



Office of the
Bonner County Public Defender
123 S. First Ave.
Sandpoint, ID 83864
208-255-7889 (Office) 208-255-7559 (Fax)

Memorandum

November 8, 2016

**PUBLIC DEFENDER
ITEM #1**

To: Bonner County Commissioners

From: Janet Whitney
Chief Public Defender

RE: Public Defender's Office – Destruction of Records; Resolution

Description: The Public Defender's Office is seeking approval to destroy records as outlined in the Public Defender's Records Retention Policy, Resolution #16-22, passed by the BOCC on February 16, 2016.

Attached please find our most current list of files and/or documents that are due to be disposed of/shredded. Once the list has been approved for disposal, we will proceed with scheduling a date for shredding.

Distribution: Original – to be kept in the Commissioner's Office
Electronic Copy – to be emailed to Janet K. Whitney

A suggested motion would be: **Mr. Chairman based on the information before us I move to approve Resolution #16- 90 authorizing the Public Defender's Office to destroy the documents as listed in the attached Resolution and as outlined in the Public Defender's Records Retention Policy Resolution #16-22.**

Recommendation Acceptance: yes no _____ Date: 11/8/16
Commissioner Cary Kelly, Chairman

RESOLUTION #16 - 90

**PUBLIC DEFENDER'S OFFICE
DESTRUCTION OF RECORDS**

WHEREAS, The Public Defender's Office has determined per their Records Retention Policy, Resolution #16-22, that the attached list of records can be destroyed, and


WHEREAS, Idaho Code 31-871 does hereby authorize the destruction of the attached documents.

WHEREAS, the Board of Bonner County Commissioners, upon the advice of the Bonner County Prosecuting Attorney, has the authority under Idaho Code Section 31-871 (1) (d) to classify county records if such records are not specifically included in the classifications of Idaho Code Section 31- 871 (a), (b), or (c); and

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Bonner County, Idaho, that the above documents be destroyed.

Duly approved this 8th day of November, 2016

BONNER COUNTY BOARD OF COMMISSIONERS


Cary Kelly, Chairman


Glen Bailey, Commissioner


Todd Sudick, Commissioner

Client Name	Status	Case No. (Matter No)	Charges	Staff	Code	Scan Date
[REDACTED]	C	CR-14-0006341	Petit Theft	SDJ	MISD	6/9/2016
[REDACTED]	C	CR-16-0003230	Aggravated Batter	SDJ	FEL	6/9/2016
[REDACTED]	C	CR-14-0006735	POP	LAH	MISD	6/9/2016
[REDACTED]	C	CV-16-0000508	Mental Hold	SDJ	CV	6/9/2016
[REDACTED]	C	CV-15-0000282	Involuntary Menta	DDT	CIV	6/9/2016
[REDACTED]	C	CR-15-0002161	Violation of No coi	LAH	MISD	6/9/2016
[REDACTED]	C	CV-16-00000484	Mental Hold	SDJ	CV	6/9/2016
[REDACTED]	C	CR-15-0002157	PCS (Meth)	SR	FEL	6/9/2016
[REDACTED]	C	CR-16-0002157	PCS, Meth	SAW	FEL	6/9/2016
[REDACTED]	C	CV-16-0000751	CPA (Children: Liar	CEE	XREF	6/9/2016
[REDACTED]	C	CV-16-0000751B	CPA (Children: Liar	CEE	CPA	6/9/2016
[REDACTED]	C	JV-16-0000045	(F) PCS	CEE	JUV	6/9/2016
[REDACTED]	C	CR-15-0002379	DUI (Excessive)	SDJ	MISD	6/9/2016
[REDACTED]	C	CR-15-0002049	Domestic Battery	SDJ	MISD	6/9/2016
[REDACTED]	C	CR-12-0004783	Domestic Battery	SDJ	MISD	6/9/2016
[REDACTED]	C	CR-14-0005993	DWP	LAH	MISD	6/9/2016
[REDACTED]	C	CR-16-0002463	Domestic Battery i	LAH	MISD	6/9/2016
[REDACTED]	C	CR-15-0000211	Vio of Temporary I	LAH	MISD	6/9/2016
[REDACTED]	C	CV-13-000937A	CPA (Child: Santan	SDJ	CPA	6/10/2016
[REDACTED]	C	CV-13-0001105	CPA (Child)	IR	XREF	6/15/2016
[REDACTED]	C	CR-15-0000842	PCS (Hydrocodone	LAH	MISD	6/15/2016
[REDACTED]	C	CV-12-0002183	CPA (Child)	IR	XREF	6/15/2016
[REDACTED]	C	CR-15-0000276	3cts (PCS, Methad.	JKW	FEL	6/15/2016
[REDACTED]	C	CR-15-0000433	PCS (Mj) R/O	LAH	MISD	6/15/2016
[REDACTED]	C	CR-15-0001165	Frequenting	LAH	MISD	6/15/2016
[REDACTED]	C	CR-15-0001211	False Information	LAH	MISD	6/15/2016
[REDACTED]	C	CV-16-0000652	Mental Hold	SDJ	CV	6/15/2016
[REDACTED]	C	CR-15-0000778	Aggravated Assaul	DDT	FEL	6/15/2016
[REDACTED]	C	CV-16-0000774	Montana Extraditi	LAH	CIV	6/15/2016
[REDACTED]	C	CV-12-0002183B	CPA (Child: Aubrey	SDJ	CPA	6/15/2016
[REDACTED]	C	CV-13-0001105A	CPA (Child: Amand	SDJ	CPA	6/15/2016
[REDACTED]	C	CR-11-0001602	Dom. Battery w/ C	SDJ	MISD	6/15/2016
[REDACTED]	C	CR-11-0001221	Domestic Battery	SDJ	MISD	6/15/2016
[REDACTED]	C	CR-11-0004323	False imprisonmer	SDJ	MISD	6/15/2016
[REDACTED]	C	CR-12-00002199	R/O	SDJ	MISD	6/15/2016
[REDACTED]	C	CR-14-0007019	MIP (Tobacco)	LAH	MISD	6/15/2016
[REDACTED]	C	CR-14-0007316	Battery	LAH	MISD	6/15/2016
[REDACTED]	C	CR-15-0000069	Battery	SDJ	MISD	6/15/2016
[REDACTED]	C	CR-15-0000442	Poss of Mj. under :	LAH	MISD	6/15/2016
[REDACTED]	C	CR-15-0000767	DWP	LAH	MISD	6/15/2016
[REDACTED]	C	CR-15-0000908	False Info, PCS	LAH	MISD	6/15/2016
[REDACTED]	C	CR-15-0001579	PCS (Meth), PCS (F	SAW	F/M	6/15/2016
[REDACTED]	C	CV-13-0000783	CPA (Child)	JKW	XREF	6/15/2016
[REDACTED]	C	CV-13-0000783A	CPA	JKW	CPA	6/15/2016
[REDACTED]	C	CV-15-0000381	Fugitive Warrant	DDT	FEL	6/15/2016
[REDACTED]	C	CV-15-0000438	CPA (Child)	LAH	XREF	6/15/2016
[REDACTED]	C	CV-15-0000438B	CPA (Child- Samar	LAH	CPA	6/15/2016
[REDACTED]	C	CV-15-0000468	CPA (Chilren)	LAH	XREF	6/15/2016
[REDACTED]	C	CV-15-0000468B	CPA (Children: Emi	LAH	CPA	6/15/2016

C	CV-15-0000565	Mental	DDT	CV	6/15/2016
C	JV-16-0000025	Lewd Conduct w/a	LAH	JUV	6/15/2016
C	CR-10-0002360	PV (PV (PCS, DUI))	JKW	FEL	6/15/2016
C	CR-16-0000647	Domestic Violence	LAH	MISD	6/15/2016
C	CR-16-0003229	PSC (MDMA), PSC	JKW	FEL	6/15/2016
C	CV-16-000656	Mental Hold	SDJ	CV	6/15/2016
C	CR-15-0001407	Domestic Battery	SDJ	MISD	6/15/2016
C	CR-16-0001170	DWP	CEE	MISD	6/15/2016
C	CR-13-0006244	Petit Theft	SDJ	MISD	6/15/2016
C	CV-12-0000802A	CPA (Children: Jos	DDT	CPA	6/15/2016
C	CV-12-0000802	CPA (Children)	IR	XREF	6/15/2016
C	CR-15-0000009	Attempted Murde	DDT	FEL	6/22/2016
C	CR-15-0002258	DUI, Open Contain	SDJ	MISD	6/22/2016
C	CV-15-0000287	Mental Hold	DDT	CV	6/22/2016
C	CR-10-0003292	PV (PV (DUI))	DDT	FEL	6/22/2016
C	CR-09-0003186	PV (PV (PV (Failure	DDT	FEL	6/22/2016
C	CR-14-0005986	DWP, Fail to Provid	LAH	MISD	6/22/2016
C	CR-12-0002834	DUI	DDT	MISD	6/22/2016
C	CR-15-0001948	Vio of a NCO	LAH	MISD	6/22/2016
C	CR-14-0005582	Battery	DDT	MISD	6/22/2016
C	CR-15-0002229	Dom. Batt. in the F	SDJ	MISD	6/22/2016
C	JV-15-0000026	Unalwful Poss. of 1	LAH	JUV	6/22/2016
C	CR-15-0001833	PCS (Methadone),	JKW	F/M	6/22/2016
C	CR-14-0005634	PV (PCS (Heroin))	SAW	FEL	6/22/2016
C	CR-15-0000038	Battery	LAH	MISD	6/22/2016
C	CV-15-0000326	Mental	DDT	CV	6/22/2016
C	CR-14-0004948	Criminal Trespass	LAH	MISD	6/22/2016
C	CR-14-0006015	Eluding	LAH	MISD	6/22/2016
C	CR-08-0005396	DUI	DDT	MISD	6/22/2016
C	CR-15-0001897	Petit Theft	SDJ	MISD	6/22/2016
C	CR-15-0001418	Grand Theft, Poss	SR	FEL	6/22/2016
C	CR-15-0002016	Trafficking in Marij	JKW	FEL	6/22/2016
C	CV-16-0000729A	CPA (Child: Ellien /	CEE	CPA	6/22/2016
C	CV-16-0000729	CPA (Child)	CEE	XREF	6/22/2016
C	CR-15-0001939	PCS, Meth	JKW	FEL	6/22/2016
C	CR-15-0001577	Agg. Assault; PCS (DDT	FEL	6/22/2016
C	CR-15-0006168	Battery	LAH	MISD	6/22/2016
C	CR-05-0006536	DUI	DDT	MISD	6/22/2016
C	CR-14-0000621	Intimidating, Impe	DDT	FEL	6/22/2016
C	CR-14-0007589	Disturbing the Pea	LAH	MISD	6/22/2016
C	CR-16-0003539	Poss Stolen Prop, f	LAH	MISD	6/22/2016
C	CR-09-0005014	DUI	DDT	MISD	6/22/2016
C	CR-09-0005857	DUI	DDT	MISD	6/22/2016
C	CR-16-0002900	(F) DUI, (M) DUI (T	JKW	F/M	6/22/2016
C	CR-15-0002109	Lewd Conduct w/1	DDT	FEL	6/22/2016
C	CR-00-0001927	PV (DUI)	DDT	MISD	6/22/2016
C	CR-07-0006845	DWP, DUI	DDT	MISD	6/22/2016
C	CR-09-90 TETON CO.	Agt. warrant (Drigt	LAH	MISD	6/22/2016
C	CR-14-0000232	Inattentive Driving	LAH	MISD	8/24/2016
C	CV-14-0000094A	CPA (Child: Tiffany	LAH	CPA	8/24/2016
C	CR-12-0000985	DUI (Refusal) & DV	DDT	MISD	8/24/2016
C	CR-14-0003033	Invalid D. L.	JKW	MISD	8/24/2016

C	CR-13-0000280	DUI (Excessive)	DDT	MISD	8/24/2016
C	CR-13-0002905	DUI, Domestic Bat	DDT	MISD	8/24/2016
C	CR-13-0006855	DUI	SDJ	MISD	8/24/2016
C	CR-12-0000239	Battery on an Offic	SDJ	MISD	8/24/2016
C	CR-07-0003433	Attempted Strangi	JKW	FEL	8/24/2016
C	CR-11-0002131	Poss of Marij, POP	SDJ	MISD	8/24/2016
C	CR-12-0005790	DUI (Out of State)	DDT	MISD	8/24/2016
C	CV-15-0000771	Mental	DDT	CIV	8/24/2016
C	CR-13-0002792	DUI	DDT	MISD	8/24/2016
C	CR-13-0005771	Agg. Assault; Dom	DDT	F/M	8/24/2016
C	CR-11-0000534	DUI	DDT	MISD	8/24/2016
C	CR-12-0003263	DUI	DDT	MISD	8/24/2016
C	CR-12-0001090	DUI	SDJ	MISD	8/25/2016
C	CV-15-0000387	Fugitive Warrant	DDT	FEL	8/25/2016
C	CR-16-0003533	Poss Stolen Prop, I	LAH	MISD	8/25/2016
C	CR-15-0000746	Amended: (PCS (N	LAH	MISD	8/25/2016
C	CR-16-0004327	Domestic Violence	CEE	MISD	8/25/2016
C	CR-15-0002911	Petit Theft	LAH	MISD	8/25/2016
C	CR-16-0004378	DUI, PCS (MJ)	LAH	MISD	8/25/2016
C	CR-16-0002738	Resist/Obstruct	CEE	MISD	8/25/2016
C	CR-15-0005419	Statutory Rape (2	SDJ	FEL	8/25/2016
C	CR-14-0006342	Disturbing the Pea	CEE	MISD	8/25/2016
C	CR-14-0007433	Petit Theft	LAH	MISD	8/25/2016
C	JV-16-0000081	Battery	CEE	MISD	8/25/2016
C	CR-16-0004382	Boating Under the	JKW	FEL	8/25/2016
C	CV-16-0000573	Mental Hold	SDJ	CV	8/25/2016
C	JV-16-0000031	Controlled Substar	CEE	MISD	8/25/2016
C	CR-16-0001452	DWP (Second Offe	CEE	MISD	8/25/2016
C	CR-16-0003460	Battery	CEE	MISD	8/25/2016
C	CR-16-0001702	Unlawful Passing S	CEE	MISD	8/25/2016
C	CR-07-0007488	DWP	CEE	MISD	8/25/2016
C	CV-16-0000576	Mental Hold	SDJ	CV	8/25/2016
C	CV-15-0001127	CPA (Joshua Tartei	CEE	CPA	8/25/2016
C	JV-15-0000098	PCS	CEE	JUV	8/26/2016
C	CR-14-0007678	PCS (Meth)	JKW	FEL	8/26/2016
C	CR-15-0007009	PV (Disturbing the	CEE	MISD	8/26/2016
C	CR-16-0004426	Leaving the Scene	CEE	MISD	8/26/2016
C	CR-13-0000227	PCS, POP	SDJ	MISD	8/26/2016
C	CR-08-0006515	Burglary	JKW	FEL	8/26/2016
C	CV-16-0000986A	CPA (Children: Ricl	CEE	CPA	8/26/2016
C	CR-13-0003870	Petit theft, Providi	SDJ	MISD	8/26/2016
C	CR-13-0001059	Willful Concealmer	SDJ	MISD	8/26/2016
C	CV-16-0000167	Mental Hold	DDT	CV	8/26/2016
C	CR-13-0006827	PCS	LAH	MISD	8/26/2016
C	CR-16-0002898	Assault	CEE	MISD	8/26/2016
C	CR-16-0001249	Unlawful Poss of a	SDJ	FEL	8/26/2016
C	CR-16-0004978	PCS (Meth)	JKW	FEL	8/26/2016
C	CR-15-0003324	PCS (MJ)	CEE	MISD	8/26/2016
C	CR-16-0000230	POP	CEE	MISD	8/26/2016
C	CV-15-0001245A	CPA (Jason, Elizabe	CEE,SAW	CPA	8/26/2016
C	CR-14-0000447	Willful Concealmer	LAH	MISD	8/26/2016
C	CR-16-0003531	(F) DUI, (M) DWP	JKW	F/M	8/26/2016

C	CR-15-006098	R/O	CEE	MISD	8/26/2016
C	CR-16-0001399	Failure to Notify of	CEE	MISD	9/7/2016
C	JV-16-0000028	Malicious Injury to	CEE	JUV	9/7/2016
C	CR-16-0002456	DWP (Second Offe	CEE	MISD	9/7/2016
C	CV-11-0001731	Mental Hold	MFS	CIV	9/7/2016
C	CV-13-0000011	PV (Contempt of C	CEE	CV	9/7/2016
C	CR-15-0004651	PCS, POP	SR	MISD	9/7/2016
C	CR-12-0005064	POP, PCS(MJ), DW	SDJ	MISD	9/7/2016
C	CR-13-0000360	Petit Theft	SDJ	MISD	9/7/2016
C	CR-15-0003785	POP, PCS (Mj)	CEE	MISD	9/7/2016
C	14-8-00636-4 (WA)	5(b)	CEE	JUV	9/8/2016
C	CR-15-0004417	Liability for Livestc	CEE	MISD	9/8/2016
C	CR-15-0004924	PCS (Meth), O/R	JKW	F/M	9/8/2016
C	CR-16-0000868	Petit Theft	LAH	MISD	9/8/2016
C	CR-16-0001142	Disturbing the Pea	CEE	MISD	9/8/2016
C	CR-16-0002341	Attempted Strangul	SDJ	F/M	9/8/2016
C	CR-16-0002378	Domestic Battery	LAH	MISD	9/8/2016
C	CR-16-0002499	DWP	CEE	MISD	9/8/2016
C	CR-16-0002848	2cts (Attempted St	SDJ	FEL	9/8/2016
C	CR-16-0003467	DUI (Excessive)	LAH	MISD	9/8/2016
C	CV-15-0001341	CPA Shelter	CEE	CIV	9/8/2016
C	JV-16-0000061	Possess Stolen Pro	CEE	JUV	9/8/2016
C	JV-16-0000070	Child on the Street	CEE	MISD	9/8/2016
C	CR-09-0000288	PV (DSC, Marijuan.	IR	FEL	9/9/2016
CPD	CR-14-0007056	PV (Burglary, Poss	SAW	F/M	9/9/2016
CPD	CR-16-0003465	Grand Theft, Burgl	SAW	FEL	9/9/2016
C	CR-10-0000535	PV (PV(PCS, Meth	JKW	FEL	9/9/2016
C	CR-08-0007454	PCS (Meth)	JKW	FEL	9/9/2016
C	CR-05-0001046	PCS (Meth)	HKN	FEL	9/9/2016
C	CR-09-0005702	PCS (Morphine)	JKW	FEL	9/9/2016
C	CR-09-0003892	PCS, w/intent to D	IR	FEL	9/12/2016
C	CR-05-0007469	Felony DUI	IR	FEL	9/12/2016
C	CR-07-0001505	PV (Domestic Viole	IR	FEL	9/12/2016
C	CR-07-0004390	PCS(Meth)	IR	FEL	9/12/2016
C	CR-07-0006933	PV (Burglary)	IR	FEL	9/14/2016
C	CR-05-0002690	PCS (Meth)	HKN	FEL	9/14/2016
C	CR-11-0004098	DUI	DDT	MISD	9/20/2016
C	CV-15-0000332	Mental Hold	DDT	CV	9/20/2016
C	CV-13-0001947	Mental Hold	DDT	CV	9/20/2016
C	JV-15-0000126	Frequenting	LAH	JUV	9/21/2016
C	CR-12-0005599	DUI	DDT	MISD	9/21/2016
C	CR-11-0001337	PV (DUI)	JKW	FEL	9/21/2016
C	CR-13-0005615	DUI (Under 21)	SDJ	MISD	9/21/2016
C	CR-15-0007001	Unlawful Entry, Cr	LAH	MISD	9/21/2016
C	CR-15-0002484	PCS (Heroin)	JKW	FEL	9/21/2016
C	CV-16-0000073	CPA	LAH	XREF	9/21/2016
C	CV-16-0000073B	CPA (Children: Scc	LAH	CPA	9/21/2016
C	CR-14-0022582	5(b)	DDT	FEL	9/21/2016
C	CR-15-0004922	Battery	LAH	MISD	9/21/2016
C	CR-15-0005074	Reckless Driving	LAH	MISD	9/21/2016
C	CV-16-0000041	Mental Hold	DDT	CV	9/21/2016
C	CR-13-0006075	DUI(Excessive)	SDJ	MISD	9/21/2016



C	CR-15-0006797	Battery x3	LAH	MISD	9/21/2016
C	CV-14-00000247	Mental Hold	DDT	CV	9/21/2016
C	CR-13-0003983	Domestic Battery,	DDT	MISD	9/21/2016
C	CV-14-0000730	Mental	DDT	CV	9/21/2016
C	CR-15-0003318	DWP	LAH	MISD	9/21/2016
C	CV-13-0000844	Mental Hold	DDT	CV	9/21/2016
C	CR-02-0001191	PV (DUI, POP)	SDJ	MISD	9/21/2016
C	CR-15-0006721	Harboring a wante	SAW	FEL	9/21/2016
C	CV-14-0000794	Mental	DDT	CIV	9/21/2016
C	CV-15-0000914	Mental	DDT	CIV	9/21/2016
C	CR-15-0004296	Violation of NCO	DDT	MISD	9/21/2016

**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.

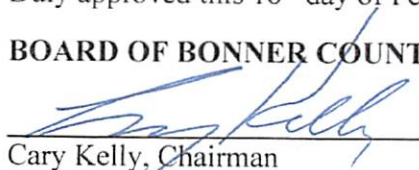
Felony cases: retained at least five (5) years after the Public Defender's Notice of Withdrawal from the case following the date of entry of the final order in the case, whether the original Judgment or an Order providing for the disposition of a probation violation, or proceedings after a case has been 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