

Records Division

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the CSU Police Department, San Luis Obispo Records Division. The policy addresses department file access and internal requests for case reports.

806.2 POLICY

It is the policy of the CSU Police Department, San Luis Obispo to maintain department records securely, professionally, and efficiently.

806.2.1 REQUESTING ORIGINAL REPORTS

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

Reports removed from the Records Center shall not be copied except as authorized by law, and shall be returned to the Records Center as soon as possible. Records Center personnel shall note the return in the Report Check-Out Log.

806.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the CSU Police Department, San Luis Obispo 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 Administration Supervisor. The Administration Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner 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 Administration Supervisor should forward the petition to the Investigations Division Supervisor and the University Legal Counsel for review. After such review and consultation with the University Legal Counsel, the Investigations Division Supervisor and the Administration Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administration Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

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The Administration Supervisor 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.

806.4 CRIME STATISTIC REPORTING REQUIREMENTS, STANDARDS AND POLICIES

806.4.1 REQUIREMENTS AND STANDARDS

The University Police Department is required to submit crime and other incident statistics to CSU, State and Federal entities, and to publish those statistics or otherwise make them available for review. This requirement is pursuant to:

- CSU Technical Letter HR 2005-18, Crime Statistics Reporting Requirements, April 20, 2005
- CSU Technical Letter PS 2010-01, CSU Police Services Policies & Manual Maintenance Requirements, July 26, 2010
- California Department of Justice, Criminal Statistics Reporting Requirements, February, 2006
- U.S. Department of Justice, Uniform Crime Reporting Handbook, Revised 2004 U.S.
- Department of Justice, Uniform Crime Reporting National Incident-Based Reporting System, Volume 1: Data Collection Guidelines, August 2000
- U.S. Department of Education, Office of Postsecondary Education, The Handbook for Campus Safety and Security Reporting, 2011

806.4.2 PERIODIC REPORTING RESPONSIBILITIES

The Police Records Manager, under general direction from the Operations Commander, University Police, is responsible for completion and timely submission of statistical reports described by this policy.

806.4.3 DATA COLLECTION AND DOCUMENTATION RESPONSIBILITIES

Each University Police Officer, under general supervision from a Police Sergeant and/or the Operations Commander, University Police, is responsible for the accurate, timely investigation and documentation of criminal offenses reported to the Department. That documentation shall be completed in a manner which facilitates the accurate collection and reporting of crime statistics data.

Each Police Dispatcher, under general supervision from a Police Sergeant and/or the Operations Commander, University Police, is responsible for the review of police reports and the subsequent collection and classification of statistical data from those reports.

The Police Records Manager is responsible for the final review of completed police reports to ensure the presence and accuracy of required data elements, and is responsible for the compilation of required reports from the data contained in the police reports.

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806.4.4 REPORT RECONCILIATION AND CONSISTENCY RESPONSIBILITIES

The Police Records Manager shall ensure that each statistical report submitted complies with and satisfies the standards established for that report. The Police Records Manager shall reconcile, to the degree possible, differences in data between required reports, and shall document the instances in which reconciliation if not possible. When appropriate, the report(s) shall include an explanation of any irreconcilable difference(s).

806.5 FILE ACCESS AND SECURITY

The security of files in the Records Division must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Division, accessible only by authorized members of the Records Division. Access to case reports or files when Records Division staff is not available may be obtained through the Watch Commander.

The Records Division will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

806.6 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Division. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Communications and Records Coordinator. All original case reports removed from the Records Division shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Division.

All original case reports to be removed from the Records Division shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Division. The photocopied report shall be shredded upon return of the original report to the file.

806.7 CONFIDENTIALITY

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

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806.8 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Operations Deputy Chief 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.