

Retention Schedule #: 29954

Category two investigation case files

For submission to the Records Management Committee, May 2020 [Continued from April 2020 meeting]

Agency: Office of Professional Standards (within the Department of Public Safety)
Archives RIM specialist: Kendra Yates

1. What's changing

This is a **new** retention schedule.

2. The retention schedule to be approved

Utah State Archives

Parent Agency: Public Safety Department
Office of Professional Standards

Agency: Department of Public Safety. Office of Professional Standards

4501 South 2700 West
Salt Lake City, UT 84119
801-965-4533

Records Officer: D. Denney

29954 Category two investigation case files

Retention Schedule(s) for the record series listed above have been examined and approved for submission to the State Records Management Committee.

BEAU MASON
Chief Administrative Officer (print)

[Signature]
Signature

Captain
Title

4/15/20
Date

Utah State Archives

AGENCY: Department of Public Safety. Office of Professional Standards

SERIES: 29954

TITLE: Category two investigation case files

DATES: 1936-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

These records support the agency's function to investigate complaints or allegations of misconduct or improper job performance against any Department of Public Safety employee, including peace officers, dispatchers, and civilian employees that, if true, would constitute a violation of Department policy. The agency investigates for the purpose of administering employee discipline, not for legal purposes. The Department of Public Safety has a policy which classifies investigations into categories based on the seriousness of the allegations. This record series contains complaints or investigation requests and the resulting investigation records for the allegations classified as category two, including policy violations that are not criminal in nature but are serious enough to warrant official discipline. Examples include complaints of unprofessional or rude tone used with customer, tardiness, or ending a shift with less than half of a tank of gasoline in work vehicle.

RETENTION:

Retain for 15 year(s)

DISPOSITION:

Destroy.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series is proposed and has not yet been approved.

FORMAT MANAGEMENT:

Paper: Retain in Office for 3 years and then transfer to State Records Center. Retain in State Records Center for 12 years and then transfer to State Archives with authority to weed.

Computer data files: Retain in Office for 15 years and then delete.

Utah State Archives

AGENCY: Department of Public Safety. Office of Professional Standards

SERIES: 29954

TITLE: Category two investigation case files

(continued)

APPRAISAL:

These records have administrative value(s).

RETENTION JUSTIFICATION:

These records are used to demonstrate patterns of behavior and cumulative discipline. The agency would like more than the common seven years of data from which to establish patterns of behavior.

PRIMARY DESIGNATION:

Private Utah Code 63G-2-302(2)(a)(2019)

SECONDARY DESIGNATION(S):

Public. Utah Code 63G-2-301(3)(o)(2018)

Protected. Utah Code 63G-2-305(10)(2019)

3. Explanation

Requested retention

- 15 years, then destroy.
- These records are used to demonstrate patterns of behavior and cumulative discipline of employees. The agency would like more than the common 7 years of data (as required by the GRS) from which to establish patterns of behavior.
- NOTE: I was incorrect last month when I said that the Brady-Giglio principle would apply to these records. Allegations of dishonesty, moral turpitude, and criminal behavior--everything that the Brady-Giglio principle would apply to--would fall under Category One investigations.
- Record series includes all allegations and investigation results, regardless of whether or not the allegations are substantiated.

Comparison of General Retention Schedules for Similar Records

General Retention Schedule	What is Included	Retention & Disposition
Investigation records (GRS-1733)	These records contain information necessary to undertake a complete investigation and are used to identify patterns of behavior, investigate claims, conduct internal investigations, and for other investigative purposes. Records may relate to the initiation, investigation, and disposition of cases. Does not include investigations of criminal activities or worker's compensation claims, which have separate retention schedules.	7 years after case is closed; destroy
Employment history records (GRS-1965)	"Final actions taken as a result of disciplinary action are included in this schedule."	65 years after date of hire, or 3 years after retirement or death (whichever is earlier); destroy
Misdemeanor & felony investigation files (GRS-2023)	Criminal investigation of misdemeanors and felonies: reports, photos, correspondence, officer's notes, lab tests, etc.	5 years after case is closed; destroy

Homicide, violent felonies, & sex crime investigation files (GRS-2024)	Criminal investigation of violent felonies, as defined by Utah Code 76-3-201.5(1)(c)	Permanent--transfer to Archives
Prosecuted felony criminal case files (GRS-2032)	Criminal cases referred to a prosecutor's office which result in a felony prosecution: investigative info, legal pleadings and motions, transcripts, evidence, related records.	10 years after final action; destroy
Prosecuted non-felony criminal case files (GRS-2033)	Criminal cases referred to a prosecutor's office which result in a non-felony prosecution: investigative info, legal pleadings and motions, transcripts, evidence, related records.	10 years after case is closed; destroy

Retention Schedule history

- Previous retention was 7 years for all investigation case files, regardless of severity of allegations.
- The Department of Public Safety has created a policy regarding personnel complaints and administrative investigations that separates allegations into multiple categories, depending on the seriousness of the allegations. Category II is for allegations which, if true, are cause for discipline, but not usually job loss. Unprofessionalism and policy violations that are not criminal in nature but are still considered serious would fall into this category.
- Lieutenant Denney, their records officer, found that their administrative need for the records differed based on the type and severity of allegations. Seven years was not adequate for the two most serious categories; the other two types follow general retention schedules and are not being presented to the RMC for approval. They are:
 - SSRS 29955: Minor policy investigation case files (7 years, destroy)
 - SSRS 29956: Citizen inquiries regarding employee conduct (3 years, destroy)

Program information

- The Department of Public Safety's Office of Professional Standards [receives and investigates complaints](#) regarding all Department employees, including peace officers, dispatchers, and civilian employees.
- The Office of Professional Standards investigates allegations of policy violations that may or may not be criminal in nature. Their purpose is to investigate allegations of misconduct which may impact employment status; their purpose is not to charge individuals with criminal charges but to determine whether or not violations of policy occurred.

Retention and Classification Report

Agency: Department of Public Safety. Office of Professional Standards

4501 South 2700 West
Salt Lake City, UT 84119
801-965-4533

Records Officer: D. Denney

29954 Category two investigation case files

Destroying records in accordance with this agency Retention Schedule is in compliance with the Archives and Records Service and Government Records Access and Management Act (Utah Code 63-2-101).

The Agency classifies its records under provisions of the Government Records Access and Management Act (Utah Code 63-2-101).
Classifications have not been approved by the State Records Management Committee.

This agency retention schedule was approved by the State Records Management Committee in

Kendra Yates
Chief Records Officer
Utah Division of Archives & Records Service

Date: _____

Joshua Bullough
Chair
State Records Management Committee

Date: _____

Utah State Archives

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