

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: DISTRICT ATTORNEY

BOARD AGENDA # *B-7

Urgent _____ Routine X

AGENDA DATE June 5, 2001

CEO Concurs with Recommendation YES pk NO _____
(Information Attached)

4/5 Vote Required YES _____ NO X

SUBJECT: AUTHORIZATION OF THE DESTRUCTION OF CERTAIN RECORDS IN THE
CUSTODY OF THE DISTRICT ATTORNEY

STAFF

RECOMMENDATIONS: AUTHORIZE THE DISTRICT ATTORNEY TO DESTROY RECORDS ON THE
SCHEDULE AS ESTABLISHED IN THE ATTACHED RESOLUTION AND
EXHIBIT A.

FISCAL
IMPACT:

None at this time.

BOARD ACTION AS FOLLOWS:

No. 2001-377

On motion of Supervisor Simon, Seconded by Supervisor Caruso
and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

Motion:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Christine Ferraro Deputy

File No.

**AUTHORIZATION OF THE DESTRUCTION OF CERTAIN RECORDS IN THE CUSTODY OF
THE DISTRICT ATTORNEY page 2**

DISCUSSION: Currently the District Attorney has no available, adequate, safe facility for the storage of the many files that are created or collected by this office in the course of conducting business. The current storage building (Zeff Building) is scheduled to be demolished. Many of the files contained in storage in that building are ten years old or older and do not contain information that is required to be maintained any longer, either by statute or practicality.

Most of the documents are not original documents, but copies of records or documents created by other criminal justice agencies. Those that are created by this office are not required to be maintained or copied as provided by law.

Allowing the destruction of these records will lower the volume of records that will have to be moved to a new storage facility, once one is found.

**POLICY
ISSUES:**

Destruction of these records should not impact the safety or security of the citizens of Stanislaus County and uphold the Board's commitment to efficient government operations.

Destruction of these records should not adversely impact any future criminal prosecutions.

**STAFFING
IMPACTS:**

The District Attorney's office will absorb any staffing impact in order to carry out the destruction of these files.

EXHIBIT A

The following may be destroyed after two years without copying:

1. All misdemeanor case files and their contents except for cases involving drunk driving with injury, domestic violence, child abuse and sexual assault cases.
2. All felony case files, with the following exceptions. Those cases involving:
 - a) Murder or attempted murder;
 - b) Any cases involving any shooting incident involving a peace officer.
 - c) Cases designated by exceptional case code as involving any of the following:
 1. Auto Insurance Fraud;
 2. Asset Forfeiture;
 3. Crimes against children;
 4. Career Criminal;
 5. Consumer Fraud;
 6. Drug Endangered Children;
 7. Domestic Violence;
 8. Elder abuse;
 9. Empire Gang Grant;
 10. Environmental Protection;
 11. Gangs or gang related activity;
 12. Hate Crimes;
 13. High Tech Crimes;
 14. Two or Three Strike Cases;
 15. Major Narcotic Vendor;
 16. Rural Crimes;
 17. Sexual Assault;
 18. Stanislaus County Drug Enforcement Unit;
 19. Statutory Rape Program;
 20. Violence Against Women;
 21. Vehicle Theft;
 22. Worker's Compensation;
 23. Welfare Fraud.
3. Personnel file related documents that are not otherwise required to be maintained by law.
4. Investigative reports, notes, memoranda and other documents created by Investigators employed by the District Attorney's Office that are not otherwise required to be maintained by law.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: June 5, 2001

No. 2001-377

On motion of Supervisor Simon, Seconded by Supervisor Caruso,
and approved by the following vote,
Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

*B-7

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, the Board of Supervisors of the County of Stanislaus, State of California, may, pursuant to California Government Code §26202, authorize the County Officer having custody of certain documents, instruments, books, and papers to destroy such documents, instruments, books and papers which are more than two years old and which were prepared or received in any manner other than pursuant to state statute; and

WHEREAS, the District Attorney has submitted a request to destroy certain documents, instruments, books, and papers pertaining to those items listed in Attachment A which are more than two years old; and

WHEREAS, said request by the District Attorney has been approved by the County Counsel and is in accordance with California Government Code §26202; and

WHEREAS this Board finds that such documents, instruments, books, and papers in the custody of the District Attorney are not required by law to be preserved and further that it is not necessary for County purposes to retain such records; and

WHEREAS, said request is to authorize the destruction of all documents, instruments, books and papers referred to in Exhibit A without copying, from time to time as the need may arise;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Stanislaus, State of California, pursuant to California Government Code section 26202, hereby authorizes the Stanislaus County District Attorney to destroy, without retaining a copy there of, all documents, instruments, books, and papers referred to in Exhibit A without copying, from time to time as the need may arise.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California,

Christine Ferraro
By: Deputy

File No.