

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: January 3, 2017	TYPE OF AGENDA ITEM: <input type="checkbox"/> Regular <input type="checkbox"/> Timed <input checked="" type="checkbox"/> Consent
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DEPARTMENT: Sheriff's Office APPROVING PARTY: Sheriff Tim Standley PHONE NUMBER: 530-289-3700
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AGENDA ITEM: Resolution Approving Updated Sheriff's Office Records Retention Schedule

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other
Board of Supervisors Resolution No. 91-037

BACKGROUND INFORMATION: The current schedule approved by the Board of Supervisors in 1991 is outdated and does not address current technology or records management requirements.

FUNDING SOURCE: N/A
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED? <input type="checkbox"/> Yes, -- -- <input checked="" type="checkbox"/> No	IS THIS ITEM ALLOCATED IN THE BUDGET? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IS A BUDGET TRANSFER REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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SPACE BELOW FOR CLERK'S USE

BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2017- _____ Agreement 2017- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD _____	DATE _____
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BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**RESOLUTION APPROVING THE UPDATED RECORDS
RETENTION SCHEDULE FOR THE SIERRA COUNTY
SHERIFF'S OFFICE**

RESOLUTION 2017-_____

WHEREAS, Government Code § 26200 et seq. authorizes the Board of Supervisors to adopt a records retention schedule which sets forth the duration that county records must be retained and authorizes the destruction or disposition of any records at the conclusion of the record retention period specified in the schedule; and

WHEREAS, The Sheriff has prepared a records retention schedule, which is attached hereto and represents an inventory of all records maintained by the Sheriff's Office, the retention period for each type of record, the media options and applicable legal requirements; and

WHEREAS, the Sheriff's record retention schedule will protect useful and vital records, identify historically valuable records, and assure the prompt and systematic disposal of records that are obsolete; and

WHEREAS, This Board of Supervisors wishes to adopt the updated records retention schedule that has been presented to this Board for its consideration.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Sierra does hereby:

- 1) Adopt by resolution the Sheriff's records retention schedule which is attached hereto;
- 2) Authorize the Sheriff or the Sheriff's designee to authorize to retain the records pursuant to the schedule, and thereafter to destroy or otherwise dispose of documents that exist beyond the records retention periods specified;
- 3) Define the term "records" as used herein shall to include documents, instructions, books, microforms, electronic files, magnetic tape, optical media, or papers as defined by the California Public Records Act.

ADOPTED by the Board of Supervisors of the County of Sierra on the 3rd day of January, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

County of Sierra:

Peter Huebner
Chairman of the Board

Attest:

Approved as to Form:

Heather Foster
Clerk of the Board

David Prentice
County Counsel

	A	B	C	D
1	EXHIBIT A			
2	SIERRA COUNTY SHERIFF'S OFFICE RECORDS RETENTION SCHEDULE			
3	DESCRIPTION	RETENTION PERIOD	ELECTRONIC COPY	COMMENTS/REFERENCE
4				
5	Agreements & Contracts	Expiration + 5 years	No	GC §§ 26202 & 26205, statewide guidelines propose expiration + 5 years
6	Duplicates	2 years	No	GC § 26202, Duplicates less than 2 years old can be destroyed if County adopts a procedure to do so (GC § 26206.7) BOS action required
7	Concealed Weapons Permits	Expiration + 2 years	No	GC §§ 26202 & 26205
8	Citizen Complaints & Internal Investigations (including video)	Separation or final disposition + 5 years (whichever is longer)		PC § 832.5 requires 5 years, statute of limitations is 4 years (PC § 801.5)
9	Personnel Files	Separation + 5 years	No	29 CFR 1602.31 & GC § 12946 requires retention for 2 years after separation.
10	K-9 Files	Separation + 5 years	No	GC §§ 26202 & 26205
11	Records of Fatalities (Including accident investigations, internal affairs investigations, pursuits, use of force, prisoner deaths)	Permanent	N/a	GC §§ 26202 & 26205
12	Accident Investigations (Non-Fatal)	2 years after resolution	No*	GC §§ 26202 & 26205, CA Secretary of State Records Management Guidelines
13	Background Files - Successful Applicants	Separation + 5 years	No	29 CFR 1602.31 & GC § 12946 requires retention for 2 years.
14	Background Files - Unsuccessful Applicants	3 years	No	EEOC/FLSA/ADEA requires 3 years; 29 CFR 1602.31 & GC § 12946 requires retention for 2 years.
15	Training Files	Separation + 5 years	No	29 CFR 1602.31 requires retention for 2 years, 3 years under federal law
16	Classification Files (Jail)	2 years after release	No	GC §§ 26202 & 26205

	A	B	C	D
17	Detention Logs	2 years	No	GC §§ 26202 & 26205
18	Gang Intelligence Files	Permanent	N/a	Retention requires reasonable suspicion of criminal activity - 28 CFR 23.20
19	Incident reports	2 years	No*	GC §§ 26202 & 26205
20	Inmate files	5 years	No	BOS Resolution - inmate master files can be destroyed after 5 years pursuant to GC § 26202
21	Security Camera Videos (other than those used as evidence or related to litigation)	1 year	N/a	GC §§ 26202.6 & 34090.6
22	Routinely recorded telephone communications	100 days	N/a	GC §§ 26202.6 & 34090.6
23	Work Program Records	2 years after completion	No*	GC §§ 26202 & 26205
24	Grant Management Records (Including Emergency Services)	3 years (or until completion of any litigation, claim, negotiation, audit or other action started during the 3 year period)	No	79 FR § 75.361
25	High Intensity Drug Trafficking Area Program Files	2 years	No*	GC §§ 26202 & 26205
26	Operations plans	2 years after completion	No*	GC §§ 26202 & 26205
27	Adult Marijuana Misdemeanors	2 years from date of conviction or 2 years from date of arrest if no conviction	No	H & S Code § 11361.5 - If no subsequent conviction - "Shall" destroy
28	Juvenile Marijuana Misdemeanors	2 years from date of conviction or 2 years from date of arrest if no conviction or once juvenile turns 18	No	GC § 68152(c)(8) - "Shall" destroy after 2 years
29	Field Investigation Cards	2 years	No*	GC §§ 26202 & 26205
30	In-Car Video Recordings (other than those used as evidence or related to litigation)	1 year**	N/a	GC §§ 26202.6 & 34090.6
31	Mobile Audio Recordings (other than those used as evidence or related to litigation)	100 days	N/a	GC §§ 26202.6 & 34090.6
32	Pawn Slips	2 years	No	GC § § 26202 & 26205

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33	Coroner's Records	Original - any time after investigation is completed and case closed if the contents of the file are photographed or micrographed.	Yes	GC §§ 27463 & 27463.5 - Originals can be disposed of but everything must be kept in easily accessible files with a provision created for preserving, examining and using the files
34	Sealed Juvenile and Ward Cases	Sealing date + 5 years	No	W & I Code § 389(c)
35	Factually Innocent Petition Accepted Records	Arrest date + 3 years	No	"Shall destroy" - PC § 851.8
36	Department of Justice Validation Lists	2 years	No*	GC §§ 26202 & 26205
37	Inmate Booking Jackets	6 years	No*	GC §§ 26202 & 26205, CA Secretary of State Records Management Guidelines
38	Criminal Offender Records Information Requests	3 years	No	PC § 11078 and 11 § CCR 707(c) - Attorney General requires retention for 3 years
39	Equipment Maintenance History	Life of equipment	No*	GC §§ 26202 & 26205
40	Fingerprints and Palm Prints	20 years after no longer active	Yes	GC §§ 26202 & 26205, CA Secretary of State Records Management Guidelines
41	Case files - offenses punishable by imprisonment of 8 years or more	2 years after time served/probation ended or statute of limitations expires	Yes	GC §§ 26202 & 26205, prosecution must be commenced within 6 years after commission of offense - PC § 800
42	Case files - offenses punishable by imprisonment in the state prison	2 years after time served/probation ended or statute of limitations expires	Yes	GC §§ 26202 & 26205, prosecution must be commenced within 3 years after commission of offense - PC § 801
43	Case files - sex offenses committed when the victim was alleged to be under 18	2 years after time served/parole or probation ended or statute of limitations expires	Yes	GC §§ 26202 & 26205, prosecution must be commenced prior to victim's 40th birthday - PC § 801.1
44	Case files - employment of a minor in production or sale of child pornography	2 years after time served/probation ended or statute of limitations expires	Yes	GC §§ 26202 & 26205, prosecution must be commenced within 10 years of the date of production of the pornographic material - PC § 801.2

	A	B	C	D
45	Case files - fraudulent insurance claims	2 years after time served/probation ended or statute of limitations expires	Yes	GC §§ 26202 & 26205, prosecution shall be commenced within four years after discovery of the commission of the offense, or within four years after the completion of the offense, whichever is later - PC § 801.5
46	Case files - crimes against elder or dependent adults	2 years after time served/probation ended or statute of limitations expires	Yes	GC §§ 26202 & 26205, prosecution shall be commenced within five years from the date of the occurrence
47	Case files - misdemeanors (except for certain offenses specified in PC § 802)	2 years after time served/probation ended or statute of limitations expires	Yes	GC §§ 26202 & 26205, prosecution shall be commenced within one year of the commission of the offense - PC § 802 (certain misdemeanors have longer statutes of limitations)
48	Case files - major crimes (capital crimes, sex crimes, confirmed child and elder abuse)	Permanent	N/a	GC §§ 26202 & 26205, no limitation of commencement of action
49	Officer involved shooting	Permanent	N/a	GC § § 26202 & 26205
50	Original Criminal Offender Records (records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release)	When no longer active IF put in electronic format that meets the requirements of PC 13103	Yes	PC § 13103
51				
52	* Electronic copy required if destroyed before two years			

	A	B	C	D
53	** The video recording system used by the Sheriff's Office records constantly but only certain video is retained, if not retained, video feed is automatically recorded over.			
54				
55	ABBREVIATIONS AND FREQUENTLY USED CODE SECTIONS			
56	BOS = Board of Supervisors			
57	CCR = California Code of Regulations			
58	FR = Federal Register			
59	CFR = Code of Federal Regulations			
60	GC = California Government Code			
61	PC = California Penal Code			
62	W & I = California Welfare and Institutions Code			
63	H & S = California Health and Safety Code			
64	GC § 26202 - Records can be destroyed after 2 years with BOS action			
65	GC § 26205 - Records can be purged sooner if preserved in unalterable format with BOS			

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

IN THE MATTER OF APPROVING THE DESTRUCTION OF)
CERTAIN SHERIFF'S RECORDS, DOCUMENTS, AND)
PAPERS, PURSUANT TO SECTION 26202 AND 26202.6)
OF THE CALIFORNIA GOVERNMENT CODE)

RESOLUTION NO. 91-037

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- (h) All index cards and logs which relate to the case documents destroyed.
- (i) Dispatch cards over two (2) years old.
- (j) Field interview cards over two (2) years old.
- (k) Duplicates of all reports may be destroyed at any time when the duplicates are no longer needed.

2. Records pertaining to the arrest or conviction of any person for a violation of subdivision (b), (c), (d), or (e) of section 11357 or subdivision (b) of section 11360 of the Health and Safety Code occurring after January 1, 1976 shall not be kept beyond two years from the date of conviction, or from the date of arrest if there was no conviction.

3. Any documents relating to citizen complaints or investigations in response to citizen complaints relating to members of the Sheriff' Office and internal affairs investigation files shall be retained for a period of at least five (5) years, providing such documents are not evidence in any claim filed or any pending litigation (or potential litigation), in which case such documents shall be preserved for five (5) years after the conclusion of litigation.

4. This Resolution also authorizes the Sheriff to purge arrest warrants according to a recall schedule established by the Courts for the timely return of warrants.

The foregoing Resolution was duly passed and adopted by the Board of Supervisors of the County of Sierra on the fifth day of March, 1991, by the following vote:

AYES: Supervisors McIntosh, Lewis, McCaffrey, Bowling and Gallegos

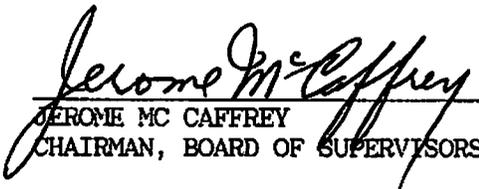
NOES: None

ABSENT: None

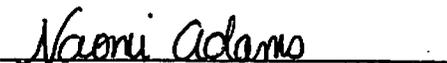
ABSTAIN: None

Approved as to Form:


WILLIAM W. PANGMAN
COUNTY COUNSEL


JEROME MC CAFFREY
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:


NAOMI ADAMS
CLERK, BOARD OF SUPERVISORS