



County Technical Assistance Service

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Sheriff's Records Retention Schedule

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Sheriff's Records Retention Schedule

Reference Number: CTAS-2060

Sheriff's Records. The records included in this schedule are only those specific to the office of the county sheriff. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules elsewhere in this manual. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record or the frequency of its occurrence. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

| Retention Schedule for the Office of the Sheriff | | |
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| Description of Record | Retention Period | Legal Authority/Rationale |
| 12-001 Accident Reports —Motor vehicle accident reports giving location of accident, persons and vehicles involved, time of accident, injured, witnesses, diagram of accident, and condition of persons involved. | Retain four years, then destroy. | Record may be used in litigation. Period based on three year statute of limitations for actions for injuries to personal property plus one year for overlap (T.C.A. § 28-3-105). |
| 12-002 Armory Records —Records regarding acquisitions, requisitions, checks, etc. | Retain for 10 years. | Keep in case of potential liability. |
| 12-003 Arrest Records (and Case Files) — Includes offense and incident reports. Information in records of arrest such as name, alias, address, date and time of offense, date of birth, age, place of birth, description, place of arrest, charge, disposition at time of arrest, warrant number, name of court, accomplices, vehicle information, arresting officer, remarks, signature of arresting officer. Includes arrest report and indexes citation in lieu of arrest form. | If the subject is found "not guilty," then original arrest records should be retained until the records are microfilmed. If subject is convicted, retain original until the exhaustion of all appeals or termination of probation or sentence; further, the originals are not to be destroyed thereafter until microfilmed. Destroy Originals or microfilm copies of arrest records on verification of death or its reasonable presumption (i.e. 100 years after birth of subject). Arrest index card should remain active until the death of the subject. | Retention period necessary for continuing investigative purposes and based on life of individual. |
| 12-004 Board Bills —Bills for boarding prisoners, showing date of commitment, name of prisoner, number of days for which board is charged, and rate per day. | Retain five years, then destroy. | Kept for audit purposes (T.C.A. § 10-7-404(a)). |

| Retention Schedule for the Office of the Sheriff | | |
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| Description of Record | Retention Period | Legal Authority/Rationale |
| <p>12-005 Case Files—Copies of all pertinent records of whatever nature relevant to a particular case under or pending investigation, accumulated in a single file by the investigator or agency to facilitate the investigation or prosecution of offenders. May include copies of complaint report; offense report; supplementary report; missing person/runaway report; arrest report; citation-in-lieu of arrest; property receipt; vehicle tow slip; statement form; accident report; other relevant reports; relevant photo or drawing.</p> | <p>Retention same as Arrest Record, above, except Missing Person/Runaway Records are not to be destroyed if needed by juvenile authorities and destruction should not violate National Crime Information Center (NCIC) requirements.</p> | <p>See Arrest Record, above.</p> |
| <p>12-006 Cash Journal—Summary of all receipts and disbursements in the department. See also Receipt for Property Returned to Inmates Upon Release, below.</p> | <p>Retain 10 years, then eligible for destruction.</p> | <p>Comptroller's office considers this record important for demonstrating patterns in investigations of mis-appropriation of funds (T.C.A. § 10-7-404(a)).</p> |
| <p>12-007 Complaint/Incident Reports (Citizen)—Show name and address of person reporting offense, file and case number, place of occurrence, investigating officer, time, date, how report was made, and officer assigned to the case. May include dispatcher cards regarding calls. This includes Complaint, Incident, Offense, Supplementary, Missing Person, and Runaway Reports (individual and collective).</p> | <p>If record is unrelated to a felony or other case under investigation, retain original five years if microfilmed. Original or microfilm may be destroyed upon verification of death or its reasonable presumption (i.e. 100 years after birth of subject).</p> <p>If record is related to a felony or other case under investigation, follow schedule for Arrest Records (Case Files), above.</p> | <p>Retention period based on life of suspect.</p> |
| <p>12-008 Fingerprinting Records</p> | <p>Death of subject or reasonable presumption of death, i.e. 100 years. Note: See T.C.A. § 37-1-155 regarding treatment of fingerprint records of juveniles.</p> | <p>Retention period based on life of subject.</p> |
| <p>12-009 Identification Files—Records kept for identification purposes including fingerprints, photographs, measurements, descriptions, outline pictures, and other available information.</p> | <p>Death of subject or reasonable presumption of death, i.e. 100 years.</p> | <p>Retention period based on life of subject.</p> |
| <p>12-010 Inmate Census Records—Records and documentation on number of inmates in detention facilities and movement and transportation of inmates. Includes sign-out logs, official</p> | <p>Keep for five years, then destroy.</p> | <p>Records are used for development of board bill and other reports. Keep for audit purposes on recom-</p> |

| Retention Schedule for the Office of the Sheriff | | |
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| Description of Record | Retention Period | Legal Authority/Rationale |
| census, count reports, booking logs, etc. Does not include Inmate/Prisoner Register listed below. | | mendment of comptroller (T.C.A. § 10-7-404(a)). |
| 12-011 Inmate Conduct Records —Incident and disciplinary reports, logs, hearing summaries, appellate board findings, reports on use of force/restraint, and related records. | Retain 10 years, then destroy. | Retention period based on maximum period of time record may be needed in case of litigation discovery requests. |
| 12-012 Inmate Financial Records — Financial record of prisoners committed to the workhouse, showing name of prisoner, date and length of commitment, amounts received, itemization of costs, balance, amount and date of final disposition of account, and remarks. Note: This does not include receipts for property returned at time of release. See separate listing for that record series, below. | Retain five years, then destroy. | Retention period based on likely period of time for grievance and reasonable period for operational use of the record. |
| 12-013 Inmate Grievance Records —Records regarding inmates grievances. Includes actual grievance, replies and responses to grievance and any investigative files. See also Internal Investigations below for related record. | Retain 10 years, then destroy. | Retention period based on maximum period of time record may be needed in case of litigation discovery requests. |
| 12-014 Inmate Medical Records —Medical files maintained on prisoners showing inmate's physical condition on admission, during confinement, and at discharge. The record shall indicate all medical orders issued by the jail physician and/or any other medical personnel who are responsible for rendering medical services. Keep in a separate file from other inmate records. See also Psychological Evaluations of Inmates, below. | Retain for a period of 10 years after the prisoner's release, then eligible for destruction. | Retention period based on standard for medical records found in T.C.A. § 68-11-305 and requirement in Tennessee Corrections Institute Rule 1400-1-.13(21). |
| 12-015 Inmate Registers (Jail Registers) — Record of all prisoners committed to the county jail, showing name of prisoner, offense charged, by whom charge brought, record of process, date of commitment, and date released; may also show age, sex, complexion, color of hair, and color of eyes of prisoner. | Permanent record. | See Tennessee Corrections Institute Rule 1400-1-.14. |
| 12-016 Inmate Visitation Records —Records documenting persons making visits to specific inmates or to the jail facility. Includes visitation logs and other similar records. | Retain three years. | Keep for operational purposes in case an incident arises. |

| Retention Schedule for the Office of the Sheriff | | |
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| Description of Record | Retention Period | Legal Authority/Rationale |
| 12-017(a) Internal Investigation Records — Records of investigations resulting from a complaint against an employee of the Sheriff's department. Includes notification of complaint, investigative files, any associated medical records, and any written decisions, orders, or disciplinary actions. | Keep for term of employment of officer or 10 years, whichever is longer. | Record retains significance in personnel decisions, promotion, dismissal, etc. and for defense of litigation. |
| 12-017(b) Jail Shift Reports — Reports that record routine information, emergency situations, and unusual incidents. | Permanent record. | See Tennessee Corrections Institute Rule 1400-1-.07. |
| 12-018 Judgment Orders (a.k.a. Statement of Sentence) and Release Orders —A certified statement of the sentence of each prisoner in workhouse specifying the name of the convict, date of the sentence, crime for which committed, the term of imprisonment, the amount of fines and costs, record of the convict's identifying information. Release orders are non-judicial orders which may authorize release. | Retain for five years, then destroy. | Records used for classification purposes and for work release evaluations and in developing board bills, cost determinations, etc. |
| 12-019 Missing Person/Runaway Records | Refer to schedule for Arrest Record (Case files) above. | See Arrest Record, above. |
| 12-020 Mittimus (Committal Records) — Commitments to jail, showing name of person committed, offense charged, name of prosecutor, amount of bail, date, and signature of judicial officer. | Retain five years, then destroy. | Record may be used as back-up documentation for board bill and cost summaries. |
| 12-021 Pawnbroker's Records of Transactions —Copy of record of pawn transactions forwarded by the pawn broker to the sheriff pursuant to T.C.A. § 45-6-210. | Retain four years, then destroy. | Retention based on statute of limitations for most theft prosecutions (T.C.A. §§ 40-2-101 and 40-35-110). |
| 12-022 Personnel Records | See separate retention schedule for employment records in this manual. | |
| 12-023 Processes —Record of warrants, capiases, summonses, and other papers served. | Retain three years after last entry, then destroy. | Kept for audit purposes. Non-financial (T.C.A. § 10-7-404(a)). |
| --- Unserved Misdemeanor Warrants | Five years. | T.C.A. § 40-6-206. |

| Retention Schedule for the Office of the Sheriff | | |
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| Description of Record | Retention Period | Legal Authority/Rationale |
| 12-024 Psychological Evaluations of Inmates, Records of —Any records regarding abnormal behavior of inmates, staff response to behavior, judicial orders for screening and treatment, referrals to psychological services, orders for placements in mental health facilities, etc. See also Prisoner Medical Records. | Retain 10 years, then eligible for destruction. | Psychological records are kept longer than medical records because of a stronger relationship to inmate conduct records which have a 10- year retention schedule. |
| 12-025 Radio Logs —A record of radio calls giving time called, car or station calling, car or station called, car location, nature of call, and acknowledgment. | Retain three years, then destroy unless pending legal action. | Retention period based on likely time of complaint or legal action. |
| 12-026 Receipt Books (General) —Duplicate receipts, showing from whom received, reason for payment, amount received, and date. Note: See separate schedule for Receipt for Property Returned to Inmates, below. | Retain five years after issuance of last receipt, then destroy. | Keep for audit purposes (T.C.A. § 10-7-404(a)). |
| 12-027 Receipt for Property Returned to Inmates on Release —Receipt required to be signed by inmates upon release from detention facilities for property, valuables and cash returned at the time of release. All items shall be inventoried on the receipt and witnessed by the releasing officer. | Permanent record. | See Tennessee Corrections Institute Rule 1400-1-.14. |
| 12-028 Reports of Jail Inspections —Files regarding inspections of detention facilities. Includes any inspection made to monitor conditions of safety, security and sanitation in detention facilities and maintenance work orders. | Retain three years, then destroy. | Based on American Correctional Association accreditation/re-accreditation cycle. |
| 12-029 Report of Trustees —Report on trustees and other prisoners receiving sentence reduction credit, showing name of trusty, dates, and time labored. | Retain 10 years, then destroy. | Used in determination of release in case of transfers, etc. |
| 12-030 Sheriff's Sales, Records of —Records relating to sales and auctions conducted by the sheriff for forfeited property, property seized under execution, and any other property the sheriff is authorized or directed to sell. | Retain records of sales of personal property five years, then destroy. Retain records of real property sales permanently. | For personnel property sales, retention period based on recommendations of comptroller's as authorized by T.C.A. § 10-7-404(a). Records of real property sales may impact land title and property rights indefinitely and should be retained as long as possible in case questions of ownership arise. |

| Retention Schedule for the Office of the Sheriff | | |
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| Description of Record | Retention Period | Legal Authority/Rationale |
| 12-031 Training Records —Records of participation in training programs, sign-in sheets, lesson plans, videotapes, certifications, etc. | Keep records regarding training for 10 years or for career of officer where information is kept in personnel file. If the training is required by OSHA, retain 30 years. | Records useful in determining employment and promotion decisions and for continuing education program. Also vital record in defending lawsuits against department alleging improper actions of employees. |
| 12-032 Vehicle Maintenance Records — Record of repairs, service, etc. related to county owned vehicles. | Retain five years or life of vehicle, whichever is longer. | Keep for management purposes. |
| 12-033 Vouchers —Copies of vouchers presented by the sheriff for the payment of expenses incurred in operating the workhouse, patrol, salaries, etc. | Retain five years, then destroy. | Keep for audit purposes based on the comptrollers recommendations (T.C.A. § 10-7-404(a)). |
| 12-034 Workhouse Commission Minutes — Record of business transacted at meetings of the workhouse commission. | Permanent record. | Actions recorded in minutes are effective until superceded or rescinded. Also keep for historical purposes. |
| 12-035 Workhouse Docket | See schedule for Prisoner Registers, above. | |
| 12-036 Workhouse Expenses, Record of — An account of all supplies, implements, tools, etc., purchased for the workhouse and a separate account for supplies. | Retain five years, then destroy. | Keep for audit purposes based on the comptrollers recommendations (T.C.A. § 10-7-404(a)). |
| 12-037 Work Release Financial Records — Records documenting receipt and disbursement of funds associated with the Work Release program. | Retain 10 years, then eligible for destruction. | Retention period based on 10 year statute of limitations for actions on sheriff's bonds and actions for misappropriation of funds (T.C.A. § 28-3-110). |
| OBSOLETE RECORDS | | |
| 12-038 Weapons, Permits to Purchase — Letters or forms giving persons permission to purchase weapons. Records of weapons permitting, registry of weapon owners, etc. | Sheriff's no longer permit handgun owners. Federal statutes prohibit maintaining registries of gun owners. 18 U.S.C.A. § 922(s)(6)(B)(i). All records related to these activities should be destroyed. | |

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