

CITY OF YUBA CITY
STAFF REPORT

Date: April 7, 2020
To: Honorable Mayor & Members of the City Council
From: Administration
Presentation by: Jeremy Garcia, Assistant Chief of Police

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.

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, 2015, including IA Nos. 2014-1 through 2014-11; and
2. Yuba City Police Department law enforcement background investigations for non-hired individuals dated prior to January 1, 2015;
3. Use of Force Reports dated prior to January 1, 2017.

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

Prepared by:

/s/ Jeremy Garcia

Jeremy Garcia
Assistant Chief of Police

Submitted by:

/s/ Diana Langley

Diana Langley
Interim City Manager

Reviewed by:

Finance

City Attorney

SM

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, 2015, including IA Nos. 2014-1 through 2014-11; and
2. Yuba City Police Department law enforcement background investigations for non-hired individuals dated prior to January 1, 2015;
3. Use of Force Reports dated prior to January 1, 2017.

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 7th day of April, 2020, by the following vote:

AYES:

NOES:

ABSENT:

Shon Harris, Mayor

ATTEST

Terrel Locke, Deputy City Clerk

APPROVED AS TO FORM:

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