

City of Brisbane

Agenda Report

DATE: Meeting of July 14, 2016

TO: Mayor & City Council

FROM: Michael Roush, City Attorney and Lisa Macias, Police Chief

SUBJECT: Procedure for Disposition of Police Department Records and Establishing a Records Retention Schedule

RECOMMENDATION

As recommended by the Fiscal and Administrative Policy Committee (Council members Liu and O'Connell), adopt Resolution No.2016-38 establishing a procedure for the disposition of Police Department Records and establishing a Records Retention Schedule for the Police Department.

BACKGROUND

Under State law, with the approval of a legislative body by resolution and the written consent of the city attorney, the head of a city department may destroy any city record, document, instrument, book or paper under the department head's charge, without making a copy thereof, after the same is no longer required, subject to certain exceptions. Those exceptions include records affecting the title to real property, court records, records required to be kept by statute, records less than two years old and the minutes, ordinances and resolutions of the city bodies. In some instances, the exceptions do not apply when electronic copies of the documents are made and retained.

DISCUSSION

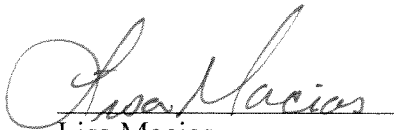
The City has never adopted a procedure concerning the disposition of records for all departments. The Police Department has records and files that date back many years that are no longer necessary to retain. Without a procedure to dispose of these records, however, the Department does not have the authority to rid itself of these documents. By adopting this resolution, the Department will be able to purge itself of unnecessary documents.

Attached to the resolution is a Records Retention Schedule that lists the various records the Department maintains and the schedule when those records may be destroyed. The Schedule

provides the minimum amount of time a record must be kept. The Retention Schedule includes, as recommended by the Committee, retaining all personnel related files at least five years. Where warranted, records will be kept beyond any minimum retention period.

FISCAL IMPACT

There is no fiscal impact to the City if this resolution is adopted.



Lisa Macias
Police Chief



Michael H. Roush
City Attorney



Clayton Holstine
City Manager

RESOLUTION NO. 2016-38

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
ESTABLISHING A PROCEDURE FOR DISPOSITION OF POLICE DEPARTMENT
RECORDS**

WHEREAS, there is a need to establish an efficient procedure for the disposition of Police Department records which are no longer needed; and

WHEREAS, Government Code, section 34090 provides statutory guidelines for creating such procedures.

NOW, THEREFORE, the City Council of the City of Brisbane resolves as follows:

Section 1. Police Department records, documents, instruments, books or papers, as set forth on the attached Brisbane Police Department Records Retention Schedule, may be destroyed without making a copy thereof if (a) the Police Chief certifies that those records are no longer required and (b) the City Attorney gives written consent to the destruction of the records.

Section 2. This resolution does not authorize the destruction of records less than two years old, court records, records required to be retained by statute and any other records that by law are required to be kept longer than two years.

Section 3. This resolution shall become effective immediately upon its passage and adoption.

Cliff Lentz, Mayor

I hereby certify that the foregoing Resolution No. 2016-38 was duly and regularly adopted at a regular meeting of the Brisbane City Council on July 14, 2016, by the following vote:

AYES:

NOES:

ABSENT:

Sheri Marie Spediacci, City Clerk

**BRISBANE POLICE DEPARTMENT
RECORDS RETENTION SCHEDULE**

POLICE DEPARTMENT FILES	Statutory Requirement	Recommended Retention	Legal Citation
General Information	2 Years	2 Years	GC 34090
General Orders	2 Years	2 Years	GC 34090
Abandoned Vehicle Abatement	2 Years	2 Years	GC 34090
Abandoned (Found) Property Records	2 Year	2 Years	GC 34090
Accidental Deaths (Traffic Fatalities)	2 Years	4 Years	GC 34090
Applicant Information and Background (Non-Hire)	2 Years	2 Years	GC 34090
Capital Offense Crimes	10 Years	Permanent	GC 68152(c)(1)
Child Abuse Reports	10 Years	10 Years	PC 11170
Citations	2 Years	2 Years	GC 34090
Correspondence - General	2 Years	2 Years	GC 34090
Daily Bulletins	2 Years	2 Years	GC 34090
Dealer Record of Sales - Guns	2 Years	2 Years	GC 34090
Department Memorandums	2 Years	2 Years	GC 34090
Embezzlement of Public Funds Reports	Permanent	Permanent	PC 799
Employee Work Schedules	2 Years	2 Years	GC 34090
Evidence Logs	2 Years	Permanent	GC 34090
Falsification of Public Records Reports	Permanent	Permanent	PC 799
Felony Crime Reports Except: Connected pending Felony warrants classified under Sections 290, 799, 800, and 457.1PC or 11590 H&S.	10 Years After Death of Defendant	10 Years After Death of Defendant	GC 68152(c)(1)
Felonies - Dismissed	3 Years	3 Years	GC 68152(c)(4)
Felonies Reduced to Misdemeanors	Retention for Relevant Misdemeanors	Retention for Relevant Misdemeanors	GC 68152(c)(3)
Felony Crime Reports Providing: No Outstanding Warrant; No Property Outstanding DOJ/NCIC; No Death Associated with Report; Not Classified under Sections 290, 799, and 800PC or 11850 H&S	50 years; or 10 years after Death of Defendant	50 years; or 10 years after Death of Defendant	GC 68152(c)
Field Interview Cards	2 Years	2 Years	GC 34090
Gun Dealer Record	3 Years	3 Years	PC 12070

Homicide Investigation Reports	Permanent	Permanent	PC 799
Infractions	1 Year	2 Years	GC 68152(c)(10)
Infractions – Marijuana (11357(b) H&S) If held >1Year, Destroy accordance W/11361.5(c) H&S	1 Year	2 Years	GC 68152(c)(10)
Infractions – Vehicle Code	3 Years	3 Years	GC 68152(c)(10)
Internal Affairs Files – Citizen Initiated; or Involving Discrimination or Hostile Work Environment	5 Years	5 Years	PC 832.5(b)
Internal Affairs Files – Internal Complaints (Other than Discrimination or Hostile Work Environment)	2 Years	5 Years	GC 34090
Kidnap/Treason/All Federal Crimes Without Statute of Limitations	Permanent	Permanent	PC 799
Kidnap for Ransom Reports	Permanent	Permanent	PC 799
Lost/Stolen Firearm Reports Outstanding	Permanent	Permanent	DOJ
Marijuana (Misd) 11360(b) or 11357(c)(d) or (e)	2 years From Conviction Date	2 years From Conviction Date	GC 68152(c)(8)
Misdemeanor Reports – 23109, 23109.5, 23152 or 23153CVC	10 Years	10 Years	GC 68152(c)(7)
Misdemeanor Reports – Reduced to Infraction	Retention for Relevant Info	Retention for Relevant Info	GC 68152(c)(1)
Misdemeanor Reports - Dismissed	1 Year	2 Years	GC 68152(c)(5)
Misdemeanor Reports – Not Otherwise Specified	5 Years	5 Years	GC 68152(c)(7)
Missing Persons (Not Located)	Permanent	Permanent	GC 34090
Officer Involved Shooting	2 Years	10 Years	GC 34090
Parking Citations	2 Years	2 Years	GC 34090
Pawn Slips	2 Years	2 Years	BP 21628
Personnel File, Disciplinary Action – Citizen Initiated	5 Years	5 Years	PC 832.5
Personnel File, Disciplinary Action – Internal	2 Years	5 Years	GC 34090
Personnel File Misc. Including Background	Term of Employment +2 Yrs	Term of Employment +5 Yrs	GC 34090
Private Property Tow Reports	2 Years	2 Years	GC 34090
Protective Orders	Expiration or Termination	Expiration or Termination	GC 68152(c)(11)
Registrant Records – Arson	Life of Registrant Within Jurisdiction or until Requirement Terminated	Life of Registrant Within Jurisdiction or until Requirement Terminated	PC 457
Registrant Records - Narcotic	Life of Registrant Within Jurisdiction or until Requirement Terminated	Life of Registrant Within Jurisdiction or until Requirement Terminated	HS 11594
Registrant Records - Sex	Life of Registrant Within Jurisdiction or until Requirement Terminated	Life of Registrant Within Jurisdiction or until Requirement Terminated	PC 290

Repossession Notices	2 Years	2 Years	GC 34090
Roll Call Information	2 Years	2 Years	GC 34090
Sealed Records: Adults	Mandatory Destruction Per Court Order	Mandatory Destruction Per Court Order	PC 851.8
Sealed Records: Juveniles	Mandatory Destruction Per Court Order	Mandatory Destruction Per Court Order	WI 825; WI 781
Statistical Reports	2 Years	2 Years	GC 34090
Subpoena Duces Tecum	2 Years	2 Years	GC 34090
Subpoena Logs	2 Years	2 Years	GC 34090
Recordings: Audio or Telephone	100 Days	100 Days	GC 34090.6
Training Bulletins	2 Years	2 Years	GC 34090
Training Records	2 Years	Term of Employment +2 Yrs	GC 34090
Vacation House Check Forms	2 Years	2 Years	GC 34090
Video Monitoring	1 Years	2 Years	GC 34090.6