

Records Unit

800.1 PURPOSE AND SCOPE

- (a) This policy establishes the guidelines for the operational functions of the Oakley Police Department Records Unit. The policy addresses file access and internal requests for police reports.

800.2 POLICY

- (a) It is the policy of the Oakley Police Department to maintain records securely, professionally and efficiently.

800.2.1 REQUESTING ORIGINAL REPORTS

- (a) Generally, original reports shall not be removed from the Records Unit. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Records Manager. All original reports removed from the Records Unit shall be recorded on the Report Check-Out Log which shall constitute the only authorized manner by which an original report may be removed from the Records Unit.

800.3 RESPONSIBILITIES

800.3.1 RECORDS MANAGER

- (a) The Chief of Police shall appoint and delegate certain responsibilities to the Records Manager.
- (b) The responsibilities of the Records Manager include, but are not limited to:
 1. Overseeing the efficient and effective operation of the Records Unit.
 2. Scheduling and maintaining Records Unit time records.
 3. Supervising, training, and evaluating Records Unit staff.
 4. Maintaining and updating a Records Unit procedure manual.
 5. Ensuring compliance with established policies and procedures.
 6. Supervising the access, use, and release of protected information (see the Protected Information Policy).
 7. Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 - (a) Homicides.
 - (b) Cases involving [department/office] members or public officials.
 - (c) Any case where restricted access is prudent.

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800.3.2 RECORDS UNIT

- (a) The responsibilities of the Records Unit include but are not limited to:
1. Maintaining a records management system for case reports.
 - (a) The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
 2. Entering case report information into the records management system.
 - (a) Modification of case reports shall only be made when authorized by a supervisor.
 3. Providing members of the [Department/Office] with access to case reports when needed for investigation or court proceedings.
 4. Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
 - (a) All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
 - (b) Suspected hate crimes (Penal Code § 13023).
 - (c) Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).
 - (d) Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).
 - (e) Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
 1. The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
 5. Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
 6. Identifying missing case reports and notifying the responsible member's supervisor.
 7. Updating the Automated Firearms System to reflect any firearms relinquished to the [Department/Office] and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
 8. Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, or under observation within seven calendar days of the precipitating event (Penal Code § 11108.2).
 9. Maintaining compliance with the state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).

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800.3.3 RECORDS UNIT PROCEDURE MANUAL

- (a) The Records Manager should establish procedures that address:
 1. Identifying by name persons in reports.
 2. Classifying reports by type of incident or crime.
 3. Tracking reports through the approval process.
 4. Assigning alpha-numerical records to all arrest records.
 5. Managing a warrant and wanted persons file.

800.4 DETERMINATION OF FACTUAL INNOCENCE

- (a) In any case where a person has been arrested by officers of the Oakley Police Department and no accusatory pleading has been filed, the person arrested may petition the [Department/Office] to destroy the related arrest records. Petitions should be forwarded to the Administrative Services Supervisor. The Administrative Services Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.
- (b) Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administrative Services Supervisor should forward the petition to the Investigations Division Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Investigations Division Supervisor and the Administrative Services Supervisor shall decide whether a finding of factual innocence is appropriate.
- (c) Upon determination that a finding of factual innocence is appropriate, the Administrative Services Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).
- (d) The Administrative Services Supervisor should respond to a petition with the [Department/Office]'s decision within 45 days of receipt. Responses should include only the decision of the [Department/Office], not an explanation of the analysis leading to the decision.

800.5 FILE ACCESS AND SECURITY

- (a) The security of files in the Records Unit must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a police [department/office] case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area within the Records Unit, accessible only by authorized members of the Records Unit. Access to case reports or files when Records Unit staff is not available may be obtained through the Sergeant.
- (b) The Records Unit will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

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800.6 ORIGINAL CASE REPORTS

- (a) Generally, original case reports shall not be removed from the Records Unit. Should an original case report be needed for any reason, the requesting [department/office] member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Unit shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Unit.
- (b) All original case reports to be removed from the Records Unit shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Unit. The photocopied report shall be shredded upon return of the original report to the file.

800.7 CONFIDENTIALITY

- (a) Records Unit staff has access to information that may be confidential or sensitive in nature. Records Unit staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Unit procedure manual.

800.8 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

- (a) The Operations Lieutenant should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):
 - 1. The individual is issued a certificate describing the action as a detention.
 - 2. All references to an arrest are deleted from the arrest records of the [Department/Office] and the record reflects only a detention.
 - 3. The California DOJ is notified.

800.9 REVIEW DATE

- (a) 29 APR 16
- (b) 5 JAN 20 (Lexipol)