


Fort Collins Police Services

Policy Manual

 FORT COLLINS POLICE	POLICY	1026
	TITLE	Personnel Files

1026.1 PURPOSE AND SCOPE

This policy governs the maintenance, retention, and access to Agency and Internal Affairs personnel files. It is the policy of the Agency to maintain the confidentiality of personal data in personnel and Internal Affairs files according to state law.

1026.2 FORMAL PERSONNEL FILES

The FCPS Professional Standards Unit maintains personnel files for all Agency employees. Documents that contain medical information about an employee are kept in a separate, locked file with access restricted to authorized employees.

1026.2.1 INFORMAL DEPARTMENT FILES

Supervisors of any rank may maintain informal files; however, digital copies of all documents related to disciplinary or corrective actions must be kept in Internal Affairs Case Management System (IACMS) per policy 1020. After an employee leaves employment with the Agency, any administrative investigation files will remain in the IACMS and the entire contents of their Agency background and personnel files will be maintained by the Personnel and Training Unit according to the FCPS Records Retention Schedule found in SOP 300. Supervisors in the Agency may maintain electronic or paper files for their respective units for use in on-going supervision and for completing performance reviews.

The Agency personnel file should contain at least the following:

- (a) Personal data, including marital status, family members, educational, and employment history or similar information
- (b) A photograph of the employee
- (c) Personnel action reports reflecting assignments, promotions, and other changes in the employee's employment status
- (d) Documents that reflect any appreciation, commendation, congratulation, or honor bestowed on an employee by a member of the public or by an employee for an action, duty, or activity that relates to official duties
- (e) Disciplinary Action Forms
- (f) Training certifications

Information contained in a personnel file may not be removed, except as required by law or by the Chief of Police or his/her designee. If an employee believes that information in his or her file is not accurate, the employee may submit a memorandum to their supervisor expressing their opinion and providing additional information. Supervisors may also add information to correct or update previous entries.

POLICY	1026
TITLE	Personnel Files

1026.2.2 SUPERVISOR'S FILE

The supervisor's file should contain, but is not limited to:

- (a) Supervisor log entries, case notes, and other materials intended to assist the supervisor in the completion of timely performance evaluations.
 - 1. Once the permanent performance evaluation form has been made final, the underlying foundational material and duplicate copies may be purged in accordance with the current records retention schedule.

1026.2.3 ADMINISTRATIVE INVESTIGATIONS FILE

Administrative investigation files shall be maintained under the exclusive control of the Professional Standards Unit (PSU) and in IACMS. Access to these files requires permission from the Chief of Police through the supervisors of the Professional Standards Unit. These files shall contain the complete investigation of all formal complaints of employee misconduct regardless of disposition.

- (a) Each investigation file shall be sequentially numbered within a calendar year with any other alphabetical and/or numerical characters as approved by PSU.
- (b) Each investigation file arising out of a formal citizen's complaint or a complaint involving discriminatory harassment or hostile work environment shall be kept indefinitely.

1026.2.4 TRAINING FILES

An individual training file shall be maintained by the Personnel and Training Sergeant for each employee. Personnel and Training Unit files will contain records of all training and education mandated by law or the Agency, including firearms and defensive tactics qualifications.

- (a) It shall be the responsibility of the involved employee to provide the Personnel and Training Unit or immediate supervisor with evidence or completed training/education in a timely manner.
- (b) The Personnel and Training Unit shall ensure that copies of such training records are placed in the employee's training file and maintained for the duration of their employment.

1026.3 RELEASE OF PERSONNEL FILE INFORMATION

Police Services internal affairs and personnel files are considered documentary materials that are made, maintained, or kept by a criminal justice agency in Colorado for use in the exercise of functions required or authorized by law or administrative rule. Therefore, these documents are subject to release according to custodial discretion outlined in Section 24-72-304 and 24-72-305 of the Colorado Revised Statutes.

- (a) The custodian should balance the following five factors and take into consideration any pertinent state statutory provisions when exercising their discretion regarding public release or inspection of personnel file information:
 - 1. The privacy interests of the individuals who may be impacted by a decision to allow inspection
 - 2. This Agency's interest in keeping confidential information confidential
 - 3. This Agency's interest in pursuing ongoing investigations without compromising them

POLICY	1026
TITLE	Personnel Files

4. The public purpose to be served in allowing inspection
5. Any other pertinent consideration relevant to the circumstances of this request.

- (b) By law, certain information about employees is confidential and is not available to the public, regardless of its location. Examples of confidential information as currently defined by law include home address and telephone number, and financial, medical, psychological, testing, and other information maintained because of the employer-employee relationship.
- (c) Every Fort Collins Police Service employee has a legitimate privacy interest in the information contained within his or her employment records. There must be an articulated public purpose for allowing an inspection or release of an employee's personnel records. Before releasing any records related to an officer's employment record, the custodian will determine if the articulated public purpose for allowing an inspection or release of an employee's personnel records outweighs the officer's privacy interest in their employment record.
- (d) Direct any questions about the confidentiality of information contained within the personnel file to the PSU Lieutenant and City Attorney's Office.
- (e) Nothing in this section precludes a review of personnel files by the Chief Human Resources Officer, an employee's supervisor or manager, the City Manager, the City Attorney, or other attorneys or representatives of the City in connection with official business and upon approval of the Chief of Police or their designee.
- (f) Supervisors that need to review personnel files may access those files through the Professional Standards Unit Administrative Assistant. Supervisors will protect the confidentiality of the personnel information.

1026.3.1 REFERENCES AND REQUESTS FOR INFORMATION ABOUT EMPLOYEES

Upon receiving a signed release form from a former or current employee, supervisors may, after consulting with their supervisor, provide oral references or letters of reference regarding employees. Supervisors are strongly encouraged to contact the PSU Lieutenant to discuss the content of such letters. Copies of any written information must be sent to the last known address of the subject employee or former employee.

Any employee who is asked about where another employee works for purposes of personal delivery of legal documents, such as subpoenas, court orders, or lawsuits, should forward those requests to the employment law attorney in the City Attorney's Office.

1026.4 REQUESTS FOR DISCLOSURE FROM OUTSIDE THE AGENCY

- (a) Only written requests for the disclosure of any data contained in any personnel records will be considered.
- (b) All requests for disclosure that result in access to an employee's personnel data shall be logged in the corresponding file and the affected employee shall be notified.
- (c) Requests from newspapers, television stations, and other press for information about personnel policies and practices, compensation and benefits, or specific employees should be forwarded to the Public Relations Manager.

1026.4.1 RELEASE OF CONFIDENTIAL INFORMATION

POLICY	1026
TITLE	Personnel Files

- (a) No employee of this Agency may disclose private or confidential personnel data without the written consent of the affected employee or written authorization of the Chief of Police or an authorized designee, except as provided by this policy, pursuant to CRS § 24-33.5-114 and 24-33.5-115, or pursuant to lawful process or court order.
- (b) The cited Colorado statutes require law enforcement agencies to disclose certain information or files upon valid request, including internal affairs files, pertaining to a former employee if that former employee is applying to another law enforcement agency for a position as a peace officer, and, in some cases, if the candidate has signed a waiver for release of personnel information.
- (c) Any person who willfully and knowingly discloses confidential information contained in a personnel file, including but not limited to, an officer's home address or telephone number without the consent of the employee or in violation of the guidelines outlined above, may be subject to criminal prosecution.

1026.5 EMPLOYEE ACCESS TO THEIR FILES

Upon request, an employee may review their personnel file.

Employees may be restricted from accessing personnel or administrative investigation files containing any of the following information:

- (a) Ongoing administrative investigation
- (b) Completed administrative investigations except as determined by the Chief
- (c) Criminal investigations involving the employee, except as provided by law
- (d) Psychological examinations ordered by the Agency, except as determined by the Chief