

## **RECORDS MANAGEMENT**

STANDARD NO(S): NYSSACD # 42, 46, 60, 62, 72-76,  
94, 104, 108, 120, 121

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REFER TO: David Smith

### **I. OBJECTIVE:**

It is the objective of the Civil Division to establish the procedures for processing, filing and managing Civil Division records.

### **II. DETAILS:**

- A. The Civil Division is the primary repository of all division reports and records. The Civil Division is responsible for initiating, receiving, processing, distributing, storing, maintaining, securing and retrieving Civil Division reports, records and civil processes, by subject matter, parties to the action, date of receipt, service information, when, how, by whom, location, returns, affidavits, correspondence and financial activity.
- B. Reports and forms shall be prepared neatly, legibly, accurately and completely in accordance with applicable written directives and will be distributed accordingly.
- C. Management of the Civil Division records system will be the responsibility of the Civil Clerk under the direction of the Civil Officer.
- D. Management of the Civil Division records system shall include:
  - 1. Initiating, receiving, processing, distributing, storing, maintaining, securing and retrieving Civil Division reports, records and processes.
  - 2. Indexing, distributing, filing and retrieving reports and records.
  - 3. Responding to requests for information and copies of reports in accordance with Media Guidelines and Release of Information.
  - 4. Recording information in the Civil Process software.
  - 5. Maintaining privacy and security.
  - 6. Forms inventory and control.

7. Financial accounting records.

E. RECORDING/PROCESSING OF CIVIL PROCESS –

1. Civil Processes are received at the Civil Office in person or through the mail. Upon receipt and in accordance with their applicable directive, they are entered.
2. The Civil Clerk enters the required information in the Civil Process software obtaining a file number.
  - a. The file number assigned to a file will be recorded on all service of process documents.
    - 1.) Income Executions will be filed in accordance with written directive “**Income Executions**”.
3. All prepared process is given to the scheduled Civil Division Deputy at the beginning of their shift.
  - a. In the event the Civil Division Deputy is absent, the Civil Officer may attempt to call in another deputy to fill the shift or perform those duties in their place. Should the need for a night service attempt become necessary, the Civil Officer will coordinate with a Road Patrol Division supervisor to attempt service.
  - b. At the end of each tour of duty Civil Division Deputies shall:
    - 1.) Turn over the remaining process to the Civil Clerk and sign any affidavits generated from served process.
    - 2.) Complete a time sheet and give it to the Civil Officer to sign.
  - c. The Civil Officer shall be responsible for reviewing all reports by members of the Division for accuracy, completion, neatness, and proper classification.
4. Property Executions will be processed in the same manner as all other processes, except for the time requirements for service.
5. Once process has been served the computer will be updated to reflect the service date.
6. When attempting to serve and enforce civil processes, the scheduled Civil Division Deputy will call in and out of service with the 911 communications center.

- a. The E-911 Center will acknowledge all radio communications activity to document service/enforcement activity and monitor the deputy's activity to ensure for officer safety.
- F. After service and/or enforcement, complete appropriate reports, forms and return requirements. Include date, time and location of all service/enforcement activity in accordance with applicable written directives.
  - 1. All cases will be returned to the Civil Officer for review and filing.
    - a. All returns shall include a statement of the reason for the return.
  - 2.
    - a. Execution files will be maintained in alphabetical order by last name until returned to the appropriate submitting party and then maintained in numerical sequence by file number and year to be destroyed within the Civil Division files.
    - b. Summons files will be maintained in numerical sequence, by file number, within the Civil Division files.
  - 3. The Civil Officer shall conduct an annual review of the Civil Division records, files, security, control and reporting to ensure compliance with standard records systems practices and compliance with department policy and procedures.

G. DIVISION FORMS –

- 1. The Civil Officer will be responsible for recommendations for the development, modification and deletion Division forms.
- 2. The Civil Officer will forward all recommendations for new or changes to existing Division forms to the Undersheriff for review. If approved by the Sheriff, the Division form will be assigned a unique identifier and placed in the SCSO Forms Folder located on the SCSO “G” drive within the Civil Division forms folder.

H. RECORDS INDEXING –

- 1. Civil Division records shall maintain indexing capabilities consistent with the Civil Process software system.
- 2. Indexing capabilities shall include a master name index of persons whose names have appeared in civil process. Names that shall be entered in the system will include:
  - a. Petitioner/Plaintiff/Judgment Creditor
  - b. Defendant/Respondent/Judgment Debtor
  - c. Parent or guardian

- d. Witness
  - e. Lawyers
  - f. Employers
  - g. Aliases or Nicknames
  - h. Involved officers
3. An index of Civil Process by:
- a. File Number

#### I. EMPLOYEE REPORTING –

1. Reports or docket activity, money handled, service, enforcement and levy activities shall be prepared by employees, submitted for review and approval, and distributed in accordance with the following:
  - a. All employees shall document special or unusual events encountered.
  - b. Money handled daily, shall be reported on the Daily Cash Receipts report generated at the end of each day.
  - c. Civil Division Deputies shall specify their service, enforcement and other activity, including attempts, by date, time and location. This shall be recorded on the Civil Division Daily Activity Report Form.
  - d. Monthly, the Civil Officer shall be responsible for the preparation and distribution of monthly reports of division activity. Said reports shall include a detailed report of all monies received, disbursed or otherwise handled by type, including poundage, mileage, filing fees, changes and expenses, disbursements to creditors, refunds, itemized report of process docketed, real and personal property sales, or other information as requested by the Sheriff. The monthly report will be distributed to the Chief Deputy, the Undersheriff and the Sheriff and Fiscal Services Manager by the 10<sup>th</sup> of the month.
  - e. The Civil Officer shall prepare an annual report of Civil Division activity, including docketing activity, money handled, service, enforcement and levy activity, for submission to the Sheriff, Undersheriff and Chief Deputy and Fiscal Services Manager. The annual report will also be disseminated to the members of the Civil Division as an evaluation of the degree to which the division has attained its goals and objectives.

- 1.) The Chief Deputy is responsible for the inclusion of Civil Division Activity in the compilation of the Monthly and Annual Report of the Sheriff's Office.

J. RECORDS MAINTENANCE –

1. Copies of reports, forms and documents shall be maintained in the Civil Division, except those subject to return or filing elsewhere as previously identified in this directive, or pursuant to other written directives or statutes.
2. Financial Records shall be maintained by the Division in accordance with directive “**Financial Transactions**” this manual..

K. SECURITY, PRIVACY AND RETENTION OF RECORDS –

1. The security and privacy of records is essential. All members of the Civil Division share in the responsibility for the security of the divisions' records. The following procedures shall be followed to ensure for the security of records.
  - a. Persons not employed by the Sheriff's Office shall not be left unattended in the Civil Office.
  - b. Entry doors must be kept locked when no division personnel are on duty.
  - c. Computer screens must be positioned so they can not be seen by the public.
  - d. Unauthorized persons shall not be permitted access to records, files or data bases. No member shall disclose any combination, code or password to any unauthorized person.
  - e. Members must sign off when they leave a computer terminal unattended.
2. Active and recently inactive files will be maintained in the Civil Division. All inactive division files will be moved to the designated records storage facility, and purged, in accordance with the schedules established by the NYS Education Department regulations.
3. Records retention and destruction shall be the responsibility of the Civil Officer who shall follow guidelines provided by the Records Retention and Disposition Schedule CO-2, issued by the State Archives and Records Administration (SARA), State Education Department.
4. Information shall only be retrieved, used, stored and disseminated in accordance with applicable laws, department policy and procedures, and Use and Dissemination agreements.

#### L. RELEASE OF INFORMATION –

1. The access, release and dissemination of information, copies of reports and records shall be in accordance with applicable laws, the records retention and disposition schedule of the State Education Department and SCSO directives covering Media Guidelines and Release of Information.
2. The use, dissemination and access to civil information shall be in accordance with the following procedures:
  - a. General Inquiries
    - 1.) The party who delivered process to our division is entitled to know the status. Inquiries may extend to process delivered by other parties where such process affects the status of the inquiring party.
    - 2.) Persons intending to file civil process, or who have had process served on them, (employers, banks, recipients of civil papers) may receive information relevant to the filing of said process if the information has a bearing on their status or filing the papers or pursuant to a court order.
    - 3.) Inquiries made pursuant to 1.) and 2.) above may be responded to by fax, phone and letter or in person.
    - 4.) Inquiries from other persons who do not have process on file with us should not receive information regarding process docketed with our office.
    - 5.) Public access to records in the Civil Division shall be made by application to the Sheriff's Office pursuant to the Public Officers Law.
  - b. News Media
    - 1.) The Chief Deputy is the liaison between the division and the media. The Chief Deputy is the primary point of contact, responsible for the dissemination of civil information, consistent with applicable statutes, court orders and guideline of the Fair Trial – Free Press Conference.
    - 2.) Members of the Civil Division are authorized to disseminate civil information in accordance with this directive.

- 3.) The Civil Officer enforcing a planned or unplanned civil action may release non-identifying information to the media upon request, when the Chief Deputy is not available.
- 4.) Audio or videotape of the Civil Officer shall be at his/her discretion.
- 5.) When at the scene of civil actions, the Chief Deputy will be apprised of the facts relating to the civil action and will be responsible for all media requests.
- 6.) Media requests for reports of civil proceedings conducted by the Civil Division shall be referred to the Chief Deputy.
  - a.) The Civil Officer will coordinate the release of the information with the Chief Deputy in accordance with applicable statutes, court mandates and Freedom of Information guidelines.