3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged after one year.

(b) All rules of confidentiality and disclosure shall apply equally to the division file.

1025.7.3 INTERNAL AFFAIRS FILE (MANAGEMENT, CONTROL, AND AUDIT)
Internal affairs files shall be maintained under the exclusive control of the Management Control and Audit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Management Control and Audit. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition

1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002).

2. Each investigation file arising out of a formal citizen's complaint or a complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five and a half (5.5) years (Penal Code § 832.5(b)). Investigation files arising out of other internally generated complaints shall be maintained no less than five and a half (5.5) years (Government Code § 34090).

(b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5 (c)). Personnel inquiry forms, shall be maintained for no less than one year.

(c) Disciplinary action:

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's Management, Control and Audit (MCA) file at least five and a half (5.5) years (Government Code § 34090).

2. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall be placed in the employee's MCA file and will be separately maintained for five and a half (5.5) years.

(d) Adverse comments such as supervisor log entries and Personnel Inquiry Forms will be retained in the MCA file after the employee has had the opportunity to read and initial the comment and for a period of one year Government Code § 3305).

1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).

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