

Department of Police Accountability Record Retention & Destruction Policy



Adoption and Purpose

The Department of Police Accountability (DPA) adopts this Record Retention and Destruction Policy pursuant to Chapter 8 of the San Francisco Administrative Code. This policy supersedes all previous record retention and destruction policies issued by this office. This policy covers all records and documents, regardless of physical form or characteristics, made or received by the DPA in connection with the transaction of public business. The purpose of this policy is to provide a system for managing the records of the DPA, to safely store and retain those records that need to be retained, to comply with all applicable legal requirements regarding document retention and destruction, and to identify and establish guidelines for the destruction of those documents that are obsolete or for which retention is otherwise not required.

Policy and Procedures

The DPA shall retain documents for the period of their immediate or current use, unless longer retention is necessary to comply with contractual or legal requirements, the DPA Director has determined that a longer retention period is required for historical reference, or for other purposes as set forth below. It is the policy of DPA to retain most investigative records for 20 years or through the end of City employment for all parties, whichever is later. Permanent and essential records, including audit results and investigative records of historical significance, are retained in perpetuity. Operational and other records are retained according to the attached schedule.

For record retention and destruction purposes, the term "record" is defined as set forth in Section 8.1 of the San Francisco Administrative Code. Email and other electronic materials are "records" for purposes of this document retention policy to the extent they otherwise meet the definition of "records" in Section 8.1. Documents and other materials that do not constitute "records" under that section, including those described below in Category 4, may be destroyed when no longer needed.

Where appropriate, division leaders may establish division retention policies that call for the retention of specific types of records for periods longer than the otherwise applicable period set forth in this

policy. The records and documents of the DPA shall be classified for purposes of retention and destruction as follows:

Category I: Permanent Retention

Records that are permanent or essential shall be retained and preserved permanently.

1. Permanent records. Permanent Records are records required by law to be permanently retained and which are ineligible for destruction unless they are converted to digital form in an unalterable format, and the original digital copy is placed in a storage vault that will ensure safekeeping of the records against fire, flood, or any other disaster. Admin. Code Section 8.4. Once these measures are followed, the original paper records may be destroyed. Duplicate copies of permanent records may be destroyed whenever they are no longer necessary for the efficient operation of the DPA. Examples of permanent records include annual reports.
2. Essential records. Essential records are records necessary for the continuity of government and the protection of the rights and interests of individuals. Admin. Code Section 8.9. Essential records should be stored in the same manner as permanent records. Admin. Code Sections 8.4, 8.9. Examples of essential records include officer multiple cards, *Brady* records, reports of sustained misconduct, and officer-involved shooting investigation records.

Category II: Current Records

Current records are records that for convenience, ready reference, or other reasons are retained in DPA's office space and equipment. Examples of current records include active investigation and litigation files, brief banks, form files, administrative files and personnel files. Investigation files are considered current until the appeals process has been exhausted or expired. Current records shall be retained as follows:

1. Where retention period specified by law. Where federal, state, or local law prescribes a definite period of time for retaining certain records, the DPA will retain the records for the period specified by law. Investigations that resulted in full referrals to outside agencies due to lack of jurisdiction will be retained for the minimum period specified by law. All other investigation files, except officer-involved shooting (OIS) and sustained case files, will be retained for the later of twenty years, the end of City employment for all parties, or the period specified by law. Sustained cases and OIS cases will be retained permanently.

2. Where no retention period specified by law. Where no specific retention period is specified by law, DPA will retain the records for the time periods specified in the attached Record Retention and Destruction Schedule. Records shall be retained for a minimum of two years, although such records may be treated as "storage records" and placed in storage at any time during the applicable retention period.

Category III: Storage Records

Storage records are records that are retained offsite. Storage records are subject to the same retention requirements as current records but are maintained at an off-site storage facility. Examples of storage records include closed investigation files and exhibits.

Category IV: No Retention Required

Documents and other materials that are not "records" as defined by Admin. Code section 8.1 need not be retained unless otherwise specified by local law. Documents and other materials (including originals and duplicates) that are not otherwise required to be retained, are not necessary to the functioning or continuity of the office, and have no legal significance, may be destroyed when no longer needed. Examples include materials and documents generated for the convenience of the person generating them, draft documents (other than drafts subject to disclosure pursuant to Administrative Code section 67.24(a)) that have been superseded by subsequent versions, or rendered moot by departmental action, duplicate copies of records that are no longer needed, telephone message slips, miscellaneous correspondence not requiring follow-up or departmental action, notepads, emails that do not contain information otherwise required to be retained under this policy, library materials that have been superseded or that are no longer needed, and metadata related to technological systems, infrastructure, and processes.

With limited exceptions, no specific retention requirements are assigned to documents in this category. Instead, it is up to the originator or recipient to determine when the document's business utility has ended.

Records Not Addressed in the Record Retention Schedule

Records and other documents or materials that are not required to be retained by law, and are not expressly addressed by the attached schedule, may be destroyed at any time if they have been retained for the periods prescribed for substantially similar records.

Historical Records

Historical records are records that the DPA has determined are of historical interest or significance because of their age or research value. Historical Records may not be destroyed except in accordance with the procedures set forth in Administrative Code section 8.7.

Records Relating to Pending Claims or Litigation

The retention periods set forth in the attached Schedule do not apply to materials that are relevant to a pending claim or litigation against the City, even if the records are otherwise eligible for destruction. Once the DPA becomes aware of the existence of a claim or litigation against the City, it must notify the City Attorney's Office, which must then notify all affected City departments. DPA must retain all documents and other materials related to the claim or litigation until the City Attorney's Office reports that the claim or litigation has been finally resolved.

Records of Legal Significance

The City Attorney's Office must approve the destruction of all records that have legal significance. Administrative Code § 8.3. The City Attorney's Office reviews and approves each department's Record Retention and Destruction Schedule. Approval from the City Attorney's Office is required for the destruction of documents that have legal significance and do not fall within the department's Record Retention and Destruction Schedule.

Records Relating to Financial Matters

The Controller's Office must approve the destruction of all records pertaining to financial matters. Administrative Code § 8.3. The Controller's Office reviews and approves each department's Record Retention and Destruction Schedule. Approval from the Controller's Office is required for the destruction of documents that pertain to financial matters and do not fall within the department's Record Retention and Destruction Schedule.

Records Relating to Payroll Records

The Retirement Board must approve the destruction of all records pertaining to payroll checks, timecards, and related documents. Administrative Code § 8.3. The Retirement Board reviews and approves each department's Record Retention and Destruction Schedule. Approval from the Retirement Board is required for documents that pertain to payroll records and do not fall within the department's Record Retention and Destruction Schedule.

Records Relating to Emergencies and Disasters and Related Cost Recovery

The department must retain all records relating to federal awards, including public assistance following an emergency or disaster, are governed by 2 C.F.R. § 200.333. This regulation requires retention of any and all records relating to a federal award for three (3) years after the State has closed the claim by the City. The City shall retain all records relating to the federal award for three (3) years from the date the State has closed the claim by the City (i.e., the date of the final Financial Status Report (FSR) (FEMA Form 112-0-1), unless certain exceptions apply (see 2 C.F.R. § 200.333). California law also requires the City retain all financial and program records related to cost or expenditures eligible for state financial assistance for three (3) years. 19 CCR § 2980(e).

The records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later. Final closeout (receipt of FSR) is when all Project Worksheets associated with a disaster/emergency are closed. All records related to any and all Project Worksheets associated with an event must be retained for 3 years after the close of the final associated Project Worksheet. Note: State and Federal regulations change from time-to-time, the Office of the Treasurer & Tax Collector will issue specific rules for file retention on any given disaster, should there be a change.

Records Storage

Records may be stored in the DPA's office space or equipment if the records are in active use or are maintained in the office for convenience or ready reference. Examples of active files appropriately maintained in the DPA's office space or equipment include pending investigation files, research and reference files, administrative files, and personnel files. Inactive records, for which use or reference has diminished sufficiently to permit removal from the DPA's office space or equipment, may be sent to an off-site storage facility. Electronic backup data may be stored in secure locations that are geographically distinct from primary data, in compliance with other storage requirements in this policy.

Boxes sent to the City's storage facility must be assigned a destruction date. Records sent to storage within the same box must all have the same destruction date. The destruction date should be set for the end of a fiscal year.

Storage of records imposes considerable costs on the DPA. Accordingly, records should be stored only when necessary and should be promptly destroyed once the applicable retention period has passed and the records are no longer needed.

Destruction of Records

It shall be the policy of the DPA that once the requisite retention period for a record has passed, the record shall be destroyed unless there are particular circumstances that dictate that the record be retained. Division leaders may decide that records otherwise subject to this schedule are of sufficient importance to the mission of that division that the records should be retained.

It shall be the policy of the DPA to work with contractors providing off-site storage of records to ensure that records are destroyed once the requisite time period for retention has passed.

Electronic data, including backup data, may be securely deleted using industry-accepted methods for secure data destruction. Electronic data may be overwritten or physically destroyed based on data sensitivity.

Record Retention and Destruction Schedule

Category 1: Permanent Records

Category 2: Current Records

Category 3: Storage Records

Category 4: No Retention Required

Record Category	Record Title/Description	Retention Category	Retention Period			Remarks
			Total	On-Site	Off-Site	
Administrative Records	RFPs, RFQs and Responses	2-Current	Later of 2 years or until of no current use	Later of 2 years or until of no current use	n/a	
Administrative Records	Revolving Fund Records	2-Current	5 years after close of referenced fiscal year	2 years after close of referenced fiscal year	Until 5 years after close of referenced fiscal year	
Administrative Records	Telephone Logs	4-No Retention Required	None	n/a	n/a	
Administrative Records	Budget Documents/Work Papers	2-Current	2 years	2 years	n/a	
Administrative Records	Annual Report	1-Permanent	Permanently	Permanently	n/a	
Administrative Records	Contracts and Leases	2-Current	6 years after contract expiration	Through term of contract	Until 6 years after contract expiration	
Administrative Records	Emergency Plans	2-Current	Later of 2 years or until superseded	Later of 2 years or until superseded	n/a	
Administrative Records	Library Materials	4-No retention required	Until superseded or of no current use	Until superseded or of no current use	n/a	
Administrative Records	Office Expenditure Documents	2-Current	2 years after close of referenced fiscal year	2 years after close of referenced fiscal year	n/a	

Administrative Records	Policies/Procedures/Reports (non-personnel/HR)	2-Current	Later of 2 years or until superseded	Later of 2 years or until superseded	n/a	
Administrative Records	Purchase Orders	2-Current	5 years after close of referenced fiscal year	5 years after close of referenced fiscal year	n/a	
Administrative Records	Receipts and Deposits	2-Current	5 years after close of referenced fiscal year	5 years after close of referenced fiscal year	n/a	
Administrative Records	Work Orders and Payments	2-Current	5 years	2 years	3 years	
Work Product	Investigation Files – Active Cases	2-Current	Until case is closed ¹	Until case closed	n/a	
Work Product	Investigation Files – Closed With “Referred” and “Informational” Outcomes	2-Current	5 years	n/a	5 years	
Work Product	Investigation Files – Closed With Outcomes Other Than “Sustained”	2-Current	Later of 20 years after the close of investigation or the end of City employment for all parties	6 months after close of investigation	Later of 20 years after close of investigation or the end of City employment for all parties	
Work Product	Investigation Files – Closed With “Sustained” Outcomes	1-Permanent	Permanent	6 months after close of investigation	Permanent	
Work Product	Investigation Files – Closed Officer-Involved Shooting Investigations	1-Permanent	Permanent	6 months after close of investigation	Permanent	

¹ A case is closed when the investigation is finalized and the opportunity for an administrative appeal, pursuant to Sections 3304 and 3304.5 of the Government Code has either been exhausted or has lapsed.

Work Product	Investigation Files – Closed Cases Not Otherwise Mentioned in This Document	3-Storage	5 years	n/a	5 years	
Work Product	Chronological Files	4-No Retention Required	None	n/a	None	
Work Product	Draft Contracts Subject to Disclosure	2-Current	Later of 2 years or until approved	Later of 2 years or until approved	n/a	
Work Product	Draft Long-Term Contracts - if relevant for contract interpretation	3-Storage	10 years after contract expiration date	10 years after contract expiration date	n/a	
Work Product	Research Exemplar Files	4-No Retention Required	None	n/a	n/a	
Work Product	Historical Documents as Determined by the Director	1-Permanent	Permanently	n/a	Permanently	
Claims	Claims	2-Current	8 years after close of referenced fiscal year	3 years after close of referenced fiscal year	Until 5 years after close of referenced fiscal year	
Disaster/Cost Recovery Documentation	Covers all documents related to Federal Emergency Management Agency (FEMA) and California Governor's Office of Emergency Services (CAL OES) Public Assistance and Activities, Including Project Worksheet Files.	2-Current	3 years from date of project closeout	3 years from date of project closeout	n/a	Retention in accordance with 44 CFR Section 13.42
Personnel/HR Records	Accident/Injury Reports	2-Current	7 years	2 years	5 years	
Personnel/HR Records	Conflict of Interest Form	2-Current	7 years after final separation of employee from employment	During employee tenure	7 years	
Personnel/HR Records	Discrimination and Harassment Complaints and Investigations	2-Current	7 years after final separation of employee from employment	During employee tenure	7 years	

Personnel/HR Records	Family Medical Leave Act Records	2-Current	7 years after final separation of employee from employment	During employee tenure	7 years	
Personnel/HR Records	Medical ADA Files	2-Current	7 years after final separation of employee from employment	During employee tenure	7 years	
Personnel/HR Records	Office Personnel Files	2-Current	7 years after final separation of employee from employment	During employee tenure	7 years	
Personnel/HR Records	Payroll Reports/Timesheets and Related Documents	2-Current	4 years	4 years	n/a	
Personnel/HR Records	Policies/Procedures	2-Current	2 years after document superseded	2 years after document superseded	n/a	
Personnel/HR Records	Worker's Compensation Records	2-Current	7 years after final separation of employee from employment	During employee tenure	7 years	

Approvals

DocuSigned by:

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12/23/2024


Paul Henderson

Date Approved

Executive Director

The Department of Police Accountability

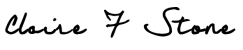
Approved as to Records of Legal Significance:

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Approved as to Records Relating to Financial Matters:

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