

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: March 15, 2017

SUBJECT: H.C.S.O. Records Retention and Disposition Schedule

PRESENTER: Jason Smith, HCSO Staff Attorney

ATTACHMENTS: YES

1. H.C.S.O. Records Retention and Disposition Schedule Amendment Approval Sheet

SUMMARY OF REQUEST:

The Government Records Section of the North Carolina State Archives located within the North Carolina Department of Cultural Resources issued an amendment to the County Sheriff's Office Records Retention and Disposition Schedule. This amendment reflects changes in North Carolina law concerning law enforcement audio and video recordings as set out in House Bill 972, Law Enforcement Recordings/No Public Record, which went into effect on October 1, 2016. This amendment establishes a 30 day retention period for audio and video recordings and makes exceptions to keep the recordings longer if the recording is part of a criminal case. This schedule amendment must be approved by the Sheriff and the Henderson County Board of Commissioners for use by the Sheriff's Office.

BOARD ACTION REQUESTED:

The Board is requested to approve the Amendment to the Schedule as presented and authorize the Sheriff and Chairman to execute the approval sheet.

Suggested Motion:

I move the Board approve the Amendment to the Schedule as presented and authorize the Sheriff and Chairman to execute the approval sheet.

**County Sheriff's Office
Records Retention Schedule Amendment**

Amending the County Sheriff's Office Records Retention and Disposition Schedule published November 15, 2015.

STANDARD 8. PROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS

Amending Item 10, Audio and Video Recordings, as shown on substitute page 57.

APPROVAL RECOMMENDED

County Sheriff

Sarah E. Koonts

Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Chairman, Bd. of County Commissioners

Susan W. Kluttz



Susan W. Kluttz, Secretary
Department of Natural and Cultural Resources

County: _____

October 1, 2016



8 – Sheriff Records

STANDARD-8. PROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
10. 	<p>AUDIO AND VIDEO RECORDINGS Tapes and digital recordings generated by mobile and fixed audio and video recording devices.</p> <p>Does not include ELECTRONIC RECORDINGS OF INTERROGATIONS (JUVENILE OR HOMICIDE), page 65, item 35.</p>	<p>a) Destroy in office after 30 days if not made part of a case file.*</p> <p>b) If records are made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES, page 57, item 11; or CASE HISTORY FILE: MISDEMEANORS, page 58, item 12.</p>	Confidentiality: G.S. § 132-1.4A
11. 	<p>CASE HISTORY FILE: FELONIES Includes investigative reports, complaint reports, fingerprint cards, original arrest reports, copies of warrants, special expenditure reports; statements of seized and returned property, interview sheets; case status reports, photographs, court orders, correspondence; officer's notes, laboratory tests, court dispositions, audio or video recordings, and other related records.</p> <p>See also ELECTRONIC RECORDINGS OF INTERROGATIONS (JUVENILE OR HOMICIDE), page 65, item 35.</p>	<p>a) Destroy in office records concerning solved cases after 20 years.*</p> <p>b) Retain in office records concerning unsolved cases until solved, and then follow disposition instructions in part (a).</p>	Confidentiality: G.S. § 132-1.4

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.