

MITCHELL POLICE DIVISION

CHAPTER 31

RECORDS

PURPOSE: This chapter establishes the key functions, responsibilities and procedures for the processing, storage and dissemination of information. The Records Section serves the Division and the public through the effective management of records maintenance, physical security, controlled computer access, fast historical record retrieval, and by ensuring the continuity of information within the Division.

31.1 CENTRAL RECORDS COMPONENT ESTABLISHED

A. The Policy of the Mitchell Police Division is to comply with South Dakota laws pertaining to Criminal Justice Records. The Division will make complete criminal justice information available consistent with all applicable federal and state laws.

B. Definitions:

The following words and terms used in this procedure shall be defined as provided below:

1. Access - means to view and read a record
2. Person of Interest - Person named in a case
3. Copying - means to duplicate a record by use of a machine
4. Criminal Justice Record - means all books, papers, cards photographs, tapes, recordings or other documentary materials regardless of form or characteristics, which are made, maintained, or kept by the Division for use in the exercise of functions required or authorized by law or administrative rule.

31.2 CENTRAL RECORDS FUNCTIONS

A. Every Original Mitchell Police Division case report will be reviewed by Records Personnel and indexed in the computer data base as follows:

1. The File number is the individual's number linking all individuals in the law enforcement computer database, which includes the personal identifiers, e.g. name, DOB, and addresses of all victims, suspects, arrestees, and witnesses.
 2. All reports of criminal activity in the City will be coded according to the guidelines in the NIBRS Edition (National Incident Based Reporting System) and entered into computer terminals designated for the collection of this statistical information.
 3. Mitchell Police Communications Center personnel are responsible for the timely and accurate entry of all Calls for Service. Entries will include case report number, caller information, name, location, call type, dispatch times, and brief narrative to include pertinent information when available.
- B. Sealing of Records:
1. Upon receipt of a court order, which directs the Division to seal any record, the Records Personnel shall immediately comply.
 2. Basic identification information shall be exempt from sealing, e.g. name, date of birth, last known address, physical description, sex, and fingerprints.
- C. Order suppressing information:
1. Upon receipt of a court order limiting the release or access of arrest and criminal records information, the Records Personnel shall immediately comply by prohibiting the release of or access to the records by any person or agency other than:
 - a. The person in interest
 - b. A criminal justice agency in the State of South Dakota
 - c. A similar agency of the federal government

2. The Lieutenant or his designee will enter the date the order was sealed. It will also indicate the CR# (if applicable) that was sealed. All traffic citations will be flagged that they have been sealed.

31.3 INCIDENT REPORTING

- A. Accurate reports of police investigations serve as the official memory of the Police Division.
- B. Case numbers shall be initiated in the following cases:
 1. All arrests and non-traffic related citations
 2. Anytime a report is generated by a Division employee
- C. Case numbers may be initiated in the following cases:
 1. Traffic Citations
 2. Citizen reports of crimes or complaints
 3. Citizen requests for services, when an officer is dispatched.

31.4 INCIDENT REPORTING INFORMATION

Police reports generated by employees shall contain, at a minimum, the following:

1. Complete blanks in NIBR's and accident report and all other official Mitchell Police Division reports to include all narrative portions and all pertinent information.

31.5 FIELD REPORTING FORMS

The policy of the Mitchell Police Division is that employees will document their activities in relation to all criminal and non-criminal investigations on the proper forms.

31.6 PURPOSES OF REPORTS

- A. At the completion of every police-related assignment it is the employee's primary responsibility to see that the facts and circumstances relevant to that incident are properly reported.
- B. The prompt and complete reporting of preliminary police investigations enables follow-up investigators to make decisions about priorities and to concentrate their efforts on those cases, which show likelihood of investigative success.
- C. The reporting of police actions protects the Division and employees from unwarranted accusations of police misconduct or lack of action.
- D. Written reports serve as an important evaluation tool for supervisors. Accurately reporting the police action taken allows supervisors to review work performance information with the reporting employee.
- E. Since the public and the press may have access to police reports, the professional image of the Division and its employees may be dependent on the quality of its written records.

31.7 REPORT REQUIREMENTS

- A. Once approved by a supervisor, reports will be submitted to the Dispatchers or secretaries for typing. Changes or alterations may be made on a report by the Lieutenant or his designee.
- B. Clarity:
 - 1. The quality of a police report is determined by whether or not it completely, clearly and concisely communicates an accurate account of the incident being reported.
 - 2. The details of the incident and the sequence of events should be arranged in a logical order.
 - 3. The narrative section of the report shall be bullet style in which each line will specify a fact, not necessarily in a sentence.
 - 4. Slang terminology, abbreviations and police jargon should be avoided unless it is part of a direct quote.

C. Legibility:

Decisions cannot be made and follow-up investigations cannot occur on the basis of reports that cannot be read.

D. Accuracy:

1. Accurate reports result in appropriate decisions later in the law enforcement process and in the criminal justice system. The greatest opportunities for successful apprehension and prosecution rest in an accurate, complete and objective report.
2. Each report should accurately state the facts of the incident, the results of the employee's investigation, and the nature of the action taken.
3. Accuracy extends to all facets of report writing including complete information and correct spelling and mechanics.

31.8 FIELD REPORT REVIEW

- A. Preliminary review for the Patrol Officers shall be conducted by the Shift Supervisor, and is intended to ensure that call for service assignments have been satisfactorily completed.
1. Employees shall forward all reports and case work to the Shift Supervisor periodically throughout their tour of duty.
 2. The Shift Supervisor shall account for and review all reports, including traffic related reports and summonses during their tour of duty. This includes specific responsibility to ensure that:
 - a. The reports are neat and complete
 - b. All forms are appropriately used
 - c. Appropriate spelling, grammar and overall writing style are used.

- d. The narrative properly documents all actions taken by the employee in a given incident and reflects all pertinent information in a straight-forward, easily comprehended manner.
 - e. The actions reflected in the report represent proper police procedure and investigative methods.
- 3. The Shift Supervisor shall take corrective action relative to any deficiency or problem found with any police report filed by a Division member for whom he is responsible.
 - 4. The Shift Supervisor shall ensure that follow-up investigation is recommended in cases where further police action is necessary.
 - 5. All cases shall receive an administrative designation according to standard of Case Management.
 - 6. All reports shall be reviewed by the Lieutenant or his designee, and if deficiencies exist that cannot be easily corrected, the supervisor who approved the report will be responsible for correcting the deficiencies.

31.9 DISTRIBUTION OF REPORTS AND RECORDS

- A. Records is responsible for the collection, verification and distribution of police reports. All handwritten and typed reports reviewed and approved by an employee's supervisor will be received by Records.
- B. It will be the decision of the Lieutenant, his designee or the Chief as to whom copies of Mitchell Police Division reports will be released. All requests should be directed to those indicated.

31.10 REPORT SUBMISSION AND ACCOUNTABILITY

- A. At the end of each patrol shift, the Shift Supervisor may obtain a printout of the Calls For Service (CFS) information that corresponds to the case numbers issued during the shift.
 - 1. The Shift Supervisor shall ensure that a written report is received for all incidents requiring written documentation during the shift.

2. Patrol officers shall not keep any original reports in their possession after their tour of duty. All documentation must be turned in to the Shift Supervisor.
- B. The Lieutenant or his designee shall be responsible for all Incidents requiring written reports to be accounted for. If any case reports are missing, the Lieutenant or his designee shall ensure that they are located and generated.

31.11 RECORDS PRIVACY

- A. Any person may request inspection of records between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, holidays excepted.
1. Accident reports may be inspected at any time
- B. Fees for copying shall be shown to any applicant upon request
- C. Upon approval of the distribution of any MPD records the Communications Specialist/Secretary will collect the appropriate fees. Payment may be made in US coin or currency, certified or cashier's check, money order or personal or business check, with acceptable identification. A receipt shall be given for all fees collected. All funds shall be deposited in accordance with records procedures.
- D. A search of the requested records shall begin as soon as feasible, and be completed within 72 hours.
- E. Records of Official Action:
1. The Records Custodian may provide records of official actions as approved.
 2. If the requested records are not within the Records Section's custody or control, the Record's Custodian shall so notify the applicant.
 3. If the records are in active use storage or are not available for other acceptable reasons, the Lieutenant or his designee shall notify the applicant (in writing if necessary). If requested by the applicant, the Records Custodian may set a date and time within three working days of the time of application for inspection of the records.

4. If the record in question is pending disposition with a State's Attorney, City Attorney, Attorney General, or US Attorney, it shall be the policy of the Mitchell Police Division to refer them to that office and not release reports to them.

F. Other Criminal Justice Records:

1. Where Access Denied

- a. Pursuant to the Privacy Act, if disclosure could be contrary to the public interest, access to records consisting of the following shall be denied to all persons except law enforcement authorities.
 - (1) Investigations being conducted by this or any other Law Enforcement agency or State's Attorney.
 - (2) Intelligence information or security information of this or any other Law Enforcement agency or State's Attorney.
 - (3) Investigative files compiled for any other Law Enforcement purpose.
- b. If access is denied, the Lieutenant or his designee shall notify the applicant of the grounds for denial (in writing if necessary).

2. Where Access Granted

- a. If disclosure would not be contrary to the law and the public interest, the applicant shall be granted access to the requested records.
- b. If the requested records are not within the Lieutenant or his designee's custody or control, he shall notify the applicant of the reason for their absence, their location, and the person having custody and control (in writing if necessary).

G. Determination

When records are located and retrieved, the Lieutenant or his designee shall determine if the inspection and dissemination is

consistent with state and federal laws. If the release is questionable, the request will be forwarded to the Chief of Public Safety for approval or denial based upon the nature of the request. The City Attorney or the States Attorney may be consulted for clarification.

31.13 RECORDS RETENTION SCHEDULE

- A. The retention and destruction of all Division records shall be as directed by the South Dakota Common Records Retention and Destruction Schedules.

31.14 RECORDS OF FUNDS HANDLING

- A. Policy

In-house policies will be established by the Administration and placed in the Records Section standard operating procedures in accordance with Policies and Procedures Chapter 11.9 concerning specific cash handling procedures.

- B. Responsibility

The Communications Director or designee is responsible for security of all monies collected for photocopies.

- C. Records Clerk

Communications Personnel or the Secretaries shall receive money for requests for records and shall issue a receipt for each request in the designated receipt book.

- D. Transfer to City Finance

The Communications Director or designee will transport and relinquish all money. Finance will provide a receipt for all monies received.

- E. Audit

The Communications Director and/or designee will monitor money collections and the cash bag. It is the responsibility of the Communications Director to verify the contents at any time.

The Communications Director will make periodic unscheduled checks on compliance with receipt procedures as well as cash on hand. Any discrepancies not readily accounted for will be turned over to Administration for investigation.

31.15 PROPERTY INDEX

The policy of the Mitchell Police Division is to maintain a computerized database of stolen, recovered, and property held as evidence as a result of a case report.

31.16 CRIMINAL HISTORY

The policy of the Mitchell Police Division is to maintain a physical and computerized criminal history file on every person arrested. This standard has been addressed in the below listed Policies and Procedures standards.

31.17 MODUS OPERANDI FILE

The policy of the Mitchell Police Division is that the Investigative Section may maintain a modus operandi file in the Law Enforcement Computer Database.

31.18 TRAFFIC CITATION RECORDS

- A. The policy of the Mitchell Police Division is to rigidly control records of all traffic citations, to include:
1. Issuing citation forms to officers
 2. Accounting for citations
 3. Computerized records

31.19 CONFIDENTIAL REPORTS

All reports of a sensitive nature that relate to Internal Affairs, Employee personnel files, Medical, Training and other Administrative reports and

documents will be kept in the Administration Section of the Police Division and/or Human Resources Director.

31.20 MASTERNAME CRITERIA

All organizations, businesses or persons named in a case report shall have a Master ID Record entered.

31.21 UNIFORM CRIME REPORT (UCR)

- A. The policy of the Mitchell Police Division is to participate in State and Federal Crime Reporting Systems. The Records Section shall be responsible for the retrieval and generation of National Incident Based Reporting (NIBR) which is directed to the State of South Dakota, Office of Attorney General, Criminal Statistics Analysis Center and the Federal Bureau of Investigation.
- B. The NIBRS reports are submitted on a monthly basis.