

DEPARTMENT GENERAL ORDER 07-08

OFFICE of the CHIEF OF POLICE
REPLACES: General Orders 05-07/05-07A
SOP 402.13.00

DATE: January 11, 2007

RECORDS ADMINISTRATION

I. PURPOSE.

To address departmental records functions that are basic to the administration, management, and security of the records system. Operational practices shall ensure the accuracy and accessibility of various records files, while concurrently complying with confidentiality and privacy requirements.

II. DEFINITIONS.

Record - A formal account of facts, events, or proceedings, recorded by mechanical or electronic means, for future reference and use.

Expungement of Records - To erase or remove from the record system.

III. RECORDS SECURITY.

The Commander of the Investigations and Support Bureau shall be responsible to direct and oversee control measures in regard to agency offense reports. The Supervisor of the Administrative Division shall then enforce operational procedures which have been designed to provide for the physical security of department records and to control access to same.

A. Physical Security

Incident reports and other departmental records which have been compiled and/or drafted within the last three (3) calendar years shall be maintained within the Administrative Division under the direct control of division personnel. Following normal business hours, incident report files and other pertinent records shall be locked with access restricted to those operations staff with a clear and specific need for information.

Incident reports and other departmental records which carry dates prior to the last three calendar years are filed in a separate and secure storage room. Again, access is limited to key entry, with the appropriate keys maintained under the direct control of command and records staff.

Records and report data that have been computerized may only be accessed by those department employees who possess an authorized password.

B. Controlled Access to Records

Access to departmental records shall be controlled by both physical and technological means. However, such controls shall be designed to allow necessary and reasonable access to departmental records by those employees requiring information.

1). Record Information Availability

Personnel assigned to the Administrative Division shall generally be available during normal business hours between 0700 hours to 1700 hours, Monday through Friday, excluding holidays. Requests for copies of reports and other records received during the preceding times shall be primarily handled by such employees.

After normal duty hours and on weekends when administrative personnel are unavailable, sworn officers shall have access to basic department records (e.g. police incident reports, booking sheets, warrants, etc.) on an as need basis. The on-duty supervisor will be responsible to approve access to locked files by department personnel with the intent to ensure the integrity of such records from unauthorized personnel or disclosure. No original file is to be removed from the Administrative Division without the report being first signed out by the interested party and a red folder placed into the records file.

Records data contained within the department's computer system may be accessed by any employee with an authorized password.

IV. RECORDS PRIVACY CONSIDERATIONS.

All employees with access to criminal justice records through REJIS, MULES, and NCIC are required to comply with the policies concerning the entry, modification, retrieval and release of these records. The department will investigate all suspected instances of misuse, and if confirmed, the suspected employee(s) shall be subject to disciplinary action, up to and including dismissal. The release of certain records may also violate state and/or federal laws or regulations, violation of which may result in civil or criminal penalties.

A. Closed Records

All correspondence referring to court ordered closing or expungement of records shall be directed to the Supervisor of the Administrative Division. Once the legitimacy of the correspondence has been determined (acting under the authority of the Chief of Police) the Supervisor of the Administrative Division will instruct the Data Analyst to make all appropriate entry and/or modifications to REJIS computer entries, and to physically mark hard copy documents held by this department that same are "Closed Records."

Arrest records are closed records in three situations under RSMo Section 610.100: 1) Thirty days after an arrest and no charges have been brought; 2) After a dismissal of charges; and 3) After successful completion of probation where imposition of sentence was suspended (SIS). All other arrest records are presumed to be open.

In general, closed records may not be made available to any person or agency without a valid court order. However, administrative personnel will comply with the provisions contained in RSMo 610.100 which states in part,

"Any person, including a family member of such person within the first degree of consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this section or section 610.150 for purposes of investigation of any civil claim or defense, as provided by this subsection. Any individual, his or her family member within the first degree of consanguinity if such individual is deceased or incompetent, his or her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by the law enforcement agency pursuant to this section."

Closed records may also be released to other criminal justice agencies with the approval of the Commander of Investigations and Support Bureau or the Supervisor of the Administrative Division.

Warrant refusals shall be directed to the Data Analyst. The appropriate REJIS computer entry will then be made to reflect the change in status, and all physical records pertaining to the arrest shall be marked "Closed."

B. Expunged Records

All correspondence referring to or ordering the expungement of records shall be directed to the Supervisor of the Administrative Division. Once the legitimacy of the correspondence has been determined, and with the approval of the Chief of Police, the Supervisor of the Administrative Division shall instruct the Data analyst to effect the changes required to satisfy the expungement order. These shall entail:

- 1). The individual's name shall be blacked out through the entirety of the police report.
- 2). Mug shots shall be destroyed.
- 3). Copies of fingerprint cards shall be destroyed.
- 4). The individual's name shall be blacked out on the booking sheet.
- 5). The in-house REJIS computer entry shall be deleted.

Upon completion of the expungement proceedings, no record shall exist to show that the individual covered by the expungement order possessed a criminal record through this agency.

C. Computerized Criminal Histories

Computer printouts shall be considered confidential information, and where an officer or dispatcher may verbally relay certain information originating with the Missouri Department of Revenue (DOR), the physical release of a computerized criminal history or other printout obtained via REJIS, NCIC, DOR, or MULES shall be restricted to law enforcement agencies and governmental officials only. Violations of this provision may result in charges and/or disciplinary action being brought against the employee.

Printouts that are deemed to be unnecessary or irrelevant shall be shredded.

V. RECORD KEEPING.

Pursuant to Chapter 109 RSMo, the Police Department, as a public entity, shall be required to compile and maintain a system of records as a matter of law. These may consist of handwritten documents, typed documents, microfilmed documents, or electronic recordings, the intent shall remain the same. The documents will form a complete and retrievable record of the full spectrum of departmental actions. Of the various types of records maintained by this agency, certain records will be held in perpetuity while others may be destroyed or otherwise disposed of following a specified number of years. Police reports, booking sheets, fingerprint cards, daily activity logs, and statistical reports are records that this department will maintain as a continuing public and historical record. Records such as Memorandum reports, summonses, and racial profiling forms, etc. shall generally be held for a designated time period and then properly destroyed.

The Administrative Division shall be the central repository for departmental records. In addition to processing incoming reports, the staff assigned to the division shall bear the primary responsibility to file, maintain, and retrieve such records as are in the department record system.

A. Types of Records

1. Alarm calls
2. Alarm violation file
3. Bond numbers
4. Booking numbers
5. Booking sheets
6. Criminal Exchange file
7. Daily activity log
8. Daily assignment report
9. Employee auto accident reports
10. Employee emergency contact forms
11. Employee injury reports
12. Field interview reports
13. Fingerprint cards
14. Graffiti reports
15. Service call entries
16. monthly crime statistics file
17. Incident reports
18. Juvenile reports
19. LID number file
20. Memorandum reports
21. Missouri probation data requests
22. Monthly auto accident statistics
23. Monthly UCR reports
24. Quarterly hate crime reports
25. Payment receipt books
26. Racial profiling forms
27. Subpoena requests for data
28. Towed vehicle files
29. Vehicle repair log
30. Warning tickets
31. Warrant files

B. Adult Records

Department records pertaining to adults shall be filed by both year and number. The numbering system utilized to identify specific records may vary according to type of record, however, the numbers assigned to incident reports shall run consecutively from one to infinity, commencing with January 1 of each calendar year.

Adult records and/or files will normally be held in the report processing area of the department for a period of two years. At the end of that time, those files bearing the oldest yearly designation will be transferred to archival storage. New records will then be filed within the vacated space.

C. Juvenile Records

In accordance with RSMo, Section 211.321, which states in part, "Peace officers records, if kept, of children shall be kept separate from the records of persons seventeen (17) years of age or over, and shall not be open to inspection or their contents disclosed except by order of the court," Juvenile records shall be segregated and filed separately from those of adults.

Department records pertaining to juveniles shall be filed by both year and number in the same manner as that used for adult records. However, handwritten copies of juvenile records shall be distinctively marked to identify them as such, and following processing, will be filed separately from adult records. The Administrative Division shall be responsible to maintain full custody over all hard-copies of juvenile records and will retain same in a secure file located in the divisional offices.

Juvenile records which are entered into the department's computer system are not separated from adult records; however, as access to the information is limited to those employees with authorized passwords, the data is secure from unlawful release.

1). Collection/Retention/Dissemination of Fingerprints

As juveniles arrested for a felony offense may be fingerprinted, the officer(s) responsible for processing the subjects shall attach the fingerprint cards to the original handwritten report and forward same to the Administrative division for processing. Fingerprint cards will then be disseminated to the St. Louis County Police Department which will retain one copy and send the second to the Missouri State Highway Patrol. This agency will retain no fingerprint cards in regard to juvenile offenders.

2). Collection/Retention/Dissemination of Photographs

Photographs of juvenile offenders arrested for a felony offense shall be digitized and entered into computerized mug shot file managed and controlled by the Criminal Investigations Division. Juvenile mug shots will be labeled as such via an attached information placard prepared at the time each photograph is taken. Juvenile photographs shall be placed in a separate file folder within the computer and will be held in perpetuity, unless otherwise directed by the Juvenile Court. Access to juvenile mug shots will be limited by password.

In those instances where a request is received for a juvenile mug shot by a law enforcement organization, a copy of the mug shot may be provided, contingent upon the approval of a supervisor. Requests by non-law enforcement organizations shall be directed to the Family Court for approval.

3). Collection/Retention/Dissemination of Other Identifying Data

Identification cards and other forms of identifying data which may be obtained in connection with juvenile offenders shall be properly marked and/or filed so as to control access to same. Where necessary such data shall be separated from similar adult information/records.

Retention limits and the dissemination of such information shall be contingent upon the type of data and current legal stipulations.

VI. RECORDS RETENTION SCHEDULE.

Departmental records shall be retained in accordance with all applicable state and federal laws. The current retention schedule for various types of department records is as follows:

Maintained in perpetuity:

1. Bond numbers
2. Booking numbers
3. Booking sheets
4. CID Evidence/Property Files
5. Employee Emergency Contact
6. Fingerprint cards
7. LID Number file
8. Monthly UCR Reports
9. Mug shots
10. Quarterly Hate Crime Reports
11. Incident Reports
12. Juvenile Reports

Maintained for ten (10) years:

1. Daily assignment reports

Maintained for five (5) years:

1. State/Vehicle Tow Reports
2. Composite file
3. Criminal Exchange file
4. Daily activity logs
5. In-service training forms

6. Employee auto accident reports
7. Employee injury reports
8. Graffiti reports
9. Payment receipt books
10. Order acknowledgement forms

Maintained for three (3) years:

1. Memorandum reports
2. Monthly auto accident statistics
3. Racial profiling forms

Maintained for one (1) year:

1. Alarm call records
2. Alarm violation files
3. Field interview reports
4. Missouri probation data requests
5. Subpoena requests for data
6. Warning tickets
7. Cell logs
8. Radar wagon logs
9. Legal process log
10. Municipal court inspections
11. Operational readiness inspections
12. Squad inspections
13. Vehicle inspections
14. Secondary employment forms
15. Monthly activity reports
16. Traffic analysis reports

Warrant files and vehicle repair forms shall be maintained for an indeterminate time until same are satisfied, at which time they shall be completed and forwarded to the Court Clerk and City Garage, respectively. Any additional retention of such records shall be the responsibility of those departments.

VII. CRITERIA/PROCEDURES FOR RELEASE OF RECORDS INFORMATION.

Recent changes in state law have stipulated that reports or records containing the basic facts about incidents of crime - what, where, when, and how - should be open and available to those who wish to view them. Investigative reports, those which are prepared by personnel of a law enforcement agency, and include the names of actual or potential suspects, lab results, interviews with suspects, witnesses, evidentiary findings, or leads that remain to be pursued, shall be considered closed records until such time as the case becomes inactive and may not be disclosed to the general public prior to that time.

In the event that a request for a police report is made to this department, the following procedure shall be followed. The person requesting the report must state a specific need or cause for obtaining the report. News media personnel and members of the general public (to include their duly authorized agents) may purchase a copy of a police incident report, provided that the information contained therein does not pose a clear and present danger to:

- 1). Victim(s)
- 2). Witnesses
- 3). Department employee(s)
- 4). Confidential informant
- 5). Other individual,

or would otherwise jeopardize an on-going investigation, constitute an unreasonable and unwarranted invasion of personal privacy, interfere with fair and impartial adjudication, or compromise a lawful national security intelligence operation. If disclosure would pose such a threat, that portion of the incident report shall be closed and “redacted” (blacked out) from any record otherwise made available under the Sunshine Law.

Release of incident reports to other than a victim or their authorized agent must be approved by the Supervisor of the Administrative Division, or in his absence, an on-duty command rank officer. Generally, an incident report will be considered to be the face sheet of a police report and any associated property pages. Suspect pages, narrative pages, supplementary investigative reports, and/or other attachments to the incident report shall be considered investigative reports and will be routinely withheld pending an arrest in the case.

Criminal justice agency employees, e.g. full-time law enforcement officers or other criminal justice personnel with a “Need-to-Know” may obtain copies of both incident and investigative reports upon request and with proper identification.

Requests for police reports and related documentation submitted by defense attorneys should be referred to either the St. Louis County Prosecuting Attorney’s Office or the City of Clayton Prosecuting Attorney, unless the request is made via subpoena or court order. Should the latter be the case, response to same shall be honored in a timely manner.

Release of auto accident reports to vehicle owners, insurance companies, news media organizations, or their agents, will generally be accommodated upon request. However, in those instances when an auto accident report may also involve an ongoing criminal investigation, those sections of the narrative, and any attached investigative reports, will be withheld from dissemination.

Requests for the release of statistical information must be approved by the Supervisor of the Administrative Division or the Commander of the Investigations and Support Bureau. Such information will be provided whenever possible.

A. Copies of Reports

Copies of police reports may be obtained in person or by mail. Phone requests shall not be honored. The Police Department charges a fee for such copies. The fees may be paid in cash, money order, or by check.

Upon receipt of payment, the employee handling the transaction will log the payment in the "Report Fee" book, issue a receipt to the payee, and place the monies collected in a locked container. A copy of the requested report shall then be made, and following its being stamped "Copy," mailed or hand-delivered to the requesting party. The employee handling the release of the report will list same on the Administration Report Distribution Log. For major incidents (e.g. homicide) a Duplicate Report Distribution form will be filled out and placed in the original report file jacket.

The fund containing accumulated report fees (cash, money orders, and checks) shall be balanced on a monthly basis, after which time collected monies will be forwarded to the Office of the Chief of Police. A remittance slip will then be prepared and the funds transferred to the Finance Department.

BY ORDER OF:

THOMAS J. BYRNE
Chief of Police

TJB:dld

CALEA Reference: 82.1.1/82.1.2/82.1.4