

UPPER MERION TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURE

No. 1400

Supersedes: NA

Effective: September 2, 2015

Page: NA Section: NA

Page: 1 OF 6

Dated: December 19, 2003

RECORDS MANAGEMENT

- I. PURPOSE:** To establish guidelines for the records management system of the Upper Merion Police Township Police Department.
- II. POLICY:** The proper processing and storage of required forms, reports and other information is vital to the effective and efficient operation of the department. The Records Division is charged with the responsibility for the records function of the department.
- III. CROSS-REF:** Policy # 800, POLICE REPORTING SYSTEM
Policy #1410, RELEASE OF DOCUMENTS/MATERIALS
(See also section IV-D-2 of this policy)
- IV. PROCEDURE:**
- A. RESPONSIBILITY AND FUNCTION:
1. The Records Division is responsible for reviewing, controlling, maintaining, retrieving, and auditing department records. This includes the responsibility for keeping records current and purging records according the retention schedule established by state law and this policy (see Section IV-H).
 2. The Records Division shall be under the direct supervision of the RMS Administrator.
- B. PROCESSING AND STORAGE
1. Upon approval (refer to Policy # 800, POLICE REPORTING SYSTEM, Section IV, D), reports will then be available to the Records Division for processing and storage. Reports shall be maintained in the Records Division in numerical order by year, or electronically stored in the Records Management Database.

C. PRIVACY AND SECURITY OF DOCUMENTS STORAGE:

1. Personnel assigned to the Records Division control access to all written reports, records and other information stored in the Records Section.
2. Access to electronically stored data within the Records Management System is controlled by the RMS Administrator.
3. Access to the Records Room or the Records Management Database is restricted to authorized personnel. Authorized personnel are those specifically assigned to work in that section, shift supervisors, command officers or their designees.
 - a. Personnel requiring reports or any other item stored in the Records Room are to complete a Report Request Form and submit it to Records Division personnel who will be responsible for fulfilling this request.
 - b. During non-business hours, the Records Room will be locked. All Report Request Forms will be completed by the requestor and placed in the designated bin outside the Records Room. Records Division personnel will fulfill the request by the next normal business day. If requests need more urgent attention, the completed form will be given to the shift supervisor who is authorized to access the Records Room.
 - c. The supervisor will place the completed Report Request Form in the case file in place of the removed report. When done with the report, the requestor can return it to Records Division personnel or place it in the designated bin at the Records Room. Records Division personnel will re-file the report and complete the Date Returned section of the Report Request Form. This form will be a permanent part of the case file.

D. JUVENILE RECORDS:

1. The Records Division maintains separate files for adults and juvenile records in accordance with Title 42, Section 6308. This separation includes arrest and criminal history files, even in cases where the same person has both a juvenile and an adult record. The records and files of a juvenile shall not be open to public inspection or their contents disclosed to the public except as provided in Title 42, Section 6308 (a) and (b).
2. Fingerprint and photographic records of children shall be kept separately from adults and shall be immediately destroyed upon the notice of the court as provided under Title 42, Section 6341(a) (relating to adjudication) by all persons and agencies having these records if the child is not adjudicated delinquent or found not guilty in a criminal proceeding for reason of the alleged acts (Title 42, Section 6308 (c-3)).
3. During the retention period, fingerprints, photographs and records of the arrest or custody of a juvenile, or any copies thereof, will be used or released as follows:

- a. Fingerprint and photographic records may be disseminated to law enforcement officers of other jurisdictions, the Pennsylvania State Police, and the Federal Bureau of Investigation, and may be used for investigative purposes.

E. FINGERPRINTS:

1. Fingerprints of all persons arrested for a felony, misdemeanor or summary offense which becomes a misdemeanor on a second arrest after conviction of that summary offense, shall be taken by the arresting authority, and within 48 hours of arrest, shall be forwarded to, and in a manner provided by, the central repository (Title 18, Section 9112(a)). The central repository shall transmit the criminal history information to the department. A copy of the fingerprints shall be kept in in the case file in the Records Room.
2. Where private complaints for a felony or misdemeanor result in a conviction, the court of proper jurisdiction shall order the defendant to submit for fingerprinting by the municipal police of the jurisdiction in which the offense was allegedly committed. Fingerprints so obtained shall, within 48 hours, be forwarded by this department to the central repository in a manner and a form as may be provided by the central repository (Title 18, Section 9112(b)(1)).
3. Where defendants named in police complaints are proceeded against by summons, or for offenses under Title 18, Section 3929 (related to retail theft), the court of proper jurisdiction shall order the defendant to submit within 5 days of such order for fingerprinting by the municipal police of the jurisdiction in which the offense was allegedly committed. Fingerprints so obtained shall, within 48 hours, be forwarded by this department to the central repository in a manner and in such a form as may be provided by the central repository. (Title 18, Section 9112(b)(2)).
4. Juvenile fingerprints: refer to Policy #560 JUVENILE CUSTODY, Section V-A-2

F. RELEASE OF DOCUMENTS/MATERIALS:

1. In accordance with the provisions of 5 U.S.C. Section 552, the Freedom of Information Law, the Records Section will disclose all information legally accessible to any individual.
2. The Records Division follows set procedures and criteria for the release of department records (refer to Township Wide Policies #A1-105.02, RELEASE OF DOCUMENTS/MATERIALS POLICY, #A1-120.02, SALE OF VEHICULAR ACCIDENT REPORTS, PHOTOS, VIDEOS, DIAGRAMS, ETC., #A1-122.03, PUBLIC INFORMATION and Police Department Policy #1410, RELEASE OF DOCUMENTS/MATERIALS).
3. Members of the Police Department shall not divulge Department business and/or release Department records outside of the Police Department except in the performance of their duties or when required to do so by law.

4. Police records may only be distributed outside the police department by Records Division personnel with the approval of a command officer. The release of traffic crash reports by Records Division personnel does not require such approval. A supervisor may authorize the release of police records to a law enforcement agency when a command officer is not on duty. The supervisor releasing the police records will notify the RMS Administrator of the release by using the review tab on the CODY master incident report.
5. No records may be removed from the Records Room without proper documentation concerning the identification of the member removing such material and the purpose for which such material is being removed.
6. The release of police records outside the department shall be documented by Records Division personnel in the dissemination tab in the CODY master incident report. This documentation shall include the date, time, person to whom the record was released and reason for the release.

H. EXPUNGEMENT OF RECORDS:

1. A certified copy of a court order from the Clerk of Courts is required.
2. Records Division personnel will follow the Expungement Checklist to complete the procedure.
3. Once the procedure is completed, an Expungement Form, signed by the officer completing the expungement, will be placed in the case file.

I. STOLEN PROPERTY ENTRIES:

1. Dispatcher responsibilities:
 - a. To make the proper entries into NCIC/CLEAN stolen property and recovered property at the direction of investigating officers.
 - b. To document all messages and actions concerning stolen property and recovered stolen property.
 - c. To remove recovered stolen property from NCIC/CLEAN when appropriate.
 - d. To modify NCIC/CLEAN entries after notification received of partial recoveries of property previously entered.
2. Investigating officer responsibilities:
 - a. To supply necessary and accurate data to the dispatcher so proper NCIC/CLEAN entries can be made.
 - b. To document all actions and contacts pertaining to stolen property entries into NCIC or recovered stolen property and its removal from NCIC/CLEAN.

3. Shift supervisor responsibilities:
 - a. To ensure the responsibilities of the dispatcher and investigating officer are carried out in compliance with this policy and procedure.
4. Original entry by Upper Merion Police Department; Property recovered by the Upper Merion Police Department or in Upper Merion Township, and Upper Merion Police Department notified:
 - a. The Upper Merion Police Department will be responsible for cancellation of the NCIC/CLEAN message and notification of the owner (record the date, time, and identity of the person contacted).
5. Original entry by Upper Merion Police Department; Property recovered in another jurisdiction:
 - a. In most cases, Upper Merion Police Department will be notified of recovered stolen property by another police department. Prior to removing any stolen property from NCIC/CLEAN, we must first receive a proper "locate" message over the system. When the locate is received, the dispatcher will notify the shift supervisor and receive direction on how to proceed. Either an officer will be assigned to investigate or the dispatcher will be directed to contact the property owner and remove the property from the system. In either case, copies of all locates and cancellations are to be maintained with the case file and all actions are to be documented on an Upper Merion Police Department Supplemental Report.
 - b. The dispatcher shall complete the Recovered Tab in the Property File for the appropriate report in the Police Computer System.
6. Original message entered by another jurisdiction; Property recovered in Upper Merion Township and Upper Merion Police Department notified:
 - a. Dispatcher should first notify shift supervisor who will arrange to make telephone contact with the originating jurisdiction to determine if the property should be guarded. A locate message should be sent to the originating jurisdiction via NCIC/CLEAN system. Dispatcher should verify locate message has been received. Notification of property owner is the responsibility of the police department who made the original entry. All information should be recorded on the appropriate Upper Merion Police Department report.

J. RECORDS RETENTION SCHEDULE:

1. Records shall be retained according to the schedule established by 46 Pa. Code Section 15.51 et seq., having to do with the retention and disposition schedule for records of Pennsylvania municipalities.

2. Following expiration of the retention period established by 46 Pa. Code Section 15.51 et seq., records may be destroyed or transferred according to the procedures established by 46 Pa. Code Section 15.51(e).

K. REPORTING OF UNIFORM CRIME DATA:

1. The Records Division shall report statistical information related to the number and nature of offenses occurring in Upper Merion Township, the disposition of such matters and such other related information as the Pennsylvania State Police may require. Such reports shall be submitted monthly to the Pennsylvania State Police in a manner consistent with their requirements and UCR guidelines.

APPROVED: _____
Chief Thomas M. Nolan

DATE: _____

APPROVED: _____
Captain James M. Early

DATE: _____

TO BE REVIEWED: ANNUALLY

DISTRIBUTION: All police officers
All civilian employees
Township Manager
File