

RESOLUTION NO. 2017-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING THE DESTRUCTION OF CERTAIN POLICE RECORDS OF
FIELD TRAINING OF OFFICERS NO LONGER EMPLOYED
BY THE DEPARTMENT AND OF APPLICATIONS AND BACKGROUND
INVESTIGATIONS OF PERSONS WHO APPLIED FOR EMPLOYMENT
WITH THE DEPARTMENT BUT WERE NOT HIRED AND HAVE NEVER
BEEN EMPLOYED BY THE DEPARTMENT

WHEREAS, At regular meetings on November 18, 1986 and February 21, 1995, the City Council adopted Resolutions 86-44 and 95-10 authorizing a procedure and schedule for destruction of certain police records; and

WHEREAS, Govt. Code §34090 states that “Unless otherwise provided by law, with the approval of the legislative body by resolution and the written consent of the city attorney the head of a city department may destroy any city record, document, instrument, book or paper, under his charge, without making a copy thereof, after the same is no longer required;” and

WHEREAS, Resolutions 86-44 and 95-10 do not address the retention of Field Training Officer Books in the list of records that may be destroyed after a period of retention. Field Training Officer Books contain the written records of daily field training and performance evaluations made by the Department’s Field Training Officers during their training of new officers who are being prepared to function as solo beat officers; and

WHEREAS, Resolutions 86-44 and 95-10 do not address the retention of applications and background investigations of those persons who applied for employment with the Department but were not hired and have never been employed by the Department or the retention of background investigations conducted as part of the hiring evaluation process that may have been conducted concerning such persons; and

WHEREAS, the Marina Police Department has determined that continued retention of Field Training Officer Books for those officers who are no longer currently employed by the Department whose files have been maintained for at least the year of their creation plus five additional years, and who are not currently involved in legal proceedings concerning their service with the Marina Police Department, are no longer required for retention and accumulation of these police records has become unduly cumbersome; and

WHEREAS, the Marina Police Department has determined that continued retention of applications and background investigations of those persons who applied for employment with the Department but were not hired and have never been employed by the Department which have been maintained for the year the application or background investigation was closed and completed plus five additional years, and who are not currently involved in legal proceedings concerning their application for employment with the Marina Police Department, are no longer required for retention and accumulation of these records has become unduly cumbersome.

WHEREAS, the aforementioned records are currently securely stored at the Public Safety Building, the Human Resource office, and other storage areas within the city limits; and

WHEREAS, the Marina Police Department's Interim Chief will obtain written approval by the City Attorney, as required by Govt. Code §34090 prior to purging of such documents.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Approve the destruction of Field Training Officer Books for those officers who are no longer currently employed by the Department whose files have been maintained for at least the year of their creation plus five additional years, and who are not currently involved in legal proceedings concerning their service with the Marina Police Department.
2. Approve the destruction of applications and background investigations of those persons who applied for employment with the Department but were not hired and have never been employed by the Department which have been maintained for the year the application or background investigation was closed and completed plus five additional years, and who are not currently involved in legal proceedings concerning their application for employment with the Marina Police Department.
3. Authorize the Chief of Police, after receipt of the prior written approval of the City Attorney to destroy such police records in accordance with Govt. Code §34090.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on 4th day of April, 2017 by the following vote:

AYES: COUNCIL MEMBERS: Amadeo, Morton, O'Connell, Brown, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

March 31, 2017

Item No. **8f(1)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of April 4, 2017

RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2017-, AUTHORIZING THE DESTRUCTION OF CERTAIN POLICE DEPARTMENT RECORDS OF FIELD TRAINING OF OFFICERS NO LONGER EMPLOYED BY THE DEPARTMENT AND OF APPLICATIONS AND BACKGROUND INVESTIGATIONS OF PERSONS WHO APPLIED FOR EMPLOYMENT WITH THE DEPARTMENT BUT WERE NOT HIRED AND HAVE NEVER BEEN EMPLOYED BY THE DEPARTMENT.

REQUEST:

It is requested that the City Council:

1. Consider adopting Resolution No. 2017-, authorizing the destruction of certain Police Department records of field training of officers no longer employed by the Department and of applications and background investigations of certain of those persons who applied for employment with the Department but who were not hired and have never been employed by the Department.

BACKGROUND:

At regular meetings on November 18, 1986 and February 21, 1995, the City Council adopted Resolutions 86-44 and 95-10 authorizing a procedure and schedule for destruction of certain police records.

Resolutions 86-44 and 95-10 do not address the retention of Field Training Officer Books or retention of applications and background investigations of persons who applied for employment but who were not hired and have never employed by the Department in the list of records that may be destroyed after a period of retention. Field Training Officer Books contain the daily written records of field training and performance evaluations made by the Department's Field Training Officers during their training of new officers who are being prepared to function as solo beat officers. Applicants for employment submit personal information in their applications filed with the Department and may undergo background investigations as part of the hiring evaluation process.

Govt. Code §34090 states that "Unless otherwise provided by law, with the approval of the legislative body by resolution and the written consent of the city attorney the head of a city department may destroy any city record, document, instrument, book or paper, under his charge, without making a copy thereof, after the same is no longer required."

Written consent of the City Attorney, as required by Govt. Code §34090 and by the resolution herein will be obtained prior to any destruction of the Field Training Officer Books or records of application for employment and background investigation.

ANALYSIS:

The Marina Police Department has determined that certain police records of field training for those officers who are no longer currently employed by the Department whose files have been maintained for at least the year of their creation plus five additional years, and who are not currently involved in legal proceedings concerning their service with the Marina Police Department, are no longer required for retention and accumulation of these police records has become unduly cumbersome.

The Department has also determined that certain records of the application and background investigation of those persons who applied for employment but were not hired and have never employed by the Department which have been maintained for the year that the application process or background investigation was closed and completed plus five additional years, and who are not currently involved in legal proceedings concerning their application for employment with the Marina Police Department, are no longer required for retention and accumulation of these records has become unduly cumbersome.

The aforementioned records have been identified as Field Training Officer Books, applications for employment and background investigations and they are currently securely stored at the Public Safety Building, the Human Resource office, and other storage areas within the city limits.

The Marina Police Department's Interim Chief will obtain written approval by the City Attorney, as required by Govt. Code §34090 and the attached resolution prior to purging of such documents.

FISCAL IMPACT:

None.

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Roberto Filice
Police Chief, Interim
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina