

25

CITY OF SACRAMENTO



JAMES P. JACKSON  
City Attorney  
THEODORE H. KOBEY, JR.  
Assistant City Attorney  
LELIAND J. SAVAGE  
SAMUEL L. JACKSON  
WILLIAM P. CARNAZZO  
DIANE B. BALTER  
CHRISTINA PRIM  
Deputy City Attorneys

DEPARTMENT OF LAW  
812 TENTH STREET SACRAMENTO, CA 95814  
SUITE 201 TELEPHONE (916) 449-5346

December 10, 1982

Hon. City Council  
City Hall  
Sacramento, CA 95814

CITY MANAGER'S OFFICE  
**RECEIVED**  
DEC 14 1982

Re: DESTRUCTION OF INTERNAL INVESTIGATIONS  
FILES BY THE POLICE DEPARTMENT

Members in Session:

SUMMARY

The Chief of Police has requested authority to destroy Internal Investigations files which are more than eight years old. A resolution authorizing such destruction is attached.

BACKGROUND INFORMATION

The Chief of Police requests authority to destroy Internal Investigations files which are more than eight years old. A copy of a letter requesting such authority by the Chief of Police is attached for your information. Penal Code Section 832.5 authorizes destruction of Internal Investigations files which are more than five years old. The attached resolution would require all files to be maintained for a period of at least eight years. Files which are involved in civil or criminal actions which are pending or anticipated would be retained by the Police Department even if they are more than eight years old. Written approval of the City Manager and City Attorney would also be required before the files could be destroyed.

RECOMMENDATION

It is recommended that the attached resolution be approved.

Very truly yours,

JAMES P. JACKSON  
City Attorney

**APPROVED**  
THE CITY COUNCIL

DEC 21 1982

JPJ/p

Attachments

OFFICE OF THE  
CITY CLERK

Recommendation approved:

All Districts

WALTER J. SLOPE, City Manager

12/21/82



CITY OF SACRAMENTO

RECEIVED  
OCT 22 1982  
CITY ATTORNEY'S OFFICE

DEPARTMENT OF POLICE

HALL OF JUSTICE

SACRAMENTO, CALIFORNIA 95814

813 - 6TH STREET

TELEPHONE (916) 449-5121

JOHN P. KEARNS  
CHIEF OF POLICE

MEMORANDUM

TO: JAMES P. JACKSON  
City Attorney

Date: October 20, 1982

FROM: JOHN P. KEARNS  
Chief of Police

Ref: 10-56

SUBJECT: DESTRUCTION OF OLD  
INTERNAL INVESTIGATIONS FILES

The Internal Investigations files prior to July 1976 were destroyed a number of years ago. We now have files on all complaints made since that time. We are now requesting that your office assist us by preparing a resolution for the City Council which would give us permission to destroy all files more than eight (8) years old.


It is our intention to destroy files more than eight years old on four different occasions each year. Quarterly, we would like to receive permission from the City Council to destroy all files more than eight years old.

We further intend to retain eight year old files when there are either Civil or Criminal actions pending or expected. They would not be destroyed until they are no longer needed.

Without counting the actual number of files to be destroyed, it is estimated that we would destroy somewhere between 50 and 75 files each quarter. The first time we destroy, there would be more files destroyed since we now have a number of old files that were retained at the last destruction due to pending Civil litigation.

The file drawers in the Internal Investigations Section are nearly full and it is very necessary that we be allowed to get rid of the old files. Your immediate action in this matter will be appreciated.

Respectfully,

  
JOHN P. KEARNS  
Chief of Police

JPK:ad

# RESOLUTION NO. 82-906

Adopted by The Sacramento City Council on date of

A RESOLUTION AUTHORIZING DESTRUCTION OF  
INTERNAL INVESTIGATIONS FILES BY THE POLICE  
DEPARTMENT

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO that:

The Chief of Police or his designee is hereby authorized to destroy Internal Investigations files maintained by the Sacramento Police Department, provided said files are more than eight (8) years old. Such files shall not be destroyed if they are involved in civil or criminal actions which are pending or anticipated.

The Internal Investigations files shall not be destroyed unless prior written approval is first given by the City Manager and the City Attorney.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**APPROVED**  
BY THE CITY COUNCIL

DEC 21 1982

OFFICE OF THE  
CITY CLERK