

**COMMENTS
FROM SURVEY PARTICIPANTS**

INTERNAL AFFAIRS RECORD RETENTION SURVEY

* CALIFORNIA LAW ENFORCEMENT ONLINE SURVEY RESULTS * MAY 2006 *

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AGENCY: Blue Lake Police Department

PERSON COMPLETING SURVEY: Dave Gundersen

EMAIL: bluelakepd@aol.com

TELEPHONE: (707) 668-5895

COMMENTS:

Held in the officers personnel file for 3 years if the IA is from within and 5 years from the outside. No real system, we are a small dept. A copy of the IA face page is held in the Chief's office for the yearly DOJ IA report.

AGENCY: Buena Park Police Department

PERSON COMPLETING SURVEY: Corey Sianez

EMAIL: csianez@bppd.com

TELEPHONE: 714-562-3917

COMMENTS:

By City Counsel Action, all records involving complaints and backgrounds are destroyed after a 5 year retention period. The exception would be if there is any pending (known) civil litagation or potential litagation involving the employee, whether still employed or not.

AGENCY: Burbank Police

PERSON COMPLETING SURVEY: Peggy Peters

EMAIL: ppeters@ci.burbank.ca.us

TELEPHONE: (818) 238-3200

COMMENTS:

The retention schedule for all official documents is established by the City Council. The retention period for complaints against departmental employees is five years.

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COMMENTS:

Hand search annually. Records over 6-years from the date of service (and lacking any evidence of repeated incidence of violations) within 6-years will be removed for pending purge. Upon final approval from City Attorney, City Clerk, and Chief of Police, records are destroyed. Specific records may be requested to be retained by any of those three, although specific reasons must be given for retention (i.e. pending civil litigation). The Chief is the final authority for all record retentions and destructions.

New database was developed in 2004 that will automatically "flag" records due for destruction.

AGENCY:

PERSON COMPLETING SURVEY:

EMAIL:

TELEPHONE:

COMMENTS:

Personnel complaints and subsequent investigations are retained in the Office of the Chief of Police for 5 years, after which a request to purge the records is forwarded through the City Attorney to the City Counsel for approval.

AGENCY:

PERSON COMPLETING SURVEY:

EMAIL:

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COMMENTS:

We are a small Department of 39 sworn officers and all Internal Affairs complaints and investigations are retained in the Police Chief's office for a minimum of 5 years or as long as someone is employed with the City. The Police Chief is the only person who has access to these investigative files once they have been submitted from disposition by the investigating officer. The investigating officer for our Department may be as assigned by the Chief of Police which is usually a Lieutenant or the Assistant Chief.

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AGENCY: Foster City Police Department

PERSON COMPLETING SURVEY: Jon Froomin

EMAIL: jfroomin@fostercity.org

TELEPHONE: 650-286-3332

COMMENTS:

They are retained in paper form in a locked cabinet in the Office of the Chief of Police.

AGENCY: Fremont PD

PERSON COMPLETING SURVEY: Chief Craig Steckler

EMAIL: csteckler@ci.fremont.ca.us

TELEPHONE: 510-790-6810

COMMENTS:

As indicated in my e-mail to you, we purge citizen complaints after 5 years and Internal Affairs investigations after 2 years per state statute. We do this on advice of CPCA legal counsel Marty Mayer.

Craig

AGENCY: Garden Grove PD

PERSON COMPLETING SURVEY: Bill Eriksen

EMAIL: williams@ci.garden-grove.ca.us

TELEPHONE: 714-741-5923

COMMENTS:

The complaints are retained in the IA office. Annually in January the IA Sgt. prepares a memo to the Chief of Police listing all complaints 5 years old including a brief summary and requests they be approved for purging.

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AGENCY: LAPD

PERSON COMPLETING SURVEY: Michael Brausam EMAIL: 25617@lapd.lacity.org

TELEPHONE: 213-473-4616

COMMENTS: No limit on how long complaints are retained. Held in storage indefinitely.

AGENCY: Long Beach PD

PERSON COMPLETING SURVEY: Dan Pratt, Sergeant EMAIL: Dan_Pratt@longbeach.gov

TELEPHONE: (562) 570-7411

COMMENTS: Complaints where personnel receive 10 or more days off are kept on file permanently. Anything less is purged after five years.

AGENCY: Manhattan Beach Police Department

PERSON COMPLETING SURVEY: Randy Leaf EMAIL: rleaf@citymb.info

TELEPHONE: (310) 802-5108

COMMENTS: They are destroyed per the City's retention schedule and Council Resolution after the year of occurrence plus five years. The City Attorney approves the destruction of complaints before they are destroyed, to ensure there is no pending litigation.

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AGENCY: Modesto PD

PERSON COMPLETING SURVEY: Michael Harris

EMAIL: harrism@modestopd.com

TELEPHONE: 209-572-9612

COMMENTS: Complaints which have a disposition of Sustained are currently kept indefinitely. All other complaints are purged after 5 years. We are looking into purging all personnel complaints after 5 years but have not changed our policy as of yet.

AGENCY: Morgan Hill Polcie

PERSON COMPLETING SURVEY: Joe Sampson

EMAIL: joe.sampson@morganhill.ca.gov

TELEPHONE: 408-776-7318

COMMENTS: We purge every 5 years unless a Brady issue come about related to a case and the DA requests we retain a file indefinitely. In that case the file is removed from the employee jacket after the 5 year period so as not to impact promotability. It is retained by HR department from that point forward.

AGENCY: Oakland PD

PERSON COMPLETING SURVEY: Jeff Israel

EMAIL: jisrael@oaklandnet.com

TELEPHONE: 510238-3330

COMMENTS: We are currently under a Settlement Agreement monitored by the federal court. OPD initially wanted to destroy IAD files after 5 years but the court "requested" that we retain them forever. I argued strongly against permanent retention and the City Attorney agreed but was also overruled. Part of the reason is that OPD was not doing a good job of compliance with the Settlement Agreement so we were not in a good position to argue with the court. I suspect that this issue may be revisited after a few more years of compliance.
Deputy Chief Jeffrey Israel
Internal Affairs Division Chief

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COMMENTS:

Citizen Complaint are held for approximately 6 yrs then purged. It doesn't matter if the case is founded or not. In the case of founded complaints, the disposition is placed in the personnel file and kept indefinitely. Internal Complaints are currently kept indefinitely. This includes passed employees. We are in the process of trying to change the internal complaint to 6 yrs to have it consistent with citizen complaints.

AGENCY:

PERSON COMPLETING SURVEY:

EMAIL:

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COMMENTS:

Discretion of the Chief of Police

AGENCY:

PERSON COMPLETING SURVEY:

EMAIL:

TELEPHONE:

COMMENTS:

Personnel complaints/investigations are maintained for five years as required by law. After the fifth year, our agency destroys the personnel complaint. If an officer leaves employment prior to the five years, we still maintain the personnel complaint for the duration of the five years then destroy it.

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COMMENTS:

At this time all personnel complaints are kept/retained indefinitely. We are interested in examining this procedure and considering modifications.

AGENCY:

PERSON COMPLETING SURVEY:

EMAIL:

TELEPHONE:

COMMENTS:

All personnel complaints, no matter what the finding, is retained in I.A. Every five years, at the start of a new fiscal year, a request for a council resolution for destruction of certain named records is made in accordance with City Municipal Code and State Government Code. Personnel complaints over 5 1/2 years old that are not the subject of pending litigation are included in this destruction order.

AGENCY:

PERSON COMPLETING SURVEY:

EMAIL:

TELEPHONE:

COMMENTS:

Personnel complaints (citizen or department generated) are retained as part of the internal affairs investigation package for five years. If the complaint is sustained against the employee and involves a "Brady" issue, it will be retained as long as the subject is an employee plus five years.

Please keep in mind the average number of personnel complaints per year for our agency is 35 over the last five years. Question number 2 is answered based upon the two employees terminated in 2005. There were no terminations from 2001 through 2004.

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COMMENTS:

We purge the materials after five years from the date of the incident that gave rise to the complaint.

AGENCY:

PERSON COMPLETING SURVEY:

EMAIL:

TELEPHONE:

COMMENTS:

The department maintains all complaints for 5 years. Any complaints made that are determined to be "service and procedure" are filed separate from citizen complaints and are also purged after 5 years.

AGENCY:

PERSON COMPLETING SURVEY:

EMAIL:

TELEPHONE:

COMMENTS:

After the completion of the complaint, the original complaint as well as any recordings are retained in a file maintained by Internal Affairs. The complaints have a completion date assigned to the file. After five years the complaint is removed from the file and destroyed. However, Internal Affairs keeps an officers log, which lists the name of the officer, the complainant, the nature of the complaint, the disposition of the complaint, and the date of completion of the complaint. This log is kept for as long as the officer is employed with our agency.

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COMMENTS:

We keep all personnel complaints for six years. We notify the officers after six years that their file will be purged.

AGENCY:

PERSON COMPLETING SURVEY:

EMAIL:

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COMMENTS:

Hard copies of complaints are maintained in locked file cabinets in the Office of Professional Standards. We separate complaints into two categories--"A.I." investigations and "Inquiries." Inquiries are complaints based solely on a dissatisfaction with a department practice, policy or law (not conduct). Both A.I.'s and Inquiries are retained for 5.5 years. Files are reviewed every six months to ensure compliance with our purge protocol. Complaints are filed by the year they were reported. Both the investigation and any supporting tapes/C.D.'s are packaged together. We use I.A. Pro (A commercial computer program) for electronic tracking all I.A.'s, Inquiries, Use of Force, Damage Claims and On-Duty Traffic Accidents. With such a low I.A. and Inquiry caseload we have not yet experienced the need to scan our investigations.

AGENCY:

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EMAIL:

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COMMENTS:

External citizen complaints are retained for a period of five (5) years from the date of the complaint (Penal Code 832.5 (b)). Internal complaints are retained for a period of two (2) years.

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