



Record Retention

Missouri Association for Court Administration

Prosecutor Clerk Training

May 22, 2018



Local Records Preservation Program

Part of the Secretary of State's Office

- ▶ Started in 1990
- ▶ Main office in Jefferson City
- ▶ Ten field archivists throughout the state

Provides consultations to local governments at no charge

- ▶ Records management consultations
- ▶ Preservation of permanent, historic records
- ▶ Competitive grant program



Record Retention



Record Retention Schedules

- Retention Schedules dictate the *minimum* legal period a record must be retained and accessible
 - Schedules are formalized by the Local Records Board as authorized by RSMO 109.
 - Based on input from local government officials and organizations
 - Retentions can change—schedules should be regularly reviewed
- 



Using the Retention Schedules

- ▶ Multiple schedules for municipalities
 - ▶ General Retention Schedule
 - ▶ Prosecutor's Retention Schedule
- ▶ Your office may not have every record listed in a schedule
- ▶ Bookmark the LR Retention Schedule Page:
<https://www.sos.mo.gov/archives/localrecs/schedules/>
- ▶ Print, highlight and flag retentions used frequently

Pros 002 Criminal Case Files

Also Called: Felony Case File; Misdemeanor Case File; Extradition Files; Driving While Intoxicated File; Municipal Offenses

Function: Record of proceedings against given defendant

Content:

Retention: From final disposition,

Murder 1 or 2 - 75 Years;

Manslaughter - 20 Years;

Chapter 566 Crimes - 30 Years;

All DWIs - 10 Years;

Other A and B Felonies - 10 Years;

Other Felonies - 5 Years;

Enhanceable Misdemeanors - 10 Years;

Misdemeanors, Infractions, Ordinance, or Other Violations - 3 Years

Disposition: Destroy

Note: See also: Pros 006 for Child Support Cases

Approval Date: August 28, 2012; Revised August 20, 2013; Revised August 19, 2014



GS 022 Public Notice Records

Also Called: Affidavits of Publication, Notice of Meetings, Public Notices, Proof of Publication

Function: Records documenting compliance with laws requiring public notice of governmental activities

Content: May include: public or legal notices, certificates, affidavits of publication, and similar documents

Minimum Retention: 3 years

Disposition: Destroy

Note: See also: GS 055 Bid Records

Approval Date: August 19, 2003



Records Disposition

- Disposal should be done in the normal course of business
 - Create list of records destroyed
 - Disposal lists are permanent records
 - Record authorizations to dispose of records in city minutes
- Destroy closed records securely
 - Shred
 - Burn
 - Pulp

Remember, policy is legal protection for your actions



Preserving/Archiving Records

- ▶ Long-term or permanent retention
- ▶ Statutory obligation to preserve records
- ▶ Physical protection from water, fire, insects, vermin, heat and humidity
- ▶ Security
 - ▶ Ensuring the trustworthiness of electronic records
 - ▶ Limiting access to both electronic and paper records
- ▶ Backup Copies

A decorative graphic on the left side of the slide. It features a solid red arrow pointing to the right, positioned horizontally. Behind the arrow and extending upwards and to the right are several thin, dark grey, curved lines that resemble stylized grass or reeds. The background of the slide is a light, pale green color with a subtle gradient.

Reformatting



Microfilm

- ▶ Microfilm is a proven method for archiving
 - ▶ Scan once to disc & microfilm
 - ▶ Microfilm may be scanned to disc
- ▶ For permanent records, contract for ANSI standards
 - ▶ Legally admissible as original
 - ▶ Establish quality control procedure for completed film
(This should include checking for missed documents)
- ▶ The security copy should be stored off-site



Digitization



- ▶ Provides easy access to records
- ▶ Not a long-term preservation solution
- ▶ Electronic records have the same management and storage issues as paper records
 - ▶ Storage
 - ▶ Migration
 - ▶ Retention/Disposition



Disaster Planning and Recovery

Carter County





Disaster Planning



- ▶ Determine what records are in your care
- ▶ Identify the location of each record series
- ▶ Decide which records have priority as being “vital” or “essential” to continuing operations
- ▶ Know whom to contact for emergency help or supplies in order to restore your operation and perform your normal services
- ▶ Decide who will have what responsibilities in various emergency situations and develop a contact list that includes work, home, and cell phone numbers



Protection of Vital and Permanent Records

- Vital records: the records you need to get “up and running” quickly – not necessarily your permanent records
- Permanent records: the records with long-term archival & historic value
- Identify, make security copies, store off-site
- Security microfilm is the best bet
- CDs and DVDs are **not** archival storage media



Components of Disaster Preparedness

- Mitigation (prevention & protection)
 - Response and Recovery
 - Planning
- 



Minimal Disaster Planning



1. Develop and maintain lists of supply sources, service providers, and consultants
2. Get a copy of published guidelines on recovery procedures (Navy Manual, NEDCC)
3. Establish salvage priorities
4. Assign responsibilities, authority, & chain of command
5. Fill out one of the existing workbooks or templates
6. Establish a disaster supply stockpile



Disaster Planning Resources

- ▶ NEDCC “Worksheet for Outlining a Disaster Plan” at <https://www.nedcc.org/free-resources/preservation-leaflets/3.-emergency-management/3.4-worksheet-for-outlining-a-disaster-plan>
- ▶ dPlan at <http://www.dplan.org/>
- ▶ Disaster Preparedness Workbook for U. S. Navy Libraries & Archives at <http://resources.conservation-us.org/disaster/sample-disaster-plans/>



Local Records Preservation Program

Please do not hesitate to contact us for help.

- Phone: 573 751-9047
- Email local.records@sos.mo.gov
- Website: <http://www.sos.mo.gov/archives/localrecs/>