

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



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Office of the Commissioner

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February 5, 2007

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The Honorable Steve Smith
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The Honorable Warren Limmer
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Dear Colleagues:

Pursuant to Chapter 163 of the 2005 Minnesota Session Laws, the Department of Public Safety was directed to prepare a report on the possible use of Comprehensive Incident-Based Reporting System (CIBRS) data for background checks required by law, a process for criminal records expungement by the subject of CIBRS data, and retention schedules for CIBRS data. The Department of Public Safety commissioned the Department of Administration to assist in researching this issue. As required by Minnesota Statutes 3.197, the cost to produce this report was approximately \$56,465.

Enclosed is the summary research report regarding CIBRS, which the Department views as satisfying the reporting requirements provided in Chapter 163 of the 2005 Minnesota Session Laws.

Please contact me with any questions or you need any additional information.

Sincerely,

Michael Campion, Commissioner

cc: Albin Mathiowetz
Patrick Flahaven
Legislative Reference Library





Management
Analysis
& Development

- **Department of Public Safety**

Summary Research Report Regarding the Comprehensive Incident- Based Reporting System (CIBRS)

January 2007

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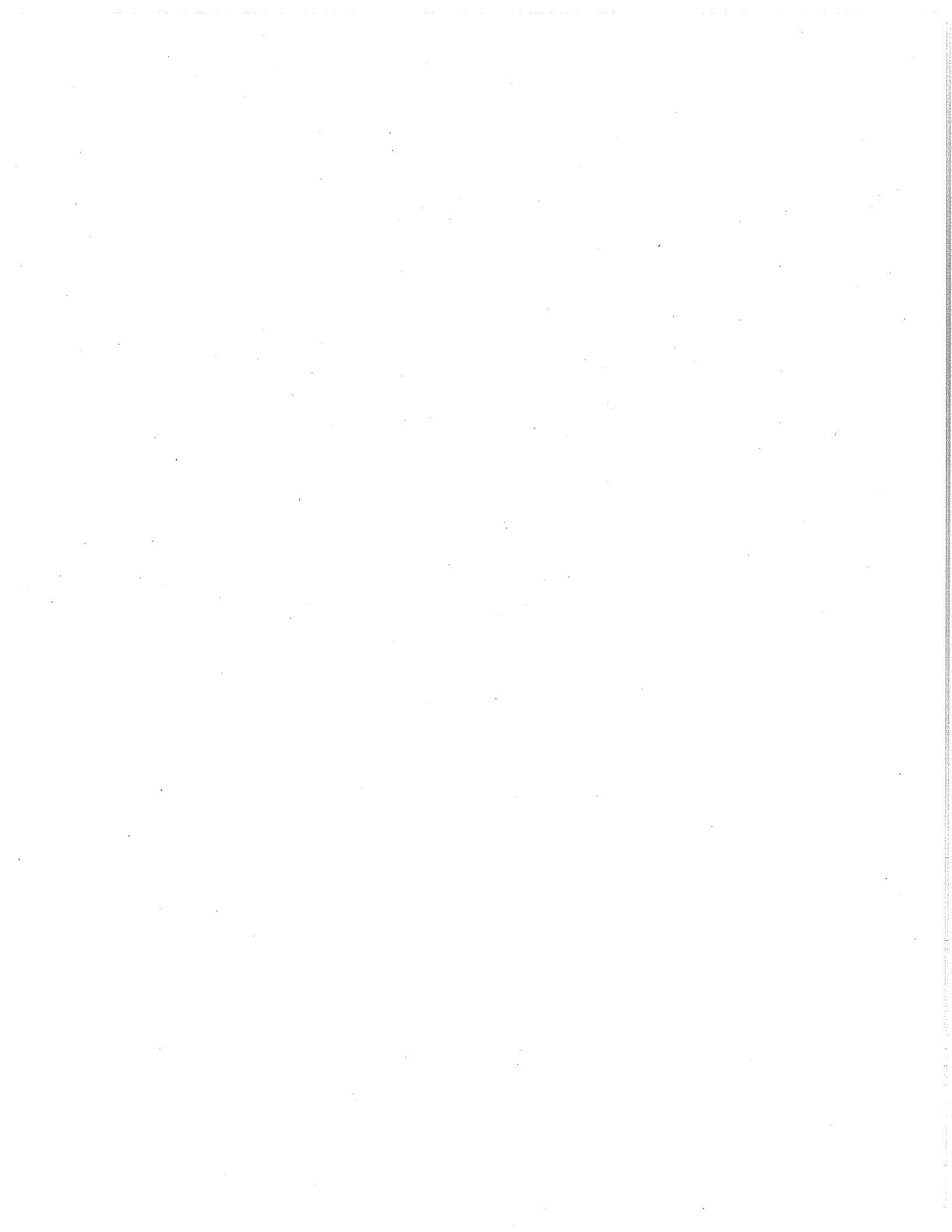
For more information or copies of this report, contact the Department of Public Safety.

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EXECUTIVE SUMMARY

Minnesota local law enforcement record management systems (RMS's) serve as repositories for day-to-day law enforcement activities. The RMS data contains arrest information, service call information, response or incident data, criminal investigation data and other data categories identified under M.S. 13.82. The data in the RMS systems may or may not be tested or adjudicated based on a point in time. Incident data by its nature is accusatory or informational. However, it is useful in criminal investigations. It is more useful for this purpose when aggregated.

The Minnesota Legislature authorized the aggregation of RMS data into a statewide repository – the Comprehensive Incident-Based Reporting System (CIBRS) – to be developed and managed by the Bureau of Criminal Apprehension (BCA) of the Department of Public Service.

Pursuant to Chapter 163 of the 2005 Minnesota Session Laws, the Department of Public Safety was directed to prepare a report on the possible use of CIBRS data for background checks required by law, a process for criminal records expungement by the subject of CIBRS data, and retention schedules for CIBRS data.

In addressing these issues, the Department of Public Safety commissioned Management Analysis & Development of the Department of Administration to interview and solicit the opinions of record supervisors of large, medium and small police departments, investigators who work with the source records for CIBRS (Records Management Systems, or RMS's), the executive directors of the Minnesota Sheriffs' Association and Minnesota Chiefs of Police Association, the Minnesota Civil Liberties Union (MCLU), Minnesota Historical Society, Minnesota Government Records and Information Network (MN-GRIN), selected CIBRS advisory and stakeholder group members, and BCA staff.

In considering the use of CIBRS for other purposes, such as background checks, the balance between providing law enforcement with use of the information and facilitating its availability to conduct investigations, yet avoiding harm to individual data subjects, posed an inherent conflict which underscored each interview. Thus, while the issues of expungements, retention schedules, and background checks are straightforward, their resolution depends on how public policy balances the interests of law enforcement and personal privacy.

In balancing society's interest in public safety and individual privacy, and in realizing the value of a statewide data repository for criminal investigation, the following recommendations are offered with respect to the use of CIBRS for additional background checks, and the corresponding expungement and retention schedule practices.

- **Background checks.** There were numerous concerns raised about using CIBRS for background checks. These included concerns about the nature of the data, concerns about undermining the value of the presumption of innocence, and

concerns about potential unintended consequences. Although there are some circumstances under which the use of incident data may be appropriate for background checks, the use of the CIBRS repository as a source for this data, other than what is currently authorized by statute, is not recommended at this time.

- **Expungements.** Current procedures to expunge records by court order at the local RMS level are sufficient to expunge CIBRS records. Moreover, if CIBRS is not used for background checks, an administrative procedure for the expungement of CIBRS data is unnecessary.
- **Retention schedules.** The BCA should apply the records retention schedules as practiced by each local law enforcement agency.

To the extent that the CIBRS may be used for additional background checks in the future, it would be appropriate to revisit and potentially enhance current expungement practices to maintain the existing balance between public safety and individual privacy.

INTRODUCTION

The Department of Public Safety received a legislative directive to prepare a report on the possible use of the Comprehensive Incident-Based Reporting System (CIBRS) data for background checks required by law, a process for sealing or purging information contained in CIBRS by the subject of the CIBRS data, and recommendations for retention schedules for CIBRS data. Language in Session Laws 2005, Chapter 163, passed by the Minnesota Legislature requires that:

“Sec. 86. [REPORT TO LEGISLATURE.]

By January 15, 2006, the commissioner of public safety must report to the chair of the house Public Safety Policy and Finance Committee and the chair of the senate Crime Prevention and Public Safety Committee and the ranking minority members of those committees and make legislative recommendations on possible use of CIBRS data for background checks required by law, a process for criminal records expungement by the subject of CIBRS data, and retention schedules for CIBRS data.”

Due to the complexity of the issues involved, subsequent to the passage of the above reporting requirement, the Commissioner of Public Safety agreed to file an interim report and received an extension until January 15, 2007, for filing a final report to the legislature.

In order to assist the commissioner in preparing a legislative recommendation, Management Analysis & Development (Management Analysis) was asked to prepare a report that discusses the considerations involved with the use of CIBRS for background checks, as well as administrative processes to remove (expunge) information from CIBRS, and to propose a retention schedule for CIBRS data. Previously, Management Analysis summarized findings and stakeholder perspectives concerning background checks using CIBRS information in its report, *CriMNet Program Office: Background Checks and Expungements – Research Report*, (Draft June 2006 and Final October 2006). These findings and perspectives were submitted to the Background Checks and Expungements Delivery Team of the Criminal and Juvenile Justice Information Task Force for their consideration. Those findings are reconfirmed and updated as noted in this report. This report additionally addresses the latter two legislative directives: a process for criminal records expungement by the subject of CIBRS data and retention schedules for CIBRS data.

After passage of the session law cited above, Management Analysis, CriMNet and Bureau of Criminal Apprehension – Criminal Justice Information Systems (BCA/CJIS) staff all sought to clarify the legislative intent behind the study language. Conversations with the committee administrator for the House Civil Law Committee clarified the language, and the following mutual understandings were confirmed between MAD, CriMNet, and the BCA, and incorporated into the interagency agreement to conduct this study, on August 26, 2005:

- “The ‘possible use of CIBRS data for background checks required by law’ refers to studying and considering whether CIBRS data should be used for any statutorily-authorized background checks. The study should not be limited to considering its use for background checks that law enforcement officers currently routinely perform.
- “The Legislature does not intend to change access to the CIBRS system. Current law states that only law enforcement personnel with certification from the Bureau of Criminal Apprehension may enter, update or access CIBRS data, and their use is limited through the use of purpose codes that correspond to the official duties and training level of the personnel. Considering whether CIBRS information should be used for statutory background checks does not assume that additional personnel would have direct access to the CIBRS system.
- “In order for CIBRS data to be used for statutory background checks without an expansion of system access, specific standards may need to be developed that would allow law enforcement agency personnel to conduct background checks for other entities. Specific disqualifying criteria were mentioned as one approach, but there are other possible approaches, including development of policies and procedures.
- “With respect to the clause, ‘a process for criminal records expungement,’ the data in CIBRS are pre-adjudication data that are *not criminal records by statutory definition*.¹ Similarly expungement processes, as they are defined in current state law, do not apply to pre-adjudication data. The project team will need to find out what a reasonable interpretation of this phrase could be. This phrase in the study may refer to establishing an administrative process for data subjects to request removal or sealing of information about them from CIBRS, outside the context of the Data Practices Act challenge process that already exists. It also could refer to processes that would make data on certain low-level offenses or data of a certain age inaccessible for the purposes of background checks.
- “Records retention schedules may need to reflect schedules in use for local records management systems (RMS).”

After conducting further project interviews, Management Analysis learned two other items of note:

- CIBRS will contain most records of individuals’ arrests. Arrests are considered part of an individual’s criminal history, and, in current practice, arrest information may be sealed at the local source and at the BCA criminal history repository pursuant to statutory expungement processes under M.S. 609A. Any changes

¹ Although this understanding was incorporated into the interagency agreement as a mutual understanding, the project team later learned that the term “criminal record,” specifically, is not defined in Minnesota Statutes. Statutes do contain a definition of criminal history data in M.S. 13.87, Subd 1: “Criminal history data. (a) Definition. For purposes of this subdivision, ‘criminal history data’ means all data maintained in criminal history records compiled by the Bureau of Criminal Apprehension and disseminated through the criminal justice information system, including, but not limited to fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, custody and supervision data.”

made to local source data that is shared with CIBRS would automatically update to the CIBRS repository. In other words, expungement processes, as they currently operate, will update CIBRS records.

- Individuals' requests for the expungement of CIBRS data, and concern about the records retention schedule for CIBRS, would depend on whether CIBRS is used for additional background checks on individuals. If CIBRS were to be used for background checks, individuals seeking employment or licenses subject to background checks would have a greater concern about what records are kept about them in CIBRS, how long they are kept, and what processes they have available to seal or remove records from the system.

METHOD

In preparing this report and recommendations, Management Analysis conducted general interviews on the topic of the use of CIBRS for background checks, and more directed research with subject matter experts regarding expungement and records retention of CIBRS data.

As part of the data collection process for the CriMNet project on background checks, key stakeholders identified by the CriMNet Program Office were asked about strengths, weaknesses, and areas for improvement for background checks in general. The question posed about CIBRS was:

- “One specific issue we are looking into is the extent to which CIBRS data about individuals should be used for background checks that are required by law. What is your perspective on that?”

The more directed research supplemented earlier work done on background checks by completing 20 interviews with record supervisors of large, medium, and small police departments, investigators who work with the source records for CIBRS (Records Management Systems, or RMS's), the executive directors of the Minnesota Sheriffs' Association and Minnesota Chiefs of Police Association, the Minnesota Civil Liberties Union (MCLU), Minnesota Historical Society, Minnesota Government Records and Information Network (MN-GRIN), selected CIBRS advisory and stakeholder group members, and BCA staff. The interview questions and candidate lists were developed with input from the client, in order to provide an assessment and recommendations for: 1) administratively expunging/purging CIBRS data, 2) appropriate retention schedules for CIBRS data, and 3) the usefulness of CIBRS for statutorily authorized (some are optional) background checks. The questions posed were:

Retention Questions

1. Where does the Records Management System (RMS) data come from, how is it used, under what situations is a record modified or deleted?
2. Do you have a retention schedule for RMS data? Who is responsible for ensuring that the records retention schedule is followed or that the schedule itself is updated periodically? Please give me a copy of this schedule. How was this schedule developed? How well does it “work” in terms of retaining needed information?
3. “Use” drives/influences the duration of a particular records retention schedule. How do you envision your department will use CIBRS data?

Detailed Retention Schedule Questions (These questions were asked in cases where the project team was given an RMS retention schedule or in cases where the person interviewed had specific knowledge about retention schedules.)

4. How did you determine, or where do you get– the items for the “record series” (the starting point for the retention schedule) for this particular retention schedule?
5. What challenges do you foresee in creating a retention schedule for CIBRS data? (For example, if data are removed from CIBRS but retained at the local level, what issues will arise?)
6. What recommendations do you have for creating a records retention schedule for CIBRS data?
7. How do you see yourself being involved (we would appreciate your assistance, where appropriate)?

Background Study Question

1. How does your department use RMS data when conducting background checks? How would your department use CIBRS data for this purpose? Who makes public requests for incident-based data?

Expungement interview questions

1. How does your department handle expungements of RMS data? What works well and what needs improvement?
2. What advice do you have for the BCA about how it should handle the expungement of CIBRS data?
3. What process would be needed (if any) to implement your suggested way of expunging CIBRS data?

Other Closing Comments

1. Anything that is important but that my questions did not provide you an opportunity to say?

In addition, using leads provided by the BCA, the Sheriff and Police Associations, SEARCH (the National Consortium for Justice Information and Statistics) and the Department of Administration’s Information Policy Analysis Division (IPAD), a search for practices being used by other jurisdictions faced with similar data management issues was conducted.

CIBRS BACKGROUND

Legal authority

The 2005 Minnesota Legislature created the authority for CIBRS. Minnesota Statutes 299C.40 set out the following parameters for the system:

- CIBRS is to be managed by the Bureau of Criminal Apprehension, Criminal Justice Information Systems Section,
- It is to be a statewide system containing data from law enforcement agencies,²
- Data in CIBRS must be made available to law enforcement agencies,
- The data is to be used for fulfilling an agency's investigative authority, or for conducting background investigations of possible peace officer applicants, and
- The provisions of the Minnesota Government Data Practices Act (Minn. Chapter 13) apply to CIBRS.

“Pointer” system

It is important to note that CIBRS will not contain *all* data from local RMS systems. CIBRS will receive a *subset* of data elements relating to incidents that will help investigators locate the full records that they might want to pursue further for an investigation. Investigators would receive full incident reports by contacting another local law enforcement agency to receive a copy. Most notably, a CIBRS record relating to an incident will not contain the text narrative of the officer's report on the incident. These types of repositories are commonly referred to as “pointer” systems – they “point” criminal justice professionals to other locations of data that may be of interest to them. They are intended to provide a starting point. An analogy is that the system is a card catalog – it is not the books themselves.

Source data

CIBRS data will originate from participating law enforcement agencies' record management systems (RMS). RMS systems record day-to-day law enforcement activities. The RMS data contains arrest information, service call information, response or incident data, criminal investigation data and other data categories identified under M.S. 13.82. The information can also include the status of a situation (such as cleared exceptionally, arrest, open active, or open inactive status assigned).

²These are defined in M.S. 299C.40, Subd 1 as a Minnesota municipal police department, the Metropolitan Transit Police, the Metropolitan Airports Police, the University of Minnesota Police Department, the Department of Corrections' Fugitive Apprehension Unit, a Minnesota county sheriff's department, the Bureau of Criminal Apprehension, or the Minnesota State Patrol.

Some law enforcement agencies who were interviewed for this project indicated that they use their local RMS for additional municipal non-law enforcement purposes, such as to record permits, liquor licenses, or dog license issuances. This type of information that is collected in local RMS systems for non-law enforcement purposes is not authorized to be shared via CIBRS.

Agencies will participate in CIBRS voluntarily. RMS data from agencies that choose to participate will be uploaded to CIBRS no less than every seven (7) days so that CIBRS reflects reasonably current information.

If inaccurate information is discovered in RMS data, the original inaccurate information is preserved by law enforcement and the local RMS record is amended. The data and source of the amendment are also noted. Law enforcement interviewees stated that this system of amending or supplementing the file – but maintaining the original record – is done to provide an accurate and accountable record of police action. In fact, as one interviewee noted, during criminal trial proceedings, it is imperative that police demonstrate to the court the “when, where, and how” of their information gathering efforts.

Data characteristics

The data in the RMS systems may or may not be tested or adjudicated based on a point in time. Incident data by its nature is accusatory or informational – citizens who call for service can identify the wrong individuals, be incorrect, or be motivated out of spite or vengeance – the result of which may be the recording by law enforcement of an untruth. When statements that are made in an incident report are investigated to determine their accuracy, the officers then determine whether or not probable cause exists to arrest a particular suspect. However, interviewees noted that incident reports provide a valuable accounting of what local law enforcement personnel heard, observed or did each day.

Under Minnesota law, M.S. section 13.03, subd.1 (Minnesota Data Practices Act or MGDPA), all government data is public unless otherwise protected. This requirement applies to the majority of data in a local RMS which includes “arrest data,” “service call data,” and “response or incident data.” M.S. 13.82 states that other data in the RMS, such as abuse data or criminal investigation data, are not public. In the case of abuse data, it is only available to the alleged victim. Criminal investigation data are “not public data” while an investigation is active. Furthermore, pursuant to M.S. 13.82, subd. 17 (d) and (f) a person reporting this information to law enforcement may do so anonymously.

Although CIBRS will contain a mix of data that is public, private, and confidential in the local agency RMS data systems, the Legislature categorized the public and private data in the CIBRS repository as private, whereas the confidential data will continue to retain its confidential status.

The intended use of CIBRS

Interviewees uniformly agreed that shared RMS data will be useful to law enforcement because it will assist them in investigating and preparing a case against a person, whether known or unknown, for the commission of a crime or other offense.

While many examples of CIBRS intended use were cited, one hypothetical illustration of CIBRS in practice, provided by an interviewee, may be helpful:

Assume that a service call is received by Police Department A from an individual stating that there is a noisy party, at 425 Main Street, where drugs are being used. Information on the caller (name, phone number, and address) may ultimately be recorded in the local RMS in addition to the address of the alleged party. Thereafter, assume further that police are sent to the noisy party location, and in giving a warning and taking names of attendees, the police also note that someone fled from the scene in a blue Toyota, and they are able to record a partial license number. This data may also find its way into the RMS.

Assume further that upon questioning, one of the attendees to the party comments to police that the name of the person driving the car is "John" and that he had sold drugs to party attendees. This information may also be recorded in the local RMS.

If, subsequent to this police response, police learn that the address of the party – 425 Main Street – was incorrectly recorded and the correct address was 427 Main Street, the local RMS data file is supplemented with the correct information.

Subsequently, in Police Department B, police receive a call from a citizen reporting a drug sale in progress. In responding to the call, the alleged drug seller leaves the scene in a blue car. At the scene, a person gives the identity of the driver of the blue car as "John Roe." Data from this incident is recorded in Police Department B's local RMS.

In doing investigative research by reviewing records submitted to CIBRS (which contains records from both Police Departments A and B), police in Police Department B can identify similarities in these two events and investigate the possible connection between the information they obtained on "John Roe" and a blue car, with the blue Toyota partial license plate driven by "John" which is information obtained by Police Department A.

As the above example shows, law enforcement interviewees envision that CIBRS – as an aggregator of participating RMS database information – will allow them to query the repository with investigative questions so that they can search out and piece together leads and information that will allow them to solve crimes, whether they know the name of the suspect or not.

By aggregating local RMS data in the CIBRS database, police are empowered to do a better, more comprehensive job of conducting criminal investigations because seemingly insignificant information in one jurisdiction – such as a license plate at a noisy party – may be the key to solving a potential felony, such as a drug sale, in another law enforcement jurisdiction. In one sense, CIBRS will allow investigators to more efficiently conduct their work by providing an easy-to-use and fast alternative to telephoning other departments when hunting for leads or making connections between incidents.

The example provided above also relates to an often repeated comment by law enforcement interviewees, which was that CIBRS retention schedules, CIBRS processes for expungements, and the use of CIBRS for statutory background checks should be managed consistently with CIBRS' central purpose – which they saw as enhancing law enforcement's ability to conduct criminal investigations.

Underlying Themes

Two key themes or considerations quickly emerged during the course of this assessment that should be stated at the outset.

A challenging public safety and individual privacy balancing act: First, as a general rule, all government data is deemed public to ensure that the business of government is conducted in an open and fair environment. This is particularly so with public safety data which law enforcement uses. Nearly all interviewees indicated that this concept was important when considering the role of law enforcement. There is a need for arrest data, police records, and associated information to be publicly available in a free society. But equally important, and expressed by others, is the need to not have the public dissemination of inaccurate or incomplete information harm the subjects of the data. Balancing these competing interests is challenging in this circumstance, since, by its very nature, RMS data, and therefore CIBRS data, is not always independently verified or confirmed to be correct. The RMS's purpose is to capture a record of changing or emerging information so that law enforcement can responsibly and openly serve the public. CIBRS will make it much easier to find information on an individual because RMS data will be accessible in one place.

The value of the repository for its intended criminal investigation purpose. The second consideration that emerged in this review is that RMS information, which is generally public unless it falls into protected categories, provides significant value to law enforcement when investigating a crime or following up on a lead. The primary value of CIBRS data is an accurate reflection of current (within seven days) RMS data. To the extent that CIBRS is used for purposes other than solving past crimes, there is a

corresponding need to reconsider and address personal privacy issues. But in addressing those issues, law enforcement asserts that the investigative value of CIBRS could be compromised.

In considering the use of CIBRS for other purposes, such as background checks, the balance between providing law enforcement with use of the information and its availability to conduct investigations, yet avoiding harm to individual data subjects, posed an inherent conflict which underscored each interview. Consequently, while the issues of expungements, retention schedules, and background checks are straightforward, their resolution will depend on how public policy addresses these two themes.

Implementation Update

A recent Executive-Level Project Summary newsletter announced that CIBRS is officially online and receiving data. The City of Buffalo Police Department is the first agency to connect and submit data to the system. The CIBRS project is currently working with local law enforcement agencies to help them sign up for access to the system.³

³ Minnesota Department of Public Safety, Bureau of Criminal Apprehension, CIBRS *Executive-Level Project Summary*, Volume 2, Issue 4, October 2006. Available at: <http://www.dps.state.mn.us/bca/CIBRS/Documents/Executive%20Level%20Summary%20-%20Volume%202%20-%20Issue%204.pdf>

THE USE of CIBRS for BACKGROUND CHECKS REQUIRED by LAW

As noted earlier, CIBRS is intended as an investigative tool for law enforcement. M.S. 299C.40, Subd. 2 states the purpose of CIBRS:

“Subd. 2. Purpose. CIBRS is a statewide system containing data from law enforcement agencies. Data in CIBRS must be made available to law enforcement agencies in order to prepare a case against a person, whether known or unknown, for the commission of a crime or other offense for which the agency has investigative authority, or for purposes of background investigations required by section 626.87.”

The background investigations required by section 626.87, referenced in the statutory language above, refer to background investigations that law enforcement agencies conduct on applicants for employment as licensed peace officers or applicants for positions leading to employment as a licensed peace officer.

During legislative discussions regarding the authorization for CIBRS, legislators and legislative staff were interested in exploring an additional possible utility for this statewide repository – to use CIBRS to perform background checks on individuals for those background checks that are required by law.

CriMNet, the BCA/CJIS leadership, and the legislative authors of the language agreed that the question of whether to use CIBRS for background checks required by law ought to be considered in a broader context, along with consideration of other sources of information for background checks, rather than considered in a vacuum. For this reason, questions regarding the pros and cons of using CIBRS for background checks were considered within the context of state background check policies and practices, while the other two topics of expungement and records retention were researched separately, with input from the CIBRS Stakeholder and Executive Sponsor groups, who are more familiar with the management concerns of local RMS systems.

The division incorporated a question about the potential use of CIBRS for background checks into its data collection for the background check project. The question posed was:

“One specific issue we are looking into is the extent to which CIBRS data about individuals should be used for background checks that are required by law. What is your perspective on that?”

Findings and Perspectives

Almost all interviewees were very concerned about relying on RMS/CIBRS incident data for background checks. Recognizing that the data is a police record collected during the course of work, and not necessarily the “truth,” it was imperative that users of the data recognize the inconclusive nature of the information.

This being the case, law enforcement agencies indicated that they use RMS data and a number of other resources in determining whether to hire someone as a police officer. Departments indicated that they also receive public data requests for their records by organizations conducting background checks. RMS information is currently being used for background checks but perhaps not as widely as it might if CIBRS were to become available for background checks.

Incident data as it relates to arrest data

Concerns were raised by interviewees regarding the use of *arrest* information for background checks. See *CriMNet Program Office: Background Checks and Expungements – Research Report, October 2006*. To summarize, those concerns were:

- The arrest may not have resulted in a disposition of guilt.
- The arrest charge may not reflect the actual or final charge.
- There were racial and socio-economic implications in using arrest data.

Most statewide repositories of criminal history information do not publicly release arrest information, or release it only for arrests under a year old that do not have a disposition (“open” arrests). But arrest information has been increasingly considered relevant and has been sought via searches at the local sources (where arrest information is public) or via signed consents from data subjects for some background checks. The extent to which arrest information ought to be used for background checks required by law is, in and of itself, a controversial issue among stakeholders.

The consideration of the use of *incident* information about individuals brought forward additional concerns, and the project team received almost uniformly negative opinions about using CIBRS for background checks for most purposes. However, there were a few exceptions where the use of incident data on background checks was considered appropriate.

Concerns raised by interviewees

Concerns about using CIBRS data for background checks were raised by interviewees:

- **The nature of the data:** Many interviewees responded that the information should not be used simply because it is pre-adjudicative. When pressed further for the reasons why the use of pre-adjudicative data is problematic, they noted that incident data by its nature is accusatory – incident reports can identify the wrong

individuals, be incorrect, or be motivated out of spite or vengeance. Generally, non-law enforcement interviewees perceived the information as having little value or worth to make conclusions about individuals until after the accusations made in the incident report are investigated by an officer to determine whether probable cause exists to arrest a particular suspect.

- **The value of the presumption of innocence:** Some interviewees were concerned that widespread use of incident reports to disqualify individuals from employment or housing would challenge or undermine the social value of the presumption of innocence. Although the loss of a job or place to live is a civil, rather than criminal, consequence, it is a consequence with a great deal of economic worth to individuals. Interviewees challenged whether individuals should experience such consequences based on allegations made against them.
- **Potential unintended consequences:** Interviewees noted that individuals' names may appear in CIBRS because they were a witness or victim, or because they called 9-1-1. However, a person's name showing up in a database that is perceived to contain criminal information can have a negative connotation, or people may fear that a negative connotation would cause negative consequences to follow. They expressed concern that people would begin to have a disincentive or delay in calling 9-1-1, due to concerns over the consequences of their names being searchable in a statewide "criminal" database.
- **Inconsistent with judicial branch rules:** Interviewees from the judicial branch of Minnesota government indicated that a proposed policy to promote access to incident reports as a means to make decisions for background checks was inconsistent with the recently revised Rules of Access to Records of the Judicial Branch. The most recent update of these rules restricted the judicial branch's dissemination of pre-conviction data, out of concern that pre-conviction information is not dispositive, and for the impact that broad dissemination was having on people's lives.
- **Difficulty in challenging data:** One interviewee noted that, while CIBRS will have a data challenge process, the lack of biometric identification in the CIBRS database, compared to the criminal history database, will make it difficult for people to challenge incidents attached to names and dates of birth matching their own in cases of identity theft.
- **Potential disparity between equally-situated individuals:** One interviewee pointed out a potential disparity issue in using CIBRS for background checks. It is optional for law enforcement agencies to send their incident data to CIBRS. In addition, each law enforcement agency also has discretion on which types of incidents they will send to the repository – incidents ranging from nuisance calls to murder investigations. This can create a disparity between equally situated individuals who live in jurisdictions with different policies regarding their participation in CIBRS.

Some exceptions were noted, however, where people saw the sensitivity of some positions outweighing their concerns about the use of CIBRS for background checks.

- **Positions of the highest risk:** There were cases where interviewees noted that employees must be held to the highest standards, warranting a review of their reported incidents, even if the incidents did not result in arrests. Generally these exceptions were viewed along a continuum, with peace officers mentioned first as an exception to the general rule, followed by other criminal justice professionals and a few interviewees mentioning those who work with vulnerable adults and children.
- **The need for careful review of the incident information:** For these types of sensitive positions, the relevance of reported incidents or patterns of incidents would need to be viewed on a case-by-case basis by the background investigator. An interviewee familiar with background investigations for peace officers recommended that the investigator read the actual incident reports, which contain the officers' notes on the incidents. These are not available from CIBRS and would need to be requested from the local source. Some interviewees indicated that interviews with the investigating officer, witnesses, or victims from the incident might also be necessary.
- **No "blanket" disqualifications:** In general, interviewees did not have in mind threshold numbers or specific types of incidents that would be blanket disqualifiers on background checks, although one report of an incident was not viewed as significantly as multiple accusations or patterns of the same type of incident. An example given was eight allegations in separate jurisdictions that someone was questioned about "peeping Tom" behavior, when the applicant wants to work with children or vulnerable adults. Another example given was four domestic assault incident reports at a potential police officer's address.

Another viewpoint came from a philosophical perspective that "the public should be trusted to make decisions with their own data." The interviewee noted that much of this data is public at the local source and that it should be public in the state repository as well, for use in background checks where those conducting the checks wish to use the information. This viewpoint related to arguments and challenges over the value of the "practical obscurity" of private data held in state repositories which are public at the local source.

Another special case had to do with very low-level incidents that are reported to police but that often do not result in a citation or arrest. Examples were barking dogs and loud parties. Police officers may arrive and ask citizens to quiet down, but not issue a citation. While interviewees noted that such low-level incidents had very little relevance for a job-related background check, others felt that this information might be of interest to landlords. In this case, prospective tenants with many reports about their barking dog or loud parties could be problem tenants. These types of background checks are not those that are "required by law," which the scope of this study is limited to. The future question as to whether to provide searches on a state repository for these types of landlord checks

on prospective tenants would relate to the extent to which the data is easily accessible at the local level. The data is public at the local level, and a record search on the incidents at the previous or current address of the prospective tenant may be sufficient. While these are not background checks required by law, they may be a future use/utility for CIBRS.

Conclusion and Recommendation

There was significant agreement among stakeholders that using CIBRS for background checks required by law is not advisable at this time. Within the design considerations for an overall background check system, however, the usefulness of incident data for extremely sensitive positions such as peace officers, criminal justice professionals and people who work with vulnerable adults and children should be considered as a topic of discussion. Even in these cases, a case-by-case review of actual incident reports is more advisable than simple counts of records.

EXPUNGEMENT of CRIMINAL RECORDS

An expungement is a judicial action directing that a particular record be sealed from public access. Minnesota Statutes 609A define the circumstances under which individuals may petition for expungement. In addition, Minnesota courts have inherent authority to order the expungement of criminal records in the interests of justice. In Minnesota, the remedy available is limited to a court order sealing the records and prohibiting the disclosure of their existence or their opening except under court order or statutory authority. Minnesota statutes for expungement do not authorize the destruction of records or their return to the subject of the records.

This particular definition, however, is not useful when considering CIBRS data, because in most instances it is neither adjudicated data, nor is it generally reviewed and expunged by a court of law.⁴ To the extent that local RMS systems may contain criminal records, interviewees were clear to note that they already comply with court orders to seal criminal records when they receive an order from a court. Rather, upon discussions with interviewees and members of the legislature, it was determined that a more meaningful interpretation of the legislative directive to the commissioner to make a recommendation on “a process for criminal records expungement” necessarily meant an administrative process for sealing or purging CIBRS data. This definition is intended throughout the remainder of this report.

Findings and Perspectives

Minnesota interviewees’ perspectives

All local law enforcement agencies noted that for numerous legal reasons, they did not eliminate or purge errors in information contained in their local RMS unless it was either a duplicate record or if they were ordered to do so by a court of law. When asked why incorrect information was not simply deleted from their systems, the response was that to do so would mean that the change to the data would not be noted. This is of critical importance when police find themselves on a witness stand in a court proceeding and must document the “chain of custody” of the information they collect. Rather than alter police records, all enforcement agencies noted that they amend their records with correct information in a supplemental report that is linked to the original report in the RMS.

⁴ Local law enforcement agencies noted that in rare instances the RMS might contain a reference to a criminal conviction or some other adjudicated fact. In such instances, if a court of law directed them to expunge or “seal” such a record they comply.

Moreover, when a court directs a local law enforcement agency to expunge records, the RMS will delete the electronic copy and retain and seal a hard copy with the court order. This is done because in some instances, a court will ask that an expunged/sealed record be reopened for a particular authorized purpose.

Several examples of judicial expungements were identified by interviewees. In one police department, a person's name was deleted from the RMS pursuant to a court order. In another, the contact information in the RMS was altered pursuant to such an order. In that case, the arrested individual became a person of interest such that the name is still associated with the case, but the nature of the association is modified (the person's name is kept with the case, but he or she is not classified as the arrested person). In a third a record was electronically sealed by leaving it in the RMS but ordering that only the records manager could view it.

The general view, however, by all law enforcement interviewees was that if CIBRS adopted an administrative policy to delete CIBRS records, it would cause CIBRS to be less useful as an investigative tool. When asked what might occur if an administrative process were established for eliminating CIBRS data, it was the consensus of interviewees that such an action would not affect the status of the data at the local level, and that needed investigations that included such data would revert to the current practice used by law enforcement in the environment without CIBRS – they would be compelled to contact each other individually to obtain information.

Because RMS data is generally public, there are a number of public requests for this data that are made at the local level. Several RMS data supervisors noted that a majority of these requests come from insurance companies seeking to confirm that an automobile accident, theft, or fire had occurred in order to confirm that a filed insurance claim was not fraudulent. Other requestors include landlords wanting to know if police had been called to one of their properties, or to find out if prospective tenants had police calls to their current residence. Finally, in licensing instances, licensing agents will contact the law enforcement agency to review reports on an individual or location (address) when reviewing the issuance of day care, sponsored care, or liquor licenses. As a practical matter, therefore, expungements of CIBRS data that did not result in the expungement or removal of data at the local RMS would only impact the effectiveness of CIBRS as an investigative tool, but would not thwart access public access to the information at the local level.

Interviews with investigators could not confirm that certain data could be considered “not important” and could be eliminated or purged. Rather, it was stated on numerous occasions that the value of data is not always apparent when it is collected. A compelling comment in this regard referenced a traffic citation. An investigator – looking at RMS data from multiple jurisdictions – was able to confirm a name of a drug dealer by tying the dealer to a previous police call in another jurisdiction involving a parking violation where the violator provided his actual name in challenging the citation. The interviews were replete with these types of examples.

Practices in other states

While the state of Minnesota is developing CIBRS, other states are, in various ways, aggregating incident-based data collected by law enforcement. Other states are also wrestling with the issues of background checks, expungements, and data retention as they pertain to the aggregated data.

In particular, Vermont, Wisconsin, and Ohio do not have to address the issue of expungement because they do not consider the local RMS incident-based data, when aggregated, as state data. These three states view the records as the local data, even if the information is stored at a state agency, as in Vermont and Ohio's cases. Consequently, these three states are neither responsible for the data's accuracy nor for providing it to the public. Rather, they direct individuals back to the local agency to obtain and correct information. As one interviewee put it, "we are merely holding copies." In fact, Ohio would not even tell someone which agencies have their records. *See Appendix C. Other States' Practices*, for more information.

These states are explicit in having the data be used for law enforcement investigation only. Ohio does not permit data mining for criminal intelligence. Ohio is considering allowing the data's use for background checks performed by local agencies for their government's employees if authorized by their governing body, but not for outside organizations, except the military. *See Appendix C. Other States' Practices*.

Conclusions

Interview findings confirm that current statutory expungement processes effectively would expunge criminal records in CIBRS, to the extent that CIBRS contains any criminal records. By sealing the record in the source system (RMS), the record would be removed from CIBRS. Current expungement processes operate to remove the record from the source system and the state repository.

Removing or sealing records from CIBRS with an additional administrative expungement process could have the unintended consequence of impeding law enforcement investigations while doing little to thwart public access to the data, presumably the remedy that a requestor would be seeking. Since all data that are private in CIBRS are private or public at the local level, they could be accessed by an interested party that way, even if they were sealed or removed from CIBRS.

Recommendations

An administrative process to seal or remove CIBRS data should not be implemented. It would not provide as effective a remedy for the requestor as the existing statutory expungement process for criminal records. The further risk that administrative sealing or removal would hamper law enforcement investigations outweighs the limited remedy that would be obtained from the sealing or removal.

This recommendation is made in relation to the recommendation made in the prior report section – that using CIBRS as a source of information for background checks is generally inadvisable. To the extent that the current law enforcement investigative use of CIBRS moves beyond this purpose, there will be a need to reassess the balance point between public safety and individual privacy. For example, if CIBRS were to routinely be requested for other background checks, such as securing an apartment or a credit card, a strong case could be made that some form of administrative expungement should be established to ensure that individuals are not harmed by inaccurate information.

RETENTION SCHEDULE

Background

A retention schedule is an administrative plan adopted by an agency for managing its records. It lists the records of the agency and how long they are to be kept before destruction. A retention schedule identifies what records have permanent value and permits destroying records when the records' fiscal, administrative, and utility values are depleted/expired.

Arriving at a specific retention schedule is based on an assessment of the administrative, legal, financial, and historical values of the data. It is essentially deciding the primary use of the data and the risks an agency is willing to assume if data is destroyed according to the schedule. A retention schedule is most often expressed in terms of time. It is also possible to create a retention schedule based on a "triggering event," or some kind of preceding condition that must occur prior to the record being destroyed.

Agencies have two different ways of determining how long a record is to be kept. The first is to adopt a general schedule. Many police and sheriff departments have adopted the general schedule for cities or counties on how long to keep public safety records. Adopting a general schedule means that you are adopting a common record series, common retention periods, and data practices classifications. The alternative is to adopt a specific retention schedule for an entity.

Because a primary purpose of the retention schedule is to serve the information management needs of a particular government entity, the duration of the retention schedule represents a *minimum* time for retaining the record. So, if a public entity desires a longer time for specific records, it need only develop a record-specific policy and amend its retention schedule.

Findings and perspectives

A preference to honor local schedules

A chief concern among interviewees was that the effectiveness of CIBRS could be lessened if a "one-size-fits-all" retention schedule was adopted by the BCA. They stressed that CIBRS should have the same data as all of the local participating RMS's. If CIBRS has less data than the local RMS's, then investigators, realizing this, could not depend on CIBRS to adequately serve their investigative needs. To be an effective tool, CIBRS has to have the ability to reflect the local RMS data agencies are willing to share, and no less.

Interviewees clearly stated that to achieve this outcome the appropriate role of the BCA would be to honor the specific retention schedule of each particular participating RMS.

Conceptually, this would either mean that CIBRS did not have a retention schedule, or that CIBRS' retention schedule specify that CIBRS will honor the retention schedules of the participating agencies. A technical challenge of the latter approach is that by definition a retention schedule sets a time frame for various record series. It could be argued that a particular record series should have one schedule, not multiple schedules. On the other hand, retention schedules are also viewed as the "minimum time" which data can be held until destroyed. Within this technical discussion, it could be further asserted that the policy of the BCA is to retain a particular record series for a period no shorter than the shortest retention schedule of participating law enforcement agencies, and that as a policy matter, it would honor longer schedules wherever they existed, out of deference to the local jurisdiction. This approach also comports with an administrative purpose of a retention schedule – allowing for ease of management of the data.

A number of interviewees, when asked whether CIBRS should have a *longer* retention schedule than the local source systems, indicated that this did not make sense because the BCA's role is to serve as an administrator of the data for use by local law enforcement. In other words, they could not envision what use the State of Minnesota would have for the data beyond the specific purpose outlined in statute.

Record retention terms in practice

As a practical matter, most local and county law enforcement agencies have adopted one of two uniform retention schedules. According to police department interviewees, most city public safety functions have adopted the model cities retention schedules. *See Appendix A* for a copy of this schedule. This schedule was recently reviewed and updated in 2002 by a taskforce comprised of clerks, record supervisors and finance officers of the Minnesota clerks and finance officers association (www.mcfoa.org).

Similarly, county sheriff departments typically follow a retention schedule developed for county public safety records. *See Appendix B* for a copy of the model county public safety records retention schedules.

As a service provider enhancing local law enforcement's ability to cooperatively share information to support investigations through a statewide database, most interviewees indicated that such an approach by the BCA complements similar actions being taken at a regional level throughout the state. For instance, St. Louis County, Duluth, Hermantown, and Proctor collaborate to utilize a single RMS system through a joint powers agreement. The county repository of this data intends to adopt the retention schedules of the respective local jurisdictions.

If CIBRS is to mimic departments' retention schedules, the impact will be to uphold the retention schedules contained in these respective model schedules.

Records retention in other states

A review of other states confirmed that a similar approach on retention was followed by Ohio, Wisconsin, and Vermont. None of the three states has a uniform records retention schedule. Their retention schedules are based on the local agency's retention schedule, consistent with their view that the data belongs to the local agencies. As a result, some local agencies may have 20 years worth of data and others have seven years depending on their particular needs. See Appendix C for other states' practices.

Recommendation

The BCA should agree to apply the records retention schedules as practiced by each local law enforcement agency. Not only will this process respect the treatment of the data by the originating law enforcement agency, it will also complement the approach being taken concurrently by other regionally based information initiatives aggregating law enforcement RMS data throughout the state. As an administrative matter, as an information agent and support service for local law enforcement needs, it properly places the onus of retention classifications on the jurisdictions creating the data. Lastly, such an approach is consistent with the plain reading of the legislative request.

OVERALL CONCLUSIONS

The topics of using CIBRS for background checks, and expungement and retention of CIBRS data should be addressed through the prism of two themes: balancing society's interest in public safety and individual privacy, and in realizing the value of a statewide data repository for criminal investigation.

- **Background checks.** There were numerous concerns raised about using CIBRS for background checks. These included concerns about the nature of the data, concerns about undermining the value of the presumption of innocence, and concerns about potential unintended consequences. Although there are some circumstances under which the use of incident data may be appropriate for background checks, the use of the CIBRS repository as a source for this data is not recommended at this time.
- **Expungements.** Current procedures to expunge records by court order at the local RMS level are sufficient to expunge CIBRS records. Moreover, if CIBRS is not used for background checks, an administrative procedure for the expungement of CIBRS data is unnecessary.
- **Retention schedules.** The BCA should apply the records retention schedules as practiced by each local law enforcement agency.

APPENDIX A

General Records Retention Schedule for Minnesota Cities (law enforcement schedules)

GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES

Purpose of the General Records Retention Schedule

The purpose of a records retention schedule is to provide a plan for managing governmental records by giving continuing authority to dispose of records under Minnesota Statutes section 138.17.

This City General Records Retention Schedule establishes minimum retention periods for city records based on their administrative, fiscal, legal and historical value. It lists records series common to cities and identifies how long to retain them.

This schedule was originally developed by the Minnesota State Department of Administration, Information Policy Analysis Division and the Minnesota Historical Society, Division of Archives and Manuscripts and was funded in part by a grant from the National Historical Publications and Records Commission.

The revised schedule was updated by city clerks and officials representing the Minnesota Clerks and Finance Officers Association (MCFOA).

Adopting and Using the General Schedule

1. A city that has adopted the previous version of this general schedule does not need to notify the Minnesota Historical Society that it is adopting this revised edition of the General Records Retention Schedule for Cities. It will be assumed that cities that have adopted the previous version will now utilize this revised version.

If you have not previously adopted the general schedule, to begin disposing of records, you must notify the State Archives Department of the Minnesota Historical Society that your city has adopted the schedule. The enclosed form, "*Notification of Adoption of City General Records Retention Schedule*", is used for this purpose.

2. You may adopt the schedule even though your office may not have all the records listed on it. We recommend that you adopt the entire schedule. However, if this is not possible you may adopt individual sections.
3. The Minnesota Historical Society will sign and return the Notification form to you. You will then have the authority to dispose of your government records as indicated on the schedule.
4. Compare the records in your office with the records listed on the schedule. Retention periods listed on the schedule represent the minimum length of time that you must retain your records. Once that retention period has been reached you may destroy the records as indicated on the schedule. If you need to retain some records series longer than the listed retention, you should establish an agency policy for those records.
5. Records identified on the schedule as archival may be transferred to a local/county historical society or other appropriate repository with the specific, written permission of the state Records Disposition Panel. Contact the State Archives Department at 651-297-4502 for guidelines. For further information, see the State Archives Department's web site at <http://www.mnhs.org/preserve/records/index.html>.
6. The retention stated on the schedule applies to any form of the record (paper, computer tape or disk, microfilm, optical disk, electronic media, etc.). However, if you decide to change the form of a record (for instance, you microfilm a paper record) you may not be authorized to dispose of the original record. If you are considering changing the form of a record, contact the Minnesota Historical Society, State Archives Department, 651-297-4502.
7. Data Practices Classifications are effective as of the printing of this Retention Schedule. Because data practices issues change regularly, classifications may have changed. For current information on data practices, consult Minnesota State Statutes, Chapter 13, or call the State of Minnesota, Department of Administration, Information Policy Analysis Division at 651-296-6733.

Destruction Reporting

After you destroy records according to the general schedule, maintain a list of destroyed items.

Records not on the General Schedule

Records not listed on this schedule cannot be destroyed without submitting either an "Application for Authority to Dispose of Records" (PR-1) or a "Minnesota Records Retention Schedule" (RM-00058).

The PR-1 form is used to request one-time authority to dispose of records. A reproducible copy of the PR-1 form is enclosed. Since an approved PR-1 gives you authority to dispose of only those records listed on the form, we recommend that you use the PR-1 only for obsolete records (records no longer being created).

For ongoing authority to dispose of records not listed on the general schedule, complete a "Minnesota Records Retention Schedule". This form can be obtained from the State Archives Department of the Minnesota Historical Society, 651-297-4502.

Duplicate Records

This retention schedule concerns itself only with the city's official record copy and the retention periods assigned reflect that. It is each city's responsibility to identify the official record copy and to identify when to destroy any other copies of identical records, after they have lost their legal, fiscal, historical and administrative value. Duplicate copies should not be retained as long as the official record. Normally the retention period on duplicate records will not exceed two years.

Records Reproduced on Optical Image Storage System

(M.S. §138.17 subd. 10)

Any government record, including a record with archival value, may be transferred to and stored on a non-erasable optical imaging system and retained only in that format, if the following requirements are met.

All documents preserved on non-erasable optical imaging systems must meet standards for permanent records specified in section 15.17, subdivision 1, and must be kept available for retrieval so long as the law requires. Standards under section 15.17, subdivision 1, may not be inconsistent with efficient use of optical imaging systems.

A government entity storing a record on an optical imaging system shall create and store a backup copy of the record at a site other than the site where the original is kept. The government entity shall retain the backup copy and operable retrieval equipment so long as any law requires the original to be retained. The backup copy required by this paragraph must be preserved either (1) on a non-erasable optical imaging system; or (2) by another reproduction method approved by the records disposition panel.

All contracts for the purchase of optical imaging systems used pursuant to this chapter shall contain terms that insure continued retrievability of the optically stored images and conform to any guidelines that may be established by the information policy office of the department of administration for perpetuation of access to stored data.

For further information regarding imaging systems, refer to the standards (IRM 12 and IRM 13) issued by the Minnesota Office of Technology, "Reproduction of Government Records Using Imaging Systems" available on the Office of Technology website at: <http://www.state.mn.us/cgi-bin/portal/mn/jsp/content.do?subchannel=null&programid=536881358&sc2=null&id=-8487&agency=OT>.

Category Definitions for the General Schedule

Record Series Description: A record series is a group of records clustered together because they all relate to the same topic and have the same retention period.

Retention Period/Statute: The retention cited is the minimum amount of the time a record must be kept. A number printed alone, e.g. 10, means ten years. If months or days are meant the entry will display that, e.g. 6 months or 30 days. The stated retention does not include the year the record originates. For example, if Record

A is filed by calendar year and it has a retention of 3 years, the disposal date for 2000 records is January, 2004. Statutes listed here cite specific retention periods for the records series.

Archive: If a Y or "yes" appears in this column, these records have historical value and must be permanently retained by the city. If the city wishes to otherwise dispose of the records, the city should contact the State Archives Department of the Minnesota Historical Society at 651-297-4502 for guidelines and assistance. These records may be eligible for transfer to a county or local historical society, or other repository, and the State Archives can assist in this process. For further information see the State Archives Department's web site at <<http://www.mnhs.org/preserve/records/index.html>>.

Data Practices Classification: This phrase refers to records classified by the Minnesota Government Data Practices Act or other state or federal laws. The classification system includes: public, private, confidential, nonpublic or protected nonpublic. More than one classification may apply.

Data Practices Statute: This phrase refers to the statute or law which cites the data practices classification of the record series.

Resources

Questions about archival records:

Minnesota Historical Society
State Archives Department
Minnesota History Center
345 Kellogg Boulevard West
St. Paul, MN 55102-1906
Voice: 651-297-4502
Fax: 651-296-9961

Questions about data practices:

Department of Administration
Information Policy Analysis Division
305A Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
Voice: 651-296-6733
1-800-657-3721
Fax: 651-205-4219
Email: info.ipad@state.mn.us

Minnesota Historical Society
 State Archives Department
 Minnesota History Center
 345 Kellogg Boulevard West
 St. Paul, MN 55102-1906
 651-297-4502 Fax: 651-296-9961

NOTIFICATION OF ADOPTION OF CITY GENERAL RECORDS RETENTION SCHEDULE

1. Complete this form and send the original and one copy to the State Archives Department at the above address.
2. Destruction of records according to the general schedule is NOT permitted until this form is signed by the Minnesota Historical Society.

City	Telephone (include area code)
Street Address	City, Zip Code

This is to notify the Minnesota Historical Society that the city named above has officially adopted the Minnesota City General Records Retention Schedule (revised 2005). Cities are advised to adopt the entire schedule. If this is not possible, individual sections may be adopted. ("X" the appropriate items)

The City adopts the entire schedule The City adopts only the following sections:

- | | | |
|---|---|---|
| <input type="checkbox"/> Administration | <input type="checkbox"/> Financial/Accounting | <input type="checkbox"/> Payroll |
| <input type="checkbox"/> Assessing | <input type="checkbox"/> Fire | <input type="checkbox"/> Permits & Licenses |
| <input type="checkbox"/> Attorney | <input type="checkbox"/> Health Services | <input type="checkbox"/> Planning & Zoning |
| <input type="checkbox"/> Bonds | <input type="checkbox"/> Housing and Redevelopment Authority/
Economic Development Authority | <input type="checkbox"/> Public Safety – Police |
| <input type="checkbox"/> Building Inspections | <input type="checkbox"/> Human Resources | <input type="checkbox"/> Public Works |
| <input type="checkbox"/> Cemetery | <input type="checkbox"/> Insurance | <input type="checkbox"/> Records Management |
| <input type="checkbox"/> Contracts/Agreements | <input type="checkbox"/> Library | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Courts | <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Vital Statistics |
| <input type="checkbox"/> Elections | <input type="checkbox"/> Parks & Recreation | <input type="checkbox"/> Waste Management |

Name/Title of City Official (print)	Signature of City Official	Date
Email Address of Person With Records Management Responsibility:		

The Minnesota Historical Society acknowledges your Notification of Adoption of the City General Records Retention Schedule. You are authorized to retain and dispose of records as indicated on the schedule.

Director or Designee, Minnesota Historical Society	Date
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MINNESOTA HISTORICAL SOCIETY

STATE ARCHIVES DEPARTMENT

APPLICATION FOR AUTHORITY TO DISPOSE OF RECORDS

FOR USE BY RECORDS PANEL	
Application No. _____	Date _____

Instructions:

1. This form does not provide continuous authority to dispose of similar records and cannot be used to approve a records retention schedule.
2. Complete original and three copies. Photocopies are acceptable.
3. Complete items 1 through 6 and item 8. Use reverse side to continue records description. If more space is needed, use plain paper.
4. Send original and two copies to the **State Archives Department, 345 Kellogg Boulevard West, St. Paul, MN 55102-1906.**
5. Retain one copy until your approved copy is returned. The approved copy will be your authority to dispose of records. It should be retained permanently.
6. Additional copies of this form are available from the address above or by telephoning (651) 297-4502. (FAX: (651) 296-9961).

NOTE: Laws of 1971, Chapter 529, Section 3 reads as follows: "It is the policy of the legislature that the disposal and preservation of public records be controlled exclusively by Minnesota Statutes, Chapter 138 and by this act, thus, no prior, special or general statute shall be construed to authorize or prevent the disposal of public records at a time or in a manner different than prescribed by such chapter or by this act and no general or special statute enacted subsequent to this act shall be construed to authorize or prevent the disposal of public records at a time or in a manner different than prescribed in chapter 138 or in this act unless it expressly exempts such records from the provision of such chapter and this act by specific reference to this section."

1. Agency or Office	2. Division or Section	3. Quantity of Records _____ Cubic Feet
4. Location of Records		5. Laws other than M.S. 138.17 that relate to the destruction or safekeeping of the records:
6. I certify that the records listed on this application are accurately described, and that they have no further administrative, legal, or fiscal value for this agency.		AUTHORIZATION: Under the authority of M.S. 138.17, it is hereby ordered that The records listed on this application be destroyed, except as shown in item 7.
Authorized Signature (Type name below)		Director, Minnesota Historical Society _____ Date _____
Name _____	Date _____	Legislative or State Auditor _____ Date _____
Title _____	Phone _____	Attorney General _____ Date _____

7. Exceptions to Destruction. (For use by Records Disposition Panel).

8. Description of Records. Describe each record series or type of record separately. Number each series, beginning with "1".

A. Item No.	B. Name of record, form numbers, content, usage, arrangement, original duplicate, or microfilmed.	C. Inclusive Dates

A. Item No.	B. Name of record, form numbers, content, usage, arrangement, original duplicate, or microfilmed.	C. Inclusive Dates

EXPLANATION OF JANUARY 2005 REVISIONS

The following record series were revised in the January 2005 update to the Minnesota General Records Retention Schedule. All other information contained in the March 2003 edition has not changed.

Revisions:

ASG00900, ATT00200, ATT00500, BUI00900, BUI01310, FIN01310, FIN01320, FIN01800, FIN02100, FIN02700, FIN02450, FIN03300, HRA00200, HRA00300, HRA00500, HRA00700, HRA00800, HRA01200, HRA01300, HRA01400, HRS01900, HRS04200, HRS04700, PAY00600, PER02100, POL00300, POL00510, POL02700, POL04700, UTL00850, UTL03000

Deletions:

FIN04200, PER00000, UTL00700

Additions:

FIN00400, FIN04600, FIR00010, FIR00020, FIR00030, FIR00040, FIR00050, UTL03050

NOTE: a city that has adopted a previous version of the General Records Retention Schedule for Cities does not need to notify the Minnesota Historical Society that it is adopting the revised edition.

05-095
1/20/05

General Records Retention Schedule for Minnesota Cities

State of Minnesota
January 2005

Authorization: Under the authority of Minnesota Statutes 138.17, it is hereby ordered that the records listed on this application be disposed of per approved schedule.

Minnesota Historical Society <i>Charles Kroger</i>	Date <i>19 Jan 2005</i>
State Auditor <i>David Kays</i>	Date <i>2-24-05</i>
Attorney General <i>Patrick Nolte</i>	Date <i>3-10-05</i>

General Records Retention Schedule for Minnesota Cities

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Administration.....	ADM	Library	LIB
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Cemetery.....	CEM	Planning and Zoning	PLZ
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Courts.....	CTS	Public Safety – Police.....	POL
Elections.....	ELE	Public Works – Engineering	PWE
Financial/Accounting	FIN	Public Works – Maintenance/Operations	PWM
Fire	FIR	Records Management.....	RMG
Health Services	HEA	Utilities.....	UTL
Housing and Redevelopment Authority.....	HRA	Vital Statistics	VIT
Human Resources.....	HRS	Waste Management	WST
Insurance.....	INS		

GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES

SECTION	CODE	TITLE & DESCRIPTION	RETENTION PERIOD	ARCHIVE Y/N	CLASSIFICATION	STATUTE
POLICE	POL 00100	ANNUAL REPORTS - POLICE DEPARTMENT	Permanent	Yes	Public	
POLICE	POL 00200	AUCTION Records or department copy of contracts.	3	No	Public	
POLICE	POL 00240	BACKGROUND CHECK Local records check on individual (i.e. employment, adoptions).	30 days	No	Non-public	
POLICE	POL 00250	BACKGROUND CHECK Second party dissemination log.	3 years	No	Public	
POLICE	POL 00300	BUREAU OF CRIMINAL APPREHENSION REPORTS Annual reports of local law enforcement activities compiled by BCA and returned to local department. BCA does not maintain copies of these reports.	5 years	No	Public/Private	MS 13.82, 260B.171
POLICE	POL 00350	CERTIFICATION FOR PEACE OFFICERS FOR STATE AID APPLICATION (State form PA-1)	3	No	Public/Private	MS 13.43
POLICE	POL 00400	DEPARTMENT OF CORRECTIONS - ANNUAL REPORT Printout of all bookings for jurisdiction. Note: pertains to jail agencies only.	5	No	Public/Private	MS 13.82
POLICE	POL 00410	DIRECTED PATROLS Resident or community request(s) for patrolling specific area(s).	6	No	Public	MS 13.82, Subd. 3.
POLICE	POL 00420	DUTY ROSTER Officer(s) log(s).	2	No	Public	MS 13.82
POLICE	POL 00450	EMERGENCY PLAN	Until superseded	No	Public/Private	MS 13.37
POLICE	POL 00500	FINGERPRINT CARDS Sworn officers and police personnel.	5 after termination or retirement	No	Private	MS 13.43

GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES

SECTION	CODE	TITLE & DESCRIPTION	RETENTION PERIOD	ARCHIVE Y/N	CLASSIFICATION	STATUTE
POLICE	POL 00510	FINGERPRINT CARDS For janitors or persons accessing secured areas without supervision.	1 year after termination	No	Public/Private	MS 13.43
POLICE	POL 00600	INTERNAL INVESTIGATION Case files & Reports	6	No	Public/Private/ Confidential	MS 13.39, 13.43, 13.82
POLICE	POL 00700	LIABILITY RELEASES For services rendered (i.e. lock outs, ride alongs, etc.)	1	No	Public	
POLICE	POL 00800	LOG SHEETS Officers	2	No	Public/Private/ Confidential	MS 13.82
POLICE	POL 00900	OATH OF OFFICE Police Officers, Community Service Officers, Animal Control Officers.	5 after termination or retirement	No	Public	
POLICE	POL 00910	PAWN SHOP RECORDS Records are kept by Pawn Shop store. The only records the Police Department may keep are the pawn shop requests to check whether an item is stolen (however, record is typically discarded after the check).		No	Public	
POLICE	POL 01000	POLICE CLEARANCE LETTERS Criminal history on individual within jurisdiction.	3	No	Public/Private	MS 13.87
POLICE	POL 01100	POLICE DEPARTMENT RELIEF ASSOCIATION RECORDS Actuarial records & planning reports.	Permanent	No	Public	
POLICE	POL 01200	POLICE DEPARTMENT RELIEF ASSOCIATION RECORDS Financial records.	6	No	Public/Private	MS 13.43
POLICE	POL 01300	POLICE DEPARTMENT RELIEF ASSOCIATION RECORDS Membership Files.	Permanent	No	Public/Private	MS 13.43
POLICE	POL 01400	POLICE DEPARTMENT RELIEF ASSOCIATION RECORDS Minutes.	Permanent	No	Public	
POLICE	POL 01500	PUBLIC ASSISTANCE VOUCHER RECORDS Copies.	1	No	Private	MS 13.462

GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES

SECTION	CODE	TITLE & DESCRIPTION	RETENTION PERIOD	ARCHIVE Y/N	CLASSIFICATION	STATUTE
POLICE	POL 01600	REQUEST TO INSPECT POLICE REPORT	30 days	No	Public	
POLICE	POL 01700	STATISTICAL REPORTS Pursuit, bias crime, officer killed or assaulted, supplemental homicide. Original filed with state.	1	No	Public	
POLICE	POL 01800	ANIMAL CONTROL STATISTICAL REPORTS	1	No	Public	
POLICE	POL 01900	ANIMAL IMPOUND/RELEASE	1	No	Public	
POLICE	POL 02000	CIVIL DEFENSE FILES	Until superseded	No	Public	
POLICE	POL 02100	BICYCLE SAFETY Bike patrol, rodeos, etc.	2	No	Public	
POLICE	POL 02200	WYC Watch Your Car.	1 after participation ceases	No	Public/Private/Non-public	MS 13.37
POLICE	POL 02300	D.A.R.E. Drug abuse resistance education program.	1	No	Public	
POLICE	POL 02400	MCGRUFF HOUSE	1 after participation ceases	No	Public/Private/Non-public	MS 13.37
POLICE	POL 02500	NEIGHBORHOOD CRIME WATCH	1 after participation ceases	No	Public/Private/Non-public	MS 13.37
POLICE	POL 02600	OPERATION I.D.	Permanent	No	Public/Private/Non-public	MS 13.37
POLICE	POL 02700	911 RECORDINGS	31 days per MN Rule 1215.0900 subp. 5	No	Public/Private	MS 13.82, Subd. 3a.

GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES

SÉCTION	CODE	TITLE & DESCRIPTION	RETENTION PERIOD	ARCHIVE Y/N	CLASSIFICATION	STATUTE
POLICE	POL 02800	RADIO LOGS Dispatcher	7	No	Private	MS 13.82
POLICE	POL 02900	ACCIDENT REPORTS Automobile (State Report) Includes date, time, place of action, vehicles involved, drivers of vehicles, a brief factual reconstruction of events associated with the action, names and addresses of witnesses names and addresses of any victims or casualties and response or report number.	3	No	Public/Private/ Confidential	MS 13.82, Subd. 3a, 169.09
POLICE	POL 03000	ARREST REPORTS Adult/Juvenile: Includes date, time, place of action, any resistance encountered, any pursuit engaged, whether any weapons were used, the charge, arrest or search warrants or legal basis for action, the identities of agencies, units within agencies and individual persons taking the action, whether and where the individual is being held in custody or is being incarcerated by the agency, the date, time and legal basis for any transfer of custody and identification of agency or person who received custody the date, time and legal basis for any release from custody or incarceration, the name, age, sex and last known address of any adult person or the age and sex of any juvenile person cited arrested or incarcerated or otherwise substantially deprived of his liberty, whether the agency employed wiretaps or other eavesdropping techniques, the manner in which the agencies received the information that led to the arrest, and the response or report number.	7	No	Public/Private	MS 13.82, Subd. 3a, 260B.171
POLICE	POL 03100	BAIL RECEIPTS	10	No	Public/Private	MS 13.82, Subd. 3a
POLICE	POL 03300	CASE FILES/OFFENSE REPORTS - ADULT Includes individual's name, date of birth, time of occurrence, date and place of action, description of what happened, location, whether any weapons were used, ICR's, statistical data, and other pertinent data.	7 years; if homicide see POL 03700	No	Public/Private	MS 13.82, Subd. 3a
POLICE	POL 03400	CASE FILES/OFFENSE REPORTS - JUVENILE JUVENILE: Includes individual's name, date of birth, time of occurrence, and place of action, description of what happened, location, whether any weapons were used, and other pertinent data.	7 years; if homicide see POL 03700	No	Non-public/ Private/Confidential	MS 13.82, 260B.171

GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES

SECTION	CODE	TITLE & DESCRIPTION	RETENTION PERIOD	ARCHIVE Y/N	CLASSIFICATION	STATUTE
POLICE	POL 03500	CITATION/TICKETS	3	No	Public	
POLICE	POL 03600	CRIMINAL RECORD CHECK LOG Log recording criminal history queries via state computer.	3	No	Public/Private/ Confidential	MS 13.87
POLICE	POL 03700	DEATH INVESTIGATION Any case file or any investigation involving a death.	Permanent	No	Private	MS 13.82
POLICE	POL 03740	EVIDENCE/PROPERTY LOGS	1 year	No	Public/Private	MS 13.82
POLICE	POL 03750	EVIDENCE/PROPERTY INVENTORY REPORTS Property which has been found, confiscated, seized, etc.	7	No	Private	MS 13.82
POLICE	POL 03800	FINGERPRINT CARDS Criminal	7	No	Confidential while investigation is active; after that Public	MS 13.82 subd 5
POLICE	POL 03820	FORFEITURE FORMS	3 years	No		
POLICE	POL 03900	FIREARM APPLICATION/PERMITS Includes application to purchase and a copy of the firearm permit to carry.	6	No	Private	MS 13.87
POLICE	POL 04000	FIREARM TRANSFER	6	No	Private	MS 13.87
POLICE	POL 04100	ICR's Initial complaint reports.	7	No	Public/Private	MS 13.82
POLICE	POL 04200	INTOXILYZER TEST RESULTS Original record maintained by the BCA. Department copy retained in accordance with the item they relate to (i.e. case file or arrest report).			Public/Private/Confidential	MS 13.82, Subd. 5
POLICE	POL 04500	MASTER NAME FILE Adult	7 after last contact	No	Public/Private/Confidential	MS 13.82

GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES

SECTION	CODE	TITLE & DESCRIPTION	RETENTION PERIOD	ARCHIVE Y/N	CLASSIFICATION	STATUTE
POLICE	POL 04600	MASTER NAME FILE Juvenile	7 after last contact	No	Private	MS 260B.171
POLICE	POL 04700	MUG SHOTS	7	No	Public	
POLICE	POL 04820	TRAFFIC MONITORING DEVICES Log recording instrument used, locations, description of vehicle (license number, make & model). Logs and certificate of accuracy for devices used for vehicle speed control including but not limited to Radar, Laser or Stalker.	2	No	Public	MS 13.82
POLICE	POL 04840	REPOSSESSION LOGS	30 days	No	Private, Non-public	MS 13.82, Subd. 20
POLICE	POL 04870	VALIDATION REPORTS (from State) For example, regarding stolen property.	1	No	Private, Non-public	MS 13.82, Subd. 20
POLICE	POL 04900	VEHICLE IMPOUNDS Abandoned, seized, etc.	7	No	Public	
POLICE	POL 05200	ADMISSION RELEASE RECORDS	2 after inmate is discharged	No	Public/Private	MS 13.82
POLICE	POL 05300	FOOD SERVICE RECORDS Jail /lock-up.	1	No	Public	
POLICE	POL 05400	JAIL REGISTER Log of individuals held at facility.	Permanent; has historical value	Yes	Public/Private	MS 260B.171
POLICE	POL 05500	PRISONER PROPERTY RECEIPTS	2	No	Public/Private	MS 13.85
POLICE	POL 05600	VIDEO TAPE OF BOOKING	30 days	No	Private	MS 13.43
POLICE	POL 05700	TRAINING RECORDS FOR EACH OFFICER Examples include first aid, firearm training, advanced driving, crime scene processing, report writing, etc.	5 after termination or retirement	No	Public/Private	MS 13.43

GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES

SECTION	CODE	TITLE & DESCRIPTION	RETENTION PERIOD	ARCHIVE Y/N	CLASSIFICATION	STATUTE
POLICE	POL 05800	TRAINING REPORT Summary report of each officer's training history. May be filed in officer's personnel file.	5 after termination of retirement	No	Public/Private	MS 13.43
POLICE	POL 05810	AUDIO & VIDEO RECORDING INVENTORY LOG An inventory of evidentiary audio & video recordings.	Permanent	No	Public	
POLICE	POL 05820	DICTATED & AUDIO RECORDED REPORTS Audio recordings of officers reports which are subsequently transcribed into written report. All audio tapes will be transcribed and a copy of the transcription will be kept with the case file.	Until transcription is approved.	No	Public/Private/ Confidential	MS 13.82
POLICE	POL 05830	EXTRANEIOUS AUDIO & VIDEO RECORDINGS Audio & video recordings which hold no value to the state, city, citizens, police department, officer(s), and/or any other party.	End of daily shift.	No	Public	MS 13.82
POLICE	POL 05840	ARREST & CHARGE Audio and video recordings determined to have evidentiary value where suspects have been arrested, issued citations and/or a report has been forwarded to the prosecutor for a charging decision. (All audio tapes will be transcribed and a copy of the transcription will be kept with the case file).	FELONY: 90 days after sentencing or if appeals, after disposition. ALL OTHER: After final case disposition.	No	Public/Private/ Confidential	MS 13.82, Subd. 10, 260B.171
POLICE	POL 05860	GENERAL CITIZEN CONTACTS Audio & video recordings determined to contain information regarding non-evidentiary police and citizen interaction. EXAMPLE: Includes a situation where an officer is flagged down by a citizen. The officer would activate the microphone due to the uncertainty of what the situation may entail. When the citizen reveals that their car broke down, the officer simply assists by calling a tow truck and clearing the scene. This recording would possess information of no evidentiary or departmental value. EXAMPLE: Another example may occur when a potential witness is interviewed by an investigator. The investigator realizes, after recording the potential witness, that the individual does not have any pertinent information. This would then fall into this retention period. Note: if the potential witness did have valuable information, the recording would fit into one of the categories previously mentioned, based on the level of the crime witnessed.	End of Daily Shift	No	Public	MS 13.82

GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES

SECTION	CODE	TITLE & DESCRIPTION	RETENTION PERIOD	ARCHIVE Y/N	CLASSIFICATION	STATUTE
POLICE	POL 05870	HOMICIDES Audio & video recordings containing information regarding any homicides.	Permanent	No	Public/Confidential	MS 13.82
POLICE	POL 05880	INTERNAL INVESTIGATIONS Audio & video recording determined to have evidentiary value in any internal investigations.	6	No	Public/Private	MS 13.43
POLICE	POL 05900	INTERVIEWS - AUDIO & VIDEO RECORDINGS Determined to have evidentiary value. (All audio tapes will be transcribed and a copy of the transcription will be kept with the case file).	Statute of limitations for corresponding crime.	No	Public/Confidential	MS 13.82
POLICE	POL 05920	USE OF FORCE Audio & video recordings containing information of any incident where force was used and supervisory review is completed according to department policy. EXAMPLE: This may include a situation where an officer does not make an arrest, however does use force in resolving a situation. This could occur when officers assist paramedics in bringing an uncooperative person to the hospital. This is a situation where force may be necessarily used by officers, yet an arrest is not made. If an arrest were made, the recording would be retained under the previously mentioned categories depending on the severity of the charge against the person.	6	No	Public/Private/ Confidential	MS 13.39, 13.43, 13.82
POLICE	POL 05930	PHOTOGRAPHS Pictures are retained in accordance with the item they relate to in the General Records Retention Schedule (i.e. all pictures and negatives relating to an accident are kept 3 years, pictures relating to an arrest are kept 7 years).	See Note in Description	No	Public/Private	MS 13.

APPENDIX B

General Records Retention Schedule for Counties

GENERAL RECORDS RETENTION SCHEDULE

FOR COUNTIES

STATE OF MINNESOTA



**Department of
Administration**

Data and Records Management Division

November 1985

DPS CIBRS Report Page 53

COUNTY GENERAL RECORDS RETENTION SCHEDULE

PURPOSE OF THE GENERAL RETENTION SCHEDULE

The purpose of a records retention schedule is to provide a plan for managing governmental records by giving continuing authority to dispose of records under Minnesota Statutes 138.17.

This County General Records Retention Schedule establishes minimum retention periods for county records based on their administrative, fiscal, legal and historical value. It lists records series common to counties and states how long to keep them.

ADOPTING AND USING THE GENERAL SCHEDULE

1. To begin disposing of records according to the general schedule, you must notify the Minnesota Historical Society that your county has officially adopted the schedule. The enclosed form, "Notification of Adoption of County General Retention Schedule," is used for this purpose.
2. You may adopt the schedule even though your office may not have all the records listed on it. We recommend that you adopt the entire schedule. However, if this is not possible you may adopt individual sections.
3. The Minnesota Historical Society will sign and return the Notification form to you. You will then have the authority to dispose of your government records as indicated on the schedule.
4. Compare the records in your office with the records listed on the schedule. Retention periods listed on the schedule represent the minimum amount of time that you must retain records. Once that retention period has been reached, you may either destroy or transfer the records to the State Archives, as indicated on the schedule. If you need to retain some records series longer than the listed retention, you should establish an agency policy for those records.
5. Records identified on the schedule as archival may not be transferred to a local historical society, museum, public library, or interested individual without the specific, written permission of the State Archivist, Minnesota Historical Society.
6. The retention stated on the schedule applies to any form of the record (paper, computer tape or disk, microfilm, etc.) However, if you decide to change the form of a record (for instance, you microfilm a paper record) you MAY not be authorized to dispose of the original record. If you are considering changing the form of a record, contact the Division of Archives and Manuscripts for procedures.

DESTRUCTION REPORTING

After you destroy records according to the general schedule, send a report to the Minnesota Department of Administration and the Minnesota Historical Society (M.S. 138.17, subd. 7). Use a copy of the enclosed "Records Destruction Report" (RM-00065) for this purpose. This report may be submitted annually or as records are destroyed.

RECORDS NOT ON THE GENERAL SCHEDULE

Records not listed on this schedule cannot be destroyed without submitting either an "Application for Authority to Dispose of Records" (PR-1) or a "Minnesota Records Retention Schedule" (RM-00058).

The PR-1 form is used to request one-time authority to dispose of records. A reproducible copy of the PR-1 form is enclosed. Since an approved PR-1 gives you authority to dispose of only those records listed on the form, we recommend that you use the PR-1 only for obsolete records (records no longer being created).

For ongoing authority to dispose of records not listed on the general schedule, complete a "Minnesota Records Retention Schedule." This form can be obtained from the Data and Records Management Division.

RESOURCES

This schedule was developed by the Data and Records Management Division and the Division of Archives and Manuscripts in cooperation with members of the Association of Minnesota Counties, and was funded in part by a grant from the National Historical Publications and Records Commission.

Questions about the schedule:

Department of Administration
Data and Records Management Div.
333 State Street, Room 700
St. Paul, MN 55101
612-296-3122

Questions about archival records:

Minnesota Historical Society
Div. of Archives and Manuscripts
1500 Mississippi Street
St. Paul, MN 55101
612-296-6980 or 1-800-652-9747

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE	PURPOSE AND USE	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
				POST CURR FOR COLLECTION				
1. ACCIDENT REPORTS Officers report of an accident investigation conducted by him/her and required by State Law, indicating drivers names, DOB, address, passengers, cause of accident, amt. of damage, injuries, and drawing of accident with description.	MS 169.09, Subd. 9	Priv Conf	MS 169.09, Subd. 13		Required by MN Dept. of Public Safety, and original must be sent to State Dept. of Transportation. Required in the possible event of civil action or criminal action as a result thereof.	Officers, Party involved or his designee, Public Safety	3 yrs.	N
2. ACCOUNTS PAYABLE RECORDS Copies of monthly abstracts for bills.			Publ MS 13.03				2 yrs.	N
3. ADMISSION RELEASE RECORDS	Dept. of Corr. Rules 2910.2100	Publ Priv	MS 13.03 MS 13.82				2 yrs. after inmate discharge.	N
4. ADULT CASE FILES Written reports of investigation or action taken by deputy. Reports regarding criminal investigations and non-criminal action taken or investigated including miscellaneous reports, criminal offense reports, and supporting documents.			Publ MS 13.03 Priv MS 13.82 Conf				10 yrs. unless homicide, then retain permanently.	N
5. APPREHENSION AND DETENTION ORDERS Orders from Court/Probation Officers with reference to the rules sent forth regarding an inmate during his incarceration and often for behavior and rules afterward.	MS 241 - 244 MS 401 MS 629.13 MS 629.22	Publ	MS 13.03 MS 13.82 MS 243.05	Post Curr	Legal documents justifying purpose of detaining an individual.	Records Personnel, Jailers	Until inmate off probation.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
6. ARSON Arson reporting immunity law, disclosure of information insurance company to release to authorized person.	MS 299F.054						6 yrs.	N
7. BOARD OF PRISONERS BILLING Bills sent to other jurisdictions for boarding their prisoners.		Publ	MS 13.03				2 yrs.	N
8. BOOKKEEPING RECORDS FOR JAIL AND CIVIL PROCESS TRANSACTIONS Records of deposit slips, transaction records within the system, prisoner and Hueber transactions, billing and receipting of fees to/from other agencies and attorneys.		Publ	MS 13.03		Enables proper receipting to Auditor/Treas. records of monthly transactions within Sheriff's Dept.	State and County Auditor, County Board	6 yrs.	N
9. CHILD ABUSE/MALTREATMENT OF MINORS a. Substantiated Reports: Records maintained by police/welfare with availability to prosecuting authority for disclosure of name of substantiated report.	MS 626.556	Priv Conf	MS 626.556, Subd. 7,11,13		To compile an investigation of ongoing case for possible use in criminal process.	Law Enforcement, Co. Attny., and Social Service Agency	7 yrs. after date of final entry in case record. MS 626.556, Subd. 11 (b)	N
b. Unsubstantiated Reports							1 yr. See statute for procedure. MS 626.556, Subd. 11 (a, c)	N
10. CIVIL ACTION BOOKS Lists date, type of action, attorney, plaintiff, defendant, fees charged for all actions served.		Publ	MS 13.03				20 yrs.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
11. CIVIL PROCESSES (SHERIFF'S DAY BOOK) The means by which court obtains jurisdiction over a cause of action to determine personal or property rights and the authority to enforce its orders against all parties to the action.	MS 387.03 MS 387.05 MS 387.20, Subd. 5	Publ Priv	MS 13.03				5 yrs.	N
12. COMMITMENTS: ADULT Order of the court showing the name of the person to be committed and the location of the commitment.	MS 641.04	Publ	MS 13.03 MS 13.82 MS 243.49	Pre Post Curr	Required by Soc. Serv. to legally hold incarcerated persons.		5 yrs.	N
13. COMMITMENTS: JUVENILE Order of the court showing the name of the person to be committed and the location of the commitment. Legal doc. from sentencing court which authorizes confinement at the jail facility.	MS 260.161	Priv	MS 260.161				Seek permission from Juvenile Court to destroy when juvenile reaches 18.	N
14. CONTINGENT FUND RECORDS Documents relating to funds received from and paid back to Sheriff's Contingent Fund; County claims, travel requests and documentation of claim.		Publ	MS 13.03				6 yrs.	N
15. COURT ORDERS FROM COURT SERVICES AND PROBATE COURT Documents relating to orders to sheriff to find and take into custody certain individuals for the court.		Publ	MS 13.03 MS 13.84, Subd. 5				5 yrs.	N
16. COURT ORDERS SERVED WORKSHEET Worksheet showing date received, issuing court, plaintiff, defendant, person served, attorney of record, letter of instruction, if sent.		Publ	MS 13.03				5 yrs.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
				PDST CURR				
17. CRIMINAL RECORDS Availability for public employment or licensing purposes. Convenience copy from BCA, NCIC-FBI, or MLETS.	MS 299C.10	Priv	MS 364.04		BCA & FBI requirements.	Law Enforcement Officers, BCA and FBI Agents; Data subject or his designee	Destroy immediately after usefulness.	N
18. CRIMINAL WARRANTS - CANCELLED Documents relating to warrants of arrest issued by courts that have been cancelled.		Publ	MS 13.03				5 yrs. or return to court when no longer in effect or valid.	N
19. DELINQUENT MOBILE HOME TAX BOOKS Books showing delinquent mobile home taxes for warrants and citations, correspondence, receipt books showing money collected and dispersed.		Publ	MS 13.03				6 yrs.	N
20. DELINQUENT TAX RECEIPTS Receipts issued to person/company for delinquent personal property taxes. List also given to Clerk of District Court.	MS 277.03 MS 277.05	Publ	MS 13.03				6 yrs.	N
21. NOTIFICATION OF PERSONS RELEASED FROM STATE CORRECTIONAL FACILITIES To advise sheriff that person released is in his jurisdiction. Copy from the statewide criminal justice telecommunications network.	MS 241.06	Publ	MS 241.06			Law Enforcement Personnel	Destroy at the discretion of the receiving agency.	N
22. EXECUTIONS SERVED WORKSHEETS Time card showing employee's activities. Daily log of staff.		Publ	MS 13.03				6 yrs.	N
23. EXPLOSIVE USE PERMITS Applicants name, address and personal information to be checked with the BCA for clearance to obtain an explosive use permit.	MS 299F.75	Priv				BCA and Law Enforcement Staff	3 yrs.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR FOR COLLECTION	PURPOSE AND USE	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
24. FIREARM APPLICATIONS/PERMITS Applicant names, addresses, and personal information. Permits are to obtain and or carry a handgun. Includes application to purchase and a copy of the firearm permit to carry.		Priv	MS 13.36			Law Enforcement Staff	Permanent	N
25. FOOD SERVICE RECORDS		Publ	MS 13.03				1 yr.	N
26. GUNSHOT WOUND REPORT Physicians, surgeons, hospital mgrs. and other health professionals shall report gunshot wounds they treat to the Sheriff.	MS 626.52 MS 626.53, Subd. 1	Conf				Law Enforcement Staff, Law agency offices	7 yrs.	N
27. HUEBER RELEASE RECORDS Permission from the courts to allow for inmate work outside the jail, sign in/out sheets for control of hours worked, record of payment for this privilege, and monies paid to the court by their order.		Publ	MS 13.03	Pre Post Curr	For control of prisoner in/out activity while working away from the jail, aid in billing process.	Jail Staff, Auditor, Courts	6 yrs.	N
28. INITIAL COMPLAINT REPORT First record of all calls for service or reports of offenses received. Date and time call was received; name of victim, witness or reporting party; times showing when deputy was assigned, arrived and cleared; who took call, short narrative.		Publ Priv Conf	MS 13.03 MS 13.80 MS 13.82				3 yrs.	N
29. INITIAL COMPLAINT REPORTS OF TRANSPORTS OF PRISONERS Documents relating to all transportations of individuals showing date, time, name of person, by whom, and to where transported.		Publ	MS 13.03 MS 13.82				3 yrs.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
30. INCIDENT COMPLAINT LOGS (DOCKETS) Including:								
a. Chronological record of events.	MS 387.04 11 MCAR, Sec. 2.006	Publ	MS 13.03 MS 13.82				5 yrs., then trans- fer to State Archives for selection and disposition.	Y
b. I.D. of undercover agents, informants, victims of sexual assault or intra-familial sex abuse.	MS 299C.065 MS 387.04	Priv Conf	MS 13.82 MS 299C.065, Subd. 4				5 yrs.	N
c. Arrest warrant indices until taken into custody, served or appear before court.	MS 299C.065 MS 387.04	Publ Conf	MS 13.03 MS 13.02, Subd. 12				5 yrs.	N
d. Description of stolen, lost or recovered property.	MS 299.065 MS 387.04	Priv Non- Publ	MS 13.82, Subd. 13				5 yrs.	N
e. Program data.	MS 299C.06 MS 387.04 11 MCAR, Sec. 2.006	Conf Prot Non- Publ	MS 13.82, Subd. 14				5 yrs.	N
f. Deliberative processes or investigative techniques, final opinion or justification.	MS 299C.06 MS 387.04	Publ Conf Prot Non- publ	MS 13.03 MS 13.82, Subd. 16				5 yrs.	N
g. Inmate count report.		Publ	MS. 13.03		Lists name of inmate, offense, date of sentence, court, term of sent- ence served, work release status.		5 yrs.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE		PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
				POST CURR	POST CURR				
31. INMATE FINANCIAL RECORDS Records of inmates financial in/out status during incarceration.	MS 241.08 MS 241.09	Priv	MS 13.85	Pre Post Curr	All in/out money transactions taking place on each inmate account during incarceration.	Jail Staff	2 yrs.	N	
32. INMATE HISTORY CARD Summary card showing all transactions involving individual inmates, filed after discharge, and kept in booking room during the incarceration.	Laws of 1975, Chap. 201, Sec 1 Laws 1977, Chap. 453, Sec. 4, Subd. 3	Priv	MS 13.69 MS 13.82 MS 243	Pre Post Curr	History card is record of name, date of birth, address, next of kin, date in/out, offense, length of sentence, length of stay, type of discharge.	Jail Staff, Data subject and any other party the data subject has given informed consent	Retain permanently or transfer to the State Archives.		
33. INMATE INCIDENT REPORTS Jailer/Officers report giving particulars in case of accident/incident to inmate while incarcerated in the Jail. Such incident will also be located in the daily log.	MS 176.231	Publ Priv	MS 13.03 MS 13.85 MS 176.231		For use in maintaining records in the instance of pending civil suits; and the collection of data for Corrections in the proper control of Jail.	Dept. of Corr., Jail Staff	2 yrs.	N	
34. INMATE MEDICAL RECORD Any and all medical activity involving each inmate during incarceration; all doctors visits, doctors directions, medicine administered and directed, medical complaints and doctor's name seen or consulted.	MS 13.42 MS 241.69	Priv	MS 13.42 MS 13.85 MCAR 2	Pre Post Curr	Record maintenance of inmate as directed by Dept. of Corr Rules.	Jail Staff, Dept. of Corrections	2 yrs. after inmate discharged.	N	
35. INMATE VISITOR REGISTRATION LOG/JAIL VISITOR REGISTER Sign in log stating name of visitor, relation to inmate being seen, date, time, and name of inmate seen.	Dept. of Corr. Rules	Publ Priv	MS 13.03 MS 13.85 MS 241.251		Maintain records per Dept. of Corr. Rules.	Court, Jail Staff, Dept. of Corrections, Attorney	5 yrs.	N	

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
36. INVESTIGATIONS							Until statute of limitations expires.	N
a. Active: Cases involved in an ongoing investigation.		Publ Conf	MS 13.03, MS 13.82 Subd. 5 & 8		For use in continued investigation of open cases.	Law Enforcement Staff, County Attorney		
b. Inactive: Closed cases concluded by prosecution, investigative conclusions or being outdated by a certain period.	MS 299C.065 MS 387.04	Publ	MS 13.03 MS 13.82, Subd. 5		Case conclusion and result information maintained for future reference.	Historical reference		
37. JAIL INVENTORY							Until superseded.	N
Physical inventory of furnishings and equipment at Jail.		Publ	MS 13.03	Pre Post Curr	In the maintenance of the Jail Complex and in the purpose of budget preparation.	Jail Management Staff		
38. JAIL REGISTER BOOKS: ADULT	MS 641.05	Publ	MS 13.03 MS 13.82	Pre Post Curr	Collect data necessary to Dept. of Corr. and Courts.		Retain permanently or transfer to the State Archives.	Y
Booking ledger that lists inmate's name, commitment number, admit/discharge date, offense, length of sentence, type of discharge; i.e. parole, furlough, completion of sentence.								
39. JAILER'S DAILY ACTIVITY LOG	Dept. of Corr. MS 641.05	Publ Priv Conf	MS 13.03 MS 13.82 MS 13.85	Pre Post Curr	Maintained for security purposes.	Jail Staff	Permanent	N
Documents relating to specific activities of jailers and prisoners during each jailer's shift each day. Chronological record maintained by jailers in regard to daily events including security checks and routine occurrences.								
40. JUVENILE CASE FILES							Seek permission from Juvenile Court to destroy when juvenile reaches 18.	N
All information dealing with the involvement of juveniles in incidents outside the law prior to their emancipation at age 18. Also includes non-criminal activity involvement in any matter pending investigation by		Priv Conf	MS 13.82 MS 260.161		For juvenile prosecution and record accumulation for the Courts System.	Probation Officer, Judge, Courts and Law Officers		

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
41. JUVENILE DETENTION BOOK Lists name, address, date of birth, offense, date of release, and date booked for all juveniles jailed.		Priv	MS 260.161				Permanent	N
42. LOCAL IDENTIFICATION FILE Local level only. Contains prisoner information including name, address, offense, date of birth, length of incarceration, arresting agency, nearest relative and historical information about a person's activities while in jail, mug shot, fingerprints in the local jurisdiction.		Publ	MS 13.03		To determine if persons under investigations have a current or previous criminal history in that jurisdiction.		5 yrs. after last contact. The BCA does not recommend retention of this data at all.	N
43. MALTREATMENT OF VULNERABLE ADULTS	MS 626.557,	Publ	MS 13.03		Case investigation	Law Enforcement Staff,		
a. Substantiated Reports: Records maintained by police/welfare with availability to prosecuting authority for disclosure of name of substantiated report.	Subd. 10,12		MS 13.05, Subd. 7		for possible prosecution; future reference towards compiling history of re-occurrence.	Courts, Social Services	7 yrs. MS 626.557, Subd. 12	N
		Priv	MS 13.46, Subd. 2					
		Conf	MS 626.557, Subd. 12					
b. Unsubstantiated Reports							4 yrs. MS 626.557, Subd. 12	N
c. False Reports							2 yrs. MS 626.557, Subd. 12	N
44. MASTER INDEX: ADULTS Any and all instances of reporting any subject for action necessary by an officer, court dispositions regarding violations, and all criminal activity - any dealings with any subject needing police attention.	BCA CJIS	Publ Priv Conf	MS 13.03	Pre Post Curr	The method of control of the entire filing system within record system.	Law Enforcement Staff, Courts, Probation Dept., Corrections Dept.	10 yrs. after last contact.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
45. MASTER INDEX: JUVENILE Any and all instances of reporting any subject for action necessary by an officer, court dispositions regarding violations, and all criminal activity - any dealings with any subject needing police attention.	B.C.A. CJIS	Publ Priv Conf	MS 13.03	Pre Post Curr	The method of control of the entire filing system within records system.	Law Enforcement Staff, Courts, Probation Dept., Corrections Dept.	10 yrs. after last contact.	N
46. MORTGAGE FORECLOSURE BOOKS AND WORKSHEETS Books showing mortgagor, mortgagee, date of sale, attorney of record, and purchase price.		Publ	MS 13.03				Retain books permanently or transfer to the State Archives; retain worksheets 10 yrs.	Y
47. OFFICER INVESTIGATIVE PROGRESS REPORTS Deliberative processes or investigative techniques, final opinion or justification. Officers views.		Publ Conf	MS 13.03 MS 13.82, Subd. 16		To maintain a record of the chronological order of the investigative process of the case for future possible court testimony.	Law Enforcement Personnel, Attorneys and Co. Attorney	As long as case file maintained.	N
48. OPERATION IDENTIFICATION ITEMIZATION A list of items marked with a selected number, location of such number, and article name, kept for any participating person.		Priv	MS 13.37, Subd. 1 (a)		Aid to citizens in event of theft or destruction as well as law enforcement.	Law Enforcement Personnel	Permanent	N
49. PRISONER PROPERTY ENVELOPES SHOWING SIGNED RELEASE Lists prisoner's name, date of arrest, and personal property taken from him before being put in a cell, and date and signature when items returned.		Publ Priv	MS 13.03 MS 13.82 MS 13.85				2 yrs. after release.	N
50. PROPERTY LISTS Description of stolen, lost, or recovered property.	MS 299C.065 MS 387.04	Priv Non- publ	MS 13.82, MS 13.85		For proper identification of case investigation process and recovery process.	Law Enforcement Personnel	2 yrs. after sheriff's sale.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE	PURPOSE AND USE	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
				POST CURR FOR COLLECTION				
51. RADIO/DISPATCH LOGS Documents relating to calls taken by dispatcher and referred to a County Police Dept.		Publ Priv Conf	MS 13.03 MS 13.82		Maintain accurate records of activity by date and time of occurrence, Court use.	Dept. of Corr., Attorneys, Courts, and Staff	5 yrs.	N
52. RECEIPT BOOKS Receipts made out for cash or property received.		Publ	MS 13.03				6 yrs.	N
53. SHERIFF'S TRUST FUND/CHECKING ACCOUNT RECORDS Bank statements, deposit slips, and cancelled checks of Sheriff's trust fund. All refund checks and deposits for civil process fees and trust account.		Publ	MS 13.03				6 yrs.	N
54. SHIFT ACTIVITY REPORT: SUPERVISORS Summary of department activity occurring during a supervisor/watch commander's shift.		Publ Priv Conf	MS 13.03 MS 13.43 MS 13.82 MS 13.85				2 yrs.	N
55. STAFF TRAINING RECORDS Records of hours of training for sheriff's personnel.							Until termination.	N
56. STATISTICAL REPORTS OF INMATES Monthly reports generated which show how many commitments have been received, number of inmates, when released, and time spent.	MS 241.06 MS 299C.05 MS 299C.06	Publ	MS 13.03 MS 13.82	Pre Post Curr			2 yrs.	N
57. SUMMONS, SUBPOENAS, AND COMPLAINTS SERVED, WORKSHEETS, AND OFFICERS LOGS Summary of department activity occurring during a supervisor/watch commander's shift.		Publ	MS 13.03 MS 13.82				5 yrs.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
58. TOW SLIPS/REPORTS Record of all vehicles towed by dept.		Publ	MS 13.03				5 yrs.	N
59. WARRANT FILES Arrest warrant exists until taken into custody, served, or appear before court.	MS 299C.065 MS 387.04	Publ Conf	MS 13.03 MS 13.02, Subd. 12		Assist the Court System in bringing criminals before the Courts in cases of the law being broken or violated.	Law Enforcement Personnel, State, Fed., County	Until warrant cancelled.	N
60. WARRANTS FOR INTERCEPTING COMMUNICATIONS Court warrant approving interception of wire or oral communication.	MS 626A.06	Conf	MS 13.39				3 yrs.	N

**SEE OTHER SECTIONS OF THIS GENERAL SCHEDULE FOR RECORDS SERIES NOT LISTED HERE.

APPENDIX C

Other States' Practices

Typically, looking to other states and jurisdictions for other approaches to governance can provide useful suggestions and models for consideration.

NGA Center for Best Practices

According to an issues brief of the NGA Center for Best Practices, states are just beginning to address the privacy concerns created by the recent improvements in justice information sharing. While the focus of this briefing was not on incident-based information, it raises the issue of how states can protect individuals' privacy when information is used beyond its original purpose.

Summary of others states' CIBRS interviews

The project team contacted five states: Illinois, Ohio, Tennessee, Vermont, and Wisconsin. Illinois and Wisconsin are in the process of developing policies. Ohio and Vermont's systems are operational. Ohio, Vermont, and Wisconsin all have different incident-based reporting systems, but take the same approach concerning public access and retention schedules. Vermont purchased a Records Management System/Computer Aided Dispatch software used by most local law enforcement agencies. All the agencies are on one system, except the largest ones, which still have access to the state system. Wisconsin is developing a pointer system for identifying records held in local agencies' systems. Ohio created a repository that receives records from local agencies' systems.

Vermont, Wisconsin, and Ohio do not consider the incident-based data as state data. These three states view the records as the locals', even if the information is stored at a state agency, as in Vermont and Ohio's cases. These three states are not responsible for the data's accuracy nor give it to the public. These states direct individuals back to the local agency to obtain and correct information. As one interviewee put it, "We are merely holding copies." Ohio would not tell someone which agencies have records on that person, but Wisconsin would.

These states are explicit in having the data be used for law enforcement investigation only. Ohio does not permit data mining for criminal intelligence. Ohio is considering allowing the data's use for background checks performed by local agencies for their government's employees if authorized by their governing body, but not for outside organizations, except the military.

None of the three states has a uniform records retention schedule. The retention schedule is based on the local agency's retention schedule, consistent with the view that the data belongs to the local agencies. As a result, some local agencies may have 20 years of data, and others have seven years.

Illinois is creating a state system based on Chicago's RMS and has not developed specific policies on retention and dissemination. The state system will be a snapshot of the records at the local level. It is unclear if the state system will be subject to state records law or local records law.

The Tennessee system's personally identifiable information is about arrestees. Local law enforcement data is uploaded monthly. The information is not publicly available. Tennessee intends on retaining the data as long as it has server storage capacity.

Interviewees mentioned the importance of a policy or advisory body to assist in the development of policies relating to the incident-based reporting systems. The group should reflect the users of the system.