BERKELEY POLICE DEPARTMENT

DATE ISSUED: December 9, 1993 **GENERAL ORDER R-32**

SUBJECT: DESTRUCTION OF RECORDS OF ARREST AND CONVICTIONS AS REQUIRED UNDER 11361.5 H&S

PURPOSE

1 - Section 11361.5 of the Health and Safety Code provides for the destruction of records of the arrest or conviction of any person for a violation of subdivisions (b), (c), (d) or (e) of Section 11357 or subdivision (b) of Section 11360 of the Health and Safety Code. The destruction of these marijuana records shall be two years from the date of conviction or from the date of arrest if there was no conviction.

POLICY

2 - Effective January 1, 1988, the assigned officer will prepare a separate report for any marijuana arrest listed above. In the event a person is arrested for multiple offenses (e.g., auto theft and possession of less than one ounce of marijuana), the auto theft report will not provide specific details of the marijuana offense, noting only "See case (number) for additional violations."

PROCESSING INTO RMS

3 - It is the responsibility of the Report Review Unit to code and index these marijuana reports and forward them to the Data Entry **Operations** for input to the Records Management System (RMS). Once entered, the report will be returned to the Report Review Unit for filing by that office.

PURGE/DESTRUCTION

4 - The **Report Review Unit** Supervisor will be responsible for initiating a monthly Alpha File purge of those marijuana offenses listed in this Order. This purge will take place monthly and affect all entries which have reached two years maturity.

5 - The Data Entry **Operations** Supervisor will provide, on a monthly basis, a copy of this printout of those names (and case numbers) to be purged to both the Warrant **Detail** and Report Review **Unit** Supervisor.

6 - The Warrant **Detail** will verify that no warrants are outstanding for the specific marijuana reports subject to destruction. If a warrant is on file, he/she will confer with the District Attorney's Office for the proper course of action.

7 - Unless a warrant is located, the Report Review Unit Supervisor will cause the destruction of those hard copy reports in file in his/her office in a manner consistent with Section 11361.5 of the Health and Safety Code.

References: California Health and Safety Code Section 11361.5
CALEA Standards
Police Regulation No. 408

*** Highlighted text is new**