



Public Record Office Standard

PROS 06/04

# Authority

## Retention & Disposal Authority for Records of Sheriff's Operations

Version 2017

**06/04**

**Issue Date: 14/12/2006**

**Expiry Date: 14/12/2016**

**Variation 1**

**Issue Date: 03/02/2017**

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## Public Records Act 1973

### (Section 12)

# Retention and Disposal Authority for Records of Sheriff's Operations

## Public Record Office Standard (PROS) 06/04

### Variation 1:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the Sheriff's Operations Records, issued as Public Record Office Standard (PROS) 06/04 on 14/12/2006, as follows:

Extended the application of this Authority until varied or revoked.

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Date of issue: 03/02/2017

**Director and Keeper of Public Records**

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Under section 12 of the *Public Records Act 1973*, the Keeper of Public Records is responsible for the establishment of standards for the efficient management of public records and for assisting public offices to apply those standards to records under their control. Officers in charge of public offices are responsible under section 13 of the Act for carrying out, with the advice and assistance of the Keeper, a program of records management in accordance with the standards established under section 12 of the Act.

# 1 Introduction

## 1.1 Purpose of this Authority

The purpose of this Authority is to provide a mechanism for the disposal of public records in accordance with the *Public Records Act 1973*.

The Authority:

- identifies records which are worth preserving permanently as part of Victoria's archival heritage
- prevents the premature destruction of records which need to be retained for a specified period to satisfy legal, financial and other requirements of public administration, and
- authorises the destruction of those records not required permanently.

## 1.2 Context of this Authority

### 1.2.1 Public Record Office Victoria Standards

This Authority should be used in conjunction with the standards issued by the Keeper of Public Records under section 12 of the *Public Records Act 1973*. Copies of all relevant PROV standards, specifications and regulatory advice can be downloaded from [www.prov.vic.gov.au](http://www.prov.vic.gov.au). These documents set out the procedures that must be followed by Victorian public offices.

### 1.2.2 Disposal of records identified in the Authority

Disposal of public records identified in this Authority must be undertaken in accordance with the requirements of Public Record Office Standard PROS 10/13 *Disposal*.

It is a criminal offence to unlawfully destroy a public record under s 19(1) of the *Public Records Act 1973*.

The destruction of a public record is not unlawful if done in accordance with a Standard established under s 12 of the *Public Records Act 1973*.

This Standard (also known as an Authority) authorises the disposal of public records as described within its provisions. However, disposal is **not** authorised under this Standard if it is reasonably likely that the public record will be required in evidence in a current or future legal proceeding.

For the purposes of this Retention and Disposal Authority, a 'legal proceeding' has the same meaning as the *Evidence (Miscellaneous Provisions) Act 1958*, and includes any civil, criminal or mixed proceeding and any inquiry in which evidence is

or may be given before any court or person acting judicially, including a Royal Commission or Board of Inquiry under the *Inquiries Act 2014*.

If the public office identifies that public records must be retained under other applicable legislation for a period that exceeds the retention period specified under the Standards, then the longer retention period must apply.

### 1.2.3 Transfer of records to Public Record Office Victoria

Contact Public Record Office Victoria for further information on procedures for transferring permanent records to archival custody.

### 1.2.4 Normal Administrative Practice

The destruction of some public records is permitted without final authorisation under normal administrative practice (NAP). NAP covers the destruction of ephemeral material of a facilitative nature created, acquired or collected by public officers during the course of their duties.

The following material may be destroyed under NAP:

- working papers consisting of rough notes and calculations used solely to assist in the preparation of other records such as correspondence, reports and statistical tabulations
- drafts not intended for retention as part of the office's records, the content of which has been reproduced and incorporated in the public office's record keeping system
- extra copies of documents and published material preserved solely for reference.

## 1.3 Use of Other Authorities

In applying the disposal sentences set out in this Authority, reference should be made to other current Authorities where applicable. Where there is a conflict between two Authorities (for instance this Authority and the General Retention and Disposal Authority for Records of Common Administrative Functions), consult the Public Record Office Victoria for advice.

## 1.4 Explanation of Authority Headings

### **CLASS NUMBER**

The class number or entry reference number provides citation and ease of reference.

### **DESCRIPTION**

The description of each record class is specified in this entry. A record class is a group of records that relate to the same activity, function or subject and require the same disposal action.

### **STATUS**

This entry provides the archival status of each class - either permanent or temporary.

## CUSTODY

This entry specifies whether the records are to be retained by the public office or transferred to the Public Record Office Victoria.

Permanent electronic records are to be transferred in VERS Encapsulated Object (VEO) format according to PROS 99/007 *Management of Electronic Records* (Version 2).

The storage of public records identified in this Authority must also be in accordance with the requirements of Public Record Office Standard PROS 11/01 *Storage*.

## 2 Concurrency of Public Office

This Authority has the concurrence of:

Signature: [Signed]

Date: 06/12/2006

Name: W. McKendry

Position: Director, IMES

## 3 Establishment of Standard

Pursuant to Section 12 of the *Public Records Act* 1973, I hereby establish these provisions as a Standard (also known as a Retention and Disposal Authority) applying to the records of Sheriff's Operations.

This standard as varied or amended from time to time, shall have effect for a period of ten (10) years from the date of issue unless revoked prior to that date.

[Signed]

Justine Heazlewood  
**Keeper of Public Records**

Date of Issue: 14/12/2006

## 4 Acknowledgments

PROV would like to thank the following people for providing their knowledge and expertise and helping to create this Authority:

**Connie Maynard**, Sheriff's Operations

**Ian Roadnight**, Sheriff's Operations

## 5 Further Information

You can obtain relevant publications, supplies of relevant forms, and answers to any enquiries you may have by first contacting your agency's records manager or the Public Record Office Victoria:

Public Record Office Victoria

 (03) 9348 5600

e-mail: [agency.queries@prov.vic.gov.au](mailto:agency.queries@prov.vic.gov.au)

web: [www.prov.vic.gov.au](http://www.prov.vic.gov.au)

## 6 Table of Functions

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## 7 Retention & Disposal Authority

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
<b>1.0.0</b>	<b>WARRANTS MANAGEMENT</b> The management of warrants that are actioned by Sheriff's Operations (and the Contractor). Includes records and registers used to record activities associated with the actioning of warrants and other approved functions.		
<b>1.1.0</b>	<b>Summary Management of Warrants</b> Summary record or register of warrants received by Sheriff's Operations. This includes databases maintained by service providers involved in the receipt of warrants and capture of summary warrant information.	<b>Temporary</b> Destroy 7 years after last entry has been actioned or expired.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.
<b>1.2.0</b>	<b>Criminal Warrants</b> The actioning of criminal warrants issued by either the Infringements Court or an open court by Sheriff's Operations. Includes original warrants issued by courts and lodged with Sheriff's Operations for action and the actioned copies of warrants issued by Sheriff's Operations (referred to as the execution copy).		

<h2>Retention &amp; Disposal Authority</h2>			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.2.1	<p><b>Infringements Court issued Criminal Warrants - Actioned</b></p> <p>Criminal warrants issued by the Infringements Court, that have been actioned and any associated documentation. The Infringements Court (formerly Penalty Enforcement Registration of Infringement Notices (PERIN) Court) is a venue of the Magistrates' Court and its role is to resolve unpaid infringement notices lodged by Enforcement Agencies. It does not conduct hearings to make decisions. Types of criminal warrants and actions taken include:</p> <ul style="list-style-type: none"> <li>• Penalty Enforcement Warrants</li> <li>• Infringement Warrants Against a Natural Person</li> <li>• PERIN Court Warrants To Seize Property</li> <li>• Infringement Warrants Against a Body Corporate.</li> <li>• Suspension (&amp; reinstatement) of drivers licence or motor vehicle registration; non-renewal of drivers licence or motor vehicle registration; Non-transfer of motor vehicle registration – issued to encourage defendants to pay outstanding monies prior to the execution of a warrant. Includes any advice issued to VicRoads.</li> <li>• Community Work Permits – issued for community work in lieu of payment of fines (known as Custodial Community Permits or Community Work Permits). Includes pre-arrest checks, arrest reports and eligibility and non-eligibility forms.</li> <li>• Wheel Clamping – the use of wheel clamps (or any other immobilisation device) by Sheriff's Operations to immobilise infringement offender's vehicles [under <i>Infringement Act 2006 (Vic) Part 7</i>].</li> <li>• Bailed to Appear or Released to Appear – issued to defendants arrested on an infringement warrant. Defendants can be released at the door on bail to appear at a Magistrate's Court or conveyed to and lodged at a prison / police gaol.</li> </ul>	<p><b>Temporary</b></p> <p>Destroy 7 years after action completed.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

<h2>Retention &amp; Disposal Authority</h2>			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY

**1.2.1**  
(continued)

- Attachment of Earnings Order / Attachment of Debt Orders – these orders are made by an Infringements Registrar in respect of a person and are enforceable under the *Infringement Act 2006*. They may be made on an Infringement Registrar's own motion or on the application of the sheriff, an enforcement agency or the person against whom an infringement warrant has been issued.
- Charges Over and Sale of Real Property – applications by Sheriff's Operations to Magistrates' Court to make land in which a person holds an interest in subject to a charge. The court makes an order charging land. The order is lodged with the Registrar of Titles. The defendant is notified that such an order has been made.

*[This class does not include Infringements Court issued Criminal Warrants - Deemed Served. Use class 1.2.4]*

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>1.2.2</b>	<p><b>Open Court issued Criminal Warrants – Actioned</b></p> <p>Criminal warrants, issued by an open court, that have been actioned and any associated documentation. Open Courts are those courts that conduct hearings to make decisions to issue warrants. Types of criminal warrants include:</p> <ul style="list-style-type: none"> <li>• Open Court Warrants to Arrest</li> <li>• Open Court Warrants to Imprison</li> <li>• Bench Arrest Warrants</li> <li>• Magistrates' Court Warrants to Seize Property Against an Individual</li> <li>• Magistrates' Court Warrants to Seize Property Against a Body Corporate</li> <li>• Interstate Warrants of Apprehension</li> <li>• Community Based Orders – issued for community work in lieu of payment of fines</li> <li>• Any other Criminal Open Court Warrants</li> </ul> <p><i>[This class does not include Open Court issued Criminal Warrants – Deemed Served. Use class 1.2.4]</i></p>	<p><b>Temporary</b></p> <p>Destroy 7 years after action completed.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>1.2.3</b>	<p><b>Infringements Court and Open Court issued Criminal Warrants – Not Actioned</b></p> <p>Criminal warrants that have <u>not</u> been actioned by Sheriff's Operations and any associated documentation. Types of criminal warrants include:</p> <ul style="list-style-type: none"> <li>• Penalty Enforcement Warrants</li> <li>• Infringement Warrant Against a Natural Person</li> <li>• PERIN Court Warrant To Seize Property</li> <li>• Infringement Warrant Against a Body Corporate</li> <li>• Open Court Warrant to Arrest</li> <li>• Open Court Warrants to Imprison</li> <li>• Bench Arrest Warrant</li> <li>• Magistrates' Court Warrant to Seize Property Against An Individual</li> <li>• Magistrates' Court Warrant to Seize Property Against A Body Corporate</li> <li>• Interstate Warrants of Apprehension.</li> <li>• Children's Court Warrants</li> <li>• Any other Criminal Open Court Warrants</li> </ul>	<p><b>Temporary</b></p> <p>Destroy 7 years after warrant has expired.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>
<b>1.2.4</b>	<p><b>Infringements Court and Open Court issued Criminal Warrants – Deemed Served</b></p> <p>Documentation relating to the conversion of outstanding warrants (including Infringement Warrants Against A Natural Person, Warrants to Imprison and Warrants to Arrest) to prison terms to be served concurrently and / or cumulatively with an existing sentence. Includes applications received from prisoners, applications submitted to the appropriate court and associated documentation including correspondence to / from prisoners.</p>	<p><b>Temporary</b></p> <p>Destroy 7 years after action completed.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>1.2.5</b>	<p><b>Children's Court issued Criminal Warrants - Actioned</b></p> <p>Criminal warrants, issued by the Children's Court, that have been actioned and any associated documentation.</p>	<p><b>Temporary</b></p> <p>Destroy 15 years after date of issue.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

### **1.3.0 Civil Warrants**

The actioning of civil warrants issued by courts for the enforcement of civil judgements on defendants by Sheriff's Operations.

Includes original warrants issued by courts and lodged with Sheriff's Operations for action and the actioned copies of warrants issued by Sheriff's Operations (referred to as the execution copy).

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>1.3.1</b>	<p><b>Civil Warrants - Actioned</b></p> <p>Civil warrants issued by courts that have been actioned and any associated documentation. Includes:</p> <ul style="list-style-type: none"> <li>• Warrant of Seizure and Sale (Magistrates' Court)</li> <li>• Warrant of Seizure and Sale (Supreme and County Court) (issued with a Plaintiff Solicitor's Affidavit)</li> <li>• Warrant of Seizure and Sale (Admissions)</li> <li>• Warrant of Delivery – a Warrant of Delivery directs the Sheriff to attend an address and search for nominated goods described in a schedule</li> <li>• Ship Arrest – pursuant to Admiralty Act 1989, the Sheriff may arrest, detain and maintain a ship until it is released by the court or sold by an order of the court</li> <li>• Possession Warrants – court issued warrants for the possession of land.</li> <li>• Any other Civil Court Warrants</li> </ul>	<p><b>Temporary</b></p> <p>Destroy 7 years after action completed.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>
<b>1.3.2</b>	<p><b>Civil Warrants – Not Actioned</b></p> <p>Civil warrants issued by courts that have <u>not</u> been actioned by Sheriff's Operations. Types of civil warrants include:</p> <ul style="list-style-type: none"> <li>• Warrant of Seizure and Sale (Magistrates' Court)</li> <li>• Warrant of Seizure and Sale (Supreme and County Court) (issued with a Plaintiff Solicitor's Affidavit)</li> <li>• Warrant of Seizure and Sale (Admissions)</li> <li>• Warrant of Possession</li> <li>• Warrant of Arrest (Ship)</li> <li>• Warrant of Delivery</li> <li>• Any other Civil Court Warrants</li> </ul>	<p><b>Temporary</b></p> <p>Destroy 7 years after warrant has expired.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>1.4.0</b>	<p><b>Confirmation of Property (Real Estate) Ownership</b></p> <p>Confirmation that the ownership details of property match the defendant named in a civil warrant / criminal warrant. Includes all records, documents and other material used in the investigation of real estate ownership and subsequent processes prior to auction.</p>	<p><b>Temporary</b></p> <p>Destroy 7 years after action completed.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>
<b>1.5.0</b>	<p><b>Third Party and Interpleader Claims</b></p> <p>Claims to part-ownership of seized property (non real estate) and/or possessions by a person not named as a defendant on a civil and criminal warrants, known as Third Party Claims and Interpleader Claims. Includes associated records.</p>	<p><b>Temporary</b></p> <p>Destroy 7 years after action completed.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>
<b>1.6.0</b>	<p><b>Warrants Administration</b></p> <p>Administration of the execution and attempted execution of warrants by individual Sheriff's Officers.</p>		
<b>1.6.1</b>	<p><b>Sheriff's Officer Reporting</b></p> <p>Routine recording and reporting of actions undertaken by Sheriff's Officers in the course of their duties.</p> <p>Includes Sheriff's Officer Daily Worksheets, Sheriff's Officer Weekly Summary Sheets, Monthly Activity / Attendance Reports, Sheriff's Officer's Notebooks and District Supervisor's Field Diaries</p>	<p><b>Temporary</b></p> <p>Destroy 7 years after action completed.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>1.6.2</b>	<p><b>Communication Activities</b></p> <p>The recording of radio and telephonic communications between the Sheriff's Communication Centre and individual Sheriff's Officers, including responses to requests for information (e.g. vehicle registration and identification checks).</p> <p>Includes Communication Log Sheets (Zulu Reports), Seizure Reports, Vehicle Registration and Identification System Enquiries, Encumbrance Summary Results, Register Encumbrance, Removal Sheet, and Asset Confiscation Recovery Reports.</p>	<p><b>Temporary</b></p> <p>Destroy 7 years after action completed.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>2.0.0</b>	<b>ASSETS MANAGEMENT</b> The activities associated with the management and disposal of assets that have been seized to satisfy outstanding warrants or confiscated on behalf of the Assets Confiscation Office [ACO].		
<b>2.1.0</b>	<b>Asset Management</b> The activities associated with ongoing management of assets seized to satisfy outstanding warrants or confiscated on behalf of the ACO. Includes descriptions of assets, valuations; seizure / confiscation reports and associated documentation.	<b>Temporary</b> Destroy 7 years after action completed.	Hold in agency or APROSS pending destruction.  Electronic records should be maintained in readable format pending destruction.
<b>2.2.0</b>	<b>Asset Disposal</b> The activities associated with the disposal of assets seized to satisfy outstanding warrants or confiscated on behalf of the ACO, by auction (sale) and / or donated / destroyed. Includes auction and sale advertisements, notices and catalogues. Also includes correspondence to/from advertisers, judgment debtors, judgment creditors and solicitors.	<b>Temporary</b> Destroy 7 years after action completed.	Hold in agency or APROSS pending destruction.  Electronic records should be maintained in readable format pending destruction.

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>3.0.0</b>	<p><b>SERVICE AND EXECUTION OF PROCESS</b></p> <p>The means by which documents and subpoenas are served upon defendants, members of the general public and absent jurors. It also includes the service of documents from foreign jurisdictions (i.e. non-Victorian jurisdictions).</p>		
<b>3.1.0</b>	<p><b>Service of Process</b></p> <p>The recording of the service of documents, or attempted service of documents by a Sheriff's Officer including service on absent jurors. Includes Summons, Affidavits of Service, Affidavits of Attempted Service and / or service reports.</p>	<p><b>Temporary</b></p> <p>Destroy 7 years after subpoena service / attempted service.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>4.0.0</b>	<b>INVESTIGATIONS MANAGEMENT</b> The activities associated with the investigations of complaints made by Sheriff Officers against members of public and those by the public against actions by staff of Sheriff's Operations.		
<b>4.1.0</b>	<b>Investigations – Outbound Complaints</b> Investigations of complaints made by Sheriff's Officers on actions by members of the public in relation to: <ul style="list-style-type: none"> <li>the removal, disposal or interference with Walking Possession (rescued goods)</li> <li>resisting arrest, preventing Sheriff's Officers and / or authorised contractors from performing their duties, assaults on Sheriff's Officers and / or authorised contractors</li> </ul>	<b>Temporary</b> Destroy 7 years after investigation completed.	Hold in agency or APROSS pending destruction.  Electronic records should be maintained in readable format pending destruction.
<b>4.2.0</b>	<b>Investigations – Inbound Complaints - Individual Sheriff's Officers</b> Investigations of complaints received from the public about the actions of individual Sheriff's Officer.  [Refer to PERSONNEL – Misconduct (Discipline) in General Retention & Disposal Authority for Records of Common Administrative Functions].		
<b>4.3.0</b>	<b>Investigations - Inbound Complaints – Sheriff's Operations</b> Investigations of complaints received from the public on the overall activities of Sheriff's Operations. These refer to systemic or process issues of Sheriff's Operations.	<b>Temporary</b> Destroy 7 years after investigation completed.	Hold in agency or APROSS pending destruction.  Electronic records should be maintained in readable format pending destruction.

<b>Retention &amp; Disposal Authority</b>			
<b>CLASS NO.</b>	<b>DESCRIPTION</b>	<b>DISPOSAL ACTION</b>	
		<b>STATUS</b>	<b>CUSTODY</b>
<b>5.0.0</b>	<b>JOINT OPERATIONS</b> The implementation of joint operations and activities (such as manned road blocks) conducted with Victorian Police and other Victorian vehicle/transport licensing and regulatory authorities.		
<b>5.1.0</b>	<b>Joint Operations Management</b> Formal planning, reporting and liaison conducted by Sheriff's Operations in conjunctions with other Victorian agencies.	<b>Temporary</b> Destroy 7 years after action completed.	Hold in agency or APROSS pending destruction.  Electronic records should be maintained in readable format pending destruction.

**END OF DOCUMENT**