

Records Bureau

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Buena Park Police Department Records Bureau. The policy addresses department file access and internal requests for case reports.

802.1.1 ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 40.2.3, 42.1.3, 82.1.1, 82.1.2, 82.1.4, 82.1.5, 82.1.6, 82.2.3, 82.3.1, 82.3.2, 82.3.6

This policy pertains to the following Standard Operating Procedures: SS504, SS506, SS510, SS512, SS514

802.2 POLICY

It is the policy of the Buena Park Police Department to maintain department records securely, professionally, and efficiently. The Records Supervisor and the Information Systems Administrator have the primary responsibility for security, control, and oversight of the Records Management System (RMS).

802.3 RECORDS MANAGEMENT SYSTEM

The RMS has multiple modules for entering, storing, and extracting crime report information, traffic accident information, citation information, field interview information, narcotic and sex registrant information, statistical information, and Computer Aided Dispatch (CAD) information associated with calls for service. There are multiple option screens from which to update and enter or search for information, including names, call types, and contact locations. All property and evidence documentation is stored in the RMS, as well as Department training, equipment, and employee information. One module tracks all activity in the Jail Facility, including arrests and bookings. Department employees are granted access to RMS with permissions defined by their assignment.

802.4 RESPONSIBILITIES

802.4.1 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Administrative Services Commander.

The responsibilities of the Records Supervisor (Custodian of Records) include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Bureau.
- (b) Scheduling and maintaining Records Bureau time records.
- (c) Supervising, training, and evaluating Records Bureau staff.
- (d) Maintaining and updating a Records Bureau procedure manual.

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- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 - 1. Homicides.
 - 2. Cases involving department members or public officials.
 - 3. Any case where restricted access is prudent.

802.4.2 RECORDS BUREAU

The responsibilities of the Records Bureau include but are not limited to:

- (a) Maintaining a records management system for case reports.
 - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 - 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
 - 1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
 - 2. Suspected hate crimes (Penal Code § 13023).
 - 3. Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).
 - 4. Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).
 - 5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
 - (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
 - 6. Anti-reproductive rights crime information required by Penal Code § 13777.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.

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- (g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection), as applicable, for the following types of occurrences:
 - 1. Officer suicides
 - 2. Officer misconduct
 - 3. Uses of force
 - 4. Officer deaths or assaults
 - 5. Crime incidents
 - 6. Deaths in custody
- (h) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the California DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
- (i) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).
- (j) Entering into the California DOJ automated property system descriptions of serialized property, or non-serialized property that has been uniquely inscribed, which has been reported stolen, lost, found, recovered, held for safekeeping, or under observation (Penal Code § 11108).
- (k) Maintaining compliance with quarterly California DOJ reporting requirements regarding the department's efforts to verify an individual listed in the Armed and Prohibited Persons System (APPS) is no longer in possession of a firearm (Penal Code § 29813).
- (l) Maintaining compliance with the state and California DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).
- (m) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

802.4.3 RECORDS BUREAU PROCEDURE MANUAL

The Records Supervisor should establish procedures that address:

- (a) Identifying by name persons in reports.
- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.
- (d) Assigning alpha-numerical records to all arrest records.
- (e) Managing a warrant and wanted persons file.

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802.5 FILE ACCESS AND SECURITY

All original reports including, but not limited to, initial, supplemental, follow-up, evidence and citations, and all reports critical to criminal cases, shall be maintained in Motorola Flex, the Department RMS, maintained by the Records Bureau. Only authorized Records Bureau personnel have complete access to the RMS system. These individuals are the:

- (a) Records Supervisor
- (b) Crime Analyst
- (c) Professional Standards Bureau Supervisor
- (d) Support Services Division Commander

Motorola Flex in conjunction with Scan-Snap, are digital imaging document management systems that scan and electronically store copies of all Department documents. All authorized Department employees have access through the password-controlled Motorola Flex and Axon evidence.com systems to view electronically stored police records. The Department Systems Administrator controls the ability of employees to enter, view, modify or delete Department records. All access is tracked via the RMS program and can be retrieved by the System Administrator.

The Information Systems Administrator (ISA) controls access, backup, and storage. The ISA conducts a password audit at the beginning of each fiscal year. Violations of access rights and/or needs to the RMS program may lead to discipline, up to and including termination.

The security of files in the Records Bureau must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Bureau, accessible only by authorized members of the Records Bureau.

The Records Bureau will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

802.6 CONFIDENTIALITY

Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Bureau procedure manual.

802.7 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Buena Park Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Detective

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Bureau Supervisor. The Detective Bureau Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Detective Bureau Supervisor should forward the petition to the City Attorney for review. After such review and consultation with the City Attorney, the Detective Bureau Supervisor and the Detective Bureau Commander shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Detective Bureau Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Detective Bureau Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

802.8 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Records Supervisor should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.