



Use of Force Recommendation 10 & 53

*Guidance for: Disciplinary History
Retention Period*



Agenda

- Objective
- Recommendation Highlights
- References
- Current Practice
- Regional Trends
- Discussion Points
- Further Clarification
- Committee Feedback
- Final Guidance
- Discussion





Objective

- Define the retention period of disciplinary records



Recommendation Highlights

Investigatory files should be maintained for the duration of an employee's career with the Mesa Police Department plus a sufficient number of years for all collateral proceedings to reach a final result and to be reasonably available in connection with an employee's future employment with another law enforcement agency. (10)

Merrick Bobb and Richard Romley

MPD should develop a policy that outlines circumstances in which personnel files held by the Professional Standards Division can or cannot be purged.

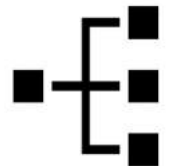
PERF recommends that sustained complaints against an officer are held indefinitely. (53)

PERF

References

Arizona State Library: Law Enforcement Records Retention Schedule GS-1031, Rev 3 (2017)

Record Title	Retention Period	Retention Remark
Professional Standards: All Other Records May include critical incident reviews, use of force, weapons deployments and other related records	3 years	After review is completed.
Professional Standards: Sustained Finding(s) Resulting in Discipline May include critical incident reviews, use of force, weapons deployments and other related records	5 years	After separation of employee. Trigger begins when discipline is final.



“Discipline” is undefined by the Arizona Library.

Per Police Officer Bill of Rights (ARS 38-1101); "Disciplinary action" means the dismissal, the demotion or any suspension of a law enforcement officer that is a result of misconduct or unsatisfactory performance.

Current Practice

DPM 1.4.25-Professional Standards

- All **inquiries** will be retained for **three (3) years**
- Unfounded, Exonerated, Not Sustained, Policy Failure and/or Sustained: No Discipline, will be retained for **three (3) years**
- Written Reprimand, Disciplinary Probation, or Disciplinary Suspension, will be retained for **five (5) years**
- Dismissal or Resignation in Lieu of Termination or Involuntary Demotion will be retained **indefinitely**
- Retain records for ongoing or foreseeable audits, lawsuits, or investigations

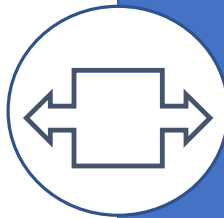
Regional Trends

Agency	Retention Schedules
Phoenix PD	3 Years- Not Sustained / 5 Years- Sustained
Tucson PD	3 Years- Not Sustained / 5 Years- Sustained
Tempe PD	3 Years- Not Sustained / 5 Years- Sustained
Scottsdale PD	3 Years- Not Sustained / 5 Years Beyond Separation-Sustained
Chandler PD	3 Years- Not Sustained / 5 Years- Sustained/10 Years- OIS
Gilbert PD	3 Years- Not Sustained / 5 Years- Sustained

Discussion Points

*List the reasons **for** adopting the recommendation*

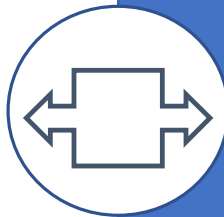
- Evidence to assist with determining appropriate discipline (Progressive Discipline).
- Data to examine whether patterns in an officer's disciplinary history are predictors for future use of force.
- Referral to an employee's future employment with another law enforcement agency.



Discussion Points

*List the reasons **against** adopting the recommendation*

- The City of Mesa could be subject to future lawsuits for retaining files longer than required. (i.e. by former employees).
- Employees fear they will be held back for promotion or special assignments because past mistakes.
- Follow retention periods established by State law



Further Clarification

- Clarification needed on retention remark of “After separation of employee. Trigger begins when discipline is final.”
 - Per Arizona State Library, Archives, and Public Records Office, Retention period is 5 years after discipline is final **OR** separation of employee



Committee Feedback

- Recommendation to lobby State Legislature to change state retention law regarding retention of Internal Affairs records.
- Maintain a complete employee history including commendations.
 - Different opinion given that discipline history should only include such.
- Arizona State Library, Archives, and Public Records Office website, they caution to only hold onto records for minimum retention period, due to the risk of lawsuits arising.
- Establish timeline when history will be used in progressive discipline and promotion process.



Final Guidance

- ~~Adopt the recommendation to maintain disciplinary files for the duration of an employee's career with the Mesa Police Department, plus five years.~~
- Category 1 case files identified in DPM1.4.10 Disciplinary Process will be retained for member's career plus 5 years, all other categories will follow State retention guidelines.
- Establish guidelines when disciplinary history will be used for progressive discipline and promotional process.



Discussion