

RESOLUTION NO. 84-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA, APPROVING THE DESTRUCTION OF CERTAIN CITY RECORDS, DOCUMENTS, AND PAPERS, PURSUANT TO SECTION 34090 ET SEQ. OF THE GOVERNMENTS CODE OF THE STATE OF CALIFORNIA.

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

WHEREAS, said request has been approved by the City Attorney, and is recommended for approval by the City Administrator, and is in accordance with the procedures and requirements of the City and Section 34090 et seq. of the California Government Code; and

WHEREAS, said request is to authorize the destruction of all original police records including incident, crime, arrest, property records, together with their associated logs and index cards which are two or more years old, providing that original reports relating to offenses which can be prosecuted beyond the two-year period of which involve convicted persons will be retained during the period of time the offenses can be prosecuted and/or convictions be appealed: Therefore be it, that the Chief of Police is hereby authorized to destroy the police records described in the foregoing paragraph subject to the exception also noted.

WHEREAS, in accordance with Government Code Section 34090, the City Attorney has filed his written consent to the destruction of records, instruments, books and papers hereinafter described;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA RESOLVES AS FOLLOWS:

Section 1. The following City records, documents, instruments, books or papers are no longer required:

- a. Auction receipts and records over two (2) years old.
- b. Records of expired licenses over two (2) years old.
- c. Records of lost and found items over two (2) years old.
- d. Miscellaneous non-criminal police contact reports over two (2) years old
- e. Police daily bulletin records over two (2) years old.
- f. All arrest reports and police crime reports of infractions, misdemeanors, and felonies over three (3) years old, providing:
 1. They do not relate to an arrest, except for Section 2, below.
 2. It does not have an unserved warrant.
 3. It does not involve identifiable items which have not been recovered.
 4. It is not classified 290 Penal Code or 11590 Health and Safety Code.

- 5. It does not relate to a criminal death case.
- 6. It does not include violations listed in Penal Code Section 799 and 800.
- 7. The case is not presently involved in either civil or criminal litigation.
- g. Unserved misdemeanor warrants and corresponding cases over five (5) years old.
- h. Unserved felony warrants and corresponding cases over ten (10) years old.
- i. All index cards which relate to the cases destroyed.
- j. Police dispatch cards over two (2) years old.
- k. Field investigation cards over two (2) years old.
- l. Duplicates of all reports may be destroyed at any time when the duplicates are no longer needed.

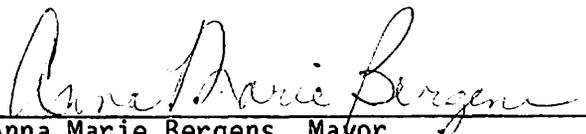
Section 2. Records pertaining to the arrest or conviction of any person for a violation of subdivision (b), (c), (d), or (e) of Section 11357 or subdivision (b) of Section 11360 of the Health and Safety Code occurring after January 1, 1976, shall not be kept beyond two years from the date of the conviction, or from the date of the arrest if there was no conviction.

Section 3. The records, documents, instruments, books and papers specified in Paragraph 1 of this Resolution do not include any documents relating to citizen complaints or investigations in response to citizen complaints relating to members of the Police Department nor to internal affairs investigation files, which shall be retained for five years, providing such documents are not evidence of a claim filed, or any pending litigation, in which case they shall be preserved for five years after the conclusion of litigation.

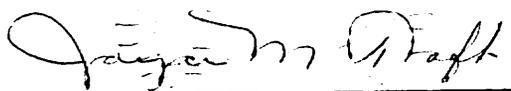
Section 4. The City Council finds that the City Attorney has given his written consent to the destruction of the records described in Paragraph 1 of this Resolution, and the Chief of Police is authorized to destroy the City records described in Paragraph 1 of this Resolution.

APPROVED AND ADOPTED this 20th day of November, 1984, by the following vote:

AYES: Mayor Bergens, Councilmembers Mower, Condos, Pearson, and Wiknich
 NOES: None.
 ABSENT: None.
 ABSTAIN: None.


 Anna Marie Bergens, Mayor

ATTEST:


 Joyce M. Taft, City Clerk