

## Personnel Records

### 1013.1 PURPOSE AND SCOPE

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

### 1013.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Maryland.

### 1013.3 PERSONNEL FILE

A member's personnel file shall be maintained as a record of a person's employment and appointment with the University of Maryland, Baltimore Police Department (UMBPD) is department. Personnel files may be maintained by the UMBPD and other Divisions/Sections unique to the University of Maryland, Baltimore (UMB). The unique Divisions/Sections of the UMB consist of Human Resource Service (HRS) and Environmental Health and Safety (EHS).

The Records Division of UMBPD shall maintain personnel files that shall include, at a minimum:

- (a) Personal data, including photographs, marital status, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Emergency contact information.
- (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 department file after the member has had the opportunity to read and initial the comment (Md. Code PS § 3-104(o)).
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
  - 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.

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- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.
- (i) Only information required to accomplish a necessary governmental purpose shall be kept on a member (Md. Code GP § 4-102).

The HRS of UMB shall maintain personnel files that shall include, at a minimum:

- (a) Election of employee benefits.
- (b) Copy of performance evaluations.
- (c) Medical files listed under 1013.7 (see below)

The EHS of UMB shall maintain personnel files that shall include, at a minimum:

- (a) Documents relating to workers' compensation claims or the receipt of short- or longterm disability benefits

#### **1013.4 BUREAU FILE**

Bureau files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Bureau 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.

#### **1013.5 TRAINING FILE**

An individual training file shall be maintained by the E & T Lieutenant 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. Training records may also be created and stored remotely, either manually or automatically.

- (a) The involved member is responsible for providing the E & T Lieutenant or immediate supervisor with evidence of completed training/education in a timely manner. The E & T Lieutenant or designee shall update the involved member's training records following their participation and completion of the respective training.
- (b) The E & T Lieutenant or designee shall ensure that copies of such training records are placed in the member's training file.
- (c) Training records shall include the performance of individual attendees as measured by tests, if administered.
- (d) Lesson plans are required for all training courses and shall include the purpose of the instruction, a statement of performance objectives, the relationship of the training to critical job-tasks, the identification of the subject matter, and the instructional techniques to be used.
- (e) The E & T Lieutenant or designee shall review lesson plans regularly to determine their relevance, maintaining a retention schedule for lesson plans and related records.

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#### **1013.6 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Deputy Chief of Police. These files shall be stored securely either manually or electronically. Access to these files may only be approved by the Chief of Police, Deputy Chief of Police or the Internal Affairs Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file.

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

An officer may, upon written request, have a record of a formal complaint expunged from his/her personnel file if it meets the applicable requirements (Md. Code PS § 3-110).

#### **1013.7 MEDICAL FILE**

A medical file shall be maintained by the UMB HRS separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family Medical Leave Act (FMLA).
- (b) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (c) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (d) Any other documents or material that reveals the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

#### **1013.8 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 subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy 804 or according to applicable discovery procedures (Md. Code GP § 4-311).

Nothing in this policy is intended to preclude review of personnel records by the State's Attorney or other attorneys or representatives of the University of Maryland Baltimore in connection with official business (Md. Code GP § 4-311).

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#### **1013.8.1 REQUESTS FOR DISCLOSURE**

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

Upon receipt of any such request, 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, shall be logged in the corresponding file.

#### **1013.8.2 RELEASE OF PERSONNEL INFORMATION**

The Department may not release personal information about a member unless allowed by law, regulation or order (Md. Code GP § 4-311; Md. Code GP § 4-401).

The Department 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 to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

#### **1013.9 MEMBER ACCESS TO HIS/HER OWN 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 (Md. Code GP § 4-311).

Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department 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 Department 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.
- (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 Department 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 department 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 Department and the member that may be discovered in a judicial proceeding.

### **1013.10 RETENTION AND PURGING**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule (Md. Code SG § 10-615).

- (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.