

## Records Department

### 803.1 PURPOSE AND SCOPE

The Records Supervisor shall maintain the Department Records Department Procedures Manual on a current basis to reflect the procedures being followed within the Records Department. Policies and procedures that apply to all employees of this department are contained in this chapter.

#### 803.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Section by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year followed by the two digit month, two digit day and a sequential three digit number beginning with 001 starting at midnight on the first day of January of each year. As an example, case number YYMMDD001 would be the first new case beginning January 1 of a new year.

#### 803.1.2 CASE CONTROL AND AUDITING

The Records Section Supervisor shall assure that generated case files are completed as appropriate and accounted for within the Records Section. Department supervisors will adhere to the report removal, submission and verification procedures, as outlined in the Records Maintenance and Release Policy. (Lexipol 807)

At the end of each month, A Computer-Aided Dispatch (CAD) printout of all generated case numbers are compared to the Records Unit case files to ensure that all case numbers and reports are accounted for. Follow-up notices are sent to the officers/investigators via their supervisors for any outstanding reports. All outstanding reports will then be submitted within a reasonable time (usually 10 days) and processed by the Records Section in the usual manner.

### 803.2 POLICY

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

#### 803.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Department. Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Records Supervisor. All original reports removed from the Records Department 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 Department.

### 803.3 DETERMINATION OF FACTUAL INNOCENCE

In any case, where a person has been arrested by officers of the Union City 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 Support Services Division Captain or his/her designee. The Support Services Division Captain or his/her designee should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner

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is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Support Services Division Captain or his /her designees should forward the petition to the Investigations Unit Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Investigations Unit Supervisor and the Support Services Division Captain or his/her designee shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Support Services Division Captain or his/her designee shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

The Support Services Division Captain or his/her designee 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.

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

The Field Operations Division Captain 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.

#### **803.5 CONFIDENTIALITY**

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

#### **803.6 REVISIONS**

Revised: November 28, 2016 - "Report Check-out Log" added to section 803.2.1, new section 803.4 added

Revised: April 19, 2017 - "Confidentiality" section added.

Revised: August 22, 2017 - "Case-Control and Auditing" section added.

Revised: Feb 1, 2018

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Revised: October 24, 2018 - Lexipol updates