



# SYKESVILLE POLICE DEPARTMENT

Records Administration

General Order 1-10      Effective: 10/05/17

Authorized by: *Michael A. Spaulding* Chief of Police

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## I. PURPOSE

To provide the procedures by which records are filed and maintained by the Sykesville Police Department.

## II. POLICY

It shall be the policy of the Sykesville Police Department to utilize the following standards set forth in order to foster the accomplishment of the Office's mission in an accurate, efficient, and timely manner.

## III. PROCEDURES

### A. Records Component

The Records Section is responsible for the maintenance and security of the central records function of the Sykesville Police Department.

### B. Records Section Function

The functional responsibilities assigned to the Records Section include report review, report control, records maintenance, records retrieval, and records security.

#### 1. Report Review

The Records Section is the final reviewer of all reports prior to being filed. Records personnel will ensure that all necessary information is documented, that the report classification is correct and that all the proper paperwork has been turned into Records.

#### 2. Report Control

The Records Section is responsible for controlling the availability, accessibility, security, distribution, and confidentiality of all reports and records.

#### 3. Records Maintenance

The Records Section is responsible for the maintenance of all reports and records, to include the retention of reports, the integrity of the Records Management System, separating reports into case files and identification

files, filing, updating the status of reports, tracking follow-up reports, and storage.

4. Records Retrieval

The Records Section is responsible for the retrieval of reports and records to include records checks, records inquiries, validations, expungements, making copies of case files for court, and retrieval of statistics.

C. Documentation of Police Actions

Official records will be prepared and maintained to document every reported police activity, whether originated by a citizen or an Office member, for the following categories of incidents, if they were alleged to have occurred in Sykesville, Maryland:

1. Citizen reports of crimes
2. Citizen complaints
3. Citizen requests for services of the Office when:
  - a. An officer is dispatched
  - b. An officer is assigned to investigate
  - c. An officer is assigned to take action at a later time
  - d. Criminal and non-criminal cases initiated by agency personnel.
  - e. Incidents involving arrests, citations or summonses
4. This documentation of police activity may be in the form of a completed Incident Report, Call for Service, citation, warning, SERO, Officer Daily Log, Motor Vehicle Collision Report (ACRS), etc.
5. If two or more persons report the same incident, only one case report is required to be taken.
6. If two or more officers are assigned to the same incident, one officer will be assigned to be the reporting officer to document the incident. The other officers will provide supplements referring to the reporting officer's original case number to document their actions.

D. Specific Information for Documenting Police Action

1. All reports and records maintained to document police activity will contain, at a minimum, the following information:
  - a. Date and time of initial reporting.
  - b. Name, if available, of citizen requesting the service, or victims, or complainant's name and phone number.
  - c. Nature of the incident.
  - d. Nature, date and time of action taken, if any, by law enforcement personnel.
2. In situations where a request for service is made through Dispatch and the caller refuses to be identified, the applicable report should indicate under the complainant's name "refused" or "anonymous".

E. Field Report Forms

1. Members of the Sykesville Police Department will use the appropriate report form(s) as indicated by the nature of the incident being reported. The importance of having a well written and complete report cannot be overemphasized. The Records Management System depends on the work product of the officer in the field. Forms generally used in field reporting include:
  - a. Incident Report
  - b. Supplemental/Follow Up Report
  - c. Arrest Report
  - d. Domestic Violence Report
  - e. Motor Vehicle Collision Report
  - f. Missing Person Report
  - g. Alcohol Influence Report

F. Procedures to be followed in Completing Field Reports

1. Incident Report
  - a. All complaints of a criminal nature received by the Office will be recorded on an Incident Report form.

- b. Incident Reports will be made on criminal acts which are brought to the attention of an officer, even when the complainant does not wish to file charges or have a report made.
- c. Incident Reports will be made when a person is arrested for any criminal act.
- d. Fatal collisions will be recorded on an Incident Report only if a person is charged criminally with vehicular homicide or aggravated vehicular homicide. This will be done after a collision report and collision reconstruction has been completed and it has been determined that criminal charges will be filed.
- e. Incident Reports will also be used for information of a noncriminal nature. Record all applicable information on the Incident Report and list all persons involved in the appropriate location on the form.
- f. Noncriminal incidents that require an Incident Report are: suicides, attempted suicides, overdose investigations and death investigations. Incident Reports will be taken on these noncriminal matters when brought to the attention of an officer, even when the complainant may not wish a report to be made.
- g. All incidents requiring a written report will be completed prior to the end of the member's shift. Exceptions may be granted on a case by case basis by the member's immediate supervisor. If an exception is granted, the preliminary report must be completed and submitted through the RMS to the immediate supervisor prior to the end of the shift on the following day. Exceptions may not be granted when the member does not work the following day.

## 2. Supplemental Report

- a. A supplemental report will be submitted by the investigating officer only when it is necessary to explain, expand, or continue with information from the Incident Report, or to record important information not contained in the Incident Report.
- b. Supplemental reports will also be completed by assisting officers when the assisting officer has taken any action that is directly relevant to the incident or arrest.
- c. Supplemental reports will be completed by any officer who has additional information which may assist the investigating officer.

- d. The supplement report will be completed by following the instructions in Interact RMS.
  - 7. An Incident Report is to be filed whenever any person is taken into physical custody by an officer, and they are not processed through Central Booking. This includes persons arrested on warrants held by other agencies and immediately released to that agency. In addition, an Incident Report (or supplement) will be used on all persons taken into custody at the order of a trial judge and on all persons served a criminal summons.
3. Domestic Violence Report
- a. To facilitate the reporting process, officers must complete a Domestic Violence Report as directed in G.O. 6-13. This report will be used in conjunction with an Incident Report for documentation.
  - b. For reporting purposes, Domestic Violence is defined as an incident where an individual has received deliberate physical injury or is in fear of imminent deliberate physical injury from a current or former spouse or a current or former cohabitant to include homosexual relationships.
  - c. The report is short and self-explanatory; if additional information or additional narrative needs to be captured, a supplemental report will be used.
  - d. In the event an arrest is made, the Domestic Violence Report shall accompany the normal paperwork associated with the arrest.
4. Miscellaneous Reports other reports are to be used by officers to report specialized situations.
- a. Motor Vehicle Collision Report (ACRS) is to be completed by officers conducting a collision investigation. Guidelines set forth in the Maryland Automated Collision Reporting System (ACRS) Instruction and Reference Manual will be used to complete this form.
  - b. Missing Person Report (MSP Form #79) is to be completed by officers conducting a missing person investigation. Refer to the back of the first copy of the Missing Person Report form for specific instructions on completing the form.

- c. Alcohol Influence Report (SPD Form #93) is to be completed by an officer when a person is arrested and the use of alcohol is involved. Refer to the Standardized Reports Manual for specific instructions on completing the form.

## 5. Detailed Reports

Detailed reports are administrative reports for formal communication within the Sykesville Police Department.

All detailed reports are to be addressed to the Chief and are to be submitted through the normal chain of command unless otherwise directed.

- a. Patrol officers and civilian members will submit all detailed reports to their immediate supervisor, who will attach their comments and submit them through the chain of command. Each level of command will review the report and submit their comments and recommendations to their immediate superior.
- b. After reviewing the report and all attached comments and recommendations, the Chief will make a decision, if one is necessary, and send back down the same chain of command a written reply or convey information, decisions or instructions which, if appropriate, would be within thirty days after the date of receipt.
- c. Any report of a confidential nature which concerns a member's superior officer will be addressed to the Chief and submitted directly to the proper command officer next in the chain of command above the supervisor of concern. The report will then follow the normal chain of command.

## G. Report Numbering

1. All Incident Reports are automatically numbered by the Records Management System. The numbering system is based on the current year followed by "SPD" and a consecutive numerical sequence.
2. All written reports, with the exception of traffic citations, are required to have the assigned incident number noted on the report. Traffic citations are pre-numbered by the Maryland Motor Vehicle Administration.

## H. Supervisory Review of Reports

1. Every written report submitted by an employee will be reviewed for completeness and accuracy by the on-duty supervisor. This includes both initial and supplementary reports.
2. The supervisor will check the report for neatness, legibility, completeness, and accuracy. Reports not approved will be returned to the writer for necessary corrections (within the RMS system).
3. Approval will be indicated by the supervisor's signature and I.D. number on the original report.
4. Upon approval, the Supervisor will make the following determinations and respective notations on the report:
  - a. On an original report, determine the incident offense classification, the respective incident type and offense code.
  - b. Determine the case disposition.
  - c. If the case disposition is an open investigation, it should be returned to the reporting officer for follow up.
  - d. Determine the supplement due date.

I. Distribution and Release of Reports

1. The Records Section is responsible for the distribution and release of all reports. The distribution of all reports must be well documented.
2. Upon receipt of Incident Reports approved by a supervisor, Records Section personnel will make the following in-house distribution of the reports:
  - a. A signed and approved copy of the report will be filed in the appropriate file by year and case number.
  - b. The Records Section will distribute reports to other state and county agencies as follows:
    - (1) State's Attorney's Office  

Copies of all paperwork on each incident for any person arrested, adult or juvenile, will be sent to the State's Attorney's Office, upon request.
    - (2) Department of Juvenile Justice

Copies of all paperwork on each incident for any juvenile arrested will be sent to the Department of Juvenile Services, upon request.

- c. Copies of all traffic collision reports involving town property will be forwarded to the Town Manager. If a police vehicle is involved, a copy will also be sent in detailed report format up the chain of command to the Office of the Chief.
- d. Copies of all reports of alleged or verified incidents of child abuse or neglect will be forwarded to Child Protective Services.
- e. If the reporting officer requests a copy of the report be sent to another law enforcement related agency, a copy of the report will be sent to the appropriate agency.

J. Release of Records

1. Juvenile Records

A juvenile record is confidential and will not be released to anyone other than law enforcement agencies and the Department of Juvenile Services. Records will not be released by subpoena. According to Maryland law, Courts and Judicial Proceedings, Section 3-828, juvenile records can only be released by order of the court upon good cause shown.

2. No reports are to be released, emailed or faxed to anyone without approval. A copy of any report that is released to anyone for any reason besides those outlined above will be documented by attaching the documentation to the report showing to whom and when the report was sent. This includes releasing copies of reports internally for an investigation, to another law enforcement agency or to the public. Documentation will be in the form of at least one of the following:

- a. A copy of the faxed cover sheet or email request.
- b. A letter of request for the report which includes the requestor's name. If the requestor is an insurance company or an attorney, the name of whom they are representing.
- c. A Records Disbursement form

3. Requests for reports by other law enforcement agencies

Reports can be released to other law enforcement agencies once a supervisor has approved that the report is ready to be released. This includes sending reports to the Department of Juvenile Services.

4. Requests for Reports by the Public

- a. A processing fee will be charged to compile all reports that are released to the public. The fee is required to be paid before the release of the report.
- b. Collision Reports can be released to the persons involved and insurance companies.
- c. A copy of an Incident Report may be furnished to an insurance company having direct involvement after appropriate review and removal of restricted information.
- d. A victim of domestic violence may obtain a copy of their respective DV report at no charge.
- e. No Incident Reports are to be released to the general public without the direct authorization of the Chief of Police or Administrative Assistant. The release of a report will be determined in accordance with state laws, Annotated Code of Maryland, General Provisions Article, § 4-101 to § 4-601. Refer to General Order 7-4 regarding the details of the Freedom of Information Act.

K. Internal/Sensitive Reports

All original reports and documentation are to be filed and maintained in the Records Section. The retention of any original reports, statements, documents, photographs or attachments in personal or investigative files is prohibited with the following exceptions:

1. Internal Affairs investigations will be filed and secured within the Office of the Chief.
2. Sensitive investigations in which circumstances indicate a security breach is possible will be filed and secured within the department's records section.
3. In the case of the exceptions described above, reports will be maintained in a manner which conforms to existing law, and has been approved by the Chief.

4. All reports will be forwarded to the Records Section after adjudication, with the exception of the Internal Affairs files.

L. Status of Reports

1. Incident Reports

- a. Officers will enter all pertinent information into the RMS system, both initial and supplementary. This information includes, but is not limited to, the investigating officer's identification number, the case disposition and the disposition date.
- b. Supervisors are responsible for ensuring that their respective personnel have completed follow-ups assigned to them on time.
- c. The original of all incident reports, statements, case documents, photographs, etc. will be retained by the Records Section.

M. Motor Vehicle Traffic Collisions

1. Traffic collision reports shall be checked by a patrol supervisor. Once approved, a copy of the collision report shall be forwarded to Administrative Assistant for filing.
2. Traffic collision reports requiring further investigation will be returned to the investigating officer for follow up.
3. Collision reports that require further investigation will have their report status checked at least every 10 days.
4. For collision reconstruction reports, the following procedures will be followed:
  - a. All reconstruction investigations will be handled by the Maryland State Police.

N. Records Security and Privacy

1. Access to records is limited to Records personnel. At those times when the records room is closed, access to records will be limited to the Police Supervisors. Other personnel are permitted access under the supervision of the Administrative Assistant.
2. Information and reports maintained within the Records Section shall not be disclosed to anyone unless disclosure of information is authorized by the Administrative Assistant or Chief.

3. Maintenance or service repair personnel performing cleaning or equipment repairs services shall be allowed in the Records Section under the direct supervision of the Administrative Assistant, who shall remain present at all times.
  4. When no Records or Supervisory personnel are present, the Records Section shall be closed and locked at all times.
- O. Release of information to outside agencies:
1. Under no circumstances, shall employees release criminal history records to insurance companies or private employees.
  2. When a representative from a criminal justice agency requests information, the Records Section employee shall request an identification card issued by that agency and a copy of a signed release of information waiver prior to the release of the information. If the requesting person cannot display suitable identification and/or a signed waiver, then the request shall be denied. A copy of the signed waiver will be placed in the file or attached to the report anytime information is released.
  3. When telephone requests are received from officers or agents from other criminal justice agencies, the Records Section employee shall request a fax be sent on the agency's letterhead. After the requesting person's identity is established, the information may be released.
  4. The Records Section shall not routinely release information to the general public. Requests for information on incidents for which Press Releases have been prepared should be referred to the Chief of Police. The Administrative Assistant may release the following information:
    - a. Confirmation that an incident did occur, unless it would compromise an ongoing investigation.
    - b. An adult arrestee's name when charges have been placed against them. This includes juveniles when charged as an adult.
  5. All requests from attorneys for reports or report information that involve criminal matters that are pending trial shall be forwarded to the State's Attorney's Office. This includes serious traffic offenses, i.e., Driving While Intoxicated, Fleeing and Eluding, etc. Non-criminal report information such as collisions shall be handled as if the attorney were the complainant/victim. All such requests must be accompanied by a signed waiver from the attorney's client.

P. Records Retention Schedule

1. A schedule of retention and destruction for police records has been established. A copy of the schedule will be located in the Records Section. No records are to be retained, transferred, destroyed, or otherwise disposed of in violation of this schedule.
2. The Administrative Assistant is the agency's records retention and destruction coordinator. Any questions regarding the retention, destruction or storage of records should be directed to the Administrative Assistant or Chief of Police.

Q. Destruction of Records

1. Upon expiration of the required retention period outlined in the Records Retention Schedule, records under the control of the Police Department may be destroyed. Records may not be destroyed prior to that time.
2. Records will not be destroyed as long as, in the opinion of the Police Department, they pertain to any pending case, claim, or action.
3. Upon expiration of the required retention period, if a section supervisor wishes to destroy records under his/her control, the records to be destroyed will be inventoried and outlined on a report to the Chief requesting permission to destroy the records.
  - a. This request to destroy records will be forwarded up the chain of command and over to the Records Section Supervisor.
  - b. The Administrative Assistant will review the records to determine if the requested destruction is in compliance with the retention schedule.
  - c. The Administrative Assistant will make a recommendation to the Chief, who will make the final decision on the request to destroy records.
4. Once approval is given by the Chief to destroy records, the records will be destroyed by incineration or shredding. The Evidence Custodian may retain the records to be destroyed in the evidence/property room until a regularly scheduled destruction of property, and these records may then be destroyed along with the other property being destroyed.

R. Records Administration Operational Accessibility

Informational access to agency records can be obtained through Records Management System. This access is granted to all departmental personnel with assigned log-ins and passwords. Personnel needing physical access to records during non-business hours are required to contact the Administrative Assistant.

#### **IV. CANCELLATIONS**

This General Order cancels and replaces the following policies: General Order 82.1, entitled Records Administration, dated December 28, 2001.