



Item No. 10 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: STEVEN D. MCCULLEY, CHIEF OF POLICE

DATE: JANUARY 15, 2020

**SUBJECT: RESOLUTION AUTHORIZING THE DESTRUCTION OF RECORDS
PURSUANT TO GOVERNMENT CODE SECTION 34090**

RECOMMENDATION

Adopt the attached Resolution authorizing the destruction of certain records pursuant to Government Code Section 34090.

BACKGROUND

Penal Code Section 832.5 requires that citizen complaints or internal affairs investigations against police department personnel and any related reports or findings be maintained for a period of at least five years.

Government Code Section 34090 authorizes the Chief of Police, upon resolution of the City Council and written consent of the City Attorney, to destroy records, documents, instruments and other papers under his charge pursuant to an adopted records retention policy as the records are no longer required to be maintained.

The Police Department has 1 file (1 Internal Affairs Investigation) that has exceeded the 5-year retention period and is no longer required to be maintained. The Chief of Police and City Attorney have reviewed the status of the file noted above to ensure there is no legal or other reason to maintain such file.

In addition, the Police Department is asking for the approval to destroy the 2017 citations per the destruction guidelines and three (3) partial backgrounds where the applicants were disqualified and not hired.

Prior to having our Record Incident Management System (RIMS) all cases were taken on paper and filed in our backroom. When the Town started the construction project of a new Town

Records Destruction

January 15, 2020

Page 2 of 10

Center, the remaining paper cases from 1994 – 2004 had to be removed so that area could be used as our temporary Property and Evidence Room. Prior cases had already been placed on microfiche and are listed on an external hard drive in pdf format.

From years 1994-2004, 76 boxes of cases (500 + per box) and each file was reviewed by Sharon Koehler. Per the Records Retention policy, below is a list of cases (275) that must be kept until the information is scanned and maintained in the RIMS system.

YEAR	CASE #	CODE VIOLATION	MISC. NOTES
1994	94-0570	288 PC	
1994	94-0609	273(D) PC	
1995	95-0026	Info. case	Current litigation
1995	95-0057	Death investigation	
1995	95-0068	Suspected Child Abuse	
1995	95-0069	273.5 PC	Current litigation
1995	95-0132	Poss. 11/80 train / body found	
1995	95-0232	451 PC	
1995	95-0265	647(a) PC	
1995	95-0294	Substantiated child abuse	
1995	95-0300	273.5 PC	Current litigation
1995	95-0355	Stolen Firearm	Still in AFS
1995	95-0399	211 PC	Home invasion
1995	95-0403	14601 VC	Outstanding warrant
1995	95-0406	273 (D) PC	Substantiated
1995	95-0424	273(A) PC	Substantiated
1995	95-0440	211 PC	Home invasion
1995	95-0449	261 PC	
1995	95-0489	23152 VC	Outstanding warrant
1995	95-0499	261 PC	
1995	95-0608	273 (D) PC	Substantiated
1995	95-0658	273 (A) PC	
1995	95-0663	262 PC	
1995	95-0682	Elder Abuse	
1995	95-0697	288 PC	
1995	95-0726	647.6 PC	
1995	95-0763	23152 VC	Outstanding warrant
1995	95-0790	207 PC	
1995	95-0868	243.4(A) PC	
1995	95-0875	273(A) (1) PC	
1995	95-0887	273 (D) PC	
1995	95-0889	273 (A)(1) PC	
1995	95-1003	451 PC	

YEAR	CASE #	CODE VIOLATION	MISC. NOTES
1995	95-1021	10851 VC, 243 (B) PC, 11350 (A) H & S, 11377(A) H & S	Outstanding warrant
1995	95-1031	451 PC	
1995	95-1033	Suspected Elder Abuse	
1995	95-1043	23152 VC	Outstanding warrant
1996	96-0045	14601 VC	Outstanding warrant
1996	96-0104	647.6 PC	
1996	96-0128	314 PC	Suspect listed
1996	96-0157	243.4(A) PC sexual assault	
1996	96-0170	273(A) PC	
1996	96-0185	Child neglect	
1996	96-0205	451 PC	
1996	96-0211	23152 VC	Outstanding warrant
1996	96-0217	273D(a) PC, 273.5(a) PC	
1996	96-0229	Possible Elder abuse	
1996	96-0241	496 PC	Outstanding warrant
1996	96-0257	Elder and child abuse case	
1996	96-0288	273D PC	
1996	96-0296	451 PC	
1996	96-0342	242 PC / sexual battery	
1996	96-0435	220 PC	
1996	96-0562	Stabbing	
1996	96-0569	23152 VC	Outstanding warrant
1996	96-0571	Elder abuse	
1996	96-0657	451 PC	
1996	96-0690	187 PC	
1996	96-0697	23152 VC	Outstanding warrant
1996	96-0730	453(B) PC firebomb	
1996	96-0748	Elder abuse	
1996	96-0755	10-65	
1996	96-0759	10-65	
1996	96-0783	288 PC	
1996	96-0812	451 PC	
1996	96-0855	243.4(D) PC sexual battery	
1996	96-0868	451 PC	
1996	96-0870	288 PC	
1996	96-0897	23152 VC	Outstanding warrant
1996	96-0910	211 PC, 591 PC	Home invasion
1996	96-0917	10-65	
1996	96-1011	451 (D) PC	
1996	96-1024	271(A) PC, 270 PC	

Records Destruction
January 15, 2020
Page 4 of 10

YEAR	CASE #	CODE VIOLATION	MISC. NOTES
1996	96-1025	10-65	
1996	96-1065	Sexual battery	
1996	96-1101	451 PC	
1996	96-1182	23152 VC	Outstanding warrant
1997	97-0013	288(A)(f) PC	
1997	97-0042	Coroner's Case	
1997	97-0195	273(D) PC	
1997	97-0304	Outstanding Warrant	5.20.010 MC
1997	97-0541	Suicide	
1997	97-0611	Outstanding Warrant	12500A VC
1997	97-0631	273D PC	
1997	97-0658	Outstanding Warrant	23152A VC
1997	97-0745	273A(1) PC	
1997	97-0771	288A(a) PC	
1997	97-0895	314.1 PC	
1997	97-0958	Gun	Stolen
1997	97-1001	261 PC	
1997	97-1035	12500 VC	Outstanding warrant
1997	97-1114	11-80	
1997	97-1132	273A(2) PC	
1997	97-1265	Missing Person	
1997	97-1276	664/187 PC	
1997	97-1308	273(A) PC	
1997	97-1377	273(D) PC	
1998	98-0042	10-55	
1998	98-0056	273(A)(1) PC	
1998	98-0106	23152(B)	Outstanding warrant
1998	98-0113	273(A)(a) PC	
1998	98-0200	289(A) PC, 422.6(A) PC	
1998	98-0211	273(A)(2) PC	
1998	98-0213	496A PC	Outstanding warrant
1998	98-0313	288(B)(1) PC, 314.1 PC	
1998	98-0407	Gun	Lost/Stolen
1998	98-0482	Gun	Lost/Stolen
1998	98-0493	245(B) PC	
1998	98-0593	273(A)(b) PC	
1998	98-0706	261(A)(3) PC, 289(E) PC	
1998	98-0724	Missing/CPS Referral	
1998	98-0803	273(A)(1) PC, 14601 VC	
1998	98-0884	23152(A) VC	Outstanding warrant

Records Destruction
January 15, 2020
Page 5 of 10

YEAR	CASE #	CODE VIOLATION	MISC. NOTES
1998	98-0977	314.1 PC, 243.4(A) PC	
1998	98-1063	273D PC	
1998	98-1161	273D PC	
1999	99-0186	273(A)(B) PC	
1999	99-0217	273(D) PC	
1999	99-0307	273A(A) PC, 20001 VC	
1999	99-0367	10-56 suicide case	
1999	99-0441	273.5 PC, 273(A)(1) PC	
1999	99-0497	14601.2(A) VC	Outstanding warrant
1999	99-0529	664/207 PC	
1999	99-0549	CPS referral	Substantiated, unk CPS dispo.
1999	99-0654	23152(A) VC	Outstanding warrant
1999	99-0663	23152(A) VC	Outstanding warrant
1999	99-0669	Train accident / suicide	
1999	99-0737	286(G) PC sodomy	
1999	99-0778	23152(B) VC	Outstanding warrant
1999	99-0819	CPS referral	
1999	99-0848	242 PC / CPS referral	Substantiated
1999	99-1092	273(D) PC	
1999	99-1160	470(A) PC	Outstanding warrant
1999	99-1193	Info case	Current litigation
1999	99-1234	273(D) PC	Current litigation
2000	00-0015	Child abuse case	Current litigation
2000	00-0090	Suspicious circ. peeping	Possible suspect
2000	00-0192	Fatal collision	
2000	00-0235	273(A)(1) PC	Substantiated
2000	00-0316	261.5 PC info case	Fwded to San Jose PD
2000	00-0333	261(A)(2) PC	
2000	00-0435	220 PC	
2000	00-0514	APS case, DA declined	unk dispo from APS
2000	00-0515	Fatal collision	
2000	00-0518	CPS case, substantiated	Fwd to EPA PD and CPS, no dispos
2000	00-0611	647(i) PC / peeping	Suspect listed
2000	00-0633	Info case, molitov cocktail	Found school grounds
2000	00-0812	APS case?	Unk. APS dispo.
2000	00-0964	211 PC	Home invasion
2000	00-1044	451(D) PC	
2000	00-1075	314.1 PC	Suspect listed

Records Destruction
January 15, 2020
Page 6 of 10

YEAR	CASE #	CODE VIOLATION	MISC. NOTES
2000	00-1078	211 PC home invasion	
2000	00-1082	451(B) PC	
2000	00-1098	314.1 PC	Suspect listed
2000	00-1107	314.1 PC	Suspect listed
2000	00-1152	CPS case, substantiated	Fwd. to Milpitas PD & CPS, unk. dispos
2000	00-1154	314.1 PC	Suspect listed
2000	00-1173	261(A)(2) PC, 289(A) PC, 288(A) PC	
2000	00-1188	273.5 PC, 273(A)(A) PC	
2001	01-0083	314 PC	
2001	01-0228	273D(A) PC	Current litigation
2001	01-0234	451(D) PC	
2001	01-0235	Child abuse / referral to CPS	No further dispo.
2001	01-0239	314.1 PC, 243.4(A) PC	
2001	01-0242	451(B) PC	
2001	01-0246	DUI w/ 273A(1) PC	
2001	01-0251	273D(A) PC	Current litigation
2001	01-0330	220 PC	
2001	01-0409	653(m)PC	Outstanding warrant
2001	01-0415	243.4(A) PC sexual battery	
2001	01-0418	Outside assist / molestation	RWCPD case
2001	01-0426	Outside assist / 314 PC	EPA PD case
2001	01-0515	451(D) PC	
2001	01-0521	273A(1) PC child abuse	No dispo listed
2001	01-0531	243.4(A) PC sexual battery	
2001	01-0628	Info poss. vandalism	Current litigation
2001	01-0811	273D PC / DA declined	unknown CPS dispo.
2001	01-0812	243.4(A) PC sexual battery	
2001	01-0861	Outside assist / 261.5 PC	SMCO S/O case
2001	01-0882	Missing	Our BOL, EPA's entry
2001	01-0915	273D PC / DA declined	Unknown CPS dispo.
2001	01-0935	368(c) PC elder abuse	
2001	01-0945	647g PC	related to 220PC #1024
2001	01-0956	314 PC	
2001	01-0998	314 PC, 647(h) PC	
2001	01-1024	220PC, 245(A)(2)PC, 208(D)PC	
2001	01-1038	459PC	related to 220PC #1024
2001	01-1040	459PC	related to 220PC #1024
2001	01-1042	288 PC	
2001	01-1044	459PC	related to 220PC #1024

YEAR	CASE #	CODE VIOLATION	MISC. NOTES
2001	01-1047	602PC	related to 220PC #1024
2001	01-1049	664/459PC	related to 220PC #1024
2001	01-1050	602PC	related to 220PC #1024
2001	01-1052	602.5PC	related to 220 PC #1024
2001	01-1061	10851 VC located	related to 220PC #1024
2001	01-1064	602PC	related to 220PC #1024
2001	01-1068	602PC	related to 220PC #1024
2001	01-1070	459PC	related to 220PC #1024
2001	01-1124	368(d) PC elder abuse	
2001	01-1138	273.5 PC	Outstanding warrant
2001	01-1212	647.6 PC	
2001	01-1245	23152(b) VC	Outstanding warrant
2002	02-0006	51-50, poss. child abuse	Substantiated
2002	02-0041	Death investigation / 10-56	
2002	02-0088	Death investigation	
2002	02-0162	451(B) PC	
2002	02-0188	262(A)(1) PC, 286(D) PC	
2002	02-0234	261 PC, 211 PC, 286 PC, 459 PC	
2002	02-0274	207(a) PC, 236 PC	
2002	02-0294	CPS, 273D PC	
2002	02-0318	273(D)PC	
2002	02-0335	243.4(a) PC sexual battery	
2002	02-0406	664/207 PC	
2002	02-0441	Outside assist / translation 664/187 PC	For SMCO S/O
2002	02-0442	451(d) PC	
2002	02-0482	APS elder abuse	
2002	02-0529	12301(6) PC	Chemical explosive device found at school
2002	02-0562	261(A)(4) PC, 243(D) PC	
2002	02-0590	368(B) PC elder abuse	
2002	02-0625	CPS	
2002	02-0631	368(B) PC elder abuse	
2002	02-0694	23152(a) VC	Outstanding warrant
2002	02-0736	Sexual assault	
2002	02-0910	23152(a) VC, 12500(a) VC	Outstanding warrant
2003	03-0073	288.2(a) PC	
	03-0090	243.4(a) PC sexual battery	
	03-0108	CPS, 243(E) PC	
	03-0114	261.5 PC	

Records Destruction
January 15, 2020
Page 8 of 10

YEAR	CASE #	CODE VIOLATION	MISC. NOTES
2003	03-0165	261(A)(2) PC	
2003	03-0227	Outside assist 261 PC	Fwd to Yuba City PD
2003	03-0269	261(A)(3) PC, 261.5(C) PC	
2003	03-0335	236 PC, 243.4(A) PC	
2003	03-0402	243.4(a) PC sexual battery	
2003	03-0635	23152(a) VC, 14601 VC	Outstanding warrant
2003	03-0647	261(A)(4) PC, 289(B) PC	
2003	03-0651	273(A)1 PC, 272 PC	
2003	03-0681	23152 VC	Outstanding warrant
2003	03-0762	11-81, driver had heart attack	
2003	03-0816	Poss. elder abuse	
2003	03-0821	23152 VC	Outstanding warrant
2003	03-0865	Sexual battery	
2003	03-0900	273D PC	
2003	03-0918	451(D) PC	
2003	03-1031	APS poss elder abuse	
2003	03-1082	23152(a) VC	Outstanding warrant
2004	04-0165	Fall on Town property	Claim intended
2004	04-0172	CPS	
2004	04-0179	23152(a) VC, 11350 H&S	Outstanding warrant
2004	04-0229	368(B) PC elder abuse	
2004	04-0245	APS referral / poss neglect	
2004	04-0255	CPS	
2004	04-0319	261(A)(1) PC	
2004	04-0320	594 PC, 3056 PC	Outstanding warrant
2004	04-0346	368(c) PC / poss. elder abuse	financial
2004	04-0350	288(A) PC	
2004	04-0370	451(D) PC	
2004	04-0562	Poss elder abuse	
2004	04-0648	273D PC	
2004	04-0724	261(A)(3) PC, 289(E) PC	
2004	04-0930	273A(1) PC, 422 PC	
2004	04-0957	288A(B)(2) PC, 288A(D)(1) PC	
2004	04-1004	10-55 / 904	
2005	05-0028	261.5(A) PC, 261(A)(3) PC	
2005	05-0152	CPS	
2005	05-0297	314 PC	
2005	05-0473	CPS	
2005	05-0492	CPS	
2005	05-0501	647.6(A) PC	

YEAR	CASE #	CODE VIOLATION	MISC. NOTES
2005	05-0516	314 PC	
2005	05-0546	246 PC	
2005	05-0602	245(A) (2)PC, 241.2(A) PC	
2005	05-0638	23152 VC	Outstanding warrant
2005	05-0740	CPS	
2005	05-0842	261(A)(2) PC	

ANALYSIS

The California Government Code authorizes the destruction of records and requires agencies to adopt compliant records retention schedules. These schedules ensure that certain records are maintained in perpetuity and other records are maintained for sufficient time periods, dependent on the type of records, to allow standards and structure for local government records management efforts.

Maintaining old files can lead to the use of stale information in personnel and litigation matters that can be detrimental to staff, the department, and the Town. The information is of no useful value to the Town, is out of date and should be destroyed in compliance with Town and State records retention policies.

It is recommended that the City Council authorize this timely and appropriate destruction of old files in accordance with the law.

POLICY FOCUS

Once records have been retained for the applicable period set forth in the Records Retention Schedule, they should be prepared for destruction in the manner prescribed by the Town’s Original Resolution # 15-09 adopted March 18, 2015.

FISCAL IMPACT

There is no fiscal impact in approving this resolution for the destruction of records.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town’s electronic News Flash and Atherton Online. There are approximately 1,600 subscribers to the Town’s electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but not limited to media outlets, school

districts, Menlo Park Fire District, service providers (water, power, and sewer) and regional elected officials.

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item ___ has or X has not been before a Town Committee or Commission.

- Audit/Finance Committee (meets every other month)
- Bicycle/Pedestrian Committee (meets as needed)
- Civic Center Advisory Committee (meets as needed)
- Environmental Programs Committee (meets every other month)
- Park and Recreation Committee (meets each month)
- Planning Commission (meets each month)
- Rail Committee (meets every other month)
- Transportation Committee (meets every other month)
- Tree Committee (meets each month)

ATTACHMENTS

1. ATTACHMENT 1 - Resolution
2. ATTACHMENT 2 – Records Retention Policy

RESOLUTION NO. 20-

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON AUTHORIZING THE DESTRUCTION OF RECORDS PER
GOVERNMENT CODE SECTION 34090**

WHEREAS, Penal Code Section 832.5 requires that citizen complaints or internal affairs investigations against police department personnel and any related reports or findings be maintained for a period of at least five years; and

WHEREAS, Government Code Section 34090 expressly authorizes the Chief of Police for the Town of Atherton, upon resolution of the City Council and written consent of the City Attorney, to destroy City records, documents, instruments and other papers under his charge as the same are no longer required; and

WHEREAS, the Chief of Police has agreed to review the status of any such citizen complaint or internal affairs investigation in excess of five years for pending related civil or criminal litigation prior to its destruction and only if the employee no longer works for the Town of Atherton shall said records be destroyed; and

WHEREAS, the City Attorney hereby gives his written consent for the destruction of the following records:

ITEM NUMBER	RECORD TITLE	RETENTION
2014-001	Internal Affairs Investigation	5 years

BACKGROUND INVESTIGATION	POSITION	REASON	DATE	RETENTION
Partial Background	Police Officer	Disqualified	March 2017	2 Years
Partial Background	Police Officer	Disqualified	July 2017	2 Years
Partial Background	Police Officer	Disqualified	Sept.2017	2 Years

CASES	RETENTION
1994-2004	SEE POLICY/STAFF REPORT

NOW, THEREFORE, BE IT RESOLVED, The Chief of Police and City Attorney have reviewed the status of the 1 Internal Affairs Investigation, 3 partial backgrounds and the 2017 citations;

BE IT FUTHER RESOLVED that nothing in this resolution is intended to supersede or otherwise conflict with any other law or any lawful judicial process which might affect retention or destruction of such records.

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 15th day of January 2020, by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSTAIN: Council Members:
ABSENT: Council Members:

Mayor

Mayor ATTEST:

Anthony Suber
City Clerk

City Attorney

Records Retention and Destruction

222.1 PURPOSE AND SCOPE

On March 18, 2015 the Atherton Town Council adopted the Records Retention and Destruction policy through Resolution Number 15-09. This policy references California Government Code section 34090 which provides a procedure whereby any Town records which have served their purpose and are no longer required may be destroyed. The following sections are applicable to the records of the Atherton Police Department. Please refer to the following legend codes:

222.1.1 LEGEND CODES

AU: Audit Year

CU: Current Year

CFY: Current Fiscal Year

CL: Closed

EX: Expiration

L: Life (of equipment/improvement/etc)

NLN: No Longer Needed

P: Permanent

SU: Superseded

T: Term (of employment/contract/etc)

H: Historical records may document the Town's incorporation, annexations, major projects, and strategic direction. These records may have intrinsic value due to age, author, subject, or special nature.

V: Vital records are critical to the Town's business, and are either irreplaceable or very difficult to replace. Vital records enable the Town to provide important services during and immediately following a disaster or emergency; meet obligations to employees; reconstruct assets, legal rights and obligations; establish the Town's financial position.

C: Confidential records contain case sensitive or private information that would be harmful to an employee or the Town if accessed or viewed by unauthorized individuals. Care should be taken to protect confidential records.

222.2 ADMINISTRATION

222.2.1 CARDS

(a) Daily Activity (Logs and Shift Roster)

1. Department Retention: CU + 2

Atherton Police Department

Atherton PD Policy Manual

Records Retention and Destruction

2. Total Retention: CU + 2
3. Historic: No
4. Regulation: GC 34090

222.2.2 FORMS

(a) K-9 (Monthly Training Files, Schedules, Records, Certificates, Bite Memos)

1. Department Retention: CU + 2
2. Total Retention: CU + 2
3. Historic: No
4. Regulation: GC 34090

(b) Ride Along Waivers, Citizen Correspondence

1. Department Retention: CU + 2
2. Total Retention: CU + 2
3. Historic: No
4. Regulation: GC 34090

222.2.3 INVENTORIES

(a) Firearms

1. Department Retention: SU + 2
2. Total Retention: SU +2
3. Historic: No
4. Regulation: GC 34090

(b) Department Equipment

1. Department Retention: SU + 2
2. Total Retention: SU +2
3. Historic: No
4. Regulation: GC 34090

222.2.4 LICENSES, APPLICATIONS & PERMITS

(a) CCW Permit (Approved and Denied)

1. Department Retention: EX + 2
2. Total Retention: EX + 2

Atherton Police Department

Atherton PD Policy Manual

Records Retention and Destruction

3. Historic: No
4. Regulation: GC 34090
- (b) Solicitor Permits
 1. Department Retention: T + 2
- (c) Applications, Background Checks
 1. Department Retention: T + 2
 2. Total Retention: T + 2
 3. Historic: No
 4. Regulation: GC 34090

222.2.5 LOGS

- (a) Daily Activity, Report to Press, Juvenile Detention, Portable Alcohol Screening (PAS), Subpoena, Tow, Warrant, Accident, Alcohol Beverage Control (ABC)
 1. Department Retention: CU + 2
 2. Total Retention: CU + 2
 3. Historic: No
 4. Regulation: GC 34090

222.2.6 NOTICE OF CONSENT, DMV PULL NOTICES

- (a) Consent for other Police to enter Town
 1. Department Retention: SU
 2. Total Retention: SU
 3. Historic: No
 4. Regulation: GC 34090

222.2.7 EMPLOYEE FILES (ACTIVE)

- (a) Background Files, Evaluations, Commendations, Intent to Discipline, Notices of Disciplinary Action, Appeals, Secondary Employment Permits, Signed Training Bulletins, Training Certificates, Training Rosters
 1. Department Retention: T + 5
 2. Total Retention: T + 5
 3. Historic: No
 4. Regulation: Department Policy

Atherton Police Department
Atherton PD Policy Manual

Records Retention and Destruction

- (a) Okay to destroy paper files after 2 years and e-file.

222.2.8 RECRUITMENT (APPLICANTS NOT HIRED)

- (a) Applications, Resumes, Reference Checks, Pre Hire Drug Testing, Background Investigations
 1. Department Retention: CU + 2
 2. Total Retention: CU + 2
 3. Historic: No
 4. Regulation: GC 34090

222.2.9 TRAINING MATERIALS

- (a) Course of Fire and Shooting Records
 1. Department Retention: SU + 5
 2. Total Retention: SU + 5
 3. Historic: No
 4. Regulation: CCP 337, CCP 343, Department Policy

222.2.10 POLICIES

- (a) Department Policy Manual Including General Orders
 1. Department Retention: SU + 4
 2. Total Retention: SU + 4
 3. Historic: No
 4. Regulation: Department Policy
 - (a) Okay to destroy paper files after 2 years and e-file.

222.2.11 REPORT

- (a) Statistical Uniform Crime Reports
 1. Department Retention: CU + 5
 2. Total Retention: CU + 5
 3. Historic: No
 4. Regulation: Department Policy
 - (a) Okay to destroy paper files after 2 years and e-file.

Atherton Police Department

Atherton PD Policy Manual

Records Retention and Destruction

222.2.12 EQUIPMENT (NON-VEHICLE)

- (a) Warranties, Repair History, Licensing, Manuals
 - 1. Department Retention: L
 - 2. Total Retention: L
 - 3. Historic: No
 - 4. Regulation: GC 34090

222.3 RECORDS

222.3.1 CASE FILES

*Statute of Limitations is six (6) years

*AFS is Automated Property System

- (a) All Felonies and Misdemeanors except those otherwise specifically mentioned in this retention schedule provided there are no outstanding warrants or recovered weapons in AFS or DNA evidence
 - 1. Department Retention: CU + 6
 - 2. Total Retention: CU + 6
 - 3. Historic: Review
 - 4. Regulation: PC 800
- (b) All Felonies and Misdemeanors except those otherwise specifically mentioned in this retention schedule provided there is DNA evidence and there are no outstanding warrants or un-recovered weapons in AFS
 - 1. Department Retention: Suspect Identified + 6
 - 2. Total Retention: Suspect Identified + 6
 - 3. Historic: Review
 - 4. Regulation: District Attorney Recommendation
- (c) Homicides, Attempted Homicides, Suicides, Manslaughter, Fatal traffic Collisions, Suspicious Deaths, Kidnapping, Substantiated Child/Elder Abuse, Sexual Assaults, Rapes, Arson, Bank Robberies, Falsification of Public Records, Misuse of Public Funds, Train Wrecking, Treason
 - 1. Department Retention: CU + 6
 - 2. Total Retention: Permanent
 - 3. Historic: No

Atherton Police Department

Atherton PD Policy Manual

Records Retention and Destruction

4. Regulation: PC 261, PC 286, PC 288, PC 288.5, PC 289, PC 289.5, PC 799, Department Policy
- (d) Marijuana Misdemeanor
1. Department Retention: Max. of CL + 2 and 18th Birthday
 2. Total Retention: Max. of CL + 2 and 18th Birthday
 3. Historic: No
 4. Regulation: H&S 11361.6
- (e) Missing Person - Closed
1. Department Retention: CL + 2
 2. Total Retention: CL + 2
 3. Historic: No
 4. Regulation: GC 34090
- (f) Missing Person - Open
1. Department Retention: P (Until Located)
 2. Total Retention: P (Until Located)
 3. Historic:
 4. Regulation: Department Policy

222.3.2 CASE FILES, SEALED

- (a) Factually Innocent (Restricted Access)
1. Department Retention: Date of Arrest + 3
 2. Total Retention: Date of Arrest + 3
 3. Historic: No
 4. Regulation: PC 851.8, WIC 781.5
- (b) Not Factually Innocent (Restricted Access)
1. Department Retention: Sealed + 5 or Court Ordered
 2. Total Retention: Sealed + 5 or Court Ordered
 3. Historic: No
 4. Regulation: WIC 781(d)

Atherton Police Department

Atherton PD Policy Manual

Records Retention and Destruction

222.3.3 CASES FILED, NOT ATHERTON JURISDICTION

- (a) Outside Assists, Recovered Property (Including Vehicles)
 - 1. Department Retention: Cur + 2
 - 2. Total Retention: Cur + 2
 - 3. Historic: No
 - 4. Regulation: GC 34090

222.3.4 INDIVIDUAL

- (a) Arrest ID Jackets, Index Cards for all but Suspects
 - 1. Department Retention: When all related case files destroyed
 - 2. Total Retention: When all related case files destroyed
 - 3. Historic: No
 - 4. Regulation: Department Policy
- (b) Suspect and Alias Index Cards
 - 1. Department Retention: No Criminal Activity + 10 years and after all related case files destroyed
 - 2. Total Retention: No Criminal Activity + 10 years and after all related case files destroyed
 - 3. Historic: No
 - 4. Regulation: Department Policy

222.3.5 REPORTS, NON-CRIMINAL

- (a) Natural Death
 - 1. Department Retention: CL + 2
 - 2. Total Retention: CL + 2
 - 3. Historic: No
 - 4. Regulation: GC 34090
- (b) Traffic Accidents and Incidents (non-criminal only)
 - 1. Department Retention: CU + 3
 - 2. Total Retention: CU + 3
 - 3. Historic: No
 - 4. Regulation: CCP 338

Atherton Police Department

Atherton PD Policy Manual

Records Retention and Destruction

- (c) Civil Matters, Suspicious Circumstances, Lost and Found Property, Destruction of Property, Welfare Checks, Vehicles (stored, impounded)

1. Department Retention: CU + 2
2. Total Retention: CU + 2
3. Historic: Review
4. Regulation: GC 34090

222.3.6 ORDERS (SUPERIOR COURT IS THE OFFICE OF RECORD)

- (a) Restraining Orders, Emergency Protective Orders, Temporary Restraining Orders, Legal Stipulations, Orders After Hearing

1. Department Retention: EX + 3
2. Total Retention: EX + 3
3. Historic: No
4. Regulation: PC 13710

222.3.7 PAWNBROKER

- (a) Receipts and Tickets

1. Department Retention: CU + 2
2. Total Retention: CU + 2
3. Historic: No
4. Regulation: GC 34090

222.3.8 REGISTRATIONS

- (a) Sex, Arson, Narcotics

1. Department Retention: Permanent
2. Total Retention: Permanent
3. Historic: No
4. Regulation: PC 290, PC 457.1, H&S 11590

222.3.9 WARRANTS

- (a) Warrants (Served, Recalled, or Cleared)

1. Department Retention: Inactive + 2
2. Total Retention: Inactive + 2
3. Historic: No

Atherton Police Department
Atherton PD Policy Manual

Records Retention and Destruction

4. Regulation: GC 34090

222.3.10 TRAFFIC CITATIONS (COURT HAS THE ORIGINAL RECORDS)

- (a) Moving, Parking
 1. Department Retention: 2
 2. Total Retention: 2
 3. Historic: No
 4. Regulation: GC 34090

222.4 COMMUNICATIONS

222.4.1 RECORDINGS, NOT EVIDENCE

- (a) Routine Telephone and Radio Communications
 1. Department Retention: 100 Days
 2. Total Retention: 100 Days
 3. Historic: No
 4. Regulation: GC 34090.6
- (b) Routine In-Car Audio/Video, Building Video
 1. Department Retention: 2
 2. Regulation: GC 34090.6

222.5 INTERNAL AFFAIRS

222.5.1 EMPLOYEE DISCIPLINE

- (a) Reports, Interviews, Studies, Written Reprimands
 1. Department Retention: Min. Closed + 3m / Max Term of Employment +5
 2. Total Retention: Min. Closed + 3m / Max Term of Employment +5
 3. Historic: No
 4. Regulation: Department Policy

222.5.2 ADMINISTRATIVE INVESTIGATIONS (COMPLAINTS AGAINST DEPARTMENT MEMBERS)

- (a) Complaints, Interviews, Reports, Findings
 1. Department Retention: CL + 5
 2. Total Retention: CL + 5

Atherton Police Department

Atherton PD Policy Manual

Records Retention and Destruction

3. Historic: No
4. Regulation: PC 832.5

222.5.3 ADMINISTRATIVE INVESTIGATIONS (OFFICER INVOLVED SHOOTINGS)

(a) Reports, Interviews, Studies

1. Department Retention: CL + 2
2. Total Retention: CL + 2
3. Historic: No
4. Regulation: Department Policy

222.6 TRAFFIC

222.6.1 REPORTS

(a) Radar Calibration Certificates

1. Department Retention: T + 2
2. Total Retention: T + 2
3. Historic: No
4. Regulation: GC 34090

(b) Radar Surveys, State Wide Integrated Traffic Reporting System (SWITRS) Reports

1. Department Retention: CU + 1
2. Total Retention: CU + 1
3. Historic: No
4. Regulation: Department Policy

TOWN OF ATHERTON
NOTICE OF RECORDS DESTRUCTION

DEPARTMENT: POLICE DEPARTMENT

ITEM NUMBER	RECORD TITLE	RETENTION
2014-001	Internal Affairs	5 years

BACKGROUND INVESTIGATION	POSITION	REASON	DATE	RETENTION
Partial Background	Police Officer	Disqualified	March 2017	2 Years
Partial Background	Police Officer	Disqualified	July 2017	2 Years
Partial Background	Police Officer	Disqualified	September 2017	2 Years

TITLE	RETENTION
2017 Citations	2 Years

CASES	RETENTION
1994-2004	SEE POLICY/STAFF REPORT

CONSENT TO DESTRUCTION OF RECORDS

DEPARTMENT HEAD: _____ DATE: _____

CITY MANAGER: _____ DATE: _____

CITY ATTORNEY: _____ DATE: _____

CITY CLERK: _____ DATE: _____

DESTROYED BY: _____ DATE: _____