

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

A RESOLUTION OF THE
COUNTY OF SANTA
BARBARA, CALIFORNIA
ADOPTING AN ELECTRONIC
RECORDS RETENTION
POLICY FOR THE OFFICE OF
THE SHERIFF'S CUSTODY
AND MEDICAL RECORDS

RESOLUTION NO. 19-304

WHEREAS, the Board of Supervisors ("Board") wishes to give direction and set policy for such matters for which the responsibility of decisions is placed on it by virtue of State statute or specific ordinances and resolutions or relates to its broad policy-making authority to matters regarding Santa Barbara County; and

WHEREAS, the County of Santa Barbara ("County"), including the Office of the Sheriff, has an obligation to maintain inmate custody and medical records in accordance with laws and regulations and accepted records management practices; and

WHEREAS, maintaining paper records, of inmate custody records and medical files, takes up space in the Office of the Sheriff and at on-site storage facilities; and

WHEREAS, electronic storage of Sheriff's inmate custody records and inmate medical documents would eliminate the need to transport documents to and from storage; and

WHEREAS, Sections 26200 et seq. of the Government Code of the State of California provide the relevant procedures for retaining and destroying County records; and

WHEREAS, pursuant to Section 26205 of the Government Code of the State of California the Board may authorize the destruction of any record, paper, or document that is not expressly required by law to be filed and preserved, if the record, paper, or document is electronically reproduced on a trusted system that does not permit additions, deletions, or changes to the original document, is in compliance with Section 12168.7, and the record, paper or document is placed in conveniently accessible files and provision is made for preserving, examining, and using the files; and

WHEREAS, pursuant to Section 26205 of the Government Code, the Board may, at the request of the county officer concerned, authorize the destruction of any record, paper, or document that is not expressly required by law to be filed and preserved if the record, paper, or document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data

processing system, recorded on optical disk, or reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document and is produced in compliance with Section 12168.7 for recording of permanent records or nonpermanent records; and the device used to reproduce the record, paper, or document on film, optical disk, or any other medium is one that accurately reproduces the original thereof in all details and which does not permit additions, deletions, or changes to the original document images; and the photographs, microphotographs, electronically recorded video images on magnetic surfaces, records in the electronic data processing system, records recorded on optical disk, or other reproductions on film or any other medium are placed in conveniently accessible files and provision is made for preserving, examining, and using the files.

WHEREAS, pursuant to Section 26201 of the Government Code of the State of California the Board may authorize destruction or disposition of duplicate records, papers, or documents the originals or permanent photographic reproductions of which are on file with any officer or department of the County; and

WHEREAS, pursuant to Section 26206.7 of the Government Code the Board may prescribe a procedure whereby duplicates of county records less than two years old may be destroyed if they are no longer required; and

WHEREAS, the purpose of an electronic records retention policy for the Office of the Sheriff, Custody Division's, custody records and medical files is to establish a pattern for the orderly electronic reproduction and storage of these files, and destruction of the paper files, all on a continuing basis; and

WHEREAS, the Office of the Sheriff is prepared to comply with the trusted system requirements of Section 12168.7 of the Government Code of the State of California; and

WHEREAS, retention policies are used by public entities across the State of California and are an appropriate mechanism for the Board to proactively make the determination under Sections 26200, et seq. of the Government Code of the State of California that various categories of records may be maintained electronically for their retention periods; and

WHEREAS, this policy is in compliance with both the California Secretary of State Local Government Records Program, established pursuant to Government Code section 12236, subdivision (a), and the Countywide Policy 121-107 Local Government Records Management Guidelines; and

WHEREAS, this policy is not set by ordinance, is not legally binding, and can be changed by adoption of a resolution approved by a majority of the Board of Supervisors and is intended to give guidance to the Office of the Sheriff's staff and future members of the Board of Supervisors; and

WHEREAS, this Board has held a public meeting on this matter and considered any public comment that has been made.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of Supervisors of the County of Santa Barbara, as follows:

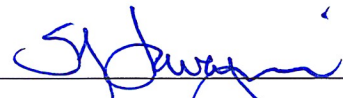
1. The Office of Sheriff's staff, acting under the direction of the Sheriff, the County Officer with the delegated authority, is authorized at any time, to destroy any record, paper, or document, that is generally contained within its inmate custody records and/or medical files, not expressly required to be filed and preserved, including any record, paper, or document prepared or received pursuant to state statute, if the record, paper, or document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document, or reproduced under the direction and control of the county recorder on film, optical disk, or any other medium in compliance with Section 12168.7 for recording of permanent records or nonpermanent records.
2. The Office the Sheriff has the authority to determine the appropriate electronic medium its inmate custody records and/or medical files may be stored in, so long as the Office of the Sheriff complies with the laws of the State of California.
3. The Office of the Sheriff staff is further authorized, at the direction of the Sheriff, to destroy or dispose of duplicates of inmate custody records files less than two years old and/or medical records within its files that are less than seven years old, if they are no longer required.
4. The policy adopted through this Resolution shall amend any prior records retention policy regarding the storage and destruction the Office of the Sheriff's Inmate custody records and/or medical files.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Santa Barbara, State of California, held on this 19th day of November, 2019, by the following vote:

AYES: Supervisors Williams, Hart, Hartmann, Adam and Lavagnino

NOES: NONE

ABSENT: NONE




CHAIR, BOARD OF SUPERVISORS

ATTEST:

MONA MIYASATO

COUNTY EXECUTIVE
OFFICER CLERK OF THE
BOARD

BY: 

Deputy Clerk

APPROVED AS TO FORM:

MICHAEL GHIZZONI
COUNTY COUNSEL

BY: 

Deputy County Counsel

APPROVED AS TO FORM:

BETSY SCHAFFER, CPA
AUDITOR-CONTROLLER

BY: 
