

RESOLUTION NO. 24-162

**RESOLUTION CLASSIFYING RECORDS OF THE CANYON COUNTY  
PROSECUTING ATTORNEY'S OFFICE AND AUTHORIZING THE  
DESTRUCTION OF CERTAIN CRIMINAL CASE FILES/RECORDS**

The following Resolution was considered and adopted by the Canyon County, Idaho Board of Commissioners ("Board") on the 3rd day of September, 2024.

Upon the motion of Commissioner Van Beek and second by Commissioner Brooks, the Board resolves as follows:

**WHEREAS**, Idaho Code § 31-801 grants general powers and duties, subject to the restrictions of law, to the boards of county commissioners in their respective counties; and

**WHEREAS**, Idaho Code § 31-828 grants the Board authority "to do and perform all other acts . . . which may be necessary to the full discharge of the duties of the chief executive authority of the county government"; and

**WHEREAS**, Idaho Code § 31-871 provides that, following the required period for retention, County files may be ordered destroyed by resolution of the Board;

**WHEREAS**, Idaho Code § 31-871 also provides that records not specifically classified as permanent, semi-permanent or temporary may be classified by the Board;

**WHEREAS**, there is a limited amount of space to store records maintained by the Canyon County Prosecutor's Office; and

**WHEREAS**, the Canyon County Prosecuting Attorney's criminal case files/records that are no longer pending are hereby classified and shall be retained as follows:

1. All Felony cases and records, other than cases that have been dismissed or acquitted in which the last activity was more than two (2) years old, are classified as permanent records and shall be retained for a period of not less than ten (10) years after resolution of the matter;
2. All Felony cases and records that have been dismissed or acquitted in which the last activity was more than two (2) years old shall be classified as temporary records and shall be retained for a period of not less than two (2) years;
3. All Misdemeanor files are classified as temporary records and shall be retained for a period of not less than two (2) years;
4. All Infraction cases are classified as temporary and shall be retained for a period of not less than two (2) years;


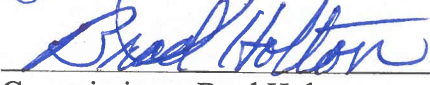

5. Conflict letters and special appointment documents are classified as temporary and shall be retained for a period of not less than two (2) years after the date of issuance; and
6. No actions older than two (2) years are classified as temporary and shall be retained for a period of not less than two (2) years.
7. Cases that have been, are, or are likely to be, the subject of, or related to, litigation shall not be destroyed without the prior approval of the Civil Division of the Prosecutor's Office.

**NOW THEREFORE**, the Board hereby resolves, concludes and directs as follows:

1. That the Canyon County Prosecutor's Office desires to destroy certain criminal case files/records, as set forth above in order to make room for other records and/or uses; and
2. Pursuant to Idaho Code § 31-871, records in the classifications set forth above that have exceeded the time limit for retention shall be destroyed after regular audit and after the applicable period of retention. Such disposition shall be under the direction and supervision of the Canyon County Prosecuting Attorney.

**IT IS FURTHER ORDERED** That this Resolution shall be effective this 3<sup>rd</sup> day of September, 2024.

☒ Motion Carried Unanimously  
☐ Motion Carried/Split Vote Below  
☐ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	_____	_____	_____
 _____ Commissioner Brad Holton	<u>X</u>	_____	_____
 _____ Commissioner Zach Brooks	<u>X</u>	_____	_____

ATTEST: RICK HOGABOAM, CLERK

By: UROSS  
 Deputy Clerk