




Clayton County Police Department

PROCEDURES

Subject CENTRAL RECORDS & PERMITS		Procedure # E4	
Authorizing Signature 	Effective 11/04/2020	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds (See below)	Total Pages 14

I. PURPOSE

The purpose of this policy is to provide departmental procedures for the control, maintenance, security and retrieval of all reports generated by sworn and non-sworn departmental personnel; processing and issuing of permits; and receipt, reply and resolution of open records requests.

II. POLICY

- A. It shall be the policy of this Department to have a unit and/or personnel dedicated to the maintenance of records generated by sworn and non-sworn departmental personnel, and the processing and issuing of permits.
- B. It shall be the policy of this Department to receive, respond to and resolve open records requests in compliance with the Georgia Open Records Act, OCGA § 50-18-70 et al.
- C. Records to include, but not limited to the following, shall be maintained by the Department:

1. Copies of Motor Vehicle Accident Reports [The State of Georgia maintains all original accident reports utilizing the Georgia Electronic Accident Reporting System (GEARS).];
2. Incident Reports;
3. Master name index (Local Files/database);
4. Photographs (printed and/or digital);
5. Citations and/or electronic citations issued by departmental personnel;
6. Criminal history background check requests, and the completion of those requests;
7. Juvenile records to include, but not limited to, juvenile information on Supplemental-Persons Reports clearly marked as "Juvenile Information;" and copies of *Juvenile Complaint Forms*.
8. Vehicle Inventory/Impound Sheets;
9. Background check requests for alcoholic beverage bartender and/or server licenses, business licenses and the completion of those requests; and
10. Property Receipts;
11. GCIC Verification;
12. Witness Statements

III. POLICE SERVICES CLERKS

- A. The Department shall hire and maintain a staff of civilian employees to serve as Police Services Clerks who will be responsible for performing all of the duties of Central Records & Permits as assigned.
- B. Police Services Clerks shall be responsible for staffing the Central Records & Permits customer service windows where citizens come to obtain redacted copies of reports, submit criminal history background

check requests, pay fines for red light camera citations, receive impound releases, and apply for permits.

- C. During non-business hours, weekends and observed holidays, twenty-four (24) hours per day, citizens have the option of contacting the Central Watch Office at Headquarters for vehicle releases citizens can contact any Precinct Watch Office to receive answers to general questions.

See *Appendix A* of this procedure regarding the current *Business Hours of Central Records & Permits*.

- D. When Police Services Clerks receive emergency phone calls from citizens, they shall immediately forward the calls to the E911/Communications Center. All nonemergency telephone calls for public safety assistance will be forwarded to the E911/Communications Center or a Watch Office.

IV. REPORT SUBMISSION & PROCESSING

- A. Report Copies & Related Documentation

- 1. The original Incident Report and/or Supplemental Report(s) will be forwarded via chain of command to Central Records.
- 2. All related documents will be attached to the corresponding Incident Report and/or Supplemental Report(s). Each related document will bear the corresponding case number, preferably in the upper right hand corner, in a clearly visible location and in a legible manner.

No additional copies of any related documents are needed. Related documents include, but are not limited to, the following:

- a. Arrest/Booking Report (ABR);
- b. Juvenile Complaint Form;
- c. Miranda Rights Waiver Form;
- d. Permission to Search Person or Property Forms;

- e. Property Receipt;
- f. Robbery Suspect Supplemental Report;
- g. Warrant;
- h. Warrant application;
- i. Warrantless Arrest Affidavit (WAA);
- j. Written statement;
- k. Copies of documents provided by an officer, suspect, victim or witness as evidence. Note: Original documents having evidentiary value should be treated as evidence.

B. Submission of Photographs

- 1. All photographs taken by the County Photographer will be electronically filed by the County Photographer with the Clayton County Central Services Department for filing and storage, using the corresponding departmental case number.
- 2. All Photographs taken by a departmental supervisor or personnel, will be electronically filed through the Central Records & Permits Unit using the departmental case number. Photographs will be electronically placed in a compressed (zipped) folder, attached to an email with the departmental case number noted and/or referenced, and emailed to the Central Records & Permits Unit via the following County email address:
pd.photos@claytoncountyga.gov
Central Records & Permits Unit personnel will then place the photographs on the departmental records imaging system.

C. Accountability for Records

- 1. Each business day (not including weekends and observed holidays), no later than 0800 hours, unless exigent circumstances exist, a designated Day Watch supervisor from each Sector of the Uniform Division will deliver all reports and related documentation from the previous business day to Central Records. A supervisor from every shift will ensure a CAD sheet is attached to all

supporting documentation and dropped to Records on a daily business. Utilizing a Computer-Aided Dispatch (CAD) printout of all generated case numbers, the Day Watch supervisor and Central Records personnel will ensure that all reports from the previous business day have been accounted for and/or received.

2. Central Records personnel are responsible for the scanning of all Incident Reports, Supplemental Reports and related documentation into the departmental imaging system for electronic filing; and the numeric filing of all reports and related documents by case number in the Department.

D. Distribution & Dissemination of Departmental Records

Distribution and dissemination of departmental records to organizational components and other agencies will be as follows:

1. Criminal Investigation Division (CID) will print their own reports for their processing. Other documentation related to any report may be accessed electronically via the departmental imaging system.
2. After being scanned into the departmental imaging system for electronic filing, original *Juvenile Complaint Forms* will be forwarded to the Juvenile Court of Clayton County. Only copies will be scanned and available through RVI.
3. After being scanned into the departmental imaging system for electronic filing, the original *Uniform Traffic Citation (UTC)* will be forwarded to the State Court of Clayton County. Only a copy will be filed and maintained by Central Records.
4. Electronic citations will be scanned into departmental imaging system for electronic filing. Copies will be forwarded to the State Court of Clayton County.

V. RECORDS ACCESSIBILITY AND REPRODUCTION

- A. Reports will be ready for distribution and reproduction within three (3) to five (5) business days after the incident date. Officers have accessibility to scanned reports via the departmental imaging system.

- B. Citizens may obtain a copy of a report, as authorized by law, from the Central Records & Permits during normal business hours.

See *Appendix A* of this procedure regarding the current *Business Hours of Central Records & Permits*.

- C. Departmental personnel seeking to obtain copies of voice logging recorder tapes, 911 call audio, and/or public safety radio transmissions from the E911/Communications Division may do so for official business, but requires the approval of a lieutenant or equivalent, or higher ranking supervisor.

VI. OPEN RECORDS REQUEST PROCEDURES

- A. Open Records Requests

Individuals making an open records request may utilize the *Request to Inspect Public Records Form*, but are not required to do so.

Refer to *Appendix C* of this procedure regarding the *Request to Inspect Public Records Form*.

- B. Receipt & Initial Reply to Open Records Requests

All open records requests received by any personnel of this Department shall be forwarded to the Open Records Manager, or designee, to be logged and assigned a track number using the *Open Records Log*. Upon logging and assigning a tracking number, the Open Records Manager, or designee, shall immediately forward each open records request to the Records Custodian responsible for the open records being requested. The responsible Records Custodian shall then initially reply within 72 hours to the requestor, with a copy of the reply sent to the Open Records Manager.

- C. Resolution of Open Records Requests

The Records Custodian is responsible for the timely resolution of any open records request within his/her responsibility. The resolution of an open records request includes the final response and delivery of the open records request to the requestor, and the processing of any payment, when applicable. Whoever resolves the open records request will ensure that the *Open Records Log* is updated to reflect the resolution.

All payments received from open records requests shall be processed through the cash register in the Central Records & Permits Unit. Payments for open records requests will only be accepted in the form of cash, money orders or business checks. Personal checks will not be accepted.

D. Open Records Manager

The Central Records & Permits Unit Commander is the designated Open Records Manager for the Department. In the absence of the commander, the next ranking employee from that unit will act as the Open Records Manager for the Department.

E. Digital Records Custodian

Certain personnel are considered Records Custodians for records maintained within their area of responsibility. In the absence of the designated Records Custodian, the next ranking employee within that area of responsibility will act as the Records Custodian.

Refer to *Appendix D* of this procedure for the *List of Departmental Records Custodians*.

F. Release of Information Guidelines

See *Appendix B* of this procedure regarding the *Current Prices & Fees of Central Records & Permits*.

1. Regarding any pending investigation(s) or prosecution(s) of criminal or unlawful activity, any and all releases of information will be in accordance with the Georgia Open Records Act, OCGA § 50-18-72(a)(4).

Exception:

Pursuant to OCGA § 17-04-20.1, a Family Violence Report documenting an incident in which no arrests are made shall not be subject to the provisions of the Georgia Open Records Act. However, upon request, a defendant who has been arrested for an act of family violence or the victim shall be entitled to review and copy any report prepared...relating to the defendant.

2. Regarding individual Georgia Motor Vehicle Accident Reports, releases of information will be in accordance with the Georgia Open Records Act, OCGA § 50-18-72(a)(5). A statement of need must be completed and filed with the accident report.

The public may obtain a copy of a Motor Vehicle Accident Report from Central Records directly, via the internet at www.buycrash.com.

3. Criminal history record information (CHRI), as defined by OCGA § 35-3-30 and GCIC Rule 140-1-.02, or confirmation of the existence of any person's CHRI, shall be in accordance with GCIC Rule 14-02-.04.

Note: Charging documents filed with the court are public record.

4. Regarding any departmental personnel, releases of information will be in accordance with the Georgia Open Records Act, OCGA § 50-18-72(a)(21).
5. Special circumstances:
 - a. The public release of identifying information of victims of sexual assault is prohibited.
 - b. The public release of identifying information of juveniles involved in any investigation is only permissible with authorization from the Chief of Police.
 - c. The public release of identifying information of suspects involved in any investigation is only permissible with authorization from the concerned Division Commander, Deputy Chief of Police or Chief of Police.

VII. RECORDS CONTROL, RETENTION & SECURITY

A. Control, Maintenance & Retrieval of Reports

1. All reports are filed and maintained sequentially by case number, electronically in the departmental imaging system. Original reports and/or related documents filed and maintained by the Department can be retrieved by Central Records personnel only and removal

from the Central Records filing area by any other personnel is prohibited.

2. The Records Custodian, or designee, may certify a copy of the original record, if an original is needed.
3. Scanned reports and related documentation are available for viewing by departmental personnel, twenty-four (24) hours a day, through the departmental imaging system.
4. All criminal history record information (CHRI) for local arrests contained in the master name index (local files/database) shall be considered confidential information. Retrieval and release of the information shall be performed by authorized employee(s) only. All network database information may be accessed utilizing security access codes provided to all authorized departmental personnel. All background checks will be filed on site for four (4) years, as define in Rule GCIC 140-2-.07.
5. Certain divisions (e.g., CID; Narcotics; E911/Communications; etc.) within the Department maintain certain records and/or investigative case files independently and separately from Central Records for additional security and control. These records and/or investigative case files may incorporate copies of reports or related documentation maintained by Central Records.

B. Master Name Index (Local Files/database)

The master name index includes the name and assigned law enforcement identification number (LE number) of each person, including juveniles, who are identified in reports that document incidents investigated by the Department and/or occurred within Clayton County. When a person is identified in a report, his/her name, date of birth and any other known identifiers, will be checked against the master name index. If it is discovered that the person has an assigned LE number, this assigned number will be utilized. If the person has no history on the master name index, a LE number will be assigned to the person. The LE number may be noted on all reports, correspondence and/or other related documents concerning the person in question.

C. Records Retention

All documents maintained by the Department will be retained in accordance with the State of Georgia Retention Schedules for Local Government Records. Copies of the retention schedules are maintained by, and accessible through, the State of Georgia Secretary of State's Office online at sos.georgia.gov.

D. Natural or Manmade Disaster Response

1. In the absence of the Central Records Commander, the on-duty Sector 4 Shift Commander from the Uniform Division shall have the responsibility of ensuring that records, including NCIC/GCIC records, maintained by Central Records are secure and not in danger of being damaged and/or destroyed in the event of a natural or manmade disaster. This responsibility may include the transfer of said records to a secure location. This responsibility of security shall be maintained until relieved and/or the Department can resume normal operating responsibility for the records.
2. In the event that records are not secure or have been damaged and/or destroyed, the concerned Division Commander shall be immediately notified.

VIII. SECURITY MANAGEMENT OF NETWORK & RECORDS SYSTEM
(CALEA 82.1.6)

All data and data back-up for the Department is managed and stored by the County Department of Information Technology (DoIT). Access to, and security of, the data is limited to authorized departmental personnel with system passwords/access codes.

The Chief of Police, or designee, shall ensure that system passwords/access codes are changed semi-annually to maintain the security of the departmental network and records system.

IX. BACKGROUND CHECKS & PERMITS

A. Criminal History Background Check Requests

1. No private individual or business requests for criminal history background checks will be accepted by facsimile, over the telephone or by mail. The person requesting such information must appear before Central Records personnel, submit a properly completed *Criminal History Consent Form*, provide payment of fee for each person being checked, and provide valid photographic identification (photo ID) before any criminal history background check request is processed. Valid identification consist of a state driver's license, state identification card, or a photo government issued identification.

See *Appendix B* of this procedure regarding the *Current Prices & Fees of Central Records & Permits*.

Only Clayton County Government requests for criminal history background checks will be accepted by facsimile or mail with the properly completed *Criminal History Consent Form* included. For all other agencies and individuals, the person requesting such information must appear in person at the Central Records.

2. The results of a private individual or business request for criminal history background check must be picked up in person. The only exception to this policy is if a government agency requested the background check **and** the results are "No Record." Otherwise, no results will be sent by facsimile, mail or over the telephone.

B. Permits

1. Central Records & Permits is responsible for processing and completing background checks and issuing identification cards, upon the request of the County Community Development Department, for the following businesses, professions and/or purposes:
 - a. Alcohol servers;
 - b. Taxi Drivers;
 - c. Pawn Shop Employees;

- d. Massage Therapists;
 - e. Door-to-door Solicitations;
 - f. Fortune Tellers/Psychics;
 - g. Non-emergency Transportation Drivers; and
 - h. Limousine Drivers.
3. The Permits Section is responsible for processing and completing background check requests related to the issuance of business licenses by the County Community Development Department. Upon request by the County, the Permits Section will process and complete background checks for the following business types:
- a. Bars and nightclubs;
 - b. Catering services;
 - c. Convenience stores and gas stations selling alcoholic beverages;
 - d. Golf courses and/or country clubs;
 - e. Ice cream vendors;
 - f. Limousine service owners;
 - g. Locksmiths;
 - h. Non-emergency transportation business owners;
 - i. Private Investigators (PI);
 - j. Restaurants selling/serving alcoholic beverages;
 - k. Security alarm/low voltage contractors;
 - l. Security guards; and
 - m. Wrecker services.

X. FEE COLLECTIONS

- A. Central Records & Permits personnel will collect the fees for all private open records requests for reports, and other Central Records & Permits services for which a fee is charged, without exception. Before Central Records & Permits personnel may release any requested open records, the applicable fee(s) shall be collected and/or received from the requesting individual and/or entity.

No fees will be collected from Federal, State or local government agencies requesting reports or other Central Records & Permits services.

See *Appendix B* of this procedure regarding the *Current Prices & Fees of Central Records & Permits*.

- B. All monetary transactions completed will be recorded on the cash register under the proper category/incident type, or through the American Traffic Solutions/Red Light Citation System. For audit and accountability purposes, a receipt will be completed even if the payer does not desire one. The register receipt tape will be held for a period of not less than two (2) years.

XI. RECORDS SEALED UNDER COURT ORDER

- A. General

From time to time the Department receives orders from a judge of the Juvenile Court to seal a juvenile's record in a particular case. This Department will comply with the Court's order. However, care must be taken to preserve the Incident Report and related documents that would still have a lawful purpose such as documenting a victim's injury or property loss.

- B. Compliance Procedures

- 1. Upon receipt of an order to seal records from the Juvenile Court, the Custodian of Records or designee shall cause the following action steps to take place:

- a. The records management system that contains criminal history record information (CHRI) of the person named in the

order shall be removed. In its place the local code for sealed record will be listed as the disposition.

- b. The report and related documentation will then be flagged, **ORDER TO SEAL**, on the departmental records management system.
- c. The “hard copy” and/or original version of the report, if one exists, will be removed from the file and sealed between two (2) blank sheets of paper, bound with evidence tape, with a copy of the order to seal on front. The sealed record (file) will then be filed in its original Central Records & Permits location.

XI. CANCELLATIONS

This procedure amends and supersedes the following standard operating procedure:

E4: Central Records & Permits, dated January 12, 2018.