

Bowie City Police Department - General Orders



TITLE: RECORDS	NUMBER: 710
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AUTHORITY Chief John K. Nesky	ACCREDITATIONS STANDARDS 82.1.1-82.1.7, 82.2.1-82.2.4, 82.3.1 82.3.2 82.3.3 82.3.4 82.3.5 82.3.6	TOTAL PAGES 11
X_NEW _ AMENDS _ RESCINDS		DATE:

I. POLICY

The records function is necessary and vital to the accomplishment of the Department's mission. It is therefore the policy of the Bowie Police Department that an accurate and efficient reporting of all police activity within the Department's jurisdiction be maintained. It is the policy of the Department to comply with all mandated reporting requirements of the federal government and the State of Maryland while maintaining strict adherence to federal and state law.

II. PROCEDURE

A. Administration:

1. Responsibility: The responsibility and accountability of the Records Division function of the Department falls under the Operations Support Division. The Records Section shall be accessible to Department personnel during normal business hours and through a scan card system after hours. Only a supervisor may enter the Records Section after hours. (CALEA 82.1.1.c) (CALEA 82.1.4)

2. Function: The functions of the Records Section shall include:

- a. Collection of all reports and related data;
- b. Distribution of reports and data to appropriate Department and City components;
- c. Maintenance of offense, arrest, and traffic reports in an orderly and useful fashion through filing techniques and/or computer entry of data;

d. Retrieval and distribution of records and reports to authorized persons and entities;

e. Compliance with Federal and State statutes regulating the maintenance and release of information; and,

f. Destruction of reports in compliance with federal, State and City laws.

3. Recorded Incidents: Every incident in the categories listed below shall be recorded and reported when that incident has occurred or is alleged to have occurred within the jurisdiction of this Department: (CALEA 82.2.1.a)

a. Crimes and incidents reported by citizens, either by written report or CAD log entry; (CALEA 82.2.2.a)

b. Criminal and non-criminal cases initiated by law enforcement officers, either by written report or CAD log entry; (CALEA 82.2.2.d)

c. Incidents involving arrest, criminal citations and criminal summonses; (CALEA 82.2.2.e)

d. Citizens request for service when an officer is dispatched or assigned an investigation; (CALEA 82.2.2.c)

e. Collision; and,

f. Citizen complaints. (CALEA 82.2.2.b)

4. Report Contents: All reports shall contain at least: (CALEA 82.2.1.c)

a. The date and time of the initial report;

b. The name of the citizen requesting the service (if available) or the names of any victims or complainants;

c. The nature of the incident; and,

d. The date, time and type of action (if any) taken by law enforcement or other personnel. The reporting of most crimes and incidents will require some type of response by employees. On less serious incidents that do not require an incident report to be taken, the requirements listed above may be accomplished by the on-duty Communications Specialist recording the incident and relative information in the CAD.

e. If a METERS computer entry is needed, it is the responsibility of

the recording officer to bring the report to the on-duty Communications Specialist for appropriate entry. The officer will double check the information for accuracy. (CALEA 82.2.1.e)

5. All reports shall be submitted on Department approved forms provided for the particular type of incident being reported. Forms provided for and required by the State of Maryland shall be used when applicable. (CALEA 82.2.1.b & d)

6. Incident Reports shall be sequentially numbered with a two- digit prefix representing the year of issue followed by a sequential suffix designating the report number (i.e., 04-0005 would be the fifth report taken in the year 2004). (CALEA 82.2.3)

7. Supervisory Review: To provide consistency in report writing and to ensure that assignments have been completed, all incident reports (and related forms and attachments) shall be reviewed by the on-duty Shift Supervisor. (CALEA 82.2.1.e)

a. If the report is satisfactory, the on-duty Shift Supervisor shall endorse the report(s) and forward the original incident report(s) and attachments to the Records Section. (CALEA 82.2.1.e)

b. If the report has METERS computer documentation attached, it is the Shift Supervisor's responsibility to double check the computer work for accuracy. (CALEA 82.2.1.e)

c. If the report(s) is unsatisfactory, the on-duty Shift Supervisor shall return the report(s) to the submitting officer for necessary corrections.

d. If the report is not completed prior to the end of a shift, a written note or email shall be sent to the Division Commander explaining the delay prior to going off-duty. (CALEA 82.2.1.e)

i. The Records Section Supervisor or his/her designee will be responsible for ensuring that all reports forwarded to the Records Section are accounted for on a weekly basis. Missing incident reports will be brought to the attention of the assigned reporting officer's Division Commander. (CALEA 82.1.5)

a. Delinquent incident reports will be brought to the attention of the reporting officer's Division Commander.

b. The reporting officer's Division Commander will ensure the report is either located or regenerated and

forwarded to records.

8. Follow-up: Reports may be assigned to Criminal Investigations Section (CIS), Patrol or Traffic Unit for follow up. (CALEA 42.1.3.d) (CALEA 82.3.5)

a. All original documents initiated in the course of an investigation shall be forwarded to the Records Section, with the exception of documents that have evidentiary value. (CALEA 82.1.5)

i. Active cases assigned to an investigator, either as originals or supplements, may be retained by the investigator until the case has been completed. Two years after the completion, the entire case including attachments, photographs, etc., shall be forwarded to the Records Section for processing.

ii. Intelligence and informant files shall be maintained by the Criminal Investigations Section Sergeant.

iii. Investigatory files relating to employee conduct shall be maintained by the Internal Affairs Unit.

a. Photographs related to an investigation shall be maintained in the incident report file.

9. Cases Status Reports: Cases assigned in pending or active status shall require supplements deactivating or closing the investigation. It is the responsibility of the supervisor of the officer assigned the case to ensure that regular status reports are received until the investigation or follow-up is finalized. Cases that have been completed and are awaiting judicial action shall not require follow-up supplements.

10. Record Retention: See Bowie Police Department's Records Retention Schedule maintained by the Records Section Supervisor. (CALEA 82.1.3)

NOTE: Photos, audio/video tapes, police reports, and/or other documentation contained within any file scheduled for destruction will not be released to any person or employee without the written consent of the Chief of Police.

Records Security: The Records Section Supervisor shall be responsible for ensuring the security of records stored in the Division.

a. Access to the Section's files are restricted to Records Section employees and Department Supervisors only. The entrance door into the Records Section shall remain locked at all times when not occupied by Records Section personnel. (CALEA 82.1.1.c)

b. Information contained in police documents will be released to Department employees on a need to know basis only. (CALEA 82.1.1.d)

11. System Security and Back-up:

a. The Information Technology Unit of the City, in coordination with the Records Section Supervisor are responsible for ensuring the security of the computerized Departmental files through the issuance of individual User Identifications and passwords.

b. Only employees or contractors approved by the City's Information Technology Unit will be allowed to introduce software into any City owned computer. (CALEA 11.4.4)

B. Master Name File:

The Records Section Supervisor is responsible for maintaining a master name file. (CALEA 82.3.1)

C. Arrest Reports:

1. All custodial arrests, with the exception of a warrant arrest, shall be recorded on a Department approved Arrest Report.

2. All adult persons arrested shall be issued an arrest number (booking number) that will be used for all subsequent arrests. To ensure that additional arrest numbers are not assigned to the same individual, the next available number located in the Department's CAD shall be used, after it is determined that the individual does not have an existing number.

3. All arrestees that were transported to Headquarters or Central Processing are required to be fingerprinted and photographed if an Arrest Report has been completed. Exception: Arrests for traffic offenses only need to be photographed. (CALEA 82.3.7.b & c)

a. Photographs taken of individual incarcerated at Central Processing shall be maintained by that agency.

4. The Records Section shall be responsible for updating previous arrestee records whenever a subsequent arrest occurs. All existing information will be validated and/or modified with each new arrest.

D. Juvenile Records:

1. Collecting:

a. Juvenile Records will be placed in a packet with the word “juvenile” stamped on it. This will make the packet easily identifiable from adult records. (CALEA 82.1.2.a)

b. The contents of the juvenile arrest packet will include: (CALEA 82.1.2.b)

i. Arrest Reports, when applicable;

ii. Fingerprints, when applicable;

iii. Photographs, when applicable;

iv. Juvenile Citations, when applicable; and,

v. Criminal history computer work when applicable.

2. Security and Dissemination of Juvenile Records: (CALEA 82.1.2.c)

a. Access to the Record Section’s juvenile files are restricted to Section employees and Department Supervisors only. The entrance door into the Records Division shall remain locked at all times when not occupied by Records Section personnel. (CALEA 82.1.1.c)

b. Information contained in the juvenile records will be released to Department employees on a need to know basis only.

c. Employees from allied agencies may receive unedited copies of juvenile records provided the request is being made for an official law enforcement purpose.

d. All dissemination will be in compliance with federal and state law.

3. Storage: Juvenile arrest records shall be maintained and kept separate from adult offender arrest records. (CALEA 82.1.1.a)

4. Disposition of juvenile records after reaching adult age: Once a juvenile reaches adult age the records will be maintained and destroyed in accordance with the Department’s Records Retention Schedule. (CALEA 82.1.2.d)

5. Expungement: Court order expungements of juvenile records will be expeditiously handled by a Records Section employee. (CALEA 82.1.2.e)

E. Warrant Files:

Upon the application and issuance of a warrant or criminal summons by the District Court Commissioner, the applying officer shall immediately turn the arrest warrant over to the Commissioner to be forwarded to the Prince George’s County Sheriff’s Office.

F. Privacy and Security of Criminal History Record Information:

1. Definition: Criminal History Record Information (CHRI) is information collected by criminal justice agencies which identifies an individual in connection with an arrest, detention, indictment or other formal criminal charges, and any disposition arising there from: sentencing, correctional supervision, and/or release. Information regarding individuals currently within the judicial process or identified through posters/announcements for the purpose of apprehension shall be exempt from these provisions.

2. Dissemination:

a. Department arrest and/or disposition information shall not be released to non-criminal justice agencies unless subpoenaed to do so or when authorized by legal counsel. Department CHRI may be released to other criminal justice agencies provided it is to be used for official law enforcement purposes. (CALEA 82.1.1.b)

b. Criminal history information obtained from other law enforcement agencies or through METERS computer system shall not be released to other law enforcement agencies without prior authorization from the originating agency. (CALEA 82.1.1.b)

c. Department criminal history files shall be sequentially numbered and shall contain only the following documents within the jackets: (CALEA 82.3.6)

i. Booking/arrest reports;

ii. Fingerprints, when available; and,

iii. Photographs, when available.

G. Report Dissemination – Daily Distribution (CALEA 82.2.4)

1. Police reports and other official documents received by the Records Section shall be distributed daily

H. Report Dissemination-Criminal Justice Request: (CALEA 82.1.1.d)

1. Report Dissemination Legend (RDL): The Records Section is responsible for maintaining a current RDL. The Records Section shall disseminate reports to the appropriate Commanders/Units/officers in accordance with the RDL. See Addendum A.

2. Bowie Police Department employees may receive unedited copies of any documents maintained within the Records Section provided that the request is made for official law enforcement purposes.

3. Employees from allied agencies may receive unedited copies of police reports provided the request is being made for an official law enforcement purpose.

4. All copies of unedited reports will be stamped with a warning prohibiting secondary dissemination prior to their release.

I. Report Dissemination - Non-Criminal Justice Request: (CALEA 82.1.1.d)

1. Non-criminal justice request for inactive, closed, or unfounded police reports and/or any other official document shall not be released in unedited form unless a court issued subpoena has been presented. The following information shall be edited from non-subpoenaed police reports prior to release to non-criminal justice entities:

- a. Address, telephone number, date of birth and social security number of a victim;
- b. Any information that identifies or may lead to the identity of a suspect(s) not arrested unless approved by legal counsel;
- c. Any information that identifies or may lead to the identity of a witness or any statements made by a witness when such disclosure may cause material harm to the investigation, violate the privacy or confidentiality of the witness, or has been determined not to be in the best interest of the City or State;
- d. Performance or results of any test or the failure of an individual to submit to such a test;
- e. Any opinion of guilt or innocence of a defendant;
- f. Any statements of confession or guilt by an accused;
- g. Any information that identifies or may lead to the identity of an individual arrested for an offense in which the case has been adjudicated and sentencing, if any, has been completed unless the requestor is the arrestee;
- h. Any information that identifies or may lead to the identity of a juvenile named in a police report who has since turned eighteen (18) years of age;
- i. Any information that identifies or may lead to the identity of a juvenile that has not been referred or charged with an offense.

2. Court issued subpoenas for police reports and/or other official documents will be referred to legal counsel for legal approval prior to release; and,

3. Electronic audio recordings of radio transmissions and Communication's telephone lines shall be considered public record and will be subject to the same editing procedures outlined in this chapter.

J. Public Records Requests for Photographs: The Records Section shall disseminate the

photographs to requesting party(s) in accordance with Maryland law.

K. Collection and Handling of Funds:

1. The Records Section shall collect fees, in accordance with the City's fee for services schedule, for the following services:

- a. Copies of accident and incident reports;
- b. Research and processing;
- c. Subpoenaed records;
- d. Crime scene photographs;
- e. Audio recordings;
- f. Public records requests;
- g. Parking citations;
- h. Red light camera citations; and,
- i. Impound fees.

2. Method of payment: Service fees may be accepted by Records Section employees in the form of United States currency, check, money order or credit card.

- a. Receipts will be provided.
- c. After normal business hours, all funds shall be secured in a locked area accessible only to the Records Section Supervisor or those designated by the Supervisor.

3. Fee collection: The Records Section Supervisor will be responsible for verifying the accuracy of fee collection transactions.

- a. All services fee transactions will be verified by comparing the cash amount in the cash envelope to the cash receipts.
- b. Discrepancies in transaction fee amounts will be audited by the City's Finance Department.

L. Uniformed Crime Reporting: This Department participates in the National Uniform Crime Reporting (UCR) Program. The Records Division shall compile and submit crime data to the UCR in accordance with procedures established by that Program. (CALEA 82.1.4)

M. Electronic (ETIX) Traffic Citations:

1. Citation numbers are assigned by the ETIX computer database administered by the Maryland State Police.

a. A printed copy of the citation shall be issued to the violator.

b. An electronic copy of the citation is automatically submitted to the District Court by the ETIX database.

2. Maryland Safety Equipment Repair Orders (SEROs) and Written Warnings may also be issued through ETIX.

a. A printed copy shall be issued to the violator.

b. An electronic copy is automatically submitted to the Maryland State Police by the ETIX database.

N. Traditional (Paper) Traffic Citations:

1. Citations shall be sequentially numbered and each citation shall consist of the original and four copies.

a. The original copy is forwarded to the Records Section who will forward to the appropriate court (white).

b. The second copy is retained by the Records Section for the file (yellow).

c. The third copy is for the officer's file (pink).

d. The fourth and fifth copies are provided to the defendant at the time of issuance.

2. Citation book maintenance/issuance: Citation books shall be maintained and issued by the Records Section. The Training Section shall be responsible for tracking the following information: (CALEA 82.3.4.a)

a. The number of citation books issued;

b. The beginning and ending number of each book issued;

c. Name of the officer receiving the citation book; and,

d. The date the books were issued.

3. The Training Section is responsible for ensuring that citation books are issued in sequential order from the lowest to the highest number. (CALEA 82.3.4.b)

4. The Records Section is responsible for the secured storage of traffic citations.

(CALEA 82.3.4.c)

5. Accountability of Traffic Citations, Warnings and Motor Vehicle Equipment Repair Orders (ERO's): Once received from the issuing officers, the accountability for traditional (paper) traffic citations, warnings and motor vehicle equipment repair orders becomes the responsibility of the Records Section.

a. The receipt tab on newly issued citation books will be turned into the Records Section, which will record the citation numbers, the officer's name, his/her identification number and the date of issuance.

b. Once issued to a violator, citations, warnings and ERO's will be turned into the Records Section for processing to the appropriate venue.

c. In the case of a lost or stolen citation, the officer to whom the citation was issued will forward a memorandum of explanation, via the chain-of-command.

d. Citations may only be voided, prior to be issued, if an error is made while writing a citation, or if citations become damaged, the officer may request by memorandum to the appropriate division commander that the citation be voided.

O. Distribution of subpoenas:

1. Subpoenas sent or delivered to the Department shall be received by the Records Section.

2. One copy of the subpoena shall be retained in the Records unit for file with the original forwarded to the Squad/Unit/Section Supervisor.

3. Subpoena copies shall be maintained by the Records Section for a period of three (3) months after the date of the trial/hearing.

4. Supervisors shall be responsible for ensuring that his/her employees have acknowledged receipt of all distributed subpoenas.

P. A sampling of the records entered into NCIC files by this Department shall be validated monthly for accuracy by the Records Unit.

1. Information contained in the original report will be checked against the NCIC printout to determine if items(s)/person(s) are correctly entered. If any errors are detected, an NCIC modification will be made immediately.

2. During the validation process, all victims listed on reviewed reports will be contacted to ensure that the item(s)/person(s) have not been recovered. In the event that a recovery has been made by the victim, the Records Clerk will complete a supplement.