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OFFICE OF
STATE ATTORNEY
FIRST JUDICIAL CIRCUIT OF FLORIDA

August 4, 2009

Chief Deputy Bill Chavers
Escambia County Sheriff's Office
P. O. Box 18770
Pensacola, Florida 32523

Dear Sir:

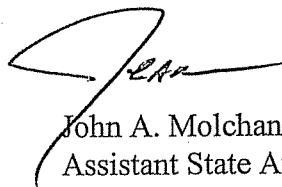
Pursuant to your request, our office reviewed the circumstances surrounding the discovery of several computers with deleted operating systems at the Escambia County Sheriff's Office and the possibility of the deletion of public records.

Our review first determined that in the regular course of business documents which are saved on computers at the Escambia County Sheriff's Office are also saved on a main server. The user of each computer is assigned a profile on the server which is linked to the working computer. During the transition of administrations, data was deleted from those desktop computers. However, much of this data was also saved to the server by personnel in the computer division.

The saved documents and data was provided to the State Attorney's Office and reviewed. The data consisted of personal photos and miscellaneous emails, transitory and work product documents which upon our review do not constitute public records. Further, the absence of material on a computer does not necessarily mean that an unlawful deletion has occurred. Under Public Records law a document may be saved in another manner such as a printed copy. While Florida Statute 839.14 would seem to require that all papers and documents be held for a successor, the Department of State Guidelines and Florida Administrative Code clearly allow for the alternative storage of and the elimination of documents and records. There is no available evidence that documents belonging to the Office of the Sheriff was deleted from the computers in question in a willful and unlawful manner.

In conclusion, we have found insufficient evidence to establish a violation of a criminal statute.

Sincerely,

A handwritten signature in black ink, appearing to read 'JAM', with a long horizontal flourish extending to the right.

John A. Molchan
Assistant State Attorney

JAM/ll