

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Sheriff-Coroner		(2) MEETING DATE May 2, 2006		(3) CONTACT/PHONE Michael Matus (805) 781-4555	
(4) SUBJECT Request for approval of resolution to permit the destruction or disposal of certain Sheriff's Department records, documents and papers.					
(5) SUMMARY OF REQUEST The record destruction policy permits the Board of Supervisors to authorize the destruction or disposition of any record, paper or document beyond the period required by law.					
(6) RECOMMENDED ACTION Request to approve a resolution to permit the destruction or disposal of certain Sheriff's Department records. A 4/5th vote of approval is required.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Counsel has reviewed and approved the record destruction policy as to form and legal effect.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th, All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input checked="" type="checkbox"/> 4/5th's Vote Required <input type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW

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(5.2.06)



Patrick Hedges

Sheriff-Coroner

P.O. Box 32
San Luis Obispo, CA 93406

San Luis Obispo County Sheriff's Department

**Area Code:
(805)**

Administration
781-4540

Animal Services
781-4400

Civil
Enforcement
781-5484

Crime
Prevention
781-4547

Custody
781-4600

Detectives
781-4500

Patrol
781-4550

Coast Station
528-6083

Dispatch
781-4550

North Station
237-3000

South Station
473-7100

Watch
Commander
781-4553

Permits
781-4575

Property
781-4533

Records
781-4140

Warrants
781-4588

TO: BOARD OF SUPERVISORS

FROM: PATRICK HEDGES, SHERIFF-CORONER

DATE: APRIL 25, 2006

**SUBJECT: REQUEST FOR APPROVAL OF RESOLUTION TO PERMIT THE
DESTRUCTION OR DISPOSAL OF CERTAIN SHERIFF'S
DEPARTMENT RECORDS, DOCUMENTS AND PAPERS.**

RECOMMENDATION:

Request to approve a resolution to permit the destruction or disposal of certain Sheriff's Department records. A 4/5th vote of approval is required.

DISCUSSION:

The records destruction policy was first established in 1991. The policy is based upon Government Code section 26202 which permits the Board of Supervisors to authorize the destruction or disposition of any record, paper, or document which is more than two years old, and which was prepared or received in any manner other than pursuant to a State statute or County charter. The records to be purged are obsolete, and there is no persuasive rationale for the retention of records beyond that period required by law. There is no pending litigation attached to the records to be purged.

OTHER AGENCY INVOLVEMENT/IMPACT:

County Counsel has reviewed and approved the record destruction policy as to form and legal effect.

FISCAL CONSIDERATIONS:

Costs to destroy the records are minimal and have been included in the Sheriff's budget.

INTENDED RESULTS:

Approval of this request will allow the Sheriff-Coroner to dispose of certain Sheriff's Department records, documents and

PH/MM/mm

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 2006

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

**RESOLUTION TO PERMIT THE DESTRUCTION OR DISPOSAL OF
CERTAIN SHERIFF'S DEPARTMENT RECORDS, DOCUMENTS
AND PAPERS, PURSUANT TO SECTIONS 26202, 26202.3, 26202.6, 26205 OF THE
GOVERNMENT CODE OF THE STATE OF CALIFORNIA**

The following resolution is now offered and read:

WHEREAS, Government Code section 26202, permits the Board of Supervisors to authorize the destruction or disposition of any record, paper, or document which is more than two years old, and which was prepared or received in any manner other than pursuant to a State statute or County charter; and

WHEREAS, Government Code section 26202 further permits the Board to authorize destruction or disposition of any record, paper or document which is more than two years old, which was prepared or received pursuant to State statute or County charter, and which is not expressly required by law to be filed and preserved if the Board determines by four-fifths (4/5) vote that the retention of any such record, paper or document is no longer necessary or required for County purposes; and

WHEREAS, such records, papers or documents need not be photographed, reproduced or microfilmed prior to destruction and no copy thereof need be retained; and

WHEREAS, Government Code section 26202.6 permits the Board to authorize destruction or disposition of any recorded radio and telephone communications after 100 days; and

WHEREAS, Government Code section 26205 permits the Board to authorize destruction of any document that is not expressly required by law to be preserved when an electronic reproduction is created in a manner consistent with the requirements of section 26205; and

WHEREAS, Government Code section 26202.3 permits the Board to authorize destruction of recordings of routine video monitoring after one year; and

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WHEREAS, the documents, records, and papers which may be destroyed pursuant to this Resolution, consume valuable space that is needed for current storage and filing needs; and

WHEREAS, all documents, records and papers to be destroyed have been preserved in excess of any period required by law; and

WHEREAS, any injury and accident reports, documents pertaining to claims against the Sheriff's Department, concealed weapons applications and permits, and documents relating to citizen complaints have been preserved for five years; and

WHEREAS, no document, record or paper to be disposed of is the subject of known pending or potential litigation.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the ____ day of _____, 2006, as follows:

The following County records, documents, instruments, books or papers are no longer required and may be destroyed:

- a. Personnel files of separated employees who left the Sheriff's Department prior to January 1, 2004.
- b. Background investigations of nonselected candidates, which investigations were completed prior to January 1, 2004.
- c. Training files:
 - (1) Separated employees who left the Sheriff's Department prior to January 1, 2004.
 - (2) Training requests of current and former employees made prior to January 1, 2004.
- d. Reserve Deputy Sheriff files for nonactive Reserve Deputies who have been inactive since January 1, 2004.
- e. Volunteer files for nonselected/nonactive volunteers who have been inactive since January 1, 2004.
- f. Miscellaneous noncriminal reports which were prepared prior to January 1, 2004.
- g. Auction receipts and records which were prepared prior to January 1, 2004.
- h. Records:
 - (1) Expired/denied/revoked business licenses and explosive permits which were issued prior to January 1, 2004.

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- (2) Veterinary bills received prior to January 1, 2004.
 - (3) Journal entries made prior to January 1, 2004.
 - (4) Extradition records which were adjudicated prior to January 1, 2004.
 - (5) Booking Fee billing records prepared prior to January 1, 2004.
 - (6) Megan's Law Request to View Logs prepared prior to January 1, 2004.
 - (7) Carrying Concealed Weapon (CCW) expired/revoked/denied applications and permits which were prepared or issued prior to January 1, 2001.
 - (8) Arrest Reports, Incident Reports and booking records upon being electronically imaged as provided in Government Code section 26205.
 - (9) Warrant copies/documents which have been cleared or recalled upon being returned to court.
 - (10) Fingerprint cards of persons deceased prior to January 1, 2004.
 - (11) Injury and accident reports which were prepared prior to January 1, 2001.
 - (12) Any documents pertaining to the application and evaluation process for admittance into the Home Detention or Alternative Work programs prior to January 1, 2004.
 - (13) Crime and supplemental reports of infractions, misdemeanors and felonies which were prepared prior to January 1, 2004, providing:
 - (a) They do not relate to a criminal death case.
 - (b) They do not relate to violations listed in Penal Code sections 799 and 800.
 - (c) The cases are not presently known to be involved in either civil or criminal litigation.
- i. Records of lost and found items which were lawfully disposed of prior to January 1, 2004.
 - j. Sheriff's daily activity records and logs which were prepared prior to January 1, 2004.
 - k. Dispatch cards which were prepared prior to January 1, 2004.
 - l. Medical communication cards which were prepared prior to January 1, 2004.
 - m. Jail activity, attendance, housing shift logs and inmate worker assignments which were prepared prior to January 1, 2004.

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- n. Jail inmate grievance forms which were submitted prior to January 1, 2004.
- o. Jail State Parole billings which were prepared prior to January 1, 2004.
- p. Bail receipts which were prepared prior to January 1, 2004.
- q. Index cards and logs which relate to case documents destroyed.
- r. Any documents pertaining to the service or enforcement of civil process, to include:
litigant's correspondence, service trip tickets, notices and other documents prepared or received during the normal course of business by the Civil Enforcement Division prior to January 1, 2004, providing they do not relate to real property seizures or levies.
- s. Recorded radio and telephone communications over 100 days old.
- t. All documents related to citizen complaints resulting in an internal affairs investigation which was completed prior to January 1, 2001.
- u. Animal impound record cards made prior to January 1, 2004.
- v. Nuisance abatement cases resolved prior to January 1, 2004.
- w. Routine video monitoring designed to record regular and ongoing operations of the Department, to include mobile in-car video systems, jail observation/monitoring systems, and building security taping systems recorded prior to January 1, 2005.
- x. Any documents pertaining to claims filed against the Sheriff's Department for monetary or property reimbursement to include adjudicated litigation cases settled by County Counsel or Risk Management prior to January 1, 2001.
- y. Items in Property/Evidence can be purged in accordance with Peace Officer Standards and Training (P.O.S.T.) guidelines.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairman of the Board of Supervisors

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