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PURPOSE: To establish the Records Administration function for the Town of Lexington Police Department.

POLICY: It is the policy of the Lexington Police Department to maintain a comprehensive records system that is in compliance with established legal and accreditation guidelines. The Department intends to fully comply with State and Federal law and the Freedom of Information Act. Consistent with applicable laws, the Department will make complete criminal justice records available.

I. Organization

A. Records Component

- 1) The Records Administration function shall be assigned to the Office of the Chief of Police.
- 2) The Chief of Police shall assign records management tasks and responsibilities to Department personnel at his discretion.

B. Records Management Functions (CALEA 82.1.5)

- 1) Report Review
 - (a) Report review is delegated to the shift supervisor of the day and/or evening; however, this does not prevent the supervisor of the reporting officer or employee from reviewing their subordinates' reports. (CALEA 82.2.14 e)
 - (b) This review is made to ensure completeness and accuracy of all reports submitted and that all required reports are completed.
 - (c) The designee of the Chief of Police will conduct a secondary review of reports to ensure that SLED regulations and the requirements of the electronic Report Management System (RMS) are met as well as the case number being correct and unduplicated.
 - (d) This secondary review of reports shall be the responsibility of the employee assigned to management of the Department's reporting system.
- 2) Report Control

- (a) The Department's Administrative personnel will control the availability, disclosure, or confidentiality of all reports and records in accordance with all applicable laws and Departmental policy. (CALEA 55.2.4)
- 3) Records Maintenance
 - (a) The Department's Administrative personnel will maintain all reports and records and distribute copies to authorized persons/agencies. (CALEA 55.2.4)
- 4) Records Retrieval
 - (a) Filing and retrieval of reports will be by the assigned case number.

II. Documentation

- A. It is the policy of the Lexington Police Department that official records are prepared and maintained to document every police activity, whether originated by a citizen or a Department member. (CALEA 82.2.1 a)
- B. Documentation will be prepared for the following categories of incidents, if they are alleged to have occurred within the Town of Lexington:
 - 1) Reports of crime (CALEA 82.2.2 a)
 - 2) Formal complaints regarding actions of Department employees (CALEA 82.2.2 b)
 - 3) All requests for services of the Department when an officer is dispatched, an employee is assigned to investigate, or an employee is assigned to take action at a later time. (CALEA 82.2.2 c)
 - 4) Criminal and non-criminal cases initiated by or coming to the attention of Department personnel. (CALEA 82.2.2 d)
 - 5) Incidents involving arrests, citations or summonses. (CALEA 82.2.2 e)
- C. Report Forms
 - 1) Procedures (CALEA 82.2.1 d)
 - (a) Members of the Lexington Police Department will use the appropriate report form(s) as indicated by the nature of the incident being reported.
 - (b) Such forms will be well written and complete to maintain quality and integrity of the electronic Records Management System.
 - (c) A supply of blank forms used by the Police Department will be kept assessable by patrol officer and shall also be maintained in an area of the Police Department accessible to all employees.
 - (d) The Patrol Division Supervisor will be responsible for ensuring the availability of necessary forms.
 - 2) Documentation of police activity shall be upon the below listed forms (CALEA 82.2.1 b):
 - (a) Incident Reports:
 - (i) Incident reports shall be used to record all custodial arrests.
 - (ii) Incident reports shall be completed on criminal acts that are brought to the attention of an officer and occur within this agency's jurisdiction. In

some instances a report should be made even though the complainant does not wish to file charges or have a report made.

- (iii) Traffic collisions involving a fatality.
- (iv) Incidents of a non-criminal nature which may require an incident report such as:
 - ◆ deaths (natural and suicide),
 - ◆ suicide attempts,
 - ◆ missing persons,
 - ◆ fires not classified as arson,
 - ◆ assistance rendered to another agency,
 - ◆ medical assistance rendered to an individual if the individual was transported to a medical facility,
 - ◆ lost/found property,
 - ◆ recovered stolen property, etc.
- (b) Supplemental or Investigative Report
 - (i) Submitted when it is necessary to explain, expand, or continue with information from the incident report;
 - (ii) To record confidential information not contained in the incident report such as investigative leads and unsubstantiated information which could be of investigative use such as intuitions, hunches, possibilities, etc.
- (c) Custodial Promise Forms
 - (i) Completed on all juveniles arrested but not taken into custody and released to a parent or custodian pursuant to General Order 840.1.
 - (ii) Forms shall be signed by the person taking custody of the child.
- (d) Field Interview Reports
 - (i) Completed by an officer initiating an officer-citizen contact of an investigatory type (Terry stop)
 - (ii) To document any activity deemed suspicious by the officer
 - (iii) Or any other officer-citizen contact the officer deems is necessary.
- (e) Evidence Forms
 - (i) Required to report property taken into, or released from, custody, in accordance with departmental policy.
- (f) Collision Report
 - (i) Required of the investigating officer conducting a collision investigation in accordance with Department of Public Safety procedures.
- (g) Witness Advisement Forms
 - (i) Completed and issued to witnesses as a courtesy subpoena reminder for court dates and times.
- (h) Statement Forms
 - (i) Required when taking a statement.
 - (ii) Should be witnessed, signed/dated by the statement provider
 - (iii) A copy shall be given to the statement provider.
- (i) Arrest Warrants
 - (i) Completed as the charging document for General Sessions and Summary Court charges not outlined by item “k” below.

- (ii) Arrest warrants shall be completed in their entirety to include an affidavit with corresponding signatures from the affiant and judge.
 - (iii) Arrest warrants shall be signed by the serving officer and be served in accordance to General Order 840.4.
 - (j) Receipt of Complaint Form
 - (i) Completed to document all complaints against the agency in accordance with General Order 410.1.
 - (k) Uniform Traffic Ticket
 - (i) Completed in accordance to General Order 530.1 as the charging document pursuant to SC Code of Laws 56-7-10 as well as all municipal ordinance violations.
 - (l) Warning and Parking Tickets
 - (i) Completed in accordance to General Order 530.1
 - (m) Any other official form used by officers in the performance of their duties to report certain specialized situations.
- D. All reports and records maintained to document police activity will be completed in accordance to their respective manuals or user guides. At a minimum such reports shall contain the following information, if applicable (CALEA 82.2.1 c):
- 1) Date and time of initial report.
 - 2) Names of victims and complainants.
 - 3) Type of incident.
 - 4) Narrative of incident
 - 5) Date, time and type of action taken by police personnel.
- E. Report Numbering (CALEA 82.2.3)
- 1) The single case numbering system used by the Police Department requires the assignment of a unique number to all requests for service.
 - 2) Master numbers are automatically assigned by Lexington County Communications CAD System in numerical sequence beginning with the calendar year, followed by a sequential number.
 - 3) Traffic Collision Reports shall be filed by calendar date and attached case number.
 - 4) Under this procedure, all numbers are accounted for and should not be duplicated.
- F. Submission of Field Reports (CALEA 82.2.1 e)
- 1) Incidents from the electronic Records Management System are uploaded to the master database during report entry.
 - 2) Remote electronic records will be uploaded to the master database of the Records Management System at a minimum of the end of every shift.
 - 3) Submission of forms or other official documents will be accomplished by placing the documents within their designated in-house mail bins.

III. Report Control

- A. Every written report submitted by an employee will be reviewed by a supervisor for completeness and accuracy as specified in Section 1, item B of this order.
- B. In addition, the supervisor will check the report for neatness and legibility and will notify the reporting officer of unsatisfactory reports for necessary corrections.
- C. Distribution of Reports
 - 1) All approved reports (excluding reports done in the electronic Records Management System) will be forwarded to the Records Section for filing.
 - 2) Copies of all reports involving juveniles will be marked as such and filed by the Records Section in a separate and secured cabinet.
 - 3) A copy of each supervisory report involving injury to a Town employee or damage exceeding one thousand dollars (\$1000) to Town property will be sent to the Town of Lexington Personnel Office at the discretion of the Chief of Police.
 - 4) Any other report or copies of reports will be sent to personnel, other departments, or outside agencies as required.
 - 5) The distribution of reports to the public will be covered by the applicable provisions of the South Carolina Code of Laws and other applicable public records laws. SC Code of Laws 30-4-30(b)
 - (a) The Department may charge a fee for reports received by uninvolved parties. Any such fee shall not exceed the actual cost of searching for or making copies of records at the lowest possible cost to the person making such request.
 - (b) A numbered receipt shall be issued for any fee received by the Department for dissemination of reports.
 - 6) Schedule Of Fees
 - (a) The fees charged shall be determined by the Town Council.
 - (b) All fees are payable in advance.
 - (c) There shall be no fees to other law enforcement agencies.
- D. Status of Reports (CALEA 82.2.1 e)
 - 1) Criminal Offense Reports
 - (a) The Criminal Investigations Division Commander will review the newly posted reports on the Department's electronic Records Management System and make assignments for follow-up investigation as appropriate.
 - (b) The Administrative Specialist will conduct a daily audit of reports in the Department's electronic Records Management System computer. This will ensure that all reports are fully completed and correct.
 - 2) Traffic Accidents
 - (a) Traffic accident reports will be completed and submitted for supervisory review by the end of shift, unless approved by a supervisor.
 - (b) Reports requiring further investigation will be supplemented as appropriate.

- E. The Lexington Police Department will conduct an annual inspection of the complaint control recording and field reporting process.
- 1) The inspection will be performed by an individual appointed by the Chief of Police.
 - 2) The audit and evaluation should consist of a review and inspection of all phases of the report system and recommendation of needed changes in a written report to the Chief of Police. Policies and procedures in this general order will be included in the evaluation.
- F. Employees are encouraged at all times to make constructive suggestions for improvements in the reporting system.
- G. Records Security and Privacy
- 1) Direct access to files in the Records Section is limited to Records Section personnel and police supervisory staff who may also copy and release documents in the Records Section. (CALEA 82.1.1 a)
 - 2) Information contained in written reports stored in the Records Section will be released outside this Department in accordance with South Carolina law.
 - 3) Original reports or any portion thereof are not to be removed from the control of assigned Records personnel unless subpoenaed for court. When subpoenaed, a copy of the complete file will be made prior to release.
 - 4) Security precautions for criminal history records will be in accordance with regulations of SLED and the US Department of Justice regulations governing NCIC.
 - 5) Records information, to include in-house criminal histories, stored in the Police Department computerized Records Management system is only available to authorized personnel and restricted through a password system.
 - 6) When no Records Section personnel are on duty, the records storage room will be kept locked and the key secured. Computerized records to include individual criminal offense reports may be accessed at any time through the Records Management System. (CALEA 82.1.1 b, 82.1.2 c)
 - 7) The computerized Records Management System will be protected by password enabled computer. The RMS will not appear on a computer unless the user's profile is mapped to it. (CALEA 82.1.2 c)
- H. In accordance with the South Carolina Code of Laws, a schedule of retention and destruction records is established. Police case files and accident reports will be stored in the Records Room for the current and previous two years. The reports should then be placed in Town archives for required period. (CALEA 42.1.3 & 82.1.3)
- I. Records personnel will, upon receipt of a court order outlining the exact offense record that is to be expunged, promptly remove all information identifying that person on the specified offense from agency records. (CALEA 82.1.2 d & e)

- J. New Form Development (CALEA 11.4.2)
 - 1) The development, modification and approval of all forms used by the Department is the responsibility of the Assistant Chief.
 - 2) New forms or proposed changes to existing forms shall be reviewed and approved by the Command Staff with representation of the function for which the form is required.

IV. Records Operations

- A. Personnel assigned to the Records Duties will control the accessibility to all reports, records and other information stored in the Records Room.
- B. The Department maintains a secured room as a repository of records including:
 - 1) Case Files
 - 2) Traffic Accident Reports
 - 3) Traffic Citations
 - 4) Arrest/Bench Warrants
 - 5) Summaries of Incident Reports.
NOTE: Incident reports are stored on the Department's Computer system and are not in the records cabinets except in summary form or as part of a case jacket.
 - 6) The offense case files and traffic accident reports are filed sequentially by the report number or date. Reports are numbered as outlined in Section II.E.2 of this order. Citations are filed numerically by the number on the citation.
- C. A computerized master name index is maintained and available in the Department's electronic Records Management System. A unique number is assigned to each individual for all documented contacts. (CALEA 82.3.1)
- D. An automated index of incidents by location and type is maintained in the Police Department via the electronic Records Management System. (CALEA 82.3.6)
- E. An index of Found, Recovered and Evidentiary property is maintained in the Department's computer system and is protected by password access restriction. This index is maintained by the designated Evidence Custodian. (CALEA 82.3.2 b & c)
- F. The Lexington Police Department maintains criminal history files of persons arrested. It is in the form of a computerized entry in a "Master Index" module of the Records Management System. These case files may contain case summaries, photographs, and other hard-copy items not suitable for entry in the computerized files. The files are maintained in the records repository cabinets in the Police Department. Criminal history transcripts are available on-line through the state SLED/NCIC system. All files are cross-referenced by a master case number.
- G. Warrant and Wanted Person File

- 1) All warrants and wanted persons are entered into the NCIC/SLED system(s) through Lexington County Communications Center.
- 2) The Terminal Agency Coordinator (TAC) is responsible for updates and management of the department's computerized warrant files. (CALEA 74.1.3 c)
- 3) All hard-copies of active warrants shall be maintained in a warrant cabinet. (CALEA 74.1.3 g)
 - (a) The warrant file shall be secured at all times (CALEA 82.1.1 a) and;
 - (b) The files are accessible twenty- four (24) hours a day.
 - (i) The Clerk of Court and Records Clerk maintain a key to the cabinet available during normal business hours.
 - (ii) Keys are also issued to each command officer and supervisor for after hours access.
- 4) Procedures to maintain this file are as follows:
 - (a) Warrant entries will be made in accordance with procedures established in the SLED/NCIC manuals. (CALEA 74.1.3 a)
 - (b) Information may be received from other jurisdictions addressing warrants and wanted persons over the telephone, through Lexington County Communications. As a general policy, telephone communications will be followed up by confirming information over the SLED terminal. FBI/SLED Hit Validation Procedures shall be followed in all such cases. (CALEA 74.1.3 b & d)
 - (c) The Department will maintain an active warrant file as outlined above. All warrants will be stored and maintained in this file and the file will be periodically examined for accuracy and to ensure the outdated or canceled warrants have been purged.
 - (d) All information about a warrant will be verified before entering the warrant into the SLED system. When the computer indicates an outstanding warrant from another jurisdiction for a suspect, the information will be verified either over the telephone or by NCIC before an arrest is made.
 - (e) After a warrant is served, the arresting officer will ensure the wanted entry is canceled from the SLED and NCIC systems. (CALEA 74.1.3 f)
 - (f) Return copies of all warrants served shall be forwarded to the Clerk of Court who shall make appropriate updates in the computerized Warrant File.

H. Traffic Citation Records

- 1) Citations will be issued in accordance with procedures described in General Order 530.1.
- 2) An annual audit pursuant to SC DMV procedures will be conducted to ensure accountability for blank and issued tickets. (CALEA 82.3.4 b)
- 3) The blank citation forms will be stored within a secured cabinet in the Patrol Division. Once a citation is issued, a copy of the citation will be filed numerically in the Records storage room. (CALEA 82.3.4 c)
- 4) The citation number is cross-referenced by the arrest incident report entry typed into the LawTrak computer system. The citation number is stated in the narrative of the incident report.

- 5) Dispositions for issued citations will be entered in the computerized Court Docket file by Records personnel or by the Town of Lexington Clerk of Court as they are received from the applicable court.

I. Recording Arrest Information (CALEA 1.2.5)

- 1) An incident report generated from the Department's electronic Records Management System must be completed for every person physically arrested on a criminal charge.
 - (a) The report will contain the details of the arrest and the processing of the suspect.
 - (b) This report should be filled out as completely as possible.
 - (c) Details not appropriate for release to the public should be included within non-public screens of the electronic RMS.
- 2) New fingerprint cards and photographs are required on all adults arrested by this department and are obtained by the Lexington County Detention Center.
- 3) The Department does not maintain fingerprint cards from the Detention center.
- 4) Photographs are not maintained for all suspects arrested however they may be included in case files or line-up books as available.
- 5) Booking reports are filed in the case files for reference.

J. Records Maintained Outside of the Records Section (CALEA 82.3.5)

- 1) Some records, usually of either a confidential nature or containing such information which renders them more appropriately stored in a specific unit or section, are maintained outside the Records Room.
- 2) Reports and records which are maintained by the various components within the Police Department include, but are not limited to:
 - (a) **Patrol Division Supervisor** - Equipment and supply records.
 - (b) **Criminal Investigations Supervisor** - Active case files, confidential informant files.
 - (c) **Special Operations Division Supervisor** - Training files, community operation files.
 - (d) **Office of Professional Standards** - Accreditation files, Line of Duty Death Forms, Internal Investigation Records, Pursuit/Use of Force Reports, NCIC forms and paperwork.
 - (e) **Terminal Agency Coordinator (TAC)** - Outstanding warrants and pending charging documents.

K. Separation of Juvenile and Adult Criminal History Records (CALEA 82.2.4)

- 1) Juvenile Records shall be prominently marked as such. (CALEA 82.1.2 a)
- 2) Juvenile Records shall be kept separate from adult records by using a separate secured storage cabinet accessible only by the Records Clerk. (CALEA 82.1.2 a & c)
- 3) In the rare instance where a juvenile is fingerprinted and photographed, such prints and photographs will be filed in the juvenile records maintained by the

Records Section. See 840.1 for further guidance on fingerprints and photographs of juveniles. (CALEA 82.1.2 b)

L. Uniform Crime Reporting / RMS Procedures

- 1) All offense reports received by the Records Section are assigned a Uniform Crime Report/RMS classification when entered by the officer.
- 2) The Police Department electronically submits UCR/RMS report information to SLED monthly.

V. Inspection, Search, Retrieval and Copying of Records (CALEA 82.1.1 c)

A. Any person may request inspection of records between the hours of 0900 and 1500, Monday through Friday, excluding holidays.

B. A schedule of fees for records search, retrieval and copying shall be shown to any applicant upon request.

C. The collection of fees shall be accomplished before search and retrieval of records.

D. A search for requested records shall be made as soon as practical.

E. The employee disseminating the records shall determine if inspection and /or copying can be allowed under applicable law.

F. Records of Official Action

- 1) Assigned Records Personnel shall make records of official action available to all applicants for those records.
- 2) If the requested records are not within the control of assigned Records Personnel, the applicant shall be informed of that fact.
- 3) If the records are in active use or storage and not immediately available for inspection, a time shall be set within three working days when the records will be available.

G. Denial of Access

- 1) Pursuant to the discretionary power granted, if disclosure would be contrary to the public interest, access to records consisting of the following shall be denied to all persons except law enforcement authorities:
 - (a) Active investigations conducted by this or any other law enforcement agency
 - (b) Intelligence information or security information of this or any other law enforcement agency
 - (c) Investigatory files compiled for any other law enforcement purpose. If access is denied, the applicant shall be informed of the grounds for denial.

Exceptions: The Department will, after criminal charges have been filed, grant access of records of investigations to all criminal justice agencies, defense attorneys representing the

person in interest and may grant such access to members of the news media and any other person unless such access is contrary to law.

VI. Challenges To Accuracy Of Records

- A. All requests for corrections of records shall be in writing.
- B. Applications may be made only by the person in interest.
- C. Assigned Records Personnel shall consider the application and either grant or deny the request depending upon merit.
- D. If the request for correction is granted, assigned Records personnel shall take the necessary action to correct the record.
- E. If the request for correction is denied, assigned Records personnel shall notify the applicant of such fact and the grounds for refusal within thirty (30) days. If additional time to consider the request is needed, the applicant shall be notified in writing within the initial thirty (30) days.

VII. Sealing Of Records

- A. Records personnel shall comply immediately with any Order of the Court to seal any record.
- B. Any record sealed shall be sent to the court making the order.
- C. Any person requesting inspection of sealed records or inquires as to whether such records exist, they shall be advised that no such records exist within the Department.
- D. The Department, within thirty (30) days after receipt of the order, shall advise the court and petitioner in writing of compliance with the order unless it is stayed pending appeal.
- E. The physical destruction of Department records shall be as directed by the Chief of Police in accordance with established legal and procedural guidelines.

VIII. Order Limiting Release Or Access

- A. Upon receipt of a court order limiting the release or access of arrest and criminal records information, assigned Records personnel shall immediately comply and prohibit the release and/or access to such records to any person or agency other than:
 - 1) The person in interest
 - 2) A criminal justice agency in the State of South Carolina
 - 3) A similar agency in another state

- 4) A similar agency of the Federal government.
- B. The assigned Records personnel shall annotate the file with the term **“Access Limited.”**
- C. The Department, within thirty (30) days after receipt of the order unless stayed pending appeal, shall advise the court and petitioner in writing of compliance with the order.

IX. Security Of Records

- A. Only the Chief of Police or assigned records personnel assigned shall have the authority to grant permission to inspect or copy criminal justice records by persons not employed by this Department.
- B. All Department records shall be physically secured in order to ensure that they are permanently preserved and that access by persons not employed by this Department can be accomplished only through requests directed to Records personnel.
- C. When inspection of records is granted, the Chief of Police or his representative shall be present during the inspection. Care must be taken not to allow any person to remove, destroy, conceal or damage any record during inspection.
- D. Copies of records by persons not employed by this department shall be made only under the supervision of Records personnel.
- E. To ensure that the applicant is as represented, Records personnel shall require the production of appropriate identification.