

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

DEPT: District Attorney *SL*

BOARD AGENDA # *B-5

Urgent

Routine

AGENDA DATE July 24, 2012

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Adoption of a Resolution for the District Attorney's Office to Establish a Records Retention Schedule

STAFF RECOMMENDATIONS:

Adopt a resolution for the District Attorney's Office to establish a record retention schedule.

FISCAL IMPACT:

There is no direct fiscal impact associated with this item. Current employees of the District Attorney's Office will manage records in accordance with the adopted schedules. There is no additional cost to the County General Fund.

BOARD ACTION AS FOLLOWS:

No. 2012-383

On motion of Supervisor Chiesa, Seconded by Supervisor De Martini

and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Adoption of a Resolution for the District Attorney's Office to Establish a Records Retention Schedule

DISCUSSION:

The Stanislaus County District Attorney's Office proposes the adoption of a records retention schedule in an effort to promote Efficient Delivery of Public Services consistent with other contemporary law enforcement agencies.

Administrative personnel investigations often result in the production of large amounts of paperwork. As a result of housing documents for extended periods of time, the District Attorney's Office has reached storage capacity in many areas.

The District Attorney's Office proposes to establish a record retention schedule of certain documents pursuant to applicable laws, which include:

1. Retention of citizen complaint investigations pursuant to California Penal Code Section 832.5 for a period of no less than 5 years after the complaint investigation has been completed.
2. Retention of all closed internal administrative investigations for 5 years, pursuant to Attorney General Opinion 99-1111.
3. Retention of officer involved shooting internal administrative investigations for 5 years from the date of the incident then destroyed after determining there are no actions pending against the County.

In accordance with section 26202 of the California Government Code, the Board of Supervisors of the County of Stanislaus may authorize the destruction of any record, paper or document which is two years old if no longer necessary or required for county purposes and retention requirements are met. Approval of this item will allow the District Attorney's Office to comply with this section of the Government Code by establishing an ongoing record retention schedule and document destruction guidelines.

POLICY ISSUE:

Approval of this agenda item addresses the Board of Supervisors' priorities of Efficient Delivery of Public Services by reducing the amount of documents stored for extended periods of time and promoting efficient governmental operations.

STAFFING IMPACT:

There are no staffing impacts associated with this request.

CONTACT:

Birgit Fladager, District Attorney (209) 525-5550

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA No. 2012-383

Date: July 24, 2012

On motion of Supervisor Chiesa Seconded by Supervisor DeMartini
and approved by the following vote,
Ayes: Supervisors: Chiesa, Withrow, Monteith, DeMartini, and Chairman O'Brien,
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED: Item # *B-5

RESOLUTION
STANISLAUS COUNTY BOARD OF SUPERVISORS
District Attorney's Office Record Retention Schedule

WHEREAS, the Board of Supervisors of the County of Stanislaus, State of California, may, pursuant to California Government Code Section 26202, authorize the District Attorney's Office to destroy without microfilming all records, papers and documents that are over 2 years old and not prepared or received pursuant to a state statute or county charter, as the need arises; and

WHEREAS, the District Attorney's Office has submitted a request to establish a record retention schedule with regard to all closed citizen complaints for a period of 5 years pursuant to California Penal Code Section 832.5 and;

WHEREAS, the District Attorney's Office has submitted a request to establish a record retention schedule with regard to all closed administrative personnel investigations for a period of 5 years pursuant to California Attorney General Opinion 99-1111 and;

WHEREAS, the District Attorney's Office has submitted a request to establish a record retention schedule with regard to all closed administrative personnel investigations pertaining to officer involved shootings for a 5-year period after determining there are no actions pending against the County and;

WHEREAS, said request has been approved by County Counsel and is in accordance with California Government Code Section 26202, California Penal Code Section 832.5, Attorney General Opinion 99-111, and;

WHEREAS, this Board finds that the establishment of a record retention schedule is consistent with the Board's priority of an Efficient Delivery of Public Services and;

WHEREAS, said request is to authorize the adoption of a record retention schedule and destruction of records, papers and documents which fall beyond the adopted retention schedule,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Stanislaus, State of California, hereby authorizes the District Attorney's Office to adopt a record retention schedule with regard to closed citizen complaints investigations, closed administrative personnel investigations and closed officer involved shooting investigations and to destroy records which fall beyond the adopted schedule pursuant to California Government Code Section 26202.

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

Christine Ferraro

File No.