

 Kinston Police Department	<u>POLICY: Records Division</u>						<u>POLICY #:</u> 100-16
	<u>NCLEA Standards: 4.01;4.02</u>						
	<u>CALEA Standards: 82.1.1; 82.1.2; 82.2.2; 82.2.3</u>						
	<u>NCLM Standards:</u>						Effective Date:
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Approval: Chief of Police							

I. PURPOSE

The purpose of this policy is to establish guidelines for the security of Kinston Police Department records and files consistent with public record laws and for the overall operation of the Records Division. Although most records are submitted electronically, the Records Division still maintains the capability of scanning original records of documents into the Law Enforcement Records Management System (LERMS).

Access to records shall be limited to authorized personnel in order to maintain security and to comply with North Carolina law. This procedure shall ensure the confidentiality, availability, access, and security of records maintained by the Kinston Police Department. The privacy and security of criminal history records shall be in accordance with the criteria set forth in FBI Criminal Justice Information Services (CJIS) Security Policy and North Carolina law regarding access and review. (**NCLEA 4.01**)

II. POLICY

A. Privacy and Security (**CALEA 82.1.1 a**)

1. It is the policy of the Kinston Police Department to have a Records Division to meet the management, operational, and informational needs of the Agency and to place accountability for the records function in a specific specialized component. The Records Division is a component of the Support Service Division and is responsible for the records function of the Kinston Police Department. The Records Division is in a secure area of the Police Department and is under the supervision of the Support Services Major or the Support Services Major's designee.

B. Records Accessibility (**CALEA 82.1.1 b**)

1. Records information is accessible to all authorized personnel on a twenty-four (24) hour basis through LERMS. Access to all CJIS records in LERMS are governed by individual passwords.

C. Records Function

1. Under the supervision of the Records Division Supervisor, the functions of the Records Division include, but are not limited to:
2. Report entry performed daily:
 - a) Using the LERMS Merge Client: Merge all approved (accepted) cases, arrests, juvenile contacts, case supplements and field contact reports daily.
 - b) Using AOC's eCitation RMS module: Import all eCitations transmitted to AOC. This process writes the citations to a location on the corresponding server where they are imported into the tickets module of LERMS.
3. Report Review: The report review process will begin with shift supervisors who will review and approve all field case reports after they have been electronically submitted. The Records Division will conduct another review of the electronically submitted reports. This final review will be for purposes of verifying that all documents submitted are accounted for and contain proper classification, disposition codes, and case numbers. **(CALEA 82.1.2 e)**
4. Report Access and Release: The Records Division will control the availability and confidentiality of all reports and records to the public. Records access shall be limited to authorized personnel. Information released to the public shall be in accordance with North Carolina General Statutes regarding public information. **(NCLEA 4.02)**
5. Records Maintenance: The Kinston Police Department's LERMS maintains electronically all police reports and records identified in this policy.
6. Records Retrieval: The Records Division will use the case number reporting system for all filing and retrieval purposes. Information from state uniform citations is data entered and indexed by the defendant's name and citation number.
7. Records Expungement: Process expungements as soon as possible in accordance with court orders.
8. Process Subpoenas for Records: In accordance with NC State law, and in coordination with the City Attorney's Office, process subpoenas for records to ensure that the correct records are released. **(CALEA 82.1.1 c)**
9. Permits and applications; Processing of various permits and taxi applications and renewals.

D. Juvenile Records (**NCLEA 4.01**)

1. North Carolina law requires that all law enforcement agencies take special precautions to ensure those law enforcement records concerning a juvenile are protected against disclosure to any unauthorized person.
2. The Kinston Police Department's juvenile arrest and criminal history records shall be maintained in the agency's LERMS. Juvenile arrest reports are completed electronically in the mobile version of the records management system (RMS) by officers in the field on the Juvenile Contact Form. In the unusual event a juvenile arrest report cannot be completed electronically it shall be recorded on the pink "Juvenile Contact Form" which is easily distinguished from other types of paperwork. Case investigations involving juveniles that are not completed electronically must contain the phrase "Juvenile" at the top of the form. Those not completed electronically, or any other physical documents that are included in a juvenile case file must be stored in a secure location, separate from adult records, within the Records Division. (**CALEA 82.1.2 a, c**)
3. All juvenile records and files maintained by the agency pursuant to this policy shall be withheld from public inspection in a secure location. These records are flagged in the report management system as a juvenile record. The following persons may examine and obtain copies of the agency records and files. Concerning a juvenile without an order of the court.
 - a) The juvenile and the juvenile's attorney;
 - b) The juvenile's parent, guardian, custodian, or the authorized representative of the juvenile's parent, guardian, or custodian;
 - c) Members authorized for access within the agency who are directly involved in the juvenile's case.
 - d) Juvenile Court Consular, District Attorney or prosecutor, and other law enforcement officers in the state; or
 - e) Any other person authorized by law.
4. Juvenile photographs may be taken in certain circumstances with the appropriate Court Order using any digital imaging other than the mug imaging system. Photographs should be delivered to the Crime Lab for storage. Juvenile fingerprints may be obtained in certain circumstances with the appropriate Court Order. Juvenile fingerprint cards will be delivered to the Crime Lab and notification made that they are associated with a juvenile case. Juvenile fingerprint cards will be stored in the Crime Lab. (**CALEA 82.1.2 b**)
5. Disposition and expungement of juvenile records will be in accordance with the North Carolina General Statutes. The Investigations Section supervisor shall oversee the expungement of juvenile records. (**CALEA 82.1.2 d, e**)

E. Records Retention

1. The Kinston Police Department follows the guidelines set forth in the North Carolina Municipal Records Retention and Disposition Schedule for all records.

F. Incident Based Reporting (NIBRS)

1. The Kinston Police Department participates in the North Carolina Uniform Crime Reporting System through the FBI Incident Based Reporting system (IBR). Statistical data is routinely uploaded monthly by Records Division personnel. Using LERMS the Records Division checks for and corrects any errors, prepares a submission file and uploads the information to the North Carolina State Bureau of Investigation (SBI). Submission of the IBR files shall be the responsibility of the Records Division supervisor or designee.

G. Audit of Records Access

1. The integrity and security of the records files is dependent upon the access systems that provide control through a series of passwords and access codes. Employees are not permitted to use passwords, access a file, or retrieve any stored communication unless authorized to do so.

H. Computer System Access

1. Computing resources, data, and information must be protected from unauthorized use, external intrusion, theft and accidental or malicious damage. To protect active sessions:
 - a) Close down active sessions and use a password protected screensaver to secure your terminal or workstation if you intend to leave it unattended or inactive.
 - b) Logoff the network and shut down or lock your computer at the end of the working day and on weekends unless otherwise instructed.
 - c) Use secure network file locations to store all City data, unless there is a specific need or limitation requiring data to be stored on your computer's local hard drive (local drives are not backed up). Do not store sensitive information on your local hard drive unless it is protected by access controls. Contact the MIS Department to discuss data encryption software options.

I. Passwords (CALEA 82.1.6 c, d)

1. Guard your password carefully. Adhere to the following guidelines:
 - a) Do not reveal passwords to anyone. If required to disclose current password to an authorized computer technician for system maintenance or troubleshooting, change your password immediately after maintenance is complete.
 - b) Do not write down and post or store passwords near a workstation, under the keyboard or mouse pad, or other areas where they could be found and used.
 - c) For new accounts, change passwords upon first login or upon password reset for the account.

Change passwords immediately if it is suspected that they have been compromised.

- d) The Records Division Supervisor or designee, such as the Intelligence Officer shall notify the MIS Department as necessary to remove a user from the mainframe system and to disable the User Profile. The Records Division Supervisor or designee shall provide necessary information to the MIS Department when a user will be replaced.

J. Outside Computer Software and Data Software

1. All employees shall comply with all legal obligations that relate to software copyright and licensing agreements. The City of Kinston provides a standard suite of supported software for use. If you require additional software, the following applies:
 - a) MIS support staff are responsible for the purchase, installation, and configuration of software/hardware for the City. Software intended for use on City of Kinston servers and other shared resources must be submitted for testing and verification to MIS support staff before installation.
 - b) Installation of any software must be approved by MIS Support.
 - c) Do not create or use an unlicensed copy of software

K. Virus Prevention and Detection

1. Any file received from an unknown source should be considered highly suspicious and deleted without opening.
2. The following guidelines must be followed to minimize the impact of viruses:
 - a) Ensure that installed virus protection software is not deliberately disabled or prevented from running.
 - b) Never open links received in e-mail, unless certain of the origin of the link.
 - c) Scan all flash drives, CDs, DVDs or other media. This includes media last used on a home computer, and media obtained from business partners, training agencies, service technicians and vendors.

- d) Scan all software and electronic documents acquired from third parties and external networks.
- e) Report the suspicion of any virus to the MIS support staff immediately.

L. Files Backup and Storage (**CALEA 82.1.6 a, b**)

- 1. Citywide computing systems backup and storage provisions are handled according to the MIS Department.

M. Field Reporting System (**CALEA 82.1.1 b**)

- 1. The Kinston Police Department Field Reporting System is electronically housed in the Law Enforcement Records Management System (LERMS) and provides 24 hour access. The following forms are utilized:
 - a) Case Report
 - b) Case Supplement
 - c) Arrest Report
 - d) Juvenile Contact

N. Specific Reporting Requirements

- 1. Information required on all initial field reports of criminal activity is defined by the LERMS system. Specific information requirements parallel reporting requirements by the FBI Incident Based Reporting (IBR) system. Informational items should be documented with all information that is provided to the employee completing the report. Exceptions are informational incidents reported on the case report form where crimes did not occur but the event was determined to need documentation. The data entered, while it would not report to the IBR system, will adhere to the same rules.
- 2. Records that document police activity shall include the following information:
 - a) Date and time of the initial reporting
 - b) Name (if available) of the citizen requesting the service, or the victim's or complainant's name
 - c) Nature of the incident
 - d) Nature, date and time of action taken (if any) by law enforcement personnel
- 3. Police officers investigating traffic collisions shall follow the procedures set forth in policy and procedure 600-1, Traffic Operations, governing the use of report forms.

O. Records Repository

1. The Kinston Police Department's LERMS maintains a repository of records filed sequentially by incident numbers that includes:
 - a) Incident reports
 - b) Case reports
 - c) Arrest reports

P. Reporting Requirements (**82.2.1 a; 82.2.2 a-e**)

1. The following categories of incidents occurring within the jurisdiction of the Department shall be documented in reports:
 - a) Citizen reports of crimes
 - b) Citizen complaints (Professional Services Unit)
 - c) Citizen requests for service when a police officer is dispatched; an employee is assigned to investigate; or an employee is assigned to take action later
 - d) Criminal and non-criminal cases initiated by law enforcement officers
 - e) Incidents involving arrests, citations, or summons
2. A record shall be made of actions taken by law enforcement personnel in any of the above-described circumstances, whether in response to a request for service or for self-initiated actions.

Q. Case Numbering System (**CALEA 82.2.3**)

1. The Computer-Aided Dispatch (CAD) system (Lenoir County 911 System) generates a case number system with the following provisions:
 - a) The CAD system is designed to automatically assign a sequential unique number (incident number) to all incidents that also serve as a sequential unique case number to incidents of law enforcement service requiring a case investigation, traffic investigation and/or arrest report.
 - b) The CAD numbering system is designed to ensure that all cases receive a number and that numbers are neither omitted nor duplicated.

R. Report Submission Procedures (**CALEA 82.2.1 d**)

1. In order to generate a report in the LERMS, an employee should be assigned to a call in the CAD system. Utilizing the reporting system, employees will electronically generate the type of report they will complete. Officers will complete the mandatory fields for the respective form and save the report. Once the report has been completed, employees will use the 'error check' function in the system. If necessary, employees should correct any returned errors. After an error check has been completed, the employee will utilize the 'submit' function to electronically forward the report for supervisory review.

S. Report Review Procedures (**CALEA 82.1.2 e**)

1. Every report will be reviewed by a supervisor in a timely manner in accordance with Kinston Police Department Policy and Procedures. The supervisor who reviews the report will place his/her electronic signature on the report to indicate the supervisor has reviewed the report and has approved its contents for Agency purposes.
2. Supervisors shall check reports for accuracy and completeness. Reports not approved will be returned to the police officer completing the report for required corrections. Supervisors will either select “approve” or “reject” before the report is submitted electronically to the Records Division as verification that they have reviewed the report. Electronically approved reports are automatically forwarded to the Records Division and normally merged into the LERMS by the next business day. The records division may reject a report to the reporting employee or supervisor.

T. Distribution of Reports and Records

1. The Records Division personnel shall process reports and records by merging the original documents into the LERMS storage system. After the record is merged it is permanently stored in the LERMS storage system in accordance with NC Records Retention laws.

U. Internal Distribution

1. The Criminal Investigations Supervisors shall utilize their assigned computers to review reports and records for follow-up assignment. The Criminal Investigations Supervisors will screen all cases and make case assignments in accordance with Kinston Police Department Policy and Procedures.

V. External Distribution (**CALEA 82.1.1 c**)

1. Copies of police reports will be provided to law enforcement/criminal justice agencies upon request. The information contained in the police report must be needed for performance of their official law enforcement duties. The only exception to this rule is the Special Investigations case files.
2. The release of information from the Criminal Investigations case files must be authorized by either the investigating officer or the Investigations Supervisor.
3. The Kinston Police Department shall release the following records to the public upon request:
 - a) Select pages of case reports
 - b) Redacted arrest reports
 - c) Redacted NC DMV-349 Crash reports

4. Requests for audio and video recordings must abide by N.C.G.S. 132-1.4A. Requests for reports can be made in person, through written request, or on-line. On-line reports include:
 - a) TRACS (MVC reports)
 - b) Daily case reports
 - c) Daily arrest reports
 - d) Drug Arrest report
 - e) Daily calls for service
5. All reports of incidents involving juveniles as either the victim or suspect, or incidents involving sex crimes shall have the names of the juvenile or the sex crime victim removed.
6. North Carolina General Statute 132-1.4 stipulates those records of criminal investigations or records of criminal intelligence information are not public records with the following exceptions:
 - a) The time, date, location, and nature of a violation or apparent violation of the law reported to a public law enforcement agency
 - b) The name, sex, age, address, employment, and alleged violation of law of a person arrested, charged, or indicted
 - c) The circumstances surrounding an arrest, including the time and place of the arrest, whether the arrest involved resistance, possession or use of weapons, or pursuit, and a description of any items seized in connection with the arrest
 - d) The name, sex, age, and address of a complaining witness
7. Kinston Police Department personnel may temporarily withhold the name or address of a complaining witness pursuant to North Carolina General Statute 132-1.4, if release of the information is reasonably likely to pose a threat to the mental or physical health or personal safety of the complaining witness or materially compromise a continuing or future criminal investigation or criminal intelligence operation. Release of the information is governed by North Carolina General Statute
8. The Kinston Police Department may release other records not categorized as confidential to the public upon request.

W. Records Index

1. Master Name Index An alphabetical master name index is maintained through the LERMS computer system. The master name index includes names of persons identified in incident reports, supplemental reports, arrest reports, NC DMV-349 crash reports traffic citations, tow/impound reports and mug shots. The following types of people meet the criteria for inclusion into the master name index:
 - a) Victim
 - b) Reporting Party
 - c) Suspect/Offender
 - d) Arrestee
 - e) Witness
 - f) Injured (crash report related)
 - g) Other/Mentioned
 - h) Persons of Interest

X. Calls for Service Records

1. The Kinston Police Department maintains a computerized database containing records that includes service calls, crimes by type, and crimes by location. This information is available to all Department personnel via computerized query of the Computer Aided Dispatch (Lenoir County 911 System), as well as the LERMS.

Y. Traffic Records System

1. The Kinston Police Department utilizes various systems to maintain or have access to traffic information to include:
 - a) Crash data, (reports, investigations, and locations)
 - b) Traffic enforcement data, (citations, arrests, dispositions, and locations)
 - c) Report of roadway hazards and hazardous conditions

Z. Traffic Citations (**CALEA 82.3.4**)

1. The Administrative Office of the Courts manages the automated program eCITATION used by NC law enforcement agencies. eCITATION allows officers to issue a state citation for traffic offenses without having to handwrite data. The forms are completed electronically and the offenders copy is printed from the vehicle. Once an officer has submitted the information, it is uploaded almost immediately to the local Clerk of Superior Court's office.

2. Officers are issued Uniform Traffic Citation books as needed. Handwritten citations should be utilized for driving while impaired offenses and city ordinance traffic violations. The Support Service Major or designee shall obtain uniform state citation books from the Clerk of Court as needed. Uniform state citation books shall be stored in a secured area with restricted access. Squad supervisors shall contact the Support Service Major or designee to obtain state uniform citation books which are then assigned to the requesting supervisor. Support Service Major or designee shall record the control numbers from each uniform state citation book issued and the date issued. The requesting supervisors shall issue citation books to the police officers and shall maintain a log of citation books assigned to police officers.

AA. Accounting for Citations and Citation Books

1. Police officers are accountable for the citation books issued to them. Citations are cross-referenced by the issuing police officer's name and date of issuance.
2. If a citation or citation book is lost or stolen, the police officer shall immediately notify the police officer's on-duty supervisor. The police officer shall write and submit a memorandum that explains the circumstances of the loss. The citation control number(s) should be identified in the memorandum. If either a citation or a citation book is missing, a copy of the memorandum submitted by the police officer should be taken to the Clerk of Court's office.
3. The police officer shall return used citation books to the on-duty supervisor. The supervisor shall inspect the used citation book to ensure that all necessary copies are accounted for, and record the used citation book as being returned next to the name of the police officer submitting the book. The supervisor shall verify that all of the yellow copies of the citations have been left in the citation book prior to returning the used citation books to the Support Service Major or designee.
4. Additional policy and procedures relative to the preparation and accountability for Uniform Traffic Citations is presented in the Kinston Police Department policy and procedures, 500-1, Traffic Operations.

BB. Operational component Records

1. Operational records are maintained as follows:
 - a) The Kinston Police Department's LERMS shall be the central repository for all offense and incident reports, arrest reports, citations, other field reports, and official records.
 - b) The Kinston Police Department's TRACS server shall be the central repository for all NC DMV-349 crash reports completed in-house. Statistical data for crashes will be imported from the TRACS server into the LERMS.
 - c) The VICE Unit shall maintain a secured file containing Kinston Police Department Intelligence and Informant activities.

- d) The Investigations Division shall maintain only working files of current investigations concerning juveniles.
- e) The Administrative Assistant, assigned to the Chief of Police shall maintain the Department's personnel records and training records shall be maintained by the Training Sergeant.
- f) Grant files and grant records shall be placed in a binder and stored in the Grant Manager's Office until the grant is completed. Once the grant is closed, the grant shall be placed in the Kinston Police Department records room in a file cabinet.

CC. Criminal Identification and History Criminal History File

- 1. The Department database includes a criminal history file maintained on every person arrested by the Department. The file can include:
 - a) Fingerprint card
 - b) Criminal history transcripts (state and federal)
 - c) Photograph (mugshot if available)
 - d) Arrest reports
- 2. Arrestee criminal history file information is maintained in at least one of the following locations:
 - a) North Carolina State Bureau of Investigation, Division of Criminal Information (DCI)
 - b) Police Department LERMS
 - c) Clerk of Court's office
 - d) Kinston Police Department Crime Lab
- 3. All information subject to inclusion in an arrestee's criminal history file is accessible through the DCI terminal and is cross-referenced according to a number of descriptors including, but not limited to:
 - a) Name
 - b) Case number
 - c) FBI number
 - d) SID (state identification) number

DD. Arrest Identification Number

- 1. The Kinston Police Department's records management system automatically assigns a unique identifier to each person entered in the system. All arrests and other information concerning that person should be referenced to his or her unique identifier. The Records Division Supervisor or designee shall ensure that numbers are not skipped or duplicated.

EE. Access and Dissemination of Criminal History Records

1. The State Bureau of Investigation (SBI) Division of Criminal Investigative Records (DCI) maintains a computerized criminal history of individuals who have been arrested and/or for which the SBI has a valid criminal fingerprint card.
2. Access is restricted to DCI authorized law enforcement/criminal justice agencies and personnel.
3. DCI provides an automated log of criminal/investigative inquiries. The automated log will contain the information supplied by the operator in the inquiry screen. Secondary dissemination to any person outside the initial requesting agency must be indicated in the inquiry screen or in the case file pertaining to that record. All inquiries and disseminations must comply with all DCI rules regarding access and dissemination. Any misuse or possible violations must be reported to DCI. Violations may result in loss of access and/or fines to the agency.
4. The NC SBI identifies all regulations and requirements for DCI certification, access, and dissemination of criminal histories.

FF. Training

Appropriate Training will be provided to agency personnel responsible for records management. **(NCLEA 4.01)**