

GREELEY POLICE DEPARTMENT

General Order 403.00**Reviewed: 02/23****403.00 COMPLAINT PROCEDURES****Sources:**

1. Colorado Municipal Records Retention Schedule 100 Public Safety Records and Schedule 90 Personnel Records (Appendix A and B below)

403.01 Policy

Complaints alleging misconduct or policy violations by the Police Department, or its members shall be thoroughly and impartially investigated. Anonymous complaints will be accepted and investigated if the allegations concern criminal violations of the law or major policy violations. Complaints will be accepted in person, in writing, by e-mail or telephone. Retention of anonymous complaints and the resulting investigation will be the same as for other complaints.

The Police Department accepts and investigates complaints against its operations and personnel for several reasons:

- To protect police employees from false accusations
- To protect citizens from police misconduct
- To protect the Department and the City from false allegations
- To identify defective Department policies, procedures, and practices so that they may be corrected.

Complaints resulting from differences of opinion between an officer and a citizen concerning the issuance of a traffic summons or the guilt or innocence of an individual accused of a criminal offense are matters to be decided by the judicial system and are not subject to be adjudicated by the Department's complaint process.

403.02 Procedures

The following guidelines describe how a citizen complaint of employee misconduct is to be received, investigated and adjudicated by the Police Department.

- **Complaint Reception**
 - A citizen's complaint may be received by any supervisor of the Department. Any employee of the Department who is approached by a citizen wishing to make a complaint of employee misconduct shall immediately contact a supervisor. The supervisor shall contact the citizen without unnecessary delay. A complaint or request to contact a citizen shall not be left on a supervisor's voice mail or e-mail. A complainant shall not be told to call back when the involved employee(s)' direct supervisor is on duty.

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- o A supervisor may attempt to resolve a complaint by an explanation of policies and procedures. If the supervisor determines that the actions taken by the police employee were appropriate and he/she can resolve the issue to the citizen's satisfaction, no further action is required. If he/she cannot resolve the complaint or it appears that a defective policy or procedure is involved, the supervisor shall complete the initial report and forward it via the Chain of Command to the appropriate Deputy Chief.
 - o If a department complaint form is used, the form is to be completed by the supervisor or the complainant. The complaint form should be signed by the complainant and witnessed by a supervisor. If the complainant refuses to sign the complaint form, the supervisor will note that. It is not required that the complainant sign the form. (See complaint forms)
 - o The supervisor receiving a complaint will advise the complainant of the Department's process for investigating complaints. The complainant will be advised that he will be re-contacted.
 - o The supervisor who attempts to resolve the complaint shall normally be at least one rank higher than the employee(s) complained about.
 - o Upon receiving the complaint form, the Deputy Chief shall confer with the Chief of Police to determine how the complaint investigation will be classified (see types of complaints, below) and who will investigate the complaint.
 - o Complaints may also be received by the Chief of Police or the Professional Standards sergeant. In such instances, the Chief will meet with the Deputy Chief of the involved employee(s) to determine the classification and assignment of the complaint investigation.
- Types of Complaints
Complaints or allegations of misconduct against police employees are classified into two types of administrative reviews:
 - Supervisory reviews and
 - Internal affairs investigations
 - o Supervisory Review
A supervisory review is normally conducted by an employee's supervisor. The supervisor may complete the investigation by interviewing the employee, requesting memorandums from the involved employees, or both. Allegations for which a Supervisory Review may be appropriate include, but are not limited to, the following:
 - o Discourtesy
 - o Minor violation of a policy or procedure
 - o Minor driving infraction by the employee

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If, during the investigation, evidence of a crime or serious violation is discovered, the investigation will stop and be turned over to the Professional Standards Unit for handling.

o Internal Affairs Investigation (I.A.).

An I.A. is normally conducted by the Professional Standards Sergeant or another sworn supervisor assigned by the Chief of Police. Taped interviews may be a part of the investigation process. Allegations for which an Internal Investigation may be appropriate include, but are not limited to, the following:

- Excessive force
- Lying to a supervisor
- Insubordination
- Commission of a criminal act

If a criminal act is alleged, the Professional Standards Sergeant will advise the Services Deputy Chief and request the investigation be assumed by the Investigations Section. The Weld County District Attorney's office will also be advised of this request and consulted. The criminal investigation will take priority, but the administrative investigation conducted by the Professional Standards Sergeant may occur simultaneously with the criminal investigation, where it does not conflict with obtaining of statements or when it would not jeopardize the criminal investigation.

▪ Complaint Investigation Procedures

- o The involved employee(s) will be advised orally if the inquiry is a Supervisory Review or in writing if an Internal Affairs Investigation. Either type of investigation may result from either a citizen complaint or a complaint from a supervisor.
- o The accused employee will be notified of the complaint/allegation as soon as practical, unless the allegation is such that the Chief of Police directs that a covert investigation be conducted. The notification will be in writing and will include:
 - Specific allegations
 - Policies/procedures/orders that the employee is alleged to have violated.
 - Name of the complainant, unless there is a compelling reason (as authorized by the chief of police) that the complainant should remain anonymous, or unless the name of the complainant is unknown (anonymous).
 - The involved employees(s) shall be asked to sign the notice of investigation and it shall be returned to Professional Standards for tracking purposes. A copy will be provided to the employee(s).
 - The Supervisory Review or Internal Investigation will then proceed to gather information. The investigation shall not exceed 30 days in

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length unless authorized by the Chief of Police. If an extension is authorized, the involved employee(s) will be advised in writing.

- A Garrity admonition shall be given, when necessary, to employee witnesses.
- Citizen complainants and witnesses will be interviewed, as required.

- Subject Employee Interviews

- o The Notice of Inquiry, primarily done for Internal Affairs investigations, will be prepared by the Professional Standards Sergeant.

- The Notice of Inquiry will contain a statement of allegations/policy violations.
- The Notice of Inquiry will contain a “Garrity” Admonition.
- The Notice of Inquiry will contain a list of questions for the accused employee to answer during an interview. Additional, unlisted questions may be asked during the interview.
- The Notice of Inquiry will contain the location, date and time of the interview, and the name of the supervisor conducting the interview. The interview will be scheduled to take place no sooner than 24 hours following service of the Notice of Inquiry.
- The Notice of Inquiry will be served on the accused employee by a shift supervisor or the Professional Standards Sergeant. The accused employee’s chain of command will be notified of such service.
- A copy of the Notice of Inquiry, signed by the employee, will be returned to the Office of Professional Standards. The employee will likewise receive a copy.
- The accused employee will notify the supervisor serving the Notice of Inquiry who, if anyone, will be attending the interview with him. The one person allowed may be an attorney, association member, or some other employee of the organization. The City of Greeley also may have one attend the meeting in addition to the interviewer.

- o The employee will be given a Garrity Admonition prior to being allowed to present evidence and give a statement concerning the allegations, if necessary.

- o The interview will be recorded by video and/or audio. A copy will be given to the employee, if requested.

- o The interview will be scheduled during the employee’s regular duty hours. Should the interview exceed the employee’s regular duty hours, he/she shall be compensated in accordance with City policy and procedure and the Collective Bargaining Agreement.

The line of questioning will be pertinent to the issues of the investigation. If during the course of the interview the employee makes admissions of criminal conduct, the administrative interview addressing

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the non-criminal allegations will cease. Admissions of criminal conduct by an employee will be forwarded to the Criminal Investigations Section for investigation. The administrative interview shall be resumed at a later time.

- o When a department employee is giving a statement during an administrative interview and refuses to answer questions which are pertinent, the interviewer will stop the interview and give the employee a direct order to answer and admonish the employee (via Garrity warning) that this is an administrative interview, and he/she will face disciplinary action including dismissal if he/she fails to answer. If the employee fails to comply, the employee will be subject to disciplinary action up to and including dismissal for refusal to obey an order (insubordination).
- o Employees under investigation shall not be subjected to offensive language. No promise or reward shall be made by the internal investigators as an inducement to answer questions.
- o All employees involved in an internal investigation shall be instructed not to discuss the merits of the internal investigation with anyone else other than those investigating the allegation, their attorney, or the Chief of Police or his designee.
- o Upon completion of the investigation, the supervisor completing it will prepare a summary, which will include:
 - Alleged violations from the initial complaint.
 - Possible violations uncovered during the investigation.
 - A summary of the investigation's findings.
- Review
 - o The investigative report will be forwarded to the employee's immediate supervisor for the review process. Review of the investigation shall continue through each level of supervision through the employee's Deputy Chief. Each level of supervision will make recommendations and the Deputy Chief will make the final decision as to the disposition of the investigation and discipline, if any, to be assessed.
 - o The employee's supervisory Chain of Command, as noted above, will review the investigative report and determine:
 - Whether there is enough factual information and/or clear and convincing evidence in the investigative report to make a finding of fact for each allegation.
 - Whether further investigation is needed prior to making any findings.
 - If further information is required, the investigative report will be returned to the investigating supervisor for follow-up.
 - When the information requested is obtained and documented, the investigating supervisor will return the investigative report to the reviewing supervisor, and he/she will then determine their findings.

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- After sufficient facts are gathered concerning each allegation, the immediate supervisor will recommend discipline, if indicated by the findings. Each subsequent level in the Chain of Command will concur or recommend differently.
- The Deputy Chief will review the findings and, if indicated, disciplinary recommendations of the employee's supervisors and approve or revise them as appropriate.
- Findings for each allegation made against the Department or one or more of its employees will be one of the following: Unsubstantiated or Substantiated
 - Unsubstantiated Findings
 - Unfounded — Allegation is false.
 - Actions Justified – The actions taken by the Greeley Police Employee were not a violation of policy, procedure, or state law.
 - Exonerated — The alleged actions did occur but were proper under pertinent laws, policies, and procedures.
 - Substantiated Findings
 - Failure of policy — The employee adhered to existing directives, but the policy, procedure or directive was defective.
 - Sustained — The allegation of improper conduct is supported by clear and convincing evidence.
 - Performance Counseling- This recommendation alone does not support that a violation of policy, procedure, or state law occurred. This notation is meant to address employee work performance or as a means to provide the employee with constructive feedback. The use of performance counseling as a supervisory tool is not reflective of disciplinary findings made at the conclusion of an administrative review.
- Disposition of Complaint/Notification of Findings:
 - The employee will be notified in writing when the complaint investigation has been completed, reviewed and findings determined.
 - If no disciplinary action is recommended the employee will be so advised in writing.
 - If discipline is being considered, the Department will follow the guidelines contained in General Order 404 and the policies contained in the City of Greeley Employee Handbook.
 - The complainant will be notified of the complaint's disposition but will not be given the specifics of any disciplinary action taken.
- Filing/Retention of Administrative Records :
 - All documentation regarding Supervisory Reviews and Internal Affairs Investigations shall be forwarded to the Professional Standards Unit where it will be kept secure.

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- o Internal Affairs investigations, Supervisory Reviews, or documents subject to Colorado Criminal Justice Retention Act (CCJRA) will normally, at minimum, be retained in accordance with the Colorado Municipal Records Retention Schedules No. 100.80-J (Police Internal Affairs Investigations and Police Action Reviews and No. 90.070-Personnel Records. (See attached appendices A and B for reference)
- The Chief of Police may, for cause, direct that a Sustained, Unfounded, Exonerated and Failure of Policy Supervisory Review or Internal Affairs Investigation be retained beyond the scheduled destruction date.

Retention Schedule- Internal Affairs Investigations and Police Action Reviews

- Records pertaining to internal investigations regarding police conduct or actions (i.e., reviews of use of force, pursuits, officer-involved traffic accidents, etc.), board of inquiry, or internal affairs administrative inquiries and proceedings, and any subsequent disciplinary actions shall be retained, at minimum for:
 - o ***Claims or Actions found to be Unsubstantiated***
 - Retention: 5 years from date of final finding or determination
 - o ***Claims or Actions found to be Substantiated***
 - Retained for a minimum 10 years from retirement or separation, provided that records that are updated periodically may be destroyed when superseded.
 - Substantiated investigations and substantiated review and disciplinary documentation should be transferred to the Office of Professional Standards for personnel records to be retained or destroyed according to the above policy.

Records Purging Process-

- The Office of Professional Standards will review the records periodically and identify any records eligible for purging, based on the guidelines outlined in the Colorado Municipal Records Retention Schedule. When records are identified for destruction, they will be compiled and submit to the Chief of Police for review. The Chief of Police, as the department director, will confirm the records presented meet the proper criteria for destruction and are no longer pertinent to any pending special circumstances that would require an extended retention period. The Chief of Police will make this determination based on the review's findings, dates, and employment status of the involved employees.

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- Once confirmed by the Chief of Police, the records will be sent to the City Attorney's Office for final review and concurrence. The City Attorney's Office will confirm the records are eligible for destruction and not pertinent to any current or pending litigation.

- Records that have been confirmed to be eligible for destruction will be destroyed. The record of the destruction will be maintained at the City of Greeley Clerk's Office and no specific information of what the record contained nor who was involved will be indicated on the form.

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Appendix A

SCHEDULE NO. 100
PUBLIC SAFETY RECORDS

No record may be destroyed under this Retention Schedule if it is pertinent to any current, pending or anticipated investigation, audit or legal proceeding. The minimum retention periods specified in this schedule apply to the information contained within the record copy, regardless of the physical format of the record copy (paper, microfilm, electronic). Each municipality must decide on the physical format for each type of record, ensuring authenticity, readability and accessibility for the entire retention period. Duplicate Copies: Retain duplicated copies until no longer needed but not longer than the record copy.

General Description: Records relating to the emergency, enforcement and protective service functions.

100.020 ANIMAL CONTROL

Records relating to the impoundment, care and disposition of stray animals. **Retention: 2 years**

100.40 EMERGENCY PLANNING AND RESPONSE

A. Emergency Operations and Management Plans

Records relating to disaster, emergency and civil defense planning and implementation and testing of disaster warning systems. Includes emergency operations plans, incident response plans, and disaster management, response and recovery plans.

Retention: Until superseded

B. Incident Records – Major Disasters and Emergencies

Documentation of the extent and impacts of major natural or manmade disasters and emergency incidents and actions taken in response to such incidents; includes logs, diaries, damage assessment and response reports, situation and resource allocation reports, incident plans, resource ordering and tracking, financial documentation, photographs, and similar incident-related documentation. A major disaster or emergency incident is defined as one that may have historical significance and/or a federal or state disaster declaration; i.e., the 2008 Windsor tornado, the Granby armored bulldozer incident. **Retention: Permanent**

100.80 POLICE RECORDS [General Reference: CRS 24-72-304]

A. Arrest Records

Records pertaining to arrests, including cards, numerical files and register books; may include mug shots and fingerprints.

1. Adult Offender Arrest Records

a. Felony Arrests (Major Felonies and Violent Crimes)

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Cases such as arson with fatalities, homicides, kidnapping, deaths related to criminal acts, sexual assault on a child, forgery and officers killed. [Reference CRS 16-5-401]

Retention: Permanent

b. Felony Arrests (Other)

Other felony cases, special investigations related to cases such as aggravated assault, arson without fatalities and similar cases. **Retention: 10 years**

c. Misdemeanor Arrests

Misdemeanor cases, petty offenses, traffic offenses and similar cases. **Retention: 3 years**

d. Sexual Assault Arrest Records (excluding sexual assault on a child). **Retention: 99 years**

2. Arrest and Booking Logs

Retention: 5 years

3. Expungement Records – Arrests

Records of sealing or expungement of arrest records, retained with the expunged record. **Retention: Until sealed record is destroyed pursuant to this Retention Schedule**

4. Juvenile Offender Arrest Records [General Reference: CRS 19-1-304] **Retention: Until 19 years old**

5. Traffic Accident Arrest Records

a. Fatal Traffic Accidents **Retention: 10 years**

b. Non-Fatality Traffic Accidents **Retention: 3 years**

B. Case Records

Case files, incident reports, offense reports, crime stoppers reports, activity summaries, accident reports, fingerprint cards and files, photographic records of suspects and persons convicted of crimes (including photographic prints and negatives), photographic records of crime scenes (including photographic prints and negatives), video and audio recordings of crime scenes and interviews with witnesses or suspects, lie detector test records and other records pertaining to cases handled by the police department.

1. Death Case Records – Noncriminal **Retention: 10 years**

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2. Felony Case Records (Major Felonies and Violent Crimes)
Cases such as arson with fatalities, forgery, unrecovered firearms, homicides, kidnapping, deaths, sexual assault on a child and officers killed. [Reference: CRS 16-5-401]
Retention: Permanent
 3. Felony Case Records (Other)
Other felony cases, special investigations related to aggravated assault, arson without fatalities and similar cases. **Retention: 10 years** [CRS 16-5-401]
 4. Misdemeanor Case Records
Misdemeanor cases, petty offenses, traffic offenses and similar cases. **Retention: 3 years**
 5. Missing Person Records Including Runaways
Retention: Until located
 6. Sex Offender Case Records
Includes case files related to sex offenders.
Retention: Permanent
 7. Sexual Assault Case Records (Excluding Sexual Assault on a Child)
Case files related to the investigation of a sex assault crime
Retention: 99 years
 8. Traffic Accident Case Records
 - a. Fatal Traffic Accidents **Retention: 10 years**
 - b. Non-Fatality Traffic Accidents **Retention: 3 years**
- C. Community Relations Records
Records of outreach and public relations efforts, including routine requests for police department contact, follow-up, services, etc., not involving a police report; neighborhood mediation; police presentations; and similar community outreach efforts.
Retention: 2 years after completion
- D. Crime Lab Records
 1. Crime Lab Reports and Supporting Documentation
Reports regarding crime lab work and findings, and supporting documentation such as laboratory request forms, vehicle hold/release sheets, sketches, etc.
Retention: Life of related police case file

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2. Logs – Crime Lab

Automatic fingerprint identification system (AFIS) fingerprint logs, crime scene processing logs, laboratory fieldwork logs, laboratory work logs, marijuana testing logs, etc.

Retention: Permanent as documentation of qualifications of crime lab technicians as expert witnesses

E. Evidence Records

Records pertaining to the collection and storage of evidence collected at crime scenes and during police investigations. Note: Physical evidence, including DNA evidence, is destroyed in consultation with, and upon written authorization from, the District Attorney. Since the retention and destruction of physical evidence related to crimes is determined by the police department in consultation with the District Attorney, the retention of such physical evidence is therefore not covered in this Retention Schedule. Note: Retention periods apply provided that offenses are not affected by statute of limitations.

1. Chemical Blood Testing Reports

Reports requested by the police department for chemical blood testing (such as DNA testing) to determine genetic markers, performed by CBI or other agencies.

Retention: Life of related case file or life of defendant, whichever is later [CRS 18-1-1101, et seq.]

2. Evidence and Property Audit Records

Audit reports detailing the authorized destruction or disposal of property and evidence associated with police cases, including drugs, drug paraphernalia, weapons, currency, explosives, armored or bulletproof clothing, unlawful property, etc. **Retention: Until completion of next succeeding evidence and property audit**

3. Handling and Storage of Evidence Records

a. Case-Specific Evidence Logs

Logs documenting the receipt, transfer and release of materials taken into evidence for specific cases, including property reports, release records, evidence tags and similar records. **Retention: Life of related case file or life of defendant, whichever is later [CRS 18-1- 1101, et seq.]**

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b. Evidence Logs Documenting Multiple Cases

Logs documenting the receipt, transfer and release of materials taken into evidence for multiple cases, including property reports, release records, evidence tags and similar records. **Retention: 7 years**

4. Lie Detector Test Administration Records

Records retained by the test administrator to document expertise in the administration of lie detector tests using the computer voice stress analyzer, polygraph and other lie detector test equipment. **Retention: Permanent**

F. False Alarm Records

Records of false alarms, warnings issued and user fee assessments; notifications of unreliable alarm systems, etc. **Retention: 2 years**

G. Field Contact Records

Records of contacts with businesses, complainants, juveniles, victims or witnesses after which no incident report is filed. **Retention: 3 years**

1. Recorded Interviews – Field Contacts

Recorded interviews conducted during field contacts in which no incident report is filed. **Retention: 90 days if transcribed, or life of case file if not transcribed**

H. General Orders

Directives or standard operating procedures issued by the police chief governing the overall operation and administration of the police department. **Retention: Permanent**

I. Intelligence Files (Police)

1. Intelligence Files

Records containing information regarding individuals and groups. **Retention: No longer than 5 years after obsolete or no longer relevant [28 CFR 23.20(h)]**

2. Confidential Informant Files

Information pertaining to the identity of confidential informants, including but not limited to the informant's name, address, telephone number, race, sex, height, hair and eye color, social security number, date of birth, criminal history report, fingerprint card, photographs and names of family members; may include records of any payments to the

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informant. **Retention: 5 years following last contact with informant**

J. Internal Affairs Investigations and Police Action Reviews

Records pertaining to internal investigations regarding police conduct or actions (i.e., reviews of use of force, pursuits, officer-involved traffic accidents, etc.), board of inquiry or internal affairs administrative inquiries and proceedings, and any subsequent disciplinary actions.

1. Unsubstantiated **Retention: 5 years**

2. Substantiated

Substantiated investigations and substantiated review and disciplinary documentation should be transferred to the record copy custodian for personnel records to be retained or destroyed according to personnel policy unless there are conflicts with union policy. **Retention: See Employee Records (CMRRS 90.070)**

K. License Plate Recognition Data

Data and images recorded by means of automated license plate recognition systems (one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data) used to capture license plate numbers for parking enforcement, booting, stolen vehicle identification or other law enforcement purposes.

Retention: 21 days for data, except that "hits" are retained for life of related case file

L. Logs – Routine

Listings tracking specific routine daily activities, such as alarm check logs, logs of court subpoenas served, logs of crimes in specific areas, criminal history check log sheets retained for National Crime Information Center (NCIC) audits, dispatch logs, DUI logs, home check logs, offense logs, traffic accident logs, welfare check logs, etc. **Retention: 2 years**

M. National Crime Information Center/Colorado Crime Information Center (NCIC/CCIC) Teletypes Informational teletypes received via NCIC and CCIC for entry to the police department's computer system; follow-up teletypes from other law enforcement departments. **Retention: 30 days**

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N. Parole Card File **Retention: Until no longer needed**

O. Prisoner Transport Records **Retention: 2 years**

P. Registered Sex Offenders [General Reference: CRS 18-3-412.5]

1. Information Request Forms – Sex Offenders

Forms completed by parties interested in inspecting public information regarding sex offenders. [General Reference: CRS 16-22-112] **Retention: 2 years**

2. Sex Offender Registration and Cancellation Forms Notifications completed by convicted sex offenders regarding residence addresses and contact information. [General Reference: CRS 16-22-108] **Retention: 5 years after offender leaves jurisdiction**

3. Sexually Violent Predators – Public Notifications Notices given to the public regarding sexually violent predators in the community. [General references: CRS 16-22-108 and CRS 18-3-414.5] **Retention: Permanent**

Q. Requests for Release of Information Requests for public release of information such as E-9-1-1 recordings, reports, incident histories, etc. **Retention: 2 years after request is answered**

R. Ride-Along Program Records

Records of police programs that allow citizens to ride along with police officers. **Retention: 3 years**

S. Seizure Fund Documentation Records relating to the fund for monies accrued as a result of court-ordered seizures and disposition of property connected to vice, narcotics and other crimes. **Retention: 7 years**

T. Statistical Files

Card or other indexes for statistical reporting of data by class of crime and other statistical information. **Retention: 5 years**

U. Summonses and Complaints

Duplicate copy of summonses and complaints. **Retention: 2 years**

V. Training Records

Records documenting training for police personnel, including K-9 training records, firearms range scores, test scores and monthly training reports. **Retention: 5 years after employee's termination**

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W. Uniform Crime Report

National Incident Based Reporting System (NIBRS) annual uniform crime report. **Retention: Permanent**

X. Vehicle Impound Records

Records documenting the impoundment of licensed and non-licensed motorized vehicles and sports craft that have been taken into custody for violations of laws that govern their use, operation and ownership. **Retention: 2 years after vehicle is released to owner or otherwise disposed of**

Y. Victim Assistance and Counseling Records

Case records, including contact sheets, relating to victim assistance and advocacy. **Retention: 2 years after completion of assistance**

Z. Video and Audio Recordings – Secured Police Facilities

Video and audio recordings made in secured areas of jails, holding areas, booking areas or lock-ups. **Retention: To be determined administratively by law enforcement agency, provided that any pertinent recordings are retained until final resolution of any related potential or pending claim or litigation**

AA. Video Recordings – Vehicle and Officer Recording Systems

Video recordings and logs made from police vehicle or officer-carried recording systems.

1. Accidental, Test, or Training Records When the BWC is inadvertently activated, when conducting a test at the beginning of shift, or when BWC trainings are done. **Retention: 2 days for test or accidental recording, and 1 year for training videos**

2. Citizen Issues, Non-Criminal Incidents, Traffic Incidents with no summons issued, non-criminal incidences, any routine contact that does not result in enforcement action or a case report or summons, concern about a citizen complaint or other unusual circumstances exist that may warrant retaining the video longer than 30 days. **Retention: 60 days for non-criminal incidents, and 1 year for citizen issues**

3. Misdemeanors, Minor Crimes, and Use of Force

a. Misdemeanor cases, petty offenses, traffic offenses with summons issued, and similar cases – where viable suspect information exists or not. **Retention: 3 years**

b. When any use of enforce is employed **Retention: 5 years**

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c. Non-Fatality Traffic Accidents **Retention: 3 years**

4. Felonies and Major Crimes (Major Felonies and Violent Crimes)

a. Major Felonies – Cases such as arson with fatalities, forgery, unrecovered firearms, homicides, kidnapping, deaths, sexual assault on a child and officers killed. Any felony crime where an arrest occurs or there is viable suspect information that may lead to an arrest. **Retention: Permanent**

b. Other Felony Cases – Cases such as special investigations related to aggravated assault, arson without fatalities and similar cases – where viable suspect information exists or not. **Retention: 10 years**

c. Sexual Assault Cases – Cases related to the investigation of a sex assault crime. **Retention: Permanent**

d. Fatal Traffic Accidents **Retention: 10 years**

BB. Weapons and Firearms Records

1. Authorizations to Carry

Records of types of firearms and weapons carried by officers indicating authorization to carry weapons, that the weapon has been checked, and that the officer qualifies to use it. **Retention: 2 years after weapon is no longer in use**

2. Weapons Maintenance Records

Records relating to in-house and external maintenance work on weapons. **Retention: 3 years**

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Appendix B

SCHEDULE NO. 90 PERSONNEL RECORDS
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<p>No record may be destroyed under this Retention Schedule if it is pertinent to any current, pending or anticipated investigation, audit or legal proceeding. The minimum retention periods specified in this schedule apply to the information contained within the record copy, regardless of the physical format of the record copy (paper, microfilm, electronic). Each municipality must decide on the physical format for each type of record, ensuring authenticity, readability and accessibility for the entire retention period. Duplicate Copies: Retain duplicated copies until no longer needed but not longer than the record copy. <Amended 8/16></p>
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General Description: Records relating to the hiring, employment, safety, benefits, compensation, retirement and termination of employees.

90.070 EMPLOYEE RECORDS – ACTIVE AND TERMINATED

Documentation of an individual employee's work history maintained because of the employer- employee relationship, such as records pertaining to age, current or last-known address, telephone number and social security number; notices of appointment; tuition reimbursement; classification questionnaires; commendations; disciplinary and personnel actions and supporting documentation, including hiring, evaluation, demotion, promotion, layoff, selection for training or apprenticeships, transfer, resignation and termination or involuntary termination; delegations of authority and work assignments; emergency notification forms; oaths of office; job-related training documentation; individual safety training records, performance evaluations; salary documentation; beneficiary designations; selection of benefit or insurance plans (such as pension plans or cafeteria or flex benefits); records relating to COBRA continuation of health insurance coverage; etc. [General Reference: CRS 24-72-202(4.5)]. Note: Medical records are to be retained separately in accordance with federal law. For employee medical records, see 90.110.B, Employee Medical Records in General. **Retention: 10 years after retirement or separation, provided that records that are updated periodically may be destroyed when superseded and that medical records relating to hazardous material exposure are retained 30 years after separation**

Departmental employee records: Consult with custodian of record copy of employee records regarding proper transfer or disposal of departmental employee records upon termination of employment

90.080 EMPLOYEE RECORDS – TEMPORARY AND SEASONAL

Records and documentation relating to employment of temporary and seasonal employees, except for payroll and fiscal information. **Retention: 3 years after**

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termination, except payroll and fiscal records Departmental temporary or seasonal employee records: Consult with custodian of record copy of employee records regarding proper transfer or disposal of departmental employee records upon termination of employment

90.130 JOB RECRUITMENT RECORDS

C. Background Investigation Files – Public Safety Applicants Not Hired
Files containing background investigation information for public safety applicants, such as background checks, CVSA narrative psychological reports, reference checks, etc. **Retention: 3 years**

90.160 POLYGRAPH RECORDS – WORKPLACE INVESTIGATIONS

Polygraph investigations of workplace theft or other incidents or activities resulting in economic loss to the employer; copy of statement provided to employee setting forth specific incident or activity under investigation and basis for testing; copy of notice provided to polygraph examiner identifying persons to be examined; copies of opinions, reports, charts, written questions, lists and other records relating to employee polygraph tests (e.g., records of number of examinations conducted each day, records specifying duration of each test period) that have been furnished to the employer by the polygraph examiner. **Retention: 3 years from date polygraph test is conducted or from date examination is requested, whichever is later [29 CFR 801.30]**

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Appendix C

SCHEDULE NO. 105
RISK MANAGEMENT RECORDS

No record may be destroyed under this Retention Schedule if it is pertinent to any current, pending or anticipated investigation, audit or legal proceeding. The minimum retention periods specified in this schedule apply to the information contained within the record copy, regardless of the physical format of the record copy (paper, microfilm, electronic). Each municipality must decide on the physical format for each type of record, ensuring authenticity, readability and accessibility for the entire retention period. Duplicate Copies: Retain duplicated copies until no longer needed but not longer than the record copy.

General Description: Records relating to risk management functions.

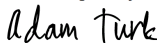
105.020 SECURITY RECORDS - MUNICIPAL FACILITIES

A. Automated or Manual Access Control Records

Records generated by automated systems to show entry and exit from secured areas by authorized persons using an electronic badge or similar system to gain entry or exit, or records generated manually to document entry and exit to and from secured areas (i.e., entry and exit log sheets, etc.). **Retention: 2 years**

B. Recordings and Images Related to Security – Public Areas

Video or audio recordings, biometric data or images from security or surveillance cameras, scanning systems or audio recording systems in public areas of municipal buildings or grounds. Security setups vary and recordings may be continuous, stop-frame or random use. Recordings or images may capture date and time indexing information. **Retention: 30 days**

General Order 403.00	<u>COMPLAINT PROCEDURES</u>	Reviewed: 02/23
Authorized by Adam Turk, Chief of Police		
Effective Date: February <u>14</u>, 2023		
DocuSigned by:  Signature	Date:	2/14/2023