

# CHAMPAIGN POLICE DEPARTMENT

## POLICY and PROCEDURE

POLICY NUMBER: 82.1

SUBJECT: RECORDS ADMINISTRATION

EFFECTIVE DATE: 10/01/09

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Regulations, Code 28, Part 20, and as governed through the Illinois Law Enforcement Agencies Data System (LEADS) User's Agreement.

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### PURPOSE:

The purpose of this policy is to establish guidelines for records processing, retrieval, and retention.

### DEFINITIONS:

CHRI: Criminal History Record Information. CHRI is information collected by criminal justice agencies on individuals and consists of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any dispositions arising therefrom (i.e., sentencing, correctional supervision, and release).

Freedom of Information Act (FOIA): Title for Illinois Compiled Statutes (ILCS) 5 ILCS 140, et seq.

### POLICY:

#### 82.1.1 PRIVACY AND SECURITY PRECAUTIONS

A. The privacy and security regulations of the Department's Police Services Unit (PSU) are in accordance with the following:

1. Local Records Act (50 ILCS 205).
2. Illinois Uniform Conviction Act (20 ILCS 2635).
3. Freedom of Information Act (5 ILCS 140).
4. Open Records Act (820 ILCS 40).
5. Drivers' Privacy Protection Act. 18 U.S.C. § 2721.
6. The privacy and security of criminal history record information (CHRI) are in accordance with the US Department of Justice

B. The Deputy Chief of Administration shall be responsible for the overall operation and security of the PSU and shall delegate certain responsibilities to the Office of Professional Standards Lieutenant.

C. Privacy and security of records are ensured through the following:

1. Departmental personnel will have access to the records storage area in the PSU at all times. During business hours, when the PSU is open and staffed, physical access to the area will not be limited. Police reports may be copied, but original police reports will not be removed from the PSU.
2. Outside of normally staffed hours or during weekends and holidays, the records area in the PSU will be locked and secured, but supervisors will have access by key.
3. Archived records are physically maintained in a locked storage room on the third floor of the police department. Access to archived records is limited to PSU personnel and sworn supervisors.
4. Additionally, officers and authorized departmental personnel shall have at all times the ability to access both current and archived records through the Public Safety Records Management System (PSRMS) database.

a. Computer access is controlled through the use of passwords and related technology.

#### 82.1.2 FREEDOM OF INFORMATION ACT (FOIA) AND RECORDS REQUESTS

A. Requests for public records under the Freedom of Information Act (FOIA) (5 ILCS 140) may be submitted in writing to the PSU online, in person, by email, or by mail.

1. Requests will typically be processed by a Police Service Representative assigned to FOIA or the PSU Supervisor within five (5) days of receipt of the request unless the Department requests an extension.

2. The Department will respond to such a request in one of three ways.
  - a. Approve the request,
  - b. Deny the request in part, or
  - c. Deny the request.
    - i. Requests will be denied only for the reasons stated in the FOIA.
    - ii. FOIA denials may be appealed to the Attorney General's Public Access Counselor.
3. When the Department releases video recordings in response to a FOIA request, the Department may apply a watermark to the video.
  - a. The watermark is intended to identify the source and authenticity of the released record. Because FOIA requires the Department to apply different redactions for different requestors, the watermark identifies which version of the record was released. It is not to restrict or limit the requester's access to the underlying public record.
  - b. The application of a watermark does not constitute the creation of a new record; rather, it is considered a technical modification to assist in record identification and the authenticity while preserving substantive content.
  - c. The watermark will not obstruct the content, alter the substantive information in the video, or render any portion of the recording unreadable.
  - d. All legally required redactions shall be completed prior to the application of a watermark.
  - e. The Department shall only use watermark formats, language, and placement that have been reviewed and approved by City Legal.
4. The Department may assess fees for the processing, reproduction, and delivery of public records. Fees, if assessed, shall be limited to those authorized by statute and shall be calculated in a manner consistent with applicable statutory requirements (5 ILCS 140/6).
  - a. The Department may distinguish between categories of requesters, including commercial requesters, when determining whether fees are applicable.
    - b. If the Department determines fees may be assessed, the Department shall notify the requester within five (5) days of the FOIA request.
    - c. Any fees assessed shall not exceed those allowed under applicable statute.
    - d. The assessment, calculation, and collection of fees shall be administered in accordance with all applicable statutes, Attorney General guidance, and City administrative policy.
    - e. Nothing in this provision shall be construed to require the assessment of a fee where a fee waiver or reduction is authorized or appropriate by statute or City administrative policy.
5. City Administrative Policy 5.11, Procedures for Handling Request for Public Records, provides further direction in interpreting FOIA.
  - B. Copies of traffic crash reports will be provided upon payment of copy fees.
    1. When the person requesting the traffic crash report was involved in the crash, the report may be released without redaction, except for juvenile information or other information protected by law.
    2. If the person requesting the traffic crash report was not involved in the accident, then the report must be redacted.
  - C. Requests for police records/reports from outside sources (separate from FOIA) shall be processed and recorded using the PSRMS.
    1. Requests for police records/reports from outside criminal justice agencies and branches will be granted at the discretion of either a PSU Supervisor or a police supervisor. Such requests typically will not have to be made in writing, and records/reports released to other criminal justice agencies and branches for official purposes will not have to be redacted. However, secondary dissemination is prohibited.
    2. Requests for police records/reports from other external sources will require the submission of a written request, and they will be granted at the discretion of either a PSU Supervisor or a police supervisor. When such requests are granted, the released records/reports will have to be redacted.
    3. Requests for police/records from external sources for background purposes will only be released when a signed waiver has been submitted by the person to whom the records pertain.

- D. Rights of Crime Victims / Request for police report:
1. In accordance with 725 ILCS 120/4(b-5), upon the request of a victim, the law enforcement agency having jurisdiction shall provide a free copy of the police report concerning the victim's incident, as soon as practicable, but in no event later than five (5) business days from the request.

**82.1.3 JUVENILE RECORD ADMINISTRATION**

- A. The following guidelines and statutes will be followed regarding the collection, dissemination, and retention of fingerprints, photographs, and other forms of identification relating to juveniles.
1. Every juvenile taken into custody for a violation that would be a felony if committed by an adult shall be photographed and fingerprinted.
    - a. All juvenile photographs and fingerprints, whether resulting from arrest or placement on station adjustment, will be taken at the Youth Detention Center.
  2. All juvenile arrest information, including booking reports, photographs, and fingerprints, shall be maintained in locked file cabinets by the Investigations Division. All juvenile records, whether written or computerized, shall be kept separate and distinct from adult offender records.
- B. Juvenile fingerprint and photograph information is intended for in-house purposes and will not be forwarded to any outside agency for criminal history purposes unless required by lawful court order. However, they may be used for specific comparison purposes in the formal investigation of criminal offenses.
- C. The release and transmittal of fingerprints, photographs, or digital images are governed by statute (705 ILCS 405/1-7).
1. Identifying information about juveniles shall not be released to the media or public unless the release is required by statute or the juvenile has been reported as a missing person.
  2. Juvenile records will be made available to all Champaign Police officers for purposes of criminal investigation and/or background information.
  3. Juvenile records may be viewed by police officers from other jurisdictions who are conducting a criminal investigation.
- D. The Operational Support Division is responsible for purging the file of juveniles who have reached the age of 18. The Division Commander or their designee shall purge all juvenile files within one year of the juvenile's eighteenth birthday.

- E. It is the responsibility of the PSU Supervisor to fully comply with all Court Orders of Expungement, including both juvenile and adult records.
1. All records of arrest of the defendant, together with case reports, supplemental reports, booking reports, evidence sheets, photographs, fingerprints, and other records of identification taken as a result of the arrest, will be removed from all Department files and records.
  2. All records shall be returned to the defendant or the attorney representing him in accordance with the court-ordered expungement.

**82.1.4 RECORDS RETENTION SCHEDULE**

- A. The Department has a records retention schedule that is consistent with the State of Illinois Local Records Act retention schedule (50 ILCS 205 1/9).
1. Dispositions shall be maintained in the Department's computerized arrest data system and also by the Champaign County Circuit Clerk's office.
  2. The Circuit Clerk also sends disposition records from all felony and misdemeanor cases to the Illinois State Police and the FBI.

**82.1.5 UNIFORM CRIME REPORTING SYSTEM**

- A. All reportable incidents shall be submitted to the State and National Incident-Based Reporting System (NIBRS) based on an established reporting schedule.
- B. The PSU Supervisor or their designee is responsible for transmitting this information.

**82.1.6 RECORDS ACCOUNTABILITY**

- A. Officers shall be responsible for accurately completing all reports and arrest documentation. All written reports shall be forwarded to a supervisor for review to ensure their accuracy, completeness, and legibility.
- B. All reports shall be reviewed by a police supervisor prior to being forwarded to the PSU. After the supervisor reviews a report, it shall either be returned to the reporting officer for corrections or approved by the supervisor and forwarded to the PSU. The approval of the reviewing supervisor indicates that they have read the report and verified that it was completed in accordance with departmental policy and proper reporting practices.
- C. At the end of each patrol shift, a patrol supervisor shall ensure that all completed reports have been reviewed and forwarded to the PSU.

1. Any report that cannot be completed by the end of an officer's tour of duty shall be completed by the end of the officer's next workday. Absent unusual circumstances, reports typically should not be held over an officer's days off.
  2. A patrol supervisor may grant an officer additional time to complete a complicated report or to follow up on a report, but such an extension should not extend beyond one week. Held reports will be started in the PSRMS.
- D. The PSU is responsible for ensuring that all completed and approved reports are imported into the PSRMS and all NIBRS requirements are met.

#### **82.1.7 COMPUTER FILE SECURITY**

- A. Computer files that reside on the local network and the PSRMS are backed up on a daily basis.
- B. All backup computer files are stored offsite by either the City of Champaign IT Department or the PSRMS administrator. The files are kept in a secure, fireproof area.
- C. Microcomputer users shall be permitted physical access to hardware, software, and data as authorized by their position. Access to Department-owned microcomputers or mainframe computers requires that users possess access codes and passwords. All access codes and passwords are treated as confidential, and knowledge of them shall be restricted to the person to whom they have been assigned.
  1. All City of Champaign computerized records functions contain an automated system for verifying passwords and access security.
- D. It shall be the responsibility of the Deputy Chief of Administration to ensure that access codes and passwords remain operable until the authorization status of the user has been changed.
  1. On an annual basis, either the Deputy Chief of Administration or his designee shall conduct an audit of the central records computer system for verification of access codes and passwords.
  2. The Deputy Chief of Administration or their designee is responsible for deleting the access codes and passwords of personnel who have ended their employment with the Department and for maintaining the integrity of the password system. Any misuse of access codes or passwords will be reported to the Police Chief.
  3. Access to LEADS requires system-prompted password changes on a regular basis.

#### **82.1.8 COMPUTERIZED CRIMINAL HISTORIES**

- A. Computerized criminal history record access is controlled through the use of passwords and related technology.
- B. The dissemination of computerized criminal history information will conform to the rules and regulations outlined in the Illinois LEADS user's agreement.

#### **ISSUING AUTHORITY**

*Timothy T. Tyler*

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Champaign Police Department