



I. ADMINISTRATION

- A. The Records Unit shall be responsible for the records function of the Division.
- B. The Records Unit function will include responsibility for at least the following:
 - 1. Receiving and reviewing reports and records submitted by Division personnel to assure completeness and compliance with Division policy.
 - 2. Auditing reports to ascertain those reports which may be delinquent.
 - 3. Maintaining Division reports/records in a manner which provides an efficient and secure means of storage.
 - 4. Retrieving and disseminating requested reports to Division personnel in a timely manner.
 - 5. Retrieving and disseminating requested reports to civilians and outside agencies as permitted.
 - 6. Receiving, recording and disseminating in a timely manner all legal process delivered to the Division.
- C. Security and Accessibility
 - 1. Due to the sensitive nature of reports and other records generated by the Division of Police, access to the Records Unit will be restricted by a sign on the door indicating "Restricted Access".
 - a. Records Unit personnel, during the normal working hours of the unit, will obtain records and reports for officers. **(82.1.1.a)**
 - 1. For purposes of this directive, normal working hours will be 0700 hours to 1500 hours.

b. During times other than normal working hours, in case of an emergency, the on-duty Patrol Lieutenant shall have the master key to the Records Unit.

1. Unless the report is of an extremely sensitive nature, Division personnel will have access to incident reports through the Law Enforcement Investigative Support System (L.E.I.S.S.) after normal working hours. **(82.1.1.b)**

c. The files in the Records Unit will be locked down during times other than normal working hours.

D. To assure confidentiality and privacy, the Records Unit will adhere to guidelines provided in Division policy and County and State Statutes regarding the release of Division records. **(82.1.1.c)**

Note: For procedures regarding the release of Division records, refer to the Records Unit Internal Operating Procedure.

E. Juvenile Records:

1. Law Enforcement records and files concerning a juvenile shall be kept separate from the records and files or arrests of adults.

a. The Delaware State Bureau of Identification (S.B.I.) maintains all original juvenile records.

1. Any juvenile offender that is arrested is issued a unique S.B.I. number that distinguishes them from other offenders. **(82.1.2.a) (82.3.6)**

2. Juvenile detainee information shall be entered in a computerized log that separates adult detainee information from juvenile information. The detainee logs are maintained by the Turnkey Officer(s) in the Processing Area. **(82.1.2.a)**

2. Unless a court otherwise orders in the interest of the child, the records and files of juveniles shall not be open to public inspection or their contents disclosed to the public. This prohibition extends to the viewing of the Juvenile Arrest Log, maintained in the Processing Area, by members of the media. Inspection of the records and files is permitted by:

a. The court having the child before it in any proceeding.

b. Counsel for a party to the proceeding.

- c. The officers of institutions or agencies to whom the child is committed.
- d. Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties.
- e. A court in which the child is convicted of a criminal offense for the purpose of a pre-sentence report or other dispositional proceeding, or by officials of penal institutions and other detention facilities to which the child is committed, or by a parole board in considering the child's parole or discharge or in exercising supervision over the child. **(82.1.2.c)**

3. Expungement/Disposition of Juvenile Records

- a. Juvenile records remain on file in DELJIS unless an expungement is obtained through the New Castle County Family Court.
- b. Records Unit personnel shall immediately destroy juvenile records after receiving an Expungement Order from Family Court.

Note: For more information regarding the expungements, refer to the Records Unit Internal Operating Procedure. **(82.1.2.d) (82.1.2.e)**

Note: For more information regarding juveniles, refer to Directive 44.

F. Records Retention

- 1. Records Retention shall comply with all federal, state, and local laws.
- 2. Records Retention Tables based on the Bureau of Archives and Records Management in Dover will be followed by the Division. **(82.1.3)**

3. A designated member of the Records Unit will perform the duties associated with records retention.
 - a. Questions or difficulties encountered with records retention (storage of the original, microfilm and/or distribution) should be referred to the designated member for records retention.
 - b. When records become used infrequently or storage is a problem, the records can be boxed and labeled, then sent to the Records Retention Center through the designated member for records retention.

G. Collection and Submission of Crime data

1. Crime data from the Delaware Criminal Justice Information System (DELJIS) is submitted to the National Incident Based Reporting System (N.I.B.R.S.), through the S.B.I. in Dover.
 - a. Police reports are generated in the automated, L.E.I.S.S. System, which loads the information directly into the State Criminal Justice Information System, (C.J.I.S.). The information is then reviewed for accuracy by Records Unit personnel.
 1. Any deficiencies that are discovered will be noted and the paperwork returned to the investigating officer for corrections.
 2. Upon approval, the report is submitted to the State Bureau of Investigation and then on to the FBI National Incident Based Reporting System (N.I.B.R.S.) **(82.1.4)**

H. Report Accounting System:

1. All original crime and collision reports are maintained by the State of Delaware through DELJIS.
 - a. The Records Unit will no longer keep copies of original reports on files.
 - b. Miscellaneous case forms and reports (ex. Miranda Forms, Consent Search Form, etc.) will be maintained in the Records Unit files.
 1. These forms and reports will be filed by complaint number.

2. The cases requiring follow-up investigation, the following standards will apply:
 - a. Criminal Investigation Unit - The primary investigating officer will submit a supplement report within fifteen (15) working days of being assigned the case and within every thirty (30) days thereafter until the case is closed. **(82.1.5)**
 - b. Uniform Patrol - The patrol officer assigned a case for follow-up investigation will submit an initial supplement report within five (5) days of their taking the initial report and within every ten (10) days thereafter, until the case is closed. **(82.1.5)**
 - c. Officers will write a supplement report when they become aware of any update or disposition related to any of their assigned cases or any other cases for which they obtain additional pertinent information. **(82.1.5)**
 - d. The Police Portal System automatically notifies each officer of their pending active reports as well as reports that have not been received. All officers are required to check the Portal each workday. **(82.1.5)**
 1. In addition to the above-mentioned reports, the Police Portal System, NC-4 and PowerDMS will keep officers abreast of current news, reminders, memoranda, subpoenas, pending active warrants and pass on information. The Portal also provides additional resources that will enable officers to perform their jobs more efficiently.

I. Records and Forms Modification:

1. All forms developed or needing modification for use by the New Castle County Police will be sent through the respective chain of command to the Chief of Police for approval.
2. The Administrative Branch Commander, or designee, will assign a control number (i.e., DPS #001- 01101988) for approved forms used throughout the Department of Public Safety and (i.e., DP #001-04302005) for forms specifically used only by the Division of Police. All forms will have a control number. A temporary number will be assigned to forms being used on a trial basis (i.e., DPS T #001-011088 or DP T #001-04292007).

3. Personnel will be advised if the new or modified form is approved or disapproved, with an explanation of the decision.
 4. All forms will be ordered through the Inventory Control Unit.
 5. Personnel should keep inventory of the forms they use and order replacements as needed.
- J. Form Classifications - The Division employs the use of two types of forms as noted:
1. Group I Forms are those reports, forms and form letters designed, updated, and controlled by governments, agencies, and departments outside the Division of Police, which can be ordered from the outside agency by their control number through the Inventory Control Unit. Suggested modifications will be directed to the appropriate agency through the Chief of Police via the Commander of the Records Unit.
 2. Group II Forms are those reports, forms and form letters designed, updated and controlled by the Division of Police after approval by the Chief of Police via the Records Unit and/or Administrative Branch Commander. (This also includes any outside agency forms, which cannot be ordered through the agency and must be printed by this Division.)
- K. Cash Management for Reports
1. Monies for copies of reports will be received into the Records Unit by a clerk typist or other designated personnel.
 2. Receipts will be maintained by the Records Unit and turned over to the Fiscal Control Unit every two weeks, who will verify the accountability of the funds received.
 3. Accounting for this process will be performed annually by the County Council Auditor.
 - a. Special audits may be conducted at the discretion of the County Executive.
 - b. Internal audits will also be conducted annually by the Police Finance Officer assigned to the Department of Public Safety.

L. Computer File Back-Up and Storage

1. A full back up of the Records Management System (R.M.S.) is automatically completed on a nightly basis. **(82.1.6.a)**
2. The taped back-up files/media are stored in an off-site secured facility at the New Castle County Government Center. The back-up media is rotated bi-weekly. **(82.1.6.b)**
3. The following security procedure concerning the R.M.S/C.A.D. systems has been established:
 - a. The security audit trail shall remain active at all times. The security audit trail records logons, what security level the user has and any attempted “break-ins” into unauthorized areas.
 - b. Requests for higher levels of security or access must be approved through the appropriate authorities.
 - c. Upon termination or resignation, an employee’s security file will be removed from the system.
 - d. A bi-annual review of authorized users will be performed, and the results reported to the appropriate authorities.
 - e. Under no circumstances is information regarding security or incidents to be revealed without proper written and/or verbal authorization from the Chief of Police or the Chief of Communications. **(82.1.6.c)**

M. Computer Password Security

1. It is the responsibility of all users of New Castle County Division of Police computer equipment to protect any and all secure information contained therein. No user will reveal his/her password to any other person. Passwords should be altered on a regular basis. Users should select a password containing a combination of numbers, letters and special characters to provide more security. Any user who suspects a violation of computer security protocol should immediately notify their supervisor.
 - a. Every ninety (90) days, users will be automatically prompted to change their security password.
 - b. The system will not allow the same password to be used twice. **(82.1.6.d)**

Note: For more information regarding the New Castle County Division of Police Computer Policy refer to Appendix 41-C.

- N. Only authorized persons, as designated by the Chief of Police, will have access to the Criminal Justice Information System (C.J.I.S.) and the National Crime Information Center (N.C.I.C.). Criminal history record information should be disseminated only to other agencies within the Criminal Justice System, unless approved by the Administrative Branch Commander.

Note: Title 11, Chapter 85, of the Delaware Code provides additional information on the dissemination of criminal history record information. **(82.1.7)**

- O. The Administrative Branch Commander or designee will perform periodic inspections of the Records Unit to assure that all phases of the reporting function and recording process are functioning as intended. The Records Unit will also conduct periodic self-inspections. Adjustments to Directives and Internal Operating Procedures will be made as necessary.

II. Field Reporting and Management

- A. All sworn members of the Division will have access to the L.E.I.S.S. training manual, which is available through the Portal System. This manual will act as a guide in determining:

1. When a field report will be written. **(82.2.1.a)**

2. What type of report or form will be used. **(82.2.1.b)**
 3. Information required in field reports.
 - a. Reports should include at least the following information:
 - 1) Date and time of initial report.
 - 2) Name (if available) of the citizen requesting the service or victim's or complainant's name.
 - 3) Nature of the incident.
 - 4) Nature, date and time of action taken (if any) by law enforcement personnel. **(82.2.1.c)**
 4. The procedures to be followed in completing field reports.
 - a. A help section is available through L.E.I.S.S. which provides officers with a quick reference guide of the procedures to be followed in completing specific types of field reports. **(82.2.1.d)**
 5. The procedure for submitting, processing and supervisory review of field reports. **(82.2.1.e)**
 - a. Supervisors will review reports for accuracy, content and legibility. Inaccurate and/or deficient reports will be returned to the submitting officer for corrections.
- B. When an incident meets one or more of the following criteria, and the incident occurs in the Division's reporting area, the incident must at least be documented in the Computer Aided Dispatch (C.A.D.) system:
1. Citizen reports of crime. **(82.2.2.a)**
 2. Citizen complaints. **(82.2.2.b)**
 3. Citizen requests for service when:
 - a. An officer is dispatched.
 - b. An officer is assigned to investigate.
 - c. An officer is assigned to take action at a later time. **(82.2.2.c)**

4. Criminal and non-criminal cases initiated by law enforcement officers. **(82.2.2.d)**
5. Incidents involving arrest, citations or summonses. **(82.2.2.e)**

C. Case Numbering System

1. The Emergency Communications Center (RECOM) maintains a sequential numerical call for service record beginning at 0001 hours on January 1, each year and assigns a unique ten (10) digit call for service number for each incident assigned to a unit.
 - a. The first two **(2)** digits designate the agency where the call for service originated, i.e. 32 for New Castle County. (A list of all agency designators in Delaware is contained in Appendix 82-A).
 - b. The second two **(2)** digits designate the year of the complaint.
 - c. The last six **(6)** digits represent the chronological order in which the call for service was received. **(82.2.3)**

D. Distribution of Reports:

1. Reports are electronically stored on the L.E.I.S.S. Central Repository and are accessible via the Information and Analysis Unit and the Records Unit.
2. Reports will be distributed to the Criminal Investigation Unit via the Records Unit.
3. Victims are provided a unique and individual case number for the reported incident from which they can proceed to court for warrants or obtain a copy of the report at a later date.
4. Copies of Impaired Driving Reports, Probable Cause Sheets and Driver Improvement Forms are forwarded to the D.U.I. Unit of the State Attorney General in the State Office Building.
5. Copies of Probable Cause Sheets and the original Driver Improvement Form are mailed to the Division of Motor Vehicles.

6. Traffic Collision Reports are automatically made available to the Director of Traffic, State Highway Department through the E-Crash System. **(82.2.4)**

Note: Specific information governing the number of copies and mailing addresses as well as other information regarding the Records function is noted in the Internal Operating Procedure of the Records Unit.

III. Records

A. Incident Reporting

1. The Division maintains only those written records not available in computerized format.
2. Incident Reports generated in L.E.I.S.S. are maintained by the State of Delaware through C.J.I.S.
3. Information can be retrieved through DELJIS or the New World Records Management System (R.M.S.), according to suspects' name, victim's name, witness' name, location of incident, type of incident, case number, etc. **(82.3.1) (82.3.2.a) (82.3.2.b)**
4. An index of stolen, found, recovered and evidentiary property will be maintained through DELJIS, N.C.I.C. and the Inventory Control Unit's use of R.M.S. **(82.3.2.c)**
5. The Criminal History File is maintained by the State of Delaware through DELJIS.
6. Modus Operandi information can be retrieved through DELJIS and R.M.S.
7. Case dispositions are maintained through DELJIS.

B. Traffic Records

1. Collision reports generated through the Delaware Automated Crash Reporting System (E-Crash) are stored and maintained by Delaware State Police Information System Services (I.S.S.)

2. The Records Unit will collect and maintain a computer record of the following types of traffic related information through the R.M.S:

a. Traffic collision data (reports, investigations, and locations). **(82.3.3.a)**

1) Records from collision reports shall be audited, coded and entered into a computer database.

b. Traffic enforcement data (citations, arrests dispositions, and locations). **(82.3.3.b)**

1) Records from traffic citations shall be audited, coded and entered into a computer database.

2) The Records Unit may release traffic information to appropriate persons according to federal, state and local laws.

3) Information gathered by the Records Unit may be disseminated and utilized by other members of the Division in the tracking and planning of traffic enforcement. **(82.3.3.b)**

c. Roadway hazard reports. **(82.3.3 c)**

3. Traffic Citations

a. Traffic citations will be electronically generated and stored through the State of Delaware E-Ticket System, with the violator's copy being printed in the officer's vehicle.

b. E-Ticket will automatically issue and track all citation numbers. **(82.3.4.a) (82.3.4.b) (82.3.4.c)**

c. Officers may utilize handwritten citations if E-Ticket is unavailable.

1) Citation books will be available for issue to officers by the on-duty Patrol Lieutenant or designee. **(82.3.4.a)**

a) Prior to being issued, all citation books shall be stored in the Inventory Control Unit or in the Arms Room, which are both secure and have limited access. **(82.3.4.c)**

b) The numbers contained in each book, and to whom they were issued, will be documented in the citation logbook by the on-duty Patrol Lieutenant or designee. **(82.3.4.b)**

d. Information from issued citations is automatically downloaded into the R.M.S.

1) Handwritten issued citations are filed in the Records Unit.
(82.3.4.b) (82.3.4.c)

e. All "Voided" citations will remain on file in proper sequence.

1) Tickets generated through the E-Ticket system cannot be voided.

a) Any officer generating a ticket that needs to be removed from the system must contact a supervisor or the Records Manager. The supervisor shall then contact the DELJIS Help Desk to have the ticket removed. **(82.3.4.b)**

f. Failure to Appear (FTA):

1) When a ticket is turned into a warrant for failure to appear (FTA) and is executed, an FTA charge (Title 21, Section 702) may be issued. No additional report is required.

C. Reports Maintained by other Division Components

1. Members of the Criminal Investigations Unit and the Traffic Services Unit may maintain case files on active investigations. These files should be transferred to the Records Unit when inactive. **(82.3.5)**
2. The Mobile Enforcement Team is permitted to maintain records under additional security as outlined in Directive 42 and in the Criminal Investigation Unit Internal Operating Procedures. **(82.3.5)**
3. Confidential records to be destroyed (according to the retention schedule) should be boxed, labeled, and given to the Records Retention Officer for proper destruction.

D. Criminal History File

1. A State Bureau of Identification (S.B.I.) number will be assigned to each person arrested. All subsequent arrests will be referenced to this number as a means of identifying the arrestee. Identification numbers are not duplicated and are verified through fingerprints by S.B.I. **(82.1.2.a) (82.3.6)**

E. Fingerprinting General Guidelines

1. Before obtaining the fingerprints of any arrestee, the following precautions should be taken.
 - a. Secure firearm(s).
 - b. Ensure that the arrestee's hands are free of dirt, excessive oil or perspiration.
 - c. Ensure that the fingerprint (glass) surface is free of any foreign debris and has a sufficient supply of ink.
 - d. Be sure to note in the appropriate block any amputated or missing finger(s), warts, or moles that would prevent a completely classifiable fingerprint.
 - e. Any offenses in which fingerprints are taken also require a photograph. Photographs will be stored via the Automated Fingerprint Identification System (A.F.I.S.) which is maintained by the State Bureau of Investigation. (S.B.I.) **(82.3.6)**
2. The Motorola LiveScan LSS 3000 Fingerprint System:
 - a. Only those officers who have attained a proficiency via training and experience in the use of the Motorola LiveScan LSS 3000 Fingerprint System may employ its use.
 - b. Refer to Turnkey Internal Operating Procedure for additional information regarding the fingerprinting and photographing of prisoners. **(82.3.6)**

3. Whenever the identity of a subject is in question, the State Bureau of Identification (S.B.I), which is available twenty-four (24) hours, should be contacted. The normal working hours for S.B.I is as follows: Sunday: 1600-2400, Monday - Thursday: 0800-2400, and Friday: 0800-1600. The contact number is (302) 739-5883. S.B.I can be contacted after hours by first contacting DSP HQCOM, at (302) 659-2341. The officer should request contact from the on call S.B.I. investigator. The investigator will contact the officer on the procedures to follow to submit fingerprints for identification through LiveScan.
 - a. Officers will be required to complete and submit a full fingerprint card and a mug shot to S.B.I.
 - 1) The arrest number and case number can be filled in using zero's (0's).
 - 2) The crime section should be classified as Identification Purposes.
 - b. S.B.I. will make the identification and link all S.B.I. numbers and aliases in CJIS.
 - 1) The S.B.I. system is linked with the F.B.I. system so fingerprints are also run through the F.B.I. database.
 - c. S.B.I. will contact the officer with the subject's identity.
 - d. This process will speed up the warrant and committal process.
4. Offenses Not Requiring Fingerprints
 - a. The following offenses do not require the submission of rolled fingerprints:
 - 1) Local ordinances (County/Town).
 - 2) Possession and consumption of alcohol.
 - 3) Possession of fireworks.
 - 4) Game and fish violations.
 - 5) Violations of Title 16 (except those involving drugs).
 - 6) Other Violations of the Criminal Code.

F. Arrest Cards - Fingerprints:

1. Federal Bureau of Investigation (FBI) Fingerprint Card: **(82.3.6)**

- a. A complete set of rolled fingerprint impressions in LiveScan are required for the crimes listed below. The impressions, once obtained, are then transmitted electronically to S.B.I., where they are compared and forwarded to the F.B.I.
 - 1) Felony (all arrestees, regardless of age if they are to be tried as an adult).
 - 2) Class "A" Misdemeanors, except when utilizing a criminal summons for an arrest on a Class "A" Misdemeanor where the defendant has a hard S.B.I. number.
 - 3) Any other arrests which the arresting officer may deem as a serious or significant criminal offense.
 - a) Turnkey Officers shall obtain a full set of fingerprints when any doubt exists as to whether fingerprints should be obtained.

2. State Bureau of Identification (S.B.I.) Fingerprint Card: **(82.3.6)**

- a. Currently, state cards are only used to obtain arrest numbers.

3. Major Case Fingerprints (palm/finger)

- a. Major case prints shall be completed on all felony arrests via LiveScan. **(82.3.6)**
- b. All fingerprints are stored in the Automated Fingerprint Identification System (A.F.I.S.) which is maintained by the State Bureau of Investigation. (S.B.I.)
 - 1) The Evidence Detection Unit retains major case prints submitted prior to the utilization of LiveScan.
 - a) Juvenile and adult major case fingerprints are filed separately and secured in the Evidence Detection Unit, which is a restricted access area. **(82.1.2.b) (82.1.2.c)**

4. The arresting officer or Turnkey Officer will review fingerprints for clarity and completeness beyond the first finger joint (no smudges).

5. The arresting officer or Turnkey Officer is to complete in detail all information on the print card(s). **(82.3.6)**
6. Fingerprinting for Criminal Summons:
 - a. The arresting officer is relieved of his/her fingerprinting requirements in Section 3 if:
 - 1) The arrestee is issued a criminal summons and has a permanent S.B.I. number.
 - 2) The crime is one which is within the guidelines for use of a criminal summons and full prints are not required.
 - b. For the arrest of a person who violates any of those crimes in which a criminal summons can be issued, the arresting officer shall be required to obtain a pat print of the right index and right middle fingers. **(82.3.6)**
 - c. The impression will be placed in a block provided on the reverse side of the Records Unit copy of the criminal summons.
 - 1) If the summons is automated, the impression will be placed on the bottom right of the Records Unit copy.
 - d. Nothing in this order shall prohibit the arresting officer from taking a full set of fingerprints (S.B.I. print card) for an arrest in which a criminal summons has been issued, if the officer so desires.
7. Fingerprinting, Photographing and Other Forms of Identification Regarding Juveniles:
 - a. Fingerprints and photographs of juveniles may be taken and filed under the following circumstances:
 - 1) Arrest of a juvenile who is alleged to have committed a delinquent act that would be a felony if committed by an adult.
 - 2) Arrest of a juvenile for a Class "A" Misdemeanor, except when utilizing a criminal summons for an arrest on a Class "A" Misdemeanor where the defendant has a hard S.B.I. number.

- 3) Any other arrests which the arresting officer may deem as a serious or significant criminal offense.
 - 4) Fingerprinting for a criminal summons.
- b. The general fingerprinting guidelines listed above will be followed for juveniles.
 - c. Other physical samples may be taken from a juvenile for identification purposes only after the officer has conferred with the Family Court and/or the Attorney General's office for advice and assistance as to the legalities and proper procedure for obtaining such samples. Samples that may be deemed necessary might include, but are not limited to: hair, blood, urine, nails, breath, stomach contents, handwriting, etc. D.U.I. arrest samples should be taken in the same manner as for adults.
 - 1) Any physical evidence taken from juveniles for identification purposes shall follow general evidence procedures.

Note: For more information regarding evidence procedures, refer to Directives 83 and 84.

- d. Juvenile fingerprints and photographs are maintained by the S.B.I.
 - 1) Major Case fingerprints of juveniles are maintained in the Evidence Detection Unit as described above.
- e. Whenever an officer is uncertain if fingerprints of a juvenile should be obtained, the proper course of action is to contact a supervisor. **(82.1.2.b)**

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REFERENCES

Directive 42
Criminal Investigations

Directive 44
Juveniles

Appendix 41-C
Computer Policy

Appendix 82-A
Agency Designators for Delaware

Delaware Criminal and Traffic Law Manual
Title 11, Chapter 85

Records Unit Internal Operating Procedure

Turnkey Internal Operating Procedure