

# Agenda Report

TO:

CITY COUNCIL

DATE:

April 15, 2002

THROUGH:

PUBLIC SAFETY COMMITTEE

FROM:

CITY MANAGER

**SUBJECT:** 

DESTRUCTION OF POLICE DEPARTMENT

INTERNAL AFFAIRS RECORDS

#### **RECOMMENDATION:**

It is recommended that the City Council adopt a resolution authorizing the Chief of Police to destroy internal affairs files regarding investigations concluded in 1996 or earlier.

### **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

The Police Department will maintain all internal investigations, regardless of age, involving allegations of sexual misconduct, integrity, 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.

AGENDA ITEM NO. 5.E.(1)

MEETING OF <u>4/15/2002</u>

## Respectfully submitted,

City Manager

Approved by:

Bernard K. Melekian

Chief of Police

Reviewed by:

Frank Rhemrev

Assistant City Attorney

Prepared by:

Marilyn D. Diaz, Commander Support Operations Division