

# Agenda Report

**TO:** CITY COUNCIL

**DATE:** OCTOBER 6, 2008

**THROUGH:** PUBLIC SAFETY COMMITTEE

**FROM:** CITY MANAGER

**SUBJECT:** ADOPT A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO DESTROY INTERNAL AFFAIRS RECORDS AND NON HIRE BACKGROUND FILES

## **RECOMMENDATION**

It is recommended that the City Council adopt a resolution authorizing the Chief of Police, in accordance with the City Attorney, to destroy internal affairs files regarding investigations concluded prior to 2001 which are listed in attachment-A and non-hire background files closed and completed prior to 1998 which are listed in attachment-B.

## **BACKGROUND**

Government Code § 34090 requires that the City Council approve by resolution the destruction of Police Department internal affairs investigation files. Evidence Code § 1045 requires that such files only be kept for five years. The Police Department maintains statistical records that show which five-year old investigative files are to be destroyed. The designated files contain investigations that have been adjudicated. In accordance with the law, it is common practice for police agencies to periodically purge dated internal affairs investigation files.

Government Code § 34090 requires that the City Council approve by resolution the destruction of Police Department closed and completed non-hire background files. The Government Code requires that closed and completed non-hire background files be kept for a minimum of two years. The City Attorney's Office has recommended that background files be kept for a minimum of seven-years for purposes of any unforeseen litigation. The designated files are not involved in any litigation and in accordance with


the law, it is common practice for police agencies to periodically purge dated closed and completed background files.

The Police Department will maintain all internal investigations, regardless of age, involving allegations of sexual misconduct, integrity, lies, and officer involved shootings. The Chief of Police and the City Attorney have reviewed the affected files to assure that no pending matters are involved and that no prejudice will result from the destruction of these files.


### **FISCAL IMPACT**

Cost for the destruction of records is included in the Police Department's approved operating budget.

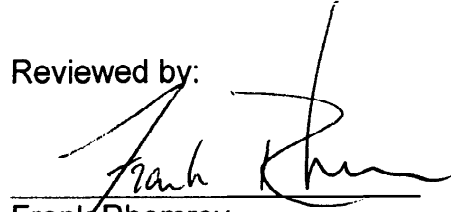
Respectfully submitted,

  
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MICHAEL J. BECK  
City Manager

Prepared by:

  
\_\_\_\_\_  
JOHN LUNA, Sergeant  
Administrative Services Section

Reviewed by:

  
\_\_\_\_\_  
Frank Rhemrev  
Assistant City Attorney

Approved by:

  
\_\_\_\_\_  
BERNARD K. MELEKIAN  
Chief of Police

RESOLUTION No. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA AUTHORIZING THE POLICE CHIEF TO DESTROY DESIGNATED RECORDS MAINTAINED BY THE PASADENA POLICE DEPARTMENT

WHEREAS, Government Code section 34090 requires that the City Council authorize by resolution the destruction of certain types of records maintained by the City of Pasadena, including records of internal affairs investigations conducted by the Police Department which are not required to be maintained by law; and

WHEREAS, the Police Department seeks to destroy records of internal affairs investigation concluded prior to 2001 which are listed in attachment-A and non-hire closed and completed background files concluded prior to 1998 which are listed in attachment-B because of lack of controlled confidential storage space for those records, which are required to be retained only for five years; and,

WHEREAS, the Police Chief and the City Attorney have reviewed the list of records to be destroyed and have determined that such records may lawfully be destroyed without prejudice to the City or to any other person;

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

1. The Police Chief is authorized to destroy the designated records of internal affairs investigations concluded prior to 2001 which are listed in attachment-A.
2. The Police Chief is authorized to destroy the designated records of non-hire background files concluded prior to 1998 which are listed in attachment-B.

3. Such destruction of records shall be carried out in a manner which assures that the confidentiality of those records will not be breached.

**Destruction of Records**

**Adopted at the regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:**

**AYES:**

**NOES:**

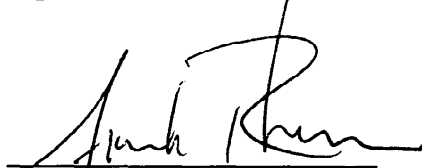
**ABSENT:**

**ABSTAIN:**

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**Mark Jomsky**  
**City Clerk**

**Approved as to form:**



**Frank Rhemrev**  
**Assistant City Attorney**  
**Destruction of Records**

## ATTACHMENT-A

98-09-03	AD	Traffic stop complaint.	Unfounded
98-09-04	AD	Harassment by officer.	No Invest.
98-09-05	AD	Traffic stop complaint.	No Finding
98-09-06	AD	Complaint of no police report.	Unfounded
98-09-07	AD	Improper police investigation/No employee named.	No Invest.
98-10-01	AD	Complaint regarding conduct of police employee.	Resolved
98-10-01	IA	Disobeying order of superior.	Adverse
98-10-06	AD	Complaint regarding conduct of police employee.	Resolved
98-10-07	AD	Traffic stop complaint.	Resolved
98-10-08	AD	Complaint regarding police investigation.	Justified
98-10-09	AD	Complaint regarding arrest.	No Invest.
98-10-10	AD	Improper procedure re curfew and traffic citations.	Justified
98-11-01	AD	Traffic stop complaint.	Unfounded
98-11-02	AR	Harassment complaint.	Unfounded
98-11-03	AD	Complaint regarding officer contact of complainant.	Unfounded
98-11-04	AD	Traffic stop complaint.	Unfounded
98-11-05	AD	Traffic stop complaint.	Resolved
98-11-09	AD	Harassment complaint.	No Invest.
98-12-01	AD	Improper conduct on part of officers.	Resolved
98-12-02	IA	CUBO/Rude behavior and comments.	Not Sustained
98-12-02	AD	Improper conduct on part of officer.	Justified
98-12-04	AD	Improper conduct on part of officer.	Justified
98-12-04	IA	Improper care of police equipment.	W. Warning
98-12-05	IA	Improper procedure/traffic accident.	W. Warning
98-12-06	AD	Complaint/647f arrest.	Resolved
98-12-07	AD	Complained about being handcuffed.	Justified
98-12-08	IA	Improper conduct toward supervisor/employee.	W. Warning
98-12-09	AD	Complaint about search warrant/missing items.	Resolved
98-12-10	AD	Complaint regarding citation.	Justified
98-12-11	AD	Arrest complaint.	Justified
99-01-02	IA	Improper procedure/failure to respond to subpoena.	Sustained
99-01-05	AD	Repossession/Improper investigation.	Unfounded
99-02-01	AD	Improper procedure complaint regarding arrest.	Justified
99-02-02	AD	Complaint regarding accident investigation.	Resolved
99-02-04	AD	Complaint regarding officer stopping son.	Resolved
99-02-05	AD	Unfounded complaint/Not a PPD officer.	Unfounded
99-02-08	AD	CUBO/Rude comments.	Justified
99-02-09	AD	Complaint regarding falsifying information.	Resolved
99-02-10	AD	Complaint regarding the police/no officer named.	Resolved
99-03-01	AD	Complaint regarding search.	Unfounded
99-03-01	IA	Improper Procedure/Administrative Work.	W. Warning
99-03-02	IA	CUBO/Soliciting a gratuity.	Unfounded
99-03-02	AD	Complaint regarding conduct of officer.	Unfounded
99-03-03	AD	Improper procedure/officer contacting citizen.	Justified
99-03-04	AD	Complaint regarding filing of a false police report.	Unfounded
99-03-06	AD	Complaint regarding arrest.	Unfounded
99-03-07	AD	Complaint regarding search warrant.	Unfounded
99-03-08	AD	Complaint regarding search warrant.	Resolved
99-03-09	AD	Complaint regarding arrest.	Resolved

## ATTACHMENT-A

99-04-01	AD	Complaint about the city and officers.	Resolved
99-04-02	IA	CUBO/Insubordinate.	Adverse
99-04-02	AD	Complaint about the handling of the case.	Unfounded
99-04-03	AD	Complaint regarding traffic stop.	Unfounded
99-04-04	IA	Improper use of city equipment/time.	W. Warning
99-04-04	AD	Complaint regarding conduct of officer.	Unfounded
99-04-05	AD	Complaint regarding officer/No officer named.	Resolved
99-04-06	AD	Complaint regarding traffic stop/search.	Resolved
99-04-07	AD	Improper procedure/harassment.	Resolved
99-05-01	IA	Improper Procedure/At fault collision.	W. Warning
99-05-01	AD	Complaint regarding arrest.	Justified
99-05-04	AD	Complaint regarding son's contact with police.	Justified
99-05-05	AD	Complaint regarding arrest.	Justified
99-05-06	AD	Traffic citation complaint.	Unfounded
99-05-07	AD	Complaint regarding arrest.	Unfounded
99-05-08	AD	Complaint regarding traffic citation.	Unfounded
99-05-09	AD	Complaint regarding arrest.	Unfounded
99-05-10	AD	Complaint regarding traffic stop.	Unfounded
99-05-11	AD	Complaint regarding traffic citation.	Unfounded
99-05-12	AD	Unknown type of complaint.	Resolved
99-06-01	IA	Improper Procedure/on-duty traffic collision.	Sustained
99-06-01	AD	Improper procedure complaint regarding arrest.	Resolved
99-06-02	AD	Property not returned/No employee named.	Resolved
99-06-03	AD	Complaint regarding treatment of horse.	Unfounded
99-06-04	AD	Rude/improper conduct.	Resolved
99-06-05	AD	Unlawful detention & search.	Resolved
99-07-01	IA	CUBO/Criminal conduct.	Sustained
99-07-01	AD	Improper procedure regarding contact by detectives.	Justified
99-07-02	IA	CUBO/Rude comments.	Sustained
99-07-04	AD	Unknown type of complaint.	None
99-07-05	IA	CUBO/Improper procedure.	Sustained
99-07-06	IA	Improper procedure/use of departmental equipment.	Sustained
99-07-06	AD	Improper procedure regarding arrest.	Justified
99-07-07	AD	Improper procedure regarding citation.	Justified
99-07-08	AD	Improper procedure regarding contact by officers.	Not Sustained
99-07-12	AD	Complaint regarding officer's statement.	None
99-07-13	AD	Complaint regarding arrest of son.	Resolved
99-07-14	AD	Improper procedure regarding contact by police.	Justified
99-07-15	AD	Improper procedure regarding contact by police.	Resolved
99-07-16	AD	Complaint regarding traffic stop.	Resolved
99-08-01	AD	Improper procedure regarding contact by police.	Unfounded
99-08-04	AD	Improper procedure regarding conduct of officers.	Justified
99-08-05	AD	Improper procedure/officer failed to take report.	Justified
99-08-06	AD	Improper procedure regarding service of search warrant.	Justified
99-08-07	AD	Complaint regarding being contacted by police.	None
99-08-08	AD	Improper procedure/traffic.	Justified
99-09-03	IA	Improper Procedure/Misuse of city equipment.	Sustained
99-10-01	IA	CUBO/Confrontational behavior.	Sustained
99-10-01	AD	Improper procedure/traffic.	Justified

## ATTACHMENT-A

99-10-02	IA	CUBO/failed to respond to subpoena.	Sustained
99-10-03	AD	Complaint regarding arrest of son & conduct of officers.	Unfounded
99-10-04	AD	Improper procedure regarding contact by officer.	Justified
99-10-06	AD	Complaint regarding the issuance of a citation.	Unfounded
99-10-08	AD	Complaint regarding contact by police.	Resolved
99-11-01	AD	Improper procedure/traffic citation.	Justified
99-11-03	AD	Complaint about being asked if he was homeless.	Unfounded
99-11-04	AD	CUBO/Harassment by officer.	Unfounded
99-11-05	AD	Complaint regarding traffic citation.	Resolved
99-11-06	AD	Complaint regarding parking citation.	Resolved
99-11-07	AD	Complaint regarding traffic citation.	Resolved
99-11-08	AD	Complaint regarding investigation of incident.	Resolved
99-11-09	AD	Complaint regarding investigation of incident.	Resolved
99-11-10	AD	Complaint re falsifying information/CR 99-02-09.	Resolved
99-11-11	AD	Complaint regarding contact by police.	Resolved
99-11-12	AD	Complaint regarding contact by police.	Resolved
99-11-13	AD	Complaint regarding investigation of incident.	Resolved
99-11-14	AD	Complaint regarding being arrested for 647f.	Unfounded
99-12-01	AD	Complaint regarding traffic citation.	Resolved
99-12-02	AD	Complaint about being questioned by police.	Resolved
99-12-02	IA	CUBO/Improperly identifying self/traffic violation.	Sustained
99-12-03	AD	Complaint regarding traffic stop.	Resolved
99-12-04	AD	CUBO/insubordination.	Sustained
00-01-03	IA	Improper Procedure/Unsafe operation of city equipment.	Sustained
00-01-05	AD	CUBO/Rude conduct/comments.	Resolved
00-01-09	AD	CUBO/Rude comments/improper procedure.	Unfounded
00-01-10	AD	Complaint regarding contact by police.	Resolved
00-02-01	IA	CUBO/Rude behavior.	Sustained
00-02-01	AD	Complaint regarding 647f arrest.	Unfounded
00-02-03	AD	Complained about not being informed of right to bail.	Unfounded
00-03-03	AD	Improper Procedure/failure to perform assigned duties.	Sustained
00-04-02	AD	Complaint regarding search warrant.	Resolved
00-04-03	AD	Complaint regarding handling of case.	Unfounded
00-04-04	AD	Complaint regarding contact by police.	Resolved
00-04-05	AD	Complaint regarding contact by officer & citation.	Unfounded
00-04-06	AD	Complaint regarding citation issued to brother.	Unfounded
00-04-07	AD	Complaint regarding traffic stop.	Unfounded
00-04-08	AD	Complaint regarding contact by police.	None
00-04-09	AD	CUBO/Rude comments.	Unfounded
00-04-10	AD	CUBO/Improper comments/improper procedure.	Adverse
00-04-11	AD	CUBO/Complaint regarding off-duty conduct.	Resolved
00-04-12	AD	Complaint regarding arrest.	Unfounded
00-04-13	AD	Complaint regarding contacts by police.	Resolved
00-04-14	AD	Complaint regarding parking issues.	Justified
00-05-01	AD	Complaint regarding arrest.	Unfounded
00-05-01	IA	CUBO/Unprofessional court testimony.	Sustained

ATTACHMENT-A

00-05-02	AD	Unauthorized release of information.	Sustained
00-05-04	AD	False arrest.	Resolved
00-05-05	AD	Complaint regarding arrest.	Unfounded
00-05-06	AD	Complaint regarding arrest.	Not Sustained
00-05-07	AD	Complaint regarding conduct of officers.	No Policy Viol
00-06-01	IA	CUBO/Unprofessional/rude comments.	Not Sustained
00-06-02	AD	Complaint regarding way officers handled case.	Resolved
00-06-02	IA	CUBO/Conduct toward others.	Sustained
00-06-04	AD	Complaint regarding contact by officer.	Resolved
00-06-05	AD	Complaint regarding arrest.	Resolved
00-06-06	AD	Complaint regarding arrest and conduct of officers.	Resolved
00-06-09	AD	Complaint regarding traffic stop.	Resolved
00-06-10	AD	Complaint regarding conduct of officers.	Not Sustained
00-07-01	AD	Complaint about being stopped by police.	Resolved
00-07-02	AD	Complaint regarding traffic stop.	Resolved
00-07-03	AD	Complaint regarding search of home.	Resolved
00-07-04	AD	Complaint regarding son being stopped by police.	Resolved
00-07-05	AD	Complaint regarding search of vehicle/person.	Resolved
00-07-06	AD	Complaint regarding contact by police.	Resolved
00-07-06	AD	Complaint regarding arrest by police.	Resolved
00-08-02	AD	Code of Conduct/Recording conversation.	Sustained
00-08-02	IA	Refer to IA #08-08-05 for investigation of inappropriate behavior of a supervisor towards a subordinate.	Sustained
00-08-03	IA		
00-08-04	AD	Complaint regarding testimony.	Sustained
00-08-04	IA	CUBO/Accepting gratuities.	Sustained
00-08-05	IA	Supervisor was rude and discourteous.	No Further Action
00-08-05	AD	Complaint regarding conduct of officer.	Unfounded
00-08-06	IA	Release of confidential information.	Adverse
00-08-06	AD	CUBO/Rude comments.	Unfounded
00-08-07	AD	Complaint regarding officer drawing his weapon.	Resolved
00-09-01	AD	Complaint regarding traffic stop.	Not Sustained
00-09-02	AD	Complaint regarding pedestrian stop.	Resolved
00-09-03	AD	Complaint regarding traffic citation.	Unfounded
00-09-05	AD	Complaint regarding pedestrian stop.	Unfounded
00-09-06	AD	CUBO/Improper relationship.	Resolved
00-09-07	AD	Complaint regarding citation/arrest	Resolved
00-10-01	AR	Complaint not specified.	Unfounded
00-10-02	AD	Complaint regarding handling of TRO.	Unfounded
00-10-03	AD	Complaint regarding traffic stop.	Resolved
00-10-04	AD	Complaint about being stopped by police.	No Finding
00-10-05	AD	Complaint regarding police contact.	No Finding
00-11-01	AD	Apparent complaint regarding court order violation.	Resolved
00-11-02	AD	Complaint regarding grandson's contact w/officer.	Unfounded
00-11-03	AD	Complaint regarding police taking property.	Not Sustained
00-11-03	IA	Conduct Toward Others.	Resolved
00-11-05	AD	Complaint regarding search warrant.	Resolved
00-11-07	AD	Complaint regarding the handling of a case.	Unfounded
00-11-08	AD	Complaint regarding officers & District Attorney.	



**ATTACHMENT-A**

00-12-01	IA	Conduct Unbecoming, Insubordination.	Sustained
00-12-01	AD	Complaint regarding traffic citation.	Resolved
00-12-02	AD	Complaint regarding contact and arrest.	Unfounded
00-12-03	AD	Complaint regarding traffic citation.	Unfounded
00-12-04	AD	Complaint regarding traffic stop.	Resolved
00-12-05	AD	Request for information regarding case.	Resolved
00-12-07	AD	Complaint specifics not stated.	None
00-12-08	IA	CUBO/Rude & Discourteous.	Sustained

Attachment B

BACKGROUND FILES

All background files for applicants who applied for positions with the police department from 1985 through 1998 who did not qualify for the position.