

**East Lansing Police Department
Policy & Procedure**

Subject: Records Access Control & Information Technology Security	ELPD Policy #: 100-13 & 100-14
Effective Date: Revised Date:	Distribution: All Personnel
MACP Accreditation Standard : Records Access Control & Information Technology Security	MACP Standard: 1.8.1 & 1.8.2

I. PURPOSE

This policy sets forth the requirements for Records Retention, FOIA and Records Security for the East Lansing Police Department.

A. Definition

1. "Records" are defined as writings prepared, owned, used, in the possession of or retained by a public body in the performance of an official function. These include handwritings, photocopies, pictures, discs and films and other means of recording and retaining meaningful content.
2. "SRMS" is defined as the State Records Management System – The East Lansing Police Department utilizes a records management system managed and maintained by the Michigan State Police. This system contains case reports and sensitive law enforcement data from agencies across the state of Michigan.
3. "FOIA" is defined as the Freedom of Information Act which regulates and sets requirements for the disclosure of public records by all public bodies in the State.

II. POLICY

It is the policy of the East Lansing Police Department to distribute and release police records and other information in compliance with applicable laws. It is also the policy to ensure the security and access of all records created and/or retained by department personnel.

III. PROCEDURE

A. Release of Records

1. It is department policy that all original records remain within the central records bureau, except for requests of original documents directly from the City Attorney or County Prosecutor's Office, when authorized by the Records Division or Chief of Police. These include documents an officer is to produce in court.
 2. All requests for police records shall be forwarded to Records personnel. Any police Freedom of Information requests received shall be forwarded to the ELPD Records Division for processing.
 3. When copies of records are needed by departmental employees, an e-mail shall be submitted as outlined in Section III of this order.
 4. Copies of departmental records shall not be disseminated to others outside of the department without authorization by a shift supervisor.
 - a. Requests from defendants, witnesses, attorneys or others that are related to an open or pending case should be referred to the assigned Investigator. If the Investigator approves the request, Records shall process the request in the usual fashion.
 - b. Requests by other law enforcement agencies shall be approved by Records personnel or shift supervisor prior to dissemination.
- [1.8.1e]

B. Freedom of Information Act

1. All records except those specifically cited as exceptions under 15.243 Sec. 13, are covered by the Freedom of Information Act.
2. Records Division personnel shall abide by all laws and regulations set forth by the Freedom of Information Act when processing requests from the public.
3. Records Division personnel shall assess fees set by the East Lansing City Council for all Freedom of Information Act requests.

C. Authorized Access

1. Only authorized personnel are permitted to enter departmental files maintained by the Records Department unless specific authorization has been granted. Records/file room will be locked if not occupied by a records clerk. [1.8.1a]

- a. Access includes removing, reviewing and filing of all records.
2. Confidential and non-public personnel records not maintained by the Records Division, but maintained by other department personnel include:
 - a. Internal Affairs files
 - b. Personnel records
 - c. Active drug, surveillance and organized crime records.
3. Non-public personnel records (IA files and personnel records) are to be kept in a locked file cabinet with access limited to the Office of the Chief. [1.8.1d]
4. Confidential records (CI files and drug, surveillance, and organized crime records) are to be maintained by the Investigations Lieutenant. [1.8.1c]

D. After Hours Access

1. No records will be distributed without the permission of the on-duty Supervisor. After hours distribution may include, but not limited to police reports, photos or any record readily available to assist another law enforcement agency or in accordance with an established mutual aid agreement (CARES). [1.8.1b]

E. Juvenile Records

1. For Juvenile records, the reporting officer shall put in a DOB on the SRMS case file prior to submitting the case. This forces the SRMS system to highlight the record "JUVENILE" thus distinguishing it from an adult arrest in the SRMS.
 - a. These records can be accessed to view, retrieve, and print by authorized personnel. State law allows law enforcement officers of the State of Michigan to access the department juvenile records. These files are available to the East Lansing Police Department through SRMS. Request for records or information concerning Juvenile Criminal reports maintained by the department must be made to the department FOIA Records Clerk. Only those authorized by law shall be allowed to view or obtain copies of the records.[1.8.1c]

F. Procedure for Requesting Records

1. Officers must complete and forward an E-mail when records copies are needed for external sharing.
 - a. To avoid unnecessary duplication, the records department with log all requests for externally shared copies in the SRMS case file.
 - b. All copies of departmental records intended to be discarded shall be disposed of within the police facility rather than at the court, hearing offices, etc.

G. Records Retention and Destruction

1. Retention and disposal schedule defined.
 - Michigan law requires that all public records be listed on an approved retention and disposal schedule that identifies how long the records must be kept.
2. Records destruction and disposal [1.8.1f]
 - Records cannot be destroyed unless they're listed on an approved retention and disposal schedule. Retention and disposal schedules are not authorized until the Records Management Services, the State Archives of Michigan and the State Administration Board approve them.
3. Records Division personnel shall adhere to the State of Michigan retention and disposal schedule when disposing of records
4. Exceptions to the disposal schedule may come at the discretion of the Chief of Police. This would only include retaining items longer than the schedule permits.
5. When Records personnel separate documents for destruction, they will shred the documents themselves, or use only a AAA certified shredding service. At no time shall documents be discarded without being shredded or destroyed. [1.8.1f]

H. Backup, Storage and Audit

1. The procedure for backing up the State Records Management System (SRMS) is done by Michigan State Police in adherence to Michigan State Police IT procedures.

2. The storage of the SRMS data will be the responsibility of Michigan State Police and additional backup to be stored off site at a Public Building in a secure area. [1.8.2a]
 3. The Law Enforcement Information Network (LEIN) is subject to audit each year. The National Crime Information Computer (NCIC) is subject to an audit by the Federal Bureau of Investigation (FBI) every two years.
 4. At least annually, MSP will conduct an automated audit of the SRMS and CAD system for verification and required change of all passwords, access codes (or matrix) and access violations. [1.8.2d,f]
 5. If a breach of security is discovered, an immediate audit will be requested by this agency to SRMS and the City of East Lansing IT Department. [1.8.2e]
- I. Passwords for Record Access [1.8.2c]
1. Each member of this department must have a unique username and password to ensure system security access to records located in SRMS. [1.8.1a, 1.8.2b]
 2. Each member of this department must maintain and protect their passwords.
 3. Passwords shall not be shared.
 4. Passwords must be changed in compliance with the City of East Lansing network, LEIN and NCIC networks or any other network that is accessible in correlation to work duties.

IV. CANCELLATIONS

None

Authorized By:

Kim P. Johnson
Kim Johnson, Chief of Police

Aug. 2, 2020
Date