



DIRECTIVES

Oak Creek Police Department

Effective Date:

September 1, 1997

Reviewed Date:

November 7, 2018

Sign-Off Date:

February 25, 2019

Title:

RECORDS RETENTION SCHEDULE

Directive Number:

10-300

Critical Policy

Yes No

Open Record

Yes No

Total Pages:

4

Applicability:

All Employees

I. PURPOSE AND OBJECTIVES

The purpose of this policy is to establish a retention schedule, as well as destruction procedures, for department records.

II. AUTHORITY AND RESPONSIBILITY

It is the policy of the Oak Creek Police Department that official records shall be retained in accordance with provisions established by Wisconsin Statutes, City of Oak Creek Ordinances, and in accordance with procedures of the State Historical Society of Wisconsin.

III. DEFINITIONS

- A. *Hold* – A status ensuring a record may not be destroyed even though the record retention period has concluded.
- B. *Creation Date* – A term used to determine the date a record was initially started. The retention period starts from the date of initial creation of that record.
- C. *Event Date* – A term similar to the creation date, but used for records that have different “closing dates.” The retention period would start after the event is closed. (Example: ongoing investigations, further investigations or awaiting court dispositions.)
- D. *Closing Date* – A term used to describe when a record receives a final disposition. (Example: no further follow-up, arrest, inactive, lack of prosecutorial merit, victim refused to prosecute, unfounded, statute of limitations, D.A. refused to prosecute, exceptionally cleared, warned/counseled, turned over to another agency, informational other, dead on arrival or cleared.)
- E. *Permanent* – A status ensuring the continued preservation of a record without concern for time limitations.
- F. *Record* – Has the meaning of the extended definition in Section 19.32(2), Wis. Stats.: “Record” means any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority. “Record” includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved. “Record” does not include drafts, notes, preliminary computations, and like materials prepared for the originator’s personal use or prepared by the originator in the name of a person for whom the originator is working; materials that are purely the personal property of the custodian and

III. DEFINITIONS- *Continued*

F. *Record – Continued*

whom the originator is working; materials that are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent, or bequest; and published materials in the possession of an authority other than a public library that are available for sale, or that are available for inspection at a public library.

G. *Open Records Clerk* – A clerical employee assigned to disseminate police records and information according to the Open Records Policy set forth by the police department.

H. *Open Records Supervisor* – The supervisor in charge of the clerical department assigned overall responsibility of open records issues for the police department.

IV. PROCEDURE

A. Management of the Records Retention Program.

Open Records Supervisor will be considered the officer in charge of and have overall responsibility for control of the records listed in the Records Retention Schedule of our Municipal Ordinance. That supervisor will also be responsible for fulfilling all requirements under this directive and the companion City Ordinance on records retention (Ordinance No. 3.64).

B. Legal Considerations

1. The records identified in our ordinance are determined to be public records by Wisconsin Statute.
2. Sec. 19.21(4)(b), Wis. Stats., requires the preservation of public records for seven (7) years, unless another retention period has been set by Statute or through an Ordinance that had received prior approval of the Wisconsin Public Records and Forms Board.
3. Sec. 19.21(4)(b), Wis. Stats., requires that, prior to the destruction of obsolete public records, a minimum of a 60-day notice of such destruction shall be given in writing to the State Historical Society of Wisconsin. The Historical Society may, in some instances, waive the required statutory notification.
4. Oak Creek Ordinance No. 3.64 – Records Retention Schedule – lists the records retention period previously approved by the Public Records and Forms Board. The schedule also lists those records that have been granted a “waived” status by the State Historical Society of Wisconsin.
 - a. Audio/video records generated through the squad video system will have the following retention schedule, per the MAVRS Policy (#8-400):
 - 1) Squad Check – 10 days
 - 2) Default Rule – 121 days
 - 3) Call for Service – 121 days
 - 4) Traffic Stop – 121 days
 - 5) Traffic Accident – 121 days
 - 6) Field Interrogation – 121 days

IV. PROCEDURE - *Continued*

- 7) OWI – 366 days
- 8) Training – 366 days
- 9) Use of Force – 366 days
- 10) Vehicle Pursuit – 366 days
- 11) Archive – 3,000 days.

- b. All recorded events will be held on the Oak Creek Police Department server for the pre-determined amount of time as indicated by the officer's classification tagging. If no requests are made to archive the videos they will be purged automatically by the system.

C. Exceptions to the Retention Schedule

1. Any record for which there is reason to believe litigation may be pending shall not be destroyed, regardless of whether the retention period has concluded.
2. Such records shall be placed on a hold status until all litigation has concluded.
3. Any record may be retained by the Open Records Supervisor for a period longer than the authorized retention with approval of the Chief of Police.

D. Destruction Procedure

1. Prior to destruction, the records should be separated by three (3) categories:
 - a. shredding required
 - b. recyclable paper
 - c. regular trash disposal

The Open Records Supervisor will consult with the City Clerk, who has overall Municipal responsibility for Open Records, to determine the best manner for destruction.

2. Any records not waived by the State Historical Society of Wisconsin will require the 60-day notification to the Historical Society.
3. When the period specified in the Retention Schedule ends, records meeting the criteria for destruction shall be destroyed within the first quarter of the following year. A year's worth of records shall be destroyed at one time. Records under the MAVRS Policy (#8-400), will be purged at the set time for the tagging classification unless archived.
4. A "Destruction of Records" form shall be completed upon the destruction of the records and remain on file with the Open Records Supervisor.

V. DISCLAIMER

The Records Retention Schedule policy developed by the Oak Creek Police Department is for internal use only, and does not enlarge an officer’s civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of the Records Retention Schedule policy can only be the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

REFERENCES:

- Ordinance 3.64 – Records Retention
- Wis. § 19.21 – Open Records
- Wis. § 893.80 – Claims Against Government Bodies
- State Historical Society of Wisconsin
- Wisconsin Public Records and Forms Board
- Wisconsin Municipal Records Manual
- Mobile Audio Video Recording System (MAVRS) Policy #8-400

Steven J. Anderson
Chief of Police

SJA/smv

(Attachments)

- *Attachment I—Destruction of Records Form*

**Oak Creek Police Department
DESTRUCTION OF RECORDS FORM**

Description of Records: _____

Dates of Records: _____

Retention Period: _____

Date Destroyed: _____

Method of Destruction: _____

Name and signature of person supervising destruction:

Print Name

Signature

Witness:

Print Name

Signature

Directive #10-300 (Records Retention Schedule)

REVISIONS HISTORY

Page 1 of 1

- Revised 7/26/17 III. Definitions, Item C – **added**, “...*further investigations*...”
III. Definitions, Item D – **added** and renumbered all subsequent subsections.
III. Definitions, Item G – **added** and renumbered all subsequent subsections.
III. Definitions, Item H – **changed**, “*Open Records Officer*...” to read, “*Open Records Supervisor*...”
IV. Procedure, Item A – **changed**, “*Open Records Officer*...” to read, “*Open Records Supervisor*...”
IV. Procedure, Item C(3) – **changed**, “*Open Records Officer*...” to read, “*Open Records Supervisor*...”
IV. Procedure, Item D(1) – **changed**, “*Open Records Officer*...” to read, “*Open Records Supervisor*...”
IV. Procedure, Item D(4) – **changed**, “*Open Records Officer*...” to read, “*Open Records Supervisor*...”
- Revised 11/7/18 III. Definitions, Item F – **added**, “...*Section 19.32(2)*...”; **added**, “*Record means any material on which written...for inspection at a public library.*”
IV. Procedure, Item B(4)(a) – **added**.
IV. Procedure, Item B(4)(a)(1) thru (11) – **added**.
IV. Procedure, Item B(4)(b) – **added**.
IV. Procedure, Item D(3) – **added**, “*Records under the MAVRS Policy...unless archived.*”
References – **added** “*Mobile Audio Video Recording System (MAVRS) Policy #8-400*”

