



San Diego Community College District Police Department Policy and Procedures

5.05 PERSONNEL FILES

EFF. 10/01/19

I. PURPOSE

This Department procedure establishes guidelines for maintaining personnel files.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

Government Code Section 6250 exempts personnel files and medical records of an employee from unauthorized public disclosure. Further protection is provided to personnel files of peace officers by Penal Code Sections 832.7 and 832.8.

Generally, a personnel file is any file maintained under any employee's name containing records relating to personal data, performance evaluations, discipline, or medical history, disclosure of which would constitute an unwarranted invasion of personal privacy.

IV. DEFINITIONS

A. District Personnel File

The District Personnel File is a file maintained in the District Human Resources office. The file will include initial and subsequent medical examination and employment records, workers' compensation and official commendation and discipline letters.

B. Department Personnel File

The Department Personnel File is a general personnel file maintained in the office of the Chief of Police. It contains both permanent and temporary records relating to performance, employment history and issued equipment.

C. Internal Affairs File

Internal Affairs files are maintained in the Internal Affairs office and contain Citizen Complaint Report Forms, investigation reports and materials relevant to internal investigations.

D. Medical Records File

The Medical Records File is maintained in the office of the Chief of Police and contains medical reports and injury records.

E. Training File

The Training File is maintained by the Training Supervisor and contains records of employee training.

V. **PROCEDURES**

A. Document Retention

Documents to be retained in the Department's personnel files will fall into two general categories: permanent and temporary. Temporary documents will be purged at the end of a specified period.

1. The following are temporary retention documents:

- a. PAS Sheets (retained for 3 years);
- b. Leave Slips (retained for 1 year);
- c. Informal commendations (retained for 2 years);
- d. Informal discipline [less than a reprimand] (retained for 2 years).

2. The following are permanent retention documents:

- a. Injury and/or any medical reports;
- b. Evaluations;
- c. Department issued equipment records and weapons approvals;
- d. Formal commendations;

- e. Formal discipline (reprimand or above);
 - f. Training records.
- B. Documents of a temporary nature purged from an employee's personnel file will be returned to the employee.
- C. Citizen complaint and internal investigations files will be maintained in accordance with requirements in the Penal Code.
- D. No comment adverse to an employee's interest may be placed in the employee's Department Personnel or Training File without the employee having the opportunity to review the document containing the adverse comment. The employee may, within 30 days, submit a response to any adverse comment and have the response filed with the adverse comment in the Department Personnel or Training File.
- E. Additional procedures regarding employee personnel files for different classes of employees are found in the labor agreements with respective employee groups.
- F. In accordance with the provisions of appropriate labor agreements an employee may request that certain information in the Department Personnel file be sealed.

VI. CONFIDENTIALITY OF PERSONNEL FILES

The content of an employee's personnel file are confidential. Accordingly, access to an employee's personnel file will be limited to:

- A. The employee - any and all information in the Department personnel file, medical record file or training file.
- B. The employee's direct chain of command - the same as IV, A, excluding the employee's medical records.
- C. Those other persons authorized access by Penal Code Section 832.7.
- D. Those persons to whom an employee, pursuant to Section 56 of the Civil Code, has given written permission (a waiver) to review their personnel file. Any such waiver must be approved by the Chief of Police or his designee.
- E. The right of access to an employee's personnel file will be determined by the Chief of Police or his designee.