

Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Colorado (CRS § 24-72-301 et seq.)

1013.3 DEPARTMENT FILE

Personnel files shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

1. Personal data, including the individual's Personal History Statement, which may include photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
2. Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
3. Original performance evaluations. These should be permanently maintained.
4. Discipline records, including copies of corrective action letters and letters of expectations.
 1. Outcomes arising from personnel complaints shall be maintained within the department's.
5. Commendations and awards.
6. Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1013.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor within the performance management database for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1013.5 TRAINING FILE

An individual training file shall be maintained by the department's administrative data system for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms

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qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the department's administrative assistant with evidence of completed training/education in a timely manner.
- (b) The department's administrative assistant or supervisor shall insure that copies of such training records are placed in the member's training file.

1013.6 INTERNAL AFFAIRS FILE

All internal administrative review files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or designee.

These files shall contain the complete investigation of all formal complaints of alleged member misconduct, regardless of disposition. Investigation of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the department's administrative review database:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

1013.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1013.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

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Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Office of General Counsel or other attorneys or representing the interests of the University in connection with official business.

1013.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the HR Liaison or other person charged with the maintenance of such records.

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

The responsible person shall further insure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In some cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

Supervisors may review a personnel file for those members under their supervision at time of re-assignment or during evaluation periods.

1013.8.2 RELEASE OF PERSONNEL INFORMATION

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1013.8.3 RELEASE OF FILES TO AUTHORIZED AGENCIES

Upon receipt of a valid waiver, the Custodian of Records shall disclose data in the personnel file of a current or former officer, including internal affairs files, within 21 days to another law enforcement or governmental agency that is interviewing the officer. Prior to release, the Custodian of Records shall ensure that the information is not subject to a binding nondisclosure agreement. Disclosure may be accomplished by either providing copies of the personnel files or allowing the requesting agency to review the personnel files at the Department (CRS § 24-33.5-115; CRS § 24-35-120; CRS § 30-10-526; CRS § 31-30-108; CRS § 33-9-112).

1013.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department may remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If

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the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record.

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

- (a) An ongoing administrative review investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of administrative review files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (e) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.
- (f) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (g) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1013.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.