



## OWEN SOUND POLICE SERVICES BOARD

Expires: Indefinite

Repeals: 2009-01, 2008-11,  
2005-02, 2000-02 & 1999-08

Revisions: October 31, 2012

### **BY-LAW NO. 2012-01**

## **A BY-LAW RESPECTING THE RETENTION AND DESTRUCTION OF RECORDS OF THE OWEN SOUND POLICE SERVICE**

**WHEREAS** the Board passed bylaw 2009-01 on the 25<sup>th</sup> day of February, 2009; and

**WHEREAS** the Board deems it necessary to review bylaw 2009-01; and

**THEREFORE THE OWEN SOUND POLICE SERVICES BOARD HEREBY ENACTS AS FOLLOWS WITH RESPECT TO THE RETENTION AND DESTRUCTION OF RECORDS OF THE OWEN SOUND POLICE SERVICES;**

### **1. Bylaw – General:**

It is the intent of this by-law to establish a fixed period of retention for all Owen Sound Police Service records held and managed by the Service. The attached appendices specify the retention period and the responsibility for maintenance of the record. The listed retention period applies to all members and branches of the Owen Sound Police Service that hold records, or copies of records, and not just the branch or individual listed as responsible for the primary record.

The destruction of Owen Sound Police Service records shall be in compliance with a procedure established by the Chief of Police.

## **References:**

Criminal Code of Canada

Criminal Records Act

Municipal Freedom of Information and Protection of Privacy Act

Youth Criminal Justice Act

## **2. Definitions:**

*Area Responsible for Primary Record* - for the Purpose of this bylaw means the Branch or Individual responsible for ensuring that a record is maintained for the retention period.

*Current* - for the purpose of this bylaw means while the record or document still has effect or is in use and in the case of documents, which have an expiry date (i.e. warrants, contracts etc.) until the document has expired.

*Historic Value* - for the purpose of this bylaw means any record of the Service as defined in this bylaw which is of general or continuing interest or which it is anticipated may become of greater interest in the future.

*Record* – for the purpose of this bylaw and in accordance with the Municipal Freedom of Information and Protection of Privacy Act is defined as: any record of information, however recorded, whether in printed form, on file, by electronic means or otherwise, and includes:

- a. correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine-readable record, any other documentary material regardless of physical form or characteristics, and any copy thereof.
- b. Any record that is capable of being produced from a machine-readable record under the control of the institution, by means of computer hardware and software, or any other information storage equipment and technical expertise normally used by the institution.

*Retention Period* - for the purpose of this bylaw means the minimum time for which the listed record shall be maintained by the Service and after which all holders of such records shall follow the Chief's procedures for record destruction.

*Selective Purging (SP)* - for the purpose of this bylaw means that the Chief is responsible for the primary record and is responsible for making a determination as to which records and files are no longer of interest or importance to the Service, and may be destroyed in accordance with established procedure. "SP" in the Retention Period Column of Appendix A denotes this process.

*Selective Retention (SR)* - for the purpose of this bylaw means that the Chief is responsible for the primary record and is responsible for making a determination as to which records and files, are eligible for destruction, or should be kept because of continuing value or interest to the Service. Such records must be retained in accordance with established procedure. "SR" in the Retention Period Column of Appendix A denotes

this process.

*Working Papers* - for the purpose of this bylaw means any rough notes or preliminary draft used to create a record as defined in this bylaw. With the exception of rough notes made in the course of an investigation, which would be considered evidence, working papers have no retention period and may be destroyed when they are of no further use.

*Major Case* – major cases as defined by the Ontario Major Case Management Manual (except unsolved cases and ViCLAS reportable offences) include but not limited to:

- a. *homicide and all attempts*
- b. *sexual assault and all attempts – including: sexual interference, sexual exploitation, invitation to sexual touching*
- c. *assault*
- d. *M.V.A. – major injury or death*
- e. *non-familial abductions and attempts*
- f. *missing persons – foul play suspected*
- g. *found human remains – homicide suspected*
- h. *criminal harassment*
- i. *break & enter*
- j. *criminal negligence*
- k. *weapons*
- l. *arson*
- m. *drugs*
- n. *threatening*
- o. *domestic*
- p. *indecent acts*
- q. *inquest files*

This By-law shall come into full force and effect upon the final passing hereof.

Read a first and second time this 31st day of October, 2012.

Read a third and finally passed this 31st day of October, 2012.

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G. Levine, Chair

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KJ. Calver, Board Admin. Assistant

**Appendix - A**  
**Police and Corporate Records**

<b>Subject</b>	<b>Record Description</b>	<b>Area Responsible for Primary Record</b>	<b>Retention Period</b>
Accident/Motor Vehicle Collision (MVC)	Non-reportable, property damage, personal injury, fatalities	Records	Current plus 2 years
Annual Report	Service Annual Report to the Board	Chief	Historic
Arbitration	Copies of Service arbitration	OSPSB	Until superseded
Audits	External audits of the Service Internal audits	Chief	Until next similar audit or 5 years
Awards & Honours	Awards & honours given to non members Awards to members	Administration	Historic With employment record
Budgets/Outlines	Budgets	Administration	Current plus 1 year
Bulletins	Sent out with the Service as originator (CPIC) Information Bulletins (internal) Legislative Changes	Records (CPIC) Administration	With occurrence until purged Current plus 1 year Current plus 1 year
By-Laws	Bylaws governing police operations	OSBSB	Until superseded
Communications	911 printer log Hazardous Addresses Incident cards Night Listings Status logs Voice tapes Audio tapes/cells	Communications Communications Communications Computer Services Communications Communications	6 months Current 6 months Until superseded Current 6 months 6 months - SR after
Complaints	Public complaint file (complete)	Public Complaints	Current plus 6 years
Contracts	Signed contracts between Service and others	Originating Branch	Current plus 6 years
Correspondence	Routine correspondence Personal reference notes Insurance, occurrence, MVC, requests Records search, requests - approved agencies	General Administration Records Records	Current plus 1 year Current plus 1 year Current plus 1 year Current plus 1 year
Coroner's Inquest	Copies of all documents	Investigating Officer	Current plus 2 years
Court Documents	Dockets Probation Orders Peace Bonds Restraining Orders Weapons Prohibition Custody Orders Impound Orders Subpoena Arrest Warrants - outstanding Committal Warrants - outstanding Search - executed Small Claims Warrants - outstanding	Records Records Records Records Records Records Records Records Records Records Records Crown Attorney Records	Current plus 1 year Current Current Current Current Current Current Until court appearance date Until rescinded/executed Until rescinded/executed With Crown Brief Current
CPIC	CPIC lists and records (all)	Records	Per CPIC manual
Criminal Records Dossier	Correspondence Fingerprints Photographs RMS local file	Records Records Identification Records	Per Appendix - B Per Appendix - B Per Appendix - B Per Appendix - B

<b>Subject</b>	<b>Record Description</b>	<b>Area Responsible for Primary Record</b>	<b>Retention Period</b>
Crown Package	Criminal Crown package (property of the Crown)	Records	Appeal period plus 1 month excluding major occurrence (see definitions for definition of major occurrence)
	Complete Provincial Crown package	Records	Appeal period plus 1 month
Executed Warrant Slips		Records	Current plus 2 years
Fax Log	Log sheets	Records	1 Month
Fingerprint Log		Records	Current plus 1 year
Firearms	Acquisition certificates Maintenance (service weapons) Registration applications	Administration	5 years Duration of service use 9 years
Forms	Analysis design, control, preparation	Administration	Current
Freedom of Information	Freedom of information requests	Records	Current plus 1 year
High Risk Offenders	File (complete) - judicial supervision File (complete) - warrant expiry	Records	Current SR
Historic Records	All records of historic value including photo's	Administration	Indefinite – SR
Homicide	All records	Homicide	Permanent - SP after 20 years
Incidents/Occurrences	Incident - CAD record	Computer Services	2 years
	General	Records	Current + 5 years-SR after
	Major: violence, weapons, sex, homicide	Records	Indefinite
	Property tags and receipts	Records	6 months after disposal date/return to owner
	Statements/ interviews on audio or video tape	Records w Crown Package	Minor - Until occurrence is purged
		Records	Major – Indefinite
	Statements and interviews on paper	Records	Unsolved Major - indefinitely
	Tow slips	Records	With occurrence report
Intelligence	Intelligence reports	Intelligence	Current plus 6 years - SR after
	Dossier files	Intelligence	Current plus 6 years - SR after
	Surveillance reports	Intelligence	Current plus 6 years - SR after
	Confidential informants files	Intelligence	Current plus 6 years - SR after
	Project files	Intelligence	Current plus 6 years - SR after
	Affidavits	Intelligence	Current plus 6 years - SR after
	Witness relocation files	Intelligence	Until death of subject plus 6 years

<b>Subject</b>	<b>Record Description</b>	<b>Area Responsible for Primary Record</b>	<b>Retention Period</b>
Investigations	Physical working files - no charges laid Internal investigations files - (complete)	CIB Administration	Current Current plus 6 years
Investigative Fund	Record of investigative expenses	Administration	Current plus 1 year
Legal Files	Legal advice Legal opinions (formal) Appeals/hearings Orders/recommendations Claims against the Service - action Claims against the Service - denied or referred Claims against the Service - pending Prosecutions - action Prosecutions - pending Registered Documents	Administration OSBSB	Current plus 4 years Current plus 6 years Current plus 6 years Current plus 6 years Current plus 6 years Current plus 6 year Current plus 1 year Current plus 6 years Current plus 1 year Current plus 6 years
Ledgers and Logs	Non-financial log books or ledgers	Administration	Current
Licenses/Permits (Service)	radio, vehicle, liquor licenses, software etc.	Administration	Current
Liquor Seizures	Seizure forms	Records	Current plus 1 year
Major Incidents	Major Incident reports	Administration	Current plus 1 year
Medical Record	Report of possible exposure to communicable diseases	Administration	1 year
News Releases	Copies of news releases	Media Relations	Current plus 1 year
Notebooks & Notes	Members notebooks and rough notes After termination of employment	Individual Member Property Branch	Duration of Service SR after that
Orders	Policies and Procedures Directives	Administration	Current plus 6 years Current plus 6 years
Personnel Records	Applicant Files Competition Files Employee Files Miscellaneous Files	Administration	Per Appendix - C Per Appendix - C Per Appendix - C Per Appendix - C
Petty Cash	Record of expenditures	Administration	Per OSBSB policy
Police Records Search – Personal	Volunteer/employees search	Records	6 Months
Prisoner	Prisoner Logs  Property Records	Records	Current plus 2 years  Current plus 90 days
Property/Purchasing	Auction files (complete) Bills of lading Clothing checks (annual) Found money, jewelry, property (lists) Purchase orders Repair logs (radio, radar, recorder etc) Requisitions	Administration	Current plus 6 years Current plus 1 year Current plus 1 year Current plus 6 years Current Current plus 1 year 6 years
Public Complaints	Completed complaint file - routine complaint  Completed complaint file - use of force or injury	Administration	Current plus 2 years  Current plus 6 years
Receipt Books	Warrant receipts Record checks receipts Accident/Insurance summary receipts	Records Records Records	Revenue Canada dictates 6 years from current tax year
Records of Destruction	Records of the destruction of records	Records	Indefinite

<b>Subject</b>	<b>Record Description</b>	<b>Area Responsible for Primary Record</b>	<b>Retention Period</b>
Reports	Completed report documents, studies, projects - internal or external	Administration	5 years - SR after
Requests for Proposal	Requests for proposal	Administration	Current plus 6 years
Rosters	Duty roster	Administration	Current plus 1 year
	Finance roster		Current plus 1 year
Seized Property	Seized Firearms, drugs, money (entire file)	Property Branch	Current plus 9 years
	Homicide and Identification (entire file)		Current plus 9 years - SR after
Sign-in sheets	Signatures of those ordered to sign in with police	Records	Current
Statistics	Public Complaints statistics report	Administration	5 years
	Use of Force statistics report	Records.	5 years
	Pursuits statistics report	Records	5 years
	Freedom of Information requests report	Records	5 years
	Spousal assaults report	Records	5 years
	All other official statistical reports	Records	5 years
Summons	Provincial Offence Tickets and notes	Records	Current plus 1 year
	Electronic Record	Records Branch	Current plus 2 years
Suspension	ADLS Twelve Hour Suspensions	Records	Current with Occurrence
Temporary Absence Permits	Copy of Permit	Records	Current
Training	In service training attendance record	Training	Current plus 6 years
	Use of force training record (individuals)	Administration	Duration of Service
	Training Syllabus	Training	2 years
	Training Lesson Plans	Training	Current plus 6 years
Trespass Notice	Copy of trespass notice	Records	Current
Unit Histories	Record of patrol and other unit histories	Computer Services	2 years
Use of Force	Form 1-A	Administration	2 years
	Form 1-B		1 month

**CIB Unsolved:**

**1 yr plus current in CIB (major occurrences)**

**- indefinitely in the archived storage and filed by occurrence #**

**CIB Solved:**

**No charges - filed by occurrence #**

**4 years plus SP after that**

**cull the file - only keep what can't be reproduced**



**Appendix - B**  
**Criminal Records**  
**Area of Primary Responsibility - Records Branch**

<b>Record Type</b>	<b>Criteria for Destruction</b>	<b>Procedure</b>
Adult - Non-Conviction Criminal Dossier - Minor first-time offence(s)	<ul style="list-style-type: none"> <li>- Finding of not guilty</li> <li>- Charge dismissed</li> <li>- After 1 year following stay of proceedings - Sec. 579(2) CCC</li> <li>- Charge withdrawn and at the end of a peace bond term or any other condition imposed by the Court in the withdrawal</li> <li>- After 2 years following a withdrawal by diversion, alternative measures or community service - Sec. 717.2(1) CCC and Sec. 717.4(5) CCC.</li> <li>- After 1 year following an absolute discharge (post 24 July 1992 - Sec. 730 CCC and Criminal Records Act 6.1(1)(a) and (b) regarding release of information)</li> <li>- After 3 years following the court date for a conditional discharge (post 24 July 1992 - Sec. 730 CCC and Criminal Records Act 6.1(1)(a) and (b) regarding release of information)</li> <li>- after the legislated waiting period for absolute and conditional discharges prior to 24 July 1992 and upon receipt of the notification of destruction by the RCMP</li> <li>- After 1 year following confirmation by fingerprint identification of the deceased person</li> </ul>	If Criteria for Destruction are met the dossier may be destroyed in accordance with Service Procedure
Adult - Non-Conviction Criminal Dossier - Major Crimes	The above criteria apply as per minor first-time offence(s)	If Criteria for Destruction are met the dossier shall be reviewed and a decision made in accordance with Service procedure as to whether or not it will be destroyed
Adult - Criminal Dossier containing convictions	Pardon Process	If a pardon is granted the dossier may be sealed in accordance with the Criminal Records Act Sec. 6.1(1)

Record Type	Criteria for Destruction	Procedure
Young Offender - Criminal Dossiers (Note: Young Offenders subsequently convicted in adult court prior to the expiry of their young offender criminal dossier are subject to the provisions applicable to criminal records of adults (i.e. pardon process) - Sec 119(9) Youth Criminal Justice Act	<p><b>- Acquittal –</b> After the expiry of the 30 day appeal period or three months after all proceedings if appeal allowed - Sec. 119(2)(b) YCJA</p> <p><b>- Reprimand –</b> Two months after dismissal, withdrawal or finding of guilt – Sec. 119(2)(c) YCJA</p> <p><b>- Stay –</b> No proceedings being taken against the young person within one year, at the end of that period – Sec 119(2)(d) YCJA</p> <p><b>- Extra Judicial Sanction –</b> Two years after the consent of the young person to sanction – Sec 119(2)(a) YCJA</p> <p><b>- Absolute Discharge –</b> One year after the young person is found guilty – Sec 119(2)(e) YCJA</p> <p><b>- Conditional Discharge –</b> Three years after the young person is found guilty – Sec 119(2)(f) YCJA</p> <p><b>- Summary Conviction Offence –</b> Three years after the completion of all sentences relating to that offence – Sec 119(2)(g) YCJA</p> <p><b>- Summary Conviction + Subsequent Summary Conviction –</b> Three years after all sentences relating to that subsequent offence are completed – Sec 119(2)(i) YCJA</p> <p><b>- Summary Conviction + Subsequent Indictable Conviction –</b> Five years after completion of sentence for subsequently indictable offence – Sec 119(2)(j) YCJA</p> <p><b>- Indictable Offence –</b> Five years after all sentences relating to that offence – Sec 119(2)(h) YCJA</p> <p><b>- Indictable Offence &amp; Subsequent Summary Conviction –</b> Five years after completion of sentence of initial indictable offence or three years after completion of subsequent summary conviction offence – Sec 119(2)(i) YCJA</p> <p><b>- Indictable Offence &amp; Subsequent Indictable Conviction –</b> Five years after all sentences relating to that subsequent offences are completed – Sec 119(2)(j) YCJA</p> <p>Where before the expiration of the time periods above relating to summary conviction or indictable offences the young person is convicted of a subsequent offence committed when he/she is an Adult, the records may be used or disclosed under Section 119(9) as would any adult record and the file may be retained.</p>	Where required by statute the dossier shall be destroyed if the criteria for destruction are met and the destruction shall be in accordance with Service procedure In all other cases if the criteria for destruction are met the dossier may be destroyed in accordance with Service procedure

**Appendix C**  
**Human Resource Records**  
**Area of Primary Responsibility - Human Resources Branch**

<b>Corporate Record</b>	<b>Contents</b>	<b>Retention Period</b>
<b>Employee File:</b> Uniform Civilian Temporary Employee Auxiliary	Records of Disclosure/ Release of Information Award of Merit Awards - Recognition Commendation Fingerprint and Photograph Ontario Police fitness Awards In-Service Training Records Leaves of Absence (non medical) Medal of Honour Oath of Office, Office or Secrecy Ontario Medal for Police Bravery Probation Waivers Confirmation to Rank or Grade Service Certificates Service Medals Service Medallion Performance Evaluations Coach Officer Manuals Transfer/Assignment/Pay Advancement	Service Duration, then to age 65 or death
	Harassment Policy documentation of notice	per Harassment Policy
	Criminal and/or Provincial Offenses Police Services Act Convictions Discipline Documentation	per Police Services Act, Collective Agreement and Complaints/Civilian Discipline Policy
<b>Former Employee Files</b>	Retired/Resigned/Terminated Police Service Members	Until age 65 or date of death.
<b>Applicant Files - Assigned to a Job Competition:</b> Civilian (Internal & External) Sworn Students Temporary Employees	Academic Transcripts (from high school, college, university) G.A.T.B. test results Offer of Employment / Reclassification Form Physical Test Results/Waiver Identification Application Forms and Resumes Offer/Revoke of Employment/Reclassification Records Fingerprints and Photograph Records of Disclosure/ Release of Information forms Interview Result	1 year + Current year Note: Once hired transferred to employee file for Service Duration + to age 65 or date of death.)
	Medical, Vision and Psychological Documents	1 year + Current year Note: Once hired transferred to employee medical file for Service Duration + 1 year
	Clerical Test Results	1 year + Current Year
	Background Investigation Documents Character and Employment Checks Personal History Form and Security Check Intelligence Checks Local Criminal Records Checks Physical Fitness Test Results/Waiver	1 year + Current Year Note: Once hired, transferred to employee file for current year + probation period.

<b>Corporate Record</b>	<b>Contents</b>	<b>Retention Period</b>
<b><u>Applicant Files - Not Assigned to a Job Competition:</u></b> (Any position)	Application Forms and Resumes	3 months from month received
<b><u>Applicant Files:</u></b> Coop Students Law & Security Placements Other Job Placement Programs	Application Forms and Resumes Background Investigation Documents Personal History Form and Security Check Interview Questions and Answers Waivers re: W.S.I.B. coverage/E.I. Training placement documentation	1 year + Current year
<b><u>Applicant Files:</u></b> Uniform Promotions	Competency submissions Evaluation Forms Application Form Results	Note: Interview questions & response sheets are retained by Administration
<b><u>Job Competition Files:</u></b> Uniform Civilian Auxiliary Uniform Promotion	Promotional Board Panel Files Civilian/Uniform Internal/External Files (applicant screening sheets, interview sheets, master copies of interview questions and tests/assessments) Test Record Sheet Interview Record Sheet	1 year + Current year (unless there is a notice of appeal to the competition is received e.g. H.R. complaint, grievance)
<b><u>Medical Files:</u></b>	Approved Workplace Accommodations under Accommodation Policy W.S.I.B. Claim Management File Non-Occupational Injury Case Management File Leaves of Absence for Medical Reasons Medial Reports Sick leave Reports Mandatory E.A.P. Referral	Service Duration + then until age 65 or death.
<b><u>Miscellaneous Files:</u></b> General Orders, Policies and Procedures Exam	Qualification Results and Lists	1 year + Current year
<b><u>Miscellaneous Files:</u></b> Promotional Examinations	Scores -commencing 1999 to present	Service Duration + 1 year
<b><u>Miscellaneous Files:</u></b> Requests for Transfer & Courses	Requests for Transfer & Courses	2 years from Date of Request
<b><u>Miscellaneous Files:</u></b> Pay Equity	1. Original Job Fact Sheets 2. Original Request for Re-evaluation Forms 3. Rating Documents 4. Results 5. Letters of Amendment to Pay Equity	Duration of Existence of Position
<b><u>Miscellaneous Files:</u></b> Use of Facilities -ride a longs -job shadows	Release, Waiver & Indemnity (approved and not approved)	6 years + current year