

**RESOLUTION NO. 2020-243**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
ADOPTING A REVISED RECORDS RETENTION POLICY FOR VARIOUS  
BUREAUS/UNITS IN THE POLICE DEPARTMENT**

**WHEREAS**, the Chief of Police is charged with the custody and safekeeping of records related to the Police Department; 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 requires 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 adopts the records retention schedules attached hereto as Exhibits A through F, as consented to by the City Attorney, in accordance with California Government Code Section 34090, et seq.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 28<sup>th</sup> day of October 2020

  
\_\_\_\_\_  
STEVE LY, 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 - Records - Reports

Records Series	Vital	Retention	Citation
<b>CITATIONS</b>			
Cite & Release		CL +2	GC 34090
Criminal - Infraction		CL + 2	GC 34090
Traffic Citations Duplicate		CL + 2	GC34090.7
<b>CRIME REPORTS - Subject to Note 1</b>			
Felony Crimes		7 years	GC34090
Misdemeanor Crimes		5 years	GC34090
Non Criminal Reports		3 years	GC34090
Lost/Found/Safekeeping/Towed reports/Mental Evaluations		3 years	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	PC11169, 11 CCR §902(c)
Assault with Deadly Weapon (ADW) by lifetime prisoner		Perm	PC799
Fraud or Elder Abuse Crimes		6 years	GC 34090
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 Reports		7years	GC34090
Arrest/Conviction HS 11357 (b), (c), (d), (e) or HS 11360 (b) violations (occurring after 1/1/96)		HS 11361.5	Applicable to convictions occurring after January 1, 1996 or arrests not followed by a conviction occurring after January 1, 1996; Exception: HS 11357 (e), the record shall be retained until a juvenile offender attains the age of 18 years, then destroyed pursuant to 11361.5.
Arrest/Conviction HS 11357(b), (c), (d), (e) or HS 11360(b) violations (occurring before 1/1/96)		HS 11361.5 (c)	Applicable to convictions occurring prior to January 1, 1996 or arrests not followed by a conviction occurring prior to January 1, 1996 for violations of HS Code 11357, 11364, 11365 and 11550.

## City Of Elk Grove - Records Retention Schedule

COLLISION			
Fatality		Perm	PC 799
Injury Traffic Collision		CL + 5 yrs	GC 34090
Non Injury Collision		CL + 2 yrs	GC 34090

**NOTE ONE:**

Crime Reports - Records relating to police investigation of crimes, solved and unsolved, that occurred in the City. Content: May include, but not limited to investigation reports, diagrams, photographs, citations, arrest information.

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
- CLETS/NCIC 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

# City Of Elk Grove - Records Retention Schedule

Interview audio and/or files  
District Attorney -routing, continuation, cover sheet, warrant request, release of property (DA6)  
Probable Cause Declaration

**NOTE THREE:** For documents relied on in criminal investigation and/or prosecution, except as otherwise noted, "cleared/completion" means completion of court process, including any appeals.

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

Consent: Jonathan P. Hobbs  
Jonathan P. Hobbs, City Attorney

Date: 10/1/2020 | 5:14 PM PDT

**Adopted by Resolution No. 2013-130**  
**Revised and adopted by resolution No. 2020-**

**Key:**  
**CU - Current year**  
**CL- Cleared/Completion**  
**P - Permanent**  
**T - Termination**  
**S - Supercede**  
**L - Life**

# City Of Elk Grove - Records Retention Schedule

## Police - Records - Miscellaneous

Records Series	Vital	Retention	Citation
<b>ALARMS</b>			
Permits and Renewals		S + 2	GC 34090
<b>REGISTRANTS</b>			
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
Gang Registration		CU+5 years	PC 186.30
Sex Registrant (PC 290 et seq)		CU + 3	PC 290
Drug Registrant (H & S 11590 et seq)		CL + 5	AB 1261 repealed H&S 11590; no drug registry to maintained after January 1, 2019
<b>LOGS (Paper Copy)</b>			
Press Log/Watch Summary, Arrest Log, Incident Log		CU + 2	GC 34090
Juvenile Detention		CU + 2	GC 34090
<b>GENERATED STATISTICAL REPORTS</b>			
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
Montly Arrest Citation Register (MACR)		CU + 2 yrs	GC 34090
Statistical & Crime Analysis		CU + 2 yrs	CG34090
Uniform Crime Report (UCR)		CU + 2 yrs	CG34090
<b>SEALINGS</b>			

# City Of Elk Grove - Records Retention Schedule

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		Purasant to Court Order or 5 years	5 years after record was ordered sealed. W&I 781(d)
Adult Petition to Seal Records		CU + 2	GC 34090.7
<b>MISC.</b>			
Application for Federal Firearms License		CU+10 yrs	GC34090
Inactive Confidential Informant files		CL+3	GC34090
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
Red Flex (Red Light Camera) correspondence		CL + 2	GC 34090

Consent: Jonathan P. Hobbs  
Jonathan P. Hobbs, City Attorney

Date: 10/1/2020 | 5:14 PM PDT

**Adopted by resolution No. 2013 - 130**  
**Revised and adopted by resolution No. 2020-**

**Key:**  
**CU-Current Year**  
**CL-Cleared/Completion**  
**P - Permanent**  
**S-Supersede**  
**L- Life**

# City Of Elk Grove - Records Retention Schedule

## POLICE - Professional Standards Bureau

Records Series	Vital	Retention	Citation
Internal Affairs Investigations arising out of a formal citizen's complaint		Complaint date + 5	(Penal Code § 832.5(b)), EGPD Policy 1026.7.3 (a) (2), 1026.8
Internal Affairs Investigations (internally or externally generated) pending litigation or other ongoing legal proceedings or internal complaints involving discriminatory harassment or hostile work environment.		CL + 5	(Penal Code § 832.5(b)), EGPD Policy 1026.7.3 (a) (2), 1026.8
Investigation files arising out internally generated complaints not pending litigation or other ongoing legal proceedings		Complaint date +5	EGPD Policy 1026.7.3 (a)(2), 1026.8, GC 34090
Internal Affairs Investigations resulting in termination or separation from employment (investigation portion only, does not pertain to personnel files).		T + 6 (Subject to pending litigation/legal proceedings/EEOC complaints retention requirement above)	EVC §1045; PC §801.5, 803(c); 29 USC 1027; 29 USC 1113; 29 CFR 1602; PC 832.5; VC 2547
Informally handled complaints/public concerns housed in IA Pro		CU + 2	GC 34090; EGPD Policy 1026.8
Internal Affairs Administrative Investigations - Officer Involved Shootings		CL + 25 years	Secretary of State, Local Govt Records Management Guidelines, citing GC 34090
Grievance Files		CL + 2	GC 34090, Secretary of State/Local Govt Guidelines
Business License Rejection Letters		CU + 5	GC 34090
Audits - Property and Evidence		CL + 10	GC 34090
Audits - K9		CL + 10	GC 34090
Vendor Department of Justice Livescan returns		Completion of contract + 4	GC 34090
Officer Involved Collision Reviews- incident and review housed in IA Pro		CL + 5	GC 34090

# City Of Elk Grove - Records Retention Schedule

Property Damage Reviews- incident and review housed in IA Pro		CL + 5	GC 34090
Vehicle Pursuits Reviews- incident and review housed in IA Pro		CL + 5	GC 34090
Use of Force Reviews- incident and review housed in IA Pro		CL + 5	GC 34090, Secretary of State Local Govt, Records Mgmt Guide
Employee Backgrounds - Hired (includes Livescan results)		T + 5	PC 832.5, GC 34090
Employee Backgrounds - Not hired (includes Live Scan results)		CL + 2(unless compla	GC 34090
All training documents internal & external, (evalutaions, remediation, tests), training certifications/designations, training requests, outlines, curriculum, descriptions		T + 10	GC34090; 29 CFR 1627.3(b)(ii)
All Departmental Training Manuals, Bureau Manuals, Uniform Manual, Report Writing Manual		S + 5	GC 34090
Department General Order Manual		P	Secretary of State/Local Govt Guidelines
Weapon Qualification Forms, Range lesson plans & training		CL +15	Secretary of State/Local Govt Guidelines
Range Inventory - Reports of inventories of weapons and ammunition held by the Department Range		S + 2	GC 34090, Secretary of State/Local Govt Guidelines

Consent: Jonathan P. Hobbs  
Jonathan P. Hobbs, City Attorney

Date: 10/1/2020 | 5:14 PM PDT

Adopted by Resolution No.2013-171  
Revised and adopted by Resolution No. 2020-

**Key: CU - Current Year**  
**CL - Cleared/Completion**  
**P- Permanent**  
**T- Termination, Resignation, Separation from employment**  
**S- Supercede**  
**L-Life**



# 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	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
Misc Toy Drive documentation		CU + 2	GC 34090
Duplicate Tobacco Licensure Data		CU+90	GC 34090.7

Consent: Jonathan P. Hobbs

Date: 10/1/2020 | 5:14 PM PDT

Jonathan P. Hobbs, City Attorney

**Adopted by Resolution No 2013 - 130**  
**Revised and adopted by Resolution No 2020-**

**Key: CU - Current Year**  
**CL - Cleared/Completion**  
**P-Permanent**  
**T- Termination**  
**L-Life**

# City of Elk Grove - Records Retention Schedule

<b>Police - Property and Evidence</b>			
Records Series	Vital	Retention	Citation
<b>PROPERTY SIGNATURE RECEIPTS</b>			
Chain of Custody		CL + 2	GC 34090
Property Diversion for Department Use + Chief's IDC		CL + 2	GC 34090
Property Donation + Chief's Authorization		P	GC 34090
<b>FINANCIAL DOCUMENTS</b>			
Accounting/Cash Reconciliation		CU + 7	GC 34090
Check Register		CU + 7	GC 34090
<b>LOGS</b>			
Property and Evidence Room Access Logs		CU + 5	GC 34090
Money/Narcotic Safe Log		CL + 2	GC 34090
Auction Manifest		CL + 4	GC 34090
Emergency Eyewash Maintenance Log		CU + 1	GC 34090
<b>WEAPON &amp; NARCOTIC DOCUMENTATION</b>			
Automated Firearm System (AFS) Institutional Registrations		CL	GC 34090
Court Order- Firearm/Deadly Weapon Disposition		CL + 1	GC 34090
Gun and Narcotic Destruction		CL + 10	GC 34090
<b>SUPPORTING POLICE CASE FILE DOCUMENTATION</b>			
Photographs - Domestic Violence, Elder/dependent Abuse, Child Abuse		CU + 10***Unless arrests resulting in conviction maintain until time served.	PC 273.5, EC 1109. COEG Police Records Retention, Exhibit A, NOTE ONE, GC 34090
Hand written statements of victim		CU + 10***Unless arrests resulting in conviction maintain until time served.	EC 1109, COEG Police Records Retention, Exhibit A, NOTE ONE GC 34090
Misc. medium to include CD, DVD, VHS, Cassette, Mini 8, Memory Stick, Thumb drive, etc, containing audio, video, photo, documents, data associated with Crime Report		CU + 10***Unless arrests resulting in conviction maintain until time served.	COEG Police Records Retention, Exhibit A, NOTE ONE, GC 34090
Consent: <u>Jonathan P. Hobbs</u> Date: <u>10/1/2020   5:14 PM</u> PDT Jonathan P. Hobbs, City Attorney			
Adopted by Resolution No. 2013- 171 Revised and adopted by Resolution No. 2020 -		KEY: CU- Current year CL-Cleared/Completion P-Permanent T-Termination S-Supersede L-Life	

# City Of Elk Grove - Records Retention Schedule

**Police - Traffic**

Records Series	Vital	Retention	Citation
<b>Statistical Data</b>			
Miscellaneous statistical data to include traffic, investigations, monthly collision and grant performance reports.		CU + 2	
Operation Plans for events such as parades, special events, and DUI checkpoints		CU + 2	
Lidar Calibrations		CU + 3	
<b>PRELIMINARY ALCOHOL SCREENING DEVICE (PAS)</b>			
Preliminary Alcohol Screening (PAS) Device Usage, Maintenance, Memory Logs		CU + 5 years	GC 34090

Consent: Jonathan P. Hobbs  
 Jonathan P. Hobbs, City Attorney

Date: 10/1/2020 | 5:14 PM PDT

Adopted by resolution No. 2017-074  
 Revised and adopted by resolution No. 2020 -

**Key:**  
 CU-Current Year  
 CL-Cleared/Completion  
 P - Permanent  
 S-Supersede  
 L- Life

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2020-243**

**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 October 28, 2020 by the following vote:***

**AYES:            COUNCILMEMBERS:     *Ly, Detrick, Hume, Nguyen, Suen***

**NOES:           COUNCILMEMBERS:     *None***

**ABSTAIN:       COUNCILMEMBERS:     *None***

**ABSENT:        COUNCILMEMBERS:     *None***

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