

# FORSYTH COUNTY

## BOARD OF COMMISSIONERS

MEETING DATE: JANUARY 9, 2017

AGENDA ITEM NUMBER: 16

**SUBJECT: RESOLUTION APPROVING AND ADOPTING FOR USE BY FORSYTH COUNTY THE RECORDS RETENTION AND DISPOSITION SCHEDULE AMENDMENT FOR COUNTY SHERIFF'S OFFICE EFFECTIVE OCTOBER 1, 2016 BY THE NORTH CAROLINA DEPARTMENT OF NATURAL AND CULTURAL RESOURCES, DIVISION OF ARCHIVES AND RECORDS, GOVERNMENT RECORDS SECTION (FORSYTH COUNTY SHERIFF'S OFFICE)**

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:** Recommend Approval

### SUMMARY OF INFORMATION:

The Government Records Section of the North Carolina Division of Archives located within the North Carolina Department of Natural and Cultural Resources has issued an amendment to the County Sheriff's Office Records Retention and Disposition Schedule. A copy of the amendment is attached (see Exhibit A).

This amendment reflects changes in North Carolina law concerning law enforcement audio and video recordings as set out in N.C.G.S. 132-1.4A and 132-1.4, 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 however recordings must be retained longer if the recording is part of a criminal case, audit, or pending litigation.

This schedule amendment must be approved by the Forsyth County Sheriff and the Forsyth County Board of Commissioners for use by the Sheriff's Office.

ATTACHMENTS:  YES  NO

SIGNATURE:

J. Kennedy Cletts, Jr. CMH  
COUNTY MANAGER

DATE: January 4, 2017

**RESOLUTION APPROVING AND ADOPTING FOR USE BY FORSYTH COUNTY  
THE RECORDS RETENTION AND DISPOSITION SCHEDULE AMENDMENT FOR  
COUNTY SHERIFF'S OFFICE EFFECTIVE OCTOBER 1, 2016 BY THE NORTH  
CAROLINA DEPARTMENT OF NATURAL AND CULTURAL RESOURCES,  
DIVISION OF ARCHIVES AND RECORDS, GOVERNMENT RECORDS SECTION  
(FORSYTH COUNTY SHERIFF'S OFFICE)**

**WHEREAS**, according to Chapters 121 and 132 of the *General Statutes of North Carolina*, public records may only be destroyed with the consent of the North Carolina Department of Natural and Cultural Resources;

**WHEREAS**, the North Carolina Department of Natural and Cultural Resources gives its consent to destroy records through the issuance of a Records Retention and Disposition Schedule;

**WHEREAS**, without approving this Records Retention and Disposition Schedule Amendment, the County must obtain specific permission from the North Carolina Department of Natural and Cultural Resources prior to destroying any record; and

**WHEREAS**, the North Carolina Department of Natural and Cultural Resources approved and issued a Records Retention and Disposition Schedule Amendment for County Sheriff's Office effective as of October 1, 2016, which supersedes all previous editions and amendments and needs to be approved and adopted for use by Forsyth County.

**NOW, THEREFORE, BE IT RESOLVED**, that the Forsyth County Board of Commissioners hereby approves and adopts for use by Forsyth County the Records Retention and Disposition Schedule Amendment for County Sheriff's Office issued and approved by the North Carolina Department of Natural and Cultural Resources, Division of Archives and Records, Government Records Section effective October 1, 2016, which schedule shall remain in effect until it is further reviewed and updated.

**BE IT FURTHER RESOLVED** that the Chairman of the Forsyth County Board of Commissioners and the Forsyth County Sheriff are hereby authorized to execute, on behalf of Forsyth County, the County Sheriff's Office Records Retention and Disposition Schedule Amendment effective October 1, 2016.

Adopted this 9<sup>th</sup> day of January 2017.


**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.

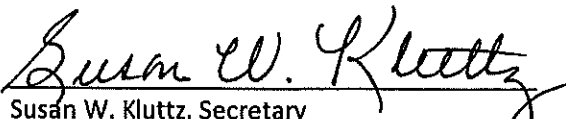
**APPROVAL RECOMMENDED**

  
\_\_\_\_\_  
County Sheriff

  
\_\_\_\_\_  
Sarah E. Koonts, Director  
Division of Archives and Records

**APPROVED**

\_\_\_\_\_  
Chairman, Bd. of County Commissioners

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

County: \_\_\_\_\_

October 1, 2016

EXHIBIT A

2015 COUNTY SHERIFF'S OFFICE RECORDS RETENTION AND DISPOSITION SCHEDULE



STANDARD-8. PROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
10.	<p><b>AUDIO AND VIDEO RECORDINGS</b> Tapes and digital recordings generated by mobile and fixed audio and video recording devices.</p> <p>Does not include <b>ELECTRONIC RECORDINGS OF INTERROGATIONS (JUVENILE OR HOMICIDE)</b>, 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 <b>CASE HISTORY FILE: FELONIES</b>, page 57, item 11; or <b>CASE HISTORY FILE: MISDEMEANORS</b>, page 58, item 12.</p>	Confidentiality: G.S. § 132-1.4A
11.	<p><b>CASE HISTORY FILE: FELONIES</b> 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 <b>ELECTRONIC RECORDINGS OF INTERROGATIONS (JUVENILE OR HOMICIDE)</b>, 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

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\* 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.