



AGENDA SUMMARY EUREKA CITY COUNCIL

TITLE: Destruction of Records

DEPARTMENT: Police

PREPARED BY: Katie Hill

PRESENTED FOR: Action Information only Discussion

RECOMMENDATION

Adopt a resolution of the City Council requesting destruction of records pursuant to Government Code and City policy.

FISCAL IMPACT

No Fiscal Impact Included in Budget Additional Appropriation

COUNCIL GOALS/STRATEGIC VISION

Not applicable

DISCUSSION

Pursuant to Government Code 12946 which requires that all files containing records of application – including background information – must be retained for a minimum of two years after the files were initially created in the case of applicants who were not hired; records of terminated employees must be maintained for a minimum of two years from the date the employment action was taken. Per Council adoption of a records retention policy providing for destruction of unneeded or outdated City records in accordance with Government Code 34090, we have reviewed our files and wish to destroy sixty-two (62) background information packets for applicants that were not hired that are over two years old.

Pursuant to Penal Code 832.5(b) which requires that internal affairs files, citizen complaints and findings be maintained for at least five years where there was no sustained finding of misconduct and maintained for at least fifteen years where there was a sustained finding of misconduct. Per Council adoption of a records retention policy providing for destruction of unneeded or outdated City records in accordance with Government Code 34090, we have reviewed our files and wish to destroy all citizen complaint files that are over five years old where there was no sustained finding of misconduct. Please note that these citizen complaint investigations and reports have been completed and closed out in their entirety over the five-year requirement.

The following are the (2) internal affair files we request to purge and destroy:

2017-0002

2018-0001

Section 34090 of the California Government Code permits a public agency to destroy certain out-of-date and no longer useful public records. City of Eureka Resolution No. 2004-26 adopted the City Records and Retention Policy and Procedure 1.10 which sets forth the retention periods for City Records. Per Policy and Procedure 1.10, the Eureka Police Department (EPD) wish to destroy all EPD correspondence dated from 2020-9/2021.

REVIEWED AND APPROVED BY:

City Attorney

City Clerk/Information Services

Community Services

Development Services

Finance

Fire

Personnel

Police

Public Works