



## **General Order 82.1 - Records**

**PURPOSE:** Define the records section; define records section functions; define incident reports; describe information needed to document law enforcement action; define report forms; define the case numbering system; describe supervisory review of reports; describe distribution of reports and records; define the status of reports; describe the annual audit-of-report process; define security and privacy of records; define the records retention schedule; define the development and approval of new forms; and describe handling funds by records personnel.

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ISSUED BY : Sheriff Jeffrey T. Easter

REVIEWED BY: Standard Review Committee

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### **82.1.1 RECORDS SECTION**

- A. The Sedgwick County Sheriff's Office records section maintains all offense reports and arrest and traffic records. The records section is the responsibility of the Support Division and is staffed by records clerks and supervised by the records administrator.
- B. The records section has the responsibility of control, maintenance and retrieval of law enforcement related reports and records generated by all Sedgwick County Sheriff's Office employees.

### **82.1.2 RECORDS SECTION FUNCTIONS**

- A. The responsibilities assigned to the Records Section include report review, report control, records maintenance, and records retrieval.
  - 1. Report review -- The supervisor of each watch is responsible for report review. The purpose of report review is to ensure that all reports are prepared completely and accurately.
  - 2. Secondary review -- It is the responsibility of the records section to conduct a secondary review of all reports to ensure that any attachments to the reports are submitted and to code the reports for proper uniform crime reporting purposes.
  - 3. Report control -- It is the responsibility of the records section to control both the availability and confidentiality of the reports and records.
  - 4. Records maintenance -- The records section maintains reports and records and distributes copies only to authorized persons and agencies.
  - 5. Records retrieval -- The reports are filed and retrieved by the case number on offense reports and booking records. Traffic citations are maintained in numerical sequence by deputy name.

### **82.1.3 INCIDENT REPORTS**

- A. It is the policy of the Sedgwick County Sheriff's Office to prepare a record of actions taken by law enforcement personnel whether in response to a request for service or a deputy-initiated action.
- B. Sedgwick County Sheriff's Office personnel will record the following categories of incidents that are alleged to have occurred within the jurisdiction of the Sedgwick County Sheriff's Office:
  - 1. Citizen reports of crimes;
  - 2. Citizen complaints;
  - 3. Citizen requests for service when:
    - a. A deputy is dispatched;
    - b. A deputy is assigned to investigate; or

- c. A deputy is assigned to take action at a later date;
- 4. Criminal and non-criminal cases initiated by a deputy; and
- 5. Incidents involving arrests, citations, or summonses.
- C. The documentation of law enforcement activity may be in the form of an offense report, arrest and release booking forms, or other field reports or citation.
- D. If two (2) or more people report the same incident, only one (1) case report shall be required.
- E. E. Calls for service generated through the Sedgwick County Emergency Communications Center (S.C.E.C.) can be tracked by reviewing printouts of call activity from S.C.E.C. These records reveal the date, time, type, and deputy assigned to handle each call for service.

#### **82.1.4 INFORMATION NEEDED TO DOCUMENT LAW ENFORCEMENT ACTION**

- A. All reports and records maintained to document law enforcement activity shall contain the following information:
  - 1. Date and time of initial reporting;
  - 2. Name(s), if available, of the subjects involved with the case, to include: victim, complainant, witnesses, etc.;
  - 3. Nature of the incident; and
  - 4. Nature, date, and time of action taken, if any, by law enforcement personnel.

#### **82.1.5 REPORT FORMS**

- A. Sedgwick County Sheriff's Office personnel will use the appropriate report form(s) as indicated by the nature of the incident being reported.
- B. Forms used in field reporting include:
  - 1. Offense reports (K.S.O.R.);
  - 2. Accident reports and truck/fatality reports (K.M.V.A.R.);
  - 3. Supplemental reports;
  - 4. Alcohol influence reports (**CPS-685**)
  - 5. Evidence receipts (89D032);
  - 6. Missing person reports (90D060 and 96RP098);
  - 7. Stolen auto reports (89D061); and
  - 8. Traffic citations (90RP060);
- C. Procedures to be followed in completing field reports follow:

1. Offense reports

- a. All complaints of a criminal nature received by the Sedgwick County Sheriff's office that occurred within its jurisdiction will be recorded on an offense report (Kansas Standard Offense Report K.B.I./I.B.R. 1, 2, 3).
- b. Offense reports will be prepared when a person is arrested for any criminal act occurring within the jurisdiction of the Sedgwick County Sheriff's Office.
- c. Offense reports may also be used for information of a non-criminal nature. The deputy will record all applicable information on the offense report and list all persons involved in the appropriate location on the form. Non-criminal incidents that require an incident report include suicides, attempted suicides, sudden deaths, misc. reports, and other incidents.
- d. No suspect information or other investigative details are to be placed on the first page of an offense report.

2. Accident reports

- a. Patrol deputies have been provided with a copy of the Kansas Motor Vehicle Accident Report Coding Manual, which is published by the Kansas Department of Transportation and instructs the deputy how to complete the following accident report forms:
  - Motor vehicle accident report (K.M.V.A.R.);
  - Investigative report (supplement to K.M.V.A.R.);
  - Truck/fatality report (supplement to K.M.V.A.R.).
- b. Patrol deputies receive classroom instruction on how to complete these additional accident report forms;
  - Witness statement (85RP027);
  - Operator's financial responsibility report [DC-66 (Rev. 8/91)];
  - Driver's report (85RP025);
  - Driver's exchange forms (85RP011).

3. Supplemental reports

- a. A supplemental report will be submitted by the investigating deputy when it is necessary to explain, expand, or continue with information from the offense report or to record important information not contained in the incident report. A supplemental report will also be used for the narrative part of the non-criminal complaint.
- b. It is important that all elements of a complete report are present, as the non-criminal complaint may contain information that could be helpful in a

future criminal investigation or in handling future calls at a particular location.

4. Alcohol influence report (**CPS-685**)
    - a. This form will be used by deputies in addition to a K.S.O.R. when an arrest for D.U.I. occurs.
  5. Evidence/property receipt (ADM 02)
    - a. This form is generated by the computer to document all property and evidence taken into custody by a deputy.
  6. Intoxilyzer check list (85PR055)
  7. Missing person report (90D060 and 96RP098)
    - a. Form used by a deputy to report missing adults or juveniles, to include runaway juveniles, and to enter the individual into N.C.I.C.
  8. Stolen automobile report [(89D062) Revised 4-90]
    - a. Form used to record information about a vehicle stolen within the jurisdiction of the Sedgwick County Sheriff's Office and for the vehicle to be entered into N.C.I.C..
  9. Traffic citations (90RP060)
    - a. Form used by a deputy to record facts surrounding a traffic violation for prosecution.
- D. Dictaphone reports are used to describe the incident and the surrounding circumstances and to detail the investigative activities of the responding deputy.
1. All dictaphone recorders are located in the records section.
  2. The records section is responsible for typing all dictaphone reports.
  3. All felony cases are to be dictaphoned.
  4. (R) All arrests will be dictaphoned, including DUI, except arrests made for driving while suspended, other traffic violations, and those made pursuant to an arrest warrant.
  5. Other cases will be dictaphoned only when authorized by a supervisor.
  6. All reports shall be typed exactly as the deputy dictates.
  7. All typing errors are to be corrected on all reports typed.
  8. The typist's initials will be placed at the bottom of each report along with the date.
  9. All expedite cases are to be typed immediately.
  10. All reports on fatality vehicle accidents will be transferred to electronic media for retention in the Patrol Division.

11. All reports on homicide cases will be transferred to electronic media for retention in the Investigations Division.

#### **82.1.6 CASE NUMBERING SYSTEM**

- A. The case numbering system of the Sedgwick County Sheriff's Office is designed to ensure that all cases receive a number, that no numbers are omitted, and that no numbers are duplicated. The use of a unique number facilitates rapid and positive retrieval of any complaint or incident.
- B. There are two (2) types of case numbers used by the Sedgwick County Sheriff's Office:
  1. The letter (J) is used to book prisoners; and
  2. The letter (S) is used for standard Sedgwick County Sheriff's Office cases.
- C. Each case number has nine (9) characters. The first two (2) characters designate the year, followed by the letter type:
  1. Example: 03SXXXXXX.
- D. The next six (6) characters are the actual case number.
  1. Example: 03S008579.
  2. The above example indicates the 8579th case cut during the year 2003.

#### **82.1.7 SUPERVISORY REVIEW OF REPORTS**

- A. **(R)** Every written report shall be reviewed by an immediate supervisor for completeness, accuracy, neatness, and legibility. Approval of the report will be indicated by the supervisor's initials in the appropriate space on the report or in the comment field in KLER.. Upon approval, the report will be forwarded to the records section for approval and entry into the computer system.
- B. Disapproved reports will be returned to the reporting deputy for necessary corrections and resubmission for review until accepted.

#### **82.1.8 DISTRIBUTION OF REPORTS AND RECORDS**

- A. Supervisors will forward all approved reports to the records section for processing.
- B. The records section will forward case information to the proper section for follow-up investigation. See Section 42.1.10, "Accountability for Preliminary and Follow-up Investigations". The original offense report will be filed in the proper case jacket.
- C. Copies of offense reports will be forwarded to outside agencies in which the Sedgwick County Sheriff's Office has assisted.
- D. The release of reports and information to non-law enforcement entities shall be in accordance with the Kansas Open Records Act (KORA).
- E. Criminal histories can be furnished to other law enforcement agencies.

- F. Individuals may review their records after they provide adequate identification and sign an authorization release. No copies will be provided.

#### **82.1.9 STATUS OF REPORTS**

- A. Once a case has been generated with the records section, the case jacket is kept in the current case file. When the offense report, accident report, or other required forms are received, the case jackets are then either filed or placed in the dictaphone box.
- B. Once the dictaphone reports have been typed and all necessary forms are in the case jacket, it is filed.
- C. All reports and case paperwork will be completed by the end of the employee's watch, unless specific exception is granted by a supervisor.
  - 1. Exception: Forensic investigation reports must be completed within ten (10) days.
- D. Not less than once a month, the records section shall check the current case file and the dictaphone box, and issue recalls for any paperwork or dictaphones not previously received.
- E. The original and supplemental reports of all offense reports will be retained by the records section. Copies or print-outs of all offense reports and supplements will be forwarded to the appropriate division for review and assignment.

#### **82.1.10 ANNUAL AUDIT-OF-REPORT PROCESS**

- A. The Kansas Bureau of Investigation conducts an annual audit of the records section to determine compliance with federal and state laws and policies, along with National Law Enforcement Telecommunications System (N.L.E.T.S.) and National Crime Information Center (N.C.I.C.) guidelines.
- B. The objective of the audit is to determine the effectiveness of procedures for the handling of criminal history records information (C.H.R.I.). This is to include reviews of personnel security, physical security, information quality, N.C.I.C. system quality assurance, dissemination, individual access and review, and training.
- C. Upon completion of the audit, K.B.I. will send written notice of its findings and recommendations for areas that need to be improved.
- D. It is requested by the K.B.I. that a reply be forwarded to their office within sixty (60) days outlining action taken with regard to the findings and recommendations of the audit unit.

#### **82.1.11 SECURITY AND PRIVACY OF RECORDS**

- A. An employee of the Sedgwick County Sheriff's Office shall not release any information from written or other reports or records or criminal history information to any person who is not authorized to have such information. Such information can only be released to authorized personnel who are members of law enforcement or the prosecutor's office. The use of this procedure will ensure compliance with [K.S.A. 22-4707](#) through [4712](#), and 28 CFR 20.21 (e). All records privacy laws dictated by federal and state statute also apply.

1. All Sedgwick County Sheriff's Office employees with access to criminal history records will receive annual re-checks through the Interstate Identification Index (III) system.
- B. The Records Administrative Officer shall be the Sheriff's Office records official custodian and shall permanently display or distribute or otherwise make available to the public a brochure in the form prescribed by the local freedom of information officer that contains basic information about the rights of a requestor, the responsibilities of the department, and the procedures for inspecting or obtaining a copy of public records under the Open Records Act. The official custodian shall display or distribute or otherwise make the brochure available to members of the public who request public information in person.
- C. If a violation of security is discovered, the Sedgwick County Sheriff's Office agency TAC (Terminal Agency Coordinator) shall notify the state KCJIS (Kansas Criminal Justice Information System) Security Officer without delay. The records administrative officer is the TAC for the Sedgwick County Sheriff's Office.
- D. Copies of data received from the system printer must be afforded security to prevent any unauthorized access to or use of the data. III printouts should be protected from accidental observation and inadvertent disclosure when in active use. III printouts in active use should be transported and maintained under cover. Printouts shall be destroyed once determined there is no longer a need for this information. Acceptable methods of destruction include shredding, burning, or any means of erasing identification information so that identities of record subjects cannot be established.
- E. Access to records is limited to authorized personnel only.
- F. Division of motor vehicles files are restricted by [K.S.A. 74-2012](#). Law enforcement agencies have access to those files for law enforcement purposes only and are not authorized to release that information to anyone else for any purpose.
  1. The following motor vehicle information may not be given to the general public:
    - a. Driving records;
    - b. Driver's license numbers.
  2. Tag information may be provided at a deputy's discretion.
  3. Accident photographs may be released to the general public. Exception: fatality photographs may be released upon the approval of the County Counselor.
  4. The cost for photograph reproduction will be charged the same rate as other photographs. Fees are to be paid to the Sedgwick County Sheriff's Office records section.
- G. Expunged and annulled records may not be released except:
  1. When the information is for criminal justice agency employment;
  2. When the information is for private security employment;



3. To S.R.S. when the employment is for S.R.S.;
4. To the district attorney if the expunged record is of the same type of charge that the district attorney is investigating; or
5. When there is a court order signed by a judge ordering the release of the information.

H. The procedure for criminal expungements and annulments follows:

1. All arrest cards shall be stamped on the front and the back with the appropriate stamp (annulled or expunged). The date of expungement/annulment and the last name of the clerk making the entry shall be written on the cards.
2. The case number from the arrest card shall be recorded on the top of the court order prior to filing it in the case jacket.
3. Expunged arrests are to be removed or blocked from the subjects manual record or computerized record. The documentation for expunged arrests shall be retrieved and sealed in an envelope along with the order of expungement.
4. Expunged CHRI (Criminal History Record Information) is filed separately from other agency CHRIs. This information should be stored separately from agency criminal history and arrest files to safeguard against release of information to unauthorized persons.

I. The procedure for traffic expungements/annulments follows:

1. If the expungement/annulment is for a ticket, only the ticket index card shall be stamped with the appropriate stamp (expunged/annulled). The clerk's last name and date of expungement/annulment shall be recorded on the card.
2. Record the ticket number from the white index card on the top of the court order.

J. Transmission of Criminal history records and information.

1. Due to the fact that wireless telephones use easily scannable frequencies, the dissemination of criminal history record information to and/or from wireless telephones is prohibited.
2. Dissemination of criminal history record information, including arrests not resulting in conviction in a raw data form or voice radio transmission is prohibited except when necessary to protect the safety of the deputy. The use of codes to transmit non-conviction data for investigative or intelligence purposes by voice over the radio are permitted.
3. Routine dissemination of criminal history record information over a pager is prohibited.

K. Review of III records by an individual

1. The Sedgwick County Sheriff's Office prohibits allowing a subject to review their own record in III. The III shall not be used for remote access to a record to be retrieved or challenged by the subject of the record. Record request for this purpose must be submitted in writing either to the FBI Identification Division or the state of record.

#### **82.1.12 RECORDS MANAGEMENT**

- A. A record is recorded information, regardless of medium or characteristics, made or received by the sheriff's office that is useful in the operation of the organization.
- B. The Kansas Government Records Preservation Act charges counties with the responsibility to preserve "records of enduring value," to properly arrange records "so that appropriate public access is possible," and to dispose of "noncurrent records which do not merit preservation [which] will promote economy and efficiency in the day-to-day activities of government." (KSA 45-401)
- C. The sheriff's office record retention schedules will be set in accordance with State "retention and disposition schedules" (KSA 45-402(g) ) formally made public by the Kansas State Historical Society to implement the Government Records Preservation Act.
- D. All records packaging and storage will be done in accordance with guidelines set by Sedgwick County Records Management.
  1. Employees should be careful to not mix records of disparate retention periods.
  2. For each box that is to be stored offsite, a complete inventory list will be created.
  3. Every box will be properly labeled with the department, records series, year and sequence. A printed label will be obtained from Sedgwick County Records Management.
  4. A detailed "how-to" manual will be kept on the G Drive, under eLibrary, How To, Records Management.
- E. All record destructions will be coordinated through Sedgwick County Records Management.
- F. To retrieve a record from an offsite storage facility, an employee will contact a designated authorized sheriff's office records manager (Special Project Unit (SPU) lieutenant, SPU Office Specialist and or DIO Records Management. He/she will request the record by providing the following information:
  1. record needed,
  2. box number,
  3. and where the record should be sent, faxed or emailed.
- G. The employee will notify SPU, via phone or email, when the record is received.

- H. To resend a retrieved record, an employee will contact the Special Projects Unit office specialist to coordinate the return of the record to offsite storage.

### **82.1.13 DEVELOPMENT AND APPROVAL OF NEW FORMS**

- A. Procedural changes may necessitate the development or modification of report forms and other forms used in the day-to-day activities of the organization. The following procedures shall be utilized for approval of all forms used by the Sedgwick County Sheriff's Office.
1. Recommendations for such forms will be submitted to the employee's immediate supervisor, who will review the proposed form for duplication, completeness, conflict with existing forms or procedures, and compatibility with records.
  2. The supervisor will present the form at a staff meeting for review and comments.
  3. If the division commander believes the proposed form to be viable, he/she will present it to the sheriff with explanation for the need of the new or modified form.
- B. As a general rule, forms will be developed with input from the department component that would regularly use the proposed form.
- C. Forms shall be reviewed continually to ensure that they remain current and consistent with records maintenance and data processing requirements.
1. Modifications in existing forms shall have a revision date displayed next to the form number.
- D. A unique number shall be assigned to each form upon final approval.
1. Form numbers will consist of an alphanumeric string that will indicate the year of the form, division from which the form originated, and a unique three - (3) digit number.
  2. Example: Form 91RP001 would indicate the first new form approved in 1991 by Road Patrol.
    - a. Form 91RP001 (Rev. 2-93), indicates that this form was modified and approved in February 1993.
  3. Divisional abbreviations are:
    - a. ADM -- Administration;
    - b. C -- Corrections;
    - c. D -- Investigations;
    - d. J -- Judicial Division; and
    - e. RP -- Road Patrol.
    - f. S -- Support Division
  4. Form numbers shall be assigned by the originating division.

#### **82.1.14 HANDLING FUNDS BY RECORDS PERSONNEL**

- A. Employees of the records section, on occasion, receive monies from citizens, attorneys, and insurance companies requesting copies of reports, photographs, and videocassette tapes. All monies received shall be properly recorded in a receipt book. Checks and money orders should be made payable to the Sedgwick County Sheriff's Office.
- B. The monies received will be kept in a moneybox until a deposit is made with the Sedgwick County Treasurer. Deposits are to be made on a weekly basis.

#### **82.1.15 IMPROPER RECORDS**

- A. Indicators may be issued by the records supervisor or appropriate follow-up personnel (upon supervisory approval) to the appropriate division commander(s) regarding improper reports by their employees. Indicators may be issued for but not limited to the following reasons:
  - 1. Report not submitted;
  - 2. Incorrect case classification;
  - 3. Report incomplete or unclear;
  - 4. Report is illegible; or
  - 5. Improper handling of case.
- B. All reports will be submitted before the end of watch of the originating employee. (See [section 82.1.9.](#)) Indicators will be sent to the division commander when reports are not submitted within twenty-four (24) hours.
- C. The division commander will assume the responsibility for informing the employee of the corrections to be made.
- D. Employees who receive three (3) or more indicators in any twelve (12) month time period may be subject to disciplinary action. This is not to prevent an employee from receiving disciplinary action upon receiving less than three (3) indicators.
- E. If three (3) indicators are issued for any one (1) particular case for any reason, the third indicator will be directed to the bureau commander, and the employee to whom it is directed may be subject to disciplinary action.