



# RECORDS

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### **I. CENTRAL RECORDS FUNCTION**

This directive establishes the Department's central records function, to include:

- 1. Report review
- 2. Report control
- 3. Records maintenance
- 4. Records retrieval
- 5. Computer records
- 6. Maryland Public Information Act (MPIA) Requests

The Central Records Section, a component of the Technical Services Division, is responsible for the central records function. The manager of the Central Records Section reports to the Technical Services Division Commander.

### **II. ACCESSIBILITY AND RELEASE OF RECORDS**

Central records information is accessible to operations personnel at all times through the Department's computerized records management systems. *Release of records to the public is controlled by the Maryland Public Information Act (Section VI). Except as required by other Departmental policies or as stated herein, records may ONLY be released by the Central Records Section or with the permission of the Central Records manager or PIA manager.*

*The Central Records Section maintains the capability to expedite requests for records from allied law enforcement agencies. When conducting a joint investigation, sworn officers are encouraged to submit records requests to the Central Records Section. Sworn officers may release records to allied law enforcement agencies as part of joint investigations. Records released to allied agencies should be from the Department's computerized records management system to ensure compliance with Section V of this policy.*

### **III. REQUIRED RECORDS**

#### **A. Records Repository**

The Central Records Section will maintain a repository of records and *ensure compliance with rules regarding* dissemination of records. *Such records* include:

1. Offense/*Incident* reports;
2. On-view arrest reports;
3. Traffic accident reports;
4. 911 and radio audio;
5. Body worn camera (BWC) video.

These records may be maintained in a single repository or filed separately by case control number. The records may be filed sequentially with no separation among the categories listed.

#### **B. Alphabetical Master Name Index**

Central Records will maintain an alphabetical master name index. A master name index is a file that includes the names of persons identified in field reports. The Central Records manager will establish written criteria for inclusion of names in the master name index, based on legal requirements and needs.

#### **C. Incidents by Location & Type**

The records system will maintain an index of incidents that resulted in a police report by location and type.

#### **D. Criminal History File**

The Central Records Section will maintain criminal history information on each person charged. The criminal history information will include the arrest report which includes date, time, location, charging Officer and specific charges applied.

### **IV. JUVENILE RECORDS**

Juvenile criminal history records will be maintained separately from records on adults. The Central Records manager is accountable for the collection, dissemination, and retention of juvenile records. The intent is to ensure that access to juvenile records is permitted only if there is a proper purpose and only if access is necessary. The Central Records manager will establish standard operating procedures to ensure this separate maintenance and procedures for the collection, dissemination, and retention of agency records pertaining to juveniles, to include:

1. Separation of adult and juvenile arrest and identification records;
2. Provisions relating to court-ordered expungement of records;
3. Provisions governing disposition of records when juveniles reach adult age; and
4. Provisions for access to records on a need-to-know basis only.

### **V. POLICE RECORDS – EXPUNGEMENTS**

In accordance with Annotated Code of Maryland, Criminal Procedure Article §10-105, a person who has been charged with the commission of a crime, including a violation of the Transportation Article for which a term of imprisonment may be imposed, or who has been charged with a civil offense or infraction, except a juvenile offense, as a substitute for a criminal charge may file a petition listing relevant facts for expungement of a police record. If the petition is granted, a court order is issued and all electronic records pertaining to that arrest are removed from our systems. Report attachments, including but not limited to reports generated from prior Records Management Systems containing the expunged information will be deleted, redacted, and reattached to the report accordingly. The person's information whose record was expunged in reference to that police report may not be disseminated under any circumstances. Disclosure of such information is a misdemeanor and is punishable by law. Furthermore, an employee convicted under Annotated Code of Maryland, Criminal Procedure Article §10-108 may be removed or dismissed from public service.

No employee of this Department may share information of an expunged person from any record including but not limited to reports and body worn camera video (BWC), which is restricted upon expungement either within or outside

of this agency. Employees within the Central Records Section are tasked with handling all police record and criminal history disseminations. Please refer all requests for information and records to the Central Records Section. Contact the Central Records Manager if there any questions regarding expungement procedures.

## **VI. MARYLAND PUBLIC INFORMATION ACT (MPIA) REQUESTS**

Access to public records in Maryland is governed by the Public Information Act (“MPIA”), codified at Annotated Code of Maryland, General Provisions Article (“GP”), §4-601 et seq. The full text of the current MPIA manual can be found at <https://www.marylandattorneygeneral.gov/Pages/OpenGov/piamannual.aspx>. The manager of the Central Records Section is the Custodian of Records for all Maryland Public Information Act (MPIA) requests. All MPIA request responses made by the Custodian of Records or his/her designee(s) shall be made in good faith and must have a legal basis.

The Central Records Section may receive payments associated with MPIA requests in accordance with the Department’s standard fee schedule. Additional fees may be assessed for requests that will take more than two hours to fulfill. The Custodian or designee will make every effort to accurately estimate all costs associated with a request. Generally, advance payment of any fees will be required prior to processing a request and/or production of records.

If a fee waiver is requested, the Custodian or designee shall consider *that request*. A request to waive a fee may not be denied solely because of the expense the Department would incur in processing the MPIA request *or* the requester’s inability to pay. *Fee waivers will be granted* when deemed in the public interest to do so.

## **VII. STANDARD OPERATING PROCEDURES**

The manager of the Central Records Section will establish standard operating procedures to meet the following needs:

### **A. Report Status**

A system to account for the status of reports. The system should ensure that the original record is maintained in the records component and that reports are submitted according to an established schedule.

### **B. Privacy & Security**

Privacy and security precautions for the central records function in accord with agency policy, local ordinance, and/or state statutes. The privacy and security of criminal history record information (CHRI) will be in accord with U.S. Department of Justice regulations (28 Code of Federal Regulations Part 20) with regard to dissemination, completeness and accuracy, audits, security requirements, and access and review.

### **C. Records Retention Schedule**

The manager of the Central Records Section is the Department's custodian of records, and will establish a records retention schedule for all Department records consistent with state and federal laws. This includes procedures for record archival and shredding/destruction.

### **D. Funds**

Procedures for handling funds by records personnel, to include:

1. Designation of persons permitted to receive money
2. Receipt procedures
3. Accountability
4. Security
5. Audits

The procedures should enhance security and accountability of all monies received by the agency. The Staff Inspections Section will audit the Central Records cash fund at least annually.

### **E. Report Review & Classification**

All reports submitted to Central Records must first be reviewed and approved by a field supervisor. The Central Records manager will establish procedures for review and classification of all reports received in Central Records, and for the return to the officer and/or approving field supervisor of incomplete or deficient reports for corrective action.

**F. Participation in UCR**

Procedures for collecting and submitting crime data to the national Uniform Crime Reporting program, either directly or through the state UCR system.

**G. Records Management System**

Procedures will be established for assigning an identification number for each person arrested. An identification number is a person-oriented number and is assigned to a specific person. Once a person has been assigned an identification number, all subsequent arrests and information concerning that person should be referenced to his or her identification number. Each person who has been arrested will have only one identification number, although the individual may have been arrested on a number of different occasions and thus have different case and arrest numbers relating to them. The system should include a procedure ensuring that identification numbers are not duplicated or skipped.

**H. Traffic Citation Control**

Procedures for maintaining records of traffic citations, to include:

1. Accounting for citations
2. Storing citations
3. Cross-referencing

Issuing and accounting for citations will be coordinated with Property Management and will be rigidly controlled.

**VIII. PROPONENT UNIT:** Central Records Section.

**IX. CANCELLATION:** This directive cancels Index Code 1000, dated *02-03-23*.