

## RESOLUTION #04-14

### RESOLUTION OF THE CITY COUNCIL OF LOS ALTOS APPROVING THE DESTRUCTION OF CERTAIN POLICE DEPARTMENT RECORDS, DOCUMENTS, AND PAPERS, PURSUANT TO SECTIONS 34090 AND 34090.6 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA AND 832.5(b) OF THE PENAL CODE.

WHEREAS the Chief of the Los Altos Police Department has submitted a request for authority to destroy obsolete records; and

WHEREAS said request is in accordance with the procedures and requirements of Sections 34090 and 34090.6 of the California Government Code and 832.5(b) of the Penal Code; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LOS ALTOS

1. The following city records, documents, instruments, books or papers are no longer required and may be destroyed:
  - a. Recordings of telephone and radio communications over one hundred and eighty (180) days old, providing such recordings are not evidence in any claim filed or any pending litigation (or potential claims and litigation), in which case such recordings shall be preserved for one hundred eighty (180) days after the conclusion of litigation.
  - b. Auction receipts and records over two (2) years old.
  - c. Records of expired licenses and permits over two (2) years old.
  - d. Records of lost and found items, which lost and found items have been lawfully disposed of, over two (2) years old.
  - e. Miscellaneous noncriminal reports over two (2) years old.
  - f. Police daily activity records and logs over two (2) years old.
  - g. All crime and supplemental reports of infractions, misdemeanors, and felonies over (3) years old, providing:
    1. They do not relate to an unadjudicated arrest, except for section 2, below.
    2. They do not relate to unserved warrants.
    3. They do not involve identifiable items which have not been recovered.
    4. They do not relate to Penal Code Section 290 or 457.1, or Health and Safety Code Section 11590 registrants.
    5. They do not relate to a criminal death case.

6. They do not relate to violations listed in Penal Code Sections 799 and 800.
  7. The cases are not presently involved in either civil or criminal litigation.
  - h. All index cards and logs, which relate to the destroyed case documents.
  - i. All dispatch cards over two (2) years old.
  - j. Field interview cards over two (2) years old.
  - k. Duplicates of all reports, when the duplicates are no longer needed.
2. Records pertaining to the arrest or conviction of any person for a violation of subdivision (b), (c), (d), or (e) of Section 11357 or subdivision (b) of Section 11360 of the Health and Safety Code occurring after January 1976 shall not be kept beyond two years from the date of conviction, or from the date of arrest if there was no conviction.
  3. Any documents relating to citizen complaints or investigations in response to citizen complaints relating to members of the Police Department and internal affairs investigation files shall be retained for a period of at least five (5) years. (Government Code 34090 and Penal Code 832.5)
  4. All juvenile arrest and disposition records shall be destroyed in accordance to the Welfare and Institutions Code 781 and 826.
  5. Files on persons who applied but were not selected for employment with the Department; includes background investigations, criminal records, oral board scores, original applications, summaries of findings, and polygraph examination results. Two (2) years from date records created or received; and until final disposition of any pending legal action or litigation. (Government Code 12946 and 832.5 Penal Code)
  6. Personnel records of all employees, including those terminated or who resigned in lieu of termination. Two (2) years after date of separation; and until final disposition of any pending legal action or litigation. (Government code 12946 and 832.5 Penal Code)
  7. This Resolution also authorizes the Police Department to purge arrest warrants according to a recall schedule established by the Courts for the timely return of warrants.

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by the City Council of the City of Los Altos, California, at a meeting thereof held on the 25th day of May, 2004, by the following vote of the members thereof:

AYES: COLE, PACKARD, CASAS, LEAR, MOSS  
 NOES: NONE  
 ABSENT: NONE

  
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 JOHN MOSS, MAYOR

  
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 SUSAN KITCHENS, CITY CLERK