

WEST PALM BEACH POLICE DEPARTMENT

II-17 RECORDS FUNCTIONS

EFFECTIVE: 12/01/2007

CALEA Standards: 82.1.1, 82.1.2, 82.1.3, 82.1.4, 82.1.5, 82.1.6, 82.1.8
82.1.9, 82.2.4, 82.2.5, 82.3.3, 82.3.5, 82.3.6

CFA Standards: 34.01- 34.06, 34.08-34.11

I. POLICY: The Records Custodian of the Records Division is responsible for the maintenance, control and retrieval of the Department's public records, which includes criminal and civil records, budget management and fiscal control, property and evidence control, and building maintenance. Records personnel review received records for accuracy and completeness and prepared, for both State and Federal Uniform Crime Reports (UCR).

The Staff Services Division is responsible for maintenance, control and retrieval of the Department's personnel and training records upon request from the Records Custodian in conjunction with the City's Human Resources Department.

II. DEFINITIONS:

A. Public Records - are all materials made or received by an agency in connection with official business, which **are used to perpetuate, communicate or formalize knowledge**. They are not limited to traditional written documents. Tapes, photographs, films and sound recordings are also considered public records subject to inspection unless a statutory exemption exists.

B. Active Criminal Investigative - as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future" AND WHILE SUCH INFORMATION IS DIRECTLY RELATED TO PENDING PROSECUTIONS OR APPEALS.

C. Active Criminal Intelligence - "as long as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of on-going or reasonably anticipated criminal activities" (119.011 (3) (d) AND WHILE SUCH INFORMATION IS DIRECTLY RELATED TO PENDING PROSECUTIONS OR APPEALS.

1. Public Record as it pertains to 'active' investigations Section 119.011 (3) (c)

- a. The time, date, location and nature of a reported crime;
- b. The name, sex, age, and address of a person arrested (juvenile misdemeanor exception)
- c. The name, sex, age and address of the victim of a crime (sexual offense exception)
- d. The time, date and location of the incident and of the arrest
- e. The crime charged

III. RECORDS SECTION FUNCTIONS:

A. The Records Section maintains all offense/incident and supplementary reports, payroll records, police administration building and operating systems records, and other duties assigned by the Critical Service Bureau Administrator or by the Chief of Police.

B. The Fiscal Services Section will direct and assist in bureau and divisional budget and fiscal management activities, including accounting, expenditure monitoring, execution of purchasing activities, divisional equipment repair and control, and other services to include providing citizen information, records duplication and release, and the handling of general information as directed by the Division or Bureau Administrator, or assigned by the Chief of Police.

IV. RECORDS RESPONSIBILITY:

A. Records will be released through court order, subpoena, or applicable public records law.

B. The Records Section is responsible for the collection, retention and dissemination of all police records produced by this Department.

1. The Internal Affairs Unit is responsible for the collection and retention of all Internal Affairs records.
2. The Staff Services Division is responsible for the collection, retention and internal dissemination of Departments personnel and training records. The City's Human Resources Department is responsible for collection, maintenance, and dissemination of the official personnel records of all Department members. The Records Section or the Internal Affairs Unit is responsible for the external dissemination of Department working files and training records as applicable to the specific request received.

C. Report Accountability:

1. All police reports completed must be submitted to a supervisor for review of accuracy and completeness by the end of the report taker's tour of duty unless otherwise authorized by the supervisor.
 - a. The report taker will retain their copy of the report for 60 days after the report was written.
2. The supervisor will review and approve each report indicating approval, and submit the designated copies to the Records Section of the Critical Services Bureau and other Divisions as needed via hardcopy or MFR to RMS.
3. Reports needing correction(s) by the report taker will be noted in writing. Notification to correct the report will be made no later than the beginning of the report taker's next shift.
 - a. A copy of the report needing corrections will be forwarded to the Records Section with a note explaining why the report was not turned in on time and when the corrected report is due.
 - b. Reports will be corrected and returned to the supervisor no later than the end of the shift notification was made in unless otherwise authorized by the supervisor.
4. The Records Section reviews all submitted reports for verification of case number against report, coding and data entry. Statistical information for the Uniform Crime Reports (UCR) is recorded.
5. The Record Section generates a Missing Report spreadsheet for incidents and accidents on a daily basis.
 - a. The Records Section then compares the Notice Report with the Report Log and CAD to ensure that it is in fact missing.
 - b. The Missing Report spreadsheet is then routed to appropriate Division Commander, via Lotus Notes
 - c. Each Division Notices the appropriate Shift Commander or Unit Supervisor for attention by the identified officers.
 - d. The officers must respond by the following Tuesday or their first work day of the next scheduled work rotation.
 - e. Based on the response, the Records Section will make the necessary associated changes in case status to provide accurate records.

D. Records maintenance:

1. The Department maintains a database of all reported incidents, arrests, and traffic crash reports.
2. The original hard copy of current and previous years offense, arrest, and traffic crash reports are then filed by sequential year and case number and stored in the Records Section.
 - a. Traffic crash reports are filed separately from criminal and non-criminal reports. A report log organized by date, drivers involved and type of incident is used to provide an audit trail.
3. All reports and records will be maintained in accordance with applicable State and Federal laws in order to

provide security and authorized access. All computer files have back up and storage at an off site location.

E. Records retrieval:

1. Police Department members and the general public can request copies of reports from the Records Section between 0730 to 2000 hours Monday through Friday, excluding City holidays.
2. Police Department members can use the designated recorded telephone line in Records to request copies of reports 24 hours a day. The copy will be placed in the requesting member's Department mailbox.

V. RECORDS RETENTION:

A. All records will be retained and destroyed in accordance with F.S.S. 257.36(5) and in strict compliance with the State of Florida General Records Schedule for Law Enforcement Agencies (GS-2) and the State of Florida General Records Schedule for State and Local Government Agencies (GS1-SL), and appropriate portions of the City of West Palm Beach Records Retention/ Microfilming Department Procedure Manual.

B. The Police Services Supervisor is designated as the Records Custodian of the West Palm Beach Police Department. The Records Section will store all records not needed for day to day operations

1. Bureau, Division, Section, and Unit records submitted to the Records Section for storage will be in letter or legal size storage boxes unless the records are of a non-standard size requiring special packaging.
2. Each box of records will be clearly labeled with the submitting unit name and the contents of the box. A memorandum will be included with the submission of any box containing more than one class, category or type of record detailing the contents.
3. The Police Services Supervisor or a designee will log the receipt of the box and its contents into the records retention log book.
4. The Police Services Supervisor or a designee will assign the box a tentative record destruction date based upon the submitting units description and applicable public records law.

C. The Internal Affairs Commander is designated as the Department Records Management Liaison Officer (R.M.L.O.).

D. Any employee desiring to destroy records will contact the Records Custodian, when applicable. The Records Custodian will ensure the required retention period has been met.

E. All records will be retained for at least the minimum retention period required by the State of Florida General Records Schedule for Law Enforcement Agencies (GS-2) and if applicable the State of Florida General Records Schedule for State and Local Government Agencies(GS1-SL). The Records Section Supervisor will be the Department authority for determining which records may be destroyed once the minimum retention requirements have been met.

F. The Records Section Supervisor will retain a copy of all State of Florida records retention publications, including the Records Retention Schedule.

VI. DISTRIBUTION OF RECORDS:

A. Distribution of records within the agency:

1. Hard Copy Reports:
 - a. The administrative copy of the offense incident/report will be forwarded to the Records Section for distribution.
 - b. The Criminal Investigations Division will receive a copy of the offense/incident report for review and, if necessary, follow-up.
 - c. Offense/incident reports containing narcotics or vice information and/or intelligence are routed to the

Narcotics Division.

d. Traffic crash reports involving a hit and run completed by non-Traffic Section personnel are forwarded to the Traffic Section for review and follow-up. After completion of this process, the reports are sent to the Records Section. Copies are then forwarded to the Department of Highway Safety and Motor Vehicles in Tallahassee.

2. Mobile Field Reports:

- a. Reports will be completed by officers and submitted to their supervisors through the mobile field reporting module.
- b. The approved reports will be electronically routed to the Records Section for processing.

B. Distribution of reports outside the agency:

1. When arrests are made, copies of case reports are prepared, along with Probable Cause Affidavits, and filed by the individual officer with the Office of State Attorney.
2. Copies of reports and Probable Cause Affidavits involving juvenile arrests are forwarded to the Juvenile Division of the Office of State Attorney.
3. Reports and/or information indicating a need for maintenance, repairs, or inspections are made available to other City Departments (e.g., Building and Zoning, Public Works, Transportation, etc.) as needed.

C. Public Records Requests:

1. Copies of case reports will be released per applicable public records law, subject to fees where authorized by Florida State Statutes. However, the names or identities of individuals protected by law, such as child abuse victims, sexual battery victims and juveniles arrested for misdemeanors will be redacted from such copies in accordance with F.S.S. 119.

a. Any requests for public records received by any member of this Department will be delivered to the Records Custodian or designee the day in which they are received.

b. The Records Custodian will assess each request and route these requests to the appropriate division, if applicable. The division will respond to the Records Custodian as to the existence of the record and the time it would take to retrieve the record. The Records Custodian will then determine the time necessary to review the record for confidential information, copying, and re-filing of the record. If a determination is made by the Records Custodian that the request will exceed one hour per West Palm Beach Executive Order 1-94, the Records Custodian will estimate the costs associated with it's production at the retrieving employees rate of pay, excluding benefits, and provide an estimate to the requesting party, prior to proceeding with the request. Once the deposit is received only then will the records request be promptly satisfied.

c. Victims of crimes will receive a copy of their police report at no charge.

d. All other non-law enforcement agencies will pay .15 cents per one-sided copy and .20 cents for a two sided copy.

e. A charge of \$1.00 per copy for certified copies.

f. If the nature or volume of the records to be copied or reviewed requires extensive use of information technology resources or extensive clerical or supervisory assistance, or both, the actual hourly rate of the employee will be charged for that time beyond one hour, excluding benefits.

g. Motor vehicle crash reports are confidential for a period of 60 days after the report is filed.

1. Such reports may be made IMMEDIATELY available to:

- a. the parties involved in the crash
- b. their legal representatives

- c. their insurance companies
- d. prosecutors
- e. certain print and broadcast media

(upon production of a photo identification and sworn statement affidavit submission (HSMV-94010).

h. The Records Specialist will attach a copy of the photo identification and affidavit to the original Crash Report

i. If the information requested does not exist, the records custodian must be notified via inter-office memo or by e-mail.

1. This will ensure that all public records request will be handled in accordance with all applicable state and county laws.

VII. PRIVACY, SECURITY AND CONTROL OF RECORDS:

A. Access to Records:

1. Physical access to the Records Section is limited to members assigned to the Records Section and authorized members who need access to conduct business. Access to this section is restricted by the security card readers and only member access cards programmed for the Records Section are able to open the doors to gain entry.

2. During normal business hours, routine requests for records, copies of reports, and record checks may be made at the Records Section counter or by telephone.

3. After business hours, requests for information will be handled by Dispatch Operations Shift Supervisors or an on-duty Patrol Shift Commander who will control access to records and monitor such access for operations personnel use.

a. Any non-Records Section member who accesses any report after hours will complete the "After Hours Report Access" log (Appendix A) located by the file racks for each report reviewed, entering the case number, report type, a check mark if copied, and their name and ID number.

b. When removing any report from the files for review or copy, an "Out" card (Appendix B) will be completed with the file name or (case) number, name and ID number for "charge to", and the date and inserted in the file where the report is removed from. The card is removed when the report is replaced into the file.

4. Information stored in computerized files is available at all times to authorized users based upon their security access level. Such access to computerized records is for departmental use only.

a. An annual audit of the Records Management system for verification of all passwords, access codes, or access violations must be accomplished.

B. Release and Review of Records:

1. The Police Services Supervisor will be the departmental authority regarding the release and review of Department records, excluding Internal Affairs records, to persons other than employees or criminal justice personnel, subject to all applicable law.

2. All original records will remain within the Records Section unless otherwise directed by court order or for disposal pursuant to the Florida Law.

3. Public dissemination of the information contained in computerized or paper records will be by and through the Records Section or Internal Affairs Unit only, subject to all limitations and conditions placed upon

electronic or paper records by this policy or applicable law.

C. Criminal Records:

1. Where practical, requests for criminal records will be referred to the originating agency, the Florida Department of Law Enforcement, or the Federal Bureau of Investigation.
2. The Police Services Supervisor and the Crime Scene Section Commander or their designees are the only persons authorized to release criminal records unless specifically designated otherwise in the written procedures of this Department.
3. Normally exempt police records may be released to criminal justice personnel, appropriate school personnel, and/or Department of Children and Families personnel directly responsible for child protective investigations and emergency child placement on an as-needed basis provided a Drivers License and Identification copy is attached to the report and copies are maintained showing what records are released and to whom.
4. All inquiries from non-criminal justice persons for release of criminal history records will be referred to authorized personnel in the Records Section or the Crime Scene Section unless otherwise specifically designated in written procedures of this Department.

D. Non-Criminal Records:

1. Only the Police Services Supervisor or a designee may release or allow review of non-criminal records unless otherwise designated in the written procedures of this Department.
2. The official personnel records for members are maintained by the Human Resources Department. Any request from a nonmember will be referred to Human Resources. However, if the request is made specifically for Police Department records, the records will be provided.
 - a. The Records Section will provide platoon/section files upon request.
 - b. The Staff Services Division through the Records Custodian will provide personnel and training files upon request.
3. Only the Records Custodian or designee may allow the visual review of any records and will assure compliance with appropriate laws governing the right to privacy and public records access. Such members will assure the return of all reviewed records to their storage location.

VIII. JUVENILE RECORDS:

- A. All misdemeanor juvenile arrest records will be marked "JUVENILE-CONFIDENTIAL."
- B. Juvenile arrest records relating to any non-traffic misdemeanor will be separated from adult arrest records and maintained in a file specifically dedicated to "JUVENILE ARREST RECORDS" in the Records Section.
- C. A copy of the fingerprints obtained from juveniles will be forwarded as follows:
 1. To the appropriate Juvenile Court, if the offense was a felony.
 2. To F.D.L.E., if the offense was a felony.
- D. All juvenile fingerprint cards will be maintained in a secure file by the Crime Scene Section. Juvenile fingerprint cards will be kept separate from adult fingerprint cards and identification records.
- E. Juvenile files, with the exception of fingerprint cards, will be kept in a secure area, separate from adult files.
- F. The misdemeanor juvenile files may be viewed or released on a "need to know basis" to other law enforcement agencies, state attorneys, the courts, the child, the child's parents or legal custodians, the child's

attorney(s), or any other person authorized by the law or court order to have access to such records.

G. Juvenile misdemeanor files are not generally public records and may only be opened to inspection by others subject to Florida State Statute Chapter 119.

H. Juvenile files will be produced in court whenever directed by the court.

I. Photographs of a juvenile may be shown by a law enforcement officer to a victim or witness of a crime for the purpose of identifying the person who committed such crime.

J. Juvenile arrest records will be destroyed in accordance with Florida Law or when ordered as part of a juvenile expungement order from F.D.L.E.

K. Officers will obtain consent from any juvenile who is to be photographed, fingerprinted, or have other forms of identification collected for purposes of "RECORD ONLY" processing. If a juvenile is processed for "RECORD ONLY", the same procedure will be followed as if the juvenile had been taken into custody for a non-felony violation of the law.

1. Fingerprints will not be forwarded to the Juvenile Court or F.D.L.E.

2. Reasonable attempts should be made by the officer to notify the parent(s) or guardian(s) of the juvenile of any "RECORD ONLY" processing and the purpose of the processing.

3. A Juvenile Affidavit will be completed and marked "RECORD ONLY". Include the appropriate case reference which resulted in the need for the processing.

L. Juvenile traffic violator records will be maintained and open to inspection in the same manner as an adult traffic violator's record.

M. The records related to juveniles detained for truancy will be maintained by the Truancy Interdiction Program.

1. Records of the current school year and the immediate past school year will be maintained at the Truancy Center.

2. Prior year records will be submitted in sealed boxes marked "JUVENILE-CONFIDENTIAL" to the Records Section for retention and disposal based on applicable public records law.

IX. SEAL AND EXPUNGE ORDERS:

A. Any criminal history record of a minor or an adult which is **ordered expunged** by a court of competent jurisdiction pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record..

B. A criminal history record of a minor or an adult which is **ordered sealed** by a court of competent jurisdiction pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and is available only to the person who is the subject of the record, to the subject's attorney, to criminal justice agencies for their respective criminal justice purposes, which include conducting a criminal history background check for approval of firearms purchases or transfers as authorized by state or federal law.

X. PUBLIC RECORDS LAW VIOLATIONS:

A. Releasing sex/child abuse identifying information to unauthorized personnel is a **2nd degree misdemeanor**; FSS 794.024(2).

B. Releasing the existence of an expunged or sealed record is a **1st Degree Misdemeanor** FSS 943.0585 (4)(c).

C. Releasing a Crash Report prior to the sixty days to unauthorized personnel is a **3rd Degree Felony**; FSS 316.066 (6)(b).

D. 119.10 Violation of the chapter; if any public officer knowingly violates the provisions of 119.07(1) by failing to provide public record or providing statutorily exempt information commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

XI. FCIC/NCIC CRIMINAL HISTORY:

A. The Department will adhere to all FCIC/NCIC regulations regarding the receipt, dissemination, security of information, and the destruction of FCIC/NCIC documents.

B. The Department will maintain a log of any dissemination of state or federal criminal history information. This record will reflect:

1. The date of release;
2. To whom the information relates;
3. To whom the information was released;
4. The State Identification Number (SID) and/or the FBI number(s); and
5. The purpose for which the information was released.

C. All records pertaining to FCIC/NCIC will be disposed of according to the Florida Department of State General Schedule for Law Enforcement Records.

XII. TRAFFIC RECORDS SYSTEM:

A. The Traffic Division will identify areas where there is a high occurrence of accidents by use of the Crime view Web Software.

1. A traffic records system is available that contains:
 - a. Traffic collision data – reports/investigations/locations
 - b. Traffic enforcement data – citations/arrests/dispositions/locations
 - c. Roadway hazard reports; and
 - d. Traffic collision and enforcement analysis reports.

B. The Traffic Division Sergeant will analyze the data from the issuance of citations in the high crash areas to determine if the cause may be enforcement or engineering design related.

C. Should the study indicate that a high crash rate can be reduced by a priority patrol effort; a priority patrol will be initiated to address the problem.

XIII. REFERENCE:

- SOP # III-29 Traffic Warnings, Citations, and Arrests.
- Florida Department of State General Schedule for Law Enforcement Records.
- Rules of the Florida Department of Law Enforcement Chapter 11C-6.
- F.S.S. Chapter 39, Part II Dependency cases.
- F.S.S. Chapter 119 Public Records.
- F.S.S. Chapter 415 Protection from abuse, neglect, and exploitation.
- F.S.S. 415.5018 District authority and responsibility.
- F.S.S. 943.0525 Criminal justice information systems; use by state and local agencies.
- F.S.S. 943.053 Dissemination of criminal justice information.
- F.S.S. Chapter 985 Delinquency; interstate compact on juveniles.
- F.S.S. 985.04 Oath; records; confidential information.

Delsa R. Bush, Chief of Police

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Old SOP # 6.230.002 Records Function, 6.230.010 Records Information and Security, 6.230.012 Supervisory Review of Field Reports,
6.230.014 Reports and Records Distribution, 6.230.017 Records Retention
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Job Title Task Files: Support Services Bureau Commander, Support Services Division Commander, Internal Affairs Commander, Crime Scene Section Commander, Records Section Supervisor, Shift Commander, Communications Shift Supervisor

