

STATE OF VERMONT GENERAL RECORD SCHEDULE

Issued to: All Public Agencies

GRS-1000.1100: Investigation Records

Last Revised: 10/4/2012



Vermont State Archives and Records Administration
Vermont Office of the Secretary of State

GRS-1000.1100: Investigation Records

Classification: GENERAL (Investigating)

- Authority:** A custodian of public records shall not destroy, give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule approved by the state archivist pursuant to subdivision 117(a)(5) of Title 3. (1 V.S.A. § 317a)
- Scope:** This general record schedule applies to any agency, board, department, commission, committee, branch, instrumentality, or authority of the state or any agency, board, committee, department, branch, instrumentality, commission, or authority of any political subdivision of the state that produces or acquires the records listed on this record schedule in the course of public agency business. Record means any written or recorded information, regardless of physical form or characteristics, and includes electronic or digital records and data. (1 V.S.A. § 317)
- Use:** State agencies MUST have a Notice of Adoption (VSARA-11) acknowledged by the Vermont State Archivist and on file with the Vermont State Archives and Records Administration (VSARA) prior to using any general record schedule. Use of a General Record Schedule (GRS) to destroy records without proper notification is not permitted. In addition, internal policies must be established to assure that the requirements outlined in any GRS are being applied across the agency. General Record Schedule (GRS) numbers shall be cited in all internal policies to demonstrate compliance with 1 V.S.A. § 317a. Local public agencies do not have to submit a Notice of Adoption; however, internal policies should clearly cite any general schedules that have been adopted and associated GRS numbers. If a GRS does not meet an agency's legal or administrative needs, the agency should continue to use any applicable disposition orders that have been issued for its records or seek agency specific record schedules through VSARA's Targeted Assistance Program (TAP).
- Exemptions:** It is the policy of Title 1, Chapter 5, Subchapter 3 of Vermont Statutes Annotated to provide for free and open examination of records consistent with Chapter 1, Article 6 of the Vermont Constitution. All people, however, have a right to privacy in their personal and economic pursuits, which ought to be protected unless specific information is needed to review the action of a governmental officer. Some records listed on GRS-1000.1100 may be exempt from public inspection and copying for this reason. Security measures to protect records and information from unauthorized access, use, and disclosure are necessary if the records are exempt pursuant to 1 V.S.A. §§ 315-320. Please see Appendix B for Access Requirements and Appendix E for related legal references regarding exemptions from public inspection and copying.
- Retention:** GRS-1000.1100 reflects the retention and disposition requirements for the following records regardless of their media, format, or mode of transmission. Duplicate records within the same agency that are used for specific legal, fiscal, or administrative purposes may be either retained using the retention requirement listed in this schedule or in accordance to an internal policy. Any copies of records made only for convenience of reference or informational purposes may be discarded when no longer needed unless otherwise directed through an internal policy. Duplicates or copies of records shall not be retained longer than the original records.

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GRS-1000.1100: This schedule is reserved for recorded evidence of activities and transactions that relate to or affect, in a specific manner, the systematic examination of an issue to determine its facts, typically in response to a formal request or complaint.

Retention: With the exception of legal notices and registers, retain records related to an investigation for a minimum of six (6) years after the investigation is officially completed or closed and then destroy by shredding unless the final report has significant administrative value or the investigation itself is considered major or significant.

If the investigative report has significant administrative value, use the retention requirements for Reports in GRS-1000.1102 (Administrative Policy Records) and retain only the report permanently. For major or significant investigations, gather all existing records and contact the Vermont State Archives and Records Administration (VSARA) for further appraisal; records must meet the criteria of major or significant in "Vermont Archival Records" to be identified as permanent (archival).

Registers or similar systems that provide for the systematic and regular recording of complaints and investigation activities shall be retained until the register is superseded and then appraised by VSARA for continuing value.

Legal notices shall be retained as specified in this record schedule, but transitory records created or received as part of an investigation may be weeded as appropriate in accordance with GRS-1000.1000 (Transitory Records).

Public Access: Review

MINIMUM RECORDKEEPING REQUIREMENTS for Investigation Records (see APPENDIX E for related legal references)

Record Category/Type:	Applicability/Use:	Appraised Value:	Minimum Retention/Disposition:
GRS-1000.1100.24 Complaints Public Access: <i>Review</i>	Use for complaints, grievances, appeals, and similar records that initiate an investigation.	Conditional Archival	RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Confirm
GRS-1000.1100.133 Decisions Public Access: <i>Review</i>	Use for orders, reports, and similar records that document the outcome of an investigation. Includes substantive correspondence.	Conditional Archival	RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Confirm

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GRS-1000.1100.136	Use for documentary evidence gathered as part of an investigation.	Conditional Archival	RETAIN UNTIL: Completed/Closed
Evidence			PLUS: 6 Year(s)
Public Access: <i>Review</i>			THEN: Confirm
GRS-1000.1100.60	Use for notes made during the course of an investigation, including interview notes.	Conditional Archival	RETAIN UNTIL: Completed/Closed
Notes			PLUS: 6 Year(s)
Public Access: <i>Review</i>			THEN: Confirm
GRS-1000.1100.50	Use for all legal notices issued by the investigating authority related to an investigation, including subpoenas.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed
Notices, Legal			PLUS: 1 Year(s)
Public Access: <i>Review</i>			THEN: Destroy (General)
GRS-1000.1100.81	Use for registers, databases, systems, and similar records that provide for the systematic and regular recording of complaints and investigation activities. Includes case management systems.	Conditional Archival	RETAIN UNTIL: Superseded
Registers			PLUS: 0 Year(s)
Public Access: <i>Review</i>			THEN: Confirm
GRS-1000.1100.144	Use for formal statements of facts issued during and at the conclusion of an investigation. For reports that have significant administrative value, retain permanently and use the retention requirements for Reports in GRS-1000.1102 (Administrative Policy Records).	Conditional Archival	RETAIN UNTIL: Completed/Closed
Reports			PLUS: 6 Year(s)
Public Access: <i>Review</i>			THEN: Confirm
GRS-1000.1100.36	Use for supplemental records created or received during the course of an investigation, including oaths and affirmations, warrants, and similar records.	Conditional Archival	RETAIN UNTIL: Completed/Closed
Supporting material			PLUS: 6 Year(s)
Public Access: <i>Review</i>			THEN: Confirm

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Appendix A: Appraisal Values

An appraisal value establishes the usefulness or importance of a record after its original purpose has passed. The value of a record also dictates how it must be disposed after retention requirements are met (also see "Retention Requirements"). The appraisal values below represent categories of values that may be assigned to records following the record appraisal process. See "Vermont Archival Records" in the Archives and Records Management Handbook for conditions a record must meet to be appraised as "archival."

Appraisal Value	Description	Usage
Conditional Archival	Records may have archival value but not always.	Assigned to records that meet the conditions of a "Vermont Archival Record" under special circumstances.
Permanent (Archival)	Records have archival value.	Assigned to records that meet the conditions of a "Vermont Archival Record" and are therefore permanent (archival) records.
Temporary (Administrative)	Records have temporary administrative value.	Assigned to records that do not meet the conditions of a "Vermont Archival Record" but are needed for administrative reasons.
Temporary (Legal)	Records have temporary legal value.	Assigned to records that do not meet the conditions of a "Vermont Archival Record" but have legal requirements governing their retention.
Unappraised	Default value for records that have not been appraised.	Assigned to records that have not been appraised and do not yet have retention or disposition requirements.

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Appendix B: Public Access Requirements

A public access requirement is the availability of a record for public use and inspection pursuant to 1 V.S.A. §§ 315-320. Unless exempt from public inspection and copying pursuant to 1 V.S.A. § 317, records are expected to be promptly produced for public inspection upon request. Public agencies shall follow the procedure outlined in 1 V.S.A. § 318. The access requirements below represent actions agencies must take based on specific laws associated with the accessibility of their records. With general record schedules, the default requirement is always REVIEW unless it is clear that certain records or information within a record are exempt from public use and inspection pursuant to 1 V.S.A. § 317. Agencies using general record schedules should defer to their internal policies for specific access requirements.

Access	Description	Usage
Exempt	Records shall not be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that are wholly exempt from public use and inspection pursuant to 1 V.S.A. § 317.
General	Records may be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that are not exempt from public inspection and copying pursuant to 1 V.S.A. § 317.
Redact	Records contain specific information that shall not be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that contain specific information that is exempt from public inspection and copying pursuant to 1 V.S.A. § 317 and require exempt information to be redacted from the records prior to public use, inspection and/or copying.
Review	Records may be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320 but not always. Default value for general schedules, which require agencies to establish internal policies.	Assigned to records that are generally not exempt from public inspection and copying pursuant to 1 V.S.A. § 317 but, in limited circumstances, may be exempt. Internal review and/or policy is required.

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Appendix C: Retention Requirements

A retention requirement is the length of time a record must be retained by an agency before it may be destroyed or transferred to the State Archives or an agency archives (also see "Disposition Requirements"). The retention requirements below represent events or triggers that cause records to move from an active to inactive state. An "event" is tied to a specific time requirement: i.e. Retain Until "Calendar Year Ends" PLUS 3 Years.

Retention	Description	Usage
Audit Complete	Retain until an audit or verification is complete.	Assigned to records that are actively used or needed until the information contained therein has been audited or verified.
Calendar Year Ends	Retain until the end of the calendar year.	Assigned to records that are actively used or needed until the end of the calendar year.
Completed/Closed	Retain until the activity or process supported by the record is completed.	Assigned to records that are actively used or needed until the activity is formally completed, closed, or finalized (includes appeals).
Expired	Retain until the conditions or requirements supported by the record are satisfied and no further action is needed.	Assigned to records that are actively used or needed until the conditions or requirements are satisfied and complete.
Fiscal Year Ends	Retain until the end of the fiscal year.	Assigned to records that are actively used or needed until the end of the fiscal year.
Life of Asset Ends	Retain for the life of the person, structure, object, organization, etc. that is the subject of the record.	Assigned to records that are actively used or needed for the life of person, structure, object, organization, etc.
Obsolete	Retain until the record is no longer needed and is valueless.	Assigned to records that have limited administrative value and may be purged when they no longer have any administrative value. Agency must develop internal policy that states when records no longer have administrative value.
Superseded	Retain until the record is superseded, updated, or revised.	Assigned to records that will be superseded, updated, or revised.

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Appendix D: Disposition Requirements

A disposition requirement is how an agency must dispose of a record from its legal custody once retention requirements have been met. Disposition is based on the record's appraisal value. If the record has been appraised as non-archival it will be destroyed after retention requirements are met. If appraised as archival the record will be transferred to the State Archives or agency archives for permanent preservation and access. The disposition requirements below represent actions that an agency must take once a record has met its retention requirements.

Disposition	Description	Usage
Archives	Retain indefinitely. These records are eligible for transfer to the State Archives or agency archives.	Assigned to records that have been appraised as having archival value and are therefore permanent records.
Confirm	Confirm disposition with the Vermont State Archives and Records Administration after retention requirement has been met.	Assigned to records that are maintained in a centralized database or information system or are appraised as conditional archival.
Destroy (General)	Destroy by recycling or deleting the record.	Assigned to records that have been appraised as non-archival and are not exempt from public access. Agency discretion advised for general record schedules.
Destroy (Shred)	Destroy by shredding (includes electronic shredding).	Assigned to records that have been appraised as non-archival and are exempt from public access or contain sensitive information.
Unappraised	Default value for records that have not been appraised.	Assigned to records that have not been appraised and do not yet have retention or disposition requirements.
Weed	Separate temporary records from archival records in accordance with the approved records schedule.	Assigned to records that have been appraised as conditional archival. Upon weeding the temporary records from the archival records, transfer archival records to the Archives.

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Appendix E: Legal References

GRS-1000.1100: Investigation Records		Review for Exemption?
04 030 CVR 005	Administrative rules of practice	Yes
1 V.S.A. § 315	Statement of policy [related to free and open examination of records]	Yes
1 V.S.A. § 316	Access to public records and documents	No
1 V.S.A. § 317	Definitions; public agency; public records and documents	Yes
1 V.S.A. § 317(c)(5)	[Public record exemption: criminal or disciplinary investigation]	Yes
1 V.S.A. § 318	Procedure [related to producing records for inspection]	No
1 V.S.A. § 319	Enforcement [related to the denial of a request for public records]	No
1 V.S.A. § 320	Penalties [related to court orders for the production of any public agency records]	No
10 V.S.A. § 1975	Designer licenses	No
12 033 CVR 001	Wastewater system and potable water supply	No
13 141 CVR 001	Rules of the Board of Medical Practice	No
13 V.S.A. § 3436	Self incrimination of witnesses; immunity from prosecution	No
13 V.S.A. § 3504	Reporting illnesses, diseases, injuries and deaths associated with weapons of mass destruction	Yes
13 V.S.A. § 354	Enforcement; possession of abused animal; searches and seizures; forfeiture	No
13 V.S.A. § 4944	Investigation [related to extradition of fugitive accused]	No
13 V.S.A. § 5131	Application for inquest	No
13 V.S.A. § 5132	Procedure [related to inquests as to criminal matters]	No
13 V.S.A. § 5133	Stenographer [related to inquests as to criminal matters]	No

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13 V.S.A. § 5134	Oath of secrecy [related to inquests as to criminal matters]	Yes
13 V.S.A. § 5161	Investigation of crime by experts	No
13 V.S.A. § 5162	Autopsy [related to inquests as to criminal matters]	No
13 V.S.A. § 5405	Court determination of sexually violent predators	No
13 V.S.A. § 5561	Petition for postconviction DNA testing	No
13 V.S.A. § 6605	Recognizance by witness; commitment	No
13 V.S.A. § 7041	Deferred sentence [related to felonies and misdemeanors and expungement]	Yes
20 V.S.A. § 1603	Application; procedure [related to needy veterans]	No
20 V.S.A. § 1815	Availability of photographic prints or photostatic copies	No
20 V.S.A. § 1817	Reports of law enforcement officer; accidents involving liquor	No
20 V.S.A. § 1822	Missing person report	No
20 V.S.A. § 1882	Subpoenas [related to public safety commissioner and members]	No
20 V.S.A. § 1923	Internal Investigation [related to state police]	Yes
20 V.S.A. § 2864	Attendance of witnesses; production of documents [related to prevention and investigation of fires]	No
20 V.S.A. § 2866	Testimony under oath [related to prevention and investigation of fires]	No
20 V.S.A. § 2869	Prosecution [related to prevention and investigation of fires]	No
20 V.S.A. § 2906	Administration and enforcement [related to accessibility standards for public buildings and parking]	No
20 V.S.A. § 3546	Investigation of vicious domestic pets or wolf-hybrids; order	No
20 V.S.A. § 942b	Expenses of military courts	No
3 V.S.A. § 123	Duties of office [related to professional regulation]	No

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3 V.S.A. § 127	Unauthorized practice	No
3 V.S.A. § 128	Unprofessional conduct to be reported to board	Yes
3 V.S.A. § 129	Powers of boards; discipline process	Yes
3 V.S.A. § 129a	Unprofessional conduct	No
3 V.S.A. § 131	Accessibility and confidentiality of disciplinary matters	Yes
3 V.S.A. § 154	Assistance	No
3 V.S.A. § 814	Licenses [related to administrative procedure]	No
30 V.S.A. § 207	Report of accidents; investigation	No
33 V.S.A. § 4903	Responsibility of department [related to children and families]	No
33 V.S.A. § 4913	Suspected child abuse and neglect; remedial action	Yes
33 V.S.A. § 4914	Nature and content of report; to whom made	No
33 V.S.A. § 4915	Assessment and investigation [related to suspected child abuse or neglect]	No
33 V.S.A. § 4915a	Procedures for assessment [related to suspected child abuse or neglect]	No
33 V.S.A. § 4915b	Procedures for investigation [related to suspected child abuse or neglect]	No
33 V.S.A. § 4918	Multidisciplinary teams; functions; guidelines	No
33 V.S.A. § 4921	Department's records of abuse and neglect	Yes
33 V.S.A. § 5106	Powers and duties of commissioner [related to children who are or may be the subject of a petition brought under the juvenile judicial proceedings chapters]	No
33 V.S.A. § 6904	Nature and content of report; to whom made	No
33 V.S.A. § 6905	Mandatory reporting to and post-mortem investigation of deaths by medical examiner	No
33 V.S.A. § 6906	Investigation [related to alleged abuse of a vulnerable adult]	No
33 V.S.A. § 6911	Records of abuse, neglect and exploitation	Yes

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42 U.S.C. § 16912	Registry requirements for jurisdictions [related to sex offender registration]	No
42 U.S.C. § 16990	National registry of substantiated cases of child abuse	No
42 U.S.C. § 5106a	Grants to states for child abuse and neglect prevention and treatment programs	No
42 U.S.C. § 5106c	Grants to states for programs related to investigation and prosecution of child abuse and neglect cases	No
42 U.S.C. § 622	State plans for child welfare services	No
42 U.S.C. § 671	State plan for foster care and adoption assistance	No
42 U.S.C. § 673c	Timely interstate home study incentive payments	No
6 V.S.A. § 1	General powers of agency; secretary of agriculture, food and markets	No
6 V.S.A. § 12	Search warrants	No
6 V.S.A. § 3318	Investigation; record keeping [related to meat and poultry]	No
9 V.S.A. § 5602	Investigations and subpoenas	No