

CITY OF YUBA CITY  
STAFF REPORT

**Date:** April 2, 2019  
**To:** Honorable Mayor & Members of the City Council  
**From:** Administration  
**Presentation by:** Jeremy Garcia, Assistant Chief of Police

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**Summary**

**Subject:** Destruction of Specified Yuba City Police Department Records

**Recommendation:** Adopt a Resolution authorizing the Chief of Police to destroy specified Yuba City Police Department records which have exceeded their retention period, occupy valuable storage space and are of no further use to the City of Yuba City or Yuba City Police Department.

**Fiscal Impact:** No fiscal impact.

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**Purpose:**

Destruction of non-essential records in compliance of the Government Code regarding Police Department record retention.

**Background:**

Government Code section 34090 and California Penal Code section 832.5(b) authorize public agencies to destroy certain records, provided that the records are beyond their retention period and/or are no longer required for any pending matters. In addition to the aforementioned code sections, destroying obsolete records which occupy valuable storage space and are of no further use to the City of Yuba City or Yuba City Police Department is consistent with the City's records retention and destruction policy. The traditional method of destroying such records is shredding. Similar records have been lawfully destroyed in the past with the prior approval of the Chief of Police, City Attorney and City Council.

**Analysis:**

The Chief of Police conducted a review of the Yuba City Police Department records and determined that several records are no longer required to be retained, are obsolete and of no further use to the Yuba City Police Department. The following records were identified during his review:

1. All citizen complaints, administrative Investigations and associated case files dated prior to January 1, 2014, including IA Nos. 2013-1 through 2013-15; and
2. Yuba City Police Department law enforcement background investigations for non-hired individuals dated prior to January 1, 2014;
3. Use of Force Reports dated prior to January 1, 2016.

In accordance with internal policies and relevant code sections, the aforementioned records can be destroyed once they are beyond their retention period. These records have been approved for destruction by the City Attorney and Chief of Police. It is the request of staff that the City Council adopt the resolution to authorize the destruction of these records.

**Fiscal Impact:**

No fiscal impact aside from the cost for destruction of the records.

**Alternatives:**

The following alternatives are provided for Council consideration:

1. Approve staff's recommendations;
2. Modify and approve staff's recommendations to include less records;
3. Provide other direction to staff.

**Recommendation:**

Adopt a Resolution authorizing the Chief of Police to destroy specified Yuba City Police Department records which have exceeded their retention period, occupy valuable storage space and are of no further use to the City of Yuba City or Yuba City Police Department.

**Attachment:**

1. Resolution
2. Pages from Local Government Records Management Guidelines

**Prepared by:**

*/s/ Roy C. Santos*  
Roy C. Santos  
Assistant City Attorney

**Submitted by:**

*/s/ Diana Langley*  
Diana Langley  
Interim City Manager

**Reviewed by:**

Finance

[RB](#)

City Attorney

[SLC by email](#)

# ATTACHMENT 1

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
AUTHORIZING THE DESTRUCTION OF SPECIFIED YUBA CITY  
POLICE DEPARTMENT RECORDS**

**WHEREAS**, Government Code section 34090 and California Penal Code section 832.5 authorize government agencies to destroy certain records that have exceeded their mandated retention period; and

**WHEREAS**, the Yuba City Police Department is currently maintaining several records that have exceeded their retention period; and

**WHEREAS**, Penal Code sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject or record; and

**WHEREAS**, the specified records to be destroyed include:

1. All citizen complaints, administrative Investigations and associated case files dated prior to January 1, 2014, including IA Nos. 2013-1 through 2013-15; and
2. Yuba City Police Department law enforcement background investigations for non-hired individuals dated prior to January 1, 2014;
3. Use of Force Reports dated prior to January 1, 2016.

**WHEREAS**, the Chief of Police and the City Attorney have determined that the specified records are obsolete, occupy valuable space, and are of no further use to the Yuba City Police Department; and

**WHEREAS**, the City Council also finds that the specified Yuba City Police Department records are of no further value to the City of Yuba City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Yuba City as follows:

- Section 1. The foregoing recitals are true and correct and are incorporated by reference; and
- Section 2. The City Council hereby finds that the specified Yuba City Police Department records are of no further use and/or value to the Yuba City Police Department and City of Yuba City; and
- Section 3. The City Council hereby authorizes and grants the Chief of Police the authority to dispose of the identified records, by causing the disposal of such specified records in a lawful manner; and
- Section 4. Upon destruction of the aforementioned records as authorized in Section 3 hereof, the Chief of Police shall make a "Certificate of Complete Destruction" of said specified records and shall file the original certificate in the Office of the City Clerk; and
- Section 5. This resolution shall be effective upon adoption.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 2<sup>nd</sup> day of April, 2019, by the following vote:

AYES:

NOES:

ABSENT:

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Shon Harris, Mayor

ATTEST

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Patricia Buckland, City Clerk

APPROVED AS TO FORM  
COUNSEL FOR YUBA CITY

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Shannon L. Chaffin, City Attorney  
Aleshire & Wynder, LLP

# ATTACHMENT 2

**California Secretary of State  
Local Government  
Records Management Guidelines**

**PUBLIC SAFETY (CONTINUED)**

Record Series	Retention	Citation	Descriptor
Investigations, Evidence Arson	CL + 3	PC 801; UFC 104.32	Structure
Weed Abatement	CL + 2	GC34090	Reports, assessments, resolutions, documentation
<b>HAZARDOUS MATERIALS</b>			
Hazardous Waste Disposal	CU + 10	CAL OSHA; 40 CFR 122.21	Documentation re handling and disposal of hazardous waste
Permits, Hazardous Materials Storage	CU + 2	GC34090	Departments consistently recommend permanent retention of environmentally sensitive materials.
Programs, Household Hazardous Waste	S + 2	GC34090	
Training Materials	S + 2	Cal Code *	Standards and Administration *Reg. 3204(d), et seq.
Underground Storage Tank Compliance Maintenance & Operation.	P CU + 2	GC34090a GC34090	Documents re: storage Location, installation, removal, remediation
<b>LAW ENFORCEMENT ADMINISTRATION</b>			
Accounting/Cash Reconciliation	CU + 2	GC34090	
Alarm Records	CU + 2	GC34090	
Claim Files	CL + 6	PC 832.5	Claim copy, correspondence, photographs, supporting documents relative to incidents involving the Police Department filed by citizens
Department Manual	S		Changes to manual are recorded in the General Orders (permanent)
Equipment Communication	T + 2	GC34090	Retained until termination of equipment use; Manuals, instructions, procedures
Inventory	S + 2	GC34090	Listing of equipment assigned to division, to whom it is assigned
Reports Activity	CU + 2	GC34090	Weekly/monthly/quarterly/ annual activity/statistical reports by division. Retain only one form for retention period
Chemical Emissions Survey	CU + 2	GC34090	
Response Files	CU + 2	GC34090	Surveys, responses, correspondence with other agencies requesting statistical data
<b>INVESTIGATIONS</b>			
Administrative/Internal	CL + 5	PC 832.5 EVC 1045 GC 12946 PC 801.5; 803(c) VC 2547	Initiated by citizens complaints or internally initiated; includes complaint, reports, findings

## PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
Sealed Adult Found Factually Innocent	Manda-tory Destruc-tion Upon and Pursu- ant to Court Order	PC 851.8	General provision: Upon petition, records of agency must be sealed and destroyed in accordance with the provisions set by court record; exceptions.
Juvenile	Manda-tory Destruc-tion upon and pursu- ant to court order	WIC 826 (a) & (b) WIC 781 (a)	Upon petition, local laws enforcement records within WIC 826(b) may be destroyed as ordered by the court, if related probation and juvenile court records have been destroyed by the probation officer. Records involving arrests, detention and/or petitioning juvenile before juvenile court
Subpoenas (Duplicate)	CU + 2	GC34090	
Tapes Audio, Telephone and Radio Communications	CU + 180 days	GC34090.6	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
Surveillance/Se curity Video (Jail)	CU + 13 mos.	GC34090.6	
Use of Force Supervisory Review Files	CU + 2	GC34090	Includes review forms, arrest report copies, logs
Warrants Felony	Recall after 10 years. Excep-tion: Murder/ Escape		Recommended by the California Law Enforcement Warrant Officer's Association
Misdemeanor Criminal	Recall after 5 years		Recommended by the California Law Enforcement Warrant Officer's Association
Served	CU		Includes Warrant Service Information Card, alpha index card
Unserved (Local)	Until served, recalled or purged		
<b>PATROL</b>			
Cards Dispatch	CU + 2	GC34090	
Field Interview	CL + 2	GC34090	
Citations 11357(e), Juvenile	CL + 2	11361.5 H&S	
11357b H&S, 11357c H&S, 11360b H&S Violations	CL + 2	11361.5 H&S*	*CA Admin Code, Chapter 1, Title II, Sec. 708
Cite and Release	CL + 2	GC34090	



**PUBLIC SAFETY (CONTINUED)**

Record Series	Retention	Citation	Descriptor
Grievance Files	CL + 2	GC34090	Grievance filed by employees, supporting documentation
Investigations, Background	CL + 2	GC34090	Non hired
Hired Background	P		Include original reports re: PC 832.5 investigations
Parades & Special Events File	CL + 2	GC34090	Reports, memos, correspondence, scripts, supplier information, assignments, deployments, supporting documentation
Permits Alcoholic Beverage Control License	L + 2	GC34090	Approval process
Concealed Weapons	CL + 2	GC34090	
Photographs Personnel	S + 2	GC34090	
Negative Log	CU + 2	GC34090	
Negatives, Misc.	CU + 2 -	GC34090	Not case-related (Public relations, promotions, events, ceremonies, staff photos)
Press Releases	CU + 2	GC34090	
Press, Video Programs (Community Relations)	CU + 2	GC34090	Collection of videos of programs and events; outside press coverage of department
Property Files	CU + 2	GC34090	Original reports and supplemental documentation (Lost, Found, Safekeeping)
Property, Pawn Broker/Secondhand	CU + 2	GC34090	Sales, slips. Dealer required to file duplicate with agency
Reports Dealer of Gun Sales, Duplicate	CU + 6 mos.	GC34090.7	Original maintained by DOJ. Dealer required to file duplicate with agency
Restraining Orders, Emergency Protective Orders, Temporary Restraining Orders, Legal Stipulations, Orders After Hearing	CU (See descriptor)		Destroy after law enforcement actions described in PC 273.5, 273.6, 646.9, 12028.5, 13700 and Family Code Sections 6380-6383 are fulfilled and effective date of restraining order has expired.
Rosters (Divisional)	S + 2	GC34090	Personnel assigned to division.
Schedules Daily	CU + 2	GC34090	Schedules of Officers on duty
Assignment/ Watch Timekeeping Records	CU + 2	GC34090	
Speaker Requests	CU + 2	GC34090	Community and business requests for public appearances, speakers
Tests, Densitometer Results (Photo Lab)	T + 2	GC34090	Daily tests of development chemicals/processes for quality control.