

LOCAL RECORDS COMMISSION OF COOK COUNTY
Chicago, Illinois

Minutes
March 8, 2011

The meeting was held in the State of Illinois Video Conferencing Centers in Springfield and Chicago. The meeting was called to order at 11:05 A.M. by Chair Martha Martinez.

CHICAGO SITE:

Members Present: Martha Martinez, Chair; Greta Bever, for Mary Dempsey, Mayor of Chicago designee; Dave Joens, Director of State Archives and designee for the Office of the Secretary of State; and Kathy McKee, Cook County State's Attorney's designee.

Members Absent: Connie Kravitz, Cook County Comptroller

Staff Present: Jean Hynes, Illinois State Archives

Staff Absent: None

Guests: None

SPRINGFIELD SITE:

Members Present: Gary Stockton, designee for Thomas F. Schwartz, Illinois State Historian

Staff Present: Gloria Huston, Archival Program Administrator, Illinois State Archives; Bob Boots, Illinois State Archives; and Pat Sriner, Illinois State Archives

Staff Absent: None

The minutes of the February 8, 2011 meeting of the Local Records Commission of Cook County were reviewed by the Commission. Greta Bever made a motion to accept the minutes as submitted and Gary Stockton seconded the motion. The motion carried.

OLD BUSINESS:

The first order of old business was the proposed change in retention period for "Miscellaneous Incident Reports Where There Is No Arrest Made" Cook County, Application 11:003C, Item #225 from the Kenilworth Police Department. The current retention period for all Incident Reports is "Retain for two (2) years, then dispose of."

The Records Management Section recommended the following retention period be approved in those cases where no arrest is made: "Retain reports where a minor or person under legal disability is involved for two (2) years after the minor reaches legal age or the disability is removed, then dispose of. Retain all other reports for four (4) years from the date of incident, then dispose of."

The proposed retention period was deferred from the February 8th meeting. At the February meeting Brenda Glahn, the Secretary of State Designee questioned the applicability of Part B

of “The Local Governmental and Governmental Employees Tort Immunity Act” 745 ILCS 10/8- 101-(b), which made reference to patient care.

Kathy McKee, member designee from the Cook County State’s Attorney’s Office stated that Part “B” would not apply; however, Part “A” would apply to these records.

Gloria Huston asked Kathy McKee if she recommended that the proposed retention period remain at two (2) years or should it be reduced to one (1) year. Kathy McKee said it could be one (1) year.

Local Records Unit Field Representative Jean Hynes and Gloria Huston, Archival Program Administrator of the Records Management Section of the State Archives both indicated they thought the other miscellaneous incident reports filed with police and sheriff’s departments, which did not involve a minor or a person with a legal disability should be retained for at least two (2) years as previously approved by the Commission.

Greta Bever made a motion to amend the retention period to “Retain reports were a minor or person under legal disability is involved for two (2) years after the minor reaches legal age or the disability is removed, then dispose of. Retain all other reports for two (2) years from the date of incident, then dispose of.” Dave Joens seconded the motion. The motion carried.

The next order of Old Business was the proposed retention period for “Investigation and/or Interrogation Video and/or Audio Recordings and Documentation Requirements used in an Investigation and/or Interrogation” – Cook County, Application 11:003C, Item #238 from the Kenilworth Police Department.

The following retention period for the aforementioned record series was proposed and deferred at the February 8th meeting of the Local Records Commission of Cook County: “Video and/or audio recordings and documentation requirements used in an investigation and/or interrogation should be disposed of with the corresponding investigation file and must only be destroyed upon final disposition and an order from the court, but in no case less than ten (10) years. This does not relieve the agency from filing a Records Disposal Certificate documenting the disposal of the recordings.”

Gloria Huston said that copies of video and audio recordings made during an investigation or an interrogation that become evidence are subject to the Chain of Evidence Law (Illinois Compiled Statutes, Ch. 725 5/116-4 (P.A. 91-871) (d-10)) and can be disposed of as provided therein. This recommendation applies to video and audio recordings made by Police and Sheriff’s Departments that do not become evidence. Dave Joens, Director of the Illinois State Archives asked if any of the agencies Jean Hynes had called (the Supreme Court Librarian, the Kenilworth Police Department, and/or the IL Attorney General’s Office) had responded since their last meeting. Jean Hynes said, none of the agencies had returned her calls with regard to this matter.

Dave Joens indicated he would like to see additional language added that would clearly indicate that any tape or video that is logged in as evidence will be disposed of accordingly. Gloria Huston suggested adding the following sentence to the proposed recommendation: “Any video or audio recording or supporting document(s), which are determined to be evidence, shall be retained and disposed of in accordance with the Chain of Evidence Law, as provided under (Illinois Compiled Statutes, Ch. 725 5/116-4 (P.A. 91-871) (d-10)).”

Dave Joens moved that the proposed retention period for video and or audio recordings and supporting document be accepted as amended. Kathy McKee seconded the motion. The motion carried.

NEW BUSINESS:

The first order of new business was the proposed retention period for “Public Performance Licenses” – Cook County, Application 11:005C, Item #63 from the Steger-South Chicago Heights Library District.

The Records Management Section of the State Archives proposed the following retention period for these records: “Retain for one (1) year after expiration of license, then dispose of.”

Gloria Huston stated that local government agencies such as schools, libraries, park districts, etc. must make application to licensing agencies prior to the showing of any copyrighted movies. The approved license is then sent to the agency, usually with the movie to be shown. The license is good for one (1) year.

Dave Joens inquired if the Downstate Local Records Commission had ruled on this series. Gloria Huston said they had approved the same retention period (as proposed) in January, 2011 on an application submitted by a Will County agency.

Martha Martinez then asked if this recommendation applied to the applications or the licenses. Gloria Huston said applications are generally made online; the proposed retention period is for the licenses.

Greta Bever made the motion to accept the proposed retention as submitted. Dave Joens seconded the motion. The motion carried.

The following Applications/Add-ons/Amendments were presented for approval.

Applications:

11:004C – Rolling Meadows Library (Rolling Meadows). Dave Joens made the motion to accept the application as submitted. Kathy McKee seconded the motion. The motion carried.

11:005C – Steger-South Chicago Heights Library Dist. (Steger). Greta Bever made the motion to accept the application as submitted. Kathy McKee seconded the motion. The motion carried.

11:006C – Matteson Public Library (Matteson). Greta Bever made the motion to accept the application as submitted. Gary Stockton seconded the motion. The motion carried.

Add-Ons:

06:003C – Village of Norridge (Norridge). Dave Joens asked if this was the correct retention period for Motor Fuel Tax Records, since the recommendation made reference to the retention of construction records. Local Records Unit Field Representative, Jean Hynes, said “Yes this is the correct retention. Motor Fuel Tax money is used for the construction of roadways”.

Kathy McKee made the motion to accept the addition of Item #165 as submitted. Gary Stockton seconded the motion. The motion carried

The date of the next meeting of the Local Records Commission of Cook County is scheduled for [Tuesday, April 12, 2011](#) at 11:00 a.m. at the Illinois Department of Central Management Services Chicago Video Conference Center located in Room 9-036 of the James R. Thompson Center and the Springfield Video Conference Center located at 130 West Mason.

ADJOURNMENT:

Dave Joens moved that the meeting adjourn and Greta Bever seconded the motion. The meeting adjourned at 11:25 A.M.

Minutes submitted by: Pat Sriner, Records Management Unit