

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
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

WHEREAS, the Chief of the Soledad 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 Section 34090 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 the City of Soledad, as follows:

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 (100) 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 provided.

(i) They do not relate to an arrest.

- (ii) They do not relate to unserved warrants.
- (iii) They do not involve identifiable items which have not been recovered.
- (iv) They do not relate to registrants under Sections 290 or 457.1 of the Penal Code or under Section 11590 of the Health and Safety Code.
- (v) They do not relate to a criminal death case.
- (vi) They do not relate to violations listed in Penal Code Section 799 or 800.
- (vii) The cases are not presently involved in either civil or criminal investigation.
- (h) All index cards and logs which relate to the case documents destroyed.
- (i) Police dispatch cards over two (2) years old.
- (j) Field interview cards over two (2) years old.
- (k) Duplicates of all reports may be destroyed at any time 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 1, 1976, shall not be kept beyond two (2) years from the date of conviction, or from the date of arrest if there was no conviction.

3. 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 (5) 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.

PASSED AND ADOPTED by the City Council of the City of Soledad at a regular meeting duly held on the 26th day of August, 1991, by the following vote:

AYES, and in favor thereof, Councilmembers: Fabian Barrera, Ben Jimenez, Jr., Fred Ledesma, Mayor Pro Tem John Holguin, Mayor Joe Ledesma

NOES, Councilmembers: None

ABSENT, Councilmembers. None

Joe C. Ledesma
MAYOR OF THE CITY OF SOLEDAD

ATTEST:

[Signature]
CITY CLERK OF THE CITY OF SOLEDAD