

BILL NO.: 4689

ORDINANCE NO.: _____

Introduced by: Council Present

**AN ORDINANCE AMENDING THE BERKELEY POLICE DEPARTMENT
GENERAL ORDER #48 "RECORDS" POLICY**

WHEREAS, the City of Berkeley hereby finds and declares this ordinance is necessary, appropriate, and in the best interest of the City of Berkeley, Missouri, in accordance to the CALEA standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY, MISSOURI, AS FOLLOWS:

Section 1. The City Council of the City of Berkeley, Missouri hereby adopts the attached amended Records Policy in compliance with the CALEA standards.

Section 2. The attached policy is hereby incorporated herein and made a part of this ordinance, as if fully set out herein.

Section 3. This Ordinance shall be in full force and effect from and after its passage.

1st Reading, this _____ day of _____ 2019

2nd Reading this _____ day of _____ 2019

3rd Reading, PASSED and APPROVED, this _____ day of _____ 2019

Theodore Hoskins, Mayor


ATTEST:

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Hoskins	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Mitchell	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Williams	Aye	___	Nay	___	Absent	___	Abstain	___
Councilman-at-Large Greene	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Hindeleh	Aye	___	Nay	___	Absent	___	Abstain	___
Vacant	Aye	___	Nay	___	Absent	___	Abstain	___

	BERKELEY POLICE DEPARTMENT GENERAL ORDER		GENERAL ORDERS: 48
RECORDS			
ISSUE DATE: 11/1/18	EFFECTIVE DATE: 11/1/18	DISTRIBUTION: ALL PERSONNEL	
Revised: 9/12/18		RESCINDS: ALL PREVIOUS VERSIONS	
ACCREDITATION STANDARDS: CALEA 74.1.1, 82.1.1, 82.1.2, 82.1.6, 82.2.3, 82.3.4			NUMBER OF PAGES: 8

PURPOSE: To establish responsibilities and standard operating procedures within the Central Records Unit.

POLICY: It is the policy of the Berkeley Police Department to establish procedures for the maintenance, security, and dissemination of all records.

PROCEDURES:

SECURITY

- A. All personnel shall utilize the service counter to conduct business. **Only** records personnel, captains, majors, chief, or personnel authorized by the Records Supervisor shall be allowed access to the area housing police records. [CALEA 82.1.1 a]
- B. Only authorized department personnel shall make entries into the computerized Central Records files.
- C. Central Records services are available to department personnel 24 hours a day, seven days a week at the Police Department. [CALEA 82.1.1 b]
- D. Access to various police department computer systems is obtained by the employee's supervisor making request to Information Technology Division, Communications Department or responsible agency for employee accounts. Criminal History information from REJIS/NCIC will be fulfilled per guidelines set forth by the Missouri State Highway Patrol (MSHP) and NCIC. [CALEA 82.1.6 c]
- E. Procedure for records security and release will be included in training provided by the employee's supervisor. [CALEA 82.1.6 c]
- F. Files relevant to employee assignment that need revision or deletion shall be reviewed by the employee's supervisor. Passwords and level of access will be audited annually through the records management software. Employees will be prompted by the records software periodically to update or verify passwords at least once annually. [CALEA 82.1.6 d]

- G. The Chief of Police will conduct an annual audit of the Central Records computer system to verify all personnel who have access via passwords to the system. [CALEA 82.1.6 d]
- H. Files are stored electronically in the Records Management Software (RMS) and backed up securely offsite. [CALEA 82.1.6 a, b]

NUMBERING SYSTEM [CALEA 82.2.3]

- A. All calls for service (citizen reports of crime, citizen complaints, etc.) and officer initiated calls shall be issued a computer-generated call for service at the time the incident is reported. A computer-generated case number is obtained after the call for service number is initiated if a report is written. Each year on January 1st at 0001 hours, the computer numbering system will begin with the current year and start with number one (96-000001). Each number thereafter shall be consecutive and shall be separate and distinct for each incident.
- B. Records personnel are responsible for ensuring that all case control numbers issued are properly recorded in the records system. This is completed via an interface between the CAD and RMS computer systems.
- C. All reports with a disposition of RPT are automatically tasked to the officer by the RMS system for a report to be written. Supervisors are responsible for ensuring all employees complete their reports in a timely manner.

COLLECTION, DISTRIBUTION, AND STORAGE OF RECORDS

- A. All handwritten reports and RMS report attachments will be placed in the "IN" basket in the copy room.
- B. Reports are copied and distributed within the Department and to various outside agencies per Records written instructions.
- C. Records personnel will make appropriate computer entries of reports in the LETS Crash system.
- D. Handwritten reports and RMS report attachments are scanned and saved into the RMS system. Attachments with any handwritten or original information are filed in a yearly incident file which consists of original documents that are filed numerically. Copies of documents for attachment are scanned into the RMS system and then destroyed after 30 days.
- E. In most circumstances, original documents shall remain within the Records Section.
 - a. Original documents produced by the Detective Bureau will be maintained in that section or as a confidential report in the Records Management System until such time it is determined the information is no longer of a sensitive nature.

b. Follow-up and case reports generated by the Detective Bureau and are created in the RMS system, attached to the incident reports.

1. Follow-up investigation criminal case reports are due for completion in 30 calendar days following the date of assignment, unless a homicide or formally extended by a Criminal Investigations supervisor. (Refer to General Orders 46)
2. Upon return of criminal case reports after review by the appropriate prosecuting authority, original case files are forwarded to Central Records for archiving.

F. Property Submission Reports will be maintained electronically by the Property & Evidence Unit.

G. Original written statements, rights waivers, consent to search and search warrants will be stored in the Property & Evidence Section and a copy placed into and maintained by Records.

H. Original probable cause statements will be forwarded to the Prosecutor's office. A copy will remain in Records.

I. The Berkeley Police Department utilizes the computer based Mobil Ticketing System. Mobile tickets are maintained and accounted for electronically through Mobile Ticketing by the Mobile Ticket Administrator. [CALEA 82.3.4 a and 82.3.4 c]

J. Citation numbers are generated in sequential order and stored in the REJIS Mobile Ticketing System. Once a citation is issued, it should not be voided. [CALEA 82.3.4 b]

K. Copies of police reports will be released to the public by the record room clerks according to current provisions of *Missouri Sunshine Law*. The Custodian of Records will rule on requests for access to records that are not routine or when there is a question as to whether a record can be legally released.

L. FEES

Members of the public are charged a fee for the release of reports. This fee is set by Berkeley City ordinance.

M. CLOSED RECORDS

All records authorized to be closed are closed to the public by this department. No disclosure shall be made by any person employed by or associated with this department nor will they shall make such records available. Closed record procedure is further detailed in General Order 501 *Closed Records*.

N. DISPOSITION OF REPORT COPIES

1. Police Reports. All police reports are contained in the computerized C.A.R.E. database.
2. Juvenile Reports. At the direction of this department's Juvenile Officer, police reports involving juveniles are forwarded to St. Louis County Juvenile Court.

3. Motor Vehicle Crash Reports are forwarded on a bi-weekly basis to the Missouri State Highway Patrol, Traffic Division, P. O. Box 568, Jefferson City, MO 65102. Record room personnel fax copies of motor vehicle crash reports that involve state property.
4. Animal Bite Reports are forwarded when requested to St. Louis County Rabies Control, 77 Hunter, St. Louis, MO 63124 and the St. Louis County Animal Control, N. County Animal Shelter, 4100 Seven Hills, St. Louis, MO 63033.
5. DWI Reports. The record section personnel will forward the following to the Missouri Department of Revenue, Driver's License Bureau, P. O. Box 3700, Jefferson City, MO 65102. All DWI reports must be forwarded to the Department of Revenue as soon as the report is completed, approved and received by the record room. The original "Revocation Notice" and "Refusal Notice" along with the driver's license if surrendered will be included.

The record section personnel will forward copies of the original report along with attachments and MUTTS to the Municipal Court Clerk. The record section personnel will place all documents on each case into large white envelopes which are filed numerically in the record section files. Note: All DWI reports are entered into a separate log book maintained by the record room supervisor.

6. Warrant Applications. The record section personnel will forward the original municipal warrant application and copy of original reports with attachments to the Municipal Court Clerk with a transmittal form which the Court Clerk signs. A copy of warrant application is filed with the original report. The city attorney, after review of the warrant, notifies the record section personnel by letter of the disposition.

Non-custodial warrants applications to state court will be prepared the same way for officers to submit to support services for delivery to the St. Louis County Prosecutors office

7. Booking Sheets. Booking sheets will be maintained in accordance with the Missouri Record Retention Schedule.

O. JUVENILE RECORDS

The privacy and security precautions for juvenile records should not be compromised. Records of Juvenile apprehensions may ONLY be released to law enforcement, judicial authorities, Department of Social Services Child Division Unit or similar agencies. All other report requests must be handled by the Family Court.

1. The CARE report system specifically identifies juvenile criminal and identification records from adult criminal records to prevent unauthorized access and release by **reflecting the record in RED**. (82.1.2.a)
2. Fingerprints are acquired electronically with the Livescan machine. They are saved and transferred to authorized. Photographs are recorded and saved with the same security afforded juvenile police reports. (82.1.2.b)
3. The physical security of confidential juvenile records is in the secured record room. Juvenile files are separated and maintained in a locked cabinet until their legally mandated destruction. Access is controlled to those personnel conducting investigations and have a need to know. (82.1.2.c)

4. All juvenile records are disposed of after reaching adult age; and (82.1.2.d)
5. All juvenile records are expunged when ordered by the court. (82.1.2.e)

P. COMPUTER FILE BACKUP AND STORAGE

The integrity of a computer system is only as good as the security system in place. The City of Berkeley Information Technology Department is responsible for:

1. Data back-up; Computer files are backed up according to a regular schedule and comply with Missouri Record Retention Laws. (82.1.6.a)
2. Storage; Electronic data is stored within the City Government Center main network system. (82.1.6.b)
3. Access security; Each city employee has a unique user name and password which must be changed every three months. Automated systems for verify passwords and access. (82.1.6.c)
4. Password audits; Audits are conducted annually. (82.1.6.d)

CONFIDENTIALITY OF JUVENILE RECORDS [CALEA 82.1.2 a, c]

- A. The Police Records Unit shall be responsible for the collection, dissemination, and retention of juvenile records.
- B. This department shall not disclose to the general public or media the identity of any juvenile suspect, victim, or witness.
- C. Police records of juveniles shall be kept separate from the records of persons seventeen years of age or over and shall not be open to inspection nor the contents disclosed, except by order of the court. (RSMo 211.321.3)
- D. Information and data may be released to persons or other organizations authorized by law to compile statistics relating to juveniles. (RSMo 211.321.4)
- E. Information may be released regarding the informal adjustment or formal adjudication of the disposition of a case to a victim or a member of the immediate family of a victim. (RSMo 211.321.6)
- F. General information shall not be specific as to location and duration of treatment or detention or the terms of supervision.
- G. Does not apply to juveniles transferred to adult court (certified) or to those convicted of gang activity under (RSMo 578.421 to 578.437)

UNIFORM CRIME REPORTING

- A. Central Records shall compile monthly Uniform Crime Reporting data and submit this information to the Federal Bureau of Investigations and the Missouri State Highway Patrol Criminal Records.
- B. Data is gathered by reviewing, classifying, and coding offense and arrest reports according to Uniform Crime Reporting guidelines.

WARRANTS

A. Berkeley Municipal warrants are received from the Municipal Court.

1. A Police Service Representative (PSR) will be responsible for transporting hard copies of the warrants from Court to the Police Department. [CALEA 74.1.1 d]
2. The arresting officer will document the date and time the warrant is received and complete the bottom portion of the warrant in its entirety including court date, bond (if applicable) and report number. Once completed, the warrant must be hand delivered back to the court.[CALEA 74.1.1 a]
3. Court personnel shall enter all Berkeley Municipal warrants into Warrant on Demand (WOD) and REJIS. All entered warrants will be verified by name of plaintiff/complainant or name of defendant/respondent. [CALEA 74.1.1 e]
 - a. All warrants entered should indicate that it is a warrant, include type of legal process, civil or criminal, officer assigned for service, date assigned, court docket number and date service is due. [CALEA 74.1.1 b, c, f, g, h, i]
4. Berkeley Municipal warrants are received by the REJIS/LEWEB via the IMDS/PLUS interface the Municipal Court and REJIS system.
5. Active warrants are available to all Police Department personnel and viewable by the REJIS/LEWEB system. A warrant is indicated by a warrant flag on a person in RMS.
6. When an active Municipal warrant is served, officers will contact the dispatch to verify the warrant details.
 - a. The dispatcher will verify the information by name, date of birth and social security number.
 - b. If requested by the officer, the REJIS operator will confirm the warrant through the Municipal Court database and by locating a physical copy of the warrant.
 - c. The original warrant is forwarded to Municipal Court by the Central Records Section.
 - d. The arresting officer will take the warrant to court if the individual is not booked.
 - e. Records staff is responsible for transporting it back to Municipal Court.
 - f. Central Records will fax a copy of the warrant to the St. Louis County Criminal Justice Center Jail.
7. The arresting officer will print the warrant and complete the lower portion of the warrant and return it to the Municipal Court Department immediately.
8. The REJIS operator is responsible for canceling the warrant in REJIS.
9. Records personnel are responsible for canceling the REJIS entry when notified that Municipal Court has recalled the warrant.
 - a. The original warrant shall be marked "recalled" and dated. It is then returned to Municipal Court.

B. All other warrants will be entered into REJIS/NCIC by the issuing agency. Warrants received by phone or mail will not be accepted if they have not first been entered into REJIS by the issuing agency.

1. All State offense (felony and misdemeanor) warrants are initiated by the St. Louis County Prosecutor's Office and REJIS/NCIC entry is made by the St. Louis County Justice Center.
 - a. When an active warrant is served, officers will contact the REJIS operator in Records to obtain the warrant details.
 - b. The REJIS operator will verify the information by name, date of birth, and social security number.
 - c. If requested by the officer, the REJIS operator will confirm the warrant through the originating agency.
2. Dispatch personnel will print the warrant and confirmation from REJIS. The other agency's operator is responsible for canceling the warrant in REJIS. Copies of warrants received from other jurisdictions are distributed during roll call and placed on the roll call room bulletin board. Records personnel are responsible for purging warrant copies from the bulletin boards when warrants are served or recalled from the originating jurisdiction.
3. A copy of a warrant received from another jurisdiction is not valid for arrest.

PROBABLE CAUSE ITEMS

- A. Probable cause items are issued by the investigating officer assigned to the case investigation.
- B. The original of a probable cause item linked to a suspect such as a statement, lab results, etc., shall be maintained in the Records Management System. All probable cause items are available to all employees in the RMS system and are indicated by a flag on the person record. Probable cause items are available to Records personnel and investigating officers via an interface between the RMS system and the Communications Open Query application.
- C. Records personnel or officers cancel the probable cause item when the subject is arrested or when notified the item is no longer active.
- D. Cancellation is completed by updating the original item in the RMS.

TRAFFIC RECORDS SYSTEM

- A. Records Division maintains computerized motor vehicle crash data including driver information, location, and report numbers available to citizens and insurance representatives.
 1. Original reports are maintained by the Records Division for all reported vehicular crashes and summonses issued.
- B. All traffic violation summonses are maintained by computer in the Records Section. Information includes type of charge, issuing officer, violator information, and location of violation. Traffic arrest information is also maintained.

1. Arrest information for all intoxicated-related traffic offenses will be forwarded to the central repository of the Missouri State Highway Patrol as required by RSMo 43.544.
2. Berkeley Municipal Court maintains computerized data on court disposition of all traffic violation summonses issued by BPD personnel and cited into Municipal Court.
3. Roadway hazard conditions are immediately communicated to Emergency Communications Dispatch for immediate referral and action by the appropriate agency (Street Department of Berkeley Public Works, or Missouri State Highway Department).

C. The computer system shared by the Traffic Division allows statistical reporting, including traffic crash/enforcement analysis by location and time frame as well as identification of high frequency crash locations within the City. Analytical data is used to develop enforcement strategies and assist in traffic grant reporting.

DRAFTED BY: Eye-Liza Conner	DATE: 7/31/17
BY ORDER OF: ART JACKSON INTERIM CHIEF OF POLICE	DATE: 8/14/17
APPROVED BY: Public Safety Committee	DATE: 8/18/17
APPROVED BY: Berkeley City Council	DATE: 9/18/17
