NEW BERN POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL	
Chapter: 82	**Central Records**
Effective: 03/01/2014	**By the Order of:**
Revised: 5/19/2021	**Patrick L. Gallagher, Chief of Police**

82.1.1 Privacy and Security Precautions

The Department shall control physical access by authenticating visitors before authorizing escorted access to physically secure locations (except for those areas designated as publicly accessible). The Department shall escort visitors at all times and monitor visitor activity.

1.   The Department is not required to log in visitors that stay within the public access area, which is the front lobby or reception area. Visitors going beyond the front perimeter have to be logged in. This includes employee spouses and children. Once logged in, these individuals must be escorted at all times within the facility.

2.   Non-employee vendors, who routinely need to frequent a physically secure area, can choose to undergo a background check and be fingerprinted so that a continuous escort is not required. The Department will still require such a vendor to "log-in" as a prudent security measure.

3.   A non-employee service vendor that might possibly change from week to week (such as a vending machine servicer) will log-in and be escorted due to the likelihood that multiple persons may be associated with the servicing responsibility.

4.   In the case of non-employee law enforcement personnel, a background and fingerprint check is not required. The Department will need to be able to articulate and defend the practice as to why non-employee personnel are not required to log-in while visiting the department's physically secure areas.

The agency shall maintain visitor access records to physically secure locations (except for those areas designated as publicly accessible) that include:

1. Name and agency of the visitor.
2. Signature of the visitor.
3. Form of picture identification used to verify identification.
4. Date of access.
5. Time of entry and departure.
6. Purpose of visit.
7. Name of agency person visited.

The Chief of Police or designee shall review the visitor access records monthly for accuracy and completeness. The visitor's log must be kept on file for a minimum of one year.

A. **Security of and Controlling Access –** The physical access and security of the Technology and Records Unit and RMS is paramount due to the nature of the information stored, collected, and processed and the various statutory requirements.

Unescorted access to the Technology and Records Unit Office is restricted to the following personnel:

1. Technology and Records Unit Personnel;
2. Technology and Records Unit Supervisor;
3. Support Services Section Manager;
5. Services Division Captain; and
6. Chief of Police.

B. **Accessibility after hours -** Access to the Departments RMS and hard copy files are available to authorized personnel as follows:

1. Computerized records stored within RMS are accessible to all authorized department personnel. These records are controlled by individual operating systems and RMS program logins and passwords.
2. Hard copy records stored within the Technology and Records Unit filing cabinets are accessible to all authorized Department personnel by contacting the Technology and Records Unit Supervisor, Support Services Section Manager or Services Division Captain.

C. **Release of Agency Records**

Information from Department Files: Generally, it is the responsibility of the Chief of Police or designee to obtain and release requested information from Department files. However, other personnel who have custody, control, and authority over specialized files, information, or data in their division or section may release information from those files in accordance with this order and public records laws. Nothing herein is intended to infringe upon the right of the media to examine public documents as allowed by law. Personnel who release information concerning department operations to the media shall inform the Chief of Police or designee of such release as soon as practical.

The Technology and Records Unit PSTs control the release of departmental records in compliance with applicable state and federal laws. Prior to the release of a department record, PSTs will inspect the information to ensure that the release of such record conforms to NCGS Chapter 132.

Request for information concerning ongoing criminal investigations will be referred to the PIO or Section Lieutenant having responsibility over the investigation.

82.1.2 Juvenile records

A. **Distinguish Juvenile Records –** A juvenile is any person who has not reached their eighteenth birthday and is not married, emancipated, or a member of the United States Armed Services.

For criminal purposes in North Carolina, any person who has reached the age of 16 is subject to criminal prosecution in adult court. Juveniles between 16 and 18 years of age however are considered juveniles and their records will remain separate in accordance with NC General Statute 7B-3001.

B. **Fingerprints, Photos and other Forms -** Juvenile records, including fingerprint cards, photographs, contact records, incident reports or other records authorized for retention will be maintained in accordance with NC General Statute 7B-3001.

C. **Physical security and controlling access –** All juvenile records, will be maintained separate from adult victim and offender information and secured within the Technology and Records Unit as outlined in [82.1.1].

D. **Disposition of Juvenile Records -** Juvenile non-testimonial identification records will be destroyed in accordance with NCGS 7B-2108.

E. **Expungement, When Ordered by the Court -** Court ordered expungement is performed in accordance with NCGS 15A Article 5.

Hard Copy File: The original report and all copies will have the person's identifying information removed from the report by blackening out the information on the report and a note indicating the blackened out areas are due to a court ordered expungement.

Electronic Files: Information that is subject to expungement will be replaced with the word "Expunged". Race/Sex indicators will be replaced using "U" for unknown and SSN and date of birth information will be replaced with zeros.

The original expungement order will be sealed in an envelope and filed in a secured cabinet. Release of the expungement order will be by court order only.

A copy of the original expungement order is attached to the SBI Final Disposition Report and forwarded to the SBI, who in turn will forward the order to the FBI.

82.1.3 Retention schedule - The department maintains a record retention schedule in compliance with the "Municipal Records Retention and Disposition Schedule" issued by the N.C. Department of Cultural Resources Division of State Archives.

82.1.4 Collecting and Submitting Crime Data – The New Bern Police Department will use the department Records Management System (RMS) to collect and document criminal activity which will be submitted to the State of North Carolina as part of the Incident Base Reporting (IBR).

82.1.5 Status of Reports – The New Bern Police Department Records and Technology Unit will receive and process reports in accordance with the guidelines established by the department RMS.

82.1.6 Security of Central Records Computer Systems

A.   **Data Back-up –** The New Bern Police Department maintains its RMS on department servers. The Server backups are completed daily by an automated system and verified by the Technology and Records personnel.

B.   **Storage –** The department maintains two servers for storing and backing up data, one on sight and the second as a backup server off sight. Back-up medium will be retained for a minimum of 60 days before they are recycled for use. In the event that the backup medium is no longer usable, it will be destroyed.

C.   **Access Security –** Server Access and Security: The access and security of the Technology and Records Unit and assigned rooms is paramount due to the accessibility of computer systems.

Unescorted physical access to the Technology area and area where the servers are physically maintained, is restricted to the following personnel

1.   Technology and Records Unit personnel;
2.   Services Division Captain;
3.   Support Services Section Manager and
4.   Other department authorized personnel, to include select City IT personnel, identified as necessary by the nature of their assigned duties.

D.   **Password Audits, at Least Annually -** The Technology and Records Unit will perform annual audits to ensure that all programs in use are properly licensed. Personnel assigned to Technology and Records will monitor and perform annual audits of all passwords, access codes and access violations to the computer systems. Technology and Records personnel will ensure that passwords used conform to current computer industry security standards to ensure the integrity and security of information contained in the system.

82.1.7 Protocol for Computer Criminal Records - The Technology and Records Unit will maintain, within RMS, criminal history information on all persons processed by the New Bern Police Department. Criminal history transcripts are accessible through the NC DCI/NCIC computer systems.

All criminal history information shall be disseminated in accordance with NCGS Chapter 132. Complete and uncensored information may be disseminated to:

1.   Authorized officers or employees of criminal justice agencies, police officers, sheriff's deputies, State and Federal law enforcement agents, probation and parole officers, etc.
2.   Agencies of State and Federal governments conducting investigations to determine employment suitability or eligibility for security clearances allowing access to classified information.
3.   Agencies or individuals authorized by court order or rule.
4.   Agencies of any political subdivision of the State conducting applicant investigations for public employment, permit or license.

82.2.1 Field Reporting Systems

A.   **Guidelines to Indicate When Reports Are Taken -** An official police record, on the appropriate forms or electronic format, is required in all of the following when the incident occurs within the jurisdictional limits of the New Bern Police Department:

1.   Citizen complaints;
2.   Reports of criminal activity;
3.   Follow-up investigations;

4.	Incidents involving arrest, citations, or summons;
5.	Criminal and non-criminal cases initiated by officers and
6.	Traffic Crashes

B.	**Forms to be used in Field Reporting** – All reports filed documenting incidents as identified in Bullet A of this order will be completed using the departments Mobile Reporting or Records Management System.

In the event that the officer does not have access to a MDC, or access to the department's network is not available, the officer will use the appropriate field case report form, supplied by the N.C. Division of Criminal Information. Traffic Crash Investigation Reports will be completed using the DMV-349 (Crash Investigation Report) form.

C.	**Information Required in Field Reports** – Officers taking reports should follow the guidelines established by departmental training and the NC Justice Academy Report Writing Guidelines outlining the Who, What, When, How and Why.

D.	**Completing Field Reports -** Officers issued a Mobile Data Computer (MDC) or Desk Top Computer will use the appropriate report option to document incidents and investigations. When no computer is available, Citations, Field Interviews and Traffic Crash Investigations will all be completed on their corresponding hard copy forms and submitted in that format.

E.	**Submitting, Processing and Review** – All incident reports, case reports, crash reports and supplemental reports are to be submitted to the reporting officer's supervisor prior to the officer's tour of duty unless otherwise approved.

Supervisors will be responsible for reviewing and processing each report for completeness and accuracy prior to going off duty unless otherwise approved. Reports that are approved should be forwarded to the Technology and Records Unit for merge or filing dependent upon submission method.

Technology and Records Staff are responsible for merging all reports daily and upon request by a supervisor. If the Technology and Records Staff are unavailable, Communications will be responsible for the daily merge.

**82.2.2	Categories of Reporting**

A.	**Citizen Reports of Crimes** – In all incidents when criminal activity are reported, officers will complete a case report in accordance with Chapter 82.2.1

B.	**Citizen Complaints** – Any member who receives a complaint from a citizen regarding a violation of a policy or procedure of the Department is responsible to report such complaint to the appropriate supervisor as soon as possible.

In all incidents when a citizen complaint is made, supervisors will properly document the complaint.

C.	**Dispatched or Assigned Calls for Service** – Dispatching calls for service is done with the authority of the Chief of Police. The specific units and the number of officers dispatched will be based upon the nature of the call and the following priority system:

Priority One: Priority One (1) calls for service typically involve the potential of great bodily harm or imminent death to a person, or a serious in-progress felony such as a burglary or robbery. Every effort will be made to dispatch a minimum of two (2) officers to priority one calls. If only one officer is available to respond, officers busy on lower priority calls will be contacted to determine if they can break from their

call to respond. A Patrol Team Supervisor will also respond to all priority one calls. Should an officer choose to respond "code one" to a priority one call, the officer must advise Communications. Upon being advised that an officer is responding "code one" to a call, Communications will then advise the Patrol Team Supervisor of the officer's intended response. The Patrol Team Supervisor will have the option of authorizing or downgrading the intended response.

Priority Two: Priority Two (2) calls for service typically involve the strong possibility that personal injury or property damage may occur, or non-violent felonies and certain misdemeanors. Calls for service which have just occurred, where there is potential to halt criminal activity while in progress or when early intervention could change the outcome of the call, will also be categorized as priority two (2) calls. Calls in which a serious hazard exists, such as motor vehicle accidents with vehicles still in the roadway will also be dispatched as priority two (2) calls. A minimum of two officers will be dispatched to these types of calls when available.

Priority Three: Priority Three (3) calls for service typically require the routine response of emergency services. One (1) officer will be dispatched to priority three (3) calls for service.

D.   **Initiated by Law Enforcement -** In all incidents when criminal activity are reported, officers will complete a case report in accordance with Chapter 82.2.1

E.   **Arrests, Citations or Summons -** In all incidents when criminal activity other than minor traffic offenses and when officers are serving criminal processes for criminal activity not reported to the officer, officers will complete a case report in accordance with Chapter 82.2.1.

Officers will complete citations and arrest reports as required while processing traffic offenses and criminal processes in accordance with departmental guidelines and training.

82.2.3   Case Numbering System - All reports initiated by departmental personnel will be assigned a case number (OCA) obtained from the Communications Section. These numbers will be issued in sequence and will be the identifying number for all future references to that particular case. The number will consist of the four (4) digit year and then a sequential number. Each case will be assigned its own unique number.

82.2.4   Distribution of Reports and Records - An administrative reporting program of daily, monthly, and annual reports should provide management information on the activities of the department. Properly designed administrative reports will reflect comparative data and trends on activities. An administrative reporting system is an effective means of ensuring communications up the Chain of Command.

All officers will prepare and submit administrative reports as directed by their chain of command in accordance with Chapter [11.4.1].

82.2.5   Telephone/Internet Receiving of Incident Information - The Alternative Response Function will provide 24 hour a day access and service for the handling of priority "3" calls for service by telephone and citizen self-reporting via the department's internet page for identified incidents.

A.   **Call Screening** - Communications is responsible for screening requests for police service and determining if they can be handled by an alternative response. The complainant will be advised when the incident meets the requirements to be handled by an alternative response and that it does not require an officer to respond. The call taker will advise the complainant that the alternate response report will receive the same attention as if an officer responded to the scene. If the complainant insists that an officer respond, then the call will be dispatched to the appropriate community policing district officer with the proper priority.

If a call is dispatched to a patrol officer, the officer shall respond and handle the call. Officers shall not tell a complainant to file the report through an alternative response technique except under exceptional circumstances and then only with the approval of the shift supervisor.

B.   **Alternative Response Criteria** - Generally, calls with a dispatch priority of a "3" may be handled by an alternative response.

Priority "3" calls to be handled by alternative response should meet all of the following criteria:

1.   No indication that a person is, or will be, in any immediate danger;
2.   No injuries that require immediate medical attention;
3.   Call is not in progress (except nuisance type calls such as barking dogs and noise complaints when a telephone number for the "suspect" is available);
4.   No suspects are still in the area;
5.   No witnesses on the scene who would require the response of an officer to conduct interviews;
6.   Time lapse is too long for immediate response by patrol personnel to be effective;
7.   Call type does not appear in one of the categories listed below;
8.   Citizen is willing to have the call handled by an alternative response.

The following types of calls shall not be handled by alternative response and shall require the dispatch of a district officer:

1.   Abduction;
2.   Alarm;
3.   Bomb threat;
4.   B&E, burglary to residences, vehicles or businesses;
5.   Child abuse;
6.   Deceased person;
7.   Domestic Violence;
8.   Drowning;
9.   Fight, disorderly situation, and brawling;
10.   Fire;
11.   Homicide;
12.   Intoxicated person;
13.   Missing or runaway juvenile age 13 and under;
14.   Officer needs assistance;
15.   Open door or window;
16.   Person down;
17.   Robbery;
18.   Sexual battery;
19.   Shooting;
20.   Suspicious persons/vehicles;
21.   Traffic crash;
22.   Unknown problem/call for an officer;
23.   Vehicle or vessel theft;
24.   Weapons, recovered.

If a call fits into one of the categories listed within bullet B, and the complainant and all known involved parties have left the New Bern area and cannot or will not return to make a report, the report will be handled by the Alternate Response Function.

C.   **Walk In Reports** - Walk in reporting will follow the same procedures as outlined in Bullets A and B of this chapter.

D.   **Telephone Response -** If the complainant accepts telephone handling of the report, the call taker will:

    1.   Coordinate with the complainant a tentative callback window of time to be contacted by an officer to facilitate completion of the report taking process;

    2.   CAD the call to an officer in the appropriate Community Policing District.

Calls from Pay Phones - If the citizen is calling from a pay phone, the call taker should first check to see if an Alternate Response can handle the call immediately. If the Alternate Response Function is unavailable to handle the call immediately, the call taker shall dispatch a district officer.

A call that meets the criteria for alternative response and has physical evidence to be collected or processed may still be handled by a telephone response. In such cases, the person taking the report shall arrange for an officer/evidence technician to respond to collect and/or process the evidence. The officer/evidence technician collecting and/or processing the evidence shall supplement the original incident report.

Telephone Report Review - Reports submitted over the telephone will be reviewed through standard report review procedures by the shift sergeant or their designee.

E.   **Civilian On-line Reporting -** The online reporting system comes under the command of the Services Division Captain. The Support Service Section Manager will assign appropriate personnel as needed to operate the system, which will internally be password protected. The personnel assigned to administer the system have the authority and are responsible for the integrity, improvement and monitoring of the system.

Access: The Online police reporting system is accessed through the Internet and allows the user to submit a report and print a copy of the report. When referring this service to a citizen, ensure they have internet access and direct them to the New Bern Police Department website at http:// www.newbernpd.org. On the main page of the department website is a link labeled "Online Incident Reporting" The link directs the user to a menu of available reports and instructions on how to file the report.

Accepted Submissions: Reports currently allowed by the system include:

    1.   Damage to Property

    2.   Harassing / Annoying telephone call

    4.   Larceny

Referring Citizens to On Line Reporting - When department personnel receive a request for police service from a citizen wishing to report an incident, the request will be analyzed to determine if the request falls within the scope of an online report. If so, personnel receiving the request shall:

    1.   Determine if the citizen has Internet access.

    2.   Explain the online reporting process and the requirements of the party filing the report. Advise of the review process, completed by a Police Officer, and the potential for further investigation should suspect leads be developed. Ensure that citizens are aware that there is no cost associated with the process.

    3.   Advise the caller of the New Bern Police Department website address: http://www.newbernpd.org and the link titled, Online Incident Reporting.

    4.   If the citizen interjects and wishes to file a report with an officer, or if a citizen calls back and states they are having difficulty filing the report online, the incident will be documented and reported by current standard operating procedures.

Citizen Responsibilities: To file a report online, citizens must provide the same identifying information (name, address, telephone #, date of birth, etc.) as if they were filing a report with an officer. In addition, they must have an email address so that their report can be emailed to them.

Responding Officers Responsibilities - Unless strict criteria are met, officers who are dispatched to a call or during routine patrol or investigation in the community are engaged by a citizen who wants to report an incident will not refer citizens to the online reporting system. Acceptable criteria for officer referral are:

1. If the dispatched officer's response to a call is delayed due to present high call volume and upon arrival the citizen states that they no longer have time to meet with the officer and will have to file the report later, the responding officer can advise the citizen of the online reporting system as one of the options for filing the report. At no time will this system be utilized if the citizen requests an officer's presence.
2. If the citizen who has engaged the officer in the public does not have time to give a complete report to the officer at that time and requests to file the report later, the officer can advise the citizen of the online reporting system as one of the options for filing the report.

Review of On Line Reports

1. Reports will be reviewed by each Operations Sergeant or their designee prior to the end of their regular scheduled shift.
2. Reports will be reviewed, approved and imported in the Online Reporting System prior to going off duty. If the citizen report is misclassified, such as lost property, instead of theft, the reviewing officer will classify the report according to the elements of the offense/incident described by the citizen prior to submission.
3. The reviewing officer shall ensure that reports contain adequate information, recognizing that the reports may be forwarded to outside agencies or used for future prosecution.
4. Reports that do not fall within the scope of the online reporting system such as a burglary will be rejected. Reports will also be rejected if they did not occur within our jurisdiction and the reporting party referred to the respective agency. If an officer rejects a report, the reason for rejection will be appropriately and professionally noted in the rejection box, which is sent via e-mail to the citizen and a duplicate to police report e-mailbox.
5. The reviewing officer may issue a follow-up request to the reporting citizen in-lieu of approving or rejecting an online report. A follow-up request shall only be issued after first attempting to contact the citizen via telephone, email or in person to clarify the issue in question.
6. The reviewing officer shall request a Patrol response when, in the reasonable judgment of the officer, circumstances indicate an investigation is warranted. In this circumstance, the reviewing officer will approve the report and the citizen will be either sent an email or called, advising them that the case will be followed up on.

Follow-Up of On Line Reports - Cases requiring follow-up will be forwarded from the reviewing officer to the patrol sergeant via case management, who will in-turn assign an officer from their shift to investigate. To allow the assigned officer proper access to the report the patrol sergeant will need to enter the assigned officer as the "reporting officer" on the front of the report to both allow the assigned officer to update the report and to document this assignment.

The assigned officer will do the following:

1. Enter a narrative documenting their investigation
2. Make any necessary modifications to the incident report

3.   Forward the completed investigation to their patrol sergeant for review and approval

Administrative Review Procedures

1.   The Technology and Records Civilian Unit Supervisor will cause the following reviews to be complete: On or about July 1st of each year the Technology and Records Civilian Unit Supervisor will see that a documented review of the online reporting system is completed. This review will assess the system, community use, police personnel use, modifications, problems and improvements.
2.   Quarterly there will be an audit done which will review report rejections and submissions to identify concerns that need to be addressed.

82.3.1 Alphabetical Master Name Index – The agency maintains an alphabetical master name index via its Records Management System.

82.3.2 Agency Maintains Records to Include

A.   Service Calls and Crime by Type
B.   Service Calls and Crime by Location
C.   Stolen, Found, Recovered Evidentiary Property

82.3.3 Traffic Records Systems – The Traffic Unit Supervisor is responsible for the following:

1.   Maintaining files on traffic complaints received by the Department.
2.   Conducting statistical analyses of crash and enforcement data and program evaluations and
3.   Developing deployment plans for Traffic Unit personnel based on an analysis of traffic crash data and calls for traffic services. The following information should be used to analyze and deploy personnel:

        a.   Traffic collision data;
        b.   Traffic enforcement data and
        c.   Roadway hazard information

The Traffic Supervisor will utilize the departments RMS system and the state of North Carolina's E-Crash, and E-Citation as well as other available resources for the analysis.

82.3.4 Maintaining Records of Traffic Citations

A.   Issuing Citation Forms to Officers - Officers are to use E-Citation for the issuance of citations. Officers wishing to have a citation book, must obtain and return it from the clerk of court. Citations will only be hand written when electronic citations are unavailable.

B.   Accounting for Citations - Officers are to use E-Citation for the issuance of citations.

C.   Storing Citations in a Secure Area – Officers are to use E-Citation for the issuance of citations. Officers possessing citation books must turn them directly over to the Clerk of Court to receive another book once all of the citations have been issued.

82.3.5 Records to be Maintained – The departments electronic Records Management System will be used to maintain all electronic case files.

Case files in "Hard Copy" form will also be maintained within designated files inside of the Technology and Records Unit.

82.3.6 Assigning an Identification Number – Each person documented in any departmental reporting form will receive a designated identification number within the Records Management System in the form of a Global Subject Number. Individuals will be assigned only one Global Jacket number unless exceptional circumstances exist.