

	<b>PALACIOS POLICE DEPARTMENT</b>	
	<b>Policy 5.1 Departmental Records</b>	
	<b>Effective Date: 1/04/2021</b>	<b>Replaces: 02/07/2006</b>
	<b>Approved:</b>  <u>Milton Rivera, Chief of Police</u>	
	<b>Reference:</b> TBP 5.01, 5.02 5.03 and 10.02 f	

## I. POLICY

A “records unit” that functions well is critical for the effective delivery of law enforcement services. An efficient means of storing, cataloging, and retrieving records is essential for meeting the management, operational, and informational needs of the police agency.

## II. PURPOSE

The purpose of this policy is to assist records personnel in setting up and maintaining an effective record keeping system.

## III. RECORDS SECURITY (TBP: 5.01)

- A. The police records unit is housed in a restricted area. Personnel assigned to the records unit are directly supervised by the records supervisor who reports directly to the Chief of Police.
- B. The records supervisor is responsible for maintenance of department records and will be provided training in Law Enforcement Records Management and the Public Information Act.
- C. Access to the police records unit is restricted to assigned records personnel only. Entry by unauthorized personnel is prohibited.
- D. The records unit will be secured and locked when it is not staffed by assigned records personnel.
- E. Personnel authorized by the records supervisor or the Chief of Police may have access to the records unit after hours for need-to-know information only. Authorization may be granted to shift supervisors and shift commanders only.

- F. When entry has been made by authorized personnel, written notification to the records supervisor will be made within 24 hours of the entry. Written notification must state the date entry was made, time entry was made, why entry was made, and what records were accessed and by whom.

#### **IV. RECORDING OF INCIDENTS BY CATEGORY**

- A. In order to develop a comprehensive reporting system, it is necessary to record actions taken by law enforcement personnel whether in response to a request for service or for self-initiated actions. Each reported incident occurring within the department's service area will be categorized as one of the following and will receive a sequential incident or case number:

1. Individual's request for service, crime reports, or complaints that require one of the following:
  - a. an officer to be dispatched
  - b. an assigned employee to investigate
  - c. an assigned employee to take action at a later time.
2. Self-initiated criminal and non-criminal cases by officers.
3. Incidents involving arrests, citations (other than traffic), or summonses.

#### **B. Assignment of Case Numbers**

1. Dispatch personnel who become aware of an incident occurring within the city service area that requires the initiation of police activity will assign an incident number generated by the CAD (Computer Aided Dispatch) system.
2. Case numbers will be assigned in numerical order.
3. Other reports, such as an accident, impoundment, property and evidence recovery, etc., will be assigned a CAD incident number.
4. When an incident is assigned a CAD number, the following information regarding that incident will be entered into the CAD system by dispatch personnel:
  - a. Date and time of the initial reporting
  - b. Name and address of the complainant or victim requesting the service
  - c. Nature of the incident and the location
  - d. Identification of the officers assigned to the call
  - e. Time when officers were dispatched, arrived, and returned to service
  - f. Status, date, and time of action taken on the call.

#### **C. Officer's Responsibilities**

1. Officers will complete all required reports and turn them in to a supervisor prior to ending their shift.

2. Officers shall provide only a short summary narrative of the event on the first page of the offense or incident report (who, what, when, and where). Details, including any listing of evidence, identification of witnesses, description of injuries, and any exculpatory information, shall be provided in an offense or incident supplemental report.
3. Supervisors will review all reports for accuracy and completeness and submit completed reports to the records unit before the end of shift.
4. Reports returned to officers for correction will be documented by the supervisor. At the next shift the supervisor shall follow up, making sure that the report has been corrected and submitted.

#### D. Master Name Index

The supervisor of the records unit will cause a master name index to be established, maintained, and updated. The index will be an alphabetical index of the names of persons identified in the field reports as complainants, arrestees, victims, witnesses, or suspects.

#### E. Juvenile Records (TBP: 10.02 f)

1. A file is maintained on each juvenile (ages 10 to under 17) arrested, referred, or detained by an officer. Each juvenile is assigned a single "J" number. The file includes all documents associated with the contact as indicated in this section, as well as a running list of the juvenile's detentions and dispositions.
2. State and federal laws require that juvenile files be kept separate from adult files.
3. Juvenile fingerprints and photographs, if any, will be turned over to the Juvenile Probation Department intake officer.
4. Police records will not maintain fingerprints or photographs of juveniles. Should fingerprints or photographs be turned over to police records they will be destroyed as specified in the Family Code sections 58.001 and 58.002.

#### F. Computerized Criminal History Information

1. Computerized criminal history information (CCH) is a federal/state cooperative system of a variety of databases (arrests, convictions, driving records, outstanding warrants, and others). The CCH database lists all arrests and convictions for offenses above Class C misdemeanor that have not been purged in accordance with state/federal age purge criteria.
2. Access to the TCIC/NCIC criminal history database is limited to designated personnel. The program generates its own log showing who accessed the system. The log is computerized and maintained by information systems personnel.
3. Access to CCH information through local law enforcement agencies is limited to criminal justice uses.

4. Individuals who request a copy of their computerized criminal history must do so through the Texas Department of Public Safety in Austin.
5. Numerous agencies have been given authority to access criminal history information on prospective licensees or applicants. The statutes giving this authorization do not permit use of local police agency TCIC/NCIC lines for obtaining the CCH. Requests of this nature are to be referred to a supervisor.

## **V. REPORT NUMBER AUDIT AND REPORT STATUS**

- A. The records supervisor will run a computer printout and audit daily to ensure that all reports have been turned in to the records department. As documents are received the reports will be placed in numerical order by service number.
- B. When a report has not been turned in within three days of the incident, a print out of the audit report is made and one copy kept for follow up. The officer responsible for the report will be identified and the audit report will be sent to the officer for response. Follow-ups for missing reports will be made daily until all missing reports are accounted for.
- C. When a report has not been received within 72 hours after the end of the shift on which the call was taken, a missing-report notice will be sent to the officer, the officer's supervisor, and the Chief of Police.

## **VI. DISTRIBUTION OF REPORTS AND RECORDS**

- A. After reviewing the reports for completeness, the patrol supervisor will forward all reports and citations to the records unit.
- B. All offense/incident reports will then be copied and the copies forwarded to the appropriate section within the department, such as investigations, traffic, etc.
- C. Originals are maintained in the records unit.
- D. All corrections or amendments to an original report are made by supplement and not by changing the original report. Supplementary reports will be sent to the records unit whenever additional information is processed.
- E. Citations are entered into the computer system and forwarded to the municipal court.
- F. Field interview cards are forwarded to and maintained on file by the Criminal Investigation Bureau.

## **VII. RECORDS RETENTION AND DESTRUCTION** (TBP: 5.02)

- A. Records will be retained in the records unit as specified in this policy until they are purged or destroyed in accordance with the approved City Records Retention Policy and any court orders requiring them to be expunged.
- B. Accident Reports: Files will be maintained in numerical order by month in the records office. A copy of each accident report will be kept for two years, at which point they will be destroyed. Persons wanting accident reports older than two years can order a copy directly from the Texas Department of Public Safety.
- C. Offense Reports: Because some offenses do not have a limitations period -- they can be prosecuted at any time -- because the limitations period for some offenses is based on the age of the victim at the time of the offense, offense report purging cannot be based solely on a calculation of the number of years from the date of the offense. Careful consideration will be given to these circumstances during the records retention process.
- D. All Other Information Reports: The originals of miscellaneous incident reports will be kept for an indefinite period of time, and they will be kept in numerical order just as offense reports are kept.
- E. Adult Arrest Files: Adults may obtain a court order to have their arrest records expunged as specified in Chapter 55 of the Code of Criminal Procedure. If no such order is obtained, adult arrest files will be kept until there is a report of the death of the arrestee or for a period of 75 years.
- F. Juvenile Arrest Files: (TBP: 10.02 f)
  - 1. A juvenile arrest file will be created for every juvenile taken into custody by members of this department. Juvenile files are maintained separately from adult files and, like all files, are kept secure from unauthorized disclosure.
  - 2. Persons may have their juvenile records sealed (not destroyed) by court order as specified in Family Code section 58.003.
  - 3. A court may order destruction of juvenile detention files as specified in Family Code section 58.006.
  - 4. Arrest report files on juveniles who were referred to juvenile court may be purged after the person reaches the age of 23.
  - 5. Arrest report files on juveniles who were not referred to the juvenile court may be purged after the person reaches the age of 18.
  - 6. As specified in Chapter 58 of the Family Code, police records will not maintain fingerprints or photographs of juveniles because the juvenile was detained by police or suspected of a criminal offense. Fingerprints and photographs taken as part of the juvenile intake process will be turned over to juvenile probation department officials. Should it happen that fingerprints

or photographs have been turned over to police records they will be destroyed as specified in Family Code sections 58.001 and 58.002.

7. Any juvenile records that are in a gang or criminal street gang intelligence file will be maintained, managed, and removed pursuant to the Texas Code of Criminal Procedure Articles 61.04 and 61.07.
- G. Destruction of files and records will be done by shredding, burning, or other means of destruction approved by the police records supervisor and the records coordinator for the City of Palacios when documents have been held beyond the required retention schedule.

### **VIII. UNIFORM CRIME REPORT (UCR) AND RELEASE OF RECORDS (TBP: 5.03)**

- A. It is the responsibility of the records supervisor to complete the monthly UCR and department crime report in a timely manner.
- B. The records supervisor must read and be familiar with the UCR handbook, including all UCR reporting standards.
- C. The records supervisor must perform several audit checks for each crime reported.
- D. The Texas Public Information Act governs release of information reported to law enforcement agencies.
- E. Any request for information contained in any report made or compiled by the department is to be referred to the records unit.
- F. All arrest files maintained in the records files and the computer will be the responsibility of the records supervisor. Copies of files will be released only to the following authorized persons:
  1. Personnel of this department
  2. Sworn officers from other agencies upon written request
  3. Courts of law under proper process
  4. District attorneys
  5. Federal law enforcement agencies
  6. Probation departments
  7. Military personnel with a written request and signed waiver of the named person. Copies of waivers will be kept for a period of three (3) years.
- G. Juvenile arrest information is closed to public information requests and will not be released without a court order or signed waiver from the juvenile and a parent or guardian.

- H. Original reports will be released only to members of this department. Every release will be documented in the records check-out log, showing the date, name, file name and number, and the name of the clerk releasing the files. A copy of the report will be made prior to release of any original report. Upon the return of original records, the records clerk will review the contents of the return against the “check-out log,” checking for discrepancies. The records clerk will note who returned the files, as well as the date and time. If there are no discrepancies in the contents of the records being checked in, the receiving person will initial the “check-out log” and return the record to its original file location.
- I. Records personnel will respond to all requests from the courts for original records. A complete copy of the requested records will be made before they are removed from the original records unit.
- J. Any individual may request a “clearance letter” for a number of purposes, such as travel visas and adoptions. Such a letter must be submitted to records personnel along with at least two pieces of identification, one of which must include a photo. Records personnel will check local records only. Records personnel will prepare a “To Whom It May Concern” letter indicating that no criminal record has been recorded in the City of Palacios. The individual makes state or federal criminal history inquiries directly to those agencies.