

	DELMAR POLICE DEPARTMENT	
	Policy 5.1 Departmental Records / Reporting Procedures	
	Effective Date: 01/01/15	Replaces: N/A
	Approved: <u>Ivan Barkley</u> Chief of Police	
	Reference: DPAC: 4.2.1	

I. POLICY

The records maintenance function is critical for the effective delivery of law enforcement services. An efficient means of storing, cataloging, and retrieving records is essential to meet the management, operational, and informational needs of the Delmar Police Department.

II. PURPOSE

The purpose of this policy is to assist employees assigned the task of records management an effective record keeping system.

III. RECORDS SECURITY

- A. Official police records are maintained in the Records Division office under the supervision of the Senior Administrative Assistant (SAA). The Records Division office is a restricted area. The Senior Administrative Assistant reports directly to the Chief of Police and any personnel assisting the Senior Administrative Assistant are approved by the Chief of Police. The Senior Administrative Assistant will be provided training in law enforcement records management and the Public Information Act.
- B. Access to files containing restricted records is restricted to personnel assigned to records management, division commanders, criminal investigators, and the Chief of Police. Access by unauthorized personnel is prohibited.
- C. The Records Division office will be secured and locked when authorized records management personnel or other authorized personnel are not present. The Records Division office and all police records storage cabinets shall be locked at all times during non-business hours or when authorized records management personnel are not scheduled for duty.
- D. Personnel authorized by the Chief of Police may have access to the Records Division office and records storage files after hours or when the office is unoccupied. Authorization may be granted to supervisory personnel and division commanders. All authorized personnel may access calls for service, incident/offense reports, and other

reports in the computerized records management system to the limits they are authorized.

- E. The Senior Administrative Assistant or other authorized personnel will not leave the records office unoccupied when records files are unlocked and/or while unsecured official police reports are under review for needed maintenance. Official police reports, including copies, will not be left in officer mailboxes or trays that are not in secured areas of the police facility.
- F. The Administrative Commander is responsible for the oversight of all records obtained through the Maryland Electronic Telecommunications Enforcement Resource System (METERS) and Delaware Criminal Justice Information System (DELJIS). The Administrative Commander is responsible to ensure that all records are maintained in compliance with METERS and DELJIS policy as well as those policies of the National Crime Information Center (NCIC). METERS/DELJIS/NCIC records are considered confidential and all communications personnel are responsible to ensure that only authorized persons receive those records and the records are not made available to unauthorized persons or left unsecured or available for unintended public inspection.

IV. RECORDING OF INCIDENTS BY CATEGORY

- A. In order to develop a comprehensive reporting system, it is necessary to record actions taken by law enforcement personnel whether in response to a request for service or self-initiated actions. Each reported incident occurring within the Department's jurisdiction will be categorized as one of the following and will receive a sequential incident number:
 - 1. Individual's request for service, crime reports, or complaints which:
 - a. Requires an officer to be dispatched.
 - b. Requires an assigned employee to investigate.
 - c. Requires an assigned employee to take action at a later time.
 - 2. Self-initiated criminal and non-criminal incidents by officers
 - 3. Incidents involving arrests, citations, field contacts or traffic stops
- B. Assignment of Case Numbers
 - 1. As communications personnel or officers become aware of an incident occurring within the town's jurisdiction that requires the initiation of police activity, they will assign an incident number generated by LERMS (Law Enforcement Records Management System). The incident number will be generated using the appropriate state's ORI.

2. Reports of police activities, such as an accident, impound, property and evidence recovery, etc., will be assigned the LERMS incident number.
3. When an incident is assigned a LERMS number, the following information regarding that incident will be entered into the LERMS system by dispatch personnel or officer when dispatch personnel are not available:
 - a. Date and time of the initial reporting
 - b. Name and address of the complainant or victim requesting the service.
 - c. Nature of the incident and the location.
 - d. Officers assigned to the call.
 - e. Time dispatched, arrived, and returned to service.
 - f. Status, date, and time of action taken on the call.
 - g. Vehicle registration information.
 - h. Driver's license information.

C. Master Name Index

1. All entries into the computerized records management system will cause a master name index to be established, maintained, and updated. The index will be an alphabetical index of the names of persons identified in the field reports as complainants, arrestees, victims, witnesses, suspect's and/or informational. The SAA will periodically review the master name index to identify duplication of master name records and perform the appropriate merge function using the computerized records management system.

D. Juvenile Records

1. A file is maintained on each juvenile (age under 18) arrested, referred or detained by an officer. The file includes all documents associated with the contact as indicated in this section. A report of juvenile detentions and dispositions is available in the Records Management System (RMS). State and federal laws require juvenile files to be kept separate from adult files.
2. Maryland State Law requires that all law enforcement agencies take special precautions to ensure that law enforcement records concerning a child are protected against disclosure to any unauthorized person. Delaware law requires that records of juvenile proceedings be private, except to the extent the Family Court determines

publication to be in the public interest; however, such records shall be made available to the Superior Court and the department of Services for Children, Youth and Their Families whenever a child is arrested, convicted or acquitted of a felony or class A misdemeanor.

3. Police Officers may release, upon request to one another and to other local, state or federal law enforcement officers, current information on juvenile arrest, limited to name, address, physical description, date of arrest, and charge for which the arrest was made. Such information may only be used for current investigation and not for creation of new individual files or records.
4. Fingerprints and photographs may be taken of a juvenile regardless of age or offence if the law enforcement officer has probable cause to believe that, if the offense had been committed by an adult, an arrest would be made.
5. Other physical samples may be taken from a juvenile for identification purposes only after the officer has conferred with the States Attorney or District Attorney General for advice and assistance as to the legalities and proper procedure for obtaining such samples. Samples felt necessary might include, but are not limited to: hair, blood, urine, nails, breath, stomach contents, handwriting, etc.

E. Computerized Criminal History Information

1. Computerized criminal history information (CCH) is a federal/state cooperative system of a variety of databases (arrests, convictions, driving records, outstanding warrants, and others). The computerized criminal history (CCH) data base lists all arrests and convictions for offenses that have not been purged due to the state/federal age purge criteria.
2. Access to the METERS/DELJIS/NCIC criminal history data base is limited to trained/certified personnel. All requests for CCH information on a subject are logged in the CCH log in the communications office. Authorized personnel receiving a CCH print-out shall sign the CCH log book before removing the print-out from the communications officer.
3. The CCH log book shall be maintained in the communications office at all times and shall not be removed from that office except by a division commander or the Chief of Police.
4. Access to CCH information through local law enforcement agencies is limited to criminal justice uses. Individuals who request a copy of their computerized criminal history must do so through the Maryland State Police or the Delaware State Bureau of Identification.

5. METERS/DELJIS/NCIC CCH information or hard copy returns, including copies of those returns, are not released under any circumstances to any person not authorized to receive this information.
6. Any employee who violates any Criminal Justice Information Systems' (CJIS) policy is subject to disciplinary action up to and including termination, with the possibility of criminal charges being filed against the violating employee.

V. REPORT NUMBER AUDIT & REPORT STATUS

- A. The SAA will run a computer printout from the records management system as a daily audit of all reports and reports returned to officers to ensure all reports have been submitted. As reports and supporting documents are received, they will be placed in numerical order by incident number in the respective file location.
- B. When a report has not been turned in the SAA will check the "Review" status in the RMS to determine if a report has been sent back for correction. If on the second business day a report has still not been turned in the SAA shall send a status request to the officer's respective Division Commander. The Division Commander will follow-up to ensure all missing reports are accounted for.
- C. Reference section VII. "Reporting Procedures" for further information regarding the workflow process of the reporting procedure.

VI. DISTRIBUTION OF REPORTS AND RECORDS

- A. The distribution of reports to the various specialized organizational components within the agency is peculiar to the particular type of report. After reviewing the reports for completeness, the patrol supervisor will forward all approved reports to the Patrol Division Commander.
- B. Case files assigned to criminal investigators will contain all original documents for investigative purposes. Otherwise, all offense/incident reports will then be copied and the copies forwarded to the appropriate section within the department such as Animal Control, Communications Division, etc. These originals are maintained in the designated police records storage area.
- C. Citations are forwarded to the SAA office for entry into the RMS.
- D. Field interview reports are forwarded to the Criminal Investigation Division. Field interview reports are maintained in the RMS.
- E. The original of all records are to remain within the police records storage area in the Records Division. With the exception of minor grammatical, minor omissions or spelling errors, corrections or amendments to an original report are made by supplement

report. Supplemental reports will be sent to the SAA office for proper filing whenever additional information is processed.

VII. REPORTING PROCEDURES

- A. Reporting officer(s) complete offense / incident report and submit to supervisor for review and approval.
1. All officers shall complete and submit their reports as soon as practical after completing a call for service or self-initiated activity. Officers will not allow unwritten reports to accumulate during their shift. All reports should be completed prior to ending their tour of duty. Upon completion of an offence / incident report in LERMS, officers will assign a *Review Status* on the “Review” tab in the RMS system. This can be accomplished by clicking on the “Review” tab. Choose Level “1”, Type “SUBMIT FOR APPROVAL”. Choose “Save” and exit. Upon completion of an offense report in LEISS, officers will select “Save to Main Frame and Submit for Supervisor Approval”.
 2. Supervisors will ensure that officers complete all reports as soon as practical and they are submitted for approval when complete. Supervisors will ensure that all corrections or additions to reports are completed by the officer prior to being excused from duty.
 3. Supervisors will investigate all instances of overtime requested to complete police reports during times when a supervisor is unavailable to monitor the report writing activities of officers.
 - a. The supervisor will determine if the officer utilized his on-duty time effectively and determine if the report(s) could have been accomplished during the scheduled tour of duty.
 - b. If it is determined that an officer did not utilize his on-duty time effectively, thereby creating an overtime situation, the officer will be required to submit a written report to the supervisor explaining any reasons for his failure to utilize his scheduled on-duty time for report writing.
 - c. A report from the supervisor concerning the inquiry and the officer’s report will be forwarded to their respective division commander for disposition.
 4. Officers unable or unwilling to complete reports during their tour of duty when time and activity allows will be counseled by their respective supervisor or division commander regarding proper time management.
- B. If a patrol supervisor is on duty, the supervisor will be contacted for report approval.

1. The reviewing supervisor will ensure that the report is complete and meets report writing standards and has all necessary attachments.
 2. Reports needing corrections will be returned to the officer immediately and corrections should be made prior to the end of shift.
 3. Supervisors should not excuse an officer from duty until all reports have been completed and approved.
- C. If a patrol supervisor is not on-duty at the time the report is written, the report will be submitted to a patrol supervisor at shift change for review and approval. If a patrol supervisor is not available at shift change the reports will be placed in the report receiving tray.
- D. On-coming patrol supervisors, not relieving another patrol supervisor, will check the report receiving tray before engaging in other activities. Any reports which have not been approved will be reviewed and approved or returned to the reporting officer for correction.
- E. If the offense / incident report is approved with no corrections required, the report is submitted to the Patrol Division Commander for secondary review / approval.
- F. The Patrol Division Commander will forward approved reports to the Records Division. Records will either forward the report to Criminal Investigations for follow-up investigation or will secure the report in the file
- G. If discrepancies are noted and require correction, the reviewing supervisor will highlight the noted discrepancies on the report.
1. For incident reports and Maryland “offence” reports, the reviewing supervisor will assign a *Review Status* on the ‘Review’ tab in the RMS system. This can be accomplished by clicking on the “Review” tab. Choose Level “0”, Type “RETURNED” and note the discrepancies in the text box. Choose “Save” and exit. In LEISS, the supervisor will select “RETURN”, after making notations in the text box in the review process, upon completion of review.
 2. The supervisor will then return the report directly to the reporting officer(s). Supervisors shall review reports completed during their shift and seek corrections prior to the end of shift to expedite report submission to the Patrol Division Commander.
 3. In LERMS the correcting officer(s) will correct the report and assign a *Review Status* of Level “1”, Type “RESUBMIT” and return the original returned report to the supervisor for review. In LEISS the correcting officer will correct the report and resubmit by clicking “Save to Main Frame and Submit for Supervisor Approval” and return the original report to the supervisor for review. Under no

circumstances will reports needing correction be retained by officers and stored in briefcases, lockers, patrol cars or taken home. Officers may take reports with them on patrol to make corrections with the in-car RMS.

4. If further discrepancies are noted or noted discrepancies still require correction, the reviewing supervisor will assign a *Review Status* on the 'Review' tab in the RMS system, by clicking on the "Review" tab, choosing Level "0", Type "RETURNED" and noting the discrepancies in the text box. The supervisor shall make further notation in the text box that there was a need for additional corrections. Choose "Save" and exit. LEISS reports needing additional corrections will be returned in the same manner as stated above.
 5. When an offense/incident report has been corrected and the reviewing supervisor has determined no further corrections are required, the *Review Status* must be updated prior to submitting to the Patrol Division Commander. The reviewing supervisor will assign a *Review Status* of Level "1", Type "ADMIN REVIEW" on the 'Review' tab in the RMS system. In the notes field, type, "CORRECTED" and save. The workflow box will close automatically.
 6. After review by the Patrol Division Commander, he or she will assign a *Review Status* of Level "2", Type "APPROVED" on the 'Review' tab in the RMS system.
 7. Submit the original offense / incident report to the Records Division.
- H. Supervisors should run a report on a daily basis to determine which, if any, reports have not been corrected and returned. This report is produced within the RMS system and LEISS
1. As a rule of thumb, reports should be corrected no later than the correcting officer's next shift. Supervisors should run this report daily to determine which reports have not been corrected by their subordinate officers.
- I. Administrative Records
1. Administrative records personnel will only receive approved reports for processing. Upon receiving approved reports, administrative records personnel will ensure that the report is complete, all required supplements are included, and all attachments are present.
 2. If problems are found with approved reports, administrative records personnel will return the report to the Patrol Division Commander for remedy.
 - a. The Patrol Division Commander shall return the report to the approving supervisor or reporting officer for corrective action. If the reporting officer is assigned to another Division, the Patrol Division Commander will return the report to the respective Division Commander.

- b. If a report has to be returned to a reporting officer more than twice for correction, notice will be given to the Chief of Police through the chain of command.

J. Criminal Investigations

1. Consideration is given to the case load of criminal investigators. However criminal investigators assuming report responsibility of an incident or offense will complete the report no later than the 2nd working day after the incident or offense, including the day the case number was generated.
2. The report must be completed within RMS and meet all requirements for the Uniform Crime Reporting standards. The report will be submitted to his or her supervisor for approval. If a discrepancy is identified, the supervisor will return the report to the reporting officer for correction(s).
3. Upon correction of the returned report, the report will be re-submitted to his or her supervisor for approval. Upon approval, the supervisor will change the *Review Status* to Level “2”, Type “APPROVED” and forward to the Records Division.

VIII. RECORDS RETENTION AND DESTRUCTION

- A. Records will be retained in the police records storage area as specified in this policy and purged or destroyed only in accordance with State law, or any Court Orders to expunge.
- B. Accident Reports: A copy of each accident report will be kept for seven (7) years in numerical order filed by incident number in the police records storage area.
- C. Offense Reports: Because some offenses have no limitations period (can be prosecuted at any time) and because the limitations period for some offenses is based on the age of the victim at the time of the offense, offense report purging cannot simply be based on calculation of a number of years from the date of the offense. Offense reports are therefore retained for an indefinite period of time, and filed in numerical order by incident number in the police records storage area.
- D. All Other Information Reports: The original of each Miscellaneous Incident Report will be kept for an indefinite period of time and will be filed in numerical order by incident number in the police records storage area, as offense reports are kept.
- E. Adult Arrest Files: Adults may obtain a court order to have their arrest records expunged; otherwise, adult arrest files will be kept until a report of death of the arrestee. Adult arrest files will be filed alphabetically in the police records storage area.

- F. Juvenile Arrest Files: A Juvenile arrest file will be created for every juvenile taken into custody by members of this department. Juvenile files are maintained separately from adult files and are kept secure from unauthorized disclosure in the police records storage area. Juvenile arrest files will be filed alphabetically.
- G. Destruction of files and records will be done by shredding, burning, or other means of destruction approved by the Chief of Police when documents exceed the required retention schedule.

IX. UNIFORM CRIME REPORT (UCR)

- A. It is the responsibility of the SAA to complete the monthly UCR and Department Crime Report in a timely manner.
- B. The SAA must read and be familiar with the UCR Handbook including UCR reporting standards and must perform several audit checks for each crime reported.

X. RELEASE OF RECORDS

- A. Release of information reported to law enforcement agencies is governed by the State and Federal laws.
- B. Any request for information contained in any report made or compiled by the department is to be referred to the SAA office.
 - 1. Offense and Incident Reports with redacted personal information that are requested as public information will only be released to the general public or the media by the SAA or personnel authorized by the Chief of Police.
 - 2. Complete Offense and Incident Reports may be released upon receipt of an open records request and shall only be processed through the SAA or personnel authorized by the Chief of Police.
 - 3. Complete Accident Reports containing information not excluded by the Public Information Act will only be released by the SAA or personnel authorized by the Chief of Police.
- C. All arrest files which are maintained in the records files and computer will be the responsibility of the SAA. Copies of files will only be released to persons authorized below.
 - 1. Personnel of this department.
 - 2. Sworn officers from other agencies upon written request.
 - 3. Courts of law under proper process.

4. States Attorneys.
 5. District Attorneys.
 6. Federal Law Enforcement Agencies
 7. Probation departments.
 8. Military Personnel with a written request and signed waiver of the named person. Copies of waivers will be kept for a period of seven (7) years.
- D. Juvenile arrest information is closed to public information requests and will not be released without Court Order of signed waiver from the juvenile and a parent or guardian.
- E. Original reports will only be released to members of this Department and will be documented with date, name, file name and number and the person releasing the files in the Records “check-out log.” A copy will be made prior to release of any original report and the Records “check-out log” will be completed upon each request. Upon the return of original records, the Records clerk will check the contents of the return against the “check-out log” and note when and who returned the files. If there are no discrepancies in the contents of the records being checked in, the receiving person will initial the “check-out log” placing all records in its originating file location.
- F. The SAA or authorized records personnel will respond to all requests from the courts for original records. A complete copy of the records requested will be made before removing the original from the Records Unit.