

STAFF REPORT

To: HONORABLE MAYOR AND CITY COUNCIL
From: JIM COPSEY, CHIEF OF POLICE *jc*
Subject: RECORDS DESTRUCTION AUTHORIZATION

BACKGROUND:

In compliance with the City-wide retention schedule adopted by the City Council in 1992, the Police Department would like to destroy the records listed on the attached Exhibit "A".

DISCUSSION:

As part of our annual records destruction program, the records listed in Exhibit "A" are those records that no longer need to be retained. The listing has been submitted and approved by the City Attorney.

RECOMMENDATION:

Staff recommends the City Council adopt the Resolution authorizing the destruction of certain Police Department records.

FISCAL IMPACT:

\$300.00 from FY11 budget for the shredding of records.

ATTACHMENTS:

1. Resolution No. 11-____
2. Exhibit "A"

APPROVED FOR FORWARDING

Please Review for the Possibility of a Potential Conflict of Interest:

- | | |
|--|-----------------------------------|
| <input checked="" type="checkbox"/> None Identified by Staff | <input type="checkbox"/> Bright |
| <input type="checkbox"/> Shoals | <input type="checkbox"/> Molnar |
| <input type="checkbox"/> Nicolls | <input type="checkbox"/> Peterson |

Robert Perrault

ROBERT PERRAULT
CITY MANAGER

Meeting Date: May 2, 2011

Agenda Item No. 7

RESOLUTION NO. 11-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH APPROVING THE DESTRUCTION OF THE POLICE DEPARTMENT RECORDS IDENTIFIED IN EXHIBIT "A"

WHEREAS, Government Code Section 34090 provides that the head of a city department may destroy certain city records, documents, or instruments under his/her charge, without duplication, with the approval of the City Council by Resolution and with the written consent of the City Attorney; and

WHEREAS, in compliance with the City-wide retention schedule, it has been determined that certain records are no longer required for retention and accumulation of police records has become unduly cumbersome.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Grover Beach does hereby authorize the destruction of those Police Department records specified in Exhibit "A" which is attached hereto and incorporated herein as part of this document.

Upon motion by _____, seconded by _____, and on the following roll call vote, to wit:

- AYES: Council Members -
- NOES: Council Members -
- ABSENT: Council Members -
- ABSTAIN: Council Members -

the foregoing Resolution was **PASSED, APPROVED, and ADOPTED** at the Regular Meeting of the City Council of the City of Grover Beach, California, this 2nd day of May, 2011.

DRAFT

JOHN P. SHOALS, MAYOR

ATTEST:

DONNA L. McMAHON, CITY CLERK

EXHIBIT "A"

SECTION 1. The City Council of the City of Grover Beach hereby adopts the following Policy with respect to records of the Grover Beach Police Department, relating to the operation of the police department after the same is no longer required by law, without making a copy thereof.

A. The following records will be retained for 180 days and may thereafter be subsequently destroyed. It is requested approval be granted to destroy records in this category which are dated prior to July 1, 2010.

- 1. CLETS teletypes. All incoming and outgoing teletypes not connected with a GBPD case.**
- 2. Department of Justice and Federal Bureau of Investigation Rap Sheet.**
- 3. Transmittal Forms (DA/GBSC/Juvenile Probation/SLOSC).**

B. The following records will be retained for two (2) years and may be subsequently destroyed. It is requested approval be given to destroy records in this category which are dated prior to December 31, 2008.

- 1. Financial Reports, checking accounts and canceled checks.**
- 2. Receipt and Petty Cash information.**
- 3. Parking Citations.**
- 4. Repossession reports.**
- 5. E-911 printouts (CLETS).**
- 6. Payroll slips; overtime, time-off, sick leave.**
- 7. Switers accident reports and DOJ printouts.**
- 8. Holding Cell Logs.**
- 9. Checking account records and canceled checks.**
- 10. Monthly reports, both State and City.**
- 11. Officer statistics, computer generated.**
- 12. Property Cards - After disposition of case.**
- 13. Employee Eligibility Lists.**
- 14. Employee Recruitment Files (Not Hired).**

C. The following records will be retained for three (3) years and may be subsequently destroyed. It is requested approval be given to destroy records in this category which are dated prior to December 31, 2008.

- 1. Expired bicycle license and related log checks.**
- 2. Daily activity records and logs.**
- 3. Field interview cards.**
- 4. Traffic Citations (NTA).**
- 5. Dealers Record of gun sales.**
- 6. Stored/Impounded vehicle reports.**
- 7. Firearm Voluntary Registration.**
- 8. Pawn reports.**
- 9. Lost/Found Reports.**
- 10. Misdemeanor citations.**
- 11. Injury/Overdose attempt suicide reports not resulting in death.**
- 12. All complaint reports which do not describe resulting criminal action.**
- 13. Missing Persons Reports which have been cleared.**
- 14. Runaway reports, where the subject has returned or has reached his/her eighteenth birthday.**
- 15. Citizen on Patrol Hold Harmless agreement and critiques.**
- 16. Dispatch radio logs.**
- 17. Misdemeanor crime reports including investigative working files, photos and corresponding documents, providing that:**
 - a. There is no property, no outstanding warrant related to the report.**
 - b. There is no property outstanding in DOJ and NCIC.**
 - c. There is no death connected with the report.**
 - d. They are not involved in civil or criminal litigation.**
 - e. They do not involve a Grover Beach Police employee.**
 - f. They do not relate to an arrest.**
- 18. Traffic accident investigation reports including investigative working files, where no fatality occurred, providing that:**
 - a. There is no outstanding warrant related to the report.**
 - b. They are not involved in a civil or criminal litigation.**
 - c. They do not involve a Grover Beach City/Police employee.**

D. The following records will be retained for seven (7) years and may be subsequently destroyed. It is requested approval be given to destroy records in this category which are dated prior to December 31, 2003.

- 1. Felony crime reports including investigative working files, providing that:**
 - a. There is no outstanding warrant related to the report.**
 - b. There is no property outstanding in CII or NCIC.**
 - c. There is no death connected with the report.**
 - d. They are not classified under Section 799, 800, 290PC, 11850 H&S.**

E. The following records will be retained for five (5) years and may be subsequently destroyed. It is requested approval be given to destroy records in this category which are dated prior to December 31, 2005.

- 1. Criminal Intelligence Reports.**
- 2. Citizen initiated complaints against Department employees, together with any investigations, reports and/or findings providing such documents are not evidence in any claim filed or pending litigation (or potential litigation), in which case, such documents shall be preserved for five years after the conclusion of litigation.**
- 3. Personnel complaints initiated by the Police Department against Department employees, together with any investigations, reports and/or findings providing such documents are not evidence in any claim filed or pending litigation (or potential litigation), in which case such documentation shall be preserved for five (5) years after the conclusion of litigation.**
- 4. Subpoena logs.**
- 5. General Correspondence.**
- 6. Citizen contact forms.**
- 7. Environmental file reports.**
- 8. Pursuit reports.**
- 9. Use of force reviews.**
- 10. Fleet safety reviews.**

The following records will never be destroyed:

1. Suspected Child Abuse.

SECTION 2. The records specified in Section 1 of this Exhibit "A" do not include any documents relating to capital crimes, embezzlements of public funds, bribery of public officials, reports involving Grover Beach City employees or any prisoner arrest files of child abuse reports, except as noted.

SECTION 3. This Resolution shall not grant any authority for the destruction of any records or file where a claim against the City has been filed and that claim is subject to adjudication.

SECTION 4. The City Council finds that the City Attorney has given his/her written consent to the destruction of the records described in Section 1 of this Exhibit "A", and the Chief of Police is authorized to destroy the police records described in Section 1 of this Exhibit "A".

CITY ATTORNEY'S WRITTEN CONSENT:



Martin D. Koczanowicz
City Attorney

04/19/11

Date