

RESOLUTION NO. 2013-130

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ESTABLISHING A POLICY FOR THE RETENTION OF RECORDS MAINTAINED
BY THE POLICE AND FLEET AND FACILITIES DEPARTMENTS**

WHEREAS, the Chief of Police is charged with the custody and safekeeping of records related to the Police, and Fleet and Facilities Departments; and


WHEREAS, the responsible maintenance of the City's records includes adoption of a policy for the retention and disposition of records; and

WHEREAS, California Government Code Section 34090 authorizes the legislative body to approve policy for the disposition of records that are no longer required.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby:

- 1) Adopts the records retention schedules attached hereto as Exhibits A through E in accordance with California Government Code Section 34090 et seq.; and
- 2) Authorizes the Chief of Police to employ technological methods to provide the storage and recovery of records as provided by statute; and
- 3) Authorizes the Chief of Police to identify and forward unique records to the care of the City Clerk for determination of extended retention and/or preservation.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 24th day of July 2013.




GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

City Of Elk Grove - Records Retention Schedule

POLICE - Reports - Reports

Records Series	Vital	Retention	Citation
CITATIONS			
Cite & Release		CL + 2	GC 34090
Criminal - Infraction		CL + 2	GC 34090
Traffic Citations Duplicate		CL + 2	GC34090.7
CRIME REPORTS - Subject to Note 1			
Felony/Misd/Infraction		CL + 2	GC34090
Lost/Found/Safekeeping		CL + 2	GC 34090
Marijuana (less than 28.5 grams)		CL + 2	H&S11361.5 (date of conviction or date of arrest if no conviction)
Missing persons (returned)		CL + 2	GC 34090
Missing Persons (unreturned)		Perm	GC 34090
Unfounded Child Abuse		10 years	PC11168, 11 CCR §902(c)
Assault with Deadly Weapon (ADW) by lifetime prisoner		Perm	PC799
Homicide, Falsification of Public Records, Kidnapping, Unsolved Child or Elder Abuse, Sexual assault and Neglect, Rape, Misuse of Public Funds, Train-wrecking, Treason, Suicide, Fatalities (crimes subject to the death penalty or without a statute of limitations)		Perm	PC 261,262,288,288a,288.5,289,289.5, and 799
Bombing resulting in death or injury		Perm	PC 799
Fatalities, Execution by Perjury, Defective war materials causing death		Perm	PC 799
Arrest Report Files (exception of mandated destruction of marijuana, sealing orders, etc)		Perm	H&S 11361.5, PC 851.8(a), CCP 340.1,
Arrest/Conviction HS 11357 (b), (c), (d), (e) or HS 11360 (b) violations (occurring after 1/1/96)		Perm	GC340909, W&I 781 (d)
Arrest/Conviction HS 11357(b), (c), (d), (e) or HS 11360(b) violations (occurring before 1/1/96)		HS 11361.5	1, 1996 or arrests not followed by a conviction
COLLISION			
Fatality		Perm	PC 799
Injury Traffic Collision		CL + 5 yrs	GC 34090
Non Injury Collision		CL + 2 yrs	GC 34090

NOTE ONE:

City Of Elk Grove - Records Retention Schedule

Crime Reports - Misdemeanor and Infraction reports
All reports can be destroyed once retention schedule time frames have been met, except those otherwise cited in this retention schedule.

Providing none of the following are present:

1. No unadjudicated arrests, except for #2, and H & S 11357 or 11360 Violations
2. No unserved warrants
3. No identifiable items/property (including weapons and firearms) which have not been recovered
4. No PC 290, PC 457.1, or H & S 11590 Registrants
5. No criminal death
6. No violations listed in 799/800 PC
7. Not presently involved in either a civil or criminal litigation

NOTE TWO:

The Case Report File is the master file containing all records associated with the case. The Case Report File may contain the following documents:

- Original report
- Supplemental reports by Officer/Investigator
- Narcotic information
- Property and Evidence Disposition Form
- Property and Evidence Chain of Custody
- Property Control forms/logs
- Photographic negatives
- Arrest disposition form
- GLETS/NGC printouts associated with property and/or person
- Warrant entry requests, service data
- Public Record Requests and release of document data
- Subpoena and release data
- Incident Command/SWAT forms and/or data
- Traffic related documents
- DUI information
- All citations - including H&S 11357(e) Juvenile, 11357b, 11357c, 11360, 11361.5
- Photo lineup data
- Interview audio and/or files
- District Attorney routing, continuation, cover sheet, warrant request, release of property (DA6)
- Probable Cause Declaration

**All documents not generated as part of ILEADS are scanned and associated with the case file.

Consent: 

Date: 7/22/13

City Of Elk Grove - Records Retention Schedule

Jonathan P. Hobbs, City Attorney

Adopted by	Key:	CU - Current year
		CL - Cleared/Completion
		P - Permanent
		T - Termination
		S - Supercode
		L - Life

City Of Elk Grove - Records Retention Schedule

Police - Records - Miscellaneous

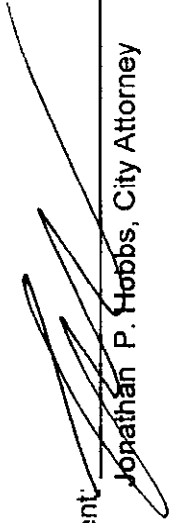
Records Series	Vital	Retention	Citation
ALARMS			
Court process		CL + 2	GC 34090
Notification/Billing		CL + 2	GC 34090
Permits and Renewals		S + 2	GC 34090
REGISTRANTS			
Arson, sex and drug registrant files		Life of registrant within jurisdiction	GC 340909
Arson Registration Adult (PC 457 et seq)		Life of registrant	PC 457.1
Arson Registration Juveniles (PC 457 et seq)		25 years of age	PC 457.1 (C) (3), PC 457.1 (4) (d), WIC 781, or Court mandated record seal
Sex Registrant (PC 290 et seq)		Life of registrant	PC 290
Drug Registrant (H & S 11590 et seq)		5 years	HS11590 et seq, and HS 11594, Registration requirements set forth in this article terminate five years after the discharge from prison, release from jail or termination of probation or parole.
Press Log/Watch Summary, Arrest Log, Incident Log		CU + 2	GC 34090

LOGS (Paper Copy)

City Of Elk Grove - Records Retention Schedule

GENERATED STATISTICAL REPORTS				
DOJ - NCIC Validation Lists (except firearms)		CU + 2 yrs		GC 34090
DOJ - NCIC Validation Lists pertaining to firearms		CU+ 6		PC 28100; Secretary of State, Local Government Records Mgmt Guidelines
Monthly Arrest Citation Register (MACR)		CU + 2 yrs		GC 34090
Statistical & Crime Analysis		CU + 2 yrs		CG34090
Uniform Crime Report (UCR)		CU + 2 yrs		CG34090
SEALINGS				
Crime Report sealed for Adult/Factual Innocence		Pursuant to Court order or 3 years after date of arrest		PC 851.8
Crime Report sealed for Juvenile		Pursuant to Court Order or 5 years		5 years after record was ordered sealed. W&I 781(d)
MISC:				
Application for Federal Firearms License		CU+10 yrs		GC34090
Field Interview Card		Immediate		Destroy upon entry into police RMS (trusted system)
Fingerprint Cards		CL +2		GC34090
Parking Citations		CL + 2		GC34090
Pawn Slips & Tickets		CL + 3		GC34090
Repo, Private Party Tow, Tow Hearing, Results of Tow Hearing		CL + 2		GC 34090
Subpoena Duces Tecum		CL + 2		GC 34090
CLETS Teletypes		CU + 2		GC 34090
Background Checks for employment, military, adoption and student visas		CU + 2		GC 34090
Request for Information - Police Reports and CAD calls for service		CU + 2		GC 34090

City Of Elk Grove - Records Retention Schedule

Consent: 
Jonathan P. Hobbs, City Attorney

Date: 7/22/13

Adopted by	Key:	CU-Current Year
	GL-Cleared/Completion	
	P - Permanent	
	S-Supercede	
	L- Life	

City Of Elk Grove - Records Retention Schedule

POLICE - Dispatch

Records Series	Vital	Retention	Citation
Reverse 911 Activation		CU + 2	GC 34090
Sit Along application & schedule		CU + 2	GC 34090
CritiCall Documentation		T + 3	29 CFR 1627.3(b)(ii), GC 12946
Dispatch Activity Report (DAR)		CU + 2	GC 34090
Dispatch & 911 Stat Reports		CL+3	CCP 337 et seq
Dispatch Schedule, Vacation, Shift Bid		CU + 2	GC 34090
Equipment Report Forms		CL + 2	GC 34090
Manual Dispatch Cards		Immediate	Immediate destruction upon entry into the Police RMS (Trusted System)
Temporary Restraining Orders/Emergency Protective Order		Expiration of Order + 30 days	
Telephone & Radio Voice Recordings		CU + 3	GC 34090 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. Secretary of State, Local Government - Records Management Guidelines. GC 34090 and 34090.6

Consent:  Jonathan P. Hebbs, City Attorney

Date: 7/22/13

Key: CU - Current Year
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S - Supercede
L - Life

Adopted by

City Of Elk Grove - Records Retention Schedule

POLICE - Crime Prevention

Records Series	Vital	Retention	Citation
Alcohol Licensure (One Day Permit and Renewal of Sales License)		CL + 2 yrs	BP 23958, GC 34090
Car Seat Install Form		CU + 2	GC 34090
Crime Alert Notice		CU + 2	GC 34090
Crime Prevention through Environmental Design (CPTED)		CU + 2	GC 34090
Crime Prevention Watch Captain List		CU + 2	GC 34090
Crime Prevention Correspondence Files		CU + 2	GC 34090
Event Operations Plans & Schedules		CU + 2	GC 34090
Misc. Forms for Crime Prevention/Neighborhood Watch Purposes		CU + 2	GC 34090
Duplicate Tobacco Licensure Data		CU+90	GC 34090.7

Consent:  Date: 7/22/13

Jonathan P. Hobbs, City Attorney

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Adopted by

City Of Elk Grove - Records Retention Schedule

POLICE - Fleet and Facilities

Records Series	VITAL	Retention	Citation
DMV Confidential License Plate Records		CU+2	GC 34090
Equipment Control Sign Out Log/Vehicle Assignment Log		CU+2	GC 34090
Fuel Island Inspection Sheet		CU+2	GC 34090
Portable Commercial Truck Scale Calibrations		CU+2	GC 34090
Radar & Lidar Calibrations		S+2	GC 34090
SMOG Vehicle Inspection Sheet		L+4	8 CCR 3203 (b)(1), CCP 337 et Seq., GC34090
Take Home Vehicle Assignment		CU+2	GC 34090
Uninterrupted Power Source Maintenance (generator)		L+4	CCP337
Upfit Invoices (Faster Software System)		L+4	8 CCR 3203 (b)(1), CCP 337 et Seq., GC34090
Vehicle Repair History		L+4	8 CCR 3203 (b)(1), CCP 337 et Seq., GC34090

Consent:  Jonathan P. Hobbs, City Attorney

Date: 7/24/13

Adopted by _____

Key:

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**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2013-130**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

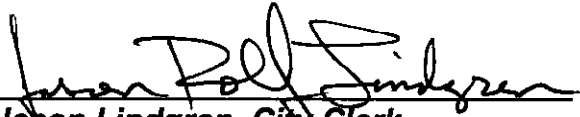
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 24, 2013 by the following vote:

AYES : COUNCILMEMBERS: *Davis, Detrick, Cooper, Hume, Trigg*

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*


**Jason Lindgren, City Clerk
City of Elk Grove, California**