

ORDINANCE NO. _____

An ordinance amending Subsections 6 and 7 of Section 12.3 of the Los Angeles Administrative Code regarding the records disposition schedule.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subsections 6 and 7 of Section 12.3 of the Los Angeles Administrative Code are amended in their entirety to read as follows:

(6) Records not included in categories (1) through (5) or (7) and (8) of Subsection (b) shall be retained for a minimum of two years unless a shorter period is otherwise permitted by law or a longer period is otherwise required by law, or unless, consistent with state law, a different period of retention is established by order or resolution of the Council. These records shall be identified and designated by form, series title, or by subject, listed either individually or by series, in alphabetical or numerical sequence.

(7) Records in the form of telephone and/or radio communications which are recorded routinely on a daily basis on tapes as a part of the regular public health, peace or safety operation of the Police and Fire Departments shall be retained for a minimum period of 15 months subject to the following provisions:

A. In the event that, prior to the date of destruction a record of this type (hereinafter referred to as "tape record") has been subpoenaed or ordered or requested to be held in connection with any litigation, either criminal or civil, or any administrative proceeding, or to the awareness of either the Los Angeles Police Department or Los Angeles Fire Department has otherwise become or is likely to become the subject of discovery proceedings in any of the above types of actions, a request for destruction thereof shall not be filed, nor shall the original of such tape record be destroyed unless:

(i) A re-recording or duplicate has been made of the conversation or other communication which is a part of the subject matter of the litigation or administrative proceeding contained on the original tape record;

(ii) The preparation of the re-recording or duplicate is or can be properly authenticated;

(iii) The party or parties subpoenaing or otherwise ordering or requesting the production of the tape record have been advised of the intended destruction of the original tape record and that the retention of the original tape record may be requested; and

(iv) There has been no request for the retention of the original tape record as of the date the request for destruction is filed with the City Clerk.

In the event there is a request for retention of the original tape record, as distinguished from a re-recording or duplication thereof as above provided, the original tape record shall be retained until the litigation or administrative action is resolved or becomes final or there has been approval for the release of the record from the party or parties initially requesting the retention of such original tape record, provided that fifteen months have transpired since the original record was placed on the tape, and the Council has approved its destruction.

B. In the event the City Council, or a City officer or department, is informed or has reason to believe that a particular event, activity, or occurrence which took place may have been recorded either by the Police or Fire Department as part of a tape record, or part of such type of record of a particular date and that the record should be retained, the Council or such officer or department shall cause the department which has possession of the record to be informed that probable cause exists for retention of the record for reasons stated. Upon receipt of such notice, or based upon its own information or reason to believe that cause for retention may exist, the department in possession of the record shall review that portion of the tape or recording of the particular date or part thereof identified with respect to the event, activity or occurrence referred to. Upon completion of that review, if said department determines that the record contains matters identifiable under any of those Subsection (b) Categories (1) through (6), the record shall be retained for the longest period of time required by those categories under which identified.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
DARREN R. MARTINEZ
Deputy City Attorney

Date 2/1/16

File No. 15-0616