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## Records Bureau

### 806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Elk Grove Police Department Records Bureau. The policy addresses department file access and internal requests for case reports.

### 806.2 POLICY

It is the policy of the Elk Grove Police Department to maintain department records securely, professionally, and efficiently.

### 806.3 RESPONSIBILITIES

#### 806.3.1 RECORDS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Support Services Division Commander or the authorized designee.

The responsibilities of the Records Manager include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Bureau.
- (b) Scheduling and maintaining Records Bureau time records.
- (c) Supervising, training, and evaluating Records Bureau staff.
- (d) Maintaining and updating a Records Bureau procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) 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 employees or public officials.
  - (c) Any case where restricted access is prudent.

#### 806.3.2 RECORDS BUREAU

The responsibilities of the Records Bureau include but are not limited to:

- (a) Maintaining a records management system for case reports.
  - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.

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1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) 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:
  1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
  2. Suspected hate crimes (Penal Code § 13023).
  3. Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).
  4. Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).
  5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
    - (a) 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).
  6. Anti-reproductive rights crime information required by Penal Code § 13777.
  7. Domestic violence-related call information required by Penal Code § 13730 (see the Domestic Violence policy).
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection), as applicable, for the following types of occurrences:
  1. Officer suicides
  2. Officer misconduct
  3. Uses of force
  4. Officer deaths or assaults
  5. Crime incidents
  6. Deaths in custody
- (h) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the California DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
- (i) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered

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in relation to a private party firearms transaction or registration, relinquished or surrendered pursuant to a court order or a state law that requires relinquishment or surrender of firearms to law enforcement, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).

- (j) Entering into the California DOJ automated property system descriptions of serialized property, or non-serialized property that has been uniquely inscribed, which has been reported stolen, lost, found, recovered, held for safekeeping, or under observation (Penal Code § 11108).
- (k) Maintaining compliance with quarterly California DOJ reporting requirements regarding the department's efforts to verify an individual listed in the Armed and Prohibited Persons System (APPS) is no longer in possession of a firearm (Penal Code § 29813).
- (l) Maintaining compliance with the state and California 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)).
- (m) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

### 806.3.3 RECORDS BUREAU PROCEDURE MANUAL

The Records Manager should establish procedures that address:

- (a) Identifying by name persons in reports.
- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.
- (d) Assigning alpha-numerical records to all arrest records.
- (e) Managing a warrant and wanted persons file.

### 806.4 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Elk Grove Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Records Supervisor. The Records Supervisor will forward the petition to the Lieutenant in charge of the Investigative Services Division who will determine whether the petition will be granted or denied.

The Records Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

If the petition is denied, the original petition along with a letter of denial, drafted by the Records Supervisor, will be mailed to the petitioner. The petitioner can then contact the District Attorney's Office to seek factual innocence, if they choose to do so.

Upon determination that a finding of factual innocence is appropriate, the Records Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required

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notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

### **806.5 ARREST WITHOUT FILING OF ACCUSATORY PLEADING**

The Field Services Division Commander 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):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

### **806.6 FILE ACCESS AND SECURITY**

The security of files in the Records Bureau 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 case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Bureau, accessible only by authorized members of the Records Bureau. Access to case reports or files when Records Bureau staff is not available may be obtained through the Watch Commander.

The Records Bureau will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

### **806.7 ORIGINAL CASE REPORTS**

Original reports, located electronically on the Department's Records Management System or in the Records Bureau, shall not be released to a requesting employee. A photocopy of the report must be made when a record is released to a requesting employee.

### **806.8 CONFIDENTIALITY**

Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau 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 Bureau procedure manual.