

RESOLUTION NO. 2017-074

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ESTABLISHING AND REVISING THE RECORDS RETENTION POLICY FOR
VARIOUS 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

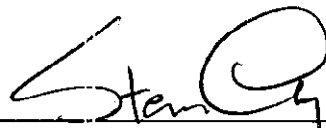
WHEREAS, the responsible maintenance of the City's records includes adoption of a policy for the retention and disposition of records; and

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:

- 1) Adopts the records retention schedules attached hereto as Exhibits A through K as consented to by the City Attorney 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 12th day of April 2017.



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

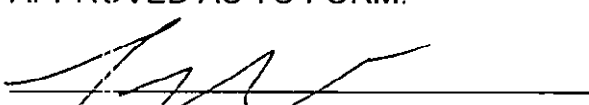

JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT A City Of Elk Grove - Records Retention Schedule

POLICE - Records - 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	PC11169, 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, 266, 266a, 266.5, 269, 269.5, 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, GC34090, W&I 791 (d)
Arrest/Conviction HS 11357 (b), (c), (d), (e) or HS 11360 (b) violations (occurring after 1/1/96)		HS 11361.5	1, 1996 or arrests not followed by a conviction
Arrest/Conviction HS 11357 (b), (c), (d), (e) or HS 11360 (b) violations (occurring before 1/1/96)		HS 11361.5 (c)	January 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 unseized 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
- Interview audio and/or files
- District Attorney routing, continuation, cover sheet, warrant request, release of property (DAG)
- 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 LEADS are scanned and associated with the case file.

City Of Elk Grove - Records Retention Schedule

Consent: 
Jonathan P. Hobbs, City Attorney

Adopted by Resolution No. 2013-130
Revised and adopted by resolution No. 2017-

Date: 2/21/17

Key:

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

EXHIBIT B

City Of Elk Grove - Records Retention Schedule

Police - Records - Miscellaneous

Records Series	Vital	Retention	Citation
ALARMS			
Court process		CL + 4	GC 34090
Notification/Billing		CL + 2	GC 34090
Permits with renewal		S + 2	GC 34090
Permits without renewal		CL + 2	GC 34090
REGISTRANTS			
Atson, sex and drug registrant files		Life of registrant within jurisdiction	GC 340909
Atson Registration Adult (PC 457 et seq)		Life of registrant	PC 457.1
Atson Registration Juveniles (PC 457 et seq)		25 years of age	PC 457.1 (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)		Release +5 years	HS 11590 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.
LOGS (Paper Copy)			
Press Log/Watch Summary, Arrest Log, Incident Log		CU + 2	GC 34090

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	GC34090
Uniform Crime Report (UCR)			CU + 2 yrs	GC34090
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)
Adult Petition to Seal Records			CU + 2	GC 34090
MISC.				
Application for Federal Firearms License			CU+10 yrs	GC34090
Field Interview Card			Immediate	GC 12168.7; Destroy paper record 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
Red Light Camera general correspondence			CL + 2	GC 34090

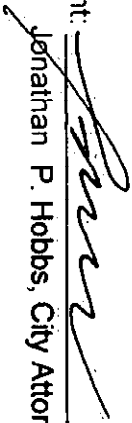
City Of Elk Grove - Records Retention Schedule

Request for Information - Police Reports and CAD calls for service

CU + 2

GC 34090

Consent:



Jonathan P. Hobbs, City Attorney

Date:

2/24/17

Key:

CU-Current Year

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S-Supersede

L-Life

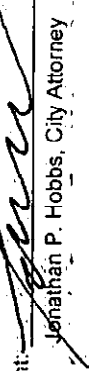
Adopted by resolution No. 2013 - 130

Revised and adopted by resolution No. 2017-

EXHIBIT C City Of Elk Grove - Records Retention Schedule

POLICE - Dispatch

Records Series	Vital	Retention	Citation
Notification System 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; GC 34090
Dispatch Schedule, Vacation, Shift Bid		CU + 2	GC 34090
Equipment Report Forms		CL + 2	GC 34090
Manual Dispatch Cards		Immediate	GC 12168.7; Immediate destruction of paper record upon entry into the Police RMS (Trusted System)
Temporary Restraining Orders/Emergency Protective Order		Expiration of Order + 30 days	EGPD only keeps a courtesy copy, originals are filed at the Sacramento Sheriffs department or the court; GC 34090
CAD Inactive Special Situation Notes		CU + 2	GC 34090

Consent: 
Jonathan P. Hobbs, City Attorney

Date: 2/21/17

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Adopted by Resolution No. 2013-130
Revised and adopted by Resolution No. 2017-

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

Consent: 

Jonathan P. Hobbs, City Attorney

Date: 2/21/17

Adopted by Resolution No.2013 - 130
Revised and adopted by Resolution No 2017-

Key: CU - Current Year
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EXHIBIT E

City of Elk Grove

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
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 + 5	GC 34090
All training documents internal & external, (evaluations, 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, City Attorney

Date: 2/21/17

Key: CU - Current Year

CL - Cleared/Completion

P- Permanent

T- Termination, Resignation,

Separation from employment

S- Supercede

L-Life

Adopted by Resolution No. 2013-171
 Revised and adopted by Resolution No. 2017-

PRELIMINARY ALCOHOL SCREENING DEVICE (PAS)

Preliminary Alcohol Screening (PAS) Device Usage, Maintenance, Memory Logs

CU + 5 years

GC 34090

Consent:  Date: 2/21/17

Jonathan P. Hobbs, City Attorney

Adopted by Resolution No. 2013-171
 Revised and adopted by Resolution No. 2017-

KEY: CU: Current year
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 S: Supersede
 L: Life

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EXHIBIT G City Of Elk Grove - Records Retention Schedule

Police - Police Officers, Community Service Officers, K-9 and Problem Oriented Policing

Records Series	Vital	Retention	Citation
Miscellaneous			
Briefing/Patrol Requests - requests for extra patrol		CU + 2	GC 34090
Completed ride along forms		CU + 2	GC 34090
Citizen Academy documentation		CU + 2	GC 34090
Patrol Stats		CU + 2	GC 34090
Special Events - (Fourth of July, Western Festival)		CU + 2	GC 34090
Completion of juvenile diversion requirements		CL + 2	GC 34090
Watch Summary		CU + 2	GC 34090

Consent:  _____
Jonathan P. Hobbs, City Attorney

Date: 2/24/17

Key:
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 L- Life

Adopted by resolution No. 2014-129
 Revised and adopted by Resolution No. 2017-

EXHIBIT H City Of Elk Grove - Records Retention Schedule

Police - Animal Services

Records Series	Vital	Retention	Citation
Animal License Correspondence			
Animal License Application, License Renewal Notice, Rabies Vaccination Certificate, Microchip verification, Spay/Neuter Verification Letter, Veterinarian Note for Exemption.		CU +3	GC 34090
Miscellaneous			
Local Rabies Control Activities Annual Report		CU +3	GC 34090
Equipment Rental Agreements		CU +3	GC 34090
Vouchers			
Feral Cat Voucher		CU + 3	GC 34090
50% Spay/Neuter Voucher		CU + 3	GC 34090

Consent: 

Date: 2/21/17

Jonathan P. Hobbs, City Attorney

Key:

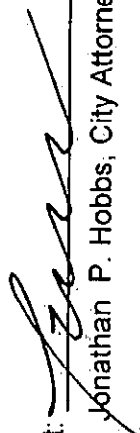
- CU-Current Year
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Adopted by resolution No. 2017 -

City Of Elk Grove - Records Retention Schedule

Police - Forensics

Records Series	Vital	Retention	Citation
Fingerprint Cards			
Latent Print Cards - Murder		P	
Latent Print Cards - Felony		CL + 10	PC 799; Police Records retention NOTE 3
Latent Print Cards - Misdemeanor		CL + 5	GC 34090; Police Records retention NOTE 3
Photos			
Latent Photos - Murder		P	GC 34090
Latent Photos - Misdemeanor		CL + 5	GC 34090; Police Records retention NOTE 3
Requests			
Forensic Services Request Forms		CL + 2	GC 34090; Police Records retention NOTE 3

Consent:  Jonathan P. Hobbs, City Attorney

Date: 2/21/17

Adopted by resolution No. 2017 -
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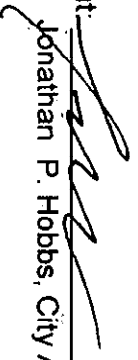
City Of Elk Grove - Records Retention Schedule

L-171e

City Of Elk Grove - Records Retention Schedule

Dispatch Telephone & Radio Recordings		CU + 3	Exception: Recordings used as evidence in criminal prosecution or claim filed or litigation shall be preserved for 100 days after conclusion of the court action (including appeals). Secretary of State, Local Government -Records Management Guidelines GC 34090 and 34090.6
Note 1: The Electronic Evidence Storage Mgmt System is used to electronically maintain multiple types of evidence or case documents.			
Note 2: "In case association" refers to those records that must be maintained for evidentiary purposes on active cases, and are downloaded to the Electronic Evidence Storage Management System. These records are retained based upon the types of report as dictated in Attachment A, Records Reports, Attachment ?			
Records that are not retained for evidence are maintained for the time specified and automatically drop off as more records are received.			

Consent:



Jonathan P. Hobbs, City Attorney

Date:

2/21/17

Key:

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Adopted by resolution No. 2017 -

City Of Elk Grove - Records Retention Schedule

- P - Permanent
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EXHIBIT K
City Of Elk Grove - Records Retention Schedule

Police - Traffic

Records Series	Statistical Data	Vial	Retention	Citation
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	

Consent: 
 Jonathan P. Hobbs, City Attorney

Date: 2/21/17

Adopted by resolution No. 2017 -

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CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2017-074

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

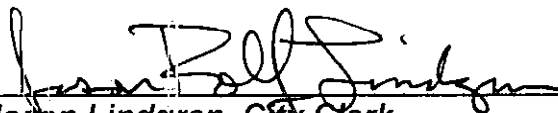
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 12, 2017 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Detrick (Absent)*



Jason Lindgren, City Clerk
City of Elk Grove, California