

FILED

MAR 28 2023

ORDINANCE NO. 2023-1

COUNTY & PROBATE COURT CLERK

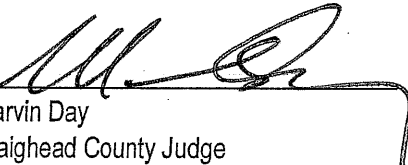
BE IT ENACTED BY THE QUORUM COURT OF CRAIGHEAD COUNTY,
ARKANSAS; AN ORDINANCE TO BE ENTITLED:

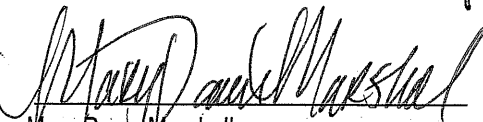
An Ordinance adopting the District Court Judge's Dockets & Record Retention policy for Craighead County District Court, by reference.

WHEREAS: the Craighead County Quorum Court has been asked to adopt District Court's policy on Judge's Dockets & Record Retention. The purpose of this policy is to properly document the District Court Judge's Dockets and instructs how to properly retain the records. This creates a unified method of Docket and Record Retention for Craighead County District Court.

WHEREAS: This Ordinance is adopting the District Court Judge's Docket and Record Retention policy by reference. Kimberly Dale, Craighead County attorney with Branch, Thompson, Warmath, Dale & Butler, Paragould, AR has reviewed the attached policy and recommends that the Quorum Court approve of the policy. The referenced policy shall be filed in the office of the Craighead County Clerk, along with this ordinance, upon passage and approval by the Quorum Court.

Dated this 24 day of March 2023.

Approved: 
Marvin Day
Craighead County Judge

Attest: 
Mary Dawn Marshall
Craighead County Clerk

"This publication was paid for by the Craighead County Clerk, cost of this publication \$ _____."

CRAIGHEAD COUNTY, STATE OF ARKANSAS JUDGE'S

DOCKETS & RECORD RETENTION

WHEREAS, in connection with storage needs of the District Court Clerk of Craighead County, and options for electronic capabilities, a policy shall be adopted.

WHEREAS, several provisions in Arkansas Law set forth the parameters for docket retention in the Arkansas District Court's.

I. In accordance with Ark. Code 16-10-206, all court dockets must contain:

- all violations shall be docketed, and all judgments shall be rendered by the presiding judge
- the court docket shall reflect the complete history of the violation and the disposition of each case, and shall contain the following information:
 1. citation number
 2. date and nature of the violation
 3. court date
 4. parties to the case (i.e., officers and witnesses)
 5. the judgment rendered by the court
 6. signature or initials of the judge
 7. the total amount of fines and costs
 8. the receipt number and dollar amount of bonds posted
- the docket, generated by the court's case management program, shall be contain page numbers independently of the court docket numbers assigned by the court clerk
- city and county dockets shall be kept separately

A. For accuracy:

- immediately after court, the court clerk's computer entries must be checked against the Judge's docket by a separate clerk
- inaccuracies must be flagged for corrections
- all corrections must be completed by the court clerk within 7 days of the court date
- the court clerk and the inspection clerk must sign the cover page of the docket confirming the accuracy

II. Record Retention in accordance with Ark. Code 16-10-211:

- judge's dockets, electronic or in physical form, shall be retained permanently
- A. Additional Office policy:**
 - judge's dockets shall be retained in physical form for 5 years and after such, converted into a scanned copy. - per Kimberly Dale, attorney for Craighead County 12.29.22
 - scanned copies must:
 1. be the finalized docket
 2. be legible - no blurred, smudged, or stretched images

3. include all printed and handwritten information
4. include page numbers at the bottom of each page
5. include all signatures/initials

III. Prior to the destruction of physical dockets that are 5 years old:

1. Ark. Code 16-10-211 must be followed:
 - (b) After a town, city, or county has maintained records for the time periods required by subdivision (a)(2) or subdivision (a)(3) of this section and after the records described in subdivision (a)(2) or subdivision (a)(3) of this section have been audited, the records may be destroyed.
 - (c) When records are destroyed under subsection (b) of this section, the town, city, or county shall document the destruction by the following procedure:
 - (1) An affidavit is to be prepared stating:
 - (A) Which records are being destroyed and to which period of time the records apply; and
 - (B) The method of destruction; and
 - (2) The affidavit is to be signed by the town, city, or county employee performing the destruction and one (1) employee of the governing body or, if applicable, governing bodies that contribute to the expenses of the court.
 - (d) In addition to the procedure described in subsection (c) of this section, the approval of the governing body or, if applicable, governing bodies that contribute to the expenses of the court shall be obtained before the destruction of district court records and an appropriate note of the approval indicated in the minutes of the governing body or bodies along with the destruction affidavit.

IV. Electronic Record Retention Requirements:

- (1) The information in the county record retained shall be transferred into a usable and accessible format capable of accurately reproducing the original over the time periods specified in this section and §§ 13-4-302 – 13-4-308;
- (2) Operational procedures shall ensure that the authenticity, confidentiality, accuracy, reliability, and appropriate level of security are provided to safeguard the integrity of the information in the county record;
- (3) Procedures shall be available for the backup, recovery, and storage of records to protect the records against media destruction or deterioration and information loss; and
- (4) A retention conversion-and-review schedule shall be established by each county official to ensure that electronically or optically stored information, for records required to be kept permanently, is reviewed for data conversion at least one (1) time every four (4) years or more frequently when necessary to prevent the physical loss of data or loss due to technological obsolescence of the medium.

A. Electronic Records Storage (Univo):

data shall be stored locally on a server housed in the Courthouse Annex
basement

data shall be backed up

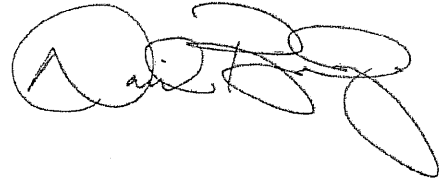
1. locally
2. Datto appliance (county's back-up)
3. Datto cloud – East coast
4. Datto cloud – West Coast

5. Controlled access to server room with security cameras in place
 - a. multifactor password protection
 - b. backup and password protection
 - c. access rules in place requiring a connection to our network before access is granted

V. Restrictions placed on individual files to allow view or print only
(higher authorization will be granted to Bridgett Clifft, District Court Clerk)

REVIEWED AS TO FORM AND CONTENT

Kimberly Dale, Attorney at Law /s/



January 5, 2023

Reference:

16-10-206. Court docket.

(a) All violations shall be docketed and all judgments shall be rendered by the court's presiding judge. (b) The court docket shall reflect the complete history of the violation and the disposition of each case, and shall contain the following information: (1) The citation number; (2) The date and nature of the violation; (3) The date the court convened to hear the case; (4) The names of arresting officers and witnesses, if any; (5) The judgment rendered by the court; (6) The signature or initials of the judge; (7) The total amount of the fine and costs; (8) The receipt number and dollar amount evidencing payment of fine and costs; and (9) If applicable, the check number and dollar amount evidencing authorized bond refund. The check itself will indicate the docket number evidencing authorization. (c) The docket shall be numbered by the court clerk in accordance with the Rules of the Supreme Court and Court of Appeals of the State of Arkansas. (d) (1) For manual dockets, the docket pages shall be prenumbered by the printer, and a printer's certificate or other evidence shall be furnished to the court's clerk which shall be made available for inspection. (2) Docket pages must be either bound or loose-leaf, provided that accountability and control are maintained over loose-leaf docket pages. (e) For manual or electronic dockets, the docket pages shall be numbered independently of court docket numbers assigned by the court clerk. (f) The court clerk shall keep separate court dockets, one (1) for city cases and one (1) for county cases.

16-10-211. Record retention schedule.

- (a) All towns, cities, and counties of the State of Arkansas shall maintain records for the district courts and are to:
- (1) Permanently maintain:
 - (A) Case indices for all district courts;
 - (B) Case dockets for all district courts;
 - (C) Active warrants;
 - (D) Waivers;
 - (E) Expungement and sealed records;
 - (F) Files concerning convictions under the Omnibus DWI or BWI Act, § 5-65-101 et seq.; and
 - (G) Domestic battering files;
 - (2) Maintain for a period of at least seven (7) years and in no event dispose of before being audited:
 - (A) Complete case files and written exhibits for all district courts, not including civil or small claims division cases in which the judgment is not satisfied;
 - (B) Show cause orders;
 - (C) Case information, including arrest reports and affidavits; and
 - (D) Files concerning cases resulting in a suspended imposition of sentence; and
 - (3) Maintain for a period of at least three (3) years and in no event dispose of before being audited:
 - (A) Bank reconciliations;

- (B)** Check book registers and check listings;
 - (C)** Cancelled checks;
 - (D)** Bank statements;
 - (E)** Receipts;
 - (F)** Deposit collection records;
 - (G)** Receipts listings;
 - (H)** Distribution reports;
 - (I)** Receipt and disbursement journals;
 - (J)** Time payment records;
 - (K)** Citation book logs;
 - (L)** Citation books from each police department and sheriff's office;
 - (M)** Served, recalled, or quashed arrest warrants;
 - (N)** Copies of citations;
 - (O)** Alternative service or community service time sheets;
 - (P)** Uniform filing fees collection remittance forms and fine reports;
 - (Q)** Miscellaneous fee and fine collection reports; and
 - (R)** Served or unexecuted search warrants.
- (b)** After a town, city, or county has maintained records for the time periods required by subdivision (a)(2) or subdivision (a)(3) of this section and after the records described in subdivision (a)(2) or subdivision (a)(3) of this section have been audited, the records may be destroyed.
- (c)** When records are destroyed under subsection (b) of this section, the town, city, or county shall document the destruction by the following procedure:
- (1)** An affidavit is to be prepared stating:
- (A)** Which records are being destroyed and to which period of time the records apply; and
 - (B)** The method of destruction; and
 - (2)** The affidavit is to be signed by the town, city, or county employee performing the destruction and one (1) employee of the governing body or, if applicable, governing bodies that contribute to the expenses of the court.
- (d)** In addition to the procedure described in subsection (c) of this section, the approval of the governing body or, if applicable, governing bodies that contribute to the expenses of the court shall be obtained before the destruction of district court records and an appropriate note of the approval indicated in the minutes of the governing body or bodies along with the destruction affidavit.