

## **Rules and Procedures**

### **Rule 322A**

**January 28, 2003**

#### **Rule 322A - RETENTION AND DESTRUCTION OF RECORDS AND MATERIALS**

##### **Purpose:**

This Rule is established in order to ensure Department compliance with M.G.L. c. 66, § 8, regarding retention of certain Department records and the destruction of certain other records, and such higher standards for retention and destruction as the Department may require.

##### **GENERAL CONSIDERATIONS:**

This Rule does not apply to the following records which shall be retained permanently and are not subject to any city or state mandated retention schedule:

- criminal records;
- material which may be used as evidence;
- records relating to an event for which legal processes have been issued and are pending against a person; and
- Records of the Identification Section which come under the Criminal Offender Records Act.

##### **Sec. 1 Definitions:**

Intra-Departmental Records - shall be defined as records covered by M.G.L. c. 66, § 8, but not specifically subject to state retention schedules.

Non-sensitive Records - shall be defined as those records referred to in Sections 3, 4, 5 and 6 of this Rule.

Record Series - shall be defined as a set of records organized or filed in accordance with a single filing system.

Retention Schedule - shall be defined as the minimum period of time that records must be retained as determined by the Secretary of State, Supervisor of Public Records, Records Management Section and/or such other standards as may be set by ordinance, law or Department policy.

Sensitive Records - shall be defined as those records listed below in Section 2 of this Rule.

##### **Sec. 2 RECORDS TO BE MAINTAINED PERMANENTLY:**

The originals of the following records shall be permanently retained (Note: Parenthetical notation indicates the Division or Unit that is responsible for retention of the listed record or records):

- Arrest Reports (Field Reports Unit)
- Auctioneer's License (Licensing Unit)
- Auto Theft, Recovery & Verification Reports (Insurance Reports Unit)
- Bicycle Registration (Licensing Unit)
- Death Report (Suicides, Sudden Deaths, Unexplained) (Field Reports Unit)
- Departmental Annual Report (One Mint Copy) (Office of Research & Evaluation)
- Drug Control Log (Districts)
- Equipment Inventory (Units/Districts)
- Equipment Maintenance Logs (Central Supply)
- Fatal Motor Vehicle Accident Report (Auto Investigators, Districts)
- Firearm Identification Card (Licensing Unit)
- Firearm, License to Carry (Application) (Licensing Unit)
- Firearm, License to Carry (Licensing Unit)
- Firearm, License to Sell (Licensing Unit)
- Firearm, Wound Report (Field Reports)
- Firearm, Report of Discharge by Police Officer (Internal Affairs)
- Gunsmith License (Licensing Unit)
- Incident Report (Field Reports Unit)
- Investigation Report, Murder (Homicide Unit)
- Journal Log (Districts)
- Junk Collector's License (Licensing Unit)
- Junk Shopkeeper's License (Licensing Unit)
- License to Buy, Sell, Exchange or Assemble Secondhand Motor Vehicles... (Licensing Unit)
- License to Deal in Secondhand Articles (Licensing Unit)
- License to Keep a Public Lodging House (Licensing Unit)
- License to Sell Ammunition (Licensing Unit)
- Pawnbroker's Daily Report (Pawn Unit)
- Pawnbroker's License (Licensing Unit)
- Personnel Orders (Human Resources Division), Special Orders and Commissioner's Memoranda (Office of Research & Evaluation) & Training Bulletins (Training & Education Division)
- Personnel Records

Appointment Certificate and Civil Service Records (Records & Central Attendance Management Unit)

Employment History Record (Records & Central Attendance Management Unit)

Detail and Time Books (a/k/a Payroll-Departmental) (Payroll Unit)

- Property Receipt Books (Districts/Central Supply Division)

- Rules and Regulations (a/k/a Rules & Procedures) (Office of Research & Evaluation)
- Secondhand Dealer's Daily Report (Pawn Unit)
- Supplementary Incident Report (Field Reports Unit)

If any of the above records are microfilmed by the Department, they may then be destroyed after written permission has been granted by the Chief, Bureau of Administration and Technology in accordance with this Rule.

#### Sec. 3 Records Maintained for Seven Years:

- Overtime Slips (Payroll Unit)

#### Sec. 4 RECORDS MAINTAINED FOR THREE YEARS:

The originals of the following records shall be retained for a period of three (3) years before seeking written permission to destroy or dispose of them:

- All records pertaining to moneys, collected as licensing fees and other administrative cash receipt books and cash disbursements (One year after they have been released by the Auditor) (Central Cashier)
- Bicycle Courier's License (Licensing Unit)
- Bicycle Courier's Service License (Licensing Unit)
- Correspondence with non-Departmental individuals and agencies: if of no informational or evidential value (Individual Authors)
- E-911 Call Detail Record (Operations Division)
- Evidence Control Form (Central Supply Division)
- Leave Reports (Records & Central Attendance Management Unit)
- Licensed Premise Inspection Notice (Licensing Unit)
- Missing Person Card (Missing Person Unit)
- Motor Vehicle Citation (Districts)
- Motor Vehicle Citation Audit Sheet (Districts)
- Notice of Sale of Unclaimed Property (Central Supply Division)
- Overtime Report (Payroll Unit)
- Parking Violation Ticket (Districts)
- Prisoner Inspection Record (Districts)
- Protective Custody Report (Districts)
- Radar Log (Districts)
- Roll Call Report (Districts)
- Traffic Ticket Distribution Control Logs (Districts)
- Vacation Report (Records & Central Attendance Management Unit)

#### Sec. 5 RECORDS MAINTAINED FOR ONE YEAR:

The originals of the following records shall be retained for a period of one year before seeking written permission to destroy or dispose of them:

- Collective Musician's License (One year after expiration of license) (Licensing Unit)
- Cruiser Maintenance Report (One year after retirement of vehicle) (Fleet Management Division)
- Itinerant Musician License (One year after expiration of license) (Licensing Unit)

#### Sec. 6 Tape Recordings:

The following shall be eligible to be disposed of or reused 60 days after disposition of the case, provided no litigation is pending, unless an inquiry or request has been made for a specific tape. Any such tape which is the subject of any inquiry, request, investigation or litigation, may not be disposed of or reused without first obtaining the prior written approval of the Commander, Operations Division. The Commander, Operations Division shall ensure that a separate tape recording has been made of any tape which is the subject of any inquiry, request, investigation or litigation, prior to authorizing its disposal or reuse.

- Dispatch Tapes
- Tape Recordings of Phone Calls (E-911, etc.)

#### Sec. 7 DESTRUCTION OF SENSITIVE RECORDS:

Sensitive records shall be destroyed or otherwise disposed of only in compliance with the following procedures:

- A. The contents of the records to be destroyed or disposed of shall be duplicated in some fixed form (i.e., microfilm).
- B. The respective Bureau Chiefs shall submit a report in writing, semi-annually, or sooner if the necessity arises, to the Chief, Bureau of Administration and Technology, or their designee, detailing all sensitive records which have been duplicated in compliance with the above paragraph.
- C. The Chief, Bureau of Administration and Technology, or their designee, shall notify in writing, through the Superintendent-in-Chief, any and all concerned Districts and Divisions of the pending destruction of the records. All concerned District and Division Commanders or Directors shall notify the Chief, Bureau of Administration and Technology, or their designee, through the Superintendent-in-Chief, of the approximate cubic feet of records in each series of sensitive records.
- D. The Chief, Bureau of Administration and Technology, or their designee, shall total the cubic feet in each series of records to be destroyed for the Department. The Chief, Bureau of Administration and Technology shall then prepare a written request for the destruction of the records. The request shall include a description of the record by series, date and quantity. The request shall also reference the approved City retention schedule and include a notification of the intended time, place and method of disposal.

This request shall be made to the City Archivist who will forward it to the City Clerk, Corporation Counsel and the Commonwealth of Massachusetts Supervisor of Public Records.

- E. Upon receipt of the written approval from the City Clerk and Corporation Counsel, the Chief, Bureau of Administration and Technology shall inform the Property Clerk of said approval. The Property Clerk shall arrange to have the records destroyed in conformance with procedures established by the Bureau of Administration and Technology and approved by the Police Commissioner. Said records shall be destroyed within 90 days of receipt of the written approval from the City Clerk.
- F. The Chief, Bureau of Administration and Technology shall submit a certificate of disposal to the City Archivist listing all records destroyed within thirty (30) days of such destruction.

#### Sec. 8 DESTRUCTION OF NON-SENSITIVE RECORDS:

Non-sensitive records shall be destroyed or otherwise disposed of only in compliance with the following procedures:

- A. Each District and Division Commander or Director, seeking to dispose of non-sensitive records in compliance with applicable retention schedules, shall notify the Chief, Bureau of Administration and Technology, or their designee, through their respective Bureau Chief, of the record(s) series which they intend to destroy and of the approximate cubic feet of the records in each series.
- B. The Chief, Bureau of Administration and Technology, or their designee, shall total the cubic feet in each series of records to be disposed of for the Department. The Chief, Bureau of Administration and Technology shall then prepare a written request for the disposal of the records. The request shall include a description of the record by series, date and quantity. The request shall also reference the approved City retention schedule and include a notification of the intended time, place and method of disposal. The request shall be made to the City Archivist who will forward it to the City Clerk, Corporation Counsel and the Commonwealth of Massachusetts Supervisor of Public Records.
- C. Upon receipt of the written approval from the City Clerk and Corporation Counsel, the Chief, Bureau of Administration and Technology, through the Superintendent-in-Chief, shall inform the concerned Districts and Divisions of said approval. The District and Division Commanders or Directors shall dispose of the records through established Departmental procedures within 90 days of receipt of the written approval from the City Clerk. After having destroyed said records, District and Division Commanders or Directors shall give notification of such destruction, through their respective Bureau Chiefs, to the Chief, Bureau of Administration and Technology.
- D. The Chief, Bureau of Administration and Technology shall submit a certificate of disposal listing all records disposed of to the City Archivist within thirty (30) days of such destruction.

## Sec. 9 INTRA-DEPARTMENTAL RECORDS:

Intra-Departmental records shall be destroyed or otherwise disposed of in compliance with the following procedures after having been retained for a minimum of six (6) months:

- A. Each District and Division Commander or Director seeking to dispose of Intra-Departmental records shall notify the Chief, Bureau of Administration and Technology, through their respective Bureau Chiefs.
- B. Upon receipt of the written approval of the Chief, Bureau of Administration and Technology, the District and Division Commanders or Directors shall dispose of the records through established Departmental procedures.

### Notes:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Sections 2, 7, 8 and 9.