



Legislation Details (With Text)

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Title: ***RESOLUTION - Amending Resolution No. 2008-243 to conform retention of police records to California law. (Subject to Mayor's veto)

Sponsors: City Attorney's Office

Indexes:

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Attachments: 1. Resolution.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|----------|--------|
| 12/6/2018 | 1 | City Council | approved | Pass |

REPORT TO THE CITY COUNCIL

December 6, 2018

FROM: Douglas T. Sloan, City Attorney
City Attorney's Office

BY: Jenni A. DeRuosi, Deputy City Attorney
City Attorney's Office

SUBJECT

***RESOLUTION - Amending Resolution No. 2008-243 to conform retention of police records to California law. (Subject to Mayor's veto)

RECOMMENDATION

It is recommended Council approve the Amendment to Resolution No. 2008-243 applicable to the City's record retention schedule to reflect the statutory requirement of retaining records related to Officer Involved Shootings from closure date plus twenty-five years to closure date plus five years.

EXECUTIVE SUMMARY

On September 23, 2008, Council adopted Resolution 2008-243 formally amending and superseding Resolution No. 93-139 that adopted the Secretary of State Local Government Records Management Guidelines as the City-wide records retention policy. Council is asked to amend Resolution 2008-243 to conform to Officer Involved Shooting records retention requirements pursuant to California Penal

Code section 832.5.

BACKGROUND

In adopting the Local Government Records Management Guidelines, the City's retention schedule applies the five year minimum requirement to use of force, collision reviews, Internal Affairs reports, and reports of great bodily injury, but requires Officer Involved Shooting records to be maintained from the closure date plus twenty-five years. There is no statutory basis for this twenty-five year requirement. Council is asked to amend Resolution 2008-243 to conform Officer Involved Shooting records retention to the requirements of California Penal Code section 832.5, and to conform the retention requirement to other similar records created and maintained by the Police Department.

ENVIRONMENTAL FINDINGS

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines section 15378, this item does not qualify as a "project" and is therefore exempt from CEQA requirements.

LOCAL PREFERENCE

Local preference is not implicated because this item does not involve public contracting or bidding with the City.

FISCAL IMPACT

There is no fiscal impact to this item.

Attachment: Resolution