

CITY OF ANDERSON POLICE DEPARTMENT

Anderson, South Carolina

DIRECTIVE TYPE General Order	EFFECTIVE DATE March 15, 2010	NUMBER 2401
SUBJECT General Information, Security, Records Retention and JV Records		
REVISED		
REFERENCE SCLEA 14.1	AMENDS/SUPERSEDES All Others	
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A. PURPOSE

Law enforcement must have continuous sources of accurate and up-to-date information in order to successfully achieve its mission. Criminal records are a rich source of criminal data which can be analyzed and converted into useful information, linking suspects, method of operation, criminal events and other correlates.

The central records function is important to the effective delivery of law enforcement services. In this series of general orders the policies and procedures address those records functions that are basic to meeting the management, operational, and informational needs of the agency. This series is principally concerned with the administration, field reporting, and central records activities. Consequently, general orders in this series do not always address the secondary records activities attendant to tasks or components within the agency carried on in support of this function (i.e. juvenile reporting, jail booking, missing persons, etc.) Specific general orders referencing other topics should be followed when focusing on records-related issues outside of the general business as covered in this series.

The purpose of this series of general orders is to establish procedures for the review, recording, maintenance, control and retrieval of records managed by the City of Anderson Police Department.

B. POLICY

Reports of criminal activity generated by the City of Anderson Police Department will be maintained in a central records unit. The City of Anderson Police Department will manage its central records unit in a manner which complies with all applicable local, state and federal laws, statutes, rules and regulations. The City of Anderson Police Department's Records Unit will meet or exceed the agency's requirements for management, operational and informational needs. In addition to being a repository for criminal data and

records, the Records Unit will be an invaluable resource for criminal investigators. Therefore, the management of the agency's criminal data and records will be geared toward supporting the law enforcement activities of the City of Anderson Police Department.

This Records Unit shall perform all duties related to the proper identification, storage and retrieval of records. An Administrations Captain who will report directly to the Chief of Police will be charged with the responsibility for supervising the Records Unit.

C. DEFINITIONS

FBI UCR Program - The FBI's UCR (*Uniform Crime Reporting*) Program is a nationwide, cooperative statistical effort of more than 17,000 city, university and college, county, state, tribal, and federal law enforcement agencies voluntarily reporting data on crimes brought to their attention.

Since 1930, the FBI has administered the UCR Program and continued to assess and monitor the nature and type of crime in the Nation. The program's primary objective is to generate reliable information for use in law enforcement administration, operation, and management. However, over the years its figures have become one of the country's leading social indicators. Criminologists, sociologists, legislators, municipal planners, the media, and other students of criminal justice use the data for varied research and planning purposes.

N.I.B.R.S. - *National Incident based Incident Reporting System*. A program developed by the FBI for management of the Uniform Crime Report data. It includes some specific data collection and data submission guidelines. As of 2009, the program captured up to 56 data elements via six types of data segments: administrative, offense, victim, property, offender, and arrestee.

S.C.I.B.R.S. - *South Carolina Incident based Incident Reporting System*. The State of South Carolina's sub-set of the NIBRS. All Uniform Crime Reports generated by Law Enforcement agencies in South Carolina are forwarded to SLED, which in turn forwards them on to the FBI's NIBRS program. SLED provides the ultimate SCIBRS management and oversight for L/E organizations in South Carolina and as such SLED mandates the rules and regulations that are required by the UCR program.

U.C.R. - *Uniform Crime Report*. A report containing official data on crime that is reported to a law enforcement agency.

D. RECORDS UNIT FUNCTION

1. The functional responsibilities assigned to the Records Unit include, but are not limited to:
 - a. report control (including confidentiality and availability),
 - b. records maintenance and
 - c. records retrieval.

2. These functional tasks of the Records Unit include but are not limited to:
 - a. Reviewing reports to ensure the reports and any attachments are completed in accordance with the South Carolina Incident Based Reporting System (SCIBRS) format, and within the criteria as promulgated by the State Law Enforcement Division (SLED).
 - b. Ensuring that the required reporting data from all reports has been entered into the computer system for automated indexing and retrieval before filing.
 - c. Filing and retrieving all City of Anderson Police Department incident and supplemental reports in numerical order by case number and year.
 - d. Controlling the availability and confidentiality of all reports and records that are filed and stored within the Records Unit.
 - e. Maintaining all records filed with the unit to ensure that:
 - (1) they are properly indexed, marked or numbered and stored for retrieval, and
 - (2) copies are readily available for distribution to authorized persons/agencies.
 - f. Establishing and managing the case numbering system.

E. ACCESSIBILITY OF RECORDS (SCLEA 14.1C)

1. Access to all departmental records under the dominion and control of the Records Unit will be strictly controlled.
 - a. The only people who will have access to the information will be people who have a need to know and a right to know.
2. Personnel assigned to the Records Unit will control the accessibility of all reports, records, and other information stored in the Records Unit.
3. All Records Unit personnel shall be subject to a thorough background investigation before being assigned to work in the unit.
4. Security and Privacy of agency records
 - a. Security and privacy of criminal records and individual criminal histories shall be governed by applicable State Statute and Federal Regulations.
 - (1) Criminal History Record Information will be released under the guidelines established in U.S. Department of Justice regulations (Title 28, Chapter 1, Section 20.21(f) (3) A (VII) of the Code of Federal Regulations) about

dissemination, completeness, accuracy, audits, security requirements, access, and review.

- b. The only personnel authorized to release agency records are: (SCLEA 14.1D)
 - (1) The Chief of Police,
 - (2) Division Commanders,
 - (3) Shift Supervisors, and
 - (4) Persons assigned to the Records Unit.

- c. Anyone within the agency who gains access to any and all records that are of a private and/or confidential nature agree to maintain the confidentiality of those records.
 - (1) From time to time it may become necessary for non-police personnel to have access to the computer information system within the City of Anderson Police Department. Examples of these types of needs include the City of Anderson, Incorporated's Information Technology ("I/T") Department, vendors who sell the court and SCIBRS software and possibly other contractors who provide these types or other related services and products.
 - (a) Regardless of how the records are viewed, and regardless of what reasons for which the records are viewed, the "viewers" of such records agree not to discuss those records outside of a normal police setting and will not discuss those records for any non-police related business.
 - (b) If records are viewed, the person viewing those records will not attempt to record, copy or otherwise make notes of those records for their own use or for the use and/or benefit of any other person.
 - i. The person so viewing will not attempt to recall those data at a later time, will not discuss in a non-police setting and/or for non-official-police business any of those records.

F. RECORDS RETENTION SCHEDULE

- 1. In accordance with section 30-1-90 of the South Carolina Code of Law and the Archives Division of the State of South Carolina, a schedule of retention and destruction for records has been established. (SCLEA 14.1E)
 - a. No records are to be transferred, destroyed, or otherwise disposed of unless in compliance with the Archives Division.

- 2. Reports and files relating to capital crime prosecutions will be maintained on a permanent basis.


G. SEPARATION OF JUVENILE AND ADULT RECORDS

1. The Records Unit maintains separate files for juvenile and adult criminal history records and booking reports as provided for in South Carolina Code of Law 20-7-8510 (E)
2. Criminal History records on Juveniles to be maintained separately from adults (SCLEA 14.1A)
 - a. Criminal history records on juveniles shall be maintained physically separate from records on adults.
3. The Arresting officer shall be accountable for overseeing that all paperwork for each juvenile arrest/referral is sent in a timely manner to the Department of Juvenile Justice.
4. The Records Unit shall be accountable for the maintenance, dissemination, and retention of juvenile incident reports, copies of referrals, fingerprint cards and photographs. (SCLEA 14.1B)
5. Access to juvenile records will be restricted. (SCLEA 14.1C)
 - a. Only persons or entities with a need to know and/or a right to know shall have access to Juvenile records.
 - b. Juvenile records are not open to public inspection.

H. EXPUNGEMENT OF RECORDS:

1. The Records Unit personnel shall, upon receipt of a court order outlining the exact offense record that is to be expunged, obliterate all information pertaining to that charge excluding the incident report.

By order of:



Martin D. Brown, Chief of Police

3-12-2010
Date