



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Destruction of Certain Police Department Records, Documents, and Papers.

1. Resolution to Authorize Destruction of Certain Police Department Records, Documents, and Papers.

COUNCIL ACTION

Item Type: Consent Calendar

Approved for November 17, 2020 **calendar**

ADMINISTRATIVE ACTION

Submitted by:

Carl Povilaitis, Police Chief

Prepared by:

Tracey McCollum, Police Records Administrator

Reviewed by:

Michele Flynn, Director of Finance

Michael J. Garcia, City Attorney

Approved by:

Roubik R. Golanian, P.E., Interim City Manager

RECOMMENDATION

It is recommended that City Council adopt a resolution authorizing the destruction of records, as allowed by State law, as specified in the resolution. This routine purging of records is consistent with State Law and the Police Department's records destruction policy.

BACKGROUND/ANALYSIS

Pursuant to Government Code Sections 34090 and 34090.6, certain records may be destroyed after specified periods of time. In some situations, the Police Department retains certain records for a longer time, as indicated on the resolution.

The records the Police Department seeks authorization to destroy do not relate to cases involving:

- Outstanding warrants;
- Penal Code Section 290 (sex registrants);
- Penal Code Section 457.1 (arson registrants);
- Criminal death cases;
- Violations listed in Penal Code Section 799 (offenses punishable by death or by imprisonment in the state prison for life or for life without the possibility of parole, or for the embezzlement of public money) or Penal Code Section 800 (offenses punishable by imprisonment for eight years or more);
- Penal Code Section 11167.5 (Child Abuse and Neglect Reporting Act);
- Missing persons who are not found;
- Pending civil or criminal litigation; or
- Serialized firearms that have been entered into the NCIC (National Crime Information Center) database.

The following described Police Department records (documents, instruments, etc.) are no longer required to be maintained and may be destroyed:

- Crime and arrest reports dated prior to January 1, 2013;
- Miscellaneous non-criminal reports dated prior to January 1, 2013;
- Records of statistical reports dated prior to January 1, 2013;
- Jail logs dated prior to January 1, 2013;
- Traffic citations dated prior to January 1, 2017;
- Parking citations dated prior to January 1, 2017;
- Bail receipts and records dated prior to January 1, 2018;
- Dealers' reports of gun sales dated prior to January 1, 2018;
- Subpoenas not associated with a police report dated prior to January 1, 2018;
- Subpoenas dated prior to January 1, 2018;
- Informal discovery requests dated prior to January 1, 2018;
- Pawn slips dated prior to January 1, 2018;
- Treasurer's receipt records dated prior to January 1, 2018;
- Miscellaneous correspondence dated prior to January 1, 2018;

- Digital audio recordings older than 777 days from the date of occurrence;
- Records related to the Automated License Plate Readers older than 777 days from date of occurrence;
- Records related to the Mobile Audio Video System older than 777 days from date of occurrence;
- Records of telephone and radio communications older than 777 days from date of occurrence;
- Records of routine video monitoring maintained in the Milestone Camera system older than 777 days from occurrence;
- Photographs in the CaseWorks system dated prior to January 1, 2013;
- Administrative investigations that contain formal dispositions and were closed on or before January 1, 2015 (having been retained for at least five years in accordance with Penal Code Section 832.5);
- Pre-employment background investigation files closed on or before January 1, 2018, where those applicants were not hired;
- Personnel files of employees who separated employment with the City on or before January 1, 2017; and
- Administrative files referencing Pitchess Motions closed on or before January 1, 2017;
- Vacation check requests dated prior to January 1, 2018;
- Special event permit records dated prior to January 1, 2015.

The attached resolution is proposed and approved annually in order to keep the purging of Glendale Police Department records current. The resolution is fully compliant with the State of California Government Code Sections 34090 and 34090.6. It should be noted that records pertaining to Health and Safety Code Section 11590 relating to narcotic offender registrants has been removed from the resolution due to the enactment of Assembly Bill (AB) 1261. Effective January 1, 2020, AB 1261 repeals Health and Safety Code Section 11590 thus terminating California narcotics offender registration requirements. Therefore, these records may be destroyed. Furthermore, two new categories of records have been added to the resolution. The categories relate to requests for vacation checks by members of the community as well as special event permits.

Approval of this resolution is important to lessen the storage problem that retention creates and is consistent with proper records management practices. The Police Department has limited space for records retention and storing off-site is costly and replete with security issues.

FISCAL IMPACT

The cost for the destruction of records is included in the General Fund budget for the Police Department.

ALTERNATIVES

Alternative 1: The City Council may adopt a resolution authorizing the destruction of records as proposed by staff.

Alternative 2: The City Council may deny the requested authorization to destroy records.

Alternative 3: The City Council may consider any other alternative not proposed by staff.

CAMPAIGN DISCLOSURE

Not applicable.

EXHIBITS

None