

Personnel Files

1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to personnel data in accordance with established law. It is the policy of this department to maintain personnel data pursuant to state law.

1026.2 ADMINISTRATIVE FILE DEFINED

Administrative file - Any file of an employee containing information, comments or documents about an employee. The term does not include any file relating to an internal investigation conducted pursuant to misconduct or a criminal investigation of an officer. An Administrative File is a personnel file.

1026.2.1 REQUIRED PERSONNEL FILE CONTENTS

Unfavorable comments or documents entered into an employee's personnel file require that the employee has the opportunity to read, initial or comment. If the employee refuses to initial or comment, a notation is to be made upon the document. The employee may also submit a written response to the document within 30 calendar days.

The personnel file should contain any letter, memorandum or document relating to:

- A commendation, congratulation or honor bestowed on an employee by a member of the public or by the Department for an action, duty or activity that relates to official duties.
- Any misconduct by the employee if the letter, memorandum or document is from the Department and if the misconduct resulted in disciplinary action (ARS § 39-128).
- The periodic evaluation of the officer by a supervisor.

1026.2.2 PERMITTED PERSONNEL FILE CONTENTS

Personnel files may contain:

- (a) Personal data, including marital status, family members, educational and employment history or similar information.
- (b) Employee advancement or promotion.

1026.2.3 PROHIBITED PERSONNEL FILE CONTENTS

Personnel files may not contain:

- A letter, memorandum or document relating to alleged misconduct when there is insufficient evidence to sustain the charge of misconduct.
- Documents regarding nonsustained complaints or violations. However, these may be retained in the confidential Department files located in Professional Standards.

Peoria Police Department

Policy Manual

Personnel Files

- Medical history. Any medical records or files will be retained by the Human Resources Department.

1026.3 TYPES OF PERSONNEL FILES

The Department may maintain a personnel file on an employee for the Department's use, but the Department may not release any information contained in the file to any agency or person unless allowed by law or with consent. The Department shall refer to the Chief of Police or a designee any person or agency that requests information that is maintained in a confidential personnel file.

Employee personnel files can be located in any of the following places:

- Personnel and Training/Youth Services Section
- Professional Standards
- Administration
- Supervisor's Office
- City of Peoria Human Resources Department

1026.3.1 DEPARTMENT FILE

The Department file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained and a copy provided to the employee.
- (b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education.
 1. It shall be the responsibility of the involved employee to provide the Training Section or immediate supervisor with evidence of completed training/education in a timely manner.
 2. The Training Section or supervisor shall ensure that copies of such training records are placed in the employee's Department file.
- c. Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.
- d. A photograph of the employee.

1026.3.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations.

- All materials intended for this interim file shall be provided to the employee prior to being placed in the file.
- Duplicate copies of items that will also be included in the employee's Department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.

Peoria Police Department

Policy Manual

Personnel Files

- Once the permanent performance evaluation form has been made final, the underlying foundational material and/or duplicate copies may be purged in accordance with this policy.

All rules of confidentiality and disclosure shall apply equally to the division file.

A record of a supervisory intervention procedure or a policy and procedure inquiry regarding an officer shall not be maintained except in the division file or in PSU.

1026.3.3 TRAINING FILES

An individual training file shall be maintained by the Personnel and Training/Youth Services Section Manager for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

- It shall be the responsibility of the involved employee to provide the Training Section or immediate supervisor with evidence of completed training/education in a timely manner.
- The Training Section shall ensure that copies of such training records are placed in the employee's training file.

1026.4 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Administrative Investigation Files - Those files that contain records relating to internal or criminal investigations of the employee.

City Personnel Files - Administrative files and other employee files maintained by the City and not under the control of the Chief of Police.

Department File - That file which is maintained in the office of the Chief of Police as a permanent record of a sworn officer employment with this department.

Division File - Any file, which is separately maintained internally by an employee's supervisor within an assigned division for the purpose of completing timely performance evaluations.

Professional Standards Unit Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - A file which is maintained separately that exclusively contains material relating to an employee's medical history. This information will be stored exclusively in the City's Human Resources Department.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Supervisors Files - A file maintained on employees by supervisors for the purpose of creating performance appraisals.

Training File - Any file which documents the training records of an employee.

Peoria Police Department

Policy Manual

Personnel Files

1026.5 CONFIDENTIALITY OF ALL PERSONNEL FILES

All of the personnel data defined above shall be deemed private and shall not be subject to disclosure except pursuant to state and federal discovery procedures, state law or with the employee's written consent. Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1026.6 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any data classified as other than public contained in any personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Deputy Chief of Support Services, the Custodian of Records or other supervisor charged with the maintenance of such records (see generally ARS § 39-121.02).

Upon receipt of any such request, the responsible supervisor shall notify the affected employee as soon as practicable that such a request has been made.

The responsible supervisor shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases this will require assistance of approved and available legal counsel.

All requests for disclosure that result in access to an employee's personnel data, shall be logged in the corresponding file and the affected employee shall be notified.

1026.6.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy, pursuant to lawful process, pursuant to state law or court order, no private data shall be disclosed without the written consent of the employee or written authorization of the Chief of Police or a designee.

Except as otherwise provided by law the home address and any photograph of an employee in the possession of the Department is private data (ARS § 39-123(A)).

Any employee who knowingly discloses a peace officer's home address, telephone number or photograph with the intent to hinder an investigation, cause physical injury to the peace officer or immediate family or cause damage to the property of the peace officer or immediate family, may be guilty of a crime (ARS § 39-124).

The Department may also release any factual information concerning a disciplinary investigation.

The Department shall make available to a panel of an authorized review board any personnel file or other material necessary for the panel to conduct official business.

1026.7 EMPLOYEE ACCESS TO OWN FILE

Upon request, an employee may review all data of that employee other than data classified as confidential.

The officer or his/her authorized representative may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the Department relating to the investigation, including any recordings, notes, transcripts of interviews and documents if the investigation causes the Department to impose punitive action and the peace officer has received notice (ARS § 38-1101(D)).

Peoria Police Department

Policy Manual

Personnel Files

Any employee seeking the removal of any data from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such data if appropriate, or within 30 days provide the employee with a written explanation why the contested data will not be removed. If the contested data is not removed, the employee's request and the organization's written response shall be retained with the contested data in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

- Ongoing internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.
- Confidential portions of internal affairs files that have not been sustained against the employee.
- Criminal investigations involving the employee.

1026.8 PURGING OF FILES

Personnel data not involved in pending litigation or other ongoing legal proceedings may be purged from respective Department files once the required records retention period has been met.

- Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.
- If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.
- During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If in the opinion of the Chief of Police or designee, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to records destruction requirements.