

*Lompoc City Council Agenda Item*



**DATE OF CITY COUNCIL MEETING:** October 21, 2008

**TO:** GARY KEEFE, City Administrator

**FROM:** TIMOTHY L. DABNEY Chief of Police  
[t\\_dabney@ci.lompoc.ca.us](mailto:t_dabney@ci.lompoc.ca.us)

**SUBJECT: AUTHORIZATION FOR DESTRUCTION OF DEPARTMENT RECORDS  
CITIZEN'S OPTION**

**RECOMMENDATION**

That the City Council:

1. Approve resolution 5497(08) amending City of Lompoc Records Retention Schedule established under Resolution No. 4104(91) and authorize the destruction of certain obsolete records currently held by the City of Lompoc Police Department.

**BACKGROUND**

On December 17, 1991 the Lompoc City Council passed Resolution No. 4104 establishing a records retention schedule to address the ongoing problem of a shortage of storage space. The Lompoc Police Department is in critical need of storage space and has identified over forty-five (45) boxes of obsolete records that can be destroyed pursuant to California Government Code Section 34090.

In reviewing pages 16 and 17 of the City of Lompoc Record Retention Schedule it was discovered that the retention schedule for documents pertaining to police personnel and Department operations was not congruent with current law. California Penal Code Section 832.5 prescribes that internal affairs records, citizens' complaints and associated disciplinary actions must be maintained for a period of five (5) years. It is in the best interest of the City of Lompoc and the Lompoc Police Department to purge the personnel files of current employees pursuant to the limitations of Penal Code Section 832.5. Furthermore it is also in the City's interest to destroy personnel files, background investigation reports, training files and internal investigations of police department employees who have been separated from employment with the City for over five (5) years; provided the records do not relate to a case actively involved in either civil or criminal litigation, in cases where a new trial may be granted on appeal or when retention is ordered by the court.

Page 17 of the City of Lompoc Record Retention Schedule indicates that personnel and training records are to be permanently retained with the following exceptions:

Internal Affairs Records	7 Year Retention
Citizen Complaint, Unfounded and Exonerated	7 Year Retention

Resolution No. 5497(08) amends the “PERSONNEL AND TRAINING” section of Page 17 of the City of Lompoc Record Retention Schedule to read as follows:

<b>PERSONNEL AND TRAINING</b> (All except the following **)	<b>P</b> (indicating a permanent record)
<b>Internal Affairs Records</b>	<b>5</b> (indicating 5 year retention)
<b>Citizen Complaints</b>	<b>5</b>
<b>Disciplinary Documentation</b>	<b>5</b>
<b>Background Investigation Reports, Training Files and Personnel Files of Employees Separated from Employment with the City of Lompoc for over Five Years</b>	<b>5</b>

**\*\* Provided the record does not relate to a case (a) presently involved in either civil or criminal litigation, (b) where a new trial may be granted on appeal. Records pertaining to a minor shall be retained for five (5) years past the date on which the minor reaches the age of eighteen (18).**

### **RECOMMENDATION**

The Lompoc Police Department recommends that the City Council approve Resolution 5497(08) amending City of Lompoc Records Retention Schedule in congruence with current law as detailed in Exhibit “A,” and authorize the destruction of certain records detailed in Exhibit “B,” attached, that are held by the Lompoc Police Department. This action is to be taken within the confines of California Government Code Section 34090, California Penal Code Section 832.5, and the amended City of Lompoc Records Retention Schedule.

With the approval of the Lompoc City Council, records destruction pursuant to this action is anticipated to take place on or about January 1, 2009.

Respectfully submitted,

TIMOTHY L. DABNEY  
Chief of Police

Attachments: [Resolution No.5497 \(08\)](#)  
[Exhibit “A” – Proposed change to Page 17 of the City of Lompoc Record Retention Schedule](#)  
[Exhibit “B” – detailed list of records to be destroyed](#)

APPROVED FOR SUBMISSION TO THE CITY COUNCIL:

GARY KEEFE  
City Administrator