

RESOLUTION NO. 2012-25

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ADOPTING A POLICE DEPARTMENT RECORDS RETENTION SCHEDULE AND
AUTHORIZING DESTRUCTION OF CERTAIN POLICE DEPARTMENT RECORDS**

WHEREAS, California Government Code section 34090 *et seq.* and Penal Code 832.5 provide guidelines for retention periods for various public records which are obsolete and their retention period has expired: and


WHEREAS, the City of Los Altos Police Department Policy sets forth a Records Management Program which establishes a comprehensive Police Department Records Retention Schedule for record management and destruction.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby authorizes the following:

1. Resolution No. 2012-25 repeals and replaces Resolution No. 2008-01 in its entirety.
2. The City of Los Altos Police Department Records Retention Schedule dated August 28, 2012, is attached hereto and adopted by this reference.
3. Pursuant to Government Code section 34090 *et seq.* and the provisions of the City of Los Altos Police Department Records Retention Schedule and Policy, the Los Altos Police Department records which are obsolete and their retention period has expired are hereby authorized to be destroyed without further action by the City Council of the City of Los Altos.
4. The City Manager, at the recommendation of the City Attorney and the Chief of Police, may update or modify the City of Los Altos Police Department Records Retention Schedule as required to accommodate the new laws or administrative changes.
5. The term "record" as used herein is defined as "public record" pursuant to Government Code section 6252.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 28th day of August, 2012 by the following vote:

AYES: CASAS, FISHPAW, PACKARD, SATTERLEE, CARPENTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



Valorie Cook Carpenter, MAYOR

Attest:



Jon Maginot, DEPUTY CITY CLERK



RECORDS RETENTION SCHEDULE POLICE DEPARTMENT



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Exhibit A

FILE CODE	RESPONSIBLE	RECORD DESCRIPTION	ACTIVE (In Office)	TOTAL RETENTION	MEDIA	SCAN IMAGE	Destroy Paper after Scan	LEGAL AUTHORITY
ADMINISTRATION								
	Executive Asst.	Agenda Reports - Documentation received, created and/or submitted to Council	CU+2	CU+2				GC §34090(d)
	Executive Asst.	Background Files - Employees	Termination + 5 Years	Termination + 5 Years	Paper			GC §34090
	Executive Asst.	Background Files - Reservists	Termination + 5 Years	Termination + 5 Years	Paper			GC §34090
	Executive Asst.	Background Files - Unsuccessful Applicants	3	3	Paper			EEOC / FLSA / ADEA (Age) requires 3 years; State Law requires 2-3 years; 29 CFR 1672.3()(5) and (6), 8 CCR §11040.7; GC §§12946, 34090
	Executive Asst.	Policy Manual - DEPARTMENT	P	P	CD			State of California Local Gov't Records Management Guidelines
	Executive Asst.	Grant Financial Records	CL+5	CL+5				GC §34090
	Chief	Grievance Files - Grievance filed by employees, supporting documentation	Upon Disposition transfer to HR	Upon disposition transfer to HR	Paper			HR is OFR; All State and Federal laws require retention until final disposition of formal complaint; State requires 2 years after action is taken; GC §§12946, 34090
	Chief	Internal Investigations - initiated by citizens complaints or internally initiated; includes complaint, reports, findings; Sustained and Not Sustained	CL+5	CL+5	Paper			All State and Federal laws require retention until final disposition of formal complaint; State requires 2 years after action is taken; Statute of Limitations is 4 years for misconduct; EVC §1045; GC §§12946, 34090, PC §§801.5, 803©, 832.5, VC §2547
	Chief	Internal Investigations - Officer Involved Shootings / Shooting Review	CL +25	CL +25	Paper	Scan	NO	Consistent with IA and proposed Statewide Guidelines; GC §34090
	Executive Asst.	Overtime Logs	2	2	Paper			CPRA6254, IPA 1798.40CD
	Executive Asst.	Personnel Orders Log (Reassignments)	5	5	Paper			Consistent with work schedules GC §34090
	Executive Asst.	Press Release	2	2	paper/ electronic			GC §34090
	Executive Asst.	Records Destruction Authorization	4	4				State of California Local Gov't Records Management Guidelines
	Executive Asst.	Records Retention Schedule	AC	Until Revised				State of California Local Gov't Records Management Guidelines
	Operations Captain	Reports - Monthly/Annual, activity/statistical reports by division.	CU+2	CU+2	on-line			GC §34090

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FILE CODE	RESPONSIBLE	RECORD DESCRIPTION	ACTIVE (In Office)	TOTAL RETENTION	MEDIA	SCAN IMAGE	Destroy Paper after Scan	LEGAL AUTHORITY
	Operations Captain	Research Project Files - May include request forms, background materials, staff reports, final project reports and supporting data.	CL+2	CL+2	Paper	Scan		GC §34090
	Operations Captain	Shift Activity Log	CU+2	CU+2	on-line			GC §34090
	Operations Captain	Survey Results/Data	CU+2	CU+2	on-line			GC §34090
	Executive Asst.	Training - PERSONNEL - (by name) Paperwork documenting officers' internal and external training	T+5	T+5				Claims can be made for 30 years for toxic substance exposure: EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection or discharge: State law requires 2-3 years; 29 CFR 1672.3(b)(ii), CCR §3204(d)(1) et seq.; GC §§12946, 34090
	Executive Asst.	Unsuccessful Grant Applications - not entitled	CL+2	CL+2				GC §34090
	Operations Captain	Use of Force Review Log	CU+2	CU+2	on-line			GC §34090
	Executive Asst.	Work Schedule	2	2	Electronic			Department Preference; EEOC's basic requirements is 1 year after action; Bureau of National Affairs recommends 2 years for work schedules; Time sheets are required for 2 years; 29 CFR 516.6(1), 29 CFR 1602.14; GC §34090
TRAINING								
	Personnel and Training Officer	Inventory - listing of equipment assigned to division, to whom it is assigned	S+2	S+2				GC§34090
	Personnel and Training Officer	Range Inventory - Quarterly reports of inventories of weapons held by Department.	S+2	S+2				GC§34090
	Personnel and Training Officer	Training Event Files - Correspondence, brochures, promotional materials, info on speakers, guests, supporting documents	CU+2	CU+2				GC§34090
	Personnel and Training Officer	Training Lesson Plans - Range - Scope, Content, time period of courses	CL+15	CL+15				State of California Local Gov't Records Management Guidelines
	Personnel and Training Officer	Training schedules - Range - Daily, weekly, monthly schedules of training events at the range	CU+2	CU+2				GC§34090

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FILE CODE	RESPONSIBLE	RECORD DESCRIPTION	ACTIVE (In Office)	TOTAL RETENTION	MEDIA	SCAN IMAGE	Destroy Paper after Scan	LEGAL AUTHORITY
	Personnel and Training Officer	Weapons, Database - Departmentally-owned weapons, personal weapons, alternate weapons, secondary handguns, produces inventory reports	P	P				State of California Local Gov't Records Management Guidelines
POLICE SERVICES								
Case Number	Records	Case Records - High Profile - Significant Cases which have importance or set legal precedence. Includes logs, complaints, police reports, court orders, motions, notes, briefs	P	P	Paper	Scan	Y When Inactive	GC §6254
Case Number	Records	Crime Reports - "Detention Only" Retainable arrests - Forward to Records Lead for review prior to destruction	2	2	Paper			Provided there are not outstanding warrants, deaths, and it is not classified under PC §800 and 290 and H&S §11850; Statute of limitations is 2 years; Destroy juvenile marijuana after age 18; H&S §11361.5; GC §34090, PC §802, PC §187, 800 et seq.
Case Number	Records	Crime Reports: Bodies - Natural Death	2	2	Paper			Department Preference; PC §§187, 800 et seq.
Case Number	Records	Crime Reports: Felonies Except Homicide, Juvenile, Child Abuse, & Sexual Assault **NOTE** Destruction of Felony, Misdemeanor and Infraction Crime and Supplemental Reports cannot include: 1) An adjudicated arrest except for HS 11357 or HS 11360 violations; 2) Unserved warrants; 3) identifiable items which have not been recovered; 4) Any case related to PC 290, PC 457.1 pr HS 11590 registrants; 5) Any violation listed in PC 799 or 800; 6) Any case presently involved in either civil or criminal litigation.	10	10	Paper			Provided there are not outstanding warrants, deaths, and it is not classified under PC §800 and 290 and H&S §11850; Statute of limitations is up to 6 years; PC §§187, 800 et seq.
Case Number	Records	Crime Reports: Homicide, Falsification of Public Records, Kidnapping, Unsolved Child or Edler Abuse, Sexual Assault and Neglect, Misuse of Public Funds, Train-wrecking, Treason, Suicide, Rape Cases (Unsolved) (crimes subject to death penalty or without Statute of Limitations)	P	P	Paper	Scan	Yes - when inactive	No limitation on commencement of action; PC §§261, 286, 288, 288a, 288.5, 289, 289.5, and 799
Case Number	Records	Crime Reports: Misdemeanors	5	5	Paper			Provided there are no outstanding warrants, deaths, and it is not classified under PC §800 & 290 and H&S §11850

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FILE CODE	RESPONSIBLE	RECORD DESCRIPTION	ACTIVE (In Office)	TOTAL RETENTION	MEDIA	SCAN IMAGE	Destroy Paper after Scan	LEGAL AUTHORITY
Case Number	Records	Crime Reports: Stolen Vehicles, No Convictions	Until recovered (minimum 3 years)	Until recovered (minimum 3 years)	Paper			Department Preference; PC §§187, 800 et seq.
Case Number	Records	Evidence, Disposition Forms - Attach to duplicate Property Report, file with General File in Records	Report Retention	Report Retention	Paper			State of California Local Gov't Records Management Guidelines
Case Number	Property	Latent print records - Retain for applicable case statute of limitation; or until evidence in case is destroyed; hard copy and digitized	Per PC §800 and §801	Per PC §800 and §801	Paper			Per PC §800 and §801
Case Number	Records	Lost and Found Property Reports	2	2	Paper			If artifact is over \$10K, artifact is permanent - Statute of limitations is up to 3 years (recovery from seized property by police is 1 year); CP §338©, 340(4), 341(a); GC §34090
Case Number	Records	Marijuana Arrest/Conviction H&S section 11357(b), (c), (d),(e) or H&S section 11360(b) violations (occurring after January 1, 1996) - Applicable to convictions occurring after January 1, 1996 or arrests not followed by a conviction occurring after January 1, 1996; Exception: H&S 11357(e), the record shall be retained until the juvenile offender attains the age of 18 years, then destroyed pursuant to 11361.5	2 - *Mandatory Destruction in Certain HS Sections and Circumstances	2*				HS11361.5
Case Number	Records	Marijuana Arrest/Conviction H&S section 11357(b), (c), (d),(e) or H&S section 11360(b) violations (occurring before January 1, 1996) - Applicable to convictions occurring prior to January 1, 1996 or arrests not followed by a conviction occurring prior to January 1, 1996 for violations of H&S code 11357, 11364, 11365 and 11350	Mandatory Destruction Upon Notice From DOJ	Mandatory Destruction Upon Notice From DOJ				HS11351 (c)
Case Number	Records	Marijuana Citations or Reports (less than 28.5 grams)	2	2	Paper			GC §34090 H&S 11361.5
Case Number	Records	Missing Person and Runaway Reports (Cleared)	2	2	Paper			GC §34090
Case Number	Records	Missing Person Reports (Unsolved)	P	P	Paper	Scan	Yes - when inactive	Department Preference; Also see Crime Reports; GC §34090
Case Number	Records	Officer Involved Shootings	P	P	Paper	Scan	Y	GC §34090
Case Number	Property	Photos - Crime Scene, Registrant/Applicant, Photo File, Accident. Retain according to practical and functional association.	Report Retention	Report Retention	Paper		When Inactive	State of California Local Gov't Records Man

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FILE CODE	RESPONSIBLE	RECORD DESCRIPTION	ACTIVE (In Office)	TOTAL RETENTION	MEDIA	SCAN IMAGE	Destroy Paper after Scan	LEGAL AUTHORITY
Case Number	Property	Polygraph Reports associated with a case	Criminal Report Retention	Criminal Report Retention	Paper			Takes retention period for the criminal report which applies; filed with case file
Case Number	Records	Incident Reports: Non-criminal, 72-hour holds, 5150, etc.	3	3	Paper			Also see Crime Reports; GC §34090
Case Number	Records	Sealed Records - Adult Factual Innocence - General Provision: Upon Approved Petition, Records of Agency must be sealed and destroyed when date of destruction is reached, in accordance with provisions set by court record - exceptions.	Mandatory Destruction Upon and Pursuant to Court Order Timeframes Generally Sealing Date + 3 years	sealing date + 3 years	Paper			PC §851.7 and PC §851.8
Case Number	Records	Sealed Records - Juveniles - Upon Petition, local law enforcement records within WIC 826(b) may be destroyed as ordered by the court, if related probation and juvenile court records have been destroyed by the probation officer. Records involving arrests, detention and/or petitioning juvenile before juvenile court. (Note 707(b) offenses)	Mandatory Destruction Upon and Pursuant to Court Order Timeframes Generally Sealing Date + 5 years	sealing date + 5 years	Paper			Statute of limitations runs up to age of majority + 8 years; Sealing for juveniles and Wards of the Court retained for 5 years; CP §§340.1; GC §34090; W&I §781(d) W&I §826(a)&(b) W&I §781(a)
Case Number	Records	Traffic Accident Reports - FATAL	P	P	Paper	scan	Yes - when inactive	Department Preference; PC §§187, 800 et seq.
Case Number	Records	Traffic Accident Reports (Not Fatal)	10	10	Paper			Actions against drivers must be brought in 3 years; GC §34090, VC §2547
	Records	Bicycle Licenses	2	2	Paper			GC §34090
	Records	Citations - Retained in original case file	Report Retention	Report Retention	Paper			GC §34090
	Records	Citations: Misdemeanor Traffic, Parking, Moving, Administrative and Criminal.	CU+2	CU+2	Paper			GC §34090.7
	Records	Department of Justice Purge Notifications	When no longer Required	When no longer Required	Paper			Non Records; GC §34090
	Records	Department of Justice Validation Lists	2	2	Paper			Information Received by DOJ; GC §34090
	Property	Destruction - Narcotics	P	P	Paper	Scan	Y	State of California Local Gov't Records Management Guidelines
	Property	Destruction - Guns.	P	P	Paper	Scan	Y	State of California Local Gov't Records Management Guidelines
	Police Services Manager	Dispatch cards	CU+2	CU+2	Paper			GC §34090

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FILE CODE	RESPONSIBLE	RECORD DESCRIPTION	ACTIVE (In Office)	TOTAL RETENTION	MEDIA	SCAN IMAGE	Destroy Paper after Scan	LEGAL AUTHORITY
	Records	Firearms Dealer - Permit Applicants, Firearm Audits, Denied Applicants, Stolen Firearms	6	6	Paper			PC §12070 GC §34090
	Records	Firearms Sales - Report of Dealer Record of Sales, duplicate - original maintained by DOJ. Dealer required to file duplicate with agency.	2	2				GC §34090 BP §21628
	Records	Pawn Broker/Secondhand Dealer Property - sales, slips. Dealer required to file duplicate with agency.	CU+2	CU+2				GC §34090 BP §21628
	Property	Photos - Crime Report/Incident Report - Negatives - Assigned report number, retained as form of evidence, destroyed at same time evidence for associated case is destroyed.	Report Retention	Report Retention				GC §34090
	Property	Property Control Log - Logs items going out of property room to court, D.A., etc.	CU+2	CU+2	Paper / Electronic			GC §34090
	Property	Property Yellow- to General file. Until completion of chain of possession and final disposition of property, Blue copy remains with Property Unit. When property is no longer retained by Property Unit (final disposition noted on blue form) a copy of the blue form is forwarded to Records Unit for inclusion in General file.	Until Case is Adjudicated/ Final Disposition is determined	Until Case is Adjudicated/ Final Disposition is determined				Managing Property in Law Enforcement - POST
	Records	Rap Sheet Log - Requests for criminal history	2	2	Paper			GC §34090
	Dispatch	Repossession/Private Property Tow	CU+2	CU+2	Paper			State law requires only 1 year from storage; Seized Property limitation is 1 year; GC §34090, PC § VC §10650(c)
	Records	Restraining Orders, Emergency Protective Orders, Temporary Restraining Orders, Legal Stipulations, Orders After Hearing	Upon Expiring	Upon Expiring				*Refer to Series Description; NOTE: LAPD is not the official repository for the originals. Original documents must be forwarded to the SCCSO for entry and cc'd to Family Law. Duplicate copies may be on file at the agency. Originals destroyed after law enforcement actions described in PC §§273.5, 273.6, 646.9, 12028.5, 13700 and Family Code Sections 6380-6383 are fulfilled and effective date of restraining order has expired. GC §34090
	Records	Secondhand Dealer License - Original to Licensee, Blue duplicate to DOJ, Pink duplicate to agency, renewals issued annually by local agency	2	2	Paper			GC §34090

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FILE CODE	RESPONSIBLE	RECORD DESCRIPTION	ACTIVE (In Office)	TOTAL RETENTION	MEDIA	SCAN IMAGE	Destroy Paper after Scan	LEGAL AUTHORITY
	Records	Statistical (UCR), Uniform Crime Reports Mandatory to DOJ (LEIC); FBI Include Return A/Supplement; Supplementary Homicide Report; Law Enforcement Officers Killed or Assaulted; Monthly Return of Arson Offenses Known to Law Enforcement; Number of Violent Crimes Committed Against Senior Citizens; Monthly Report of Domestic Violence Related Calls for Assistance; Monthly Arrest and Citation register; Monthly Hate Crimes Incidents; Death In custody reporting.	CU+2	CU+2				GC §34090
	Records	Subpoena Binder -Tracking System -subpoena number, officer name, case number, defendant name, district attorney name, court information disposition	CU+2	CU+2				GC §34090
	Records	Subpoena Log - subpoenas received/served daily	CU+2	CU+2	Paper			GC §34090
	Property	Tapes - Audio, Telephone and Radio Communications - Exception: Recordings used as evidence in a criminal prosecution or claim filed or litigation or potential claims and litigation shall be preserved for 100 days after conclusion of the court action.	1	1	DVD			GC §34090.6 and refer to exception noted in Record Series comments
	Property	Video - Surveillance/Security (Jail)	1	1	Server			GC §34090.6 - Includes MVAR
	Records	Warrants - Felony **Also subject to DOJ and NCIC Validation policies if entered into automated systems; also SCCDA warrant review policies prior to any warrant purge	Recall after 5 years - Exception: Murder, Escape=P	Recall after 5 years - Exception: Murder, Escape=P	Paper			California Law Enforcement Warrant Officer's Association recommendation, also see Series Description Notes
	Records	Warrants - LOCAL - Unserved	Until served, recalled or purged	Until served, recalled or purged	Paper			State of California Local Gov't Records Management Guidelines
	Records	Warrants - Misdemeanor - Criminal **Also subject to DOJ Validation policies if entered into automated systems; also SCCDA warrant review policies prior to any warrant purge	Recall after 3 years	Recall After 3 years	Paper			California Law Enforcement Warrant Officer's Association recommendation, also see Series Description Notes
	Records	Warrants - Served, Includes service information	CU	CU	Paper			State of California Local Gov't Records Management Guidelines
	Records	Warrants - Traffic	Recall after 3 years	Recall after 3 years	Paper			California Law Enforcement Warrant Officer's Association recommendation, also see Series Description Notes

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FILE CODE	RESPONSIBLE	RECORD DESCRIPTION	ACTIVE (In Office)	TOTAL RETENTION	MEDIA	SCAN IMAGE	Destroy Paper after Scan	LEGAL AUTHORITY
FIELD OPERATIONS								
	ISD	Asset Forfeiture - Investigations, proceedings, Case File	CL	CL+2				GC §34090
	ISD	Asset Forfeiture - Notifications - to legal property owner prior to case filing that property is subject to asset forfeiture proceedings. If case is filed, notification becomes part of Asset Forfeiture file.	CL	CL+2				GC §34090
	ISD	Case Books - Investigative - Retained by division until a case is completed/filed on/closed, then forwarded to the Records Unit for inclusion in the General File	CL	CL+2				GC §34090
	ISD	Case Files - Homicide Investigator's File	P	P				PC799
	Crime Prevention	Crime Statistics: Periodic (Monthly, Bimonthly, etc.)	2	2	paper			GC §34090
	Crime Prevention	Crime Statistics: Annual	2	P	paper		Yes	GC §34090
	Crime Prevention	False Alarm (duplicate)	2	2	paper			GC §34090
	ISD	Field Interview (FI) Cards	CL+2	CL+2	electronic			GC §34090
	ISD	Informant Files - Legal Notifications, identification information, payment information, activities information	T	T+10				State of California Local Gov't Records Management Guidelines
	Personnel and Training Officer	Inspection Files - Inspections by various agencies	CL	CL+6				State of California Local Gov't Records Management Guidelines
	Personnel and Training Officer	Jail - Daily Logs - Daily Report of Staffing, Booking/Releases, Transfers, Transportation	CU	CU+6				GC §34090
	Personnel and Training Officer	Juvenile Detention Log - Logs document juvenile processing per CYA	CU	CU+2				GC §34090
	Crime Prevention	Massage Establishments	Expiration of License + 2 years	Expiration of License + 2 years	paper			GC §34090
	ISD	Narcotics - (No Arrest, Narcotics Cases) - Retained by division until no longer useful for investigative purposes	CL	CL+2				GC §34090
	Personnel and Training Officer	Parades and Special Events File - Reports, memos, correspondence, scripts, supplier information, assignments, deployments, supporting documentation	CL	CL+2				GC §34090
	Parking CSO	Radar Calibration Records - Documentation of Radar instruments retained during use/ownership	T+2	T+2				GC §34090

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	ISD	Registration files, Arson, Sex and Narcotics - (Fingerprint Card, Photo, Information forwarded to DOJ)	Life of Registrant Within Jurisdiction	Life of Registrant Within Jurisdiction	paper/photo		Yes	State of California Local Gov't Records Management Guidelines
	Swat Team Leader	SWAT After Action Reports/ Operational Plans	2	2	paper			Department's Preference; GC §34090
	Operations Captain	Traffic Information Reports	2	2	paper/electronic			GC §34090

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LEGEND
Records Retention

AC = Active
AU = Audit
CU = Current Year
E = Election
P = Permanent
T = Termination

AD = Adoption
CL = Closed / Completion
DOB = Date of Birth
L = Life
S = Supersede

CITATIONS

B&P - Business and Professions
CAC - California Administrative Code
CCP - Code of Civil Procedure
CCR Code of California Regulations
Act
CFR - Code of Federal Regulations
EC - Election Code
FMLA - Family & Medical Leave Act
GC - Government Code

H&S - Health and Safety Code
HUD - Housing and Urban Development
OSHA - Occupational Safety & Health Act
PC - Penal Code
POST - Police Officer Standards & Training
UFC - Uniform Fire Code
USC - United States Code
WIC - Welfare and Institutions Code