

## Peace Officer Personnel Files

### 1013.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established State law. It is the policy of this department to maintain the confidentiality of peace officer personnel records (5 ILCS 140/7).

### 1013.2 PERSONNEL FILES DEFINED

Peace officer personnel records shall include any file maintained under an individual officer's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

### 1013.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

**Human Resources** - The file which is maintained in Human Resources is the permanent record of a sworn officer's employment with this department.

**Division File** - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

**Supervisor Log Entries** - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

**Training File** - Any file which documents the training records of an employee.

**Internal Affairs Files** - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

**Medical File** - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

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#### **1013.4 EMPLOYEE ACCESS TO OWN FILE**

Any employee, during normal business hours, may request access/review of his/her own personnel file. Any employee seeking the removal of any item from his/her personnel file shall file a written request explaining the employee's position to the Chief of Police through the chain of command (820 ILCS 40/2).

If the Chief of Police agrees, the item shall be removed. If the contested item is not removed from the file, the employee's request shall be retained with the contested item in the employee's personnel file (820 ILCS 40/6).

Employees may obtain a copy of the information or part of the information contained in their file (820 ILCS 40/3).

An employee who is involved in a current grievance against the Department may designate in writing a representative of the employee's union or collective bargaining unit or other representative to inspect the employee's personnel record which may have a bearing on the resolution of the grievance (820 ILCS 40/5).

Employees may be restricted from accessing files containing any of the following information:

- (a) Ongoing Internal Affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline (820 ILCS 40/10).
- (b) Confidential portions of Internal Affairs files which have not been sustained against the employee.

#### **1013.5 TYPES OF PERSONNEL FILES**

Peace officer personnel files can be located in any of the following places:

##### **1013.5.1 DEPARTMENT FILE**

The Human Resources file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.
- (b) Disciplinary action.
- (c) Commendations shall be retained in the employee's human resources file, with a copy provided to the involved employee(s).
- (d) A photograph of the employee.

##### **1013.5.2 DIVISION FILE**

The Division File should contain, but is not limited to, the following:

- (a) Supervisor log entries, written warnings and other materials intended to serve as a foundation for the completion of timely Performance Evaluations

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1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file.
  2. Duplicate copies of items that will also be included in the employee's human resources file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
  3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.
- (b) All rules of confidentiality and disclosure shall apply equally to the division file.

#### 1013.5.3 INTERNAL AFFAIRS FILE

The internal affairs file shall be maintained under the exclusive control of the Deputy Chief of Police in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Deputy Chief of Police. These files shall contain:

- (a) The complete investigation of all formal complaints of employee misconduct regardless of disposition.
- (b) Each investigation file arising out of a formal citizen's complaint or involving discriminatory harassment/hostile work environment shall be maintained no less than five years. Investigation files arising out of other internally generated complaints shall be maintained no less than two years.
- (c) Investigations which result in other than a sustained finding shall be maintained for the minimum statutory period, but may not be used by the Department to adversely affect an employee's career.

#### 1013.5.4 TRAINING FILES

An individual training file shall be maintained by the Training Unit for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

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

#### 1013.5.5 MEDICAL FILE

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

- (a) Materials relating to medical leaves of absence.

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- (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits
- (c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

#### **1013.6 RETENTION**

Employee payroll records, including name, address, occupation, wages, payroll records, records of wages and other forms of compensation, dates of hire, promotion and dates of pay increases shall be maintained for a minimum of five years (56 Ill. Adm. Code 320.140).

Personnel records, including qualifications for hire, records of promotion, transfer discipline, certifications, evaluations, job descriptions, merit and seniority systems, written job offers, employment contracts, collective bargaining agreements and any available explanations of employee compensation shall be maintained for a minimum of five years (56 Ill. Adm. Code 320.140).

##### **1013.6.1 PURGING OF FILES**

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date.

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date.

- (a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.
- (c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development.

If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.