

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

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| GENERAL ORDER MULTI-BUREAU | DATE OF ISSUE NOVEMBER 10, 2022 | EFFECTIVE DATE NOVEMBER 10, 2022 | NO. MBGO 104-22 |
| SUBJECT: GENERAL ORDER Records Storage, Retention and Destruction of Written Materials | | DISTRIBUTION All Personnel | AMENDS |
| REFERENCE: NYSLEAP 8.5 & 8.7; NYSSA JAIL 13, 44, 66, 67, 68, 71 & 164; NYSSA CIVIL 72, 73, 74. | | | RESCINDS JBGO 025, MBGO 096, MBGO 098 |

Purpose: To establish policy and procedure for retention, dissemination and destruction of reports and other records or written documents to include but not limited to, notes, drafts, or forms that contain Personal Identifying information (PII) or Sensitive Information (SI) pertaining to the Monroe County Sheriff's Office, Monroe County Jail (MCJ) and Andrew P. Meloni Star Academy (MSA), which are no longer required to be saved, stored or filed on-site and off-site in accordance with Monroe County Sheriff's Office (MCSO) policy, legislative or regulatory requirement, or law (applicable directives).

Policy: It is the policy of the Monroe County Sheriff's Office to securely store records for a minimally prescribed period of time at an off-site centralized storage facility or on-site at the Monroe County Sheriff's Office in accordance with the New York State Archives and Records Administration (SARA) Records Retention and Disposition Schedule LGS-1, unless otherwise modified by order of the Sheriff. It is also the policy of MCSO for employees to destroy all written documents containing PII or SI (which are no longer required by safeguarding) as defined below by use of a mechanical shredding machine or other approved methods or means.

Definition: **Personal Identifying Information (PII):** Defined as information which can be used to distinguish or trace an individual's identity, to include but not limited to, their name, social security number, biometric or medical records, race, marital status, photographs, disabilities, alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as, date and place of birth, mother's maiden name, address, telephone numbers etc.

Sensitive Information (SI): Defined as any information which the loss, misuse of, or unauthorized access to, could adversely affect the MCSO, including but not limited to, platoon rosters, written orders, standard operating procedures, crime reports, training documents, etc.

Safeguard: Defined in this order as the protection of a written document containing PII or SI by means of a cover page, folder, or file to protect the document from any unauthorized disclosure (which is required to be saved, stored, or filled in accordance with MCSO policy, legislative or regulatory requirements or law).

Procedure: The Staff Services Management Clerk will coordinate the process for all onsite and off-site storage, retrieval and destruction of records. All staff is required to contact the Management Clerk prior to preparing any records for onsite or off-site centralized storage and destruction, at which time the Management Clerk will provide the "Records Retention Manual" to assist you through the process, as well as any other necessary information. This procedure does not pertain to any records that each bureau may elect to store at their local level. However, in each case the records will be maintained for a minimum amount of time according to the New York

State Archives and Records Administration (SARA) Records Retention and Disposition Schedule LGS-1. The Staff Services Management Clerk will be the Sheriff's Office primary point of contact with the vendor that provides off-site centralized storage facility. The Management Clerk is also tasked with maintaining an up-to-date accurate log of all material in off-site centralized storage and material removed from off-site centralized storage for destruction.

If there is a question regarding authorized procedure, reference should be made to the provisions of **MBGO-36 Central Records Unit**, the Compendium of the State Privacy and Security Legislation, or referred to the Sheriff's counsel.

I. Documentation of Specific Categories

Documents utilized by MCSO Personnel in addition to those stated in MBGO-36 Central Records Unit, which will be subject to retention can be located at <http://www.archives.nysed.gov/records/retention-schedules>

II. Jail Bureau Record Retention

- A. All incarcerated individual records are retained as required Corrections Law 500-f. Records include current and historical information and will be filed according to the incarcerated individuals IJ5 number. All paper bound logbooks and operational documents will be filed chronologically and by category. All documents, excluding incarcerated individuals medical files and specific administration files, created during an individual's incarceration will be retained for the minimum time required by the controlling law or regulation.
- B. Jail Administration is responsible for the overall management and retention of reports and other records.
- C. Jail Bureau records will be maintained as directed by the State Archives and Records Administration (SARA), a division of the New York State Department of Education. Computer records will be filed and maintained using the most up to date methods available and archived utilizing appropriate storage media.
- D. Reports generated during the normal course of business by security staff at MCJ or MSA will be reviewed and forwarded through the chain-of-command to Jail Administration Incarcerated Individual Record Room for processing. Reports will be maintained in the appropriate file in Jail Administration. All other documents, files and logbooks will be forwarded through the chain of command to Jail Administration for filing once they are no longer needed for use or reference by Jail Security.
- E. When an incarcerated individual is released from custody, Jail Records staff will forward all documents contained in the Jail Records folder for that individual to Criminal Records for inclusion in the Criminal Records file for that particular incarcerated individual.
- F. All reports, documents, population counts and statistical reports generated by Jail Records will be maintained in a chronological manner. On an annual basis these records will be packaged and prepared for archiving through Staff Services. Records older than one year will be archived and not be maintained on site.
- G. All reports, documents, Property Accountability forms, mail logs and statistical reports generated and maintained in the Incarcerated Individual Property unit will be maintained in a chronological manner. On an annual basis these records will be packaged and prepared for archiving through Staff Services. Records older than one year will be archived and not be maintained on site.

- H. All reports, documents, daily court and assignment logs, and statistical reports generated and maintained in the Prisoner Transport unit will be maintained in a chronological manner. On an annual basis these records will be packaged and prepared for archiving through Staff Services. Records older than one year will be archived and not be maintained on site.
- I. All reports, documents, visitor logs, and statistical reports generated and maintained in the Visits unit will be maintained in a chronological manner. On an annual basis these records will be packaged and prepared for archiving through Staff Services. Records older than one year will be archived and not be maintained on site.

Note: Records prepared for the archives should be boxed with like documents. The archive box should be labeled with the form names and form numbers. Labeling should be consistent in all cases.

J. Record Review

1. Individuals who have been previously incarcerated may request a Jail Time Verification form from Jail Records staff for their own previous incarcerations. This can only be done in person, and the individual requesting the information must present valid identification.
2. Members are authorized to answer public inquiries about persons in custody. In these cases, the only information that can be given regarding persons in custody are the specific charges, the Judge or magistrate of jurisdiction, the next court date and the bail status. No other information may be disclosed.
3. If a member receives a law enforcement written request for information (other than jail time verification/discrepancy requests) or documents, the written request should be forwarded to Sheriff's Counsel. If a member receives a law enforcement oral request for information, the member must direct the requestor to the Monroe County website, communications@monroecounty.gov. Staff receiving requests for documents from Sheriff's Counsel will process the request promptly and return the documentation to Sheriff's Counsel for dissemination.
4. Authorized criminal justice and law enforcement agencies, courts and attorneys, and any other authorized governmental agency may obtain incarcerated individual and case specific information regardless of custody status. If unsure, notify Sheriff's Counsel for determination.
5. The Department of Social Services and Support Enforcement may obtain specific charges, the judge or magistrate of jurisdiction, the next court date and bail status.

K. Removal of Jail Documents

1. Original files, logs, or documents will not be taken from the Jail unless proper documentation is received from Sheriff's Counsel as defined above.
2. All subpoenas or other requests for records will be routed to Sheriff's Counsel for review and distribution. Filled requests will be delivered to Sheriff's Counsel for review and dissemination.

L. Records Disposition

1. The Staff Services Management Clerk will coordinate and carry out all dispositions of records in accordance with the SARA Records Retention and Disposition Schedule LGS-1.

2. Dispositions will be carried out regularly (i.e., quarterly or once yearly) by the Records Manager after audits are completed and reports are filed.
3. A permanent record will be kept of the identity, inclusive dates, and approximate quantity of records that are destroyed or otherwise disposed of.

III. **Destruction of Written Materials**

Responsibility of PII or SI Users: All MCSO employees who have access to PII or SI documents will ensure the following:

1. All documents containing PII or SI are safeguarded against unauthorized disclosure (i.e., ensure programs containing PII or SI information are closed when not in use, hard copies are placed in a folder to prevent unauthorized viewing, etc.).
2. When a document containing PII or SI is no longer needed, the user will determine whether the document is required to be retained by any applicable directive. If the document is required to be retained, the user will follow current bureau policy, directive, or law.
3. If a document **does not require safeguarding**, the document will be destroyed by means of a mechanical shredder or other approved methods or means.

IV. **Mechanical Shredder and Locked Shredder Bin Locations:**

- A. The following areas have a mechanical shredder or locked shredder bins available for employees to use:
 1. Public Safety Building- Sheriff's Admin, CIS, Staff Services, Civil Bureau, Jail Admin, Central Records, Property/Evidence, Transport Office, Special Services Group, Airport, and Transport.
 2. Monroe County Jail- Jail Records
 3. Andrew P. Meloni Star Academy- Visits Hallway
 4. Court Bureau-Uses locked bins. The contracted vendor is responsible for shredding the contents.
 5. Police Bureau- All Zones
 6. Fleet-Fleet Supervisor's Office
 7. Quartermasters-Warehouse

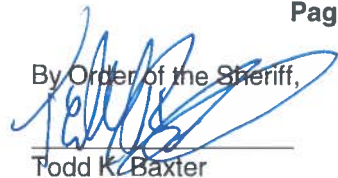
V. **Responsibility of Supervisors:**

Supervisors should make periodic checks to ensure employees are safeguarding PII/SI materials, and disposing them in accordance with this order.

VI. **Compliance Audit:**

The Standards and Compliance Unit will incorporate the safeguarding and disposal process of this order into each MCSO unit/bureau annual audit.

By Order of the Sheriff,



Todd K. Baxter