

MONTPELIER POLICE DEPARTMENT

Records Retention Policy	Related Policies: State of Vermont Municipal Police Records Schedule
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Analogous Vermont Statutes: 1 V.S.A. 317a Disposition of public records	
CALEA Standard:	
Date Implemented: 9/23/2024	Review Date:

PURPOSE

All Vermont public agencies are responsible for creating, managing and disposing records in accordance with State and Federal laws and regulations. This policy is to ensure that all Montpelier Police Department ("Department") employees conform to and are aware of those mandates.

SCOPE

All Department records are public records defined by 1 V.S.A. § 317 as: "any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business."

POLICY STATEMENT

It is the policy of this Department to comply with the Vermont Public Records Act (PRA) and other statewide records and information management policies, standards, guidelines, and procedures, including record schedules governing the lifecycle management, retention and disposition of public records issued by the Vermont State Archives and Records Administration pursuant to 1 V.S.A. § 317a. All written or recorded information, regardless of physical form or characteristics, produced or acquired in the course of Department business are subject to this policy.

UNIFORM LAWS, STANDARDS, AND PROCEDURES

1. [1 V.S.A. §§ 315-320: Access to Public Records](#), including [1 V.S.A. § 317a: Management of Public Records](#)
2. [3 V.S.A. § 117: Vermont State Archives and Records Administration](#)
3. [04 000 CVR 002: Uniform Schedule of Public Record Charges for State Agencies](#)
4. CALEA Standard 82 Central Records

RECORD SCHEDULES

Local Law Enforcement Agencies Specific Record Schedules (SRS) shall govern the management of records, specifically access, retention, and disposition. Local Law Enforcement Agencies Specific Record Schedules (SRS) are approved by the Vermont State Archivist for specific records in compliance with the PRA.

1. Vermont Civil Violation Complaint Records – SRS-1818.1129
2. Criminal Investigation Records – SRS-1821.1100
3. Law enforcement agencies Administrative Policy Records – SRS-1819.1102
4. Law enforcement agencies Operational/Managerial Records – SRS-1819.1103
5. Law enforcement agencies Transitory Records – SRS-1819.1000

BUSINESS CONTINUITY

Personnel policies related to the onboarding and the off boarding of the Department's members shall be consistent with this policy.

Off-boarding procedures shall include supervisor responsibilities for the effective management of any written and recorded information, regardless of format, in a subordinate's personal workstation, personal drive and personal work email account prior to date of termination.

(1) Any records that have met their retention requirements in accordance with an approved record schedule and are authorized for destruction must be purged, under supervision, by the Department member's last day of employment.

(2) All other records must be relocated to an appropriate repository until record retention requirements have been met.

In extenuating circumstances, the Police Chief or Designee may authorize a supervisor, up to 30 days, to continue storing records and information in a terminated Department member's personal workstation, personal drive and/or personal work email account after the date of termination for post-termination management purposes and requests.

DEPARTMENT RECORDS MANAGEMENT DIRECTIVE¹

On a systematic basis beginning October 1, 2024 the Department will manage their records, regardless of format, in accordance with applicable record retention schedules (see Appendix A). Temporary records listed in Appendix A that are completed, closed, expired, or superseded shall be destroyed provided that:

- (1) The record has been authorized for destruction through record schedule (see Appendix); and
- (2) The minimum retention requirement for the record, as stated in the applicable record schedule, has been fully met.

Permanent records listed in Appendix A that are required to be retained permanently – or those not yet covered by a record schedule – will not be destroyed and instead will be retained by the Department.

Records not yet covered by a record schedule shall not be destroyed and shall be retained by the Department until a schedule is issued and the record is added to Appendix A.

Records and information stored in Valcour CAD/RMS™, a law enforcement system developed by Crosswinds Technologies, will be retained indefinitely. The Department will implement records management functionality within the system at a later date.

The Chief of Police or their designee shall ensure records are managed, maintained, and destroyed in accordance with this policy.

REVISION HISTORY

This policy supersedes any Department policies and practices in existence prior to its effective date. All earlier revisions of this document are superseded by this revision. The Chief of Police and their designee reviewed and approved this procedure on September 23, 2024.

Date	Revision #	Modification
09/23/2024	1.0	New policy approved by Chief of Police Eric W. Nordenson

APPENDIX A: APPLICABLE RECORD SCHEDULES AND DISPOSITION ORDERS

1. Civil Violations - Records concerning the investigation and prosecution of civil violation complaints, including non-incidents and warnings, are covered by SRS-1818.1129 (Vermont Civil Violation Complaints) and SRS-1819.1103 (Law Enforcement Agencies Operational/ Managerial Records, see item 4 for additional information).

Civil Violation Complaints (Tickets)	Minimum Retention	Authority Citation
Civil Violation Complaints/ Ordinance Tickets/ Uniform Traffic Tickets/ Parking Tickets	Temporary. Retain 12 months from date issued, then destroy.	SRS-1818.1129
Video recordings, Active (Used as evidence)	Temporary. Retain 12 months from date issued, then destroy.	SRS-1818.1129.136
Video recordings, Active (Not used as evidence)	Temporary. Retain 14 days from date of creation, then destroy.	SRS-1819.1103.145
Video recordings, Passive (Not used as evidence)	Temporary. Retain until superseded (commonly 72-96 hours), then destroy.	SRS-1819.1103.145
Warnings, Civil Violation	Temporary. Retain four (4) months from date issued, then destroy.	SRS-1819.1103.145

2. Criminal Investigations - Records concerning the investigation of criminal complaints, including non-incidents, are covered by SRS-1821.1100 (Criminal Investigations) and SRS-1819.1103 (Law Enforcement Agencies Operational/ Managerial Records, see item 4 for additional information) and 13 V.S.A. § 2301 (Limitation of Prosecutions for Certain Crimes); which states that investigations of felonies and misdemeanors shall be commenced within **three years** after the commission of the offense, and not after unless specified in 13 V.S.A. § 2301.² **For additional information see the summary table below:**

Offense	Limit on Prosecution Commencement
Aggravated human trafficking	None
Aggravated sexual assault	None
Aggravated sexual assault of a child	None
Arson	Within 11 years of date of offense
Arson causing death	None
Bribery Offenses	Within six years of date of offense
Burglary	Within six years of date of offense
Embezzlement	Within six years of date of offense
False Claims	Within six years of date of offense
Felony tax offenses	Within six years of date of offense
Forgery	Within six years of date of offense
Fraud under 33 V.S.A. § 141(d)	Within six years of date of offense
Grand larceny	Within six years of date of offense
Human trafficking	None
Kidnapping	None

¹ Incidents involving juveniles shall be managed according to the incident and appropriate limit on prosecution commencement as shown in the Criminal Investigations tables.

Lewd and lascivious conduct	Within six years of date of offense
Lewd and lascivious conduct alleged to have been committed against a child under 18 years of age	Within 40 years of date of offense
Lewd or lascivious conduct with a child	Within 40 years of date of offense
Manslaughter	Within six years of date of offense
Manslaughter alleged to have been committed against a child under 18 years of age	Within 40 years of date of offense
Misdemeanor: Bad checks	Within three years of date of offense
Misdemeanor: Domestic assault/Simple assault/Aggravated assault	
Misdemeanor: Disorderly conduct	
Misdemeanor: DUI/DWI	
Misdemeanor: DLS	
Misdemeanor: Home improvement fraud	
Misdemeanor: Negligent operation	
Misdemeanor: Petit larceny	
Misdemeanor: Retail theft	
Misdemeanor: Violations of conditions of release/protection order	
Misdemeanor: Unlawful mischief	
Sexual abuse of a vulnerable adult	Within six years of date of offense
Sexual assault	None
Sexual exploitation of a minor as defined in 13 V.S.A. § 3258 (c)	Within 40 years of date of offense
Sexual exploitation of children under Title 13, Chapter 64 of the Vermont Statutes Annotated	Within 40 years of date of offense

A. Temporary Records - Criminal investigation records are temporary records if the offense investigated has (1) a limitation on prosecution commencement; and (2) the offense or the investigation itself is not considered major or significant.

Criminal investigation records involving a death or fatal car crash are also temporary records if (1) the cause or circumstances of death are determined not to be a criminal offense; (2) the investigation itself is not considered major or significant; and (3) the statute of limitation for commencing action for death from a wrongful act has passed. 14 V.S.A. § 1492 (Action for death from wrongful act; procedure; damages) states action must be brought within two years from the discovery of the death of the person or within two years after the person against whom such action accrues comes into the state.

Criminal Investigation Records: Has Prosecution Limitation and is Not Major or Significant		
	Minimum Retention	Authority Citation
Investigations, Complete	Temporary. Retain until case is completed/closed or statute of limitation has been met, whichever is sooner, then destroy.	SRS-1821.1100

Video recordings, Criminal Investigations, Active (Used as evidence)	Temporary. Retain until case is completed/closed or statute of limitation has been met, whichever is sooner, then destroy.	SRS-1821.1100.136
Video recordings, Criminal Investigations, Active (Not used as evidence)	Temporary. Retain 14 days from date of creation, then destroy.	SRS-1819.1103.145
Video recordings, Criminal Investigations, Passive (Not used as evidence)	Temporary. Retain until superseded (commonly 72-96 hours), then destroy.	SRS-1819.1103.145

B. Permanent Records - Criminal investigation records are permanent records if the offense investigated does not have a limitation on prosecution commencement and/or the offense or the investigation itself is considered major or significant. Major or significant is defined by the Vermont State Archives and Records Administration as having:

- (1) A broader scope than usual investigations of the same offense; and/or
- (2) A greater concern or attention than usual investigations of the same offense; and/or
- (3) A noticeable, measurable or critical effect on the [Local law enforcement agency] or individuals and communities served by the Department.³

Criminal Investigation Records: No Prosecution Limitation and is Major or Significant	Minimum Retention	Authority Citation
Investigations, Complete	Permanent. Do not destroy.	SRS-1821.1100
Video recordings, Criminal Investigations, Active (Used as evidence)	Permanent. Do not destroy.	SRS-1821.1100.136
Video recordings, Criminal Investigations, Active (Not used as evidence)	Temporary. Retain 14 days from date of creation, then destroy.	SRS-1819.1103.145
Video recordings, Criminal Investigations, Passive (Not used as evidence)	Temporary. Retain until superseded (commonly 72-96 hours), then destroy.	SRS-1819.1103.145

3. Administrative Policy Records- Records concerning the administration of a public agency or program and/or the formulation or development of policy are covered by SRS-1819.1102 (Law Enforcement Agencies Administrative Policy Records). Does not include the records of appointed or elected public officials.

Record	Minimum Retention	Authority Citation
Agreements, Formal administrative	Permanent. Do not destroy.	SRS-1819.1102.138

² If unsure if a criminal investigation is major or significant, Department members shall contact the Vermont State Archives and Records Administration for appraisal assistance.

Record	Minimum Retention	Authority Citation
Authorizations, Formal administrative	Permanent. Do not destroy.	SRS-1819.1102.141
Department Calendars	Temporary. Retain 12 months after end of calendar year, then destroy.	SRS-1819.1102.19
Correspondence (Substantive)	Permanent. Do not destroy.	SRS-1819.1102.53
Declarations and statements of authority	Permanent. Do not destroy.	SRS-1819.1102.32
Grants	Three (3) years after grant is closed, then destroy. <i>Retain grant proposals and reports that have significant value permanently.</i>	SRS-1819.1102.173
Notices, Legal	Temporary. Retain 12 months after matter is completed or closed, then destroy	SRS-1819.1102.50
Plans (Reports), Department wide	Permanent. Do not destroy.	SRS-1819.1102.69
Policies, Formal	Temporary. Retain three (3) years after policy is superseded, then destroy. <i>Retain policies that have significant value permanently.</i>	SRS-1819.1102.70
Press Releases	One (1) year after calendar year ends, then destroy	SRS-1819.1102.72
Procedures, Formal	Temporary. Retain three (3) years after procedure is superseded, then destroy. <i>Retain procedures that have significant value permanently.</i>	SRS-1819.1102.73
Reports – Annual and similar	Permanent. Do not destroy.	SRS-1819.1102.144
Department Studies, Formal administrative	Permanent. Do not destroy.	SRS-1819.1102.116
Waivers, Formal administrative	Temporary. Retain three (3) years after expiration, then destroy. <i>Retain waivers that have significant administrative value permanently.</i>	SRS-1819.1102.150

4. Operational/Managerial- Records concerning the day-to-day operations of a public agency and internal workflows and processes are covered by SRS-1819.1103 (Law Enforcement Agencies Operational/Managerial Records).

Record	Minimum Retention	Authority Citation
Agreements, Informal operational	Temporary. Retain three (3) years after expiration, then destroy.	SRS-1819.1103.5

Record	Minimum Retention	Authority Citation
Calendars - personnel	Temporary. Retain three (3) years after expiration, then destroy.	SRS-1819.1103.19
Department Equipment Sign-out Sheet	Temporary. Retain one (1) month, then destroy.	SRS-1819.1103.145
Detective Bureau Sign In/Out Sheet	Temporary. Retain six (6) months, then destroy.	SRS-1819.1103.145
Logs, Criminal Record	Temporary. Retain 12 months, then destroy.	SRS-1819.1103.145
Logs, Cruiser Fill Up	Temporary. Retain 12 months, then destroy.	SRS-1819.1103.145
Logs, Evidence and Property	Temporary. Retain 12 months, then destroy.	SRS-1819.1103.145
Logs, Fleet – Department of Motor Vehicles	Temporary. Retain until replacement of vehicle, then destroy.	SRS-1819.1103.145
Logs, Police Daily	Temporary. Retain 12 months, then destroy.	SRS-1819.1103.145
Logs, Radar repair report/radar	Temporary. Retain 12 months, then destroy.	SRS-1819.1103.145
Plans, internal workflow and day-to-day operations	Temporary. Retain three (3) years after plan completion, then destroy.	SRS-1819.1103.69
Procedures, Formal	Temporary. Retain three (3) years after procedure is superseded, then destroy. <i>Retain procedures that have significant value permanently.</i>	SRS-1819.1102.73

5. Transitory- Records created and received in the course of agency business but transitory in nature; not subject to any legal recordkeeping requirements, explicit or implied; and administratively obsolete after a specific action or process is complete are covered by SRS-1819.1000 (Law Enforcement Agencies Transitory Records).

Record	Minimum Retention	Authority Citation
Correspondence (Routine)	Temporary. Retain until no longer needed administratively, then destroy.	SRS-1819.1000.28
Drafts – Not acted on or put into practice	Temporary. Retain until no longer needed administratively, then destroy.	SRS-1819.1000.37
Notes, Informal operational (not related to investigations)	Temporary. Retain until no longer needed administratively, then destroy.	SRS-1819.1000.60
Reference Sources, Court Cases: Date Assignment Sheet	Temporary. Retain until no longer needed administratively, then destroy.	SRS-1819.1000.80
Requests, Notary Public Applications	Temporary. Retain until approved, then destroy.	SRS-1819.1000.139

Record	Minimum Retention	Authority Citation
Requests, Shift Selection Bids	Temporary. Retain 12 months from submission, then destroy.	SRS-1819.1000.139
Requests, In-house Records Request Form	Temporary. Retain 12 months after request is filled, then destroy.	SRS-1819.1000.139
Requests, Informal	Until fulfilled and no longer needed administratively, then destroy.	SRS-1819.1000.139
Requests, Vacation/Leave Form	Temporary. Retain one (1) year, then destroy.	SRS-1819.1000.139
Worksheets, Informal operational	Until no longer needed administratively, then destroy.	SRS-1819.1000.104