

# REQUEST FOR LEGAL SERVICES

**Date:** August 26, 2020  
**From:** Michael J. Molina, Chair  
Governance, Ethics, and Transparency Committee


TRANSMITTAL

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Gary Y. Murai, Esq.

**Subject:** AUTHORIZING THE ADOPTION OF A REVISED RECORDS DISPOSITION SCHEDULE FOR THE DEPARTMENT OF POLICE IN ACCORDANCE WITH SECTION 46-43, HAWAII REVISED STATUTES (GET-38)

**Background Data:** Please see the attached resolution.

**Work Requested:**  FOR APPROVAL AS TO FORM AND LEGALITY  
 OTHER:

Requestor's signature  Michael J. Molina	Contact Person <u>Shelly Espeleta</u> (Telephone Extension: 7134)
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ROUTINE (WITHIN 15 WORKING DAYS)       RUSH (WITHIN 5 WORKING DAYS)  
 PRIORITY (WITHIN 10 WORKING DAYS)       URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): September 2, 2020  
REASON: For possible posting on September 11, 2020 Council meeting agenda.

## FOR CORPORATION COUNSEL'S RESPONSE

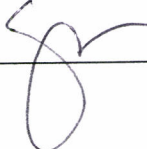
ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR:  APPROVED  DISAPPROVED  OTHER (SEE COMMENTS BELOW)  
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date 8/26/20

By  (Rev. 7/03)

get:ltr:038acc01:ske

Attachment

# Resolution

No. \_\_\_\_\_

AUTHORIZING THE ADOPTION OF A REVISED RECORDS DISPOSITION  
SCHEDULE FOR THE DEPARTMENT OF POLICE IN ACCORDANCE  
WITH SECTION 46-43, HAWAII REVISED STATUTES

WHEREAS, the Department of Police (“Department”) desires to update and revise its Records Disposition Schedule; and

WHEREAS, the latest version of the Department’s Records Disposition Schedule was approved in 2010 by Resolution 10-36; and

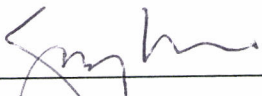
WHEREAS, the Department has developed a proposed revised Records Disposition Schedule, attached as Exhibit “A”; and

WHEREAS, the Council of the County of Maui is authorized to determine whether the County of Maui may create, accept, retain, or store in electronic form any records and convert records to electronic form in accordance with Section 46-43, Hawaii Revised Statutes; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it authorizes the adoption of a proposed revised Records Disposition Schedule, attached as Exhibit “A”; and
2. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, and the Chief of Police.

APPROVED AS TO FORM AND LEGALITY

  
\_\_\_\_\_  
Department of the Corporation Counsel  
County of Maui

get:misc:038areso01:ske

COUNTY OF MAUI  
RECORDS RETENTION SCHEDULE

Department POLICE	Division ADMINISTRATION	Section
Item No.	Description of Records	Retention Period
A.	<u>ANNUAL REPORTS</u>	5 fiscal years
B.	<u>BOARDS &amp; COMMISSIONS, &amp; COMMITTEE RECORDS</u>	
	1. Ad Hoc/Advisory (not established by statute, ordinance, charter or rules and regulations)	
	a. Agendas	1 fiscal year
	b. Minutes, communications, and other related records	2 fiscal years unless approved by Records Disposition Committee
	c. Reports	10 fiscal years
	2. County/state Authorized (by statute, ordinance, charter, or rules and regulations)	
	a. Agendas	1 fiscal year
	b. Minutes, reports, communications, and others	25 fiscal years unless approved by Records Disposition Committee
	c. Rules and regulations (pursuant to Chapters 91-92, HRS)	Until superseded or amended
C.	<u>CORRESPONDENCE RECORDS</u>	
	Intra/interdepartmental directives, memos, circulars, and other communications and records of a general nature (e. g. those records which are inappropriate for filing in specific subject or case files):	
	1. Involving policy decisions procedures, County liability rules, etc.	Until superseded or amended
	2. Not involving policy decisions procedures, rules, or inquiries on routine matters, the response to which completes the cycle of correspondence	Until superseded
	3. County Standard Operating Guidelines & Procedures (SOGP's)	Until superseded or amended
D.	<u>COUNCIL-RELATED RECORDS</u>	
	1. Ordinances	
	a. Permanent	Until codified
	b. Others, e.g., zoning budget	Until superseded

COUNTY OF MAUI  
RECORDS RETENTION SCHEDULE

Department	Division	Section
POLICE	ADMINISTRATION	
Item No.	Description of Records	Retention Period
2.	Resolutions	
	a. If required by law, e.g., grants, condemnation	50 fiscal years then reassessed for further retention
	b. Council statements, e.g., Council positions	2 fiscal years
	c. Others, e.g., congratulatory condolence	1 fiscal year
3.	County Council Journals (minutes)	-----
4.	County Council Committee Reports	2 fiscal years
5.	General and County Communications	2 fiscal years
 E. <u>FINANCE-RELATED RECORDS</u>		
1.	Accounts	
	Accounts payable and encumbrance print-outs, accounting ledgers, requisitions, purchase orders, invoices, mileage claims, other financial records and related communications for:	
	a. General Fund Accounts	7 fiscal years
	b. Special Fund Accounts (e. g., Highway, Bikeway, Sewer, Golf, Liquor, etc.)	7 fiscal years
2.	Budget	
	a. Allotment requests	3 fiscal years
	b. Budget worksheets	3 fiscal years
	c. Departmental budget	7 fiscal years
	d. County annual budget	7 fiscal years
3.	Inventory	
	a. Inventory print-outs	Retain 1 prior generation
	b. Inventory-related forms (Inv. Form 1 through Form 6)	Retain 1 prior generation
	c. Certificates of Ownership (Motor vehicles, equipment etc.)	-----

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RECORDS RETENTION SCHEDULE

Department POLICE	Division ADMINISTRATION	Section
Item No.	Description of Records	-----
4.	Payroll/Attendance	
a.	Application for Leave of Absence (Form DF-1)	3 [calendar] <u>fiscal</u> years
b.	Application for Leave (Form DF-2)	3 [calendar] <u>fiscal</u> years
c.	Meal Claims (Form DF-3)	1 fiscal year
d.	Payroll Print-outs (Payroll Register, Payroll Recap., Deduction Register)	[Permanent] <u>10 fiscal years</u>
e.	Terminal Applications (Form DF-1A)	[Permanent] <u>10 fiscal years</u>
f.	Time Sheets (Form DF-4)	7 [calendar] <u>fiscal</u> years
g.	SF-1	[Permanent] <u>10 fiscal years</u>
h.	Accumulated Leave Print-outs	3 [calendar] <u>fiscal</u> years
i.	Temporary Assignment Report Aid Listing Print-outs	[Permanent] <u>10 fiscal years</u>
j.	County Insurance policies	-----
F.	<u>CONTRACTS AND RELATED DOCUMENTS/ COMMUNICATIONS</u> , (e.g., personnel services, construction, goods, services, consultants, or equipment, etc.) Original copy of ALL contracts sent to County Clerk.	
1.	County funded	5 fiscal years
2.	State Funded	7 fiscal years
3.	Federally funded	7 fiscal years
G.	<u>HOUSE RULES</u>	Until superseded or amended
H.	<u>PERSONNEL-RELATED RECORDS</u>	
1.	Employee records	
a.	Transferring employees	
(1)	Intra-Jurisdictional	Departmental records transferred with employee
(2)	Inter-Jurisdictional	[Permanent] <u>10 fiscal years</u>
b.	Terminating employees	[Permanent] <u>10 fiscal years</u>
c.	Workers' Compensation Records	[Permanent] <u>10 fiscal years</u>

COUNTY OF MAUI  
RECORDS RETENTION SCHEDULE

Department POLICE	Division ADMINISTRATION	Section
Item No.	Description of Records	Retention Period
2.	Health Fund Records	
	a. Applications Forms (Forms E-1, N-1, E-5)	Dispose when superseded
	b. Others	Dispose when superseded or verification of print-outs
3.	Executed Request for Position Action (Manpower Form Rev. 7/88)	3 [calendar] <u>fiscal</u> years & completion
4.	Position Descriptions	Dispose when superseded
5.	Tables of Organization (Structural/functional)	[Permanent] <u>10 fiscal years</u>
I.	<u>OTHER RECORDS FILED WITH COUNTY CLERK</u>	
1.	Deeds, easements and other conveyances, executive orders	-----
2.	Construction Contracts, including construction consultants	To Finance upon completion
3.	Personnel Services Contracts, except construction related	To Finance upon completion
4.	Equipment Contracts, etc.	To Finance upon completion
5.	Claims	-----
6.	Others	To Finance upon Completion
J.	<u>RECORDS MANAGEMENT</u>	
1.	General Records Schedule	Until superseded
2.	Records Disposition Schedule (MCR-1)	Until superseded
3.	Request/Approval for Records Disposition Authority (MCR-2)	Until superseded
K.	<u>PERMIT FILES</u>	
1.	Gun Registration Ownership File	Unit status changes
	a. Gun permit application (Form No. 247)	Permanent
	b. Gun photograph file	50 years, then reassess for continued retention

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RECORDS RETENTION SCHEDULE

Department POLICE	Division ADMINISTRATION	Section
Item No.	Description of Records	Retention Period
	c. Permit to carry firearm	3 fiscal years
	d. Application to carry supplemental weapon	Permanent
2.	Press pass	1 fiscal year
3.	State/County permit file (i.e., to block highways for parades, special events)	1 fiscal year
L.	<u>POLICE REPORTS</u>	
1.	Homicide reports (Records section)	Permanent
2.	General case/incident reports (Records section)	
	a. Unattended death, fatal miscellaneous accident, and suicide	20 fiscal years
	b. Evidence for unattended death, fatal miscellaneous accident, and suicide investigation complete and closed	Retain until investigation complete and closed
	c. Sexual assault investigations	Permanent
	d. Evidence for sexual assault investigations	Retain evidence until case is closed and adjudicated. Upon receipt of an evidence disposal letter from the Department of the Prosecuting Attorney, evidence may be disposed.
	e. General case/incident reports (Records Section)	10 fiscal years
	f. Non-criminal cases/documentation cases only	2 fiscal years
3.	Traffic accident reports (Traffic Section)	
	a. Fatal Motor Vehicle Accident	Permanent
	b. Major Motor Vehicle Accident	5 fiscal years
	c. Minor/Civil Motor Vehicle Accidents	2 fiscal years
4.	Traffic complaint reports (Traffic Section)	5 fiscal years
5.	Copies of reports 1, 2, 3, and 4 retained in operational elements	2 fiscal years

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RECORDS RETENTION SCHEDULE

Department POLICE	Division ADMINISTRATION	Section
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Item No.	Description of Records	Retention Period
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6.	Other related reports: e.g., prisoner in custody reports, suspicious items reports	1 fiscal year
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M. MISCELLANEOUS DEPARTMENT FILES

- |     |   |  |
|-----|---|--|
| 1.  | Mug shot file   | 50 years then reassess for continued retention |
| 2.  | Fingerprint file  | 50 years then reassess for continued retention |
| 3.  | Alphabetical file -report index file (3x5)                                    | 50 years then reassess for continued retention |
| 4.  | Crime file (3x5)  | 50 years then reassess for continued retention |
| 5.  | Traffic studies and research file   | 3 fiscal years                                 |
| 6.  | Good Guy citation file  | 1 fiscal year                                  |
| 7.  | Plans and mobilization emergency file   | Until superseded                               |
| 8.  | Security check request  | 1 fiscal year                                  |
| 9.  | Maui Community Correctional Center inmates on furlough form file              | 2 fiscal years                                 |
| 10. | District and Circuit Court calendars, Family Court calendars, clerk's minutes | 1 fiscal year                                  |
| 11. | Wanted persons circulars  | Until superseded                               |
| 12. | Outstanding warrant list  | Until superseded                               |
| 13. | Robbery response plan   | Until superseded                               |
| 14. | Radio systems implementation and upgrade information                          | Until equipment disposed of                    |
| 15. | General research/reference file (3x5)   |  |
| a.  | Equipment study file  | Until superseded                               |
| b.  | Research study file   | Until superseded                               |

N. LOGS

- |    |   |   |
|----|---|---|
| 1. | DUI arrest ledger                               | Until superseded                              |
| 2. | Intoxilizer control ledger                      | 1 fiscal year                                 |
| 3. | Booking book (arrests for adults and juveniles) | 50 years then reassess<br>Continued retention |



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Department	Division	Section
POLICE	ADMINISTRATION	

Item No.	Description of Records	Retention Period
4.	Evidence and property logs	50 years then reassess for continued retention
5.	Long distance and watts line telephone	1 month
6.	National Warning System Log (NAWAS)	1 fiscal year
7.	Master tape sign-out log	1 fiscal year
8.	Juvenile master log	50 years then reassess for continued retention
9.	Daily transmittal logs	1 fiscal year