

POLICY & PROCEDURES

CHAPTER:	1	Administration and Management	1. 1. 21
SECTION:	1	General Administration	EFFECTIVE DATE: 03 / 109 / 2020
SUBJECT:	21	Records Retention and Release of Public Records	
STANDARDS: ACA – 4 – ALDF: 7D-22, 7D-23			
APPROVED:			REVIEW DATE: 2 / 23 / 2021
Dale Glass COMMISSIONER OF CORRECTIONS			REVISION DATE: 3 / 23 / 21
Rescind: 1.1.21 dated 3/17/20 Cancel:			

I. POLICY

It is the policy of the St. Louis City Division of Corrections to create, maintain, release, and purge records and files in compliance with statutory guidance and operational requirements. No records, electronic, audio/video and/or paper forms will be destroyed if it pertains to any pending legal case, claim, action, or audit.

II. PURPOSE

The purpose is to establish procedures for effective, but economical preservation of records of permanent value, removal or destruction of obsolete or inactive records as well as guidelines for releasing of records consistent with Missouri Statutes.

III. RESPONSIBILITIES

All City of St. Louis Division of Corrections employees are responsible for adhering to the following procedures.

IV. DEFINITIONS

Closed Meeting, Record, or Vote: Any meeting, record or vote closed to the public.

Court Expunged Record: Records kept on an inmate in which the Court has issued an order to effectively erase or destroy the document(s), typically occurring after a deferred sentence agreement has expired.

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Expunge: A process of destroying official records in accordance with State statutes.

Index: An inventory of records by numeric or other formats for the purposes of easy identification and retrieval.

IJMS: Integrated Jail Management System used by the Division of Corrections to track and retrieve inmates' information.

Record: All books, papers, maps, photographs, or other documentary materials, regardless of physical form (paper, electronic, tape, disk, etc.,) or characteristics, made or received by the Division. Under Missouri law (109 RSMO) drafts associated with creating records are considered "non-records" and may be destroyed. Notes from meetings are part of records and may be subpoenaed.

Non-Record: Reference materials preserved only for convenience, extra copies of printed or processed materials, superseded manuals and other directives, materials documenting employee fringe activities (blood donors, charitable funds, social and professional meetings, etc.), work papers and drafts of reports or correspondence, blank forms, catalogs, trade journals and other publications or papers received from government agencies, and survey forms. Non-records do not require retention scheduling or destruction authorization or reporting.

Public Governmental Body: Any legislative, administrative or governmental entity created by the constitution or statutes of this state, by order or ordinance of any political subdivision or district, judicial entities when operating in an administrative capacity, or by executive order.

Records Retention Supervisor: The custodian of all records for the Division and, is charged with the management, preservation, issuance, accountability, and disposal of official records in accordance with State statutes.

Sealed Records: Records that the court has issued an order preventing access to the document.

Staff, Staff Member(s): Unless otherwise qualified, includes contracted staff and volunteers.

System Administrator: The Division of Corrections staff designated to overseeing the establishment and coordination of the Division's IJMS including Automated Time Keeping System.

V. GENERAL INFORMATION

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1. The Records Retention Supervisor is the Custodian of Records for the Division of Corrections and has the administrative responsibility to manage all records created or received in the Division. The Custodian of Records is resided at 200 South Tucker Blvd., St. Louis, MO 63102
2. Except for such records as generated from telephone operations and managed by an external agency, as well as recorded video surveillance maintained by the Internal Affairs, all other records are transferred to the Central Records Office of the Division.
3. All requests for official records of the Division are made through, and processed by, the Central Records Office under the directive of the Records Retention Supervisor in accordance with State statutes.
4. Facility logs, like other facility records, are confidential and official business of the facility. Official information such as criminal facts concerning inmate offenses or security details of the facility are not divulged to anyone except those authorized or as directed by an appropriate facility administrator or by due process of law. (See Policy #1.3.22: Confidential Information and Records).
5. The Custodian of Records responds to all requests for access to or copies of a public record of the City of St. Louis Division of Corrections within the time period provided by statute except in those circumstances authorized by statute.
6. The Custodian of Records will not grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any record unless the granting of such rights is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority. The pointing Authority is consulted.
7. The Division of Corrections complies with sections 610.101 to 610.030, RSMo, the Sunshine Law, and the City of St. Louis Board Bill #168 as now existing or hereinafter amended.
8. The official records of the Division will not be destroyed or otherwise disposed of by anyone unless it has been determined by the Custodian of Records who consults with the Appointing Authority/designee, that the record(s) has no further administrative, legal, fiscal and research or historical value under State statutes.
9. Except where otherwise authorized, unit heads may retain records created in their respective sectional areas which they may transfer later to the Central

Records Office where determination for further preservation is made consistent with the Records Retention Supervisor's directive.

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10. The Chief of Security has the responsibility to ensuring that all uses of force and/or death in custody reports are forwarded to the Custodian of Records on the same day such report(s) is created.
11. All unit heads will adhere to Division of Corrections policy # 3.1.19: Permanent Facility Log, when manual log is full and has to be archived.
12. The Division will comply with court orders to seal or expunge records of inmates that are under the custody of the Division.
13. The release of records to outside agencies will be as provided in this procedure and work rule consistent with State statutes.
14. The Records Retention Supervisor is granted access to all electronic, audio, video and hard copy file records of the Division up to the level authorized by the Appointing Authority/designee.
15. It will be a violation of this procedure and work rule for any staff member to knowingly make or cause to make available any official record(s) of the Division to any requestor outside of the Division, without directing the requestor to the appropriate authority responsible for processing requests for official records.(See Policy #1.3.22: Confidential Information and Records).

VI. PROCEDURE

A. Records Retention Unit

1. The Appointing Authority will:
 - a. Designate a specific location within the facility as a central records office for organizing and managing records created or received by the Division.
 - b. Designate a Records Retention Supervisor to coordinate and oversee the management, preservation, issuance, accountability and destruction of records as specified by State statutes.
 - c. Assign support staff to assist in the overall management of the unit.
2. The Records Retention Supervisor acts as the custodian of records for the Division.

B Records Identification and Inventory

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1. The Records Retention Supervisor will:
 - a. Identify all the records maintained in the Division for proper classification,
 - b. Specify what they are, their contents, function and date,
 - c. Develop records inventory form which will be used to record each records series that has been established,
 - d. File the records by monthly series or other methods for easy identification and retrieval.
 - e. Appear in court to attest to records and answer questions related to the contents of records submitted by the Division.
2. The Records Retention staff will:
 - a. Inventory the record series to establish the period of usefulness in relation to the value of the records to the Division and State statutes,
 - b. Determine reasonable retention periods for each of the records series, based on statutes; and
 - c. Identify those records which are inactive and can be retained or destroyed under State statutes, and
 - d. Identify those records which have lasting value.
3. The Records Retention staff will enter the information for each record series on the Records Inventory Form (DOC # 1.1.21-A) or Electronic Log.

C. Accessing Records by Staff

1. The dissemination of information from inmate's custody records or the transfer of such records from one facility to another will be in accordance with DOC policy #1.5.3: Inmate Custody Records.
2. An employee requesting to obtain records file or information from the Central Records Office will submit written request by either fax or by e-mail including the nature of folder or information requested, the name of the requestor, work unit, and contact unit's phone extension number.

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3. The employee will report to the Central Records Office at the City Justice Center at designated time where the file will be made available for review or inspection by the requestor. If the employee requires a copy of the record, the issued copy will be stamped "unofficial copy."
4. No record file will be removed from the Central Records Office or from its official designated location. And, no record file whether of inmates' information or other administrative records will be left unsecured at any time.
5. The inspection of employee personnel files will be as provided in DOC policy #1.3.15: Personnel Files. These files are under the control of the Custodian of Records and supervised by designated Business Office staff.

D. Requesting Public Records

1. Requests for records mailed to the institution must be directed to the attention of the Custodian of Records.
2. Requests for records by court order or subpoena must include a notarized affidavit attesting to the original and authenticity of the record for court purposes and is directed to the Custodian of Records.
3. Prior to producing copies of the requested records, the person requesting the records may request and will receive an estimate of the cost of producing and delivering the requested records.

E. Records Destruction after Retention Period

1. The Records Retention Supervisor/designee will utilize the Records Destruction Form (DOC Form #1.1.21-B) to secure consent from the Appointing Authority/designee prior to destroying any record(s).
2. The Records Retention Supervisor will ensure to assign destruction date for records slated for destruction when they are first processed for storage. This date will be indicated on the records storage label.
3. The Appointing Authority/designee will indicate, by following the instructions on the Records Destruction Form whether to approve the destruction of the records or to hold it longer.
4. The Records Retention Supervisor will ensure that all legal requirements are met prior to destroying any record. Destruction will be by secure shredding.

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F. Court Ordered Seal and Expunged Records

1. The Division will follow the guidelines stipulated in this work rule and procedure unless the court issues specific guidelines on the court order.
2. If a court order to seal any record is received through Data Central, the System Administrator will immediately forward the court order to the Custodian of Records who upon acknowledgement will direct the staff to implement the order if the order pertains only to electronic records outside of the realm of the Custodian of Records.
3. The information that will be sealed or made inaccessible will include but not limited to:
 - (1) Inmate's name
 - (2) Address
 - (3) Case Notes,
 - (4) Docket numbers and information,
 - (5) Charges,
 - (6) Disciplinary Reports
 - (7) Incident Reports
 - (8) Sentenced information
4. To seal the electronic records, make records relating to the order to be sealed inaccessible to users by double locking it with security password that provides no easy break-in, and retain the password for future retrieval.
5. An index or log will be kept for court ordered sealed records and retained in accordance with State statutes and/or court order. The log will contain:
 - a. The name and date of birth of the individual whose records have been sealed.
 - b. The Docket numbers
 - c. The inmate IMN (Inmate Master Number),
 - d. The date, and

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- e. Why item is sealed (i.e., court order).
- 6. The index or log will be kept confidential and will be accessed only to facilitate a request to unseal a record. Only the following individuals may request to access the index/log:
 - a. The Commissioner of Corrections,
 - b. The Records Retention Supervisor.
- 7. The Records Retention Supervisor must respond to any inquiry from any person(s) regarding a sealed record by stating, "No record exists." in accordance with Sunshine Request Law.

G. Expunging Electronic Records

- 1. Electronic Records that are not within the realms of the Records Retention Supervisor will be expunged by the System Administrator or Data Central's staff.
- 2. The staff receiving the court order will immediately notify the Records Retention Supervisor who in turn, directs the staff to expunge the record.
- 3. To expunge an electronic record, staff will remove the records relating to the docket order to be expunged from the database.
- 4. An index or log will be kept for court ordered expunged records and retained in accordance with State statutes and/or court order. The log will contain:
 - a. The name and date of birth of the individual whose records have been expunged.
 - b. The Docket numbers
 - c. The inmate IMN,
 - d. The date, and,
 - e. Why record is expunged (i.e., court order).
- 5. The index or log will be kept confidential and will be accessed only to facilitate a request relating to an expunged record. Only the following individuals may request to access the index/log:
 - a. The Commissioner of Corrections,
 - b. The Custodian of Record.

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6. The Records Retention Supervisor must respond to any inquiry from an individual or agency regarding an expunged record by stating, “No record exists,” in accordance with Sunshine Request Law.

H. Expunging or Sealing Paper Records

1. When an order to expunge paper records is received, the Records Retention Supervisor will securely shred all documents related to the order in accordance with State statutes.
2. For orders to seal paper records, the Records Retention Supervisor will place the file in a large manila envelope(s) and inscribe the word "Sealed by Order of the Court," and store the file(s) away in a locked cabinet or other secure place inaccessible to the general staff.
3. An index or log will be kept for court ordered sealed or expunged paper records and retained in accordance with State statutes and/or court order.
4. Only the following individuals may request to access the index/log:
 - a. The Commissioner of Corrections,
 - b. The Custodian of Record.
5. The Records Retention Supervisor must respond to any inquiry from an individual or agency regarding an expunged or sealed paper records by stating, “No record exists,” in accordance with Sunshine Request Law.

I. Court Order to Unseal a Record(s)

Sealed records will be accessed only when the court has ordered the record to be unsealed. A court motion filed by an interested party to have the record unseal is not sufficient to unseal the record without actual court order duly signed by the Judge or Court Administrator.

J. Expunging Financial Records

1. When an order to seal or expunge financial records is received, if the order is coming through Data Central, the System Administrator or staff will immediately notify the Records Retention Supervisor who directs to forward a copy of the court order to the Business Office Manager who forwards it to the Comptroller's Office for processing and additional directives.
2. If the financial record is non-electronic record, the record is forwarded to the Records Retention Supervisor who adheres to directives from the Comptroller's

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Office or in accordance with Procedures stipulated in this Procedure and Work Rule and complies with State statutes.