

ATTACHMENT 1

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AUTHORIZING THE DESTRUCTION OF RECORDS PER GOVERNMENT CODE SECTION 34090

WHEREAS, Penal Code Section 832.5 requires that citizen complaints or internal affairs investigations against police department personnel and any related reports or findings be maintained for a period of at least five years if there is no sustained finding of misconduct and at least 15 years if there is such a sustained finding; and

WHEREAS, Government Code Section 34090 expressly authorizes the Chief of Police for the Town of Atherton, upon resolution of the City Council and written consent of the City Attorney, to destroy City records, documents, instruments and other papers under his charge that are no longer required to be retained by the City; and

WHEREAS, the Chief of Police has agreed to review the status of any such citizen complaint or internal affairs investigation in excess of five years for pending related civil or criminal litigation prior to its destruction and only if the employee no longer works for the Town of Atherton shall said records be destroyed; and

WHEREAS, the City Attorney hereby gives her written consent for the destruction of the following records:

ITEM NUMBER	RECORD TITLE	RETENTION
2017-001	Citizens Complaint with No Sustained Finding of Misconduct	5 years
2017-002	Citizens Complaint with No Sustained Finding of Misconduct	5 years
2017-001	Internal Affairs Investigation with No Sustained Finding of Misconduct	5 years
2017-002	Internal Affairs Investigation with No Sustained Finding of Misconduct	5 years
N/A	Partial Background – Police Officer applicant	4 years
N/A	Partial Background – Dispatcher applicant	4 years

NOW, THEREFORE, BE IT RESOLVED, The Chief of Police and City Attorney have reviewed the status of the 2 Citizen Complaint Investigations, 2 Internal Affairs Investigations, and 2 partial backgrounds.

BE IT FURTHER RESOLVED that nothing in this resolution is intended to supersede or otherwise conflict with any other law or any lawful judicial process which might affect retention or destruction of such records.

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 15th day of February, 2023, by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSTAIN: Council Members:
ABSENT: Council Members:

Mayor Widmer

Mayor ATTEST:

Anthony Suber
City Clerk

Mona Ebrahimi
City Attorney