
Personnel Records

1400.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1400.2 POLICY

It is the policy of this office to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of North Carolina.

1400.3 OFFICE FILE

The office file shall be maintained in the office of the Sheriff as a permanent record of a person's employment/appointment with this office. The office file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the office file after the member has had the opportunity to read and initial the comment.
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond.
 - 2. Any member response shall be attached to and retained with the original adverse comment.
 - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information related to the member's employment, the disclosure of which would constitute an unwarranted invasion of personal privacy to include outside employment request.

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1400.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1400.5 TRAINING FILE

An individual training file shall be maintained by the Training Officer for each member. Training files will contain records of all training, original or photocopies of available certificates, transcripts, diplomas and other documentation, education and firearms qualifications, including mandated annual qualification. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) It shall be the responsibility of the involved member 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 member's training file.

1400.6 INTERNAL INVESTIGATIONS FILE

Internal investigations files shall be maintained under the exclusive control of the Division Captain or his designee in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in a finding of not sustained, unfounded or exonerated shall not be placed in the member's office file but will be maintained in the internal investigations file.

1400.7 MEDICAL FILE

A medical file should be maintained separately from all other personnel records and shall contain be maintained by the county Human Resources Department.

1400.8 CONFIDENTIALITY AND SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are confidential and subject to disclosure only as provided in this policy or pursuant to applicable law.

Nothing in this policy is intended to preclude review of personnel records by the Sheriff, County Attorney or other attorneys or representatives of the county in connection with official business.

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1400.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Support Services Director or other person charged with the maintenance of such records.

Upon receipt of any such request, excluding review by representatives of the county in connection with official business, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure, which result in access to a member's personnel records, should be logged in the corresponding file.

1400.8.2 RELEASE OF CONFIDENTIAL INFORMATION

The Office may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows or should know to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement. Any release shall be in compliance with the applicable Personnel Privacy Act.

1400.9 MEMBER ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files.

Any member seeking the removal of any item from his/her personnel records shall file a written request to the Sheriff through the chain of command. The Office shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Office shall be retained with the contested item in the member's corresponding personnel record.

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

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member until such investigations are completed.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

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- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Office for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for Office planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Office and the member that may be discovered in a judicial proceeding.
- (i) Information that might identify an undercover deputy or informer.

1400.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required 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 required period, approval for such retention should be obtained through the chain of command from the Sheriff.
- (c) If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.