

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER MULTI-BUREAU	DATE OF ISSUE December 31, 2025	EFFECTIVE DATE December 31, 2025	NO. 036-25
SUBJECT: GENERAL ORDER Central Records Unit		DISTRIBUTION All Personnel	AMENDS
REFERENCE: NYSLEAP 5.3, 8.2, 8.7, 8.11, 28.1 NYSSA (Jail) 57, 66, 67, 68, 89 and 97			RESCINDS 036-21

Purpose: To establish uniform procedures for the handling, retention, and dissemination of reports and other records maintained by the Monroe County Office of Sheriff (MCSO) as well as requests for public records in accordance with state law.

Policy: All appropriate reports and records will be maintained by the Central Records Unit (CRU) and will be processed in accordance with the Division of Criminal Justice Services (DCJS) rules, State Archives and Records Administration (SARA) Retention and Disposition Schedule, LGS-1, other applicable statutes, and the MCSO Records Manual. Reports and records pertaining to juvenile suspects and defendants will be maintained in strict compliance with **PBGO-008 Juvenile Procedures**.

Definitions: Criminal Records - refers to all data contained in sequentially numbered criminal history folders Adult Arrest Reports, court commitments, court sealing orders, sealed documents, visit cards, photographs, NYSIIS and FBI criminal history reports and fingerprints.

Central Records - refers to reports relating to investigations conducted by members of the MCSO including, but not limited to, Case Report, MVA Reports, and NYS Domestic Incident Reports (DIR).

The CRU provides criminal record background checks on all prospective employees of Foundation for Quality Care Upstate (FQCU) affiliated agencies.

I. Administration

- * A. Staff Services will be responsible for the maintenance, retention, and destruction of all records.
- * B. The Records Manager will:
 1. Oversee data management and research for Records Management System to include the creation and analysis of crime/incident statistics.
 2. Coordinate the agency's Incident based reporting to NYS & FBI on a monthly and annual basis.
 3. Assist with coordinating with all public safety agencies who have RMS access to identify their needs, reporting or use of the system.
 4. Assist in data communications problem solving, operation and design of the RMS.
 5. Demonstrate and train users in the operation and maintenance of computer software

as it relates to the Central Records Unit.

II. Release of Records

A. Freedom of Information (FOI) Requests (Generally)

1. Individual members of the MCSO will only process those FOI requests provided to them by Sheriff's Counsel. Under no circumstances will members of the MCSO respond directly to FOI requests that they receive from attorneys, witnesses, defendants, or members of the public at large.
2. If a member receives an oral request for information, the member must direct the requestor to the county's website (www.monroecounty.gov). Explicit instructions relative to FOI requests are present on the website.
3. If a member receives a written request for information (a FOI Request) from anyone other than Sheriff's Counsel, that member will immediately forward the request to Sheriff's Counsel. From there the request will be processed through County Communications where it will be assigned a tracking number. It will ultimately be forwarded to the person within the MCSO who will fill the request (this may or may not be the individual who initially received the request).
4. Once the requested information has been retrieved, the member who filled the request will forward the information back to Sheriff's Counsel.

B. Motor Vehicle Accidents

1. Copies of accident reports (excluding witness statements, affidavits, supplemental reports, tech reports, accident reconstructions, and photographs) are available without a FOI request, to any involved party (drivers, passengers, insurance companies, attorneys representing the above). Any other person (i.e., any uninvolved party) must request the accident reports and any other documents pursuant to a FOI request.
2. A copy of the entire report (which will include witness statements, affidavits, supplemental reports, tech reports, accident reconstructions, and photographs must be requested via FOI request) regardless of whether the requestor is an involved or uninvolved party.

* **C. Case Reports, Domestic Incident Reports, and Case Supplemental Reports:**

1. Copies of Case Reports may be provided to the listed victim only (or in the case of a juvenile victim, the parent or legal guardian of the juvenile victim) or the insurance company representing the victim.
- * 2. DIRs may be provided to the listed victim only in person at the zone (or in the case of a juvenile victim, the parent or legal guardian of the juvenile victim) with a signed release or upon a receipt of judicial subpoena. If an arrest was made and the charges have been disposed by the Court, the DIR may be released to any interested party only if all of the victim's information has been removed and redacted and the case does not involve a sexual offense.
- * 3. IARs Case Supplemental Reports may be provided to the listed victim only (or in the case of juvenile victims, the parent or legal guardian of the juvenile victim). However, Case Supps may only be released to the victim upon the express consent of the Investigator or Sergeant who is in charge of the investigation.

Note: Case Reports & Case Supps can be provided to victims and insurance company representatives from the Zones with proper identification. The reports will not be mailed or faxed.

4. Any other party (including a defendant, attorney, or insurance company representative) must file a FOI request to receive a DIR, Case Reports & Case Supps.

* Note: Social security numbers and dates of birth of any listed individual must be redacted before copies of Case Reports, DIR's, or Case Supps, are distributed to any individual. In addition to social security numbers and dates of births, names and addresses of every individual except for the listed suspect must be redacted.

- D. Media requests for reports and questions regarding reports will be referred to the MCSO Public Information Officer (PIO), in accordance with **MBGO-020 Office of Communication and Media Interactions**.
- E. Any other requests for information will be processed pursuant to the FOI directions specified in Section II (A) above.

III. Cash Fund Maintenance

- A. Individuals will be charged a fee for obtaining criminal history background checks and fingerprinting for pistol permits, employment purposes, professional licenses, and adoption. Although payment of fees should be in exact funds, if adequate CRU funds are available, change will be made. At no time will an employee use his/her personal money to make change or commingle funds.
- B. The fee schedule will be established by the Sheriff.
- C. Fees will be waived for the following:
 1. Federal, state, and municipal agencies.
 2. Assistant District Attorneys.
 3. Department of Social Services personnel.
 4. Probation/Parole Officers.
 5. Police agencies.
 6. Court Personnel.
- D. CRU personnel will accept payment and provide the customer with a receipt. Entries will be made in the Records Receipt database indicating the customer's name, reason for fee (i.e., fingerprints, background check, etc), whether cash or check was received, and who received the payment. The customer will be given a receipt.
- E. All funds will be stored in a locked metal box in a secure area under the control of Records Unit personnel.
- F. All receipts will be issued a number generated by the database. All voided transactions will be documented in the database and will include the staff member's name.
- G. The following verification steps will be performed by a supervisor, or in the supervisor's absence, his/her designee and will be documented by signature and IBM # on the ledger.
 1. Verify the amount of funds on hand at the start and end of each day. The Records database will automatically generate a ledger from the entry by the CRU.
 2. Verify at the end of each workday that the total funds on hand equals the total amount

of all receipts issued that day and corresponds with the entries reflected on the ledgers.

Note: Any overage or shortage of funds will be documented on a MB-003 Special Report and forwarded to the Lieutenant of Staff Services along with a copy of the ledger noting the daily reconciliation verification.

- H. When the ledger sheet is completed for that business week, the Records Manager or a Clerk will deposit and balance all money and receipts and will verify that the receipts submitted with the deposit were issued during the week that the deposit was prepared. The Records Manager will then deposit the money directly into the County Treasury (on a weekly basis) and ensure that all receipts and ledgers are properly maintained with the deposit noted.
- I. In addition to the above ongoing internal audit process, the Staff Services Standards and Compliance Unit will conduct an annual staff inspection and audit. A report documenting any findings and recommendations will be submitted to the Sheriff and Undersheriff.
- J. Mail-In Requests will be processed in a timely manner.

IV. Criminal Records

- A. Criminal records may be viewed by authorized law enforcement officers or members of criminal justice agencies with an assigned NCIC identifier. Authorized personnel include:
 - 1. Criminal court personnel.
 - 2. Defense personnel.
 - 3. DMV investigators.
 - 4. Assistant District Attorneys.
 - 5. Federal law enforcement personnel (i.e., FBI, ATF, DEA, Secret Service, US Marshall, TSA, and IRS).
 - 6. Parole Officers.
 - 7. Police Officers, (within New York State only).
 - 8. Postal Inspectors.
 - 9. Pre-trial release personnel.
 - 10. Probation Officers.
 - 11. Defense attorneys/Public Defenders, (if proper release is presented).
 - 12. Jail Bureau rehabilitation personnel.

Note: An offender may only get a background check on him/her, but not view the criminal folder.

- B. Criminal record checks may be provided to certain agencies and their representatives. In addition to those listed above, Records personnel may release information regarding arrests when the arrest was made by the MCSO and a disposition of the charge is known. Agencies authorized to receive record checks include:
 - 1. Military services (mail-in requests may be granted if the enlistee signed a waiver granting permission for release and when a self-addressed stamped envelope is enclosed).
 - 2. Out-of-state police agencies, by teletype, by U.S. mail, or by fax with a signed release.
 - 3. Department of Social Services personnel may be advised of dates of incarceration, arrests, and dispositions of persons for MCSO arrests only.
 - 4. Individuals who reside within Monroe County, outside of the City of Rochester, may

obtain a personal record check (for MCSO arrests only) when they present proper identification. Mail requests may be granted provided that the citizen includes a request stating full name, date of birth, address, notarized letter, copy of driver's license/NYS non-driver ID, and the appropriate fee.

5. Telephone requests for record checks may be granted only when Records personnel are satisfied that authorized law enforcement personnel are making the request. Out-of-state agencies will be advised to make such requests by teletype.
 6. Employers cannot directly obtain a record check on prospective employees. They can ask the individual(s) to obtain a record check as outlined in #4 above and provide it to them as a condition of employment.
 7. Volunteer organizations that require a records check of their volunteers must obtain a signed, notarized waiver granting permission for release of the individual's information and submit a self-addressed stamped envelope with the appropriate fee.
- C. In all other instances, criminal records, documents, memoranda, etc. of the MCSO may be disclosed only if:

1. Subpoenaed or ordered by a court. Subpoenas for any non-testimonial evidence must be signed by a Judge or attorney involved in the litigation. Subpoenas are always processed through the Sheriff's Counsel. If a person attempts to personally serve a subpoena for records directly upon a member of the CRU, do not accept service and direct the individual to Sheriff's Counsel. If a Subpoena for records is mailed to and received by the CRU, it will be immediately forwarded to Sheriff's Counsel.

Note: Instances documenting sex crimes may only be subpoenaed by a judge.

2. Procured by the District Attorney's Office pursuant to the provisions of Criminal Procedure Law (CPL). The District Attorney does have access to certain law enforcement records, and pursuant to the CPL, may disclose them to the courts and defense attorneys. However, it is the responsibility of the District Attorney to make such disclosure.
3. Ordered disclosed pursuant to the Freedom of Information Law. The Freedom of Information Law is a statute that allows access to many types of government records. It is not a blanket provision intended to make all law enforcement documents a matter of public record. The Freedom of Information Law provides exemptions from disclosure for certain types of law enforcement related records. Even those records that are accessible are only available to the person requesting them after following an established procedure. Requests for such information must be sent to the Monroe County Records Access Officer.

Note: Under no circumstances will any records contained in CRU be used for anything other than valid law enforcement purposes. Any person who releases information to any individual(s) in any manner inconsistent with the mandates of this General Order will be subject to disciplinary action and may be subject to civil and/or criminal penalties.

V. Records Unit Office Security

Only MCSO employees are permitted behind the customer service counter. After business hours, access to the Records Unit will be controlled by the Simplex Security System. All other doors leading into the Records Unit will be secured.

VI. Copies of Criminal Records Material

Copies of an arrest record may be released to authorized individuals, provided that any references to cases, which are sealed or were granted youthful offender status, have been redacted.

VII. Photographs

Restrictions on the use of photographs of a subject for investigative or court presentation purposes by law enforcement and/or criminal justice agency officials include the following:

- A. Photographs may not be used for non-official or off-duty private security purposes.
- B. Photographs may not be used for any reason, by any person, if the date on the photograph is the same as the date of an arrest for a charge subsequently sealed by the court pursuant to Sections 160.50 or 160.55 of the CPL, or if the subject has been designated a Youthful Offender. Records personnel will be responsible for checking the record prior to releasing the photograph. These requirements will also apply to extra photographs used in photo arrays.
- C. Any request by the media for photographs will be forwarded to the MCSO Office of Communications.

VIII. Fingerprint Cards

Fingerprint cards are maintained in the individual's criminal records folder. Rules governing security apply as with other criminal records data.

- A. Copies may be made of fingerprint cards for law enforcement personnel to be used for investigative purposes.
- B. Original fingerprint cards will not be released unless specifically authorized by the Records Manager.

IX. Removal of Folders from Criminal Records

Criminal record folders (in whole or part) will not be removed from Criminal Records unless:

- A. An authorized copy is being made.
- B. A court subpoenas the original record.

X. Sealed Records

- A. Information contained in criminal records files (including photographs and fingerprints) will not be released if:
 - 1. A court has sealed the records pursuant to Sections 160.50 or 160.55 of the CPL.
 - 2. The individual has been designated a Youthful Offender.
- B. Upon receipt of a court order pursuant to Sections 160.50 or 160.55 of the CPL, Criminal Records personnel will:
 - 1. Search department computers to determine the agency identification number and crime report number. Seal the arrest information on the computers.

2. Search department files in order to determine if any fingerprint cards, palm prints, photographs, photo proofs, negatives, or reports relative to the case are contained in the files. Any documents generated pursuant to an unrelated action or proceeding, are not affected by the order.
 3. Collect all documents pursuant to the court order, place all sealed documents into a sealed envelope and place the envelope in the individual's criminal records folder. Any other records contained in the file, not relating to or referring to the sealed case, will remain available.
 4. All fingerprint cards, palm prints, photographs, photo proofs, and negatives will be destroyed/shredded. A notation will be made on the envelope containing the sealed documents, indicating which documents were destroyed, the initials and IBM number of the person destroying the information, as well as the date and time of destruction.
 5. In cases where more than one (1) individual is referred to in a report and in cases of a report containing information other than arrest information (i.e. Case Report & Case Supps) the report(s) will be copied and the original report will be sealed with other pertinent documents. The copy will be filed in place of the original report after all references to the individual named in the sealing order are redacted.
- * Note: All reports are merged in Law Enforcement Records Management System-LERMS (as the originals) and are redacted & saved in the case. The originals are sealed in the RMS system.

C. Records sealed pursuant to this section may only be made available to:

1. A prosecutor in any proceeding in which the accused has moved for an order pursuant to Sections 170.56 or 210.46 of the CPL.
2. A law enforcement agency, upon ex parte motion in any superior court, if such agency demonstrates to the satisfaction of the court that justice requires that such records be made available to such agency.
3. Any state or local officer or agency with responsibility for the issuance of licenses to possess guns; when the accused has made application for such a license.

Note: All applicable forms must be completed and maintained in the folder.
4. The New York State Division of Parole when the accused is on parole supervision as a result of conditional release or a parole release granted by the New York State Board of Parole, and the arrest which is the subject of the inquiry is one that occurred while the accused was under such supervision.
5. Any prospective employer of a police officer or peace officer as those terms are defined in subdivision thirty-three and thirty-four of Article 1, Section 1.20 of the New York State Criminal Procedural Law in relation to an application for employment as a police officer or peace officer. However, every applicant for the position of police or peace officer will also be furnished with a copy of all records obtained under this paragraph and afforded an opportunity to make an explanation to that.

Note: All applicable form(s) must be completed and maintained in the folder.
6. The Probation Department responsible for supervision of the accused when the arrest that is subject of the inquiry is one that occurred while the accused was under such supervision.

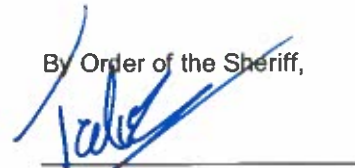
XI. Warrants

- A. During regular business hours, Monday through Friday 0800 to 1630 hours, all warrants will be received by Special Operations. Special Operations will enter, recall, or delete all warrants during that time.
- B. Any warrants that are received after 1630 hours, (or in the event of an emergency), and need to enter the warrant(s) after regular business hours, the Records Unit staff will ensure that the warrant is entered into LERMS. Additionally, if a recall notice is received for a warrant after hours, Records Unit personnel will be required to remove the warrant from LERMS.

XII. Records Retention Schedule and Storage of Records

- A. All records will be maintained according to the current State Archives and Records Administration (SARA) Records Retention and Disposition Schedule LGS-1 as well as the NYSPIN Rules and Regulations Guidelines.
- * B. Staff Services will coordinate the off-site storage of records.
- * C. Staff Services will coordinate requests to store/retrieve records at the off-site storage.

By Order of the Sheriff,



Todd K. Baxter

- * Indicates significant changes from the previous General Order.