



City Manager's Report
May 14, 2019 City Council Meeting
Prepared by: Chief of Police, James M. Ortega
Item #: 8.5

Purpose: Adopt a Resolution of the City Council authorizing the destruction of police records.

Discussion: This is a request that the Placerville City Council adopt a resolution approving the destruction of selected Police Department Citizen Complaints and Internal Affairs Investigations (IAs) dated 2013. Pursuant to Government Code Section 34090, "Unless otherwise provided by law, with the approval of the 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 his charge, without making a copy thereof, after the same is no longer required."

The City's record retention policy, which follows the Secretary of State Local Government Records Retention Guidelines, is five (5) years for Internal or Administrative IAs initiated by Citizen Complaints or internally initiated. In addition, there are specific code sections pertaining to the destruction of complaints against peace officers and internal investigations involving peace officers. Both California Evidence Section 1045 (b) (1) and Penal Code Section 832.5 (b) require that those records be retained for at least five years. The destruction of these records is therefore in accordance with Government Code Section 34090, the City's record retention policy, Evidence Code Section 1045 (b) (1) and Penal Code Section 832.5 (b). By signing this staff report the City Attorney is indicating his written consent to this request.

Options: Keep the files in violation of Government Code Section 34090, the City's record retention policy, Evidence Code Section 1045 (b) (1) and Penal Code Section 832.5 (b).

Cost: We have a contract in place with a shredding company and there is no additional charge to shred the documents.

Fiscal Impact: None

Recommendation: Adopt a Resolution of the City Council authorizing the destruction of police records listed above.

M. Cleve Morris, City Manager

James M. Ortega, Chief of Police

John Driscoll, City Attorney