

**PUBLIC DEFENDER'S OFFICE
RECORDS RETENTION POLICY**

WHEREAS, Idaho Code §31-871 provides for the classification of county records as “permanent,” “semi-permanent,” or “temporary,” and;

WHEREAS, the Bonner County Public Defender’s Office has stored closed client files going back to the date of the opening of the Public Defender’s Office in September of 2002; and

WHEREAS, the client files of the Public Defender’s Office do not appear to fall specifically into any of the categories of “permanent,” “semi-permanent,” or “temporary” as described in subsections (1)(a), (b), or (c) of Idaho Code § 31-871; and

WHEREAS, the Public Defender’s Office proposes the following criteria for the retention and destruction of its files:

Misdemeanor cases: retained at least two (2) years after the Public Defender’s Notice of Withdrawal from the case following entry of the final order in the case, whether the original Judgment, an Order providing for the disposition of a probation violation, or proceedings after a case has been remanded to the sentencing court after appeal, and in any event no file is to be destroyed while a defendant is still on probation or has an outstanding warrant in a case in which the Public Defender’s Office has not filed a Notice of Withdrawal.

Felony cases: retained at least five (5) years after the Public Defender’s Notice of Withdrawal from the case following the date of entry of the final order in the case, whether the original Judgment or an Order providing for the disposition of a probation violation, or proceedings after a case has been remanded to the sentencing court after appeal, and in any event no file is to be destroyed while a defendant is still on probation or has an outstanding warrant in a case in which the Public Defender’s Office has not filed a Notice of Withdrawal.

All of the notes of the attorneys and staff for every client file stored in the Public Defender’s data base would continue to be retained indefinitely.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Bonner County, that this Resolution for the Public Defender’s Office Records Retention Policy shall take effect and be in full force from and after its passage and approval.

Duly approved this 16th day of February, 2016

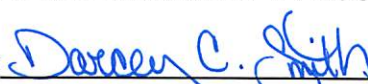
BOARD OF BONNER COUNTY COMMISSIONERS


Cary Kelly, Chairman


Glen Bailey, Commissioner


Todd Sudick, Commissioner

ATTEST: MICHAEL W. ROSEDALE

By 
Deputy Clerk



Bonner County
Office of the Public Defender

Janet K. Whitney, Public Defender

Public Defender
Item #1

February 2, 2016

MEMORANDUM

To: Bonner County Commissioners
cc: Valerie Fenton, Bonner County Deputy Prosecuting Attorney
Re: Retention Schedule

Description: The Public Defender's Office is seeking approval to adopt a Records Retention Policy.

The Public Defender's Office currently does not have a retention schedule and is proposing the retention schedule outlined in the attached Resolution. This policy follows the guidelines in Idaho Code 31-871 and has been reviewed by the County Civil Attorney.

Distribution:
 Original to BOCC Office
 Copy to Public Defender's Office
 Copy to Valerie Fenton

Reviewed by Legal: Valerie Fenton

A suggested motion would be: Mr. Chairman based on the information before us I move to approve Resolution #16-22 for the Public Defender's Office - Records Retention Policy. The Policy has been reviewed by Civil Counsel and follows the guidelines as outlined in Idaho Code 31-871. This Policy outlines specific documents used in the Public Defender's Office.

Recommendation Acceptance: yes no Gary Kelly Date: 2/16/16
Commissioner Gary Kelly, Chairman