

**LITTLE ROCK POLICE DEPARTMENT
GENERAL ORDER**

G. O. 113 RECORDS RETENTION AND ARCHIVES

DATE: 05/21/2020	DISTRIBUTION: DEPARTMENTAL	REPLACES: G. O. 113 (05/06/2012)	NUMBER: G. O. 113
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I. Records Retention

- A. This Section establishes the procedure for the retention of reports and records produced by this Department and their destruction in accordance with State statutes and Departmental procedures.
- B. Accountability
 - 1. Access to the Police Department Archives will be authorized by the Headquarters Division Commander, Operations Support Lieutenant, and Administrative Services Supervisor.
 - 2. Authorized personnel shall log the date and time of entry and exit from the Archives on an Archives Entry/Exit Log form.
 - 3. The Headquarters Division Commander will be responsible for enforcing this policy.
 - 4. No records will leave the Archives unless they have been properly documented as set forth in this procedural guideline.
 - 5. Unauthorized personnel will not be allowed access to the Archives room.

II. Policy

- A. Any employee needing records from the Archives must request the records in writing, 24 hours in advance. This request should be made through the Headquarters Division Commander.
- B. When an instance arises in which a record is needed from the Archives room within a 24-hour period and no authorized personnel are on duty, the officer's immediate supervisor will evaluate the necessity of obtaining the file. If the supervisor determines the file is necessary, he will contact the appropriate Headquarters Division personnel.

III. Short Term Retention

- A. All memorandums, correspondence and special projects financed with City funds shall be maintained within each Division for a period of two (2) years following the date the documents were produced.

- B. All communication that conveys information of temporary importance or unremarkable communication concerning day-to-day office administration and activities may be destroyed after the communication has served its intended purpose or is no longer of administrative value to the department.
1. Unremarkable communication means:
- a) Correspondence that includes information not attempting to influence department policy.
 - b) An electronic mail (e-mail) message sent to a large number of people, at the same time, via an e-mail distribution list software application (i.e. listserv message).
 - c) Any electronic message that does not meet the criteria of a public record according to Ark. Code Ann. § 25-19-103, unless it has become part of an official record through a special circumstance.
 - d) A communication regarding a department event notice (a correspondence record notifying department employees of an upcoming meeting would only have value until the meeting has been attended or the employee receiving the message has marked the date and time in his/her calendar).
 - e) Routine requests for publications records.
 - f) Incoming letters or memorandum of transmittal that add nothing of substance to enclosures.
 - g) All attachments placed on a correspondence shall be evaluated separately for its respective retention period.
- C. All news or press releases issued by the department shall be maintained for a period of one (1) year.
- D. All documents relating to a retired police officer's insurance policy shall be maintained for a period of two (2) years after the death of the retired officer.
- E. All equipment lease agreements or contracts shall be maintained for a period of one (1) year after the expiration of the agreement or contract.
- F. All building security computer logs shall be maintained for a period of one (1) year.
1. All building surveillance camera's digital information shall be maintained for thirty (30) days.
- G. All hazardous material safety data shall be maintained by the department until the chemical's level has been completely depleted.

- H. All ticket and incident report submission forms shall be kept by the department for one (1) year from the date of submission.
- I. All Mobile Video Recordings (MVR) taken from a police officer's vehicle shall be stored for thirty (30) days or until litigation has been closed.
 - 1. "MVR" shall mean, for purposes of the Record Retention Policy, all elements of the mobile video/audio recording equipment.
- J. All Communications Division Computer-Aided Dispatch (CAD) reports and telephone recordings shall be kept for a minimum of one hundred and eighty (180) days. Radio recordings shall be kept for a minimum of thirty (30) days.
- K. All civilian applicant information shall be maintained with each Division for a period of one (1) year following the date that the position was filled.
- L. Other general records and reports which the Division may generate during the year shall be reviewed by the Division Commander or his designee for retention or destruction.
- M. A Division Commander may authorize a longer retention period if he deems it necessary.

IV. Long Term Retention

- A. The following is a list of records, reports and files that will be retained in the Police Department Archives (PDA) and the length of time each will be retained.
- B. The PDA is located in the basement of the Municipal Court building.
 - 1. Internal Affairs
 - a) All Internal Affairs files shall be maintained for a period of fifty-four (54) months or until litigation is concluded, whichever period is longer.
 - (1) All Internal Affairs files involving the use of deadly force shall be maintained indefinitely.
 - b) Off duty forms shall be maintained for a period of three (3) years, or until litigation is concluded, whichever is longer.
 - c) Early warning files shall be maintained for a period of three (3) years, or until litigation is concluded, whichever is longer.
 - 2. Special Investigation and Major Crimes Division
 - a) All closed police case files involving a felony or Class A misdemeanor offense, which involves a crime of violence or any sex offense shall be maintained by the department indefinitely pursuant to Ark. Code Ann. § 14-2-204(a)(1)(A) (2011).

- (1) After ten (10) years, these files will be stored electronically in numerical order and held in accordance with Ark. Code Ann. § 14-2-203 (2011).
 - b) All physical evidence including photographs collected during the course of an investigation for violent offenses and sexual offenses shall be retained and destroyed in accordance with Ark. Code Ann. § 12-12-104 (2011).
 - c) All closed police case files that do not fit the criteria above shall be maintained for a period seven (7) years or until conviction and/or appeals are exhausted, whichever period is longer. Ark. Code Ann § 14-2-204 (2011).
 - (1) All photographs associated with case files above shall be stored in numerical order by incident number and maintained in archives for a period of seven years (7) or until conviction and/or appeals are exhausted, whichever period is longer.
 - d) All investigative files which have been adjudicated and are subject to storage as defined in the Major Crimes Division procedures, must have all Arkansas Crime Information Center and National Crime Information Center records and National Law Enforcement Telecommunications System, Inc. messages removed from the case file.
 - (1) All case files, which have been adjudicated, are subject to the Arkansas Freedom of Information Act. A.C.I.C. and N.C.I.C. records and N.L.E.T.S. messages are not subject to disclosure and must be destroyed in accordance with A.C.I.C./N.C.I.C. policies and procedures.
 - e) DNA evidence for crimes classified as either non-violent or non-sexual.
 - (1) The department shall maintain all DNA evidence for seven years (7) following any conviction for any felony for which the defendant's genetic profile was taken and submitted for comparison to the State DNA Data Base for unsolved offenses, or until the exhaustion of all of the defendant's appeals or the completion of the defendant's sentence, including any probation or parole that was imposed on defendant as part of their sentence, whichever period is longer. Ark. Code Ann. § 12-12-104.
3. Training Division
 - a) Officers' background and training files shall be maintained for a period of three (3) years after separation from the department or until litigation is concluded, whichever is longer.
 - b) Rejected police department applicants' files shall be maintained by the department for three (3) years after eligibility list certification date or until litigation challenging the certification is concluded, whichever is longer.
4. Downtown, Northwest, and Southwest Divisions

- a) All original files pertaining to resisting arrest and use of force shall be maintained by the department for five (5) years or until litigation is concluded, whichever is longer.
- b) All files relating to dog bites shall be maintained by the department for three (3) years or until litigation is concluded, whichever is longer.
- c) All files relating to pursuits shall be maintained for three (3) years or until litigation is concluded, whichever is longer.

5. Headquarters Division

- a) All files maintained for the Chief of Police relating to the criminal docket shall be maintained by the department indefinitely.
- b) All traffic dockets maintained by the Chief of Police shall be maintained indefinitely.
- c) Physical copies of offense reports, incident reports, and traffic accident reports shall be maintained for three (3) years.
 - (1) Offense, incident, and traffic accident reports shall be placed on Optical Disk after the initial three (3) year period and these disks shall be maintained for a period of ten (10) years.
 - (2) Electronically generated reports will be saved for a period of ten (10) years.
- d) All blood alcohol content (BAC) forms shall be maintained by the department for five (5) years after the test was administered or until the litigation is concluded, whichever is longer.
- e) All traffic records shall be maintained by the department for three (3) years or until litigation is concluded, whichever period is longer.
- f) All original tow vehicle reports showing that a vehicle had been towed and impounded shall be maintained for three (3) years or until litigation is concluded, whichever is longer.
- g) All expungement orders of municipal police cases shall be maintained by the department indefinitely.

6. Headquarters Division, Property Room

- a) All paperwork concerning released/destroyed/auctioned property that has been listed as stored or found shall be maintained until they are scanned onto digital medium. The released information should be scanned as soon as possible after release or destruction.

- b) All paperwork concerning released/destroyed property that has been listed as stored or found shall be maintained for three (3) years. The digital medium shall be kept indefinitely after store/found property has been released, destroyed or auctioned.
 - c) All paperwork, concerning property that has been listed as evidence shall be maintained for three (3) years. The released information should be scanned as soon as possible after release or destruction onto digital medium. The digital medium shall be kept indefinitely for property listed as evidence.
7. Administrative Services
- a) All documents relating to federally funded projects shall be maintained by the department for ten (10) years or until litigation is concluded, whichever period is longer.
 - b) All financial records of the department shall be maintained for ten (10) years or until litigation is concluded, whichever period is longer.
 - c) All payroll records, time sheets, employment records, and leave requests shall be maintained by the department for three (3) years or until litigation is concluded, whichever is longer.
 - d) Computer software licenses and all documents relating to the licenses shall be maintained for ten (10) years after the license has been superseded by a new license.
8. Communications Division
- a) Employees' background and training files shall be maintained for a period of three (3) years after separation from the department or until litigation is concluded, whichever is longer.
 - b) Rejected applicants' files shall be maintained by the division for one (1) year after the position has been filled.
9. Electronic Mail Storage
- a) The following is the retention period for electronic mail (e-mail) messages. For short term retention, please refer to the Short Term Retention section of this policy.
 - b) Intermediate Retention of electronic messages shall be for a period of three (3) years; however, if the user's computer system does not have the storage or ability to save the e-mail for the required period than the e-mail shall be printed and retained for the appropriate period under this policy.
 - c) E-mails that require intermediate retention are as follows:

- (1) All e-mail messages of general correspondence, including, but not limited to, internal correspondence that are more informative than relating to an attempt to alter department policy.
 - (2) Routine correspondence, including, but not limited to, referral letters, requests for routine information or publications issued by the department, which are answered by standard form letters.
 - (3) All weekly and monthly reports, including, but not limited to, documents relating to the status of on-going investigations.
 - (4) Any minutes of departmental staff meetings, along with supporting records that document internal policy decisions.
 - (5) Any other e-mail messages that have been deemed to be of intermediate value by a Division Commander.
- d) E-mails that require a permanent retention period; however, if the user's computer system does not have the storage or ability to save the e-mail for the required period than the e-mail shall be printed and retained for the appropriate period under this policy.
- (1) All e-mails that are of significant administrative, legal, and/or fiscal value shall be marked as permanent and categorized under their appropriate record series according to this policy.
 - (2) E-mails that are deemed permanent are as follows:
 - (a) Any executive correspondence from the Chief of Police or Division Commander that deal with significant aspects of the administration of their office. This correspondence includes, but is not limited to, information concerning departmental policies, programs, fiscal matters, and personnel matters.
 - (b) Any e-mail detailing departmental policies and procedures, including, but not limited to, published reports, unpublished substantive reports, and departmental studies.
 - (c) Any e-mail that reflects when an official action has been taken.
 - (d) Any e-mail which conveys statements of official policy or rationale for official decisions.
 - (e) Any other e-mail messages that have been deemed to be of substantial value by the Chief of Police or a Division Commander.

- e) Electronic mail meeting the requirements to be retained by this section will be maintained by the author of the electronic mail along with any corresponding response(s).

V. Storage Procedures

- A. Records presented for storage in Archives will not be accepted unless stored in accordance with the below listed procedures:
 - 1. Records, reports, and files to be stored in the Police Department Archives for three (3) or more years, following the year the documents were produced, will be placed numerically in a storage box. The date of destruction must be printed on the exterior of the box along with the division number.
 - 2. A list of the contents will be made at the time of storage. One copy shall be placed inside the lid of the box and the original list forwarded to the Operations Support Lieutenant.
 - 3. Each division will be assigned a specific location within the Archives area to store their records.
 - 4. Microfilmed records shall be maintained in the microfilm drawers located in the Records Section.
 - 5. Optical disks shall be stored in the Headquarters Division safe located in the Records Section.

VI. Destruction Procedures

- A. A formal letter shall be sent to the State Historian in January each year outlining the broad nature of records, reports and files the Department intends to destroy.
- B. In February of each year, all Division Commanders shall designate a supervisor and additional personnel as necessary to review the records, reports and files in storage that are eligible for destruction and assist in their removal from the Archives. The purging process will be supervised by personnel authorized access to the Archives.
- C. Physical media (print-outs, records, confidential paper documents, etc.) will be destroyed using one of the following procedures:
 - 1. On the date of destruction, a city vehicle will be assigned to transport the material to a facility with an incinerator. The records taken will be burned, under the supervision of the Operations Support Lieutenant.
 - 2. Shredded using an on-site, City owned shredder.
 - 3. Records are to be kept in a locked, secured shredding bin owned by an approved contract vendor. The contract requires the vendor to shred all documents on-site and LRPD personnel will witness the shredding of all sensitive and confidential information.

- D. Computer records shall be updated to show the date of record destruction, these records will be maintained indefinitely.

Additions and revisions are italicized and underlined.