

RESOLUTION NO. 03-37

RESOLUTION OF THE RIDGECREST CITY COUNCIL APPROVING THE DESTRUCTION OF CERTAIN POLICE DEPARTMENT RECORDS, DOCUMENTS AND PAPERS, PURSUANT TO SECTION 34090 AND 34090.6 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

WHEREAS the Chief of the Ridgecrest 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

WHEREAS the Chief has stipulated the useful retention period for the Police Department records;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF RIDGECREST

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 (100) 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 non-criminal 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 three (3) years old, providing:
 - (1) They do not relate to an un-adjudicated arrest, except for section 2, below.
 - (2) They do not relate to un-served 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) The statute of limitations has not expired.
 - (7) They do not relate to violations listed in Penal code Sections 799 and 800.

- (8) 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) Police 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.
- (l) Background Checks
 - (1) Individuals who were not hired and it has been two (2) years since the background was done.
 - (2) Five (5) years for individuals who are no longer employed with the department.
- 2. Records pertaining to the arrest or conviction of any person for 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 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, providing such documents are not evidence in any claim filed or any pending litigation (or potential litigation), in which case such documents shall be preserved for five years after the conclusion of litigation.
- 4. 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.

APPROVED AND ADOPTED this 18th day of June 2003 by the following vote:

AYES: Mayor Carter, Council Members Clark, Holloway, Martin, and Morgan

NOES: None

ABSENT: None

ABSTAIN: None



Ronald H. Carter, Mayor

ATTEST:



Harvey M. Rose
City Clerk