make reference to:

- ! How the purge process was implemented, including how the disposition charge was identified.
- ! The type of storage device currently used and those you would like to use in the future to reduce your space requirements and optimize access to your files.
- ! The indexing criteria utilized to maximize efficient access to the files.
- ! How technology is used to enhance the filing systems, and how electronic records could be used in the future.