



## *Santa Cruz County Sheriff-Coroner*

Number: A.16

Date: 03/01/06

### **SUBJECT: EMPLOYEE PERSONNEL FILE**

#### **POLICY**

It shall be the policy of this Office to maintain secure, up-to-date, useful and accurate personnel files accessed for appropriate professional use only.

#### **PURPOSE**

To maintain a file of each employee's performance evaluations, pertinent personal information, and to furnish proof of compliance with P.O.S.T. regulations in conjunction with the Training Management System (TMS) this is maintained by the Training Division. This file will be used as a working file for this department. ("TMS" is being converted to Law Enforcement Administrative Database System ("L.E.A.D.S.")).

#### **REFERENCES**

Penal Code 832.7, Confidentiality of Peace Officer Personnel Records  
Penal Code 832.8, Personnel Records  
Evidence Code 1043, Discovery Procedure  
Evidence Code 1045, Access to Records of Complaints or Discipline  
Santa Cruz County Personnel Administrative Manual, Personnel and Administrative Records Section, XIV.2

#### **PROCEDURE**

- I. Employee Personnel Files – The official personnel file for each county employee resides in the County Personnel Department. The Sheriff's Office maintains a departmental personnel file. Permissible contents are discussed below.
  - A. Each employee's personnel file shall contain, but is not limited to, the following:
    1. A face sheet, entitled Personnel Record Form, listing date of hire, positions held, bureau assignments, promotions, driver's license, social security number and birth date.

2. Copy of Military Form, DD214, if applicable.
  3. Copies of Employee Performance Evaluations.
  4. College degrees and P.O.S.T certificates held.
  5. A log listing complimentary letters received. After notation in the file, original letters are forwarded to the employee.
  6. A log listing disciplinary actions.
  7. Copy of page one of the Personal History Statement.
  8. Original DMV picture.
  9. Training form which tracks basic academy graduation dates, P.O.S.T. certificates, college degrees, etc.
  10. Internet Use Policy Agreement-applies only to employees authorized Internet access.
  11. Copy of Oath of Office-sworn personnel only.
  12. Penal Code and Welfare & Institutions Code Acknowledgement Form-sworn personnel only.
  13. Use of CLETS Criminal Justice Information & Department of Motor Vehicle Record Information Form.
- B. Upon separation of the employee, personnel file will be combined with the background file; this will become the closed personnel file that will be retained in an inactive file in the Chief of Administration's office.
- C. Accessibility of Open and Closed Employee Personnel Files
1. Open Employee Personnel Files will be held in locked filing cabinets with only the Sheriff's secretary, the Administration Bureau secretary, the Chief Deputy in Administration, and for purposes of the Field Training Officer program for new recruits, the Patrol Lieutenant, having keys to the locked cabinet.
  2. Any file needed for review will be logged out and back in on a roster held by the Administration Bureau secretary. Entire files should not leave the area of the Administration Bureau.

3. Closed Employee Personnel Files will be held in a locked filing cabinet in the Chief Deputy of Administration's office. The only personnel with access will be the Sheriff's secretary, the secretary in the Administration Bureau and the Chief Deputy of Administration.
4. Any employee, whether current or former, requesting copies of materials held in their personnel file are to be directed to the County Personnel Department where the official employee personnel file is maintained. Exceptions may be made with the express permission of the Chief Deputy of Administration or the Sheriff.

*Steve Robbins*

STEVE ROBBINS, Sheriff-Coroner



## *Santa Cruz County Sheriff-Coroner*

Number: A.18

Date: 04/02/06

### **SUBJECT: DISCLOSURE OF PEACE OFFICER AND CORRECTIONS OFFICER PERSONNEL RECORDS**

#### **POLICY**

It shall be the policy of this Office to maintain the confidentiality of peace officer and custodial officer personnel records as that term is defined in Penal Code Section 832.8 and in any amendments that may be made thereto.

#### **PURPOSE**

To establish criteria for responding to requests for personnel information.

#### **REFERENCE**

832.5, 832.7 and 832.8 California Penal Code  
1043 and 1046 et seq. California Evidence Code  
People v. Superior Court (Gremminger), 58 Cal. App. 4<sup>th</sup> 397, 403 (Cal. Ct. App. 1997)  
Pitchess v. Superior Court (1974) 11 Cal.3d 531  
California Constitution, Article I, Section I  
California Public Records Act (Government Code Section 6250 et seq, 6254(k))  
The Brown Act  
Government Code Section 3306.5 Inspection by employee  
Santa Cruz County Personnel Administrative Manual, Personnel and Administrative Records, XIV.2

#### **DEFINITIONS**

**Official Personnel File**-the file maintained by the Santa Cruz County Personnel Department containing the primary records specific to each peace or custodial officer's employment, including election of employee benefits, evaluations, assignments, status changes, sustained complaints and imposed discipline.

**Agency Personnel File**-the file maintained by the agency containing the duplicate primary records or information specific to each peace or custodial officer's employment, evaluations, assignments, status changes, sustained complaints and imposed discipline.

**Complaint File**-the file maintained by the agency within the Professional Standards and Conduct Division that contains complaints and any reports or findings relating to these complaints against a specific peace or custodial officer within the past five years. The complaint file contains Internal Affairs Investigations and formal complaints of a less serious nature. This file contains complaints, reports and findings that are classified as Unfounded, Exonerated, Not-Sustained or Sustained.

## PROCEDURE

### I. Disclosure of Peace Officer and Custodial Officer Personnel Records

- A. Unless otherwise noted as an exception listed below, a Pitchess Motion is the exclusive means of obtaining Peace Officer or Custodial Officer personnel records including the Official Personnel File, Agency Personnel File and the Complaint File. All such records are confidential and subject to discovery only pursuant to the procedures set forth in Evidence Code sections 1043 and 1046. No motion is necessary for an agency to disclose personnel documents to its own attorney.
1. Civil discovery methods such as subpoenas or interrogatories are NOT proper methods for disclosure. Civil discovery procedures have no relevance to criminal prosecutions (*Pitchess v. Superior Court*, supra, 11 Cal. 3d at p. 536). Thus, provisions of the statutory scheme set forth in the Penal Code and Evidence Code for discovery of peace officer personnel records take precedence over the discovery procedures found in the Code of Civil Procedure (*Davis v. City of Sacramento* (1994) 24 Cal. App. 4<sup>th</sup> 393, 400 (29 Cal. Rptr. 2<sup>nd</sup> 232)).
  2. Upon lawful service of a Pitchess Motion on the Custodian of Records at the Professional Standards and Conduct Division, County Counsel will be notified and provide legal assistance in responding to the motion. This process will remain the same for former employees with respect to personnel records maintained by this agency. The affected employee(s) or former employee(s) will be notified of the receipt of valid legal service for the Pitchess Motion by the Professional Standards and Conduct Division.
  3. A sworn officer, representing the Professional Standards and Conduct Division, shall serve as Custodian of Records. The custodian will accompany all records and maintain physical control of any records during inspection by a magistrate. No records, duplication or copies of records shall be released by the custodian. After lawful inspection, the custodian shall return any records to their respective secure repository.

B. Exceptions

1. Investigations into police conduct or police agency conduct by the District Attorney, Grand Jury, Attorney General or a waiver by a law enforcement background investigation (People v. Superior Court (Gremminger), 58 Cal. App. 4<sup>th</sup> 397, 404 (Cal. Ct. App. 1997).
  - a. A law enforcement background investigator or the employee may present notarized written authorization to release that employee or former employee's personnel records to the custodian of records at the Professional Standards and Conduct Division. The release shall specifically authorize the release of all personnel records and complaints. The release shall specifically identify the law enforcement agency and investigator(s) conducting the background. The custodian will then facilitate a review of those records by the investigator. Note taking is permissible but no records and no copies of any records will be provided.
  - b. Law enforcement background investigators shall be referred to County Personnel to view the employee's Official Personnel File. Written authorization must be presented to County Personnel.
2. The Sheriff, executive management to include Bureau Chief Deputies and the Custodian of Records in Professional Standards and Conduct may access an employee(s) Complaint File.
3. The Sheriff, Bureau Chief Deputies and supervisors in the employee's current chain of command may review the employee's Official Personnel File or Agency Personnel File.
4. Supervisors outside the chain of command may review the Official Personnel File with the authorization of the County Personnel Director.

5. Supervisors outside the chain of command may review an employee's Agency Personnel File with the permission of the Sheriff or Bureau Chief (example would be supervisor evaluating employee candidate for a new assignment or transfer).
6. An employee or former employee's official union representative or attorney may review the employee's Official Personnel File, Agency Personnel File and Complaint File with written authorization from the employee that identifies the representative by name and with an original signature. No records and no copies shall be provided. Notes may be taken. This does not include any complaint under investigation where no findings have been rendered. The employee must be named as a subject in the complaint and not merely a witness or mentioned in the complaint investigation.
7. An employee or former employee may review their Official Personnel File, Agency Personnel File and Complaint File by appointment during normal business hours for the Custodian of Records. An employee has the right to review these records at no loss of any compensation to them. This does not include any complaint under investigation where no findings have been rendered. The employee must be named as a subject in the complaint and not merely a witness or mentioned in the complaint investigation. No records and no copies shall be provided. Notes may be taken.
  - a. Nothing in this policy shall prevent the proper discovery of any Complaint File information to an employee who receives discipline as a result of a Sustained Finding in a complaint.

*Steve Robbins*

STEVE ROBBINS, Sheriff-Coroner



## *Santa Cruz County Sheriff-Coroner*

Number: A.19

Date: 3/26/07

### **SUBJECT: EMPLOYEE PERFORMANCE EVALUATION**

- I. Rating Period**
- II. Special Evaluations**
- III. Evaluation Methods and Reports**
- IV. Use of Evaluations**
- V. Appeal of Evaluation Ratings**
- VI. Right of Response to Evaluations**

### **POLICY**

It shall be the policy of this Office that all permanent Sheriff's Office employees be evaluated at least once a year.

### **PURPOSE**

To provide consistent and routine performance evaluation for all employees.

### **REFERENCES**

Santa Cruz County Personnel Regulations Section 130, X (Incorporated in its entirety into this policy)

Santa Cruz County Personnel Regulations Section 161 G.4 Salaries.

Santa Cruz County Personnel Regulations and References Section 171 – Performance Evaluation Program (available via County Intranet)

Santa Cruz County Personnel Regulations Section 171.1 Supervisory Guide for Employee Performance Evaluation. (available via County Intranet)

Peace Officer Bill of Rights, California Government Code Section 3306. (section incorporated into this policy.)



## PROCEDURES

- I. Rating Period. Employees shall be evaluated on the following basis:
  - A. Six Month Probation. Employees serving a six month probationary period shall be evaluated at three and six months during their probationary period.
  - B. One Year Probation. Employees serving a one year probationary period shall be evaluated at two, six and twelve months during their probationary period.
  - C. Permanent Employees. All permanent employees shall be evaluated at least once each year.
  - D. Failure of an employee's supervisor to present the employee with a performance evaluation within 30 calendar days of the due date, unless an extension is mutually agreed upon, shall result in a satisfactory evaluation of the employee as of the due date. (County Personnel Regulation Section 161 G.4)
  
- II. Special Evaluations. Permanent employees may be placed on a special two-month evaluation schedule at any time when performance problems exist. Permanent employees receiving an annual performance evaluation with an overall rating of unacceptable or short of standard will be placed on a special two-month evaluation. The special evaluation will continue at two-month intervals until the employee has attained an overall performance rating of standard. The employee is subject to discipline up to and including dismissal at any time depending on the nature of the problem or the reason for the special evaluation. Once the employee attains an overall performance rating of standard, he/she will be removed from special evaluation treatment. The maximum time period that an employee can remain on continuous special evaluation is six months. Employees who are unsuccessful in attaining an overall performance rating of standard, or better, during a continuous six-month special rating period will be subject to discipline up to and including dismissal from County employment, subject to the appeal rights regarding disciplinary actions specified elsewhere in these regulations.

The Personnel Department shall be notified in all cases where an employee is to be placed on special evaluation. Such notification shall consist of a copy of a memo to the employee which includes: a statement of the special performance problems leading to the special evaluation; the date that the performance problems were discussed with the

employee; the type of performance improvement that is necessary; and the date that the special evaluation period is to begin. Should other performance issues arise during the special evaluation period, such issues should be addressed through other means.

This section does not limit the County's right to discipline, up to and including dismissal, an employee at any time, with or without a special evaluation. Evaluations are not to be used as discipline.

### III. Methods, Reports and Use of Evaluation Results

- A. The evaluation methods shall be so devised as to gain significant facts concerning the details of the quality and quantity of work performed, the conduct and work habits of the employee and other factors having a bearing on his/her value to the service. Such facts may be reported by supervisory employees or may be determined by investigation by the department head, or both, and the evaluation based on such facts shall be forwarded to the Personnel Director. (Evaluations shall be on forms and under procedures prescribed by the Personnel Director.)

### IV. Use of Evaluations

- A. The results of performance evaluations shall be taken into account in the following ways:
  - 1. In authorizing step increases within a salary range as provided by ordinance.
  - 2. The general record of service, as well as specific and immediate charges, will be taken into account when disciplinary action against an employee is proposed and the penalty, if any, is assessed.

### V. Appeal of Evaluation Ratings

- A. Upon presentation of the performance evaluation, the employee should discuss it with the supervisor, including any rating or comments that he/she believes is improper. If still not satisfied, in addition to signing the evaluation, the employee should place an "X" in the space provided by his/her signature to indicate he/she wishes to discuss the report with the reviewing officer. The employee's supervisor, or his/her designee, determines the reviewing officer. The employee shall be given a copy of his/her performance evaluation at that time. The supervisor shall then notify the reviewing officer that the employee has requested a meeting.

