

Date: December 15, 2022

To: Thomas B. Modica, City Manager



From: Wally Hebeish, Chief of Police



For: Mayor and Members of the City Council

Subject: **Resumption of Authorized Records Retention and Destruction**

On June 16, 2020, the Police Department was provided direction from the City Manager to go through the Racial Equity and Reconciliation Initiative and educate the community on data and police records, and provide an explanation of what documents are kept and which are destroyed after a specified period of time, similar to all other City of Long Beach (City) departments. To this end, the Police Department is posting a summary of the relevant City and State legislation that guides its record retention on its website. This summary includes links to the applicable legislation and will remind the public that the Department cannot update its record retention schedule in isolation; instead, all record retention schedule updates must go through a rigorous multi-Departmental review before being updates are adopted.

Effective January 1, 2019, Senate Bill 1421 (SB 1421) amended sections of Penal Code 832.7, which generally made all peace officer personnel records and information confidential and exempt from disclosure, except by motion in criminal, civil, or administrative action. SB 1421 created exceptions that allow the public to obtain peace officer and custodial officer records relating to the report, investigation, or findings of specific incidents. Additionally, effective July 1, 2019, Assembly Bill 748 (AB 748) amended Government Code Section 6254, related to the release of audio recordings, which requires agencies to produce video and audio recordings of incidents involving the discharge of a firearm and any use of force by an officer or custodial officer against a person, resulting in death or great bodily injury. Most recently, Senate Bill 16 (SB 16) amended sections of 832.5, 832.7, and 832.12 to make the following sustained findings subject to disclosure: Unlawful arrests, unlawful searches, failure to intervene against another officer using unreasonable or excessive force, and/or conduct involving prejudice or discrimination against a protected class.

The Police Department adheres to California statutes and administrative codes in addition to the Department's approved retention schedule as they relate to records destruction, including the destruction of SB 1421 and AB 748 disclosable records. In keeping with California Secretary of State compliance, and where the period is specified by State law and City Council, the Police Department will adhere to the authorized records retention schedule. In adherence to the authorized retention schedule, the Police Department will submit an item to the City Council agenda requesting destruction of records which will only be destroyed upon approval by the City Council. This process of record destruction is the standard policy for destruction of records citywide. Accordingly, the Police Department will recommence destruction of applicable City Council authorized records, thus avoiding the incurrence of unwarranted costs through unnecessary storage, as set forth by the above-referenced authority.

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If you have any questions, please contact me or my Chief of Staff, Commander Michael Solomita, at (562) 570-7301.

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