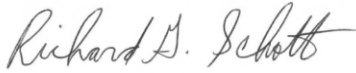


Office of the Independent Police Auditor Procedural Memorandum	
No: 03	Subject: Records Management
Approval Date: December 1, 2018	Review Date: December 1, 2020
Signed by Richard Schott, Independent Police Auditor	

Purpose: This policy establishes the general responsibilities of staff in the Office of the Independent Police Auditor (OIPA) and members of the Police Civilian Review Panel (Panel) in regards to retaining and disposing of records in compliance with the Virginia Public Records Act (Code of Virginia § 42.1-76 et seq.). The OIPA oversees the management of records by Panel Members to ensure that both entities are coordinated and uniform in the retention and disposition of records.

Agency Records Officer

The Management Analyst II will serve as the agency records officer for OIPA and will be responsible for the development, implementation, and ongoing coordination of the OIPA’s records management program. Responsibilities include:

- Serving as the liaison with the Archives and Records Management Branch, DIT.
- Maintaining a working knowledge of applicable local, State, and Federal Statutes and/or regulations affecting records management practices.
- Developing procedures to implement OIPA’s records management program and establishing records retention and disposition schedules for the office.
- Serving as the point of contact for Panel Members regarding records management and providing them with guidance (in consultation with Panel counsel) to ensure compliance with established procedures.
- Providing training and resources as necessary to OIPA staff and Panel Members.
- Ensuring that archival and permanent records are properly identified and maintained.
- Supporting OIPA staff and Panel Members in their individual responsibilities to retain temporary records according to their retention schedules and to dispose of non-records.
- Directing OIPA staff and Panel Members to review their files and emails on a semi-annual basis and certifying that records have been destroyed according to established OIPA procedures.

Definition of Records and Non-Records

- A “Public Record” is any recorded information that documents a transaction or activity by or with any public official if it is produced, collected, received or retained in connection with the transaction of public business (Code of Virginia § 42.1-77). Records

include, but are not limited to, notes, letters, documents, printouts, audio recordings, videos, emails, and texts.¹

- A material or email will be considered a record when it is related to one’s responsibilities as a public official and explains/justifies/documents an action or decision. An email will be treated as a record (and retained accordingly) when it does one of the following:
 - Corresponds with staff, complainants, vendors, or the general public about official business (may include incoming messages)
 - Involves negotiations on behalf of department or locality
 - Approves or authorizes actions or expenditures
 - Signifies policy changes or developments
 - States official opinions relating to a public official’s position
 - Creates precedents, such as messages issuing instructions or advice
- Correspondence that is of a routine administrative nature shall be considered a record and will be retained only as long as it is administratively useful. Correspondence will be considered routine when it is part of a regular/established procedure or typical sequence of actions (e.g., building an agenda, scheduling meetings).
- Materials (and emails) that do not meet the criteria will be considered non-records and will not be retained (e.g., informational emails that do not require a response, general announcements, reference materials or copies of materials retained by someone else, draft material related to documents that have since been finalized).

Records Retention and Disposition Schedules

- Records retention and disposition schedules for OIPA and Panel were developed in accordance with the Library of Virginia General Schedule No. GS-19 for County and Municipal Governments.
- A summary table of the OIPA and Panel Retention Schedules is provided below. A more detailed document, *Retention Schedules for the Office of the Independent Police Auditor and the Police Civilian Review Panel*, will be maintained by the OIPA which outlines for each record type: agency retention period, agency disposition process, and related Library of Virginia Record Series information

Summary of OIPA/Panel Retention Schedules	
Record Type	Retention Period
OIPA Policies/Procedures	permanent (approved versions)
Panel Bylaws	permanent (approved versions)

¹ See also the definition of “public record” in the Virginia Freedom of Information Act, Va. Code Ann. §§ 2.2-3700 through 2.2-3714 (FOIA).

Panel Adopted Policies/Procedures	permanent (current versions)
OIPA/Panel Annual Reports	permanent
OIPA Incident Review and Other Public Reports	permanent
Panel Review Reports	permanent
Panel Meeting Agendas, Summaries and Audio Files	permanent
Complaint Forms/Emailed Complaints	1 year from close of complaint (redacted versions saved for as long as administratively/historically useful)
OIPA/Panel Official Correspondence with Complainants	1 year from close of complaint (redacted versions saved for as long as administratively/historically useful)
Internal Correspondence concerning a Complaint (to Panel Members or OIPA staff)	1 year from close of complaint
Correspondence to FCPD concerning a Complaint	1 year from close of complaint
Copies of FCPD Official Correspondence to Complainants	Redacted version kept with complaint file
Internal Correspondence not concerning a Complaint (to Panel Members or OIPA staff)	2 years after the end of the calendar year
Internal Correspondence not concerning a Complaint (from IPA only)	3 years after the end of the calendar year
OIPA/Panel Non-Routine Official Correspondence with External Stakeholders (e.g., BOS, FCPD, media)	3 years after the end of the calendar year
Draft Documents/Reports	until the subsequent draft or the final document is completed
Routine/Administrative Documents/Correspondence	none, as long as administratively useful
OIPA Master Complaint/Review Spreadsheets	none, as long as administratively useful (PII redaction 1 year from close of complaint)
Spreadsheets to track processes (e.g., outreach)	none, as long as administratively useful
Reports/Status Updates for Internal Use	none, as long as administratively useful
Informal Guidelines, Instructions etc. (not approved procedures)	none, as long as administratively useful
Presentation materials (with new substantive content)	1 year and then for as long as administratively useful
Routine voicemails/telephone messages	none
Substantive Voicemails from Complainants left with OIPA	1 year from close of complaint

Substantive Voicemails from Complainants left with Panel Members	none
FOIA Requests	3 years after responses are provided
RM-3 Forms approved	3 years after the end of the calendar year

- OIPA will serve as the custodian for all permanent records, including those of the Panel. All OIPA reports, Panel reports, Panel Bylaws, and Panel meeting materials will be maintained on the website as well as on the S: Drive. OIPA Procedures and Procedures adopted by the Panel will be maintained on the S: Drive.
- OIPA will serve as the custodian for all records related to the complaint file (complaints, official correspondence sent to complainants) and will redact personally identifiable information (PII) (i.e., name, phone, email, address, date of birth) of the complainant and involved officer(s)/staff at the expiration of the retention period. Redacted versions of documents in the complaint file will be retained for as long as deemed administratively useful, or for statistical or historical purposes.
- OIPA staff and Panel Members will be individually responsible for retaining temporary records (i.e., individual correspondence, draft documents) of which they are the custodian per the retention schedules noted above.
- OIPA staff should store temporary records on Outlook, H: Drive, or S: Drive.
- Panel Members should store temporary records in a designated folder in their email accounts until County Outlook accounts are provided. Temporary records may be stored on Panel Member’s personal computers in a folder designated solely for Panel business.

Disposition of Records and Non-Records

- Documents and emails that are considered non-records will be purged on a regular basis (i.e., every 30 days).
- Records that are considered routine administrative will be deleted as soon as they are no longer administratively useful.
- Records that are considered draft materials will be deleted once the subsequent draft or the final document is completed.
- All other temporary records will be deleted according to their retention period on a semi-annual basis (January and July), at the prompting of the OIPA records officer.
- The OIPA records officer will provide reminders to OIPA staff and Panel Members to review their documents and emails and ensure that non-records have been deleted. Reminders will include specific instructions on the type of records that have reached the end of their retention period and can be deleted.
- The destruction of records by OIPA staff and Panel Members will be documented by the submission of Certificates of Records Destruction (Form RM-3) to the Archives and Records Management Branch, DIT.

Succession Planning

- Official records of public officials are the property of Fairfax County and must be returned at the expiration of a term of office or immediately following a resignation.
- Departing OIPA staff will be asked to clean out their Outlook accounts, transfer any records on their Outlook and H Drive to a designated OIPA staff person, and inform OIPA staff of the location of certain records on the S: Drive.
- Exiting Panel Members will be instructed by OIPA prior to the end of their term, or upon notice of their resignation, to send all records to OIPA for retention and to delete all records in their possession after transmission to OIPA.

Collection and Handling of Personally Identifying Information (PII)

- Complaints with PII will be stored electronically only on the S: Drive that is accessible by the Independent Police Auditor and his two staff persons.
- Hard copy versions of Complaints will be stored in the OIPA office, which is locked at all times when OIPA staff are not physically present.
- After the retention period expires (1 year from the close of the complaint), complaint forms will be redacted of any PII of the complainant (name, phone, email, address, DOB) and involved officer(s)/staff. Non-redacted complaint forms will be disposed of (electronic and hardcopy) and replaced with redacted versions for future reference. PII stored in spreadsheets to track complaints will also be redacted at the end of the retention period.

Definitions

- **Close of complaint:** The complaint will be considered closed when:
 - OIPA publishes the final incident report and provides notice to complainant that the report is complete, or when
 - the Panel publishes a final review report and sends the notice of completion to the Complainant (request for review) occurs or on the date of the Panel's last correspondence with the Complainant following the FCPD letter (initial complaint).
- **Complaint file:** Documentation related to the processing of a complaint, including the original (or redacted) complaint, official OIPA or Panel correspondence with the Complainant, copies of FCPD correspondence shared with the OIPA/Panel.
- **Personally identifiable information or PII:** Information that "describes, locates or indexes anything about an individual... or... affords a basis for inferring personal characteristics." The following information will be treated as PII by OIPA and the Panel and redacted per this procedure: name, phone, email, address, and date of birth.