

SAN DIEGO POLICE DEPARTMENT PROCEDURE

DATE: August 28, 2015

NUMBER: 5.08 – HUMAN RESOURCES

SUBJECT: DIVISIONAL AND PERSONNEL FILES

RELATED POLICY: 5.08

ORIGINATING DIVISION: HUMAN RESOURCES

NEW PROCEDURE:

PROCEDURAL CHANGE:

SUPERSEDES: DP 5.08 – 04/11/2014

I. PURPOSE

This Department procedure establishes guidelines for maintaining divisional and personnel files.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

Section 832.8 of the Penal Code defines a personnel file as any file maintained by the employing agency under any employee's name, identification number, or any other system which separates one employee from another, containing records relating to personal data, medical history, election of employee benefits, advancement, appraisal, discipline, complaints, or investigations thereof which resulted in disciplinary action or any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

IV. DEFINITIONS

A. Divisional personnel file - a working file for the short-term retention of informal documents pertaining to an employee's performance.

B. Department personnel file - a permanent repository for the retention of all formal and/or official documents pertaining to an employee's job performance and/or employment history.

V. PROCEDURES

A. The employee's divisional file:

1. Will include the original Performance Plan document signed by the employee;
2. Will be maintained by the employee's command and, upon the employee's transfer to another PD assignment, will be hand carried to the appropriate command within fourteen days of the date of transfer of the employee. Upon transfer to another City Department or upon leaving employment, hand carry to Police HR as soon as possible;
3. Will be purged annually on the employee's employment anniversary date. The Standardized Purge Form (PD-129PE) shall be filed on the left side of the folder and will be used to record purging dates;
4. May contain documents that are less than one-year-old when an employee's anniversary date occurs. These documents shall be purged at a later date; and,
5. Will contain documents with a retention period of one year, except for the following:
 - a. The original Performance Plan document;
 - b. Department Procedure 1.20 Acknowledgement of Receipt;
 - c. Emergency Notification Information form; and,
 - d. Notes of Counseling and Written Warnings for sworn personnel and personnel investigations for sworn personnel completed by the employee's command that result in no written disciplinary action. These documents will be maintained using the following guidelines:
 - (1) These documents must be maintained with all associated attachments in the employee's divisional file for two years from the date of investigation, pursuant to Government Code section 34090(d).

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- (2) The employee shall read and sign the disciplinary documents and/or the personnel investigation.
- (3) After one year, the disciplinary documents for sworn personnel and personnel investigations for sworn personnel shall be sealed by the command and maintained in the employee's divisional file for one additional year.
- (4) The sealed envelope shall be marked with the appropriate date for destruction.
- (5) It shall not be opened except by judicial order, Police Human Resources, or a Police Legal Advisor, and only in the event the officer is the subject of litigation.

B. The Department personnel file:

- 1. Is maintained by Human Resources Unit;
- 2. Is not subject to purging; and,
- 3. Is subject to the provisions of the appropriate Memorandum of Understanding.

C. The following is a list of appropriate documents for the respective files:

Divisional personnel file

Standardized Purge Form

Original performance plan

Performance evaluations
(quarterly, annual)

Previous one year only

Emergency Notification Form

Department Procedure 1.20
Acknowledgement of Receipt

Informal/citizen commendations

Monthly performance
evaluations for probationary
employees

Department personnel file

Performance evaluations (all)

Formal discipline
Reprimands/Suspensions
Disciplinary transfers

Emergency Notification Form

Department Procedure 1.20
Acknowledgement of Receipt

Findings of the Civil Service
Commission

Certificates and awards

Weapons approvals

Informal discipline	Ammunition approvals
Warnings/Notes of Counseling	Formal commendations (Commanding Officer Citations and above) Refer to DP 5.17, Awards, for complete list
Copy of inspection or other discrepancy report	Waivers
Missed-call notices	Termination with supporting documentation
Copy of transfer requests (PD- 599) and recommendations memoranda	Notification regarding recommendations against rehire and supporting documents
Other non-permanent documents pertaining to an employee's performance	Civilian personnel only; retain OCA tracking logs with less than 176 accumulated hours worked.
Civilian personnel only; retain all OCA tracking logs with less than 176 accumulated hours worked in the current fiscal year.	
<p>D. The following items shall not be kept in the personnel files:</p> <ol style="list-style-type: none">1. Complaint Control Forms (PD-232), and complaint investigation reports completed by Internal Affairs;2. Records of grievances; and,3. Any records of injuries, doctor evaluations or reports, and any other documents related to an employee's medical status. These documents are maintained separately in the Medical Assistance Unit and Risk Management Department files.	
<p>E. The proper placement/retention period of any document will be determined by the Assistant Chief of Training/Employee Development, or designee.</p>	
<p>F. Any employee wishing to review his/her divisional file should contact his/her immediate supervisor who will arrange access to the file at a mutually-acceptable time.</p>	
<p>G. Any employee wishing to review his/her Department personnel file should contact Human Resources on weekdays between the hours of 0730 and 1700 hours.</p>	

VI. CONFIDENTIALITY OF PERSONNEL FILES

- A. Pursuant to section 832.7 of the Penal Code, the contents of an employee's personnel file are confidential and may not be disclosed in any criminal or civil proceeding, except by formal discovery.
- B. Accordingly, access to an employee's personnel file will be limited to:
 - 1. The employee – any and all information in either the divisional or Department files;
 - 2. The employee's direct chain of command – the same as above;
 - 3. Those other persons authorized access by section 832.7 of the Penal Code;
 - 4. Those persons to whom an employee has given written permission (a waiver) to review his/her personnel file. The Human Resources' Commanding Officer, or designee, must approve any such waiver; and,
 - 5. Those persons identified above who have signed the log maintained in the Human Resources Unit and stated therein their reason for seeking access to an employee's Department personnel file.
- C. The right of access to an employee's personnel file will be determined by the Assistant Chief of Training/Employee Development.
- D. For information regarding access to Internal Affairs Unit files, refer to Department Procedure 1.10, Citizen Complaints, Officer Involved Shootings and In-Custody Deaths; Reception, Investigation, and Routing Procedure.