

1 IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

2 Administrative Order

3 Number 2 of 2020

4 In Re: Clerk of Courts Files and Criminal Exhibits

5 **ORDER OF COURT**

6 AND NOW, this 3rd day of February, 2020, until further Order of Court, the following case
7 files shall be regularly purged and destroyed by the Adams County Clerk of Courts Office:

- 8 1. Criminal records in closed status for at least a year and in existence beyond 3 years of the
9 date of original sentence, with the exception of first or second degree murder prosecutions
10 which shall not be destroyed unless preserved in their entirety on microfilm with
11 appropriate backup, PDF/A format, or saved as an ERMS document in CPCMS;
- 12 2. Juvenile records in closed status for at least 1 year and in existence beyond 3 years
13 following the date of adjudication, with the exception of matters docketed to a
14 miscellaneous matter which may be purged and destroyed after 2 years of inactivity;
- 15 3. Summary appeal records in existence in excess of 1 year from final judgment;
- 16 4. Miscellaneous cases in closed status and in existence in excess of 2 years; and
- 17 5. Sworn oaths of any official, whether elected or appointed, shall not be destroyed sooner
18 than 2 years from the official's final day in office.
- 19 6. The Clerk of Courts shall maintain permanent physical original records for the following
20 matters:
 - 21 a. County detective licensing,
 - 22 b. Grand Jury,
 - 23 c. Municipality/Incorporation Records,
 - 24 d. Occupational and Miscellaneous Registers,
 - 25 e. Road and Bridge Records, and

1 f. Wiretapping.

2 No original record shall be destroyed by the Adams County Clerk of Courts Office pursuant to
3 this Order unless every document has been preserved by either microfilm, PDF/A format, or saved as an
4 ERMS document and marked as archived in CPCMS. For purposes of this paragraph, acceptable
5 backup will require that the microfilm and/or electronic reproduction of the document be maintained in
6 at least two separately secured physical facilities. If the AOPC adopts a policy in the future, whereby
7 the AOPC assumes responsibility for maintaining the electronic version of a filed document, this
8 storage by the AOPC may serve as meeting the maintenance requirement of the two separately secured
9 facilities, as it is this Court's understanding that the AOPC maintains electronic documents in at least
10 two separate locations.

11 The Adams County Clerk of Courts Office shall maintain an inventory of every case file
12 destroyed pursuant to this Order.

13 IT IS FURTHER ORDERED that, in criminal cases resulting in an acquittal of all charges, any
14 exhibit entered in a particular case shall be destroyed by the Clerk of Courts after 30 days unless the
15 party that introduced the exhibit notifies the Clerk of Court in writing and appears at the Clerk of Courts
16 Office to take possession of the exhibit or a party that did not introduce the exhibit files a motion with
17 the Court to request possession of the exhibit.

18 In criminal cases resulting in conviction of any charge, the Clerk of Courts is authorized to
19 destroy the exhibits after one year of final judgment, after two years of date of conviction, or after
20 expiration of the maximum sentence, whichever date is later. For summary appeals/summary offenses
21 and miscellaneous cases, the Clerk of Courts is authorized to destroy exhibits after one year of final
22 judgment.

23 Destruction of exhibits shall occur as follows:

- 24 1. Any exhibit consisting of a controlled substance shall be surrendered by the Adams
25 County Clerk of Courts Office to a law enforcement member of the Adams County

1 Drug Task Force in the presence of a law enforcement officer from the Adams County
2 Sheriff's Department. A receipt specifically identifying all items surrendered shall be
3 executed by the Drug Task Force representative, the Sheriff's representative, and a
4 clerk of the Adams County Clerk of Courts Office. Within 60 days of surrender of the
5 items to the Adams County Drug Task Force, a Certificate of Destruction shall be filed
6 with the Adams County Clerk of Courts Office.

7 2. All firearms, ammunition and other physical exhibits that cannot be destroyed by the
8 Clerk of Courts Office through shredding shall be surrendered to a law enforcement
9 official with the Adams County Sheriff's Department for physical destruction. A receipt
10 executed by the Sheriff's representative and the Clerk of Courts Office shall be
11 executed at the time of transfer. Within 60 days of transfer, an appropriate Certificate
12 of Destruction shall be filed with the Adams County Clerk of Courts Office.

13 3. All U.S. currency shall be surrendered to the Adams County General Fund through the
14 Adams County Treasurer's Office. A detailed receipt of all surrendered funds shall be
15 executed from the Treasurer to the Clerk of Courts Office. The County of Adams is
16 authorized to utilize these funds as general fund assets.

17 4. All other items shall be physically destroyed by the Clerk of Courts Office.
18 Confidential documents shall be shredded.

19 The Adams County Clerk of Courts Office shall prepare and maintain an index of all exhibits
20 destroyed pursuant to this Order which shall include a notation as to the ultimate disposition of those
21 exhibits.

22 This Order of Court is effective immediately. Administrative Order No. 18 of 2019 is vacated.
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY THE COURT,

MICHAEL A. GEORGE

President Judge

Board of Judges

Executive Assistants to the Board of Judges

Court Administration

Clerk of Courts Office

Brian Sinnett, District Attorney

Kristin Rice, Public Defender

Gale Kendall, Ex. Dir., Department of Probation Services

Angela Crouse, Dir. of Elections

Molly Mudd, County Solicitor

James Muller, Adams County Sheriff

Adams County Law Library

Adams County Bar Association

