# RECORDS RETENTION AND DISPOSITION SCHEDULE



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

DIVISION OF COURT OPERATIONS
OFFICE OF RECORDS MANAGEMENT

**Rev. MAY 2009** 

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

# PLEASE NOTE

A RECORDS DISPOSITION REQUEST FORM must be submitted and approved prior to the disposal of any records in accordance with the Records Retention and Disposition Schedules.

Records Disposition Request Forms can be obtained at: <a href="http://www.nycourts.gov/admin/recordsmanagement/too">http://www.nycourts.gov/admin/recordsmanagement/too</a> forms.shtml

Return all completed forms to: N.Y.S. Office of Court Administration Division of Court Operations Office of Records Management 25 Beaver Street - Room 883 New York, NY 10004

TEL: 212- 428-2875 FAX: 212- 428-2880

E-mail: DISPOREQ@courts.state.ny.us

Please Note: This retention schedule is printed in a color format to facilitate identification of purgable records.

**Color Codes for Record Series Numbers and Titles:** 

Red = Permanent Records
Green = Purgable Records
Orange = Both Permanent and Purgable Records

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# NEW YORK STATE UNIFIED COURT SYSTEM

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

# RECORDS RETENTION AND DISPOSITION SCHEDULE

The following retention periods refer to criminal case records created in 1920 and after in the Town, Village, City and District Courts outside New York City and the Criminal Court of the City of New York.

ALL RECORDS DATING PRIOR TO 1920 ARE TO BE RETAINED PERMANENTLY UNLESS OTHERWISE SPECIFIED; RECORDS BEING RETAINED PERMANENTLY FOR RESEARCH PURPOSES ONLY WILL BE EVALUATED FOR ALTERNATIVE DISPOSITION ON AN INDIVIDUAL BASIS.

# **CASE FILES**

A case file contains all papers and documents relating to a case. Includes, but is not limited to, Accusatory Instrument, Supporting Depositions, Motions, Notices, Affidavits, Orders, Warrants, Fine and Surcharge Letters, Medical and Mental Health Reports, Probation Reports and Transcripts. Note that some courts currently store some of the documents listed above separately from the case file. These documents have been distinguished as separate record series in these schedules, but have the same retention requirements as the related case file. RETENTION IS CONTROLLED BY DISPOSITION CHARGE, NOT ARREST CHARGE.

# 80010. CRIMINAL MISDEMEANORS

Misdemeanors defined in the Penal Law, Vehicle and Traffic Law and other statute.

### a. DISPOSED CASES

**RETENTION** 

Retain all case files prior to 1950 permanently for research purposes. Retain case files dated 1950 and later for twenty-five years from the date of disposition, then destroy, except for a sample to be retained permanently for research purposes.

# b. CASES TERMINATED IN FAVOR OF DEFENDANT

Retain for six years, then destroy. Includes Criminal Misdemeanors that fall on a sample year.

# c. UNDISPOSED CASES

Retain for fifty years, then destroy.

# **RETENTION**

## 80020. FELONY ARRAIGNMENTS

Arraignment in courts of limited jurisdiction upon a felony complaint.

### a. DISPOSED CASES

- 1. Retain all case files prior to 1950 permanently.
- 2. If case is held for the grand jury, retain case files dated 1950 and later for one year from date of disposition, then destroy.
- 3. If case is disposed, retain case files dated 1950 and later for twenty-five years from date of disposition, then destroy, except for a sample to be retained permanently for research purposes.
- 4. If case is terminated in favor of the defendant, retain for six years, then destroy.

# b. UNDISPOSED CASES

Retain for seventy-five years, then destroy.

# **RETENTION**

80030. MOTOR VEHICLE/TRAFFIC INFRACTIONS

Traffic infractions. Does not include traffic offenses which are misdemeanors or felonies.

# a. DISPOSED CASES

- Retain DWAI Cases for ten years from date of disposition, then destroy.
- Retain all other infractions for six years from date of disposition, then destroy.
- b. ADJUDICATED BUT NOT SATISFIED

Retain for twenty years, then destroy.

c. UNDISPOSED CASES

Retain for twenty years, then destroy.

80040. PARKING

# **RETENTION**

# a. DISPOSED CASES

Retain for six years from date of disposition, then destroy.

# b. ADJUDICATED BUT NOT SATISFIED

Retain for twenty years, then destroy.

# c. UNDISPOSED CASES

Retain for twenty years, then destroy.

# **RETENTION**

80050. VIOLATIONS

Penal Law Violations and violations of local ordinances.

### a. DISPOSED CASES

- Retain for six years from date of disposition, then destroy, EXCEPT for cases which contain a Family Offense Order of Protection which are to be retained for twentyfive years, then destroy.
- 2. Retain <u>all</u> cases terminated in favor of the defendant for six years, then destroy.

# b. ADJUDICATED BUT NOT SATISFIED

Retain for twenty years, then destroy, EXCEPT for cases which contain a Family Offense Order of Protection which are to be retained for twenty-five years, then destroy.

### c. UNDISPOSED CASES

Retain for twenty years, then destroy, EXCEPT for cases which contain a Family Offense Order of Protection which are to be retained for twenty-five years, then destroy.

# SERIES # RECORD SERIES TITLE RETENTION

80055. TRANSFERRED CASE FILES

Exact copies of files Retain for one year, transferred to another court then destroy. for jurisdiction.

# SUPPLEMENTAL CASE RECORDS

# SERIES # RECORD SERIES TITLE

# **RETENTION**

80060. BAIL BONDS

Record of a defendant's posting of bail. Includes bail bonds undertakings and records of the insurance.

Considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.

80070.

BAIL RECORDS (also known as BAIL ENVELOPES)

Records indicating the status of a defendant's bail account. May be divided by cash, property or surety bail. Includes, but is not limited to, defendant name, judge, docket number, depositor, receipt number, date of posting, amount returned and balance, value of property and owner of property. May also include court copy of bail receipt.

Considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.

# **RETENTION**

### 80080.

COURT REPORTER NOTES and ALL OTHER RECORDINGS OF THE COURT NOT LISTED AS A SEPARATE RECORDS SERIES TITLE

Stenographic tapes, pads, audio tapes or other machine-readable systems which record the proceedings of the court.

- a. Retain notes for Motor Vehicle/Traffic and Parking cases for two years, then destroy.
- b. Retain all other notes for ten years, then destroy.

# 80090. COURT REPORTER

**TRANSCRIPTS** 

replaced by SERIES # 80185,

**TRANSCRIPTS** 

### 80100. DEFENDANT CRIMINAL

HISTORY RECORDS ("RAP SHEETS")

Arrest and case disposition records of defendants.

Retain until updated or until case is disposed, whichever occurs first, then destroy.

# 80110. DRINKING DRIVERS PROGRAM CERTIFICATES

Court copies of certificates of successful or unsuccessful completion of the Drinking Drivers Program.

Considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.

# **RETENTION**

### 80120. DWI TEST STUBS

Court copies of documents used to administer breathalyzer tests. Includes operational check lists, result sheets and reports of refusal to submit to chemical tests.

Considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.

# 80130. EXHIBITS

Exhibits presented as evidence in a case.

Return to party who introduced exhibit immediately after disposition unless otherwise directed by the court. If not claimed, retain for thirty days, then destroy provided express notice has been given.

# 80137. FAMILY OFFENSE ORDERS OF PROTECTION; TEMPORARY ORDERS OF PROTECTION

Orders of Protection issued pursuant to CPL§530.12.

Considered part of the case file. File in case file. Retain order and file for twenty-five years, then destroy EXCEPT for those cases to be retained permanently for research purposes.

# **RETENTION**

# 80140. FBI DISPOSITION REPORTS (GREEN SHEETS)

Final disposition reports submitted with fingerprints to the FBI.

Report is no longer required. Destroy all copies immediately.

### 80150. PARKING VIOLATION STUBS

Police officer stubs from parking violation ticket books. Includes ticket number, violation, make and registration of car, date, time and location of violation and return date.

Return to issuing agency.

# 80160. POLICE ARREST REPORTS,

(also known as PRISONER DATA REPORTS and BLOTTERS)

Court copy of the police department reports filed by the arresting officer, listing name and pedigree information on arrestee.

Considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.

# **RETENTION**

## 80170. SEARCH WARRANTS

File of warrants authorizing a search. Includes the original copy of the search warrant and a list of the items found, if any.

- a. Search warrants associated with cases are considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.
- b. For executed search warrants without associated cases, retain for five years, then destroy.
- c. If search warrant is not executed, retain for one year from date of issuance, then destroy.

# 80180. SUBPOENAED RECORDS

Records which have been subpoenaed by the court from a n outside agency, organization, or individual.

Return to party who introduced record immediately after disposition unless otherwise directed by the Court. If record is not claimed, retain for thirty days, then destroy provided express notice has been given.

# **RETENTION**

### 80185.

TRANSCRIPTS OF ALL RECORDINGS OF THE COURT NOT LISTED AS A SEPARATE RECORDS SERIES TITLE

Transcripts of Court Reporter Notes and transcripts of all other recordings of the Court not listed as a separate records series title.

Considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.

### 80187.

UCS DOMESTIC VIOLENCE REGISTRY INFORMATION SHEET (also known as FAMILY PROTECTION REGISTRY INFORMATION SHEET and INFORMATION SHEET); ADDENDUM TO INFORMATION SHEET

Forms attached to Order of Protection sent to the Family Protection Registry Center for entry into the UCS Domestic Violence Registry.

Retain for one year, then destroy.

### 80188.

# WIRETAP ORDERS AND RECORDINGS

Sealed order signed by a judge authorizing the use of a wiretap. Includes applications, supporting documents, and when ordered by the court, the audio recordings.

- a. Retain audio recordings for ten years, then destroy, upon court order.
- b. Retain all other materials permanently for research purposes.

# **CASE MANAGEMENT RECORDS**

SERIES #	RECORD SERIES TITLE	RETENTION
80190.	A D J O U R N E D I N CONTEMPLATION OF DISMISSAL LOG BOOKS	
	Log books recording date on which ACD is granted.	Retain for one year or until no longer needed, whichever is sooner, then destroy.
80200.	ADJOURNMENT LOG BOOKS	
	Log books listing dates to which cases are adjourned. Includes defendant name, charge, adjournment date and disposition.	Retain for one year or until no longer needed, whichever is sooner, then destroy.
80210.	ARRAIGNMENT LOG BOOKS	
	Chronological daily logs of arraignments. Includes defendant name, charge, plea, adjourned date, disposition and bail status.	Retain for one year or until no longer needed, whichever is sooner, then destroy.

# **RETENTION**

# 80220. ARRAIGNMENT SHEET BOOKS

Administrative records containing arraignment information completed by the judge during arraignment proceedings. This information is duplicated in the case file or arraignment log book. Includes defendant name, address, race, charge, complainant, plea, bail, counsel and adjourned date.

Retain for one year or until no longer needed, whichever is sooner, then destroy.

### 80230. ARREST LOG BOOKS

Annual computer-generated records of all defendants arraigned by the court. Includes defendant name, date of arrest, NYSID number, court part and disposition.

Retain for one year or until no longer needed, whichever is sooner, then destroy.

### 80240. CALENDARS

Daily schedule of cases to be heard before the court. Includes, but is not limited to: defendant name, charge, docket number, date, judge and disposition. Retain for one year or until no longer needed, whichever is sooner, then destroy.

# SERIES # RECORD SERIES TITLE RETENTION

# 80250. CASELOAD ACTIVITY REPORTS

Court copies of caseload activity reports (UCS-175) that are filed with the Office of Court Administration.

File original with the Office of Court Administration.

Retain court copy for one year, then destroy.

### 80260. COURT REPORTER INDEX

Index to court reporter notes. Includes defendant name and hearing dates. May also include disposition and name of defense counsel.

Retain for same length of time as SERIES# 80080, COURT REPORTER NOTES.

# 80270. CRIMINAL DISPOSITION REPORTS

Court copies of OCA-540A, OCA-540B and OCA-540C that are filed with the Office of Court Administration.

File original with the Office of Court Administration.

Retain court copy for one year, then destroy.

# 80280. DEFENDANT RECORD CARDS

Alphabetical files containing defendant arraignment and conviction histories in the court.

Retain permanently for research purposes.

# **RETENTION**

### 80290. DISMISSAL LOG BOOKS

Chronological or alphabetical logs of defendants whose charges were dismissed. Includes defendant name, docket number, charge, date of arrest and date of dismissal.

Retain for one year or until no longer needed, whichever is sooner, then destroy.

### 80300. DISPOSITIONAL CARDS

Alphabetical files, by defendant, which provide information on access to the status and disposition of a case. This information is duplicated in the case file or arraignment log book. Includes defendant name, charge, attorney, appearances, plea and disposition.

Retain for one year after disposition or until no longer needed, whichever is sooner, then destroy.

### 80310. FELONY LOG BOOKS

Chronological logs of defendants arraigned on felony charges. Includes defendant name, charge, bail, arraignment date, attorney, adjournment date, disposition and arrest date.

Retain for one year or until no longer needed, whichever is sooner, then destroy.

# **RETENTION**

# 80320. FINGERPRINTS AND PHOTOGRAPHS

Fingerprints and photographs which police departments have been unable to return to defendants whose cases have been dismissed.

Return to forwarding agency. If not returned, retain for one year or until no longer needed, whichever is sooner, then destroy.

# 80330. INDEXES: CASE FILES

Alphabetical files by defendant's name. Provides information on access to case records. Includes, but is not limited to, defendant name and case docket number.

Retain for same length of time as SERIES # 80420, RECORD OF COURT ACTIVITY.

# 80340. INMATE CORRESPONDENCE

Alphabetical file, by defendant, of correspondence with inmates regarding status of appeals, requests for new trials, motions and sealings.

Retain for three years, then destroy.

# **RETENTION**

# 80342. LOG OF ORDER NUMBERS

(also known as UCS DOMESTIC VIOLENCE REGISTRY LOG OF ORDER NUMBERS)

Form listing order numbers for Orders of Protection which are entered into the UCS Domestic Violence Registry. Retain for one year, then destroy.

# 80345. MANDATORY SURCHARGE

Form created to capture information on imposition or waiver of surcharge.

Retain one copy for six years.

Destroy all other copies immediately.

### 80350. MINUTE BOOKS

Chronological records of court proceedings maintained by the part clerk. Information includes part number, index number, date of trial, stenographer, defendant, judge, attorney, charges, appearance dates, jurors, witnesses, verdict and adjournment remarks.

- a. Retain all Minute Books created prior to 1950 permanently for research purposes.
- b. Retain Minute Books created after 1949 for one year or until no longer needed, whichever is sooner, then destroy.

# SERIES # RECORD SERIES TITLE RETENTION

# 80360. MISDEMEANOR LOG BOOKS

Chronological logs of defendants who were arraigned on misdemeanor charges. Includes docket number, arrest date, charge, bail, attorney, arraignment date, court appearances and disposition.

Retain for one year or until no longer needed, whichever is sooner, then destroy.

# 80370. NOTICE OF APPEALS LOG BOOKS

Chronological logs of defendants who have filed a notice of appeal. Includes defendant name, docket number and date of notice.

Retain for three years after date of last entry, then destroy.

# 80380. OUTSTANDING PARKING VIOLATION SHEETS

Computer-generated records of all outstanding parking violations for defendants who have been declared parking scofflaws.

Retain until updated copy is received, then destroy.

# **RETENTION**

# 80390. POLICE DEPARTMENT CELL BLOCK AND CITY COURT RECORDS

Police department records of new arrests and detainments received daily by the court for use in intake proceedings. Retain for one year or until no longer needed, whichever is sooner, then destroy.

# 80400. PRISONER LEDGERS

Chronological records by hearing date, used in locating prisoners for arraignment appearances. Includes defendant name, docket number, charge and appearance history, if any.

Retain for one year or until no longer needed, whichever is sooner, then destroy.

# 80410. PROBATION BOOKS

Chronological logs of defendants sentenced to probation. Includes defendant name, judge, period of probation, results and remarks.

Retain permanently for research purposes.

80420.

RECORD OF COURT ACTIVITY (including DOCKET BOOKS, DOCKET SHEETS, CONVICTION LOG BOOKS and any other record which serves as the principal record of case activities)

Manual or machine-readable record, containing a summary of actions in a case. Includes, but is not limited to: defendants' name, disposition, arraignment dates, charges, judges' name, adjournment dates, court reporters name and attorneys name.

### RETENTION

- a. CRIMINAL MISDEMEANOR,
  FELONY ARRAIGNMENT, DWI,
  PENAL LAW VIOLATION,
  WOMEN'S COURT, DOMESTIC
  RELATIONS, FAMILY ASSAULT,
  YOUTH COURT, JUVENILE AND
  RECIPROCAL NON-SUPPORT
  CASE FILES
  Retain records permanently for
  research purposes.
- b. DISPOSED MOTOR VEHICLE INFRACTIONS, NON-PENAL LAW VIOLATIONS AND PARKING CASES WITHOUT ORDERS OF PROTECTION Retain for six years, then destroy.
- c. DISPOSED MOTOR VEHICLE INFRACTIONS, NON-PENAL LAW VIOLATIONS AND PARKING CASES IN WHICH ORDERS OF PROTECTION HAVE BEEN ISSUED Retain for twenty-five years, then destroy.
- d. UNDISPOSED MOTOR VEHICLE INFRACTIONS, NON-PENAL LAW VIOLATIONS AND PARKING CASES

  Retain for twenty years, then destroy, EXCEPT for Violations in which Orders of Protection were issued, retain for twenty-five years, then destroy.

# e. <u>DWAIs</u>

Retain Record of Court Activity for disposed DWAIs for ten years, then destroy. If DWAIs are undisposed, retain Record of Court Activity for twenty years, then destroy.

# SERIES # RECORD SERIES TITLE RETENTION

# 80430. RETURN ON WARRANTS LOG BOOKS

Chronological log books of returned warrants. Includes defendant name, docket number, date of return and part in which warrant was vacated.

Retain for five years from date of last entry, then destroy.

# 80440. SCOFFLAW SUMMONS REGISTERS

Computer-generated alphabetical listings by defendant name of all summons scofflaws. Includes defendant name, address and number of outstanding summons.

Retain until updated report is received, then destroy.

# 80450. SCOFFLAW SUMMONS REGISTERS - SHORT LIST

Computer-generated alphabetical listings, by defendant name, of summons scofflaws. Includes name and number of outstanding summons.

Retain until updated report is received, then destroy.

# **RETENTION**

# 80460. SEARCH WARRANT LOG BOOKS

Numerical logs of all executed search warrants which have been returned to the court. Includes warrant number, search location, date of issuance, date of execution, date of return, date of inventory and executing officer.

Retain for five years from date of last entry, then destroy.

# 80470. SEARCH WARRANT RECEIPT BOOKS

Court copies of receipts issued to police officers upon the return of an executed warrant to the court.

Retain for five years from date of last entry, then destroy.

# 80480. STATEMENT CONCERNING PERSON CONVICTED

Chronological log of convictions. Includes defendant name, address, charge, occupation, a g e, marital status, place of birth, status of parents, sentence and judge name.

Retain permanently for research purposes.

# **RETENTION**

# 80490. SUMMONS DISPOSITION REGISTERS

Computer-generated listings by docket number of all disposed summons issued weekly, quarterly and annually. Includes docket number, summons number, microfilm (retrieval) number, date disposed and disposition.

- a. Retain weekly registers until cumulative quarterly register is issued, then destroy.
- b. Retain quarterly register until cumulative annual register is issued, then destroy.
- c. Retain annual register for six years, then destroy.

# 80500. SUMMONS REGISTERS - ALPHABETIC

Computer-generated alphabetical listings by defendant name. Issued weekly, quarterly and annually. Includes defendant name and docket number.

- a. Retain weekly registers until cumulative quarterly register is issued, then destroy.
- b. Retain quarterly register until annual register is issued, then destroy.
- c. Retain annual register for twenty years, then destroy.

# **RETENTION**

80510. SUMMONS REGISTERS - COMPLETE

Annual, computer-generated reports of all summonses processed by the court. Includes summons number, docket number and disposition.

Retain for twenty years, then destroy.

# 80520. SUMMONS REGISTERS - NUMERIC LISTINGS

Computer-generated listings of all summonses that have been issued. Report is issued weekly, quarterly and annually. Cross reference summons number to the docket number.

- a. Retain weekly register until cumulative quarterly register has been issued, then destroy.
- b. Retain quarterly register until cumulative annual register has been issued, then destroy.
- c. Retain annual register for twenty years, then destroy.

80530. TSLE&D PROGRAM:
REPORT OF CASES
PENDING FOR 60 DAYS

Monthly report of cases which have been pending for at least sixty days.

Retain until updated report is received, then destroy.

SERIES # RECORD SERIES TITLE RETENTION

80540. TSLE&D PROGRAM:

REPORT OF DISPOSED

**CASES** 

Monthly report of cases

disposed.

Retain for six years,

then destroy.

80550. TSLE&D PROGRAM:

REPORT OF PENDING

CASES

Monthly report of cases that have been reported but have

not yet been disposed.

Retain until updated report is

received, then destroy.

80560. TSLE&D PROGRAM:

REPORT OF TRANSFERRED

CASES

Monthly report of cases

which have been transferred

to another court.

Retain for six months or until no longer needed, whichever is

sooner, then destroy.

80570. TRAFFIC SUMMONS

**RECEIPTS** 

Court copies of transmittal forms accompanying traffic

summons, delivered by the

police department.

Retain for six years,

then destroy.

# **RETENTION**

# 80580. TRAFFIC VIOLATIONS RECEIPT BOOKS

Court copies of receipts issued to police officers upon delivery of traffic summons to the court.

Retain for six years, then destroy.

# 80590. TRANSFER LOGS (including TRANSFER CARDS)

Chronological logs of cases which have been transferred into or out of a court's jurisdiction. Includes name and location of transfer jurisdiction and any actions taken by the courts.

Retain for one year or until no longer needed, whichever is sooner, then destroy.

### 80600. WARRANT BOOKS

Chronological logs of all warrants ordered by the court. Includes dates issued, defendant, charge and judge.

Retain for five years until all warrants have been returned or recalled, then destroy.

### 80610. WARRANT RECALL SHEETS

Court copy of the lists of warrants that have been recalled. Includes defendant name, charge, docket number and date of recall.

Retain for one year or until no longer needed, whichever is sooner, then destroy.

# SERIES # RECORD SERIES TITLE RETENTION

80620. YOUTHFUL OFFENDER LOG BOOKS

Numerical log of youthful offenders by docket number. Includes defendant name, address, age and docket number.

Retain for one year or until no longer needed, whichever is sooner, then destroy.

# **JURY SYSTEM RECORDS**

Records which document the selection, attendance, and utilization of jurors.

SERIES #	RECORD SERIES TITLE	RETENTION	
80630.	ATTENDANCE RECORDS		
	Cards, logs or lists used to record juror attendance.	Retain for six years, then destroy.	
80640.	BALLOT CARDS		
	Juror identification cards used to select jurors for voir dire panels.	Retain until end of term, then destroy.	
80650.	JUROR SUMMONS		
	Documents used to notify prospective jurors that they have been summoned to serve.	a. If used to note attendance, retain for six years, then destroy.	
		b. If not used to note attendance, retain for one year or until no longer needed, whichever is sooner, then destroy.	
80660.	LOCAL CRIMINAL COURT MASTER LIST		
	Annual list of persons eligible to serve on local criminal court juries.	Retain until updated copy has been received, then destroy.	

# **RETENTION**

80670.

**PANEL SHEETS** 

Manually-drawn lists of jurors who have been summoned to a particular pool. Includes name, address, occupation, attendance and reasons for excuse. May also contain payroll information.

Retain permanently for research purposes.

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