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State of California

Department of Justice

Memorandum

To : Agency's Records Supervisor

Date : May 1, 1991

Di-
Michael DiMiceli, Bureau Chief
Management Counseling Services Bureau

From : Commission on Peace Officer Standards and Training

Subject: Law Enforcement Records Management Manual, Second Edition

The Commission on POST has completed the Second Edition of the Law Enforcement Records Management manual. This Second Edition incorporates legal and technological changes affecting the records function. A copy is enclosed for inclusion in your agency's manual.

Please remove each section (keep the tabs) from the 1987 manual and replace with the Second Edition material.

If you need additional copies of the revised manual, please contact Mrs. Marie Bouvia at (916) 739-3868.

Enclosure

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COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

State of California

LAW ENFORCEMENT RECORDS MANAGEMENT

**SECOND EDITION
1991**

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FOREWORD TO THE SECOND EDITION

Records continue to be a critical component of the operation of a law enforcement agency. Since the manual's First Edition was printed in 1987, there have been significant changes in legislation and available technologies to enhance the records function. This Second Edition of the Law Enforcement Records Management manual incorporates these changes.

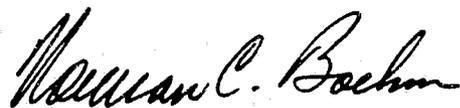
This manual's purpose continues to include:

- * A basic, systematic structure to meet the needs of the records function.
- * A flexible structure which will meet most agencies' requirements, promoting uniformity in records systems and management practices throughout the State of California.

The Commission wishes to recognize the Second Editions's Project Coordinator, Darlene Tsue. Ms. Tsue, who was the Records Supervisor for the City of Woodland, provided an exceptional amount of time, research, coordination and follow-up to ensure the completion of the manual's Second Edition. Tragically, she was killed in an automobile accident in November, 1990. Her work on this manual remains a living legacy of her service to California law enforcement.

The Commission also appreciates the contributions of the Executive Board of the California Law Enforcement Association of Records Supervisors (CLEARS) and the Second Edition advisory committee of CLEARS members. Lastly, the Commission thanks POST Senior Consultant Bernie Homme for his role as Project Director.

We hope the Second Edition of this manual provides you with up-to-date information in managing your records unit. Questions or comments concerning this manual or records management should be directed to the Management Counseling Services Bureau, (916) 739-3868.



NORMAN C. BOEHM
Executive Director

May, 1991

FOREWORD TO THE FIRST EDITION

Records are a critical component of the operation of a law enforcement agency. Records management, the systematic control of law enforcement records, is an increasingly complex task. Legislation, technology, increased demands for information, and expanded civil liability all contribute to the complexity of records management.

In response to this phenomenon, this Law Enforcement Records Management Manual was created. This manual describes a basic, systematic structure to meet the control, maintenance, information, and security requirements of local law enforcement agencies. The system described here is not intended to offer the only solution to the needs of every agency. Rather, the manual describes a basic system flexible enough to meet most requirements and promote uniformity in records systems and management practices.

The manual is organized and presented to allow it to be used daily by records personnel at all levels. The step-by-step, how-to format is designed to provide a handy reference and contribute to an efficient and effective system.

The Commission appreciates the contributions of the Executive Board of the California Law Enforcement Association of Records Supervisors (CLEARS) and an advisory committee of CLEARS members. Special thanks are extended to Andrea Hop of the Walnut Creek Police Department who served as project coordinator while working as a POST Management Fellow.

Questions or comments concerning this manual or records management should be directed to the Management Counseling Services Bureau (916) 739-3868.



NORMAN C. BOEHM
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LAW ENFORCEMENT RECORDS MANAGEMENT

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INTRODUCTION

The POST Law Enforcement Records Management Manual is designed to assist law enforcement records personnel in the performance of daily activities. The manual focuses on processes and procedures for small and medium-sized agencies with centralized, manual record systems. The underlying principles, however, are equally applicable to automated systems.

The manual is divided into eight sections including the primary reporting system, secondary files and processes, information release and security, statistical processes, records retention and destruction, forms control, system audit procedures, and the automated decision-making process. The appendix includes model directives, legal references, a resource guide and glossary.

Each of these sections contains both a theoretical overview and practical procedures. Flowcharts and visual aids are presented to graphically depict relationships and processes. Because the supervision and training of records personnel are addressed in other publications and training classes, these subjects are not included in this manual.

An initial review of the Table of Contents will be helpful to identify the scope of the subjects covered. Familiarization with the terms in the Glossary during the initial review will also be helpful. An examination of the flowcharts accompanying process descriptions will aid in a better understanding of the material presented.

The recommendations concerning processes and procedures are the product of years of experience of POST consultants and trainers in local law enforcement agencies throughout California. This experience, combined with the specialized expertise of contributing records managers, is the foundation on which policies and procedures were formulated.

The approach to record management is based upon certain underlying assumptions. The most basic assumption is that a law enforcement records system is a dynamic source of pertinent information rather than a static repository of agency history. This information is the prime ingredient in budget and staffing decisions and is essential to the investigative, arrest, and judicial processes. The information gathered, recorded, and disseminated must be accurate, clear, and comprehensive. This suggests the necessity of on-going systematic examination of processes, procedures, and files together with a realistic and effective purge program.

Equally important is the assumption that when records managers make decisions regarding information processing and procedures, over-all

agency benefits must be weighted against any adjustments in personnel time or other resources. The records system should be reviewed as an interdependent whole, whose components interact in direct and subtle ways. The implication of this assumption is that records managers should be aware of the operations of the total agency. This over-all awareness is essential to effective records management.

Lastly, an assumption is made that certain resources are essential to effective records management. Records staff must have adequate training. Local agency training programs must be systematic and thorough. Training is also readily available through the Commission on Peace Officer Standards and Training (POST), the Department of Justice (DOJ), and the California Law Enforcement Association of Records Supervisors (CLEARS) sponsored courses and seminars. Each of these organizations has publications and personnel to assist in this training function.

Individual agencies must provide adequate resources for records management. These include sufficient staff, well-maintained equipment, suitable work space, and access to the essential legal codes.

This allocation of resources signifies that the records management function is an important component in the successful completion of the law enforcement mission.

The manual begins with a section on the basic report system and traces the documentation of an incident from a call-for-service to a decision to retain or purge a document. The focus is on the crime or incident report. The basic components of this system are identified along with a flow chart depicting the process.

Secondary processes refer to those files and procedures that supplement the basic reporting system. Although many of these are referred to as files, there are preliminary processes associated with them. These files are defined, and many include model directives, in the Appendix.

The security of information section addresses the major issues of information security and release. The applicable legal codes provide the framework for a detailed discussion of specific records that are subject to release or exempted from release. A records release flow chart graphically represents the variables in this decision-making process.

The statistical section contains the elements and methods of law enforcement statistical reporting. Three specific areas are discussed: the Uniform Crime Reporting program, individual agency management statistical reports, and the statistical elements of crime analysis programs.

The records retention and destruction section presents a thorough discussion of the legal requirements in this area. The section provides specific recommendations for records purge and retention periods. The documents necessary to establish a purge program are also included.

The forms control section offers a discussion and specific recommendations on the essential elements in a forms control program. The emphasis is on a systematic approach to forms management. A model directive outlines the basic components of forms control.

The system audit procedures section emphasizes that records managers must, at regular intervals, examine the processes and procedures associated with the records system. This audit will identify problem areas and assist in the development of modifications necessary to ensure an effective, well-functioning system.

The automation of records is addressed in the last section. The emphasis is on the decision-making process when an agency asks the questions, "Should we automate?" The discussion emphasizes that records processing problems are varied and several solutions often exist, only one of which may be automation. The steps in this process are identified.

And finally, this manual must be treated as a working document, subject to change. These changes will occur as laws are enacted, amended, and abolished. In addition, local practices and procedures should be added to the appropriate sections, to supplement the text and provide a comprehensive reference for records system management.

I. PRIMARY REPORT SYSTEM

Introduction

The primary report system in a law enforcement agency is the source of the most significant information an agency can generate and maintain. Primary report system, as used in this manual, refers to the system that begins with a call-for-service and ends with a decision to purge or retain specific documents. This one system provides a broad base of data from which an agency can gauge its performance at the most basic level.

An efficient primary report system:

- o documents events,
- o aids management decision-making,
- o assists in the investigation and prosecution of criminal offenses,
- o provides data for patrol workload analysis,
- o acts as a supervisory tool in determining the quality and quantity of work,
- o provides data for budgetary decisions,
- o permits compliance with state and federal laws requiring the compilation and reporting of crime statistics, and
- o represents the memory of an agency.

To function well, this comprehensive primary report system should:

- o be straightforward,
- o produce desired results,
- o be subject to periodic review for the relevance of its components,
- o comply with applicable statutes, and
- o retrieve information easily.

A straightforward primary report system is likely to be a simple system, one that requires a minimum number of report forms. The processing of these reports will be standardized and formalized in written procedures. Management awareness of the inter-dependence of the system components and staff requirements is a critical element of the efficiency of the system.

The system objectives will be clearly defined and periodic review will assure that these objectives are being met. Lastly, some review mechanism is necessary to assure compliance with changing legal requirements.

The primary report system consists of nine elements:

1. initial data recording,
2. type of reports,
3. preparation of reports,

4. report review and correction,
5. report indexing,
6. report distribution,
7. complaint processing,
8. filing, and
9. purging.

Initial Data Recording

Most calls for service are initiated through telephone or radio communications. Both are routinely recorded in most agencies and constitute an agency's first record of the event. These calls are the starting point for the primary report system. Initial data concerning an event are gathered and the response and actions are recorded. The data, whether the result of a call-for-service or an officer-initiated activity, are recorded in a structured format. This format assures that relevant and uniform data are collected. This initial recording process provides a control point from which subsequent action can be evaluated. This recording allows an agency to ascertain whether the proper disposition of an event has been reached.

One of two documents may be used to record initial data in a manual system--the complaint dispatch card or the daily activity log. The complaint dispatch card is preprinted to capture the required data. The daily activity log is somewhat structured but allows a more narrative format to record the data.

Computer aided dispatch (CAD) is also a popular technology used for recording initial data. Because this manual focuses on a manual system, CAD will not be discussed.

The daily activity log is better suited to agencies with a lower volume of calls-for-service. The mechanics of recording data on the log are more time-consuming while the dispatch card permits a more rapid recording of data.

Complaint Dispatch Card

A generic complaint dispatch card is difficult to design because each law enforcement agency may have specific and unique information requirements. However, certain data must be recorded by communications personnel so that officers can respond promptly and effectively. The basic data include:

1. nature of the incident,
2. location of the incident,
3. name of the reporting person, and
4. names/description of suspects or vehicles involved.

Four time elements concerning the event should be recorded:

1. the date and time the call-for-service was received (or activity initiated by an officer);
2. the date and time the assignment was broadcast;
3. the date and time the officer arrive at the scene; and,
4. the date and time the police action was completed. (The time the assigned officer returned to service.)

Additional valuable information consists of the:

1. priority of the call;
2. beat and reporting area in which the incident occurred;
3. identification of the officers assigned;
4. name/ID of complaint taker (if applicable);
5. name of the person completing the card;
6. detailed vehicle/suspect information;
7. other notification made such as fire, ambulance, tow truck;
8. short narrative description of the incident;
9. disposition of the incident;
10. report number, if appropriate; and,
11. name/ID of dispatcher.

Figure I-1, page I-4, is an example of a complaint dispatch card.

Special Activity Card

This type of dispatch card may be used specifically to record officer-initiated and administrative activities. The content of this card is particularly subject to local requirements. Officers must keep the dispatcher informed of each activity and the associated times. The value of the recorded data is directly affected by officers' strict adherence to established communications procedures.

Typical officer-initiated activities recorded on the special activity card include:

- o arrest,
- o follow-up contacts,
- o field interview,
- o assist other officer,
- o traffic stop,
- o warrant/subpoena service,
- o security check,
- o public assistance,
- o hazardous condition,
- o public relations,
- o suspicious vehicle/person/circumstance, and
- o recovered/abandoned vehicle.

Administrative activities might include:

- o personal time,

Figure I-1

Example of a Complaint Dispatch Card

COMPLAINT INCIDENT CARD							
NATURE OF INCIDENT					CODE SECTION		
LOCATION OF INCIDENT							
R / P	LAST		FIRST		MIDDLE		WANTS CONTACTS YES <input type="checkbox"/> NO <input type="checkbox"/>
	ADDRESS					PHONE	
S U S P E C T	RACE	SEX	HAIR	EYES	HT	WT	OTHER
	OTHER DISTINGUISHING FEATURES						
	CLOTHING						
	NAME					ARREST NO.	
V E H I C L E	CYMBL						
	ADDITIONAL DETAILS						
	DOT/STREET						
D I S P O S I T I O N						RECV	
						DISP	
						ARRV	
						CLEAR	
	ASSIGNED BY	PE	ASSIGNED TO		PE		
MIR-SEE REVERSE	UTL/GOA TOUR <input type="checkbox"/>		NUMBER ON TOUR				
CASE NO.	ZONE		BEAT				
CLASSIFICATION							
D E T A I L S	DETAILS/OTHER INFO						
	ADDITIONAL DETAILS-SEE REVERSE						

- o time at the station,
- o report writing,
- o court/DA conference,
- o training/briefing,
- o prisoner transport,
- o equipment maintenance/service,
- o special detail, and
- o meal/coffee breaks.

As with the complaint dispatch card, the special activity card should also include general information describing the:

- o nature of the incident,
- o location of the incident,
- o beat/reporting district,
- o officer identification,
- o case number, if applicable, and
- o disposition.

The times recorded include:

- o the date and time the activity began, and
- o the date and time the activity stopped.

Once the initial data are recorded on the dispatch or special activity card and a disposition is reached, supervisory personnel should review the cards to assess adherence to agency policies and procedures.

Figure I-2, page I-6, is an example of a special activity card.

Daily Activity Log

Although most manual law enforcement record systems use the dispatch card as the primary document for recording initial data, an alternative method is also satisfactory for use by smaller agencies. The alternative is the Daily Activity Log to record initial data. This log is maintained by the dispatcher and records the same basic information in a less structured format.

The four time elements are entered by hand or typewritten along with a narrative description of the incident including appropriate identifying information, property, disposition, report number and assigned officer. Each separate shift is identified. Line supervisors review and initial the log at the end of each shift to ensure that proper entries and appropriate officer action is recorded.

A Daily Activity Log makes the use of a case number log unnecessary. The sequential case number is issued from the Daily Activity Log itself. Another advantage of the Daily Activity Log is that it presents the basic information in a simple yet comprehensive format.

Figure I-2

Example of a Special Activity Card

Officer		Beat	Report Area	Start	Stop	Location				Case No.	Code
ADMINISTRATIVE ACTIVITIES		OFFICER INITIATED ACTIVITY									
CHECK	CODE			CHECK	CODE		CHECK	CODE			
	855	Personal Time (meals)			800	Arrest		813	Car Stop		
	810	Station			843	Follow-up		888	Haz. Cite		
	853	Office Duty/Pso-Desk-ID			866	Report Writing		889	Non-Haz. Cite		
	887	Employee Transport			805	Assist Other Unit		870	Parking Cite		
	859	Prisoner Transport			863	Assist Other Agency		868	Abandoned Auto		
	824	Court			815	Susp.Per/Veh/Circ.		808	Bicycle Stop		
	883	Training			828	Field Interrogation		897	Warrant Service		
	893	Errands			819	Public Assistance		875	Subpoena Service		
	834	Equipment Maint.			803	Public Relations		820	Traffic Accident		
	817	Car Wash			851	Assist Motorist		880	Traffic Control		
	894	Gas Pump/Car #			869	Residential Check		856	Other Patrol Activity		
		Mileage:			841	Commercial Check					
		DISPOSITION			801	Bar Check					
<input type="checkbox"/> Clear J or A		<input type="checkbox"/> Pending			838	Security Ck. (Person)					
<input type="checkbox"/> CL					836	Hazardous Condition					

However, as the volume of calls-for-service increases, the maintenance of the log may become cumbersome and time-consuming, and dispatch cards should be considered.

Figure I-3, page I-8, is an example of a Daily Activity Log. Figure I-3a, page I-9, is an example of a completed Daily Activity Log.

Initial Data Processing

Communications personnel can tally the data from dispatch cards or the Daily Activity Log at the end of each shift. The most common data elements include the amount of officer-consumed time, by category of activity, which are used for patrol workload analysis or other management information needs. For further information on patrol workload measurement, see Patrol Workload Measurement Manual, State of California, The Commission on Peace Officer Standards and Training, 1980.

Other statistical data describing the volume and classification of incidents are usually retrieved by records personnel after the documents are reviewed by the line supervisor and routed to Records. In small agencies, these activities are often performed by the same person. (For further information on agency management statistical reports refer to the Statistics section of this manual.)

Agencies that use an activity log to record initial data should also maintain the log as a control document for supervisory and records personnel to ensure that all reports are completed and submitted for approval and processing. Even though supervisory personnel have reviewed the Activity Log, communications staff should keep the previous two weeks logs for information referral purposes. After the two-week period, the original log should be routed to Records for chronological filing and retention.

Working copies of the Activity Log can be forwarded to Records immediately after supervisory review to act as the control document. As reports are submitted to Records for processing, the log should be initialed to verify receipt of each report. Copies of the log may also be used for information release as required by the Public Records Act (Government Code Sections 6250-6265). These logs, when exempt information has been deleted, can be used as a press board and to answer citizen inquiries.

Agencies that use complaint dispatch cards to record initial data must also have a procedure to ensure that all reports are completed and submitted for supervisory review and records processing. A document titled Report Summary Log, similar to the activity log, can be prepared by communications personnel from complaint dispatch card data. This document will not contain all of the detailed information found on an activity log. This log may also be used for information release and patrol briefing after it is reviewed by supervisory personnel. Figure I-4, page I-10, is an example of this log.

Figure I-3

(Name of Department)

ACTIVITY LOG

TIME RECEIVED	TIME DIS-PATCHED	CLASSIFI-CATION/PRIORITY	DESCRIPTION OF CIRCUMSTANCES/DISPOSITION*	TIME ARRIVED	TIME CLEARED	OFFICER/REPORT NO.

*DESCRIPTION OF CIRCUMSTANCES: List full name, address, telephone number of complainant, brief description of event, type of property taken, suspects, vehicles, persons arrested, etc.
DISPOSITION: Arrest, cite, standby, notification, F.I., GOA, UTL, etc.

ACTIVITY LOG COMPLETION EXAMPLE

This Activity Log is designed to assist with the collection of workload data, e.g., the difference between the time the call is received and the time dispatched = the queuing time, the difference between the time the call is dispatched and the time the officer arrives = the travel time, and the difference between the time the call is dispatched and the time the officer clears the call = the total consumed time.

The listing of the call-for-service priority beneath the classification will assist in the tabulation of workload data. (Priority A (1)-calls that are emergencies or potential emergencies or otherwise urgent calls that require an immediate response, Priority B (2)-calls that do not require an urgent response for protection of life or property but that should be responded to as soon as possible or practical, and Priority C (3)-calls that include all situations where a delayed response is permissible.)

Anytown Police Department ACTIVITY LOG

TIME RECEIVED	TIME DISPATCHED	CLASSIFICATION	DESCRIPTION OF CIRCUMSTANCES, DISPOSITION*	TIME ARRIVED	TIME CLEARED	OFFICER REPORT NO.
2356	2357	ARA C	William A. Brown, 1514 "G" Street, Anytown (344-8765) reports the theft of five gallons of gas from vehicle. Theft occurred during day at 1919 Market St., Anytown. Supervisor's Initials: <i>JL</i>	0001	0020	Hardy R4-1233
WATCH I ON DUTY March 26, 1984						
(Optional) { Sgt. Smith Unit: 4 Officer Edwards Unit: 5 Officer Johnson Unit: 6 Officer Reed Unit: 7 Dispatcher Alexander (Optional) Rerorder count: Shift start 1342 (Optional)						
0012	0014	415 A	James B. Smith (bartender), Alibi Club, 123 E. Main Street, Anytown (344-4566) reports a disturbance in progress. Suspects unknown. GOA. No report.	0020	0030	Johnson
0406	0407	Assist	Wilfred D. Brown, 1815 East Street, Anytown (344-4900) requests an ambulance for her husband, James F., who is having a heart attack. Anytown ambulance dispatched. Supervisor's Initials: <i>JL</i>	0413	0419	N/A
WATCH II ON DUTY Dispatcher Morgan						
0905	0908	459 B	Jack Q. Diner, Western Automotive, 1950 S Highway, Anytown (344-2566) reports burglary. Tires and tools taken	0914	0905	Pearson R4-1234
0912	0914	Assist	Samuel P. Motorist, 156 North Street, Urbenville requests a tow truck for his red 75 Ford pickup, 1X0456, stuck in mud 2 miles south of "E" Street, Anytown. Motorist will standby at the telephone booth at 3rd and "E" Streets (344-9999). Marshall tow dispatched	N/A	N/A	N/A
1300	N/A	Info	Captain Hunter reports firearms training for all officers will be held on 4-10-84 at 1500 hrs. at the range.	N/A	N/A	N/A

*USE SYSTEM OF LABELS: Use full name, address, telephone number of complainant and description of event, type of property taken, number of vehicles parked, amount of cash.
DISPOSITION: Arrest and number, classification, F.I. GOA, LTL, etc.

*Times, which are not applicable, should have the abbreviation N/A entered to ensure that the entry of times is not overlooked.

If ambulance is dispatched that uses a different radio frequency or for which the department has no monitor, N/A should be entered in the Time Arrived and Time Cleared columns.

The entry of names of officers who are on duty for each shift is optional. (The retention of duty rosters may be substituted instead.) If the department uses a communications recorder, the entry of the number for the start of each shift is also optional.

Anytown Police Department ACTIVITY LOG

TIME RECEIVED	TIME DISPATCHED	CLASSIFICATION	DESCRIPTION OF CIRCUMSTANCES, DISPOSITION*	TIME ARRIVED	TIME CLEARED	OFFICER REPORT NO.
1435	1436	594 C	Paul D. Farmer, 1525 "P" Street, Anytown (344-4555) reports someone cut the tires on his vehicle. No suspects	1440	1500	Sutter R4-1235
1544	1546	647 A	Martha B. Smart, 1515 New Street, Anytown (144-9999) reports a drunk in front of the Brass Rail Bar. Charles B. Luckless, transient, booked county jail, Booking No. 4721. Supervisor's Initials: <i>JL</i>	1550	1658	White R4-1236
WATCH III ON DUTY Dispatcher Brown						
1610	N/A	House Check	James J. Homeowner, Lot 55, Pines Estates, Anytown (344-RR00) requests a house check from 4-1-84 to 4-15-84. He can be reached at (707) 499-1127	N/A	N/A	Unit #5
1732	1733	Civil Matter	Melvin B. Goodman, 159 Brookside, Apt. 6, Anytown (no phone) requests an officer standby while he removes his clothing from his ex-wife's, Susan B., residence at 15 N. Circus Street, Anytown. Standby completed. No report.	1800	1830	Harrison
1845	N/A	Info	The traffic red lights at Main and "B" Streets have been set on constant flash due to malfunction. City Street Department notified.	N/A	N/A	N/A
1932	1933	211 A	Mary J. Someone (clerk), Stop and Go Market, (344-1515) reports a hold-up just occurred. Suspect: WMA, 35-40 years, 6'2" to 6'4", 200 lbs., wearing blue stocking cap, Levi jacket, jeans. Fled in mid white '62-64, Chevrolet sedan, license unknown. Last direction of travel: N. on Main Street ARMED with small blue revolver.	1938	2055	Smith Harrison R4-1237
2315	N/A	Cite	Officer Estes reports issuing citation #4567 to Homer F. Handsome, 129 Main Street, Anytown for violation of 21461 & 12951 V.C. Vehicle: Yellow '82 Corvette, 1AR444 Supervisor's Initials: <i>JL</i>	N/A	N/A	N/A

*USE SYSTEM OF LABELS: Use full name, address, telephone number of complainant and description of event, type of property taken, number of vehicles parked, amount of cash.
DISPOSITION: Arrest and number, classification, F.I. GOA, LTL, etc.

Enter the date at the beginning of the first shift for each day. (Departments may optionally enter the date at the beginning of each shift.)

At the end of each shift, the shift supervisor should inspect the Activity Log for accuracy and completeness and initial as indicated after the last entry for that shift.

Enter the next department report number in sequence as indicated by the last number entered on the previous Activity Log page.

Figure I-3a

Figure I-4

_____ DEPARTMENT

Report Summary Log

DATE: _____ WATCH COMMANDER _____

SHIFT: _____ DISPATCHER _____

Report Number Nature of Report Disposition

VOL. _____ Page

TYPED BY _____

APPROVED BY _____

Agencies can use the Activity Log to supplement dispatch cards. This practice allows the recording of miscellaneous information deemed important to the agency.

Types of Reports

Not all calls-for-service, nor officer-initiated activities, require a written report. The information recorded on a dispatch card or a daily activity log may be sufficient where no crime has occurred nor any follow-up action or retrieval is expected. Two types of reports therefore, are recommended: numbered reports and unnumbered reports.

Numbered Reports

Numbered reports are those formal, operational reports that must be prepared to meet legal or internal agency requirements. They are reports of crimes, suspected crimes, traffic accidents, other incidents or events, injuries, or fatalities. Numbered reports are subject to retrieval. They contain factual data and describe the incident, the surrounding circumstances, and summarize the activities of the responding officers.

Issuing a separate, unique number for each report, whether or not the report will later be retrieved, is not recommended. Numbering every report:

- o indicates that all reports are of equal significance with respect to control, storage, and retrievability, and
- o creates gaps in the numerical sequence of reports in the central report file because dispatch cards are more efficiently filed separate from the central report file.

The numbered report will include the following documents related to the event:

- o crime/incident report,
- o property report,
- o arrest/booking report,
- o supplementary reports, and
- o supporting documents.

Report Numbering System

The most straightforward report numbering system consists of the last two digits of the current year and a sequential number (for example, 90-0001, 90-0002). All documents relating to a single event will have this uniform number.

Several advantages of this single report numbering system include:

- o only one case number series and issuing source are necessary,

- o a unique identifier is provided for reports and related documents,
- o the single number series simplifies filing and retrieval,
- o a simple method of administrative control protects the integrity and security of the reports, and
- o it assists in decisions concerning retention and destruction dates.

A report number should be issued as soon as it is determined that a numbered report will be written. Report numbers should be issued directly by communication personnel from the Daily Activity Log, or a case number control log if dispatch cards are used. This procedure will provide:

- o control of the report by a numerical identifier to ensure that the report is completed and to reduce the chance of a lost report,
- o the ability to immediately enter data into regional, state, and federal automated information systems,
- o the ability to immediately relate evidence, property, or persons to an incident, and
- o report numbers to interested parties at the time of the incident.

Pre-numbered dispatch cards are unnecessary and are not recommended.

Unnumbered Reports

Unnumbered reports generally record noncriminal events that do not require follow-up action. While a brief report on these events may be advisable, a detailed report is unnecessary. The appropriate information can be entered on the complaint dispatch card or daily activity log. Each agency should establish procedures which specify circumstances under which the unnumbered report is to be used.

Some advantages of the unnumbered report are:

- o reduced report preparation and processing time, and filing and storage space.
- o basic information is recorded with minimum effort,
- o reports may be easily processed for statistical data and to measure the allocation of resources to noncriminal, miscellaneous activities,

- o reports provide a short term audit of response to particular events, and
- o reports can be destroyed at minimum retention period.

See Figure I-5, page 14, for a sample unnumbered report form.

Two options exist for the completion of the narrative portion of unnumbered reports:

1. Communications personnel can enter the disposition and short narrative on the dispatch card or daily activity log.
2. The assigned officer can describe the incident and submit the complaint dispatch card directly to the line supervisor for approval. Unnumbered reports are an expanded use of the complaint dispatch card and are processed in the same manner. Retrieval is by date and time. The daily activity log provides names, location, and type of incident to retrieve the report for later review.

Preparation of Reports

The primary purpose of a report is to record and transmit information. An effective report preparation system will ensure:

- o prompt completion and review of reports,
- o complete and concise reports,
- o accuracy of information,
- o minimal processing costs, and
- o timely availability of information.

To achieve these results, an agency must identify the factors that affect report preparation.

Key factors include:

- o personnel time--costs associated with a report that is written more than one time,
- o document handling--the number of times a report must be transferred between the writer, reviewer, and various clerical personnel,
- o availability of information--the additional time required for report processing, i.e., data entry, statistical gathering, and
- o quality of information--the accuracy of information.

Figure I-5

Example of an Unnumbered Report
(Reverse Side of Complaint
Dispatch Card)

CLASSIFICATION (CHECK)				MISCELLANEOUS INCIDENT REPORT			
<input type="checkbox"/> SERVICE TO CITIZEN <input type="checkbox"/> SUSPICIOUS CIRCUMSTANCE <input type="checkbox"/> CIVIL MATTER <input type="checkbox"/> ALARM <input type="checkbox"/> F		<input type="checkbox"/> SICK/CARED FOR <input type="checkbox"/> MISC. TRAFFIC <input type="checkbox"/> NOISE ABATED <input type="checkbox"/> OUTSIDE ASSIST		LOCATION OF OCCURRENCE		DATE/TIME OCCURRED	
VICTIM	LAST	FIRST	MIDDLE	RACE / SEX / AGE	RESIDENCE ADDRESS		PHONE NO
OTHER PERSON CONTACTED				RACE / SEX / AGE	RESIDENCE ADDRESS		PHONE NO.
OTHER PERSON CONTACTED				RACE / SEX / AGE	RESIDENCE ADDRESS		PHONE NO
<input type="checkbox"/> SICK CARED FOR <input type="checkbox"/> COMPLAINT OF PAIN <input type="checkbox"/> VISIBLE INJURY <input type="checkbox"/> UNCONSCIOUS <input type="checkbox"/> UNKNOWN <input type="checkbox"/> TRANSPORTED BY <input type="checkbox"/> AMBULANCE _____ <input type="checkbox"/> OTHER (SPECIFY) _____ <input type="checkbox"/> REFUSED <input type="checkbox"/> TRANSPORTED TO <input type="checkbox"/> HOSPITAL _____ <input type="checkbox"/> PRIVATE PHYSICIAN				<input type="checkbox"/> NOISE ABATED <input type="checkbox"/> CONTACT MADE <input type="checkbox"/> COMPLIANCE GAINED <input type="checkbox"/> OTHER (SPECIFY) _____ <input type="checkbox"/> CIVIL MATTER <input type="checkbox"/> STANDBY <input type="checkbox"/> INFO ONLY <input type="checkbox"/> SERVICE SUSPICIOUS <input type="checkbox"/> UTL <input type="checkbox"/> GOA <input type="checkbox"/> OTHER (SPECIFY) _____		DETAILS - IF NECESSARY _____ _____ _____ _____	
COPIES TO				REVIEWED BY		REPORTING PERSON PS	

The emphasis of this manual focuses on officer handwritten reports prepared in the field, although, it is recognized that report preparation may include dictation or automated systems. POST's publication, One-Write, presents a handwritten system. Copies of the publication are available from POST upon request. Before embarking on a particular report preparation system, an analysis of each is necessary to determine the most feasible system, given local conditions and resources.

Handwritten Reports

Most law enforcement agencies handwrite reports. The reports are usually written in the field, receive supervisory review, and are submitted for processing at the end of each shift.

This system has the following advantages:

- o increases report accuracy,
- o permits immediate supervisory review,
- o promotes more concise reports,
- o reduces preparation time and cost,
- o promotes prompt availability of information,
- o increases report validity, and
- o reduces the document handling process.

Given these advantages, handwritten reports rather than type reports are recommended. However, there may be instances when typewritten reports are necessary and appropriate. These special circumstances should be clearly defined in written policy and require supervisory approval.

A policy allowing some reports to be typed should describe report typing priorities. Because only a small number of reports are ever distributed outside of the agency, typed reports offer little direct benefit to an agency.

Typewritten Reports

The typing of reports is an accepted practice in many law enforcement agencies. In some agencies all reports are typed; in others, only those reports meeting certain criteria, including the length of report or type of crime, are typed.

There are two primary reasons why reports are typewritten. They are:

- o appearance; a typed document is neat in appearance, and
- o legibility; a typewritten report is easy to read.

Report Review and Correction

Supervisory Report Review

Supervisory report review is a key element in the reporting system. The quality of this review process determines how well the entire system is functioning. Supervisory report review should be described in written policy that outlines the objectives, functions, and responsibilities of the process.

In this process the immediate supervisor of the reporting officer reads a completed report and compares it with the established review criteria. Completed reports should be submitted for review prior to or at the end of each shift. Supervisors should review the reports immediately so that the necessary corrections can be made before the processing. The timelines of the review/approval process is an important factor in its success. Report writing and report review training are important elements of an agency's training program.

The report review process permits the supervisor to evaluate the work of subordinates. Because report review criteria have been described in agency directives, the review process should provide objective comment rather than subjective judgment. Figure I-6, page 17, provides an example of a report review memo.

The report review process should include:

Editing--for legibility, spelling, grammar, neatness, clarity, conciseness, and consistency.

Review of Content--to ensure that complete data has been gathered; that there is consistency of data between reports associated with the same event; that the elements of a crime are present; that the organization of the report is logical; that the report reflects compliance with established investigative procedures; that proper format has been followed; that report disposition is correct; and, that all necessary documents have been included.

Classification--to confirm the original classification of an event according to Uniform Crime Reporting, state and local guidelines.

Correction--to identify deficiencies in reports that are returned for correction.

It is the responsibility of the officer's supervisor to see that corrections are made quickly so that there is no delay in the flow of information.

Example of Report Review Memo

REPORT REVIEW MEMO	CASE NO. _____
	DATE _____
TO: _____	
FROM: _____	
REMARKS:	

DISPOSITION:	

TRAINING NEEDS ASSESSMENT:	
<u>REPORT COMPOSITION</u>	<u>INVESTIGATIONS</u>
1. <input type="checkbox"/> Grammar	11. <input type="checkbox"/> Elements of Crime/Law
2. <input type="checkbox"/> Spelling	12. <input type="checkbox"/> M.O.
3. <input type="checkbox"/> Sentence Structure/ Punctuation	13. <input type="checkbox"/> P.C. For Stop/Detention/ Arrest
4. <input type="checkbox"/> Category Report/ Improper Format	14. <input type="checkbox"/> Search/Seizure
5. <input type="checkbox"/> Too Brief/Wordy	15. <input type="checkbox"/> Evidence
6. <input type="checkbox"/> Organization Poor	16. <input type="checkbox"/> Follow-up Incomplete
7. <input type="checkbox"/> Incorrect Use of Slang/ Contractions	17. <input type="checkbox"/> Interview/Interrogation
8. <input type="checkbox"/> Neatness	18. <input type="checkbox"/> Dept. Policy/Procedure
9. <input type="checkbox"/> Classification	19. <input type="checkbox"/> _____
10. <input type="checkbox"/> _____	

Records Section Report Review/Processing

When the report is approved by the supervisor, it is routed to Records for processing. The Records report intake position provides a quality control check on each report received. This check may include initialing the "working copy" of the daily activity log to verify receipt of each report. If additional information is needed for processing, the report should be returned to the approving supervisor with a request for assistance.

Example of processing problems are:

- o a missing document,
- o inconsistent spelling of a name or date of birth,
- o insufficient information for state automated system data entry, and
- o inaccurate information contained in the report, i.e., case numbers, offense codes.

It is the responsibility of the original reviewing supervisor to have the problem corrected so that the report can be processed in a timely manner.

An efficient report review process is critical to the accuracy of the entire reporting system.

Staff Inspection

In addition to the supervisory and records review of reports, continuous staff review and inspection will ensure that the entire reporting process, including supervisory review, meets the objectives of the system. This staff inspection assures that the entire report process is functioning according to design. The review can be performed by an administrative officer, Records Manager, or other designated staff (see Section VII, System Audit Procedures).

Report Indexing

Accurate and rapid information retrieval are required elements of an effective records system. The indexing process is vital to efficient retrieval. The most efficient means of locating records is by use of a master alphabetical index. The master index should contain the names of individuals involved in incidents, cross-referenced to the report number. A master index file is at the core of a law enforcement agency's records system.

Names from a report should be added to the master index immediately, so that information from a report is readily available.

Maximum care should be taken in creating and maintaining an index file. Because of the importance of maintaining an accurate

index, policy should place the responsibility for filing and refiling index cards with Records personnel. Only Records personnel should have access to the file. Periodically, records personnel should go through the index, card by card, to discover and correct any errors.

Two basic methods are used to prepare and file index cards:

1. the single entry method, in which a card is prepared for each name and event, and
2. the dossier method in which consecutive entries are made on an existing card for each person or firm involved in an incident. If no card is in file, one is made. If a card is in file, the card must be removed from file, new information added, and the card refiled.

The dossier method of adding information to existing cards is not recommended.

The single entry method of indexing is recommended. Advantages include the following:

- o index cards are prepared immediately upon receipt of report; clerical time is not expended searching for existing cards that may contain aged information or have been misfiled, and
- o purging single entry index cards from the file can be accomplished with minimal effort.

Master index cards should provide information to identify and locate related reports and files. Care should be taken to include only necessary data on the index cards. Only the names of persons or firms in the following categories should be indexed:

- o victim (or reporting person if the victim is unknown) in all numbered reports; if the victim is a firm, the firm name is indexed,
- o arrested persons (cross-indexed by aliases, aka's),
- o person(s) named on an arrest warrant,
- o drivers involved in motor vehicle accidents, and
- o registrants pursuant to Penal Code Sections 290 and 457.1, and Health and Safety Code Section 11590.

The practice of adding suspects to the master index file in a manual records system may lead to serious problems. A person may be named as a suspect in the original crime report and subsequent

investigation may exonerate or eliminate this "suspect." Without a procedure to correct, reclassify, or purge the index card, a situation is created that could lead to criticism, complaints, and possible litigation. For these reasons, the practice of entering suspect names into the master index file is not recommended.

If an individual is arrested subsequent to the original report, or a warrant is issued, the person's name should be indexed with the appropriate classification when Record staff process the supplemental report.

Those agencies that choose to index suspect names in the master index must establish safeguards to ensure that the data entered is accurate. In these instances, policy must clearly define the term "suspect." Furthermore, procedures must be established to provide control and accountability.

Of equal importance, purge criteria should assure the removal or change in classification of suspect names in the file. Continuous monitoring of these practices must verify that the safeguards are being followed.

Index cards should contain:

- o Name of firm or person (cross-filed by aliases, AKA's).
- o Date of birth.
- o Crime or event.
- o Case number.
- o Category of name indexed (victim, arrestee, driver).
- o Date of report.

Index files usually contain 3" x 5" cards. A sample single entry master index card is shown below.

(1) DOE, John Allan (2) Arrest/Case #
212 Main St., L.A., Calif.

(3) 05/17/62

(4) 12/20/85 (5) V (6) 459 P.C.

1. Name and address of subject.
2. Case or arrest report number.
3. Date of birth.
4. Date reported.
5. Classification:
 - V = Victim
 - D = Driver/Accident
 - A = Arrested
 - RP = Reporting Party
 - R = Registrant
 - W = Warrant
6. Case code section, including crime, traffic violation, event by code or type.

Report Distribution

After indexing, reports are ready for distribution. This process is a series of activities to disseminate information to the proper sources. Many of these activities are mandated by law, while others are subject to local practices.

This process consists of three types of activities:

1. photocopying reports,
2. distribution of reports, and
3. dissemination of report information.

Photocopy Process

- o This process may be assigned to an individual or a shift.

Distribution of Reports

- o Investigations

Copies of reports involving criminal offenses are sent to the investigations unit for information or investigation.

- o Department of Justice

Penal Code Section 11107 identifies the reports local agencies are required to send to the Department of Justice. DOJ also publishes a document entitled, "Directions for Submission of Crime and Property Reports to the California Department of Justice." This is available from DOJ, BOCCI/Records Unit.

- o California Highway Patrol

Vehicle Code Section 20008 identifies the traffic accident reports that must be sent to the California Highway Patrol.

- o Court liaison officer/district attorney

Copies of reports involving an arrest must be sent to the district attorney for complaint preparation. The handling of reports in the preparation of complaints and warrants is a matter to be established by the concerned agencies.

- o Other agencies

The reporting officer may request that a copy of a report be sent to another agency. Release of the reports must comply with agency report release policy (see Section III, Security of Information).

Periodically, the report distribution process should be reviewed for effectiveness. Factors to be considered are:

- o the use of the reports by the recipient,
- o the number of copies sent and the number of copies needed,
- o the timeliness of the distribution of the reports,
- o quality of the reproduction process and the clerical time required to prepared report copies, and
- o additions or deletions from the standard distribution lists.

Distribution of Information

This process extracts specific information from reports for a variety of purpose.

- o Uniform Crime Reporting

Statistical data must be extracted from reports to comply with UCR/BCS reporting requirements (see Section IV, Statistics).

- o Management Statistical Reporting

These reporting requirements are unique to each agency (see Section IV, Statistics).

o State and Federal Automated Systems

Certain information must be entered into the State automated Criminal Justice Information System (CJIS) and NCIC where applicable. Local law enforcement agencies enter data into the Stolen Vehicle System (SVS), the Automated Boat System (ABS), Automated Firearm System (AFS), Automated Property System (APS), and the Wanted Person System (WPS).

California Justice Information System Manual, California Department of Justice, contains regulations and data entry procedures.

Complaint Processing

Complaint processing is the preparation of documents necessary to file a complaint in a court of law. For further reference, including definition, wording, procedure and requirements, see Penal Code Sections 691, 806, 859, 949-952, 957-959, 988.

Felony complaints are usually prepared by the district attorney. Misdemeanor complaints are frequently prepared, in part, by local law enforcement agencies often in the Records Section. The degree to which an agency prepares a complaint is usually a matter of agreement with the district attorney and the court.

The complaint consists of an accusatory pleading containing the title of the action, the name of the court with jurisdiction, the name of the defendant and a statement of the offense charged. Supporting documents, including a police report, are attached to substantiate the offense charged.

The complaint document is usually a preprinted form onto which the information is entered. Figure I-7, page 24, is an example of a typical misdemeanor complaint form. This complaint is signed by an officer of the agency, delivered with the supporting documents to the district attorney for review, signature, and filing in court.

Complaint preparation by Records personnel usually consists of sending copies of certain categories of reports to a court liaison officer. The court liaison officer is responsible for signing and filing the complaint.

In some agencies, Records personnel assemble a complaint packet to be approved by the district attorney and forwarded to court.

The five essential elements of complaint processing are:

1. Records Section receives a report with authorization to assemble a complaint packet.

Figure I-7

MUNICIPAL COURT OF CALIFORNIA, COUNTY OF _____

_____ JUDICIAL DISTRICT

CCIN

THE PEOPLE OF THE STATE OF CALIFORNIA)	NO.
)	COMPLAINT
)	(Misdemeanor)
vs.)	
)	CALIFORNIA
)	VEHICLE CODE
)	
)	23152(a)
)	23152(b)
Defendant.)	

The undersigned states, on information and belief, that the above-named defendant did, in this Judicial District, commit a misdemeanor, namely, a violation of the CALIFORNIA VEHICLE CODE SECTION 23152(A) (DUI Alcohol and/or Drugs) in that the defendant on or about _____ did unlawfully and wilfully drive a vehicle while under the influence of an alcoholic beverage or a drug, or under the combined influence of alcoholic beverage and a drug.

COUNT TWO:

The undersigned states, on information and belief, that the above-named defendant did, in this Judicial District, commit a misdemeanor, namely, a violation of Section 23152(b) of the CALIFORNIA VEHICLE CODE (Driving at .08 or above), in that the defendant on or about _____, did willfully and unlawfully, while having 0.08 percent or more by weight, of alcohol in his blood, drive a vehicle upon a highway or in an area open to the general public.

Count One and Count Two are alternate statements of the same offense.

Complainant requests that defendant be dealt with according to law. I declare under penalty of perjury the foregoing is true and correct.

Date: _____ at _____, California.

Complainant

Agency

2. Authorization identifies specific charges to be filed.
3. Records personnel prepare a preprinted complaint form, adding dates of birth, court name, and the specific offense or offenses being charged. The offense is listed by code section, including a narrative explanation.

An easily referenced list of the most common offenses, with narrative wording, is often used to simplify complaint preparation.

4. A complaint packet consisting of copies for the district attorney, court, and defendant is prepared.

Each copy consists of the complaint form, offense report, and supporting documents, as required.

Supporting documents may include driver's license print-outs, criminal histories, laboratory results, driver's license suspension and revocation letters. For those offenses deemed "recordable" by the Department of Justice, a "Disposition of Arrest and Court Action" form (JUS 8715) must be included with the complaint.

For additional information on arrest and disposition reporting, see Arrest and Disposition Information/Applicant Information Manual, State of California, Department of Justice, Arrest and Disposition Reporting Unit.

5. Complaint packet is sent to the district attorney for review, approval, and filing in court.

This briefly describes the extent to which a law enforcement agency Records Section may be involved in the complaint process. This involvement can be limited or extensive, as mutually agreed by the local agencies.

Filing

The methods used to file reports and the manner in which they are stored greatly affect the efficiency of the records system. Filing is a system of arranging and storing documents so that they can be located easily and quickly when needed. Written procedures should identify all files, the contents, authorized access, and the method used to file and retrieve documents.

Files must be centralized, conveniently located and arranged for easy retrieval. Centralized files promote accessibility to information, better control of documents and reduce unauthorized

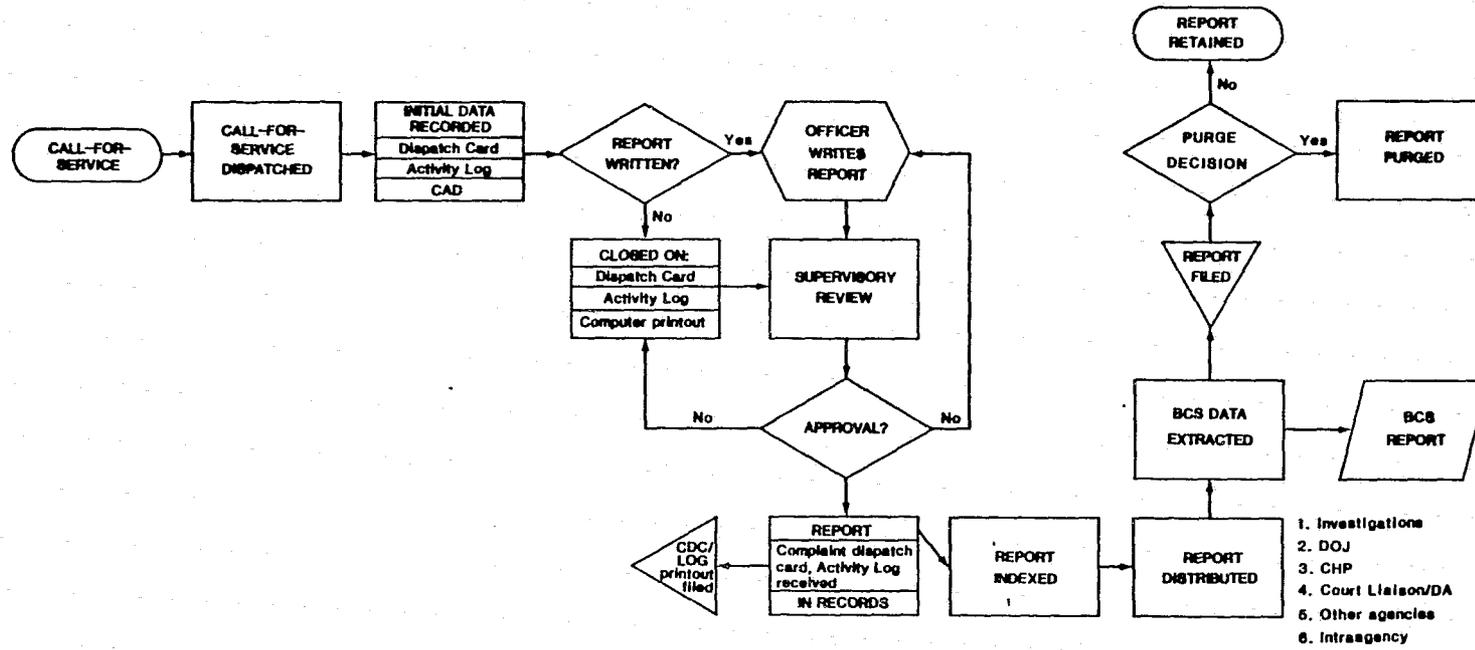
- o When a charge is listed on an arrest or booking report without a citation, a copy of the report face sheet can be filed with the citations in a tickler file.
- o When the marijuana offense is a secondary offense, and a citation is not written, care should be taken to isolate all references to the marijuana offense on the crime report. This will simplify the purge process. No reference to the marijuana offense should be made in the non-marijuana offense report. There will be one report number, but the marijuana offense will be described on a separate sheet. The arrest/booking sheet entry can be eliminated with a black marker.
- o In automated record systems, identification of the marijuana reports should be based on the classification of reports for retrieval. A computer print-out of all classified reports which includes the date of arrest, defendant name, and disposition can provide the basis for the purge. However, when the marijuana offense is secondary, the computer must be able to identify reports by a primary classification and a secondary classification to ensure a thorough purge program.

These precautionary steps will enable an agency to comply with purge requirements without difficulty.

Record Retention

The primary report system has traced a report from the originating recorded telephone call or radio communication which initiates a call-for-service to placement in the file. The primary report system does not end, however, when the report is filed. Decisions must be made concerning the retention period for specific types of records and reports. Section V, "Retention and Destruction," includes specific recommendations on record retention and purge. Figure I-8, page 29, provides a Primary Report System flowchart.

PRIMARY REPORT SYSTEM



1. Investigations
2. DOJ
3. CHP
4. Court Liaison/DA
5. Other agencies
6. Intraagency

I-29

Figure I-8

II. SECONDARY PROCESSES

Introduction

This section contains information, guidelines, and procedures related to secondary files often found in a law enforcement agency. The section is arranged alphabetically by type of file or procedure. Legally mandated processes and files are identified. Optional files and processes are also identified.

Because of the variations in size and circumstances in local agencies, many of these optional processes can be adapted to fit local needs. The Warrant and Subpoena Duces Tecum sections are enhanced by a model directive found in the Appendix.

ABC Notification

Section 24202 of the Business and Professions Code requires all state and local law enforcement agencies to notify the Alcohol Beverage Control Department of any arrests, involving a licensee or licensed premises, made by them for violations over which the department has jurisdiction. This notification must be made within ten (10) days of the arrest.

Child Abuse

Penal Code Section 11169 require the reporting of all incidences of child abuse. Child abuse is defined in Penal Code Section 11165 and includes, but is not limited to, Penal Code Sections 261, 261.4, 286, 288, 288(a), 647(a), 273(a), 273(d), and 289 involving children.

Reporting Requirements

A child protective agency is defined under Penal Code Section 11165.9 as a police or sheriff's department, a county probation department or a county welfare department. An employee of a child protection agency shall immediately or as soon as practically possible report by telephone every instance of known or suspected child abuse to: (1) the other child protective agency in the county, (2) the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and (3) the district attorney's office, and shall follow-up with a written report to each agency within 36 hours of receiving the information concerning the incident. Effective January 1, 1991, instances of "general neglect," as defined in Section 11165(c)(2) P.C., shall also be reported to the appropriate licensing agency.

Additionally, a child protective agency shall forward to the Department of Justice a written report of every case of suspected child abuse which it investigates, whether or not any formal action is taken in the case. Unfounded reports of child abuse need not be reported. An unsubstantiated case is not considered unfounded and, therefore, must be reported. See Penal Code Sections 11164-11174.3 for specific reporting requirements.

Reporting Instructions

Reports of child abuse shall be reported on Form SS8583, "Child Abuse Investigation Report," provided by the Department of Justice, under the guidelines listed above. SS8583 is a four part, NCR form and is distributed as follows:

1. Pink: Department of Justice
Bureau of Criminal Statistics & Special Services
Attention: Child Abuse Central Index
2. White: Agency Copy
3. Blue: County Welfare or Probation
4. Green: District Attorney's Office

See Figure II-1, page II-3.

Citations

Although the California Judicial Council has defined the basic format for the "Notice to Appear," there are local variations in citation forms. Some jurisdictions use special citation forms for parking violations and juvenile offenses. Regardless of format, citation processing should include:

1. citation control,
2. checking for errors,
3. identifying type of citation,
4. filing citations, and
5. transmitting citations to court.

Citation Control

To control the citation function beginning with distribution of citation books and ending with filing/storage of these books, the following basic elements of control are recommended:

- o Assigned responsibility
- o Written policy including the void procedure
- o Citation inventory control
- o Citation development and revision procedure

Figure II-1

Child Abuse Investigation Report

(Form SS8583)

CHILD ABUSE INVESTIGATION REPORT		FOR DOJ USE ONLY			
To be Completed by Investigating Child Protective Agency Pursuant to Penal Code Section 11169 (SHADED AREAS MUST BE COMPLETED)		R C N A G Y E169984			
A. INVESTIGATING AGENCY	1. INVESTIGATING AGENCY (Enter complete name and check type):		2. AGENCY REPORT NUMBER NAME:		
	3. AGENCY ADDRESS: Street City		4. AGENCY TELEPHONE: EXT:		
	5. NAME OF INVESTIGATING PARTY: TITLE		6. DATE REPORT COMPLETED: MO DA YR		
	7. AGENCY CROSS-REPORTED TO:	8. PERSON CROSS-REPORTED TO:	9. DATE CROSS-REPORTED: MO DA YR		
	10. ACTION TAKEN (check only one box):		11. COMMENTS:		
<input type="checkbox"/> (1) ABUSE SUSPECTED <input type="checkbox"/> (2) UNSUBSTANTIATED-ABUSE NOT PROVEN		<input type="checkbox"/> (3) SUPPLEMENTAL INFORMATION (Attach copy of original report) <input type="checkbox"/> (4) UNSUBSTANTIATED <input type="checkbox"/> (5) ADDITIONAL INFORMATION <input type="checkbox"/> (6) UNFOUNDED (false report, accidental, improbable)			
B. INCIDENT INFORMATION	1. DATE OF INCIDENT: MO DA YR	2. TIME OF INCIDENT:	3. LOCATION OF INCIDENT:		
	4. NAME OF PARTY REPORTING INCIDENT: TITLE:	5. EMPLOYER:	6. TELEPHONE: ()		
	7. TYPE OF ABUSE (check one or more):				
	<input type="checkbox"/> (1) PHYSICAL <input type="checkbox"/> (2) MENTAL <input type="checkbox"/> (3) incest (289 P.C.) <input type="checkbox"/> (4) OTHER SEXUAL ABUSE <input type="checkbox"/> (5) SEXUAL EXPLOITATION <input type="checkbox"/> (6) SEVERE NEGLECT <input type="checkbox"/> (7) GENERAL NEGLECT <input type="checkbox"/> (8) OTHER				
	8. IF ABUSE OCCURRED IN OUT-OF-HOME CARE, CHECK TYPE				
<input type="checkbox"/> (1) FAMILY DAY CARE <input type="checkbox"/> (2) CHILD CARE CENTER <input type="checkbox"/> (3) FOSTER FAMILY HOME <input type="checkbox"/> (4) SMALL FAMILY HOME <input type="checkbox"/> (5) GROUP HOME OR INSTITUTION-Enter name and address:					
VICTIMS	1. NAME: Last First Middle AKA		DOB: MO DA YR	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
	ADDRESS: Street City State		DID VICTIM'S INJURIES RESULT IN DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO		
	PRESENT LOCATION OF VICTIM: TELEPHONE NUMBER:		NATURE OF INJURIES:		
			IS VICTIM DEVELOPMENTALLY DISABLED (4512(a) Wa)?		
			<input type="checkbox"/> YES <input type="checkbox"/> NO		
SUSPECTS	1. NAME: Last First Middle AKA		DOB: MO DA YR	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
	ADDRESS: Street City State		HGT: WGT: EYES: HAIR: SOCIAL SECURITY NUMBER:		
	RELATIONSHIP TO VICTIM: <input type="checkbox"/> (1) PARENT/STEPARENT <input type="checkbox"/> (2) SIBLING <input type="checkbox"/> (3) OTHER RELATIVE		DRIVER'S LICENSE NUMBER:		
	<input type="checkbox"/> (4) FRIEND/ACQUAINTANCE <input type="checkbox"/> (5) STRANGER <input type="checkbox"/> (6) OTHER				
	2. NAME: Last First Middle AKA		DOB: MO DA YR	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
	ADDRESS: Street City State		HGT: WGT: EYES: HAIR: SOCIAL SECURITY NUMBER:		
RELATIONSHIP TO VICTIM: <input type="checkbox"/> (1) PARENT/STEPARENT <input type="checkbox"/> (2) SIBLING <input type="checkbox"/> (3) OTHER RELATIVE		DRIVER'S LICENSE NUMBER:			
<input type="checkbox"/> (4) FRIEND/ACQUAINTANCE <input type="checkbox"/> (5) STRANGER <input type="checkbox"/> (6) OTHER					
OTHER	1. NAME: Last First Middle		<input type="checkbox"/> (1) PARENT/STEPARENT <input type="checkbox"/> (2) SIBLING	DOB: MO DA YR	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE
	2. NAME: Last First Middle		<input type="checkbox"/> (1) PARENT/STEPARENT <input type="checkbox"/> (2) SIBLING	DOB: MO DA YR	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE

* RACE CODES: W-White, B-Black, H-Hispanic, A-Asian, P-Pacific Islander, I-American Indian/Alaskan Native, O-Other, X-Unknown

CHECK HERE IF ADDITIONAL SHEET(S) IS ATTACHED.

- o Citation number system
- o Citation ordering and supply procedure

Checking Citations for Errors

- o Does the date correspond with the day of the week?
- o Is the court location correct?
- o Does the court date correspond with the court's schedule? (Avoid weekends, holidays, and any other non-court days.)
- o Does the birth date and juvenile/adult status correspond with the court jurisdiction?
- o Is a correction letter sent when errors are found?

Identifying Types of Citation

On a monthly basis, most agencies analyze the number and type of citations written by each officer. The most common citation categories are Hazardous, Non-hazardous, Parking, Non-traffic Misdemeanor, and Other. An agency may use other categories. Citation data is used for both operational and administrative decision-making.

These five common categories are defined as follows:

1. Hazardous--generally Vehicle Code violations that are dangerous to the public, such as speeding, reckless driving, DUI, improper turning movements, and pedestrian violations.
2. Non-Hazardous--generally Vehicle Code equipment violations, registration and driver's license violations, overweight, and littering.
3. Parking--includes both Vehicle Code and local ordinance parking violations.
4. Non-Traffic Misdemeanor--includes Penal Code, Business and Professions Code, Health and Safety Code, and other similar violations.
5. Other--may include municipal or county code violations not included in the above categories. Examples are business license, animal control, and solicitor licensing violations.

Filing Citations

A copy of each citation will be filed in Records according to the retention schedule.

There is a variety of filing methods for citations. In determining the best method, the question to be answered is, "How are citations accessed?"

The two most common reasons for retrieving a citation are:

1. the defendant has lost the citation and needs information, and
2. an officer has received a subpoena and needs a copy of the citation. The subpoena may not include the citation number but always includes the defendant's name.

Given these reasons, the citation can easily be retrieved by the defendant's last name. However, alphabetical filing is time-consuming and presents purge problems. The more efficient method is:

- o The citation file should contain 26 compartments corresponding to the letters of the alphabet. The citations are filed by the first letter of the defendant's last name, and by chronological order within each letter section. This is a modified alphabetical order; for example, the citations issued to individuals whose last name starts with "A" will be filed in chronological order in the "A" section.
- o The name of the defendant and the approximate date of the citation are often known when retrieval is necessary.
- o The chronological aspect of the filing method simplifies purging.

Some agencies enter citation information in the Master Name Index. This practice is not recommended. Indexing routine Vehicle Code citations duplicates DMV information.

Transmittal of Citations to Court

Citations sent directly to court should be transmitted daily. These are usually traffic and parking citations. A citation control register is often used to verify that citations were sent to the court. This register is not recommended because additional clerical effort is required. The agency's copy of the citation, with the processing notes affixed, should be sufficient record of transmittal to court.

Special Processing

Marijuana citations, the most common citations that require special processing, are issued for possession of less than one ounce of marijuana. These citations, and accompanying reports, must be destroyed after a specific retention period (see Section I, Primary Report System, and Section V, Retention and Destruction).

Other Misdemeanor Citations--Some counties permit minor misdemeanor citations to be directly transmitted to court. Others require a report to supplement the information on the citation. Consult with the district attorney to establish local policy. A copy of the citation should be filed with the report. The agency copy of the citation is filed in the usual citation file.

Each agency should establish a policy for indicating "booking required" pursuant to 853.6(g) PC when issuing a citation for recordable offenses (i.e., 488 PC, 240 PC, 415 PC, etc.). The district attorney's office may have specific guidelines to be included in such a policy.

Juvenile Citations--In general, juvenile traffic citations are handled separately from adult traffic matters. Juvenile misdemeanor citations usually are sent to Juvenile Probation with a copy of the offense report. A copy of the citation is attached to the original offense report and filed in the master case file. A copy of the citation may be filed in the citation file.

Notice of Correction Citations--These are commonly called "fix-it tickets." In many instances, the driver will correct the deficiency and return to the law enforcement agency to have the violation "signed-off" on the driver's copy. This may be done by an officer or other authorized employee. The agency copy of the citation can be filed in the citation file.

CORONER RECORDS

All Coroner's investigations into the causes of death must include (Section 27491, Government Code):

- o Toxicology report,
- o Autopsy report,
- o Coroner's report,
- o Fingerprints required under Penal Code Section 11113, and
- o Finalized Death Certificate (certifying the cause of death in the State of California).

After the finalized Death Certificate is completed, these four records become public information. An agency which is a joint Sheriff-Coroner should file these public records with the Records Section.

The coroner records should be maintained separately in coroner report number order. The subject's name should be included in the agency's master index file, cross-referenced to the coroner report number.

Additional records obtained during a coroner investigation that are NOT public are:

- o Law enforcement reports, unless determined by the law enforcement agency to be public information under Government Code Section 6254(f).
- o Criminal history records which are obtained after the submission of fingerprint cards to DOJ.
- o Photographs of the deceased pursuant to Code of Civil Procedure Section 129: "...no copy, reproduction, or facsimile of any kind shall be made of any photograph, negative, or print, including instant photographs and video tapes, of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy made by or caused to be made by the coroner...."

Photographs may be used in a criminal action or proceeding which relates to the death of the person, or by court order.

DETENTION CERTIFICATES

Under Penal Code Section 851.6(a), when a person is arrested and released pursuant to paragraphs (1) or (3) or Penal Code Section 849(b), the person must be issued a certificate signed by the releasing officer or his/her superior, describing the action as a detention.

Also, in a case where a person was arrested, released and no accusatory pleading was filed, the person shall be issued a certificate by the law enforcement agency which arrested him/her describing the action as a detention. For recordable offenses, the law enforcement agency will be notified of the filing rejection under return of the Disposition of Arrest and Court Action (JUS 8715) from the prosecuting attorney. For nonrecordable offenses,

notification will be received from the prosecuting attorney in a format specific to that jurisdiction.

The form and content of the Detention Certificate shall be prescribed by the Attorney General. See Figure II-2, page II-9.

The law enforcement agency must also update its records so that any reference to the action shall refer to it as a "detention," not an arrest.

Disposition of Arrest and Court Action Form (JUS 8715)

Purpose

The purpose of the Disposition of Arrest and Court Action Form (JUS 8715) is to report the disposition of an arrest, warrant arrest, indictment, and or/subsequent action(s) to the Department of Justice for each recordable arrest. The JUS 8715 form, without a coinciding arrest fingerprint card will not create an entry on an individual's criminal history record. This form should be included with the case documentation and stay with the case as it proceeds through the criminal justice system from point of arrest to final adjudication. See Figure II-3, page II-11.

Disposition information submitted on the JUS 8715 form, or its automated counterpart, is used by the Department of Justice to record disposition information on an individual's criminal history record (rap sheet) and provides a statistical analysis of the criminal offender and the criminal justice system.

Initiation Procedures

The arresting agency is responsible for initiating and reporting all information in Section A - Law Enforcement Information on the JUS 8715 form for all arrests involving recordable offenses. The arrest information should be the same as submitted on the arrest fingerprint card or as indicated on the citation. The form should be included with the case documentation when it is submitted to the prosecutor or the court. This includes:

- a. Citations,
- b. On-view arrests,
- c. In-county and out-of-county warrant arrests, and,
- d. In-county and out-of-county bench warrant arrests.

Even when the defendant is not fingerprinted for a recordable offense, a JUS 8715 form should be initiated. Although the arrest and disposition data will not be entered on the criminal history

Figure II-2

Detention Certificate

As required by the provisions of Penal Code Section 851.6, I hereby certify that the taking into custody of _____
(SUBJECT'S NAME)

on _____ by the _____
(DATE) (NAME OF AGENCY TAKING CUSTODY)

was a detention only, not an arrest.

_____ was released on _____ by
(SUBJECT'S NAME) (DATE)

the _____. Pertinent portions of Penal Code
(NAME OF RELEASING AGENCY)

Section 849, 849.5 and 851.6 are included as part of this certificate.

SIGNED: _____

TITLE AND/OR ID NO.: _____

THE FOLLOWING MUST BE INCLUDED AS PART OF THE CERTIFICATE:

Penal Code Section 849 provides, in part:

(a) When an arrest is made without a warrant by a peace officer or private person, the person arrested, if not otherwise released, shall, without unnecessary delay, be taken before the nearest or most accessible magistrate in the county in which the offense is triable, and a complaint stating the charge against the arrested person shall be laid before such magistrate.

(b) Any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever:

(1) He is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested.

(3) The person was arrested only for being under the influence of a narcotic, drug, or restricted dangerous drug and such person is delivered to a facility or hospital for treatment and no further proceedings are desirable.

(c) Any record of arrest of a person released pursuant to paragraphs (1) and (3) of subdivision (b) shall include a record of release. Thereafter, such arrest shall not be deemed an arrest, but a detention.

-over-

Penal Code Section 849.5 provides:

In any case in which a person is arrested and released and no accusatory pleading is filed charging him with an offense, any record of arrest of the person shall include a record of release. Thereafter, the arrest shall not be deemed an arrest, but a detention only.

Penal Code Section 851.6 provides, in part:

(a) In any case in which a person is arrested and released pursuant to paragraph (1) or (3) of subdivision (b) of Section 849, the person shall be issued a certificate, signed by the releasing officer or his superior officer, describing the action as a detention.

(b) In any case in which a person is arrested and released and no accusatory pleading is filed charging him with an offense, the person shall be issued a certificate by the law enforcement agency which arrested him describing the action as a detention.

Figure II-3

Disposition of Arrest and Court Action

RECORD TYPE		DISPOSITION OF ARREST AND COURT ACTION																	
<input type="checkbox"/> CORRECTION <input type="checkbox"/> COURT INITIATED <input type="checkbox"/> FINGERPRINTED FOR DOJ		TYPE OF EVENT <input type="checkbox"/> ARREST <input type="checkbox"/> CITATION <input type="checkbox"/> LETTER/NOTICE TO APPEAR <input type="checkbox"/> COURT ORDERED BOOKING																	
A. LAW ENFORCEMENT INFORMATION						FP CARD/OCA NO.	CII NO.												
NAME (LAST, FIRST, MIDDLE)																			
SEX	RACE	HGT	DOB	AGE	ARRESTING AGENCY	BOOKING/CITE NO.	FBI NO.												
ARREST DATE					BOOKING AGENCY	CRIME REPORT NO.	S.S. NO.												
CHARGE 1 (SECTION, CODE)			TYPE M F	CHARGE 2 (SECTION, CODE)			TYPE M F												
CHARGE 3 (SECTION, CODE)			TYPE M F	CHARGE 4 (SECTION, CODE)			TYPE M F												
REASON FOR RELEASE 849(b)(1) PC					RELEASED DATE	OUT-OF-COUNTY WARRANT INFORMATION													
<input type="checkbox"/> COMPL. REFUSES TO PROS <input type="checkbox"/> 849(b)(2) PC <input type="checkbox"/> ARRESTEE EXONERATED <input type="checkbox"/> 849(b)(3) PC <input type="checkbox"/> FURTHER INVEST. <input type="checkbox"/> ADMISS. EVID. INSUFF. <input type="checkbox"/> ASCERT. EVID. INSUFF.					<input type="checkbox"/> OTHER LAW ENFORCEMENT DISPOSITION (SPECIFY) _____ <input type="checkbox"/> JUVENILE DISPOSITION (SPECIFY) _____														
					WARRANT NO.	ISSUING AGENCY													
					MAJOR OFFENSE	RELEASE DATE													
					<input type="checkbox"/> RELEASED ON BAIL <input type="checkbox"/> EXTRADITION PROCEEDINGS <input type="checkbox"/> RELEASED/ENROUTE TO OTHER AGENCY/JURISDICTION (SPECIFY) _____														
B. PROSECUTION INFORMATION		DATE	REASON FOR REJECTION				<input type="checkbox"/> 1203.2 PC - IN LIEU OF FILING	ORG COURT JUD. DIST. NUMBER											
			CHRG 1	CHRG 2	CHRG 3	CHRG 4	<input type="checkbox"/> REFILED - ORIGINAL CASE DISMISSED	ORG COURT CASE NUMBER											
C. COURT LOWER COURT		DATE FILED	L.C. JUD. DIST. NO.	FILE NO.	CONSOLIDATED FILE NO.	TYPE OF TRIAL <input type="checkbox"/> COURT <input type="checkbox"/> JURY													
CHRG	FILE LEVEL M F	FIRST PLEA NG NG-1	FINAL PLEA G INOLG	DISPOSITION ICERT CONV DISM JUV ACO	DISPO DATE	CHARGES AND ENHANCEMENTS AT DISPOSITION SECTION/CODE/LITERAL		DISPO LEVEL I M F	WTA CERT										
1																			
2																			
3																			
4																			
SUPERIOR COURT		TYPE OF FILING <input type="checkbox"/> INFORMATION <input type="checkbox"/> CERTIFICATION <input type="checkbox"/> INDICTMENT			TYPE OF TRIAL <input type="checkbox"/> JURY <input type="checkbox"/> COURT <input type="checkbox"/> TRANSCRIPT														
DATE FILED		S.C. JUD. DIST. NO.			FILE NO.		CONSOLIDATED FILE NO.												
CHRG	FILE LEVEL M F	FIRST PLEA NG NG-1	FINAL PLEA G INOLG	DISPOSITION ICERT CONV DISM JUV ACO	DISPO DATE	CHARGES AND ENHANCEMENTS AT DISPOSITION SECTION/CODE/LITERAL		DISPO LEVEL I M F	17 PC										
1																			
2																			
3																			
4																			
D. SENTENCE INFORMATION			DATE OF SENTENCE			TRUE NAME													
CHRG	17 PC	ISS	PROB	JAIL	FINE	RSTN	JAIL OR FINE		CONC	CONS	VOL WRK	COSTS	CYA	PRISON SENTENCE INFORMATION					
	X	X	MOS.	DAYS	DAYS	SUS	X	SUS	DAYS	PAID	COMM	SUS	X	X	X	X	TOTAL FIXED TERM (ALL COUNTS)	STAYED INFORMATION (SPECIFY COUNTS)	
1																	YEARS	MONTHS	<input type="checkbox"/> CONC <input type="checkbox"/> CONS
2																			<input type="checkbox"/> SUSPENDED W/CASE NO.
3																			
4																			
REMARKS																			
E. PROCEEDINGS SUSPENDED		DATE		<input type="checkbox"/> LC/SC BENCH WARRANT ISSUED <input type="checkbox"/> LC/SC 3050 WI - NARC. COMM <input type="checkbox"/> SC 3051 WI - NARC. COMM <input type="checkbox"/> LC/SC DIVERSION <input type="checkbox"/> LC/SC 1368/1370 PC - FOUND MENTALLY INCOMPETENT-COMMITTED <input type="checkbox"/> SC 1203.03 PC - 90 DAY OB. <input type="checkbox"/> LC/SC 1026 PC - NOT GLTY. INSANE <input type="checkbox"/> SC 707.2 WI - 90 DAY OB															

JUS 8715 (REV. 6/88): Law Enforcement/Prosecution/Court Information
 COPIES: DOJ-Orange; FBI-Black; ARREST AGENCY-Navy; COURT-Green

98 0473

record, the information will be used by the Bureau of Criminal Statistics.

The JUS 8715 form must be submitted to the Department of Justice within 30 days after disposition pursuant to Penal Code Sections 11115 and 13151.

The Arrest and Disposition Instruction Manual are available upon request to the Bureau of Criminal Identification, Arrest and Disposition Training Unit. This Unit also provides training on the proper completion of the form.

Elder and Dependent Adult Abuse Reporting

Definitions of Reportable Offenses (hereafter referred to as "Abuse").

Welfare and Institution Code 15610 defines elder and dependent adult abuse. These definitions include:

Physical Abuse: Physical abuse is defined as "unreasonable physical constraint, or prolonged or continual deprivation of food or water," and "use of a physical or chemical restraint, medication, or isolation without authorization, or for a purpose other than that for which it was ordered, including, but not limited to, staff convenience, punishment, or for a period beyond that for which it was ordered," [Welfare and Institutions Code, Sections 15610(c), (4) and (6)].

Physical abuse of any elder or dependent adult can be charged under Penal Code Section 368(a) P.C. and might also be a violation of the following Penal Code sections, or a sexual offense:

1. 240 PC, Assault
2. 242 PC, Battery
3. 245 PC, Assault with a deadly weapon or force likely to produce great bodily injury
4. Sexual Offenses

Sexual Abuse and Exploitation: Sexual assault includes, but is not limited to, rape, sodomy, oral copulation, and genital or anal penetration by a foreign object. Sexual exploitation includes, but is not limited to, pornography and prostitution.

Neglect and Infliction of Mental Suffering: The willful infliction of unjustifiable mental suffering upon an elder or dependent adult or willfully causing or permitting such person

to suffer, with knowledge that he or she is an elder or dependent adult. Neglect or infliction of mental suffering includes, but is not limited to:

1. Failure to assist in personal hygiene, provide food, clothing or shelter
2. Failure to provide medical care for physical and mental health needs
3. Failure to protect from health and safety hazards
4. Failure to prevent malnutrition
5. Abandonment
6. Deliberately subjecting a person to fear, agitation, confusion, severe depression or other forms of serious emotional distress

Fiduciary Abuse: Includes, but is not limited to, theft, embezzlement, forgery, filing of forged instruments for recording, and altering or falsifying public records, for the purpose of misappropriating property and monies of an elder or dependent adult.

Reporting Requirements

Welfare and Institutions Code Section 15630(a) requires certain professional occupations, including law enforcement agencies, to report cases of elder and dependent adult abuse, to designated authorities.

In cases of elder or dependent adult abuse, the law mandates specific reporting requirements. Section 15630(a) requires telephoning (immediately) and writing (within two working days) reports to the long-term care (local) Ombudsman when physical abuse is alleged to have occurred in a long-term care facility or to the Adult Protective Services Agency when physical abuse is alleged to have occurred anywhere else. Section 15630(h) requires telephoning (as soon as possible) reports to the appropriate licensing agency of any abuse, neglect or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility.

Telephone reports of a known or suspected instance of elder or dependent adult abuse shall include the following:

1. Name of person making the report (persons other than mandated reporters as defined under 15631(1) are not required to include their names)
2. Name and age of alleged victim
3. Present location of alleged victim
4. Names and addresses of family members or any other person responsible for the care of the alleged victim
5. Nature of extent of alleged victim's condition

6. Date of incident
7. Any information that led the reporting person to suspect elder or dependent adult abuse

Suspected elder or dependent adult abuse is to be reported on a form designed by the State Department of Social Services. The form (SOC 341, Report of Suspected Dependent Adult/Elder Abuse) shall be distributed by the county Adult Protective Service Agency and the Ombudsman. See Figure II-4, page II-15.

Acknowledgement of Reporting/Investigation Requirements

Welfare and Institutions Code 15632(a) requires any person who enters into employment on or after January 1, 1986, as a care custodian, health practitioner, or with any adult protective or after January 1, 1986, as a care custodian, health practitioner, or with any adult protective services agency or a local law enforcement agency, prior to commencing his or her employment and as a prerequisite to that employment shall sign a statement on a form, which shall be provided by the prospective employer, to the effect that he or she has knowledge of the provisions of Section 15630 and will comply with its provisions.

Section 15632(b) of the Welfare and Institutions Code requires agencies or facilities that employ persons required to make reports pursuant to Section 15630, who were employed prior to January 1, 1986, shall inform those persons of their responsibility to make reports by delivering to them a copy of the statement specified in subdivision 15632(c).

Firearms License and Sales

California cities and counties have the responsibility to comply with the provisions of Penal Code Sections 12070 and 12071. These sections outline licensing requirements for dealers in concealable firearms.

Additionally, local law enforcement agencies receive a copy of the Dealer's Record of Sale (DROS) every time a dealer sells a revolver or pistol. The dealer is responsible, under Penal Code Section 12076, to provide this information daily to both the California Department of Justice (DOJ) and the local law enforcement agency.

Local agency records may be involved with:

- o licensing dealers of concealable firearms, and
- o processing the Dealer's Record of Sale of a concealable firearm.

Figure II-4

Report of Suspected Dependent Adult/Elder Abuse

<p>STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE</p> <p>CHAPTER 769, STATUTES OF 1986 CHAPTER 637, STATUTES OF 1987 CHAPTER 1396, STATUTES OF 1987</p> <p>NOTE: Submit this report within two (2) working days of the telephone report to your county Adult Protective Services (APS) agency or local long-term care ombudsman program or local law enforcement agency. (See "General Instructions" on reverse side.)</p> <p>TO BE COMPLETED BY REPORTING PARTY. PLEASE PRINT OR TYPE.</p> <p>TELEPHONE INFORMATION REQUIRED BY STATUTE AND BY DEPARTMENT OF SOCIAL SERVICES. (See shaded areas.)</p>	<p>CONFIDENTIAL</p>	<p>DEPARTMENT OF SOCIAL SERVICES</p>		
<p>LAW ENFORCEMENT CASE/FILE NUMBER: _____</p> <p>OMBUDSMAN CASE NUMBER: _____</p> <p style="text-align: center;">FOR USE BY INVESTIGATING COUNTY APS</p> <p>VICTIM NAME: _____</p> <p>SUSPECTED ABUSER NAME _____</p> <p>REPORT NUMBER/CASE NAME _____</p> <p>DATE OF REPORT _____ <input checked="" type="checkbox"/> CHECK IF REFERRED BY LONG-TERM CARE OMBUDSMAN <input type="checkbox"/></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>ACTION TAKEN (<input checked="" type="checkbox"/> CHECK ONE) CONFIRMED ABUSE</p> <p><input type="checkbox"/> Victim Refuses Service <input type="checkbox"/> Investigation Closed; No Services Needed <input type="checkbox"/> Accepted APS <input type="checkbox"/> Referred to Other Agency</p> </td> <td style="width: 50%; vertical-align: top;"> <p>UNCONFIRMED ABUSE (<input checked="" type="checkbox"/> CHECK ONE)</p> <p><input type="checkbox"/> Omitted (Insufficient Evidence) <input type="checkbox"/> Unfounded (False Report)</p> </td> </tr> </table>			<p>ACTION TAKEN (<input checked="" type="checkbox"/> CHECK ONE) CONFIRMED ABUSE</p> <p><input type="checkbox"/> Victim Refuses Service <input type="checkbox"/> Investigation Closed; No Services Needed <input type="checkbox"/> Accepted APS <input type="checkbox"/> Referred to Other Agency</p>	<p>UNCONFIRMED ABUSE (<input checked="" type="checkbox"/> CHECK ONE)</p> <p><input type="checkbox"/> Omitted (Insufficient Evidence) <input type="checkbox"/> Unfounded (False Report)</p>
<p>ACTION TAKEN (<input checked="" type="checkbox"/> CHECK ONE) CONFIRMED ABUSE</p> <p><input type="checkbox"/> Victim Refuses Service <input type="checkbox"/> Investigation Closed; No Services Needed <input type="checkbox"/> Accepted APS <input type="checkbox"/> Referred to Other Agency</p>	<p>UNCONFIRMED ABUSE (<input checked="" type="checkbox"/> CHECK ONE)</p> <p><input type="checkbox"/> Omitted (Insufficient Evidence) <input type="checkbox"/> Unfounded (False Report)</p>			

A. REPORTING PARTY		
NAME/TITLE OF REPORTING PARTY	SIGNATURE OF REPORTING PARTY	DATE OF THIS WRITTEN REPORT
TELEPHONE	RELATIONSHIP TO SUSPECTED VICTIM	
ADDRESS/STREET		CITY

B. VERBAL REPORT MADE TO		
<input checked="" type="checkbox"/> COUNTY APS <input type="checkbox"/> OMBUDSMAN PROGRAM <input type="checkbox"/> LAW ENFORCEMENT	ADDRESS/STREET	CITY
OFFICIAL CONTACTED	TELEPHONE	DATE/TIME OF TELEPHONE REPORT

C. VICTIM			
NAME (LAST NAME FIRST)	AGE	SEX <input type="checkbox"/> M <input type="checkbox"/> F	RACE
ADDRESS/STREET	CITY		LANGUAGE (<input checked="" type="checkbox"/> CHECK ONE) <input type="checkbox"/> ENGLISH <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> NON-VERBAL
PRESENT LOCATION (IF DIFFERENT FROM ABOVE)	CITY	TELEPHONE	
<input type="checkbox"/> DEVELOPMENTALLY DISABLED	<input type="checkbox"/> MENTALLY DISABLED	<input type="checkbox"/> PHYSICALLY HANDICAPPED	<input type="checkbox"/> BRAIN-IMPAIRED <input type="checkbox"/> FRAIL/ELDERLY (FUNCTIONALLY IMPAIRED) <input type="checkbox"/> HOSPITALIZED ADULT

D. INCIDENT INFORMATION	
DATE/TIME OF INCIDENT	LEARNED OF INCIDENT BY (<input checked="" type="checkbox"/> CHECK ONE) <input type="checkbox"/> VERBAL REPORT <input type="checkbox"/> OBSERVATION
PLACE OF INCIDENT (<input checked="" type="checkbox"/> CHECK ONE) <input type="checkbox"/> OWN HOME <input type="checkbox"/> HOME OF RELATIVE <input type="checkbox"/> OTHER PRIVATE RESIDENCE <input type="checkbox"/> NURSING FACILITY <input type="checkbox"/> COMMUNITY CARE FACILITY <input type="checkbox"/> HOSPITAL <input type="checkbox"/> OTHER (SPECIFY)	

TYPES OF ABUSE (<input checked="" type="checkbox"/> CHECK ALL THAT APPLY)		
1. PHYSICAL <input type="checkbox"/> ASSAULT/BATTERY <input type="checkbox"/> CONSTRAINT OR DEPRIVATION <input type="checkbox"/> SEXUAL	PERPETRATED BY OTHERS PHYSICAL ABANDON CHEMICAL RESTRAINT, MEDICATION, ISOLATION MENTALLY (CIRCLE ONE OR MORE)	2. NEGLECT <input type="checkbox"/> ABANDONMENT <input type="checkbox"/> MENTAL SUFFERING <input type="checkbox"/> FIDUCIARY <input type="checkbox"/> OTHER (SPECIFY)
ABUSE RESULTED IN (<input checked="" type="checkbox"/> CHECK ALL THAT APPLY) <input type="checkbox"/> NO INJURY <input type="checkbox"/> MINOR MEDICAL CARE <input type="checkbox"/> HOSPITALIZATION <input type="checkbox"/> CARE PROVIDER REQUIRED <input type="checkbox"/> DEATH <input type="checkbox"/> OTHER (SPECIFY)		
PHYSICAL SELF-INFLICTED <input type="checkbox"/> NEGLECT <input type="checkbox"/> SUICIDAL <input type="checkbox"/> SUBSTANCE ABUSE <input type="checkbox"/> FIDUCIARY <input type="checkbox"/> OTHER PHYSICAL ABUSE <input type="checkbox"/> OTHER (SPECIFY)		

E. RELATIONSHIP OF SUSPECTED ABUSER TO THE VICTIM	
HEALTH PRACTITIONER OR CARE CUSTODIAN <input type="checkbox"/> SPECIFY TYPE: _____ IF HEALTH PRACTITIONER <input type="checkbox"/> PARENT <input type="checkbox"/> OFFSPRING <input type="checkbox"/> OTHER RELATION <input type="checkbox"/> UNKNOWN <input type="checkbox"/> SPOUSE <input type="checkbox"/> NO RELATION (SPECIFY) _____	Name of Suspected Abuser: _____

F. FAMILY MEMBER OR OTHER PERSON RESPONSIBLE FOR ABUSED (IF UNKNOWN, LIST CONTACT PERSON)	
NAME	RELATIONSHIP
IF CONTACT PERSON ONLY, <input checked="" type="checkbox"/> CHECK <input type="checkbox"/>	
ADDRESS	TELEPHONE

G. PREPARER OF REPORT			
NAME	AGENCY	ADDRESS	TELEPHONE

Please provide a brief narrative about any entries that you believe require explanation or clarification. Also add any additional information not requested above that you believe pertinent to the incident of physical abuse (e.g., what the victim said, known history of similar incidents). (You may attach medical notes or other information.)

Questions regarding these laws may be directed to the Department of Justice, Dealer's Record of Sale Section, (916) 739-3512. This section is responsible for concealable handgun sales and dealer information and assists local agencies with firearms related questions. The law is summarized in a DOJ pamphlet, "Dangerous Weapons Control Law." Single copies may be obtained from the Dealer's Record of Sale Section.

Questions concerning firearms information in DOJ's Automated Firearms file and questions concerning other types of weapons licensing, permits and registration processes should be referred to the Automated Firearms System at (916) 739-2778.

Note: On January 1, 1991, new legislation under Penal Code Sections 12073 and 12076 became effective requiring all firearm purchasers to submit to the DROS process. This also includes sales between private parties.

Licensing Dealers in Concealable Firearms

Penal Code Section 12070 makes it a misdemeanor to sell concealable firearms without a license required by Section 12071.

Section 12071 requires local licensing authorities to: (a) accept applications for, and (b) issue licenses to sell pistols, revolvers, and other concealable firearms. The Dealer's Record of Sale Section has examples available of sample resolutions that name the local agency as the local licensing authority, application and license forms, and a policy and procedure statement.

Dealer licenses must be renewed annually. In setting up a DROS file, a monthly tickler (or suspense) for renewals should be considered. This would facilitate the orderly processing of renewal notices.

A tickler (or suspense) file is designed to signal a deadline or license expiration date. A copy of each license is placed in the file by month of issuance (the file should be divided by the month, i.e., January, February, March). Within each monthly section, the licenses should be filed alphabetically.

Dealer's Record of Sale (DROS)

Dealers are required to notify DOJ and the local agency daily, of sales of concealable firearms. The Dealer's Record of Sale (DROS) is a form provided by DOJ for that purpose.

There is no legal requirement imposed on local law enforcement agencies regarding DROS forms. As a result, the processing, filing, and disposal of DROS forms varies considerably from agency to agency. The main purpose in providing local agencies with

copies of the DROS appears to be informational--local agencies may want to know who in the community are buying concealable weapons.

While DOJ uses its own files to prevent sales to convicted felons, it relies on local agencies to identify subjects who may be prohibited from or unfit to possess such weapons. Welfare and Institutions Code Sections 8100 and 8103 prohibit sales to mental patients or insane persons. Local personnel should be assigned to check the forms and notify DOJ, as appropriate.

Effective January 1, 1991, Penal Code Section 12021(g) makes it a felony or misdemeanor, for individuals who are the subject of a restraining order pursuant to Civil Procedure Code Sections 545 through 547, to purchase firearms. The Department of Justice has developed a Restraining Order System (ROS) to interface with DROS. Reference Section II, Page II-53, of this manual for specific TRO reporting requirements for notifying DOJ of individuals subject to this restriction.

A local DROS file is not recommended. If an agency chooses however, to maintain a DROS file, it should be arranged alphabetically and the forms purged every six months. The state's Automated Firearms System (AFS) can access these records and DOJ retains copies of DROS forms in addition to the computerized AFS file. Local agencies may request special computer listings of firearms transactions within their jurisdictions.

DROS forms may be sent to Investigations for information and/or to Records for comparison with index files prior to destruction of the document.

Field Interview Card

A field interview card (F.I. Card) is used to record suspicious or unusual circumstances, persons, vehicles, or events. The primary purpose of an F.I. Card is to document activity in a particular location at a specific time.

F.I. Cards should be 3" x 5" in size, and are usually printed on both sides. Recommended elements for field interview cards are:

Last name	Drivers license
First name	License state
Middle initial	Address
Date of birth	Telephone
Sex	Employer/school
Race	Parent's name
Hair color	Clothing description

Hair length
Hair style
Facial hair
Height
Weight
Build
Eye color
Glasses
Date of stop
Associates

Location and reason for F.I.
Automobile make
Automobile model
Year
Type
Color
License Number and State of License
Officer badge/employee number
Time
AKA's

The date, time, and location of the field interview should be placed on the top line of each F.I. card. This facilitates filing and retrieval of the card.

Filing of Cards

F.I. Cards should be filed chronologically, with the most recent cards in the front of the file. As new cards are filed, the older cards are moved to the rear of the file still in chronological order. Alphabetical filing defeats the chronological reference use of the cards.

Access to F.I. Cards

To ensure general access to F.I. Cards, the file should be kept in the Records Section. The Records clerk can keep the file current and assist with searches and the retrieval of information.

Retention

To maintain the usefulness of the F.I. file, cards should be maintained in the file for two years and may be destroyed per your city/county resolution.

Fingerprints: Criminal and Applicant

The most common and reliable method of identification is the fingerprint classification system. The current classification system is objective and minimizes errors. The fingerprint system must be supplemented with a record of physical characteristics.

Law enforcement agencies use fingerprints to identify subjects of criminal investigations, license investigations, and as a general identification tool. This section will discuss criminal, applicant, registrant, and personal identification fingerprint cards.

Legal Mandates

Penal Code Section 13150 requires that for each arrest, the reporting agency shall report to the Department of Justice identification and arrest data described in Penal Code Section 13125. These requirements are met when the reporting agency submits completed fingerprint cards, Disposition of Arrest and Court Action (JUS 8715), and Monthly Arrest and Citation Registers (JUS 750).

Criminal Fingerprint Cards

Submitting Requirements

The DOJ, Bureau of Criminal Identification (BCID) does not record (retain) all offenses for criminal history. BCID will not record the following offenses, which are non-retainable.

- o Penal Code Section 647(f) - Drunk. (Unless the local reporting agency indicates the arrest was for being under the influence of drugs.)
- o Health and Safety Code Sections 11357(b) and 11360(b) - Possession or transportation of not more than 28.5 grams of marijuana; Health and Safety Code Sections 11357 and 11360 submitted without a subsection or English translation will be deemed to be subsection (b) and will not be recorded.
- o Business and Professions Code Section 25662 - Minor in possession of alcohol.
- o Vehicle Code Section 23152.
- o Local ordinances.
- o Any offense for which incarceration is not a possible punishment; for example, infractions.
- o Traffic offenses not included in the Department of Justice English Equivalents for Offense Codes.

Fingerprint cards may be submitted to BCID for subjects arrested on non-recordable offenses for identification purposes only:

1. Indicate "Question of Identity" or "For Inquiry Only" in the charge area on the front of the fingerprint card.
2. Fingerprint cards will be searched through BCID records. Fingerprint cards and results of the search will be returned to the contributor.

3. The arrest will not be recorded when identified with an existing record nor will a record be created for a nonrecordable offense.

The Department of Justice encourages agencies to submit fingerprint cards and dispositions on felony level events involving juveniles.

FD-249 fingerprint cards should be submitted to BCID. Those offenses for recordable offenses include:

1. On view arrest,
2. Warrant arrest,
3. "Supplemental" and/or "Additional" arrest,
4. "Court Order Booking" or "Book and Release,"
5. Commitment prints (CDC, CYA, CRC, local law enforcement agencies),
6. Deceased prints submitted by the coroner pursuant to 11113 PC, and,
7. Probation department prints when the subject has no prior criminal record within DOJ or to register a probation or diversion notice.

If in doubt about the recordability of offenses, refer to the "Arrest and Disposition Instruction Manual" which is published by the DOJ.

When submitting fingerprint cards to DOJ, use the Federal Bureau of Investigation (FBI) Criminal Fingerprint Card, FD-249, for each arrest event. Arrest fingerprint cards must be submitted to establish a criminal record within the Department of Justice. Fingerprint impressions must also be submitted to DOJ in order to add an arrest entry to an existing criminal record. DOJ requires fingerprint impressions for each arrest event to ensure that positive identification can be made. Arrest dispositions (JUS 8715 forms and its automated counterpart) which cannot be tied to a specific arrest event will not be entered on a criminal history rap sheet.

Submit two FD-249 fingerprint cards; one for DOJ and one for the FBI. Staple together in the upper left hand corner of the fingerprint cards. Submit both copies to:

Department of Justice
Bureau of Criminal Identification
P.O. Box 903367
Sacramento, CA 94203-3670

Ordering Fingerprint Cards

Order the Criminal Fingerprint Cards (FD-429) from the FBI.

Federal Bureau of Investigation
Identification Division
Washington, D.C. 20537
Telephone: (202) 324-5059

When ordering the FD-249:

1. Order a six month supply.
2. Include the agency's name, mailing address, and NCIC ORI number.
3. There is no fee for the cards.

Applicant Fingerprint Card

The California Department of Justice, Bureau of Criminal Identification (BCID) provides edited summary criminal history information for employment, licensing and certification purposes (Penal Code Section 11105). DOJ issues a manual on submitting requests, forms to be used, step-by-step instruction on completing the cards, fees, level of service and other information pertinent to applicant fingerprint cards.

All requests for criminal history information must be submitted on a completed ten-print applicant fingerprint form. BCID will not accept previously processed fingerprint cards or a photocopy of fingerprint impressions. Agencies should use the BID-7 applicant fingerprint card. The cards are available, at no charge, from Bureau of Criminal Identification, P. O. Box 903367, Sacramento, CA 94203-3670, Attention: Applicant Control Unit. A six month supply is recommended.

Registrant Fingerprint Cards

Certain persons are required to register pursuant to Penal Code Sections 290 and 457.1, and Health and Safety Code Section 11590. The agency which has jurisdiction over the subject's place of residence is responsible for the registration process. Registration consists of two Registration Fingerprint Cards (BID-5), registration receipts, and a photograph of the subject. The agency must submit the fingerprints and photographs to the DOJ Registration Unit. Item by item instructions on completing the BID-5 are included in the Department of Justice Guide to Sex, Narcotic and Arson Registration Procedures.

Personal Identification Fingerprint Cards (BID-8)

In response to the growing popularity of fingerprinting children, special personal identification fingerprint cards (BID-8) are available from the Department of Justice. The cards are not meant to supersede any other local fingerprint program. Completed cards should be retained by parents and submitted to the Federal Bureau of Investigation or the investigating agency only when such identification is necessary.

Fingerprint Files

There are several methods used to file fingerprint cards. They are:

- o numerically by case report number or personal identification number,
- o fingerprint classification, and
- o alphabetically.

Fingerprint cards should be filed alphabetically. This method of filing is most efficient because it provides immediate access to an arrestee's card. Retrieval of cards that are filed numerically, or by classification, require a search of the master index file or arrest records to locate the information (number), required to access the card.

Fingerprint card files should, in most agencies, be located in the Records Unit. In large agencies or those with fingerprint analysis units, the files may be kept at a location other than records, in which case, an alternative filing method (classification/numbers) may be useful.

Fingerprinting adults or juveniles suspected of a crime, but who have not been arrested, is a common investigative practice when a comparison must be made with fingerprints found at the scene of a crime. Fingerprints so taken should be destroyed after they have served their original purpose.

Jail Records

In California, local detention facilities are classified by type. Each facility must maintain certain inmate records depending upon the facility's classification. The inmate records are required in Type I through Type IV facilities.

The State Board of Corrections promulgates regulations for jails (Section 6030, Penal Code). Section 1040, California Administrative Code, states:

"Each (detention) facility administrator shall maintain individual inmate records which shall include, but not be limited to, intake information, personal property receipts, commitment papers, court orders, reports of disciplinary actions taken, medical orders issued by the jail physician, and medical treatment received."

The inmate file of information and documents contains all pertinent data on the inmate. No specific recommendations on inmate files are given in this section. Laws and Guidelines for Local Detention Facilities, Board of Corrections, State of California, 1982, can provide detailed information on inmate files.

Missing Persons

Penal Code Section 14200-14213, the Missing Person Reporting Law, assigns responsibility for this subject area to DOJ, Missing/Unidentified Persons Unit. Local law enforcement agencies "shall accept any report, including any telephonic report, of a missing person, including runaways, without delay."

Reporting Requirements

Police or Sheriff's Departments must:

1. Accept any report of a missing person, as defined by Section 14213(a) PC, without delay, regardless of jurisdiction.
2. Accept any report of a runaway without delay.
3. Accept reports of missing persons by telephone.
4. Assign priority to missing person reports over non-emergency property crimes.
5. Make an immediate assessment of steps to locate based on: type of missing person case, defined in 14213(a) PC, and indications that victim might be at risk, 14213(b) PC.
6. Broadcast a "Be-on-the-Lookout Bulletin" without delay within your jurisdiction if child is under 12 years of age or a person of any age is considered "at risk."

7. Provide the reporting party with a DOJ form which authorizes release of dental records/X-rays, skeletal X-ray, and/or photographs.

The California Highway Patrol:

1. May accept reports of missing persons/runaways.
2. Must tell the individual reporting a missing person the name and phone number of the agencies having jurisdiction over the missing person's residence and the location where the missing person was last seen.

Transmitting Reports to Other Jurisdictions

In cases where a report is initially taken by an agency that is not the agency of jurisdiction over the missing person's residence, the law enforcement agency taking the initial report must:

Notify and forward without delay a copy of the report to that agency having jurisdiction over the missing person's residence and where the missing person was last seen.

In cases involving children under 12 years of age or persons at risk, this cross-reporting must be accomplished within 24 hours of initial receipt of the report.

Transmitting Reports to the California Department of Justice and the National Crime Information Center (NCIC)

The law enforcement agency taking the initial report:

1. Must send a completed DOJ Missing Persons Reporting Form (SS 8568) to DOJ.
2. Should transmit a report to the NCIC Missing Persons System and must submit the report to DOJ within four hours after accepting the report, if the missing person is under 12 years of age or any person "at risk." When the on-line Missing/Unidentified Persons System (MUPS) becomes operational in July 1990, a single report to MUPS will generate an entry to NCIC.
3. May initiate an investigation if the agency has jurisdiction over the place where the missing person was last seen. In most cases the agency having jurisdiction over the missing person's residence will normally handle the case.

When the missing person is a child (under 18 years of age):

1. A law enforcement agency should have the individual making the missing person report fill out DOJ Form SS 8567, "Authorization to Release Dental/Skeletal X-rays, Photograph and Description Information."
2. A law enforcement agency may execute a written declaration authorizing the release of dental/skeletal X-rays if the missing child has no next-of-kin, or if none can be located.
3. If the missing child is under 12 years of age and missing at least 14 days, the release form (SS 8567) must immediately be executed to obtain dental/skeletal X-rays, and a photograph. The agency must immediately check with the coroner or medical examiner. The report, photograph, and the dental/skeletal X-rays must be submitted to DOJ within 24 hours.
4. If the agency determines that the missing child may be "at risk," dental/skeletal X-rays and a recent photograph should be immediately obtained. The agency must check with the coroner or medical examiner. The report and the dental/skeletal X-rays, including a signed DOJ Release Form (SS-8567) must be submitted to DOJ within 24 hours.
5. If a child 12 years of age or over is still missing after 30 days, the reporting individual is required to obtain the dental records and give them, within 10 days, to the law enforcement agency that took the initial report.
6. If a child is still missing after 45 days, the agency is to confer with the coroner or medical examiner and immediately send the report, dental/skeletal X-rays, and photograph, including a signed release form (SS 8567), to DOJ.
7. If a missing child under 12 years of age, or "at risk" is found, a law enforcement agency must report this fact to DOJ within 24 hours.
8. If a missing child 12 years of age or over is found, the agency must immediately (as defined by agency policy) report this fact to DOJ.

When the missing person is an adult:

1. The agency should have the individual making the missing person report fill out DOJ Form SS 8567, "Authorization

to Release Dental/Skeletal X-rays, Photograph, and Description Information."

2. If the person is still missing after 30 days, the individual making the report should submit the dental records within 10 days to the law enforcement agency.
3. If the missing person has no next-of-kin, or if none can be located, a law enforcement agency may execute a written declaration authorizing the release of the dental records.
4. If the person is still missing after 45 days, the agency should check with the coroner or medical examiner and send the report and dental records to DOJ.
5. If the missing person was considered to be "at risk" and is found, the agency must report this fact to DOJ within 24 hours.
6. All other missing adults who are found must be reported to DOJ immediately.

NCIC Monthly Validation

As part of the CLETS Subscriber Agreement with NCIC, each agency, on a monthly basis, is required to validate entries made by that agency as being complete, accurate, and still active. Validation requires review of the original and subsequent supporting case documents. In some cases, it is necessary to contact the complainant/victim/prosecutor/court. Validation must be completed within 30 days of receipt of the listing by the agency.

Validation Procedure

1. DOJ prints listings of all the records in each NCIC file (vehicles, boats, wanted persons, missing/unidentified persons, guns and securities) which are 60-90 days old and all those records that were entered in that month in prior years.
2. DOJ mails the listing to the entering agency. The agency must acknowledge receipt of the listing by return mail or teletype.
3. Gun, security, license plate, stolen vehicle/boat part, and unidentified person entries must be verified against the original and subsequent supporting case documents to determine that the entry is complete, accurate, and active.

4. Stolen Vehicle/Boat, Wanted Persons, and Missing Persons entries must be verified against the original and supporting case documents. The complainant, victim, prosecutor or court must be contacted to determine if the entry is complete, accurate, and still active. Contact can be made by telephone, letter, or in person. If the agency is unable to obtain a response from the complainant/victim, it must make determination, based on the best information available, whether or not to retain the original entry.
5. After validation of each entry on the NCIC listing, the agency must modify, cancel or clear records as necessary to ensure that the information maintained in the NCIC file is complete, accurate, and active.
6. After the validation is complete and the necessary modify, cancel and clear entries have been made, the signed certification letter must be returned to DOJ by the prescribed date. DOJ must certify for the whole state and notify NCIC of the results, and if necessary, furnish the names of agencies failing to certify their entries.

Personal Identification Files

Personal identification files contain arrest and criminal history information with a local agency. The file usually contains arrest reports, fingerprint cards, photographs, disposition forms and criminal history transcripts. Each arrestee is issued a Personal Identification (PI) number in addition to the case report number. The PI number is unique to each person and is used for all subsequent arrests.

The maintenance of a separate PI file, containing arrest information and documents, is not recommended. Two filing systems, master case and personal identification, are costly in terms of equipment, space, and clerical processing time. Retrieval time is also increased. Separate PI files rarely present an accurate and timely summary of an individual's arrest history.

The State Automated Criminal History System is the source of the most current and accurate criminal history information. Criminal history transcripts (RAP sheets), once the initial purpose is served, should be destroyed. They should be kept with the original case report.

It is recommended that all documents associated with a specific event or investigation be filed with the case report.

Photographs

The Records Section may be required to process, store, and distribute numerous photographs. These include agency personnel, registrants, applicants, mug, and crime scene photographs. The following brief suggestions concern processing, protection, and filing of photographs.

Prisoner Photographs

Photographing prisoners enhances identification and criminal investigation. Each agency should establish standardized procedures for photographing prisoners. Minimum standards should include:

- o The distance a prisoner stands from the camera and the lens length should be standardized to enhance the exchange of photographs among agencies for investigations.
- o Lighting.
- o Format (number of pictures, poses).
- o Photograph identification (for example, case number, date of photograph, prisoner's name, date of birth, and reason for booking).

Crime Scene Photographs

Detailed procedures for photographing crime scenes are beyond the scope of this manual; however, crime scene photographs often find their way to Records for storage. Crime scene photographs should be protected like evidence. Recognizing the frequent need for photographs in court, it is wise to keep photographs with other evidence. Photographs should be identified and grouped by case number, packaged, and placed in evidence.

Registrant and Applicant Photographs

A copy of each registrant's photograph must be forwarded to the Department of Justice with required documents. Other applicant photographs are frequently required for specialized city and county licenses and permits. These photographs should be attached to the original report or related documents and filed in the appropriate location, i.e., registrant or applicant file.

Photograph File

A photograph file provides copies of photographs for convenience of the officers. Envelopes containing the photographs should have the

last name, first name, aliases, and the date of birth of the subject. Photographs, like reports and evidence, should have a specific purge criteria. Frequently, numerous copies of similar photographs are maintained for repeat offenders. Ideally, the photograph file should be kept by the Investigations Section of each agency.

Some agencies print extra copies for a mug book or photo library to be used in photo line-ups. The photographs may be kept in an index book or segregated by physical descriptors.

Photograph Copies

A fee schedule should be established for copying photographs. Do not release the negatives to non-agency employees for copying purposes. There should be a procedure for documenting the release of copies of photographs. This information becomes important if a record is sealed and photographs must be retrieved or destroyed. The documentation should be kept with the original case report in the master case file.

Property

The proper storage, safekeeping and disposal of evidence and property requires the cooperation of the Records and Property Section. Often the property function is assigned to Records, which makes it additionally important that Records personnel understand the function. The following section discusses those functions which are most often dependent upon Records operations. For a comprehensive guide to property control, see Managing Property in Law Enforcement Agencies, Commission on Peace Officer Standards and Training (POST). This manual identifies typical problems associated with property and proposes procedures with general application for handling property. Also included in the manual are examples of property forms, a set of model directives, and a compilation of California laws pertaining to property.

Property Reports

All property that is taken into custody must immediately be properly accounted for on appropriate forms. The form should, as a minimum, include the offense, classification, agency case number, date, time and address property was obtained, officer involved, name and address of persons from whom property was obtained, owner if known, reason for retention and a detailed description of the property (with a place for serial numbers). A copy of the property report should be forwarded to Records for inclusion in the case file.

Serialized Property

Penal Code Section 11108 requires local agencies to enter descriptions of serialized property which has been reported stolen, lost, found, recovered or under observation into the appropriate DOJ data base. Instructions are listed in the CJIS Manual which is published by California Department of Justice, Bureau of Justice Information Systems. The "Article/Brand and Category User's Guide" is available through the Property Systems Section of the Department of Justice. Nonserialized property items which have unique characteristics or inscriptions that permit identification must also be reported to Property System Section of DOJ. When firearms are destroyed or identifiable items are returned to the owner or otherwise disposed of, this change of status must be noted in the State information system.

Property Disposition

The Property Section is responsible for the control, release, and disposal of evidence and property. A court disposition form (JUS 8715) is the most common means of notifying an agency when prosecution is concluded and evidence is eligible for release or disposal. The Records Section typically receives the forms. The form should be filed with the report and the Investigations or Property Section notified to begin the disposition process. Agency procedure must include checking the State automated systems to ensure that all recovered property which has been entered into the systems is recorded.

Record Sealing

The court has the authority to seal arrest records under specific conditions. The Records Section is responsible for processing requests to seal records. This section will discuss records sealing involving minors and adults.

Legal Mandates

Sealing of records is mandated under certain conditions by Penal Code Sections 851.6, 851.7, 851.8, 1203.45, and Welfare and Institutions Code Section 781.

Minors

Welfare and Institutions Code Section 781, permit the involved person or a probation officer to petition the court to seal a record five years or more after the jurisdiction of the juvenile court has terminated as to the person, or in a case in which no petition was filed, five years or more after the juvenile was cited

to appear before the probation officer or cited by the law enforcement agency. The court notifies the district attorney and the county probation officer who may testify why a record should not be sealed. If the sealing is granted, the court shall order the agency to seal its record and state the date to destroy the sealed record. Thereafter, only the court may inspect the sealed records or allow the records to be inspected.

Penal Code Section 851.7 allows any person who was arrested as a minor for a misdemeanor to petition the court to have a record sealed. The individual must have been:

- o released per Penal Code Section 849(b)(1),
- o released with charges dismissed or discharged without conviction, or
- o acquitted.

Prior to March 7, 1973, the person requesting a sealing must have been under the age of 21 at the time of the arrest to qualify. After March 7, 1973, the person must have been under the age of 18. The petition to seal the record may be filed with the court any time after the release. The records of arrest for the following offenses cannot be sealed under Section 851.7 Penal Code:

- o Offenses for which registration is required under Penal Code Section 290.
- o Offenses under Division 10 (commencing with Health and Safety Code Section 11000).
- o Offenses of the Vehicle Code or any local vehicle ordinance relating to the operation, stopping, standing, or parking of a vehicle.

Penal Code Section 1203.45 permits a person to petition the court to seal a record if convicted for a misdemeanor while a minor, and who is eligible for or has received a dismissal under Penal Code Section 1203.4 or 1203.4(a). Prior to March 7, 1973, the person must have been under the age of 21 at the time of the arrest to qualify. After March 7, 1973, the person must have been under the age of 18. The record of arrest for the following offenses cannot be sealed under Section 1203.45 Penal Code:

- o Offenses for which registration is required under Penal Code Section 290.
- o Offenses under Division 10 (commencing with Health and Safety Code Section 11000).

- o Misdemeanor offenses of the Vehicle Code related to the operation of a vehicle or local vehicle ordinances related to operating, standing, stopping, or parking of a motor vehicle.

Adults

Penal Code Section 851.8 permits a person who has been arrested but where no accusatory pleading has been filed, to petition the arresting agency to destroy the record of the arrest.

The arresting agency, upon a determination that the person arrested is factually innocent and with the concurrence of the district attorney, shall seal the arrest records, including the petition, for a period of three years from the date of arrest and thereafter destroy the record of arrest and the notice of sealing. The Department of Justice and any other agency that participated in the arrest shall be notified to comply with the same procedure. Any agency that received a copy of the arrest record shall be notified to destroy the record.

The District Attorney is also served by the petitioner with a copy of the petition to seal the records. If the law enforcement agency does not respond to the petition within 60 days, the petition is deemed to have been denied. The requestor may then petition the justice or municipal court of jurisdiction to decide the petition.

Penal Code Section 851.8 (c) permits a person who has been arrested and an accusation filed, but no conviction, to petition the court for a finding of factual innocence. If the court determines factual innocence, it will order the record sealed.

An arrestee shall be notified in writing by the law enforcement agency of the sealing and destruction of the arrest record. If reference is made to the arrest in any other report, the notation, "exonerated" shall be made on the arrestee's name or the name shall be obliterated.

No records shall be destroyed under the above section if any arrestee has filed a civil action against a peace officer or law enforcement agency, or if the agency of records has received a certified copy of the complaint, until the civil action has been resolved.

For arrests occurring on or after January 1, 1981, and for accusatory pleading filed on or after January 1, 1981, petitions under Section 851.8 Penal Code, may be filed up to two years from the date of the arrest, or filing of the accusatory pleading, whichever is later. Time restrictions on filing under this section may be waived upon a showing of good cause by the petitioner.

Two sample checklists, Figures II-5 & 6, on pages II-34 and II-36, are provided to assist in the record sealing process required by Penal Code Section 851.8.

Record Sealing

Record sealing (destruction) is a process designed to remove all reference to an individual from agency files. Generally, the process is incident-specific. That is the records and references to a specific incident or arrest are sealed. Multiple records for one subject, unrelated to the court order, are usually unaffected by the sealing. In the case of juvenile records however, the court may order the entire record and reference to the juvenile sealed.

Upon receiving a court order to seal a record, appropriate notification must be made to every division within your agency to ensure that all records pertaining to that subject are appropriately sealed.

Record sealing is the collection of permanent records in a "package" that is ordered sealed by the court. Index reference to the subject should be deleted.

Record destruction is the permanent removal from the record of all reference to an individual. This may be accomplished by removing specific references to the individual. Single entry records should be destroyed.

Figure II-7, page II-37, is a guide and checklist for record sealing.

Sealed Records which must be held for destruction should be segregated from other records, and the petitioner's name and the date of destruction written on the envelope.

A court, upon showing of good cause, may order any sealed records to be opened and admitted into evidence. The subject of the records may petition the Superior Court to permit inspection of the records by the persons named in the petition.

Registrant Files

Persons convicted of specific arson, sex, or narcotic offenses may be ordered by the court to register with the law enforcement agency having jurisdiction over their residence, as a condition of parole or probation. The following section describes each of the registrant categories.

Figure II-5

SAMPLE CHECKLIST

PETITION TO SEAL A RECORD
(851.8 PC)
NO ACCUSATION FILED

- o Applicant given petition form and filing instructions.
 - Advised to file a copy of petition with the District Attorney.
- o Agency receives completed petition.
 - Receive processing fee.
 - Record petition.
- o Advise petitioner of processing and notification procedure.
- o Obtain petitioner's arrest record.
 - Compare thumbprint on petition to print on file.
- o Place copy of petition in suspense file.
- o Forward petition and copy of arrest record to designated reviewer.
- o Reviewer will make a determination of "factual innocence."
 - Contact District Attorney for concurrence.
 - Reviewer completes the bottom of the petition and returns it to Records Section.

IF THE PETITION IS GRANTED

- o Complete declaration mailed to the petitioner.
 - Copy to the department files.
- o Seal petition, declaration and records.
 - Note destruction date on the outside of package (three years from date of arrest).
- o Notify Department of Justice and any other arresting agency to seal records in their possession.
- o Notify any local, State or Federal agency who received a copy of the record to seal their records.

-over-

IF THE PETITION IS DENIED

- o Complete the bottom portion of the petition and return to petitioner.

Figure II-6

SAMPLE CHECKLIST

PETITION TO SEAL A RECORD
(851.8(c) PC)
ACCUSATION FILED

- o Applicant given petition form and filing instructions.
 - Advised to file original petition with the court.
 - Advised to file a copy of the petition with the District Attorney.
- o Court will review the arrest and court records and make a determination as to "factual innocence."
- o Court may notify agency of final decision.

IF THE PETITION IS GRANTED

- o Completed declaration mailed to the petitioner.
 - Copy to the department files.
- o Seal petition, declaration and records.
 - Note destruction date on the outside of package (three years from date of arrest).
- o Notify Department of Justice and any other arresting agency to seal records in their possession.
- o Notify any local, State or Federal agency who received a copy of the record to seal their records.

IF THE PETITION IS DENIED

- o Complete the bottom portion of the petition and return to petitioner.

Figure II-7
**SAMPLE GUIDE AND CHECKLIST
RECORD SEALING**

- o Remove the individual's name from the index.
 - Destroy a single entry card.
 - Remove the incident reference on a dossier card.
 - Delete the incident reference in an automated index.
- o Delete index references to the subject.
 - Arrest register.
 - Booking log.
 - Daily Activity Log.
- o If more than one subject is named in the reports:
 - Copy the document(s) and obliterate (felt marker) all references to the subject.
 - Re-copy and place this second copy in the original files.
 - Destroy the marked copy.
 - Place the untouched original report in the envelope.
- o Notify the appropriate divisions (Investigations, Property/Evidence, Juvenile) to send all related reports and indexes to Records.
- o Place all records in envelope for sealing.
 - Photographs (including those used for general reference in photo libraries).
 - Fingerprint cards.
 - Arrest/crime reports (including supplemental reports).
 - Laboratory reports.
 - Recordings/transcripts of interviews.
 - Property records/receipts.
 - All other records that refer to the incident/subject of the order.
- o Notify all outside agencies that the record has been sealed and to destroy their copies.
- o Place subject's name and date of birth on the upper portion of the sealed record envelope.
- o Write "SEALED" in large letters on the front and back of the envelope and seal the envelope.
- o Record the date of the destruction of the records.
- o File the envelope in a locked cabinet.

Sex Offender Registration

Penal Code Section 290 requires a subject to register as a sex offender if convicted of Penal Code Sections 220, 261(1), (2), (3), (4), (6), 264.1, 266, 267, 285, 286, 288, 288a, 288.2 (felony conviction), 288.5 (felony conviction), 314.1 (felony conviction), 314.2, 647a, 647(d), or 272 (lewd and lascivious conduct).

Those convicted of a misdemeanor for Penal Code Section 314.1 or 647(a) are not required to register.

An offender must register if:

- o Convicted of an attempt to commit any of the offenses listed in Penal Code Section 290.
- o Determined to be a mentally disordered sex offender.
- o Convicted in any other state of any offense which, if committed or attempted in California, would have been punishable as one of the above offenses.
- o The offender is required to register within 14 days of release from custody and remain registered for life. Registration is not required if:
- o The subject has been granted a Certificate of Rehabilitation, or
- o The subject as received a dismissal under Penal Code Section 1203.4 for the conviction of a registerable misdemeanor.

A sex offender must register for life and can only be relieved of this responsibility through judicial process.

Juvenile Sex Offender Registration

Effective January 1, 1986, a juvenile sex offender (adjudicated a ward of the court) must register until reaching the age of 25 if convicted of Penal Code Sections 220, 261(2), 264.1, 286(b)(1)(c)(d), 288(b)(1), 288a(b)(1)(c)(d), 289(a), 288.5, 647a or 647.6.

Arson Offender Registration

Penal Code Section 457.1 requires an arson offender to register with the agency in which jurisdiction the offender lives if, since January 1, 1985, the offender has been:

- o Convicted of a violation of Penal Code Section 451 and/or 453, or

- o Convicted of an attempt to commit any of the above offenses and the court finds that the person exhibited compulsive behavior during the commission of the offense.
- o The offender is required to register within 30 days of release from custody and remain registered for five years after discharge from prison, release from jail, or expiration of parole or probation for a first-time conviction. For subsequent convictions under Penal Code Section 457.1, registration shall be for life unless otherwise directed by the court.

Registration is not required if:

- o The subject has been granted a Certificate of Rehabilitation, or
- o The subject has received a dismissal under Section 1203.4 Penal Code.

Narcotic Offender Registration

Health and Safety Code Section 11590 requires a narcotic offender to register with the agency in the jurisdiction where the offender lives, if the subject has been:

- o Convicted of Health and Safety Code Sections 11350, 11351, 11351.5, 11352, 11353, 11353.5, 11354, 11355, 11357, 11358, 11359, 11360, 11361, 11363, 11366, 11368, 11550, 11353.7, 11366.5, 11366.6, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5 and 11383.
- o Convicted of an attempt to commit any of the above offenses.
- o Convicted in any other state of any offense which, if committed or attempted in California would have been punishable as one of the above offenses.
- o Convicted in any federal court of any offense which, if committed or attempted in California would have been punishable as one of the above offenses.

An offender is required to register within 30 days of release from custody and remain registered for five years after discharge from prison, release from jail or expiration of parole or probation.

Registration is not required if:

- o The subject has received a dismissal under Penal Code Section 1203.4,

- o The misdemeanor conviction is for Health and Safety Code Section 11357 and/or 11360, or
- o Commitment to the California Department of Corrections, Welfare and Institutions Code Section 3051, is ordered by the court.

Registration Procedure

The Notification of Registration Requirement form and a completed registrant fingerprint card provides the registrant information required by the Department of Justice. A model registration procedure includes:

1. Records personnel review the notification form to ensure all required information is provided (the form is given to the registrant by the probation/parole officer, or upon release from custody).
2. Records personnel copy the back of the registrant print card (BID-5) and give to the registrant to complete.
 - If there are any blanks, return to the registrant to provide the required needed information.
3. Make one copy of the "Notice"; and return the original to registrant.
4. Type two temporary registration receipts (DOJ Form SS-8072).
5. Give to the person assigned to photograph and fingerprint registrants:
 - registration receipt,
 - notification of registration, and
 - fingerprint cards (2) use BID-5.

Registering personnel are responsible for:

1. photographing registrant,
2. fingerprinting (use 2 BID-5 fingerprint cards),
3. placing registrant's thumb print on 2 registration receipts (Department of Justice Form SS-8072),
4. having registrant sign front and back of fingerprint cards and both registration receipts,

5. giving the temporary receipt to registrant, and
6. sending fingerprint cards, Notice of Registration form and registration receipt to Records. Photographs will be sent to Records.

Records personnel will transfer the information from the copy to the original fingerprint cards and:

1. Send both fingerprint cards and one photograph of the registrant to:

Department of Justice
Bureau of Identification
Post Office Box 93417
Sacramento, CA 94203-4170

On the back of the photograph, print the name, date of birth, agency identification number, and CII number of the registrant.

2. Send one permanent registration receipt to registrant.
 - a. Type on envelope addressed to registrant the following:

DO NOT FORWARD - RETURN TO SENDER

- b. If envelope is returned marked with "Addressee Unknown," notify the registrant's parole or probation officer.

A copy of the fingerprint card, Notice of Registration, and photograph are filed in alphabetical order in a registration binder or jacket.

Department of Justice Requests

The Department of Justice may occasionally request registration paperwork from an offender living in your city. If a request is received and your agency does not have a registration in file, then:

1. call the probation/parole officer and confirm that the registrant is still at the address listed on the Notice of Registration form,
2. advise the probation/parole officer that the offender has not complied with the registration requirements, and

3. if the registrant is not living at the address on the Notice of Registration, or is back in jail, make a notation on the form and return the request to the Department of Justice.

Registrant Change of Address

If the registrant moves within the same jurisdiction:

1. Have the registrant complete one change of address form (SS-8102) and sign the form.
2. Type a temporary receipt.
3. Place the registrant's right thumb print on a temporary and permanent receipt.
4. Mail the change of address form to the Department of Justice.
5. Update current files.

If the registrant moves into your jurisdiction from another jurisdiction:

1. Process as a new registrant.
2. Advise the registrant to notify the former agency of registration of the change of address.

Retention

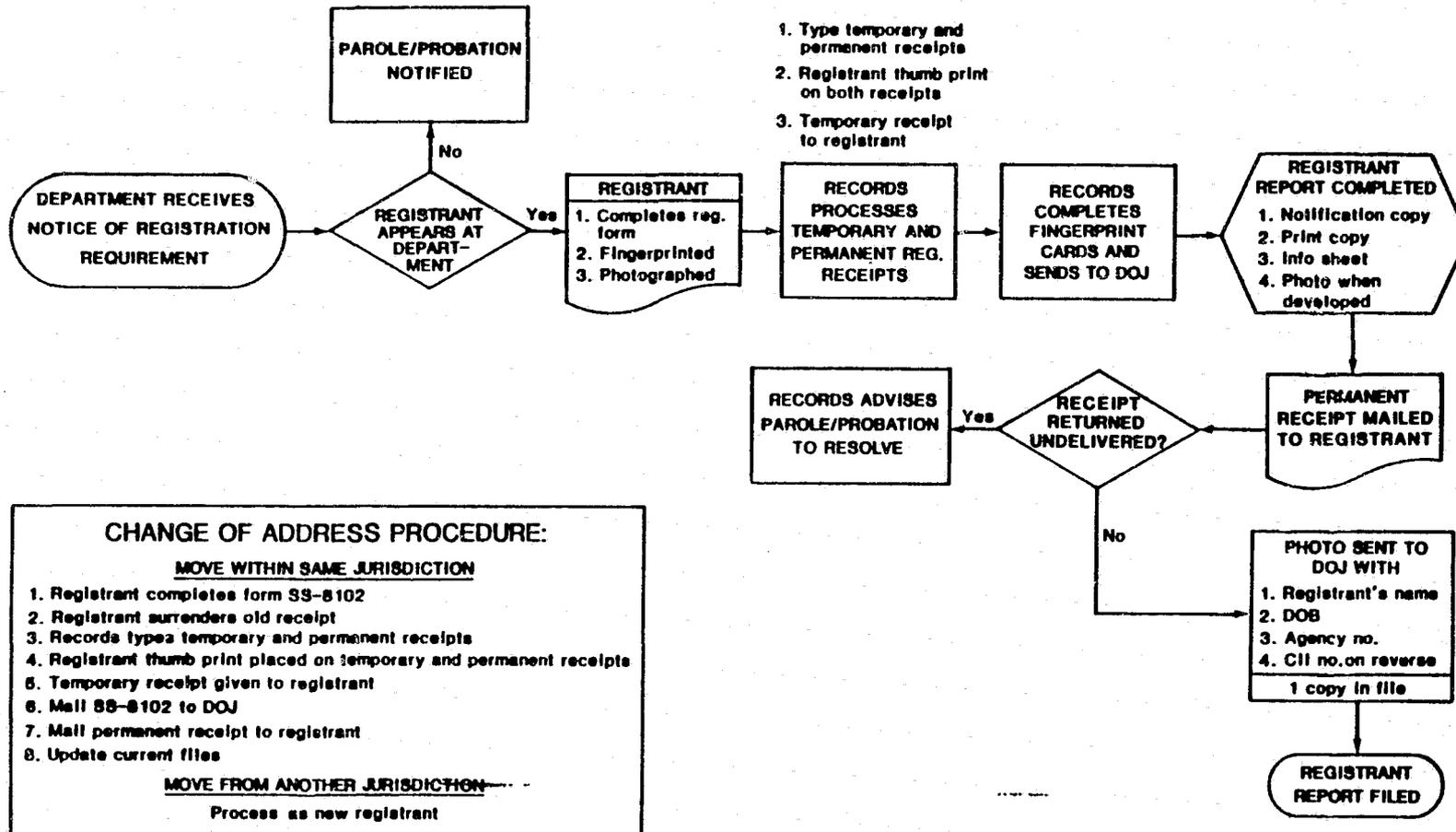
The Department of Justice files will be purged two years after a notification of death.

Figure II-8, page II-43, is a flowchart of the registration process.

Secondhand Dealer Licensing and Reporting

Business and Professions Code Sections 21625, et seq., were enacted to ... "curtail the dissemination of stolen property and to facilitate the recovery of stolen property by ... regulation of persons whose principal business is the buying, selling, trading, auctioning, or taking in pawn of tangible personal property" These sections define the "secondhand dealer" and establish licensing and reporting requirements.

REGISTRATION PROCEDURE



II-43

Figure II-8

Responsibility

Under the provisions of this law, local law enforcement agencies are responsible for:

1. determining which businesses meet the definition of secondhand dealer,
2. accepting applications and granting licenses to secondhand dealers,
3. revoking licenses for violations of Section 21642, Business and Professions Code, and
4. sending copies of all purchases or pawns to DOJ.

The DOJ Property Systems Section will answer questions regarding licensing and reporting. This section offers a booklet, Secondhand Dealer Licensing and Reporting Information, which contains all of the basic information on the law and its application. The Secondhand Dealer and Pawnbroker Laws pamphlet provides users with all the laws in the Business and Professions Code, Financial Code and Penal Code related to pawnbrokers, secondhand dealers, swap meets and junk dealers. These publications are available upon request. A third publication, CSDIA's Investigators Procedure Manual for Pawnbrokers and Secondhand Dealers is available at cost. Persons interested in this manual should contact PSS staff.

Another excellent resource is the California Secondhand Dealers Investigators Association (CSDIA). If your agency does not participate in this organization, the Property Systems Section can provide a contact person in your area.

Licensing

Local agencies are responsible for providing the "Application for Secondhand Dealer License" (JUS 125) to persons defined in Business and Professions Code Section 21626. The agency must accept the completed application, the required application fee, and completed applicant fingerprint cards, and submit them to DOJ.

Property Systems Section maintains an off-line automated system of all licensed secondhand dealers, including pawnbrokers. Upon request, Property Systems Section can provide a listing by licensing agency.

After the original license is issued, renewals are issued annually by the local agency. The blue renewal copy should be mailed to DOJ, the original provided to the licensee, and the pink copy retained by the agency.

The Records Section of your agency may or may not be involved in licensing, depending on local agency preference. Licensing is often the responsibility of the Investigations Section.

Secondhand Dealer Reporting/Pawnbroker

Business and Professions Code Section 21628 requires pawnbrokers and secondhand dealers to report transactions daily to the local agency. Financial Code Section 21208 also includes pawnbroker requirements. All reports should be made on Form JUS 123 (Pawnbroker/Secondhand Dealer Report) or a DOJ-approved substitute.

The local agency is required to mail a copy of each form to DOJ, daily. Additionally, the agency must enter all serialized property, either pawned or purchased, into the Automated Property System (APS).

Secondhand Dealer Report Retention/Pawnbroker

The Property Systems Section retains pawn/buy slip information in the automated system for six months. Pawn/buy firearm information in the Automated Firearms System is retained indefinitely. The PSS maintains hard copy of the pawn/buy reports for nine months. The Property Systems Section accepts requests for special searches, such as a record of all transactions within a county, or all transactions by a particular subject. If your agency has a need for special information, call PSS to determine if they can be of assistance.

Local agencies are not mandated to retain copies of the pawn/buy slips. If an agency retains these records, an retention procedure should be identified and adhered to. The file offers local control of the retention of reports. The file may be automated, and investigators and clerical personnel are often assigned exclusively to the "pawn detail."

Agencies maintaining a manual pawn/buy slip file generally file by month, and the slips within each month; (a) alphabetically by last name of customer, and/or (b) by type of property. The file can be purged monthly and can be searched by name or property type.

As a courtesy to other agencies, and when feasible, many departments send copies of pawn/buy slips to the agencies of residence of the pawn customers.

Special Incident Reporting Forms

The Incident Report Form (2-177), see Figure II-9, page II-46, should be completed as soon as possible for each actual or

Figure II-9

FBI Bomb Data Program



FBI BOMB DATA PROGRAM
INCIDENT REPORT

INSTRUCTIONS: This Incident Report Form should be completed as soon as possible for each actual and attempted bombing including those incidents involving hoax devices. To complete this form, please check marks or other requested information in the spaces provided in each section. The reporting agency should enter its assigned 7-digit agency number, e.g., "TAL4771" in Section A. In appropriate sections, specify any and all combinations of the types of devices found. Provide additional pertinent information and details in Section T. Please attach any available reports, drawings, or photographs. This form, when completed, is considered Restricted Technical Data, and its contents cannot be released outside the program. The completed form should be promptly submitted to the FBI Field Office serving your area.

A. GENERAL INFORMATION REPORTING AGENCY NUMBER

DATE OF REPORT: ____/____/____ 1. DATE OF INCIDENT: ____/____/____ 2. DAY OF WEEK: ____
month day year month day year

3. TIME OF INCIDENT:
 a. 12:01 am to 6:00 am b. 6:01 am to noon c. 12:01 pm to 6:00 pm d. 6:01 pm to midnight

REPORTING AGENCY _____ CASE NUMBER _____

REPORTING OFFICER _____ TELEPHONE _____

4. LOCATION OF INCIDENT: _____
b. city c. county d. state

B. NATURE OF INCIDENT
 1. ACTUAL BOMBING 2. ATTEMPTED BOMBING 3. HOAX DEVICE 4. RECOVERY OF DEVICE

C. NATURE OF DEVICE

1. Explosive (number) _____
 a. Non-military
 1. Blast only
 2. Blast and fragmentation
 3. Other (specify) _____
 b. U. S. Military
 1. Grenade
 2. Projectile
 3. Training simulator
 4. Other (specify) _____

c. Foreign military
 d. Unknown
 e. Foreign military
 f. Other (specify) _____

2. Incandier (number) _____
 a. Molotov cocktail
 1. Self-igniting
 2. Wick
 b. U. S. Military
 1. Grenade
 2. Projectile

3. Hoax (number) _____

D. FUSING

1. Explosive
 a. Type
 1. Electrical
 2. Nonelectrical
 3. Unknown
 b. Initiation (Triggering)
 1. Delay
 2. Booby trapped/action
 3. Command/remote control
 4. Unknown

c. Functioning
 1. Impact
 2. Clock/mechanical delay
 3. Burning delay
 4. Chemical delay
 5. Electrical/electronic delay
 6. Pressure/pressure release
 7. Pull/push
 8. Unknown

2. Incandier
 a. Delay
 b. Impact
 c. Booby trapped
 d. Unknown

E. FILLER

1. Explosive
 a. Low Explosive
 1. Black Powder
 2. Smokeless powder
 3. Matchheads
 4. Pyrotechnics/fireworks
 5. Other (specify) _____

b. High Explosive
 1. Dynamite
 2. Primers/boosters
 3. ANFO
 4. Detonating cord
 5. 2-part explosive
 6. TNT
 7. C-4
 8. Other (specify) _____

c. Unknown

2. Incandier
 a. Gasoline
 b. Pyrotechnic/fireworks
 c. Propane, butane, etc.
 d. Other flammable solid
 e. Other flammable liquid
 f. Unknown

RESTRICTED TECHNICAL DATA

2-177 (7-1-78) FBI/DOJ

Figure II-9

FBI Bomb Data Program -- Continued

F. EXTERNAL CONTAINER

1. Tube/pipe
 2. Bottle
 3. Box
 4. Bag
 5. Can
 6. Other (specify) _____

G. PLACEMENT OF DEVICE (Complete for structures emitting residential property)

1. In secured area
 2. In public access area
 Specify location _____

H. DELIVERY OF DEVICE

1. Mailed/shipped
 2. Placed
 3. Thrown or projected

I. DAMAGE

1. Personal injury (total number of persons) _____; distribute total to items below:
 a. firemen _____ d. police _____
 b. intended victims _____ e. subjects _____
 c. innocent bystanders _____ f. others (specify) _____

2. Deaths (total number of persons) _____; distribute total to items below:
 a. firemen _____ d. police _____
 b. intended victims _____ e. subjects _____
 c. innocent bystanders _____ f. others (specify) _____

3. Amount of property damaged _____; distribute total to items below:
 a. to intended target _____
 b. to surrounding area _____

J. NATURE OF TARGET

1. Aircraft
 2. Airport
 3. Automobile
 4. Other vehicle
 5. Other transportation
 6. Apartment house
 7. Church
 8. Commercial building
 9. Communications facility
 a. Radio e. Telephone
 b. TV d. Other _____
 10. Construction site or equipment
 11. Courthouse
 12. Fire department
 13. Government property
 a. Federal a. Local
 b. State
 14. Hotel or motel
 15. Hospital or medical facility
 16. Industrial building
 17. Military facility
 18. National Guard facility
 19. ROTC or Reserve facility
 20. Selective Service
 21. Newspaper
 22. Office building
 23. Open area
 24. Law Enforcement
 a. Building
 b. Vehicle
 c. Other _____
 25. Person
 26. Postal facility or equipment
 27. Private residence
 28. Other private property
 29. Public utility
 30. Other power facility
 31. Recreation facility
 32. School facility
 33. Theater
 34. Other (specify) _____

K. APPARENT MOTIVE

1. Against "Establishment"
 2. Antireligious
 3. Antiwar
 4. Civil rights
 5. Foreign political activity
 6. Labor dispute
 7. Monetary gain
 8. Personal animosity
 9. Political
 10. Malicious destruction
 11. Extremist
 12. Recruiting
 13. Unknown
 14. Organization or group claiming responsibility (if applicable): _____
 15. Other (specify) _____

L. PRECEDED BY THREAT OR WARNING

1. No How was threat delivered?
 2. Yes
 a. Alleged plot
 b. Mail
 c. Telephone
 d. Verbal
 e. Written, but not mailed
 f. Other (specify) _____

M. DISPOSITION OF DEVICE (Complete only if device failed to detonate)

1. Dismantled in place
 2. Detonated in place
 3. Taken to safe area and dismantled
 4. Taken to safe area and detonated
 5. Other (specify) _____

N. PERSONNEL INVOLVED IN DISPOSITION OF DEVICE

1. Trained bomb technician
 a. Public safety
 b. Military
 c. Combination military/public safety
 2. Other (specify) _____

T. ADDITIONAL DETAILS: Add additional pages if necessary. Please attach reports, photographs, line drawings, and any other pertinent information.

PLEASE SEND US _____ COPIES OF THIS REPORT FORM.

RESTRICTED TECHNICAL DATA

attempted bombing, including those incidents involving hoax devices. The completed form should be submitted promptly to the FBI Field Office serving your area.

Subpoena Duces Tecum

Government Code Section 6254(f)(1) and (2), describe information that is accessible to the public. Other records or information must be obtained by Subpoena Duces Tecum (SDT). A subpoena duces tecum is usually addressed to the Custodian of Records, and requires the custodian to appear at a particular time and place with books, documents, or records described in the subpoena. The Custodian of Records or designee is the only person who can respond to a SDT.

Applicable Code Sections

The statutory provisions related to this topic are:

- o Evidence Code Section 1270 defining government as a business.
- o Evidence Code Sections 1506, 1530, 1531, and 1533 regarding fees for the production of records and the validity of certified copies.
- o Evidence Code Sections 1560 and 1561 regarding compliance with a subpoena.
- o Code of Civil Procedure Sections 1985 through 1987 defining subpoena and affidavit.
- o Government Code Sections 6251 et seq., known as the "California Public Records Act," especially sections 6254(f)(1) and (2).
- o Government Code Sections 68093 and 68097 dealing with witness fees.

Accepting Service of a Subpoena Duces Tecum

The Custodian of Records may have to accept service of a SDT. The custodian should look for the following:

- o Check the subpoena to see if the proper custodian for the specific records is named. For example, the custodian of crime records may not be the custodian of personnel files. If the request is for personnel files, the custodian may refuse service and direct the service to the proper custodian of those records.

- o The person attempting service must (a) show the original SDT and the Affidavit (or Declaration), and (b) leave a copy of both to complete the service.
- o If the subpoena results from a civil lawsuit, and the Custodian of Records is a peace officer, the SDT must show on its face that witness fees have been posted with the court.

Care should be taken when refusing to accept an SDT. Agency policy should clearly identify the Custodian(s) of Records and prescribe the response to a subpoena duces tecum. Whenever a question arises about a SDT, the recommended course of action is to accept service and consult with the legal advisor (district attorney, city attorney, or county counsel) about the proper response to the subpoena.

Compliance With a Subpoena Duces Tecum

A common misconception that once served with a SDT, you must produce the records. This is not necessarily true. Accepting a SDT means that the next move is up to your agency. In consultation with your legal advisor, your agency may choose to comply with the subpoena or file a "motion to quash." To fail to respond or to ignore the SDT will force the court to find you in contempt and order compliance, regardless of the reasons for opposing disclosure.

In a motion to quash, you may oppose compliance with a SDT because:

- o it is improperly drawn or served,
- o it lacks an Affidavit or Declaration,
- o it lacks sufficient specificity in the affidavit,
- o witness fees are not posted with the court, or
- o document release is not in the best interest of the agency or disclosure would interfere with a criminal investigation or would result in the injury of someone, and
- o it may conflict with your local TN&G order.

The manner of compliance is described in Sections 1560-1561, Evidence Code. DO NOT, under any circumstances, release original records. Certified copies are acceptable and have the same evidentiary value as originals. It is recommended that you not allow a copy service to have the original documents to make copies

with their equipment at your office. (However, if the attorney and the court case are both from another county, the Code of Civil Procedure authorizes such a practice.)

A Custodian Declaration is required to respond to a Subpoena Duces Tecum. Figure II-10, page II-51, is a sample declaration.

A model directive is provided in the Model Directives Section, pages D-1 through D-3.

Subpoena Service

Law enforcement agencies receive subpoenas for both criminal and civil matters. This section discusses a subpoena for an officer's appearance.

Whenever a subpoena (civil or criminal) is delivered to the agency, the officer being subpoenaed must be verified as an employee. If the officer is no longer with the agency, DO NOT accept the subpoena. Subpoenas are addressed to individual officers. A agency policy must identify who is authorized to accept a subpoena. Most subpoenas can be served on an individual's supervisor. The person accepting the subpoena should examine the subpoena for an appearance date. If the appearance date is less than 48 hours from the time of service, the subpoena should not be accepted. If a subject of a subpoena is known to be on vacation or is otherwise unavailable, the attorney named on the subpoena should be contacted immediately. The person accepting a subpoena must record the date and time received on the subpoena.

Agency policy should identify specific procedures with regard to subpoena service and compliance.

Fees for Producing Documents

Government Code Section 6257 states that payment for a certified copy of an identifiable public record shall be made to the state and local agency, provided such fee shall not exceed the actual cost of providing the copy, or the prescribed statutory fee, whichever is less. While this section does not directly address documents produced as a result of a subpoena duces tecum, many agencies reference this section in determining reproduction costs.

Temporary Restraining Order (TRO)

The Domestic Violence Protection Act (DVPA), enacted 1979, makes the violation of a civil restraining order a misdemeanor crime under Penal Code Section 273.6. After the Order to Show Cause

Figure II-10

Declaration

TITLE OF ACTION: _____

NUMBER OF ACTION: _____

DATE OF SUBPOENA: _____

NAME OF PARTY OBTAINING SUBPOENA: _____

I, _____, the undersigned, say:

1. I am the duly authorized custodian of the records of the Anytown Police Department;
2. I have authority to certify copies of these records;
3. Check either a or b.
 - a. () The copies transmitted herewith are true and correct copies of all of the original records described in the above-named subpoena, insofar as the Anytime Police Department has such records.
 - b. () No copies are transmitted herewith, because the Anytown Police Department has none of the records described in the above-named subpoena.
4. The records referred to above were prepared by the personnel of the Anytown Police Department in the ordinary course of business at or near the time of the act, condition, or event.

Executed on _____, 19____, at _____.

I declare under penalty of perjury that the above is true and correct.

Signature of Declarant Title of Declarant

hearing, the court can issue a restraining order that will "remain in effect, in the discretion of the court, not to exceed three years, unless otherwise terminated or extended by further order of the court..." (Code of Civil Procedure Section 548). It further directs peace officers to enforce those orders and to make arrests when appropriate.

For agencies to discharge their responsibilities under DVPA, both sworn and non-sworn personnel must know how to read a TRO and what to do with one when it is received. The specific law enforcement actions are described in Section 13700 et seq., Penal Code.

Verification of the Order

DVPA requires a law enforcement agency to keep a complete record of all protection orders resulting from domestic violence incidents, restraining orders, and proofs of service. This record shall be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders in effect.

One approach in performing these tasks is to establish a manual file of TROs, arranged alphabetically by the names of the involved parties, one copy filed for each name. Some agencies, with only a small number of TROs, keep them in 3-ring binders. Others give each TRO a case number and index the names. Cross-referencing/indexing of both parties is mandatory to ensure retrieval of the documents.

TROs must be kept updated. A common problem is trying to determine if the order is still valid, or if it has expired. Court action may affect the validity of an order (extend or terminate) without the agency receiving information of that action.

Another common problem is verifying whether the party named in the TRO has been served with the order. Before a TRO can be enforced, proof of service must be made. This can be accomplished by:

- o having a copy of the Proof of Service in the file with the TRO,
- o having a police report that indicates notification by law enforcement. State law requires a retrievable written record of TRO service, a copy of which should be filed with the TRO itself, or
- o checking to see if both parties were present in court when the TRO was issued.

Figure II-11, page II-54, Verification and Enforcement Checklist, summarizes the steps and shows the various aspects that must be followed by law enforcement to verify and enforce restraining orders. Figure II-12, page II-56, provides information on the various types of restraining orders, duration, and applicable enforcement code sections.

TRO Reporting Requirements

Effective January 1, 1991, Penal Code Section 12021(g) makes it a felony or misdemeanor, for individuals who are the subject of a restraining order pursuant to Civil Procedure Code Sections 545, 545.5, 546 and paragraph (2) of subdivision (a) of section 547, to knowingly purchase or otherwise obtain, firearms. Civil Procedure Code Section 550(b) requires local law enforcement agencies having jurisdiction over the residence of the plaintiff to immediately notify the Department of Justice regarding the restrained person's:

- o Name, race and date of birth.
- o The date of issuance of the order.
- o The duration of the order or its expiration date.

Department of Justice has designed a on-line database to store the restraining order information. DOJ Information Bulletin No. CJ-91-04-BJIS describes the system in detail. A copy of this bulletin may be obtained by writing or calling DOJ, (916) 739-5101 or ATSS 497-5101.

The local law enforcement agency having jurisdiction over the residence of the plaintiff will enter the restraining order information into the database through the California Law Enforcement Telecommunications System (CLETS) when the restraining order has been served. The restraining order information will remain in the database until the order's expiration date at which time it will purge from the system.

The information in the Restraining Order System will be accessed by the DOJ's Dealer's Record of Sales (DROS) Unit for firearm clearance purposes and also will be available to all law enforcement agencies in California. Inquiry by specific county, a specific region or the entire state for restraining order information will be available.

The initial basic Restraining Order System is operational. The basic system will has entry, cancellation and inquiry capabilities.

Figure II-11

**Temporary Restraining Order
Verification and Enforcement Checklist**

Step 1 - Verify from agency files or complainant's TRO:

- a. terms of order,
- b. duration of order, and
- c. type of order: Domestic Violence Protection Act (DVPA); Family Law Act (FLA); Uniform Parentage Act (UPA); Harassment.

Step 2 - Verify from agency files or complainant's TRO Proof of Service.

Step 3 - Verify prior knowledge of the TRO by the subject of the order by:

- a. following step 2, above,
- b. checking with receiving agency to see if a case report shows prior admonishment of the TRO by an officer, or
- c. checking TRO to see if the subject was present in court when the order was issued.

Step 4 - Officer Admonishment if Step 1 is completed; BUT Step 2 or Step 3 are not satisfied:

- a. inform subject of the terms of the order, and
- b. admonish the subject to comply (warning, the consequence of noncompliance is arrest), and
- c. if subject COMPLIES, write a report containing date of and terms of admonishment. Give follow-up instructions and report number to victim, or
- d. if NO COMPLIANCE after admonishment, arrest (see Step 5).

Step 5 - Arrest (Step 1 and 3 and the following exist):

- a. violation of order occurs in presence of officer,
- b. violation is "knowing and willful",
- c. arrest (Penal Code Section 273.6 if DVPA, FLA, UPA or Harassment Order),
- d. write report, do not cite and release (based on agency policy and due to likelihood of recurrence), and
- f. refer complainant to proper criminal follow-up, community resources; give report number.

-over-

Step 6 - Citizen Arrest (Step 1 cannot be met):

- a. advise complainant of citizen arrest rights and procedure,
- b. observe citizen arrest,
- c. take suspect into custody without cite and release--do not cite and release (based on agency policy and likelihood of recurrence), and
- d. refer complainant to proper criminal follow-up, community resources; give report number.

Figure II-12

Temporary Restraining Order Summary

Type of Court Order	Duration	Available to	Penal Code
*1. Domestic Violence Protection Act (DVPA-CCP 540) a. Ex Parte TRO or OSC/TRO b. Order after hearing	15-20 days or until OSC hearing date 3 years can be extended by court or by stipulation	--parent --child --spouse --ex-spouse --any person living or has lived together in past 6 months --any other who is related by blood or adoption	Section 273.6
*2. Family Law Act (FLA) CC 4359, 4458 & 4516 a. Ex Parte TRO or b. OSC/TRO c. Order after hearing	15-20 days or until OSC hearing date orders restraining violence or specific behavior good 3 years from date of order but all other terms are permanent until modified (for example, custody/support)	--married person in process of divorce --a person who is --filing for a legal separation or in process of	Section 273.6
*3. Uniform Parentage Act (UPA-CC 7020) a. Ex Parte TRO or OSC/TRO b. Order after hearing	15-20 days or until OSC hearing date good for 3 years and can be extended; all other terms not related to violent behavior are permanent	--natural parent --child	Section 273.6
4. Civil Harassment TRO (CCP 527.6) a. Ex Parte TRO or OSC/TRO b. Order after hearing	10-15 days or until OSC hearing date 1 to 3 years depending on order and can be extended by court or stipulation	--to any person who suffers from a pattern, series of acts which harassing, seriously annoys or alarms done over a period of time	Section 273.6

*Effective January 1, 1991, reporting requirements established for restraining orders where violence is involved. Reference page II-53, TRO Reporting Requirements, for additional information.

Emergency Protective Orders

Code of Civil Procedure Section 546(b) which became effective July 1, 1988, requires a judge be available by telephone at night and on weekends, to issue Emergency Protective Orders (EPO) against threats of violence or actual violence in domestic situations. All Emergency Protective Order's expire at 5:00 p.m. on the first court day following issuance. The intent of the law is to provide temporary relief from threats of violence or actual violence in domestic situations. This order allows a victim one full day to go to court to obtain a Temporary Restraining Order.

Vehicles

Local agencies have specific, detailed responsibilities to document vehicles that are stolen and recovered, stored, towed, impounded and abandoned. Local agencies are further responsible to notify the owner of the vehicle's status, to notify other law enforcement agencies, and to maintain the flow of information between the agency and places of storage. Finally, a local agency must input and update the state-wide automated, Stolen Vehicle System (SVS).

In most agencies, a patrol officer initiates the reports of embezzled, impounded, recovered, abandoned, stolen, and stored vehicles. The information is entered into the automated systems, and Records handles the legal notices, follow-up paperwork, and system cancellations for specific vehicles. Records may also respond to public inquiries and prepares vehicle authorization release.

Definitions

Embezzled Vehicle--An embezzled vehicle is one which has been rented or leased, and is not returned within five days after the lease/rental agreement has expired (Vehicle Code Section 10855).

Impounded Vehicle--An impounded vehicle is one that is removed to a place of storage and is held for evidence and/or parking/registration violation by authority of a law enforcement agency or the district attorney.

Recovered Vehicle--A recovered vehicle is one that has been previously reported stolen, lost or embezzled and is located.

Abandoned Vehicle--An abandoned vehicle is one that is left unattended and unmoved on a public street or signed private property for a period of time, usually three to five days.

Stored Vehicle--A stored vehicle is one that is removed to a secure location until released.

Repossessed Vehicle--A repossessed vehicle is one that is removed from control of the registered owner by the legal owner.

Abatement--The towing of a vehicle after a "notification of intent to tow" hearing is held.

Private Property Contract Tow--A vehicle towed from private property by a tow company on contract with the property owner to remove unauthorized vehicles.

Felony Hold--A "do not release" order placed on a stored vehicle to preserve evidence for a felony investigation or trial.

Vehicle Towing and Documentation

Stored Vehicle Records

Whenever a vehicle is stored, a record must be maintained by the agency. Notice must be given to the registered owner and legal owner within 48 hours, excluding weekends and holidays (Vehicle Code Section 22852). The Department of Justice has a standard "Notice of Stored Vehicle" form for local agency use.

Whenever a public agency directs the storage of a vehicle, the agency must notify the registered and legal owners of the right to a post-storage hearing to determine the validity of the storage (Vehicle Code Section 22852). The notice must specify that to receive a post-storage hearing, the owners or agents must request the hearing in person, in writing, or by telephone within ten days of the date appearing on the notice.

If the form is returned to the agency from the registered or legal owner, a notation should be made in the master case file. In accordance with Vehicle Code Section 22853, the form marked unable to notify after 120 hours of storage should be forwarded to the Department of Justice.

"Notice of Stored Vehicle" forms should be filed in the agency's master case file. If the form is a supplement to a crime or traffic accident report, it should be assigned the same report number and stored with the original report documents. In cases where no report is prepared, the form should be assigned its own case report number and filed in the master case file.

Vehicle Towing: Entry into Law Enforcement Data Bases

California Vehicle Code Section 10500 and Penal Code Section 11108 requires that ALL serial numbered vehicles and license plates which

are reported stolen, lost or recovered must be entered in the DOJ automated Stolen Vehicle System (SVS) (Vehicle Code Section 10500, Penal Code Section 11108).

SVS transactions include initial entry of the vehicle into the system, modifications to a record, cancel, locate, and clear transactions. Fifteen vehicle records are used in the SVS and each record has a different retention period. The Criminal Justice Information System (CJIS) Manual available from DOJ describes all entry and update formats.

Copies of all SVS transactions should be filed with the original case report.

Entry Transactions

An entry transaction places a record in the Stolen Vehicle System. When the entry transaction is accepted by SVS, the entry terminal will receive an acknowledgement. The acknowledgement contains the File Control Number (FCN) of the record entered. The acknowledgement printouts should be checked against the master case record. If the registration and entry information agree, file them with the original report; if it does not agree correct the incorrect record. Refer to Section 1.4 of the CJIS Manual for specific formats and entry guidelines.

Modify Transactions

A modify transaction adds, deletes, or corrects the information in one or more of the fields of an existing record. The CJIS Manual, Section 1.5, describes specific formats and entry guidelines.

Cancel Transactions

A cancel transaction deletes an entire record from SVS. Only the contributor of an original SVS record and DOJ can cancel a record. The CJIS Manual, Section 1.6, contains specific formats and entry guidelines.

Clear Transactions

A clear transaction removes a record from active status when the vehicle, vehicle part, or license plate is recovered. When an agency is notified that a vehicle for which you have an SVS record is recovered, you must enter a clear transaction. The vehicle owner must be notified of the recovery within 48 hours, excluding weekends and holidays. The CJIS Manual, Section 1.8, provides additional instructions and specific formats.

Locate Transactions

A locate transaction is used when an agency has recovered a vehicle entered in SVS by another originator. You cannot place a locate on a SVS record entered by your agency. See CJIS Manual, Section 1.7, for specific locate formats and entry guidelines.

Vehicle Release

The majority of vehicles towed by law enforcement agencies require an initial report of storage (for example, Notice of Stored Vehicle) and a local authorization of release form. Records personnel usually assist vehicle owners with release of the vehicle. A release form is a written document prepared by the releasing agency, directed to the place of storage, authorizing the release of the described vehicle. The release identifies the person entitled to claim the vehicle, license number, year, make and model of the vehicle and the name of the person authorizing the release.

Three groups of individuals qualify for release of vehicles: registered owners, legal owners, and persons with exceptional circumstances. Local agencies should adopt specific procedures for the release process. A copy of the vehicle release authorization should be filed with the original report documents in the master case file.

Warrant Processing System

Law enforcement agencies need an effective system to process arrest warrants. Some agencies have an automated warrant system. Since automated systems are not available to all agencies, a manual system may be necessary. This section presents a simple and effective manual warrant system.

Analysis of the arrest warrant problem shows that the service of warrants occupies a low priority in many law enforcement agencies. This may be due to the fact that most arrest warrants are issued for violations of minor misdemeanor crimes and infractions. Regardless of the reason, treatment of the warrant service process as a low priority issue can cause significant problems for law enforcement managers. These include:

- o creation of an unmanageable backlog of unserved warrants,
- o less attention given to the service of outside warrants,
- o an increase in the number of wanted persons who are

encouraged to ignore an official summons and avoid the judicial process,

- o an increase in lost warrants, and
- o the possibility of arrests made on invalid warrants.

These factors combine to create unnecessary problems and a reduction in the effectiveness of the warrant system.

The warrant processing system may be used by many law enforcement agencies. However, it is important to recognize that individual differences in agency size, organization, and differing local court requirements may dictate minor changes. As long as basic policies and principles are followed, these changes may be made with a minimum of disruption.

An effective manual warrant processing system must accomplish at least six basic tasks:

- o Receive and record all incoming warrants.
- o Identify the location of each warrant.
- o Identify the status of each warrant.
- o Guard against the loss of any warrant.
- o Provide a record of the attempts to serve each warrant.
- o Show the final disposition of each warrant.

The system outlined below and on the following pages accomplishes these tasks effectively and in an orderly and efficient manner.

I. Records/Warrants Unit Pre-Service Responsibilities

When a warrant or abstract is received, it should be routed immediately to the records/warrant unit where the following tasks must be accomplished:

- A. Entry in the Warrant Log: The Warrant Log documents the current status of a warrant, whether it is in file, served, or returned to court. It can also be used to provide the basis for management reports on the warrant function. Like other control logs, the information it contains should be concise and meaningful.

Some examples of the type of information which the log may include are: date the warrant was received; name of

the wanted person; type of warrant; charge; bail; issuing court and jurisdiction; warrant number; disposition of the warrant; booking number; if the wanted person is arrested; and, the date of disposition.

The date the warrant was received is particularly important since a warrant may not be served for many months after its receipt, and without the date, the entry would be difficult to locate and update.

Also, many courts process warrants by "Date/Batch Number." Warrants issued on a given day are listed alphabetically under the number of that day, i.e., 04-06-90. This makes it much easier for the court to keep track of and recall warrants.

B. Preparation of the Warrant Processing Forms: All forms which are necessary for the processing of a warrant, with the exception of the warrant log, may be prepared from one typing. This is accomplished by using a carbon-stuffed or NCR paper manifold form set as shown in Figure II-13, page II-63. If a form is needed to control the Warrant Service Information Card when it is sent to the patrol division for service, it also may be prepared at this time. The manifold form set may include some or all of the following forms:

1. The Courtesy Warning Notice - The Courtesy Warning Notice is a form used in the case of minor misdemeanors and infractions to provide written notification to the wanted person that a warrant has been issued for that person's arrest. This notice has been used successfully by many agencies to clear a large number of warrants without the expenditure of additional personnel time.
2. Warrant Envelope - It is anticipated that many of the agencies to which this system is directed will not require the preparation of a Warrant Alpha Index Card. Instead, they will use the warrant file itself to check for outstanding warrants on named persons.

When the warrant file is used in such a manner, it may be necessary to enclose the warrant in some kind of protective covering to prevent unnecessary wear and tear during file searches. This may be done by filing the warrant in a reusable paper envelope and attaching to the front a copy of the carbon form set containing the warrant identification information.

Example of Notice of Warrant

<p style="text-align: center;">NOTICE OF WARRANT</p> <p>Dear Sir/Madam:</p> <p>This department has a warrant for your arrest. The violation charged, location of the court, and the amount of bail are set forth on the right side of this notice.</p> <p>Your cooperation in depositing the required bail with the Court of Jurisdiction within ten days is requested; otherwise, it will be necessary to issue a warrant of arrest.</p> <p>YOU MUST RETURN THIS MATTER AT ONCE BY ONE OF THE METHODS LISTED ON THE BACK OF THIS FORM.</p> <p style="text-align: center;">SHERIFF'S DEPARTMENT</p> <p style="text-align: center;">CALIFORNIA 93528</p>	<p>THIS CERTIFIES THAT A WARRANT OF ARREST EXISTS FOR:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="7">NAME:</td> <td style="width: 150px; height: 20px;">WARRANT NUMBER</td> </tr> <tr> <td colspan="8">MIA:</td> </tr> <tr> <td style="width: 15%;">RACE</td> <td style="width: 10%;">SEX</td> <td style="width: 15%;">HEIGHT</td> <td style="width: 15%;">WEIGHT</td> <td style="width: 10%;">HAIR</td> <td style="width: 10%;">EYES</td> <td colspan="2" style="width: 20%;">DATE OF BIRTH</td> </tr> <tr> <td colspan="8">WARRANT ADDRESS</td> </tr> <tr> <td colspan="8">BUSINESS ADDRESS</td> </tr> <tr> <td colspan="4">DATE RECEIVED</td> <td colspan="4">RESPONSIBLE DEPT.</td> </tr> <tr> <td colspan="4">DATE OF WARRANT</td> <td colspan="4">CITY/ZIP NUMBER</td> </tr> <tr> <td colspan="8">JUDICIAL DISTRICT</td> </tr> <tr> <td colspan="6">COUNTY OF ISSUE</td> <td colspan="2">ISSUING MAGISTRATE</td> </tr> <tr> <td style="width: 15%;">CODE VIOLATED</td> <td colspan="5">SECTION(S)</td> <td colspan="2">BAIL</td> </tr> <tr> <td colspan="2">BAIL FORFEITURE</td> <td colspan="2">DATE OF VIOLATION</td> <td colspan="4">PLACE VIOLATIONS OR INSTRUCTIONS</td> </tr> <tr> <td colspan="2">NIGHT SERVICE AUTHORIZED</td> <td colspan="2">TIME OF VIOLATION</td> <td colspan="4"></td> </tr> <tr> <td colspan="3">OPERATOR'S LIC. NO.</td> <td colspan="2">VEHICLE MAKE / YEAR BODY STYLE</td> <td colspan="3">VEHICLE LICENSE NO / STATE</td> </tr> </table>	NAME:							WARRANT NUMBER	MIA:								RACE	SEX	HEIGHT	WEIGHT	HAIR	EYES	DATE OF BIRTH		WARRANT ADDRESS								BUSINESS ADDRESS								DATE RECEIVED				RESPONSIBLE DEPT.				DATE OF WARRANT				CITY/ZIP NUMBER				JUDICIAL DISTRICT								COUNTY OF ISSUE						ISSUING MAGISTRATE		CODE VIOLATED	SECTION(S)					BAIL		BAIL FORFEITURE		DATE OF VIOLATION		PLACE VIOLATIONS OR INSTRUCTIONS				NIGHT SERVICE AUTHORIZED		TIME OF VIOLATION						OPERATOR'S LIC. NO.			VEHICLE MAKE / YEAR BODY STYLE		VEHICLE LICENSE NO / STATE		
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II-63

Figure II-13

3. Warrant Service Information Card - The Warrant Service Information Card contains information about the existence of the warrant and further information regarding the wanted person. Its primary use is as a working investigative document for the line officers attempting to serve the warrant. The record of service attempts on this form serve to document that "due diligence" was exercised by the agency.
4. Warrant Alpha Index Card - The use of an Alpha Index Card in the warrant processing system is dependent on the volume of warrants processed and the manner in which the system is checked to determine the existence of possible outstanding warrants.

When warrants are filed alphabetically, and the warrant file is conveniently located, an alpha index card is generally unnecessary. Many agencies establish an effective warrant processing system without the costly maintenance of index files. Others will require the use of an index card for effective operations. When used, the warrant alpha index card may be filed either in the master alpha card file or in a special warrant index file. Warrant index cards may be color-coded if filed in the master alpha card file.

A separate warrant index card file will generally be required only when security or building layout requires the maintenance of a remote file. The manager will most likely be confronted with a need to decide between two alternatives: (1) file a warrant index card in the Master Alpha File, or (2) use no index card at all.

The use of a Warrant Alpha Index Card, filed within the Master Alpha Index, holds certain advantages. These include:

- o The concept of the master name file is kept intact. If the agency has any information concerning a person, their name will be in the Master Alpha File.
- o Every time an officer requests a check for "record and wants," the check may be made by searching only one file, thereby saving time for both the officer and the records clerk.

- o The warrant file does not have to be used as an alpha file. This means less wear and tear on the warrants.

There are also disadvantages to the use of a warrant alpha card within the Master Alpha File. These include:

- o The alpha card must be pulled when a warrant is served, returned to court or returned to the originating jurisdiction. If this step is overlooked, staff effort may be expended in searching for warrants which have already been served.
- o Since Warrant Index Cards are subject to a higher turnover rate than other alpha cards normally indexed in the master alpha index file, a significant amount of the file purging may be necessary.
- o It is more work to prepare and file an alpha card which must later be pulled and destroyed than it is to omit preparing one.

C. Enter Appropriate Warrants in Automated Systems:

- o If transportation will be provided from any location within the State of California, the warrant may be entered into the State Wanted Person System.
- o If the District Attorney's Office will authorize extradition on a felony warrant, the warrant may be entered in NCIC.

D. Warrant Control: Controls must be established to assure that prompt attention is given to service attempts and to the return of the Warrant Service Information Card to file. The prompt return of an unserved warrant to the originating agency, whenever the wanted person cannot be located, is also important.

Warrant/records unit personnel must establish a tickler file or other control device for the accurate accounting of the Warrant Service Information Cards forwarded to patrol personnel. In addition, controls must provide for accurate status reporting of all local warrants and warrant abstracts forwarded to other agencies for service.

- E. Filing of Warrants: Warrants should be filed in a secure location and under the control of designated personnel. A separate warrant file is preferable with filing of warrants in alphabetical order.
- F. Routing for Service: The Warrant Service Information Card should be routed to the line unit responsible for warrant service.
- G. Validation of Warrants: When warrant validation list are received from DOJ, the warrant should be pulled and checked for accuracy and completeness. The court should be contacted to verify that the warrant is still valid. If the warrant has been entered into NCIC, the district attorney's office should be contacted to ensure that the subject will still be extradited.

II. Patrol Responsibilities

- A. Warrant Service Responsibility: It is recommended that the Warrant Service responsibility be assigned to the patrol function. Patrol personnel are normally available 24 hours per day, seven days per week. This flexibility greatly increases the chance of apprehending a wanted person.
- B. Warrant Service Information Cards should be turned into the watch supervisor at the end of each watch and returned to the Records Section after a stipulated time period, during which every attempt is made to serve the warrant. Depending upon agency size and warrant volume, a formal system may be required to control assignment and return of the cards.

The Warrant Service Information Card should be used by line officers as a worksheet. A file check should be conducted to ascertain that the warrant is in file prior to an arrest being made.

III. Records/Warrant Unit - Post-Service Attempt Responsibilities

When a warrant is served, or after a specified period of time even if unserved, the Warrant Service Information Card will be returned to the Records Section. At this point, the warrant unit of the Records Section should perform the following tasks:

- A. Served Warrants. When the warrant has been served:

- o pull and destroy the alpha card (if used),
- o if previously entered, clear the warrant from CJIS, NCIC, and/or any local automated system,
- o update the warrant log, and,
- o place the Warrant Service Information Card in the inactive file. (In the case of an outside warrant, send the warrant or warrant abstract and a copy of the completed Warrant Service Information Card to the agency from which the warrant was received.) The card should be retained for a period of time in case notations regarding service attempts are necessary to establish "due diligence."

B. Unserved Local Warrants. When the warrant is a local warrant, and it is unserved by reason of the wanted person having moved:

- o If no new address is located, file the Warrant Service Information Card with the warrant in the warrant file.
- o If a new address is located within the local jurisdiction, resubmit the Warrant Service Information Card to patrol for additional service attempts at the new address.
- o If a new address is located in another jurisdiction, mail the warrant or send an abstract to the new jurisdiction with a request for service. File the Warrant Service Information Card in the warrant file. The Warrant Service Information Card must contain proper notations (or another device must be used) to ensure a record of the exact location of the warrant.

C. Unserved Outside Warrant: When the warrant is received from an outside agency and it is unserved by reason of the person having moved:

- o If no new address is located, return the warrant and a copy of the completed Warrant Service Information Card to the originating agency. Update the warrant log, and update or destroy any alpha index card used. Do not send an abstract to any other agency with a request for service.
- o If a new address is located within the local jurisdiction, resubmit the Warrant Service

Information Card to patrol for additional service attempts at the new address.

- D. Recalled Warrants: The same steps described on pages II-66-67, relating to served warrants, should be followed when unserved warrants are recalled by the court.
- E. Purging of Files: A retention policy must be established to provide for timely purging of the warrant file. Such a policy should be worked out with the local courts and District Attorney. A policy recommended by the California Law Enforcement Warrant Officer's Association is:

Parking Warrants - Recall after 1 year
Traffic Warrants - Recall after 5 years
Misdemeanor Criminal Warrants - Recall after 5 years
Felony Warrants - Recall after 10 years (exceptions - murder and escape)

Warrant system flow charts in Figures II-14 & 15 (pages II-69 and II-70) show the basic work flow involved in the processing systems recommended. Figure II-14 shows the system using an alpha card, and Figure II-15 without an alpha card.

A model directive for warrant processing is found in the Model Directives Section, pages E-1 through D-3.

IV. Alternative Processing Methods

There is flexibility within the recommended procedure to allow for other processing methods. Each agency must study its needs carefully. The processing method selected should consider the following local conditions:

- o Size of the law enforcement agency (including future growth).
- o Volume and type of warrants received.
- o The records system used by the agency and how best to coordinate it with the warrant system.
- o Whether there is a specialized warrant unit within the agency.
- o Whether there are plans to automate the warrant system.
- o The quality of the cooperation of other local elements of the criminal justice system.

MANUAL WARRANT PROCESSING WARRANT ALPHA CARD SYSTEM

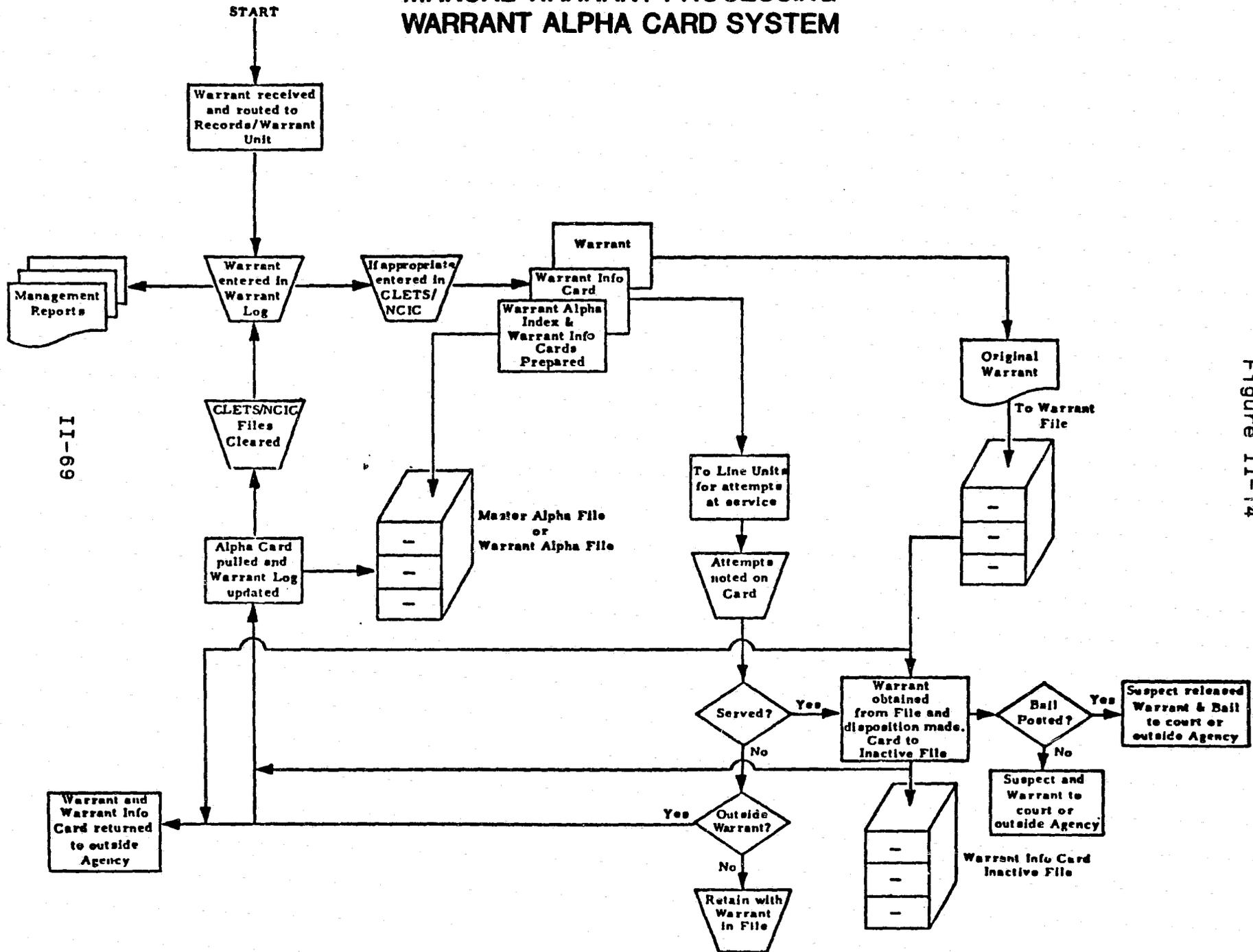
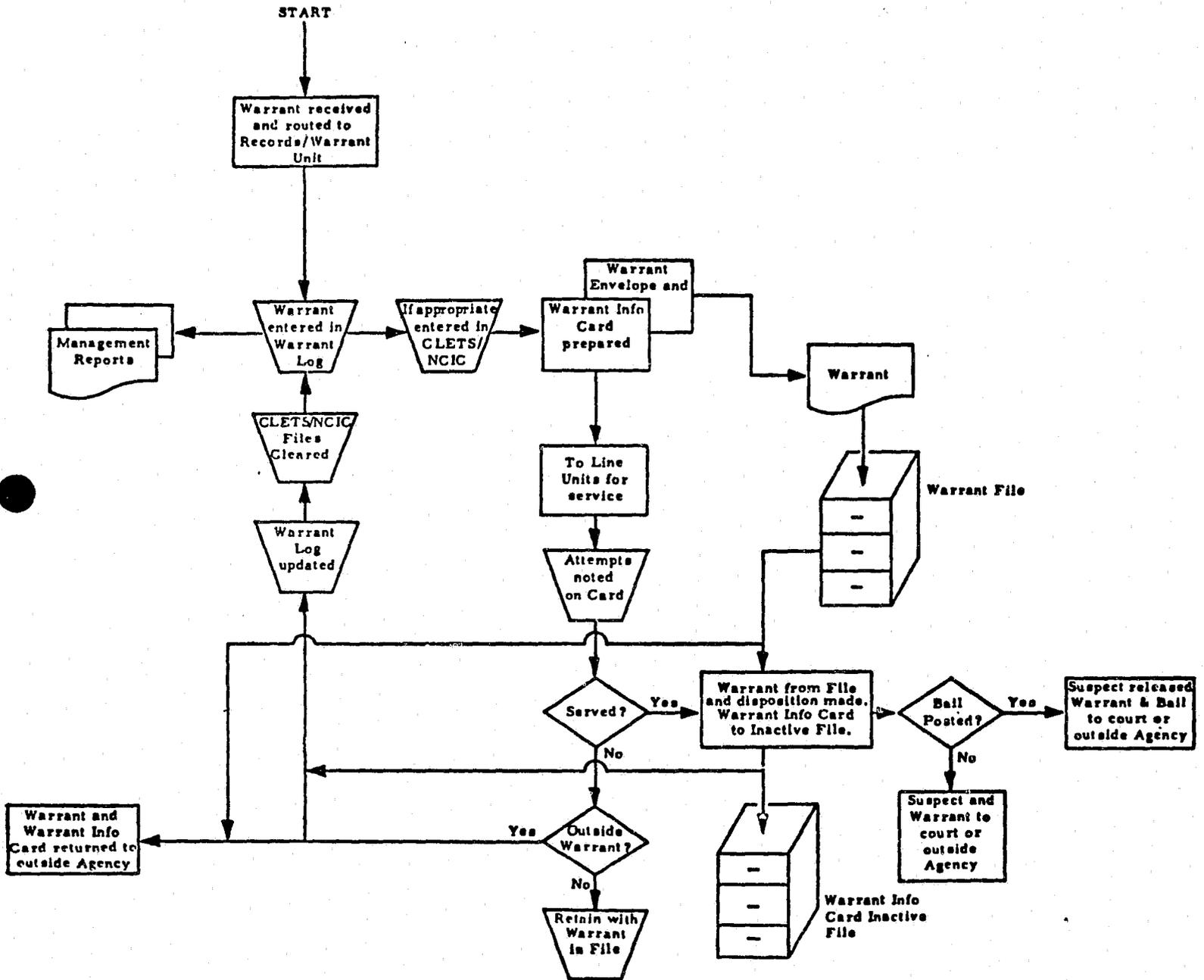


Figure II-14

II-69

Figure II-15

Manual Warrant Processing Warrant Envelope System



All of these conditions affect the choice of a processing method.

V. Conclusion

The system outlined in this section is recommended because it has the capability to fulfill the basic functions of an effective warrant system. However, it is recognized that no single system can be designed that will meet the needs of all law enforcement agencies. Differences in size and organization will require individual applications of the system presented here.

Regardless of the configuration finally decided upon, the basic principles outlined in the checklist on "Warrant System Policies and Procedures," on page II-72, must be followed to ensure that incoming warrants are efficiently processed. This is important because law enforcement agencies must rely on each other for the service of warrants on individuals who have moved outside their jurisdiction.

A model directive can be found in the Model Directives Section on page E-1 of this manual.

To ensure the maximum availability of a warrant, it is advantageous for local agencies to form mutual agreements whereby only the Warrant Service Information Card is routinely sent to another agency, with warrants or abstracts forwarded only when the wanted person is located. This can best be accomplished when each administrator involved in the agreement has confidence in the integrity of the warrant systems employed by the other agencies.

Warrant System Policy and Procedure Development Checklist

An agency should process warrants with maximum effectiveness. The records manager must carefully evaluate the warrant function; develop written directives; and ensure that everyone in the organization is aware of, and adheres to, the direction. The following checklist should assist with the development of sound policy and procedure.

1. Warrant Management

- Clearly define authority and responsibility for the various aspects of the warrant system.

The actual service of warrants is usually regarded as a line function while the associated records-keeping work is a staff function.

- Coordinate warrant activities with other criminal justice agencies.

The establishment of a good working liaison with the courts can assist in the solution of problems which may arise.

- Establish bail acceptance policies.

Who may accept bail and under what circumstances? Strict controls should be established for the disposition of all bail money.

- Require management reports on warrant activities.

These reports should include the number and types of warrants served and the current backlog of unserved warrants.

- Provide a retention policy for the various classes of warrants.

Warrants should not be allowed to accumulate indefinitely within the agency. Policies should be established for the recall of warrants to the court which issued them after reasonable periods of time.

- Assume transportation costs for persons arrested on local warrants.

A warrant or warrant abstract should not be sent to another agency for service unless the forwarding agency is willing to assume the costs of returning the wanted person.

/___/ Provide assistance to field officers.

Provide items such as photographs and physical descriptions of wanted persons. The more information provided, the better the chances a warrant will be served.

2. Records

/___/ Establish strict control and accounting procedures.

These are necessary to provide accurate warrant status information on a 24-hour basis.

/___/ Retain original warrants in the warrant file until served or returned.

Develop procedures which describe the circumstances under which an officer is allowed to check out a warrant prior to having the wanted person in custody. A dated notation should be made in the warrant file identifying the officer and explaining the absence of the warrant.

/___/ Use of courtesy or warning notices.

Warnings have proven effective in serving misdemeanor warrants. They save personnel time and are generally well received by the public. Courtesy or warning notices should be concise and meaningful. Avoid the use of legal terms as they are frequently misunderstood by members of the public.

/___/ Transmit adequate information to other agencies.

This is necessary so that they may assist in serving local warrants.

/___/ Limit to one, the number of warrant abstracts outstanding on a warrant at one time.

If conditions require a second warrant abstract to be sent, cancel the initial abstract and await confirmation before issuing the new warrant abstract.

/___/ Receive and process warrants and warrant abstracts from other law enforcement agencies.

Warrants or warrant abstracts from other agencies should receive the same effort for service as local warrants as long as they meet legal requirements.

/___/ Do not transfer other agencies' warrants or warrant abstracts.

If the subject of a warrant or warrant abstract is determined to be in another jurisdiction, the originating agency should be informed and requested to cancel its abstract. Do not transfer its warrant or warrant abstract to another agency. Control is thereby maintained by the originating agency.

/___/ Notify outside agencies of arrested persons.

Whenever an arrest is made on an outside warrant, immediately notify the originating agency.

3. Warrant Service

/___/ Document attempts at service.

Case decisional law calls for "due diligence" with regard to attempts to serve a warrant (Rost v. Municipal Court, 1960). To satisfy legal challenges that such requirements have been met, attempts to serve warrants must be documented and filed.

While certain portions of these may apply specifically and uniquely to individual organizations, most of them have a broad, general application and may be considered as a base upon which a manual warrant system should be founded.

III. SECURITY OF INFORMATION

Introduction

There is often confusion when dissemination and security of information are discussed. These terms may seem mutually exclusive because the law requires law enforcement to provide information the public has the right to know and, at the same time, to withhold information if the release would jeopardize an individual's right to privacy. It is the responsibility of law enforcement agency to allow the public access to certain information obtained during the normal course of day-to-day business. At the same time, records personnel must be aware of and apply the legal exemptions to the release of some information to protect individual privacy, safety, and reputation.

Records managers have many types of records within their control. These records are subject to some limited access as outlined in the law which deals with each type of record. This section will discuss each type of record, and cite the legal parameters which authorize or exempt its release.

Records Subject to Limited Access

- o Crime and Incident Reports
- o Juvenile Records
- o Accident Reports
- o Daily Summary/Activity Logs
- o Personnel Files
- o Information Received from CLETS
- o Criminal Offender Record Information
- o Licensing Files
- o Registration Files
- o Citations
- o Warrants
- o DMV Information

Dissemination of Crime and Incident Reports

Public Record Act - Government Code Section 6250-6265

In 1968 the Legislature enacted the California Public Records Act, Government Code Section 6250-6265. In its findings and declarations, the Legislature, mindful of the right of individuals to privacy, declared that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person" in the State of California.

Since 1968, through amendments and court decisions, the California Public Records Act has continued to balance the public's right to know what governmental agencies are doing and an individual's right to privacy.

As defined in the Public Records Act, "public records include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." Based upon this definition, the report of crimes and incidents written in the daily course of business of a law enforcement agency are public records and subject to release under the Act, with certain exemptions.

Information That Must Be Released

The Public Records Act requires that specific information be released, unless the release would endanger the safety of a person or endanger the successful completion of an investigation. The categories of information that must be released are:

1. Calls for Service

- a. Time, nature, and location of all complaints or requests for assistance.
- b. Time and nature of response.
- c. Date, time, and location of occurrence.
- d. Date and time of report.
- e. Victim's name, age, and current address. Victims of specific abuse and sex crimes or their parents or guardians (if the victim is a minor) may request that this data be withheld.
- f. Factual circumstances surrounding the crime or incident.
- g. General description of any injuries, property, or weapons involved.

2. Arrestees

- a. Full name, current address, and occupation.
- b. Date of birth and physical description: sex, height, weight, color of eyes, and hair.
- c. Date and time of arrest.

- d. Location of arrest.
- e. Factual circumstances surrounding arrest.
- f. Date and time of booking.
- g. Amount of bail.
- h. All charges, including warrants and parole or probation holds.
- i. Location where arrestee is being held.
- j. Time and manner of release.

3. Crime Reports

- a. Names and addresses of victims, arrestees, and witnesses, EXCEPT confidential informants. Victims of specific abuse and sex crimes or their parents or guardians (if the victim is a minor) may request that this data be withheld.
- b. Description of any property involved.
- c. Date, time, and location of incident.
- d. All diagrams.
- e. Statements of parties involved.
- f. Statements of all witnesses, EXCEPT confidential informants.

Exemptions to the Release of Information

In order to balance the individual's right to privacy with the public's need for information, certain exemptions to the release of information are specified in Government Code Section 6254 or interpreted by court decision. These exemptions include:

- 1. Names, addresses, and identifying information of:
 - a. Juvenile (under 18 years of age). *Wescott v. Yuba County* (104 CAL APP 3d 103 and *TNG v. San Francisco Superior Court* (4c 3d 767)).

NOTE: It is recommended that the definition of "juvenile" be verified with the Juvenile Court Judge of your county. The exemption of

release of information may pertain to all juveniles or only juveniles arrested, detained, or listed as suspects. Under *Wescott v. Yuba County*, the determination of the Appellate Court is that all juveniles are under the protection of this decision. Therefore, all identifying juvenile information contained in a report, is available for public release only if the County's TN&G Order authorizes such release.

- b. Victims of any crime defined by Penal Code Sections 261, 264, 264.1, 273a, 273d, 286, 288, 288a, or 289. Victims of any crimes defined by Penal Code Section 261, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a or 289, or their parents or legal guardians (if the victim is a minor) may request that their names, address, and identifying data be withheld. Government Code Section 6254(f)(2).
 - c. Confidential informants. Government Code Section 6254(f).
 - d. Individuals taken into custody under Welfare and Institutions Code Section 5150 (dangerous or gravely disabled persons). Government Code Section 6254(c).
- 2. Criminal offender record information. *Younger v. Berkeley City Council* (1975).
 - 3. Information that may endanger the safety of a witness or other person involved in the investigation. Government Code Section 6254(f).
 - 4. Information that may jeopardize an investigation, related investigation, or law enforcement proceedings. Government Code Section 6254(f).
 - 5. Any portion of a report which reflects the analysis, recommendation, or conclusion of the investigating officer. Government Code Section 6254(f).
 - 6. Confidential information provided only by a confidential source. *South Coast Newspapers, Inc. v. City of Oceanside* (1984).
 - 7. Information that may disclose investigative techniques and/or procedures. *South Coast Newspapers, Inc. v. City of Oceanside* (1984).

8. Information that may deprive a person of a fair trial. South Coast Newspapers, Inc. v. City of Oceanside (1984).
9. Preliminary drafts, notes, or memoranda which are not retained in the ordinary course of business. Government Code Section 6254(a).
10. Records pertaining to pending litigation to which the public agency is a party until litigation is adjudicated or otherwise settled. Government Code Section 6254(b).
11. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy. Government Code Section 6254(c).

This section does not prevent a law enforcement agency from opening its records concerning the administration of the agency to public inspection unless disclosure is otherwise prohibited by law.

Court decisions have held that the selective release and selective exemption of information is prohibited. Once information is released to a member of the public, it becomes a public record and cannot be withheld from another member of the public. Black Panther Party v. Kehoe (1974).

Government Code Section 6254.5(e) allows the release of an exempt public record to any governmental agency which agrees to treat the disclosed material as confidential. Only persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information. Any information obtained by the agency shall only be used for purposes which are consistent with existing law.

Copies

Under Government Code Section 6256, any person may receive a copy of any identifiable, non-exempt public record. Upon receiving a request for a copy of a record, the public agency must determine within ten (10) days whether or not the copy will be provided. Notice of the decision must be made to the person requesting the record. If "unusual circumstances," as defined in Government Code Section 6256.1, exist an extension of not more than ten (10) working days is allowed to complete the determination. Section 6256.1, Government Code states:

"... 'unusual circumstances' means, but only to the extent reasonably necessary to the proper processing of the particular request:

- o The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- o The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.
- o The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein...."

A law enforcement agency may lawfully refuse to furnish a copy of an arrest or complaint report requested by the person who has provided the information contained in the report. However, the agency must make public certain information contained in such reports. Attorney General's Opinion (1982).

Fees

Government Code Section 6257, permits a public agency to charge a fee for copies of non-exempted information that covers the direct costs of duplication. A statutory fee, if applicable, may also be charged.

Most fees for services established by law enforcement agencies are set by the local legislative body by resolution -- City Council or Board of Supervisors.

Fees for report copies are usually determined by conducting a materials, equipment, and time-in-motion study. An evaluation is made of the steps required to produce a copy; the steps are timed, and an average is computed for the time required to provide a copy of an average report. This time, multiplied by the applicable salary of involved employees, determines the cost of each copy.

This cost may be used as a fee recommendation to the agency head and to the legislative body.

File Security and Audit

Generally, access to and release of information from reports and other files should be limited to the records custodian and staff of the Records Section. This limited access is recommended because:

1. Personnel releasing information must have extensive knowledge of the law which governs records release in order to make release decisions; and,
2. Records that are released must be annotated to support later release decisions and to enable information to be retrieved if the record is subsequently ordered sealed.

Whenever a report is released, some notation should be made on the report. This can be done by:

- o Writing the name and agency/address/company of the person receiving the report, the date of release, and the reason for the release directly on the report, in space provided for this information.
- o Providing a separate form to serve as an application for release of information. The form should be completed by the person requesting the information and attached to the original report after compliance.
- o Using a rubber stamp on the original report to record releases.

Each method will provide a permanent record of report release. If requests for information are received in the mail, the written request can be attached directly to the original report with a notation describing the date and to whom the report was released. If the request is received by telephone, it is necessary to ask for the request to be made in writing, with fee if applicable or to authorize staff to complete the release notation on the report when it is released. Examples of a release form and rubber stamp format are provided in Figure III-1, page III-8.

There are times when complete copies of reports cannot be released because confidential information or information exempt from release is contained. In these cases, a method of deleting the exempt information or extracting information that can be released is necessary. If deletion involves small bits of information, such as names or telephone numbers, blacking out the information with a heavy pen and then recopying the document is the most effective method. If extensive information must be withheld, it is permissible to extract the information that must be released using a separate verification or confirmation form created for that purpose. See Figure III-2 is an example of a verification form (page III-9). Figure III-3 is a sample reply to a request for information (page III-10).

Figure III-1

Example of an "Application for Release Information"

APPLICATION FOR RELEASE OF INFORMATION		POLICE DEPARTMENT		
DATE AND TIME OF OCCURRENCE	TYPE OF REPORT: <input type="checkbox"/> TRAFFIC COLLISION <input type="checkbox"/> CRIME	REPORT NUMBER (IF KNOWN)		
LOCATION OF INCIDENT		NAME OF DRIVER OR PROPERTY OWNER		
NAME OF APPLICANT/AGENCY		DATE OF APPLICATION		
PARTY OF INTEREST (PLEASE CHECK ONE)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; padding: 5px;"> <input type="checkbox"/> PERSON INVOLVED: DRIVER, PASSENGER, PEDESTRIAN, OR VICTIM <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> AUTHORIZED INDIVIDUAL (SIGNED AUTHORIZATION IS REQUIRED) <input type="checkbox"/> PARENT/GUARDIAN OF JUVENILE PARTY </td> <td style="width: 50%; vertical-align: top; padding: 5px;"> <input type="checkbox"/> REPRESENTATIVE OF INSURANCE COMPANY OR INSURANCE ADJUSTING AGENCY <input type="checkbox"/> ATTORNEY <input type="checkbox"/> OTHER PARTY OF INTEREST (SPECIFY) <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> </td> </tr> </table>			<input type="checkbox"/> PERSON INVOLVED: DRIVER, PASSENGER, PEDESTRIAN, OR VICTIM <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> AUTHORIZED INDIVIDUAL (SIGNED AUTHORIZATION IS REQUIRED) <input type="checkbox"/> PARENT/GUARDIAN OF JUVENILE PARTY	<input type="checkbox"/> REPRESENTATIVE OF INSURANCE COMPANY OR INSURANCE ADJUSTING AGENCY <input type="checkbox"/> ATTORNEY <input type="checkbox"/> OTHER PARTY OF INTEREST (SPECIFY) <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/>
<input type="checkbox"/> PERSON INVOLVED: DRIVER, PASSENGER, PEDESTRIAN, OR VICTIM <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> AUTHORIZED INDIVIDUAL (SIGNED AUTHORIZATION IS REQUIRED) <input type="checkbox"/> PARENT/GUARDIAN OF JUVENILE PARTY	<input type="checkbox"/> REPRESENTATIVE OF INSURANCE COMPANY OR INSURANCE ADJUSTING AGENCY <input type="checkbox"/> ATTORNEY <input type="checkbox"/> OTHER PARTY OF INTEREST (SPECIFY) <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/>			
CERTIFICATION				
I declare under the penalty of perjury that... <input type="checkbox"/> I am <input type="checkbox"/> I represent <input type="checkbox"/> I am an attorney representing...the party of interest identified in the report recorded hereon.				
SIGNATURE _____				

Example of Report Release Rubber Stamp Format

	Name	Date	By
Copies to:			

Figure III-2

Agency Letterhead

Chief of Police/Sheriff

This is to confirm that _____ Crime Report Number _____
Name _____
who resides at _____
Number Street City State Zip Code

has filed a report with the _____ Police/Sheriff's
Department.

In accordance with Section 6254(f) of the Government Code, the
following information is provided concerning this report:

Date of Report	Time	Type of Report	Location of Occurrence
Brief description of stolen, lost or damaged property:			

Suspect: Arrest Made: ___Yes ___No Date of Arrest: _____

Charge: _____

Arrestee Name Address

Copies of police reports, other than traffic collisions, are only
available by Subpoena Duces Tecum.

Chief of Police/Sheriff

By: _____

Statements/Diagrams Attached: _____Yes _____No

Figure III-3

Agency Letterhead

Chief of Police/Sheriff

Your request for records is being returned to you for the following reason:

_____ We have no record for the information given. If you can furnish an exact date and time, location, parties involved, officer's name or badge number, we will research this request again. We only take private property accident reports for injury accidents or hit and run.

_____ This matter is currently under investigation and no information can be released. If you need further assistance, please call _____.

_____ The fee for an accident report is \$_____. Please resubmit your request with a check or money order for this amount.

_____ The fee for confirmation letters is \$_____. Please resubmit your request with a check or money order for this amount.

_____ We are authorized to release this information, only in response to Subpoena Duces Tecum.

_____ Please refer this request to the _____ Department.

_____ Please refer this request to the California Highway Patrol.

Chief of Police/Sheriff

By: _____

Theft from Computer System or Network

Penal Code Section 502 makes it a misdemeanor or felony if an individual tampers, interferes, damages or illegally accesses a lawfully created computer data system. Access is defined as to gain entry to, instruct, or communicate with the computer system or computer network.

Juvenile Records

Juvenile records are those records pertaining to an individual under the age of eighteen (18).

Welfare and Institutions Code Section 827 gives the juvenile court control over the release of all juvenile information to be disclosed to third parties by any law enforcement official. The T.N.G. court decision (T.N.G. v. Superior Court San Francisco (1971) 4c.3d 767), describes two methods for the release of this information:

- o referring the third party to juvenile court or probation department; and,
- o releasing the information directly, pursuant to your local superior court T.N.G. order.

A copy of your county's T.N.G. order should be obtained through the juvenile court.

The decision of Wescott v. Yuba County (1980) ruled that juvenile records retained after informal disposition at the law enforcement level become the equivalent of court records and remain within the control of the juvenile court or probation department. Therefore, third party release of this information is to be handled in the same manner as information stemming from a formal proceeding.

Accident Reports

Under California Vehicle Code Section 20012, accident reports taken by a local law enforcement agency must be released to the driver or drivers involved, any person injured in the accident, and the owners of the vehicles or property involved and their authorized representatives. The entire contents of the report can be released, with the exception of collision coding data determined by statistical means rather than through physical evidence. (California Vehicle Code Section 20015). If a juvenile is involved in the accident, consult your local T.N.G. Order.

Requests for copies of accident reports are usually accompanied by the payment of a fee. The fee may not exceed the cost of providing the copy. Individual agencies may establish the fee using a variety of costs, including reproduction costs, investigation and report writing cost, and clerical processing and retrieval time. California Vehicle Code Section 20012.

Daily Summary/Activity Logs

Much of the information found in a daily summary or activity log is public information. Release of this information depends on the format in which it is kept. If the log contains only information proper for release, it can be made available for public inspection. Exempt information must be deleted prior to public inspection of the log.

Personnel Files

Personnel records include any application, information, memoranda, or internal investigation pertaining to present or past employees of the agency. Personnel matters are not public information, Government Code Section 6254(c).

Penal Code Section 832.7, describes peace officer personnel records as confidential records, not to be disclosed in any criminal or civil proceeding except as required by Evidence Code Section 1043 (Pitchess Motion). Effective January 1, 1991, Penal Code Section 832.8, incorporates the home address as part of a peace officer personnel record. The information becomes a confidential record under P.C. 832.7.

Arrest and Detention Information on Peace Officers

Effective January 1, 1991, Penal Code Section 13300(k) and Labor Code Section 432.7(b) permits law enforcement agencies to release arrest, detention and past diversion program information to a peace officer's employing agency. Employing agencies receiving such information may only place the employee on administrative leave, using the information to initiate an independent internal affairs investigation.

Information Received Through CLETS

The receipt of information from the California Law Enforcement Telecommunications System (CLETS) is restricted to criminal justice agencies. (Government Code Sections 15153, 15163, and 15165, and CLETS Policies and Procedures Section 1.4.7.) These sections restrict the CLETS network to official law enforcement purposes and the official business of any public agency. To maintain a

connection with the CLETS network, a law enforcement agency must comply with CLETS regulations, maintain security of the equipment, perform security clearances on personnel using the system, and provide user training. Restricted information from this system includes DMV, CJIS, NCIC, and all other files accessed through CLETS.

Criminal Offender Record Information

Criminal Offender Record Information (CORI) is summary criminal history compiled by criminal justice agencies for the purposes of identifying criminal justice offenders. The data includes a summary of arrests and dispositions.

State and local CORI is used in the apprehension of criminal offenders, by district attorneys in determining criminal charges, by probation officers in preparing pre-sentence reports for the court and in supervising probationers, by judges for the determination of sentences, and by county jails and state prisons.

CORI is also used to determine eligibility for some types of employment, licensing and certification.

Local agency records personnel have daily contact with CORI when requests for information from officers are received. Records supervisors are required to train the staff in the laws pertaining to the release of CORI and the criminal/civil liabilities for misuse of CORI.

The agency executive determines which of the staff within the organization shall have access to CORI. State law requires that criminal justice agencies submit applicant fingerprint cards to the Department of Justice (DOJ) for all employees who have access to CORI.

State CORI

"State summary criminal history information" means the master record of information compiled by the Department of Justice containing the identification and criminal history of any person, such as name, date of birth, physical description, date of arrests, arresting agencies and booking numbers, charges and disposition of charges. The arrest entry is originated by the criminal fingerprint card submitted by the arresting and/or booking agency. A disposition form submitted to the Department of Justice (DOJ) gives the outcome of the arrest. Additional entries on the criminal history record result from registration fingerprint cards (Penal Code Section 290 and 457.1, and Health and Safety Code Section 11590) and fingerprint cards submitted by correctional institutions and county probation departments. Release of State CORI is covered in Penal Code Section 11105.

Local CORI

"Local summary criminal history information" means the master record of information compiled by any local criminal justice agency containing the identification and criminal history of any person, such as name, date of birth, physical description, date of arrests, arresting agencies and booking numbers, charges and disposition of charges. The 3" x 5" index card at the local agency which lists the subject's arrest history is CORI. Data stored in a local computer system relating to the arrests and dispositions of arrests is CORI. Release of local CORI is covered in Penal Code Section 13300.

Legal Requirements

Section 11078 of the California Penal Code requires that, "Each agency holding or receiving criminal offender record information in a computerized system shall maintain, for such period as is found by the Attorney General to be appropriate, a listing of the agencies to which it has released or communicated such information."

California Administrative Code Section 707

Automated System

- (a) Automated systems handling criminal offender record information and the information derived therefrom shall be secure from unauthorized access, alteration, deletion, or release. The computer system and terminals shall be located in secure premises. Non-criminal justice agencies shall not receive criminal offender record information directly from an automated criminal justice system.
- (b) Record checks shall be conducted on all personnel hired after July 1, 1975, who have access to the computer system, its terminals, or the stored criminal offender record information.
- (c) Each authorized agency shall keep a record of each release of criminal offender record information from the automated system. The record shall be retained and available for inspection for a period of not less than three years from the date of release. This record shall contain the date of release, the requesting terminal identifier, the receiving terminal identifier, and the information given.

Audits

The California Department of Justice is required by law to audit agencies which have access to criminal offender record information. This audit is based on a printout of requests for state CORI made by an agency. The printout lists the date and time each record was requested, the terminal at the agency where the request was entered, the criminal history number and the "routing data" entered when CORI was requested. The DOJ, Audits and Record Security Section, obtains copies of the records and visits the agency to determine the official purpose for which the records were requested. If an agency properly uses the routing data field when the record is requested, the audit usually goes very well. The routing data field should contain the requesting officer's name, assignment, and purpose for the request; for example, Jones, DB, 86-123 (Jones, detective bureau, Case No. 86-123) or Smith, PAT, burg (Smith, patrol, burglary investigation).

When the audit is completed, a letter is sent to the head of the agency, describing the results of the audit, including a request for additional information or suggestions for improved control of the CORI.

If misuse of CORI is determined during the audit, the head of the agency is informed and asked to notify the Audits and Record Security Section of the disposition of the incident.

If the agency would like to conduct an internal audit, they may order a printout of their agency's requests from the Audits and Record Security Section.

Subject of Record

The subject of the California Department of Justice record may obtain a copy of his/her record by completing an application (BCID 8705) and submitting the form, applicant fingerprint cards and a processing fee to DOJ. The processing fee may be waived for indigent persons if they submit proof of indigence. If the person determines that an entry on his/her record is in error, the Department of Justice will provide instructions on the procedures for correction (Penal Code Sections 11120-11127).

A person may also obtain a copy of his/her local record. The requesting party must complete the forms required by the local agency and pay a processing fee (Penal Code Sections 13320-13326). Figure III-4 is a sample application for local record review (page III-16).

Authorized Agency List

The Authorized Agency List is published by the California Department of Justice, Audits and Record Security Section. The

Figure III-4

Application for Local Record Review

California Penal Code Sections 13320-13323 afford persons concerning whom a local summary criminal history record is maintained in the files of the local criminal justice agency a reasonable opportunity to examine the record compiled from such files and refute any erroneous or inaccurate information contained therein.

The information requested below is necessary to determine if a record exists. Failure to supply this information may prevent this agency from providing you with a copy of your record. This application will be retained in your record folder, if one exists.

Any existing criminal record concerning you, will be sent to you by mail or other appropriate means mutually agreeable to you and the Department.

The undersigned hereby applies to obtain a copy of his/her Local Criminal History Record:

(TYPE OR PRINT)

Applicant's Name _____
Last Name First Name Middle Name

Also Known As _____
(or Maiden Name) Last Name First Name Middle Name

Mailing Address _____
Number Street

City State Zip Code

Date of Birth ____/____/____ Telephone Number _____
Month/Day/Year (8 a.m.-5 p.m.)

If you wish this record sent to someone other than yourself, or if you wish this record mailed to an address different than the one listed above, complete this following:

Name _____ Title _____

Mailing Address _____
Number Street

City State Zip Code

X

SIGNATURE OF APPLICANT

(A standard fingerprint form with the applicant's fingerprints imprinted thereon, containing all requested information, may be required for positive identification.)

list is intended as a reference for agencies to use to determine if the requesting agency is authorized to receive State or Local CORI. The list is not to be used to determine if an agency should have access to local crime and/or arrest reports. The release of local crime and/or arrest reports is covered by Government Code Section 6254(f) and 6254.5, and by local agency policy.

The Authorized Agency List contains:

- o agencies that shall have access to CORI, and
- o the agencies that may have access to CORI.

Penal Code Sections 11105 and 13300 determines whether the agency is placed in the "shall" or "may" category.

When State CORI is to be used for employment, licensing or certification purposes, an authorized agency must submit applicant fingerprint cards and processing fee to the Department of Justice in order to obtain edited criminal offender record information.

Agencies outside California are placed on the list after they furnish the Audits and Record Security Section with a copy of the law which provides the agency with the authority to receive CORI in their own state.

Other entities, such as youth organizations, financial institutions and public utilities, are included in the list together with the statutory reference that provides authority to receive CORI.

Access to CORI for Employment, Licensing or Certification Purposes

The automated criminal history information system, accessed by CLETS, may NOT be used for employment, licensing or certification purposes. This restriction also applies to peace officer applicants. The Central Valley v. Younger law suit resulted in a decision which causes the restriction of the use of the CLETS terminals for this purpose. Applicant fingerprint cards must be submitted to DOJ to obtain state CORI for these purposes.

The restrictions on release of CORI by the Department of Justice are as follows:

- o Only those agencies identified by statute are eligible to receive CORI for employment, licensing or certification purposes. Criminal history records provided for these purposes will include only arrests entries that result in conviction, and arrest entries that indicate active prosecution.

- o Records for criminal justice agency applicants, as defined in Penal Code Section 13101, are exempt from limitations. All available information is provided for these requests. Arrests resulting in successful completion of any diversion program (Penal Code Sections 1000, 1000.6, 1001.50) or arrests resulting in exoneration of the subject will not be disclosed from the record.
- o Arrest information for specified narcotic and sex crimes, regardless of disposition, will be provided for applicants for employment with a health care facility (Health and Safety Code Section 1250).

Local agencies may wish to adopt similar guidelines for the release of local CORI for employment, licensing or certification purposes.

Release of CORI

When releasing State or Local CORI, you must determine:

1. Is the person/agency authorized by law or court order to receive CORI ("right to know")?
 - a. For release of adult CORI, check the Authorized Agency List furnished by the Department of Justice.
 - b. For release of local juvenile CORI, check the court order issued by the Presiding Judge of the Juvenile Court. (T.N.G. Order.)
2. For what purpose is the CORI going to be used ("need to know")?
 - a. If the CORI is to be used for a criminal investigation, both state and local CORI may be released.
 - b. If the CORI is to be used for employment, licensing or certification purposes, only local CORI may be released. The agency must submit application fingerprint cards and a processing fee to DOJ to obtain state CORI for these purposes.
 - c. If the CORI is to be used for a civil lawsuit, a court order must be issued that describes the state or local CORI that is required.

3. When both "right to know" and "need to know" have been established, information describing the release of CORI should be entered on the CORI Release Log. The log provides an audit trail for the release of CORI and information. The log must be retained for at least three years.

Information on the log should include:

- a. requestor's name and agency;
- b. date of release;
- c. type of CORI released;
- d. how data was transmitted, such as by telephone, by letter or in person; and,
- e. name of person releasing CORI.

If you have any questions regarding the release of state or local CORI, contact DOJ, Audits and Records Security, (916) 739-5006.

A model directive for release of criminal offender records is provided in the Model Directives Section, pages C-1 through C-5.

Misuse of CORI

Furnishing state or local CORI to a person not authorized to receive it may be a felony or misdemeanor offense. The subject of a record which was improperly released may also sue the employee and agency that released the CORI. Figure III-5, page III-20, is a sample "Employment Statement Form - Use of Criminal Justice Information." Figure III-6, page III-21, is a sample CORI Release Log.

Destruction of CORI

CORI must be destroyed in a manner that ensures that the subject's identity can no longer be reasonably ascertained, such as shredding, tearing, burning, or recycling. If destruction takes place away from the agency, a member of the agency must witness the destruction.

Licensing Files

Licensing files are those kept in fulfillment of licensing responsibilities as established by statutes and ordinances. Examples of licensing files are:

Figure III-5

Employee Statement Form

Use of Criminal Justice Information

As an employee of _____, you may have access to confidential criminal record information which is controlled by statute. Misuse of such information may adversely affect an individual's civil rights and violates the law. Penal Code Sections 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released. Penal Code Sections 11140-11144 and 13301-13305 prescribe felony penalties for misuse of public record and CLETS information. Penal Code Sections 11142 and 13303 state:

"Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor."

Also, if an individual has lawful access to a computer system but makes unlawful inquiries to any data base, he or she is in violation of Section 502 of the Penal Code. Any person who obtains information described in the subsections of 502 P.C. is guilty of a public offense and may be charged with as a misdemeanor or a felony offense.

Any employee who is responsible for such misuse is subject to immediate dismissal. Violations of this law may also result in criminal and/or civil penalties.

I have read the above and understand the policy regarding misuse of criminal record information.

Signature: _____ Date: _____

Print Name: _____

- o concealed weapons permits,
- o secondhand dealer licenses,
- o bingo permits,
- o alarm permits,
- o taxicab permits, and
- o masseuse permits.

These files contain personal and financial data necessary to determine if a license or permit is to be granted. Data containing statements of personal or financial information in licensing files is exempt from public inspection under Government Code Section 6254(n).

Registration Files

Registration files are those files created when a subject reports for registration under Penal Code Section 290 (sex offender), Health and Safety Code Section 11590 (drug offender), and Penal Code Section 457.1 (arson offender). These files contain criminal offender record information. They are subject to release under the requirements outlined in the section on criminal offender record information.

Citations

There is no specific statute governing the release of traffic citations. Accepted practice is to consider traffic citations as court records. Adult court records are public records and can be released pursuant to the Public Records Act. Juvenile court records are subject to the County TNA court order for juvenile records.

Warrants

There is no specific statute governing the release of misdemeanor warrant information. Accepted practice is to consider misdemeanor warrants to be court records, and therefore, public records that can be released pursuant to the Public Record Act.

Penal Code Section 168 prohibits the release of information related to felony arrest warrant and search warrant under certain circumstances.

"...Search warrant or warrant of arrest for felony; disclosure prior to execution; punishment:

- (a) Every district attorney, clerk, judge or peace officer who, except by issuing or in executing a search warrant or warrant of arrest for a felony, willfully discloses the fact of the warrant prior to execution for the purpose of preventing the search or seizure of property or the arrest of any person shall be punished by imprisonment in the state prison or the county jail for not exceeding one year
- (b) Nothing in this section shall prohibit disclosures made for the sole purpose of securing voluntary compliance with the warrant...."

Figure III-7, page III-24, depicts the flow chart for release of public information. Additionally, a model directive is provided in the Model Directives Section, pages B-1 through B-6.

DMV Information

Vehicle Code Section 1808.45 prohibits the willful, unauthorized disclosure of information from any Department of Motor Vehicle (DMV) record to any person, or use of any false representation to obtain information from a DMV record or any use of information obtained from any DMV record for a purpose other than the one stated in the request or the sale or other distribution of the information to a person or organization for purposes not disclosed in the request is a misdemeanor, punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the county jail not exceeding one year, or both fine and imprisonment.

PUBLIC INFORMATION RELEASE FLOW CHART

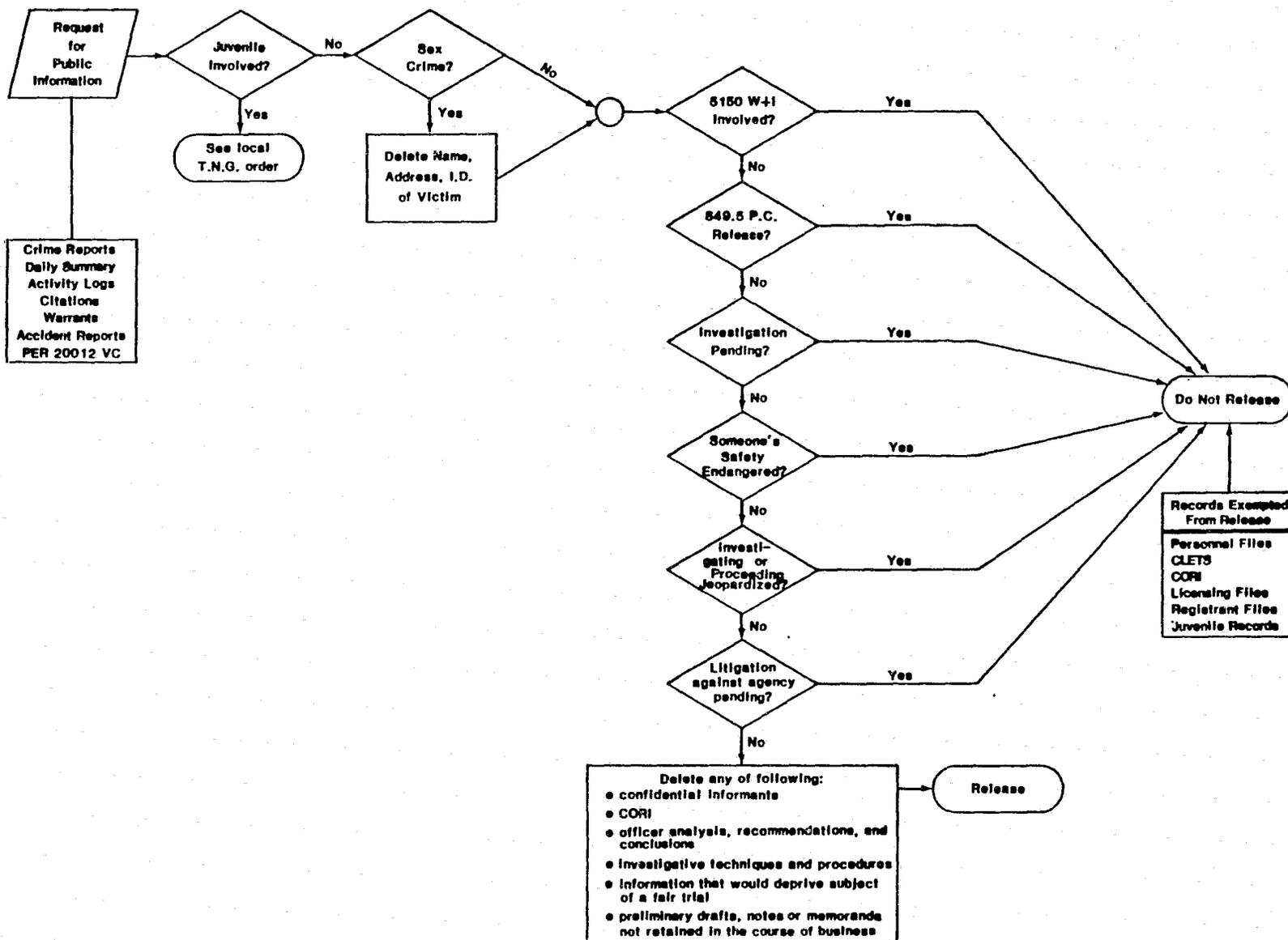


Figure III-7

III-24

IV. STATISTICS

Introduction

The purpose of this section is to introduce the elements and methods of statistical reporting as they apply to law enforcement activities. Whether or not the agency employs specialized personnel to perform statistical and/or analytical functions, the central collection point for data is usually the Records Unit of the agency. For this reason, a basic understanding of the requirements of these activities is necessary.

Three elements of statistical reporting will be considered. First, the Uniform Crime Reports (UCR) required by the State of California and the United States Federal Bureau of Investigation will be identified. California Penal Code Section 13020 requires that law enforcement agencies shall keep such records as necessary to provide statistical information is required by the Attorney General. Therefore, these requirements must be considered in the design of records keeping systems to facilitate the extraction of the necessary data. These requirements and methods for extraction of data will be discussed.

The second area of statistical reporting discussed is management reporting. While there is no statutory requirement for these reports, most agencies prepare some type of statistical report for management use on a regular basis. The intent, design, and application of this type of report will be explored.

Finally, the application of statistical data to crime analysis will be discussed. Crime analysis can be a valuable tool for law enforcement agencies. The process, elements and methods of crime analysis will be introduced and applications will be discussed.

As an agency develops a statistical reporting/analysis program, one important factor must be emphasized. Any statistical compilation and/or analysis produced is only as reliable as the information recorded in the original source document (often a crime or other report). It is also a natural progression from the collection of information. As such, the desired result or output from such a program must be considered a part of the overall records keeping system. The quality and usefulness of these activities is directly related to the type, consistency, accuracy and completeness of information originally collected.

Statistical reporting and analysis have many applications within law enforcement. Large amounts of data are regularly collected and stored by police agencies. In and of itself, this assortment of information is relatively useless in the prevention and reduction of crime. Effective statistical reporting and analysis provide some valuable tools which can be used to impact crime, monitor

program effectiveness, assist in decision-making, and provide supporting data in other areas. Once a basic understanding of statistical reporting methods is achieved, applications which are tailored to individual agency needs can be developed. The purpose of this section is to provide the foundation for this development.

Uniform Crime Reporting

Uniform Crime Reporting (UCR) is a term coined to reflect the standards designed to ensure that criminal activity is reported uniformly nationwide. These standards are explained in detail in the Uniform Crime Reporting Handbook published by the United States Federal Bureau of Investigation. Since the actual scoring, classification, and definitions are covered adequately in the UCR Handbook, these areas will not be specifically addressed in this manual. Instead, only those areas requiring additional explanation and those required by the State of California will be addressed.

BCS/FBI Reporting Relationships

In some states, each agency reports crime statistics directly to the FBI. In California, however, the State has designated the Department of Justice, Bureau of Criminal Statistics and Special Services (BCS/SS) as the central collection point for all California law enforcement agencies. BCS, in turn, submits the required information to the FBI monthly.

BCS has also placed reporting requirements on California agencies that exceed the FBI requirements. Therefore, the Bureau of Criminal Statistics and Special Services should be considered the appropriate source for questions, concerns, and information about statistical reporting requirements. Figure IV-1, page IV-3, represents agency, BCS, and FBI reporting relationships.

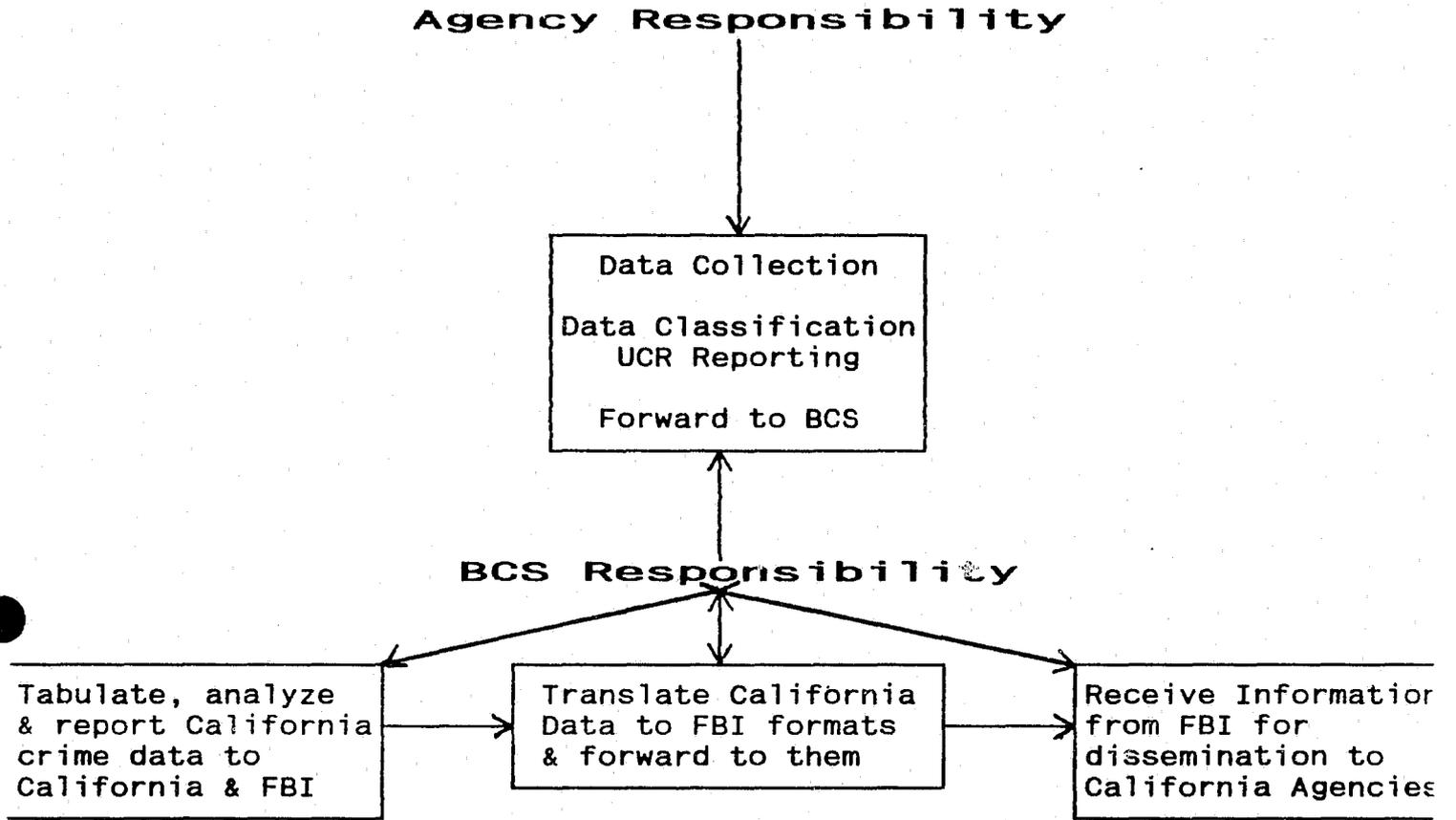
Crime Classifications

In UCR reporting, Part I and Part II crimes have been defined. Part I crimes are offenses that most likely will be reported to law enforcement agencies. The eight crime classifications considered to be Part I offenses must be calculated and reported to BCS by the 10th working day of each month for the previous month. Part I crimes include the following offenses:

1. Homicide
2. Rape
3. Robbery
4. Assault
5. Burglary
6. Larceny (Theft)
7. Motor Vehicle Theft
8. Arson

Figure IV-1

Statistical Reporting Relationship



In the order listed, these represent the "hierarchy" of Part I crimes. That is, if multiple offenses occur within the same incident, only the highest offense on the "hierarchy" list is counted. Arson and justifiable homicide are exceptions to this rule. The hierarchy rule is explained in detail in the UCR Handbook.

The UCR Handbook also defines Part II crimes. These are offenses less likely to be reported. The 21 Part II classifications represent crimes commonly reported to law enforcement agencies. Part II crimes are grouped together according to the general nature of the offense for ease of comparison and analysis. There is no requirement to report information to BCS or the FBI on Part II crimes. However, use of these classifications can be helpful in other statistical reporting or analysis activities. Part II classifications are:

- | | |
|---|-----------------------------------|
| 9. Other Assaults | 20. Offenses Against Family/Child |
| 10. Forgery/Counterfeiting | 21. Drunk Driving |
| 11. Fraud | 22. Liquor Laws |
| 12. Embezzlement | 23. Drunkenness |
| 13. Stolen Property/Buy/Receive/Possess | 24. Disorderly Conduct |
| 14. Vandalism | 25. Vagrancy |
| 15. Weapons Violations | 26. All Other Offenses |
| 16. Prostitution/Vice | 27. Suspicion |
| 17. Sex Offenses | 28. Curfew/Loitering |
| 18. Drug Offenses | 29. Runaway |
| 19. Gambling | |

Crime classification and scoring for the required statistical reports are covered in detail in the Uniform Crime Reporting Handbook. However, there are several significant areas that need to be pointed out here.

1. In crimes against persons (homicide, rape and assault), one offense is counted for each VICTIM, not each case number. For example, a man goes berserk and kills his wife and daughter. One crime report would be taken showing a homicide had occurred with two victims. The BCS report would count two homicides for that month based on the number of victims.
2. Because the UCR standards apply nationwide, the crime classifications dictated by California laws (primarily Penal Code Sections) may differ from the UCR definitions. Burglary is the most notable example of this difference. UCR defines burglary as "the unlawful entry of a structure to commit a theft." Under California law, entry into a locked vehicle to commit theft is considered and charged as burglary. Clearly, vehicle burglary does not qualify as a burglary under the UCR definition.

This discrepancy occurs because penal statutes vary widely from state to state. To ensure that accurate comparisons are made at the national level, each classification is defined by UCR without regard for state penal statutes. In most cases, state criminal statutes will coincide with UCR definitions. However, in those cases where they do not, UCR definitions must be used and California statutory definitions ignored in classifying offenses for UCR reporting purposes only.

3. Since UCR statistics are used to track crime trends and patterns, cumulative reporting is required. This means, that in any given month, the UCR reports will reflect the current month's reported activities plus (or minus) any additions (or deletions) and changes in status of crimes on previous months reports.

For example, in March, 14 burglaries were reported. In April, there were 23 new offenses reported. Further investigation revealed that 3 of the March cases were unfounded and 1 additional one was processed late and not on the March report. The April report would show:

Reported: 24 Unfounded: *3 Actual: 21

The asterisk indicates that the figure includes information relating to offenses reported to BCS in previous months. Potential areas for this to occur are:

1. Unfounded
2. Clearances
3. Clearances by juvenile arrests
4. Property values (add or delete)

Because of this element, it is possible to show a negative number in a field, particularly if the number of reported offenses is very small (usually homicide or rape). For example, if one rape is reported in April and during the month, investigation determined that two rapes reported in February and March were unfounded, the report would show:

	Reported	Unfounded	Actual
Rape	1	*2	-1

The result of this situation is that one rape is added and two are subtracted from the cumulative totals kept by BCS and FBI.

Another area which may raise questions of accuracy is case clearance. The UCR Handbook specifically defines a case clearance as either arrested or exceptional. Arrested means a suspect was

actually arrested and charged. An exceptional clearance requires several elements be present. They are:

1. Identity of the offender must be positively established.
2. There must be enough information to turn the suspect over to the court for prosecution.
3. The exact location of the suspect must be known so that he/she could be taken into custody.
4. There must be some reason outside of the control of the law enforcement agency preventing the arrest and prosecution of the suspect.

Since individual agencies may, as a matter of policy, define case clearance requirements differently, discrepancies may occur between the internal case clearance figures and those reported to BCS.

These four elements are covered in the UCR Handbook. They are mentioned here because they represent the primary reasons why the UCR crime figures frequently do not balance with those maintained internally by the agency. Most discrepancies can be explained by these four areas.

Crime Index

Both the FBI and BCS publish periodical reports comparing various aspects of the data reported. Crimes are categorized into an index, or standard, by which an agency can gauge its standing compared to the state, national overall, or agencies of similar size, structure or location.

The California and FBI indices vary slightly in content and may cause some confusion when making comparisons. The classifications included in each index are listed below. Figure IV-2, page IV-7, demonstrates the variance in the figures, depending upon the index used.

California Crime Index

Willful Homicide
Forcible Rape
Robbery
Aggravated Assault
Burglary
Motor Vehicle Theft

FBI Crime Index

Willful Homicide
Forcible Rape
Robbery
Aggravated Assault
Burglary
Larceny
Motor Vehicle Theft
Arson

Figure IV-2

Variance of
California Index and FBI Index

	CALIF INDEX	FBI INDEX	187	261	211	245	459	GTA	484	451
A1	1,070	2,176	1	11	94	112	688	164	1084	22
A2	1,851	2,404	14	22	151	262	1113	289	522	31
A3	946	2,186	1	20	88	148	519	170	1169	71
A4	686	1,378	1	9	40	137	421	78	680	12
A5	422	872	1	6	38	64	287	46	426	4
A6	1,033	2,169	5	20	135	102	603	168	1121	15

California and FBI Crime Indices: A Comparison

As indicated by the totals in the chart for six different agencies, there can be a significant difference, depending upon the index used. When making comparisons, the same index should be used to ensure the accuracy and meaning of the figures and percent changes.

For example, the media will often report that Part I crimes were up (or down) for a given year, as compared to a previous year. Depending upon which publication they obtained the figures from, either the California or FBI index could be the gauge. When measuring an individual agency's status against such reports, the same index should be used to ensure consistency. Figure IV-3, page IV-9, compares the two indices.

Required Report Forms

There are eight reports that must be submitted to the Bureau of Criminal Statistics and Special Services and one that is submitted to California Youth Authority monthly. Each report is described below.

1. Return A

This form reports the number of Part I Crimes reported during the month, the number of crimes unfounded and the actual number (reported minus unfounded) of offenses for each month. Also recorded on this form are case clearances (using BCS criteria) and those cleared by juvenile arrests only.

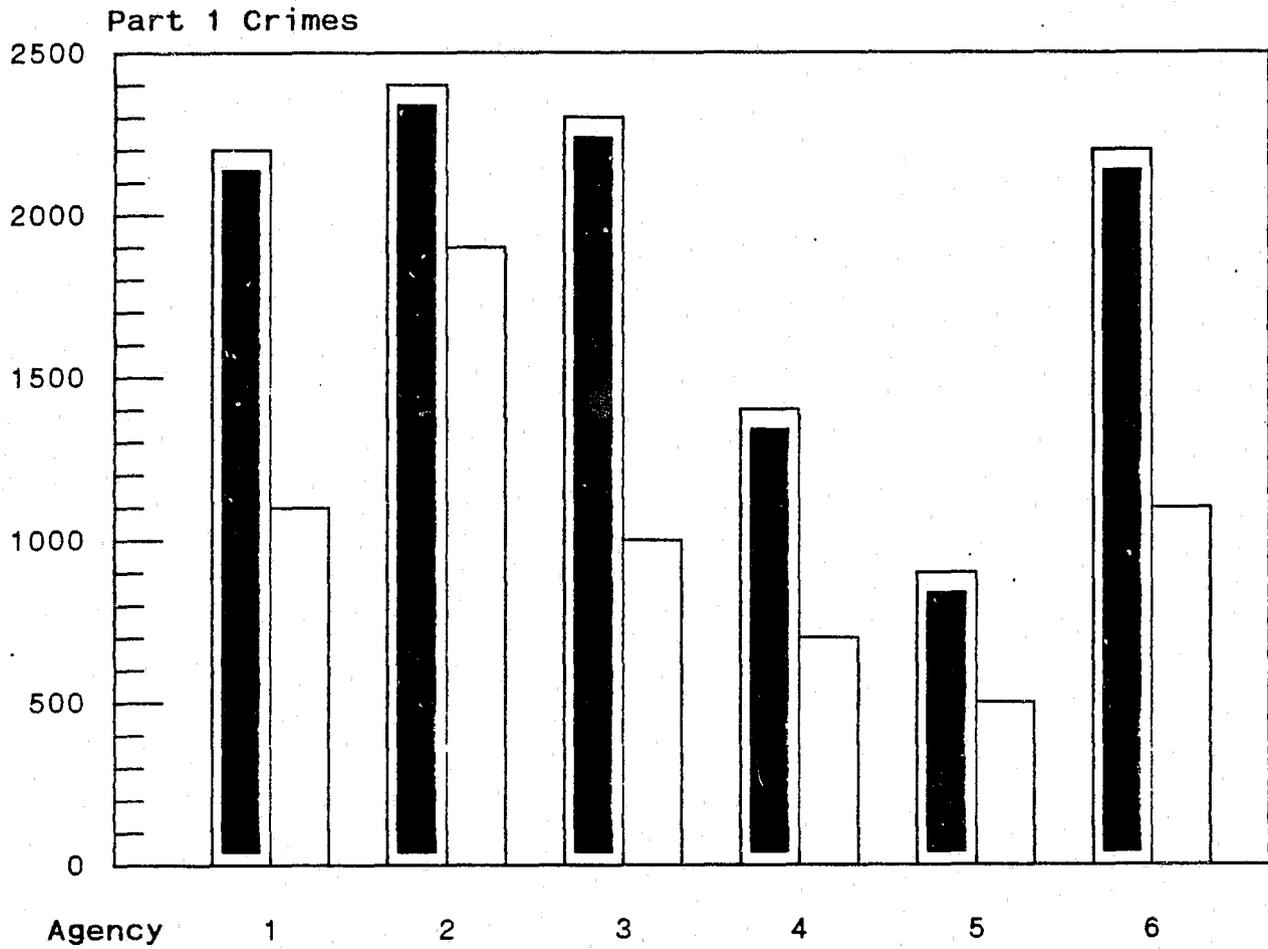
2. Supplement to Return A

This report records the dollar loss for Part I crimes in two different ways. First, the dollar loss is calculated for property stolen and recovered by property type. The second side of the form records the property stolen within each Part I crime classification. The total dollar loss figures on this form must balance. That is, the total lost reported by crime classification should be equal to the total loss by property type. Additionally, the number of actual offenses on Return A should be equal to the total for each crime on Supplement to Return A.

3. Supplementary Homicide Report

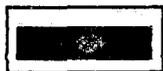
This report captures additional information on each homicide reported on Return A. The case number, name, age, sex, and race of the victim and the offender (if known), victim/offender relationship, type of weapon, a brief description of the circumstances of the crime and whether or not the crime has been cleared are indicated on the form.

Figure IV-3
**FBI AND CALIFORNIA
CRIME INDEX COMPARISONS**



This chart reflects the dramatic difference between the two.

FBI Index



California Index



4. Officers Killed or Assaulted

This report form tracks the incidents of officer deaths and assaults in the line of duty. Various information is recorded on this form concerning the activity the officer was involved in at the time of the injury, whether the officer was alone or assisted, the type of weapon used, and other pertinent data. Instructions for completion are printed on the back side of the form.

5. Arson Report

This report collects data on the nature of the arson dollar loss and clearances. This one of two Part I categories in which incidents are double counted. For example, if a burglary occurs and a fire is set to cover up the crime, the burglary would be counted on Return A and the arson would be counted on the Arson Report. Normally, when two Part I crimes are involved in the same incident, only the highest offense is counted. Arson and justifiable homicide are the only exceptions to that rule; both are included in the BCS reports.

6. Number of Violent Crimes Committed Against Senior Citizens

This form tracks the number of violent crimes committed against citizens 60 years of age or older. Only the number of homicides, rapes, robberies and aggravated assaults with elderly victims need be reported. These crimes are not double counted, and figures should reflect the number of total crimes reported on Return A in which the victim was 60 year of age or older.

7. Domestic Violence Related Calls for Assistance

Again, these crimes are not double counted. The figures should reflect the number of total crimes reported on Return A which resulted from a domestic violence related incident. The total number of incidents is required with the number of such cases involving weapons. BCS has also requested a breakdown by the type of weapon used.

8. Arrest and Citation Register

This report is a formatted listing of all arrests made during the month. One report is required for adults and a separate one for juveniles. Various information about the arrest and the arrestee is included on the form. Specific guidelines for completion of this report are contained in a manual titled Standards for Monthly Arrest and Citation Register Reporting published by the California Department of Justice.

9. Juvenile Lock-Up Report

This report varies from the others listed above in two ways. First, it is required only from agencies operating a jail or other facility where a minor could be detained in a lock-up situation.

Secondly, it is submitted directly to the California Youth Authority rather than BCS.

This report tracks the number of minors detained in a lock-up for more than six hours and less than 24 hours, by the level of the offense (criminal or delinquency). It is submitted monthly and an annual summary report is also required.

These nine reports comprise the State required reports. Report forms and manuals can be obtained from the Department of Justice free of charge by mail, telephone or teletype request. On-site statistical training is also readily available from DOJ. Figure IV-4, page IV-12, lists required statistical reports.

Record Keeping and Data Collection

Compilation of the totals for the various elements contained in the BCS reports can be complicated and time consuming. It is important to keep in mind the end results or intended use of information when designing record keeping systems. Provisions must be made for the timely, accurate extraction of the required statistical data.

To simplify this process, the Department of Justice has designed two different instruments for tallying offenses during the month. One is a tally booklet, the other is a series of tally sheets corresponding to the Part I crimes reported. Use of one of these instruments is recommended. Forms can be obtained from DOJ free of charge.

Depending on the size and structure of the agency, the information can be posted to the tally instrument, either as part of the primary report processing or as a separate function altogether. In any event, the required data is listed for each incident reported on a regular basis. At the end of each month, the individual entries are totaled and the totals transferred to the appropriate report form.

Figure IV-4

**STATE REQUIRED STATISTICAL
REPORTS**

Return A

Supplement to Return A

Supplementary Homicide

Officers Killed or Assaulted

Arson

Senior Citizen Violent Crimes

Domestic Violence Crimes

Arrest & Citation Register

Juvenile Lock-Up

Management Reporting

Management reporting is a rather general term that applies to statistical and analytical reports compiled and submitted to management personnel, either on request or routinely as a matter of policy. This type of report is not a statutory requirement, and may have many uses within a law enforcement agency.

Collection of information, for the sake of collecting it, is a luxury that most law enforcement agencies cannot afford. Because of tightened budgets and increased costs, it is important to streamline activities as much as possible and get the most from each project. The primary purpose of any management report design should be to provide information that will support management decision making. This could mean analysis of personnel deployment, project effectiveness, equipment cost analysis, crime/activity analysis and comparisons, or any other area that affects the productivity of the department.

Managers and supervisors at all levels within the agency may use a variety of management reports in their daily activities. They are used for evaluation, planning, and monitoring of projects and activities. When designing or implementing a new management report or evaluating an existing one, there are several elements to be considered. Each of these questions should be answered relative to the report:

- o What will the information contained in the report be used for? What decisions will be made based on the data?
- o Who will use the report?
- o Is the overall system designed to extract the necessary information in an efficient manner? If not, can and/or should it be modified?
- o How much time will be involved in preparing the report? How often will the report be prepared?
- o Will the decisions made using the information in the report be beneficial to the agency?
- o Is there another, perhaps existing, way to obtain the same information?
- o Do the benefits of compiling the information outweigh the drawbacks of preparing the report?

The evaluation of the answers to these questions is a subjective process. The key is that regardless of what the answers are, there will be a conscious decision to commit resources to the preparation and usage of management reports. They will be intended to serve a specific purpose and will therefore have value to the agency.

Management reports can be valuable tools for use in evaluating various aspects of agency activities. This type of report summarizes bulk information into a format that represents a gauge of current status compared to previous activities or projected into future plans. It can be an indicator that things are progressing on a normal course or have detoured in some area and adjustment is in order. The effective management report will prompt some decision either to take corrective action, take no action, or alter a course or plan.

There are several areas that lend themselves naturally to management reporting, either because information is readily available as a result of some other requirement, visible, or essential to routine activities. These areas might include:

- o crime statistic comparisons to monitor -increases or decreases in criminal activity,
- o officer activity analysis to determine workload, deployment needs, time usage,
- o revenue generating items such as fingerprinting, report sales, licenses, permits and applications, and,
- o expenditure reports to monitor budget activities.

This does not imply that management reports in these areas should be routinely prepared. Rather, these are areas in which information is usually readily available and valid decisions can be made using data compiled in a management report.

The possibilities for management report content are endless. As a result, there is the potential to compile meaningless data at great expense to the agency in time and resources. Care must be taken in the design of these reports to ensure that there is adequate return on the investment of personnel and resources.

Information Sources and Data Collection

Because of the wide variety of reports that may be used, information can be obtained from any number of sources for a management report. Often, there is more than one source for the data. Once the purpose and format of the report have been determined, the most appropriate source for the raw data must be selected.

Some examples of information sources for management reports are:

- o officer activity logs,
- o citizen originated calls for service,
- o crime statistic reports, current and past,
- o finance department expenditure reports and budget records, and

- o miscellaneous activity logs (citation, crime report, accident report, permits, licenses, cash receipts).

Actually, any information collected is a potential source for management report information. The key to selecting the most appropriate source of the raw data is in the purpose or intended use of the finished product. When more than one source is available for the same raw data, the source most suitable for extracting information in a timely, efficient manner should be selected.

Once the source is identified, a method for systematically collecting the necessary data is necessary. This procedure may include a log or posting process, analysis of specific data, or statistical compilation, among others. The process should be designed to collect the necessary data in the simplest, most efficient manner given the agency structure and existing systems. The intent is to provide a tool for decision making and the process used to provide this tool should not create another problem or bottleneck in the system. Figures IV-5 through IV-8, pages IV-16 through IV-20, are sample management reports.

Crime Analysis

Definition

1. Separation of a whole into its component parts.
2. An examination of a complex whole, its elements and their relations.

As the term implies, crime analysis involves the study and analysis of criminal activity. The results of crime analysis are then applied to current events in an effort to prevent or reduce the occurrence of crime. One formal definition of crime analysis is "a set of systematic analytical processes directed towards predicting criminal behavior (in both individual and aggregated situations) for the purpose of reducing crime in a cost-effective manner."

One of the primary objectives of law enforcement is to control the occurrence of crime and provide a measure of protection for the community. Much of law enforcement activity is reactive. That is, police agencies response to crimes after the fact and emphasis is placed on apprehension of the criminal offender. Crime analysis provides the tools to predict crime and, therefore, prevent crime. Absolute prediction, of course, is the ideal state and one not likely to be achieved. However, a conscientious, systematic crime analysis program can identify trends, patterns, problem areas, connections and even suggest means to positively impact crime.

There are many reasons why formal crime analysis is desirable. First, it will increase objectivity by supplementing traditional

Figure IV-5

Police Department Monthly Report

MARCH 1990	THIS MONTH	LAST MONTH	THIS YEAR TO DATE	LAST YEAR TO DATE	PERCENT CHANGE
ARRESTS					
ADULT FELONY	45	33	108	92	17.4%
ADULT MISDEMEANOR	261	219	709	734	-3.4%
JUVENILE FELONY	11	29	65	31	109.7%
JUVENILE MISDEMEANOR	18	13	44	85	-48.2%
TOTAL	335	294	926	942	-1.7%
CRIMES REPORTED					
HOMICIDE	0	0	0	0	ERR
RAPE	5	3	10	4	150.0%
ROBBERY	14	5	23	24	-4.2%
ASSAULT	44	39	151	52	190.4%
BURGLARY	65	57	179	171	4.7%
LARCENY	86	78	259	311	-16.7%
STOLEN VEHICLES	15	23	66	46	43.5%
ALL OTHER CRIMES	349	351	1,032	971	6.3%
TOTAL	578	556	1,720	1,579	8.9%
CITATIONS					
MOVING VIOLATIONS	497	402	1,421	1,414	0.5%
NON-MOVING VIOLATIONS	177	221	653	494	32.2%
PARKING VIOLATIONS	209	213	632	612	3.3%
TOTAL	883	836	2,706	2,520	7.4%
TRAFFIC ACCIDENTS					
NON-INJURY ACCIDENTS	58	48	168	133	26.3%
INJURY ACCIDENTS	22	12	53	33	60.6%
FATAL ACCIDENTS	0	2	2	0	ERR
TOTAL	80	62	223	166	34.3%
MISCELLANEOUS					
CALLS FOR SERVICE	3,006	2,799	8,813	5,910	49.1%
PATROL ACTIVITIES	2,088	2,149	6,697	4,622	44.9%
TOTAL	5,094	4,948	15,510	10,532	47.3%

A report similar to this one presents a condensed overview of operational activities on a monthly basis. Increases and decreases are easily recognizable, providing base information for additional analysis and/or action planning.

Figure IV-6

Part I Crime Comparisons 1985-90

	1985	1986	%CHG	1987	%CHG	1988	%CHG	1989	%CHG	1990	%CHG
HOMICIDE	2	2	0.0%	3	50.0%	4	33.3%	1	-75.0%	4	300.0%
RAPE BY FORCE	8	9	12.5%	11	22.2%	6	-45.5%	6	0.0%	12	100.0%
ATTEMPT RAPE BY FORCE	7	7	0.0%	11	57.1%	5	-54.5%	5	0.0%	4	-20.0%
TOTAL	15	16	6.7%	22	37.5%	11	-50.0%	11	0.0%	16	45.5%
ROBBERY, FIREARM	54	60	11.1%	49	-18.3%	43	-12.2%	36	-16.3%	41	13.9%
ROBBERY, KNIFE	28	19	-32.1%	20	5.3%	15	-25.0%	15	0.0%	14	-6.7%
ROBBERY, OTHER WEAPON	12	14	16.7%	4	-71.4%	9	125.0%	11	22.2%	13	18.2%
ROBBERY, STRONG-ARM	37	37	0.0%	37	0.0%	37	0.0%	32	-13.5%	29	-9.4%
TOTAL	131	13	-90.1%	110	746.2%	104	-5.5%	94	-9.6%	97	3.2%
ASSAULT, FIREARM	21	8	-61.9%	21	162.5%	13	-38.1%	25	92.3%	16	-36.0%
ASSAULT, KNIFE	29	21	-27.6%	19	-9.5%	24	26.3%	24	0.0%	28	16.7%
ASSAULT, OTHER WEAPON	73	36	-50.7%	53	47.2%	48	-9.4%	54	12.5%	71	31.5%
ASSAULT, HAND/FEET ETC.	50	30	-40.0%	29	-3.3%	28	-3.4%	9	-67.9%	4	-55.6%
ASSAULT, SIMPLE	100	97	-3.0%	137	41.2%	143	4.4%	180	25.9%	178	-1.1%
TOTAL	273	192	-29.7%	259	34.9%	256	-1.2%	292	14.1%	297	1.7%
BURGLARY, FORCIBLE	430	474	10.2%	511	7.8%	452	-11.5%	462	2.2%	475	2.8%
BURGLARY, UNLAWFUL ENTRY	310	264	-14.8%	310	17.4%	221	-28.7%	138	-37.6%	169	22.5%
BURGLARY, ATTEMPT	50	52	4.0%	51	-1.9%	57	11.8%	68	54.4%	67	-23.9%
TOTAL	790	790	0.0%	872	10.4%	730	-16.3%	688	-5.8%	711	3.3%
LARCENY TOTAL	1267	1199	-5.4%	1421	18.5%	1083	-23.8%	1084	0.1%	1237	14.1%
GTA, AUTO	123	97	-21.1%	90	-7.2%	119	32.2%	124	4.2%	112	-9.7%
GTA, TRUCK/BUS	31	34	9.7%	50	47.1%	30	-40.0%	19	-36.7%	34	78.9%
GTA, OTHER	33	28	-15.2%	18	-35.7%	14	-22.2%	21	50.0%	28	33.3%
TOTAL	187	159	-15.0%	158	-0.6%	163	3.2%	164	0.6%	174	6.1%
GRAND TOTAL	2665	2488	-6.6%	2845	14.3%	2351	-17.4%	2334	-0.7%	2536	8.7%
TOTAL LESS SIMPLE ASSULT	2565	2391	-6.8%	2708	13.3%	2208	-18.5%	2154	-2.4%	2358	9.5%
CRIMES AGAINST PERSONS	421	340	-19.2%	394	15.9%	375	-4.8%	398	6.1%	414	4.0%
CRIMES AGAINST PROPERTY	2244	2148	-4.3%	2451	14.1%	1976	-19.4%	1936	-2.0%	2122	9.6%
ARSON TOTAL	21	17	-19.0%	16	-5.9%	14	-12.5%	24	71.4%	16	-33.3%

If cumulative totals are kept on a monthly basis, this report can be easily generated at the end of each year. Trends are readily apparent and patterns may also surface.

Figure IV-7

Report Sample

Multi-Jurisdiction Location Traffic
Accident Comparison

	1987	1989	PERCENT CHANGE	1990 TO DATE	1990 PROJECTION	PERCENT CHANGE
FATAL ACCIDENTS						
NORTHBOUND	1	0	-100.0%	1	1.2	ERR
SOUTHBOUND	0	2	ERR	0	0.0	-100.0%
ALCOHOL/DRUGS	1	2	100.0%	1	1.2	-40.0%
NO ALCOHOL/DRUGS	0	0	ERR	0	0.0	ERR
INJURY ACCIDENTS						
NORTHBOUND	4	3	-25.0%	5	6.0	100.0%
SOUTHBOUND	20	15	-25.0%	11	13.2	-12.0%
ALCOHOL/DRUGS	6	6	0.0%	6	7.2	20.0%
NO ALCOHOL/DRUGS	18	12	-33.3%	10	12.0	0.0%
NON-INJURY ACCIDENTS						
NORTHBOUND	8	11	37.5%	1	1.2	-89.1%
SOUTHBOUND	10	19	90.0%	5	6.0	-68.4%
ALCOHOL/DRUGS	4	3	-25.0%	2	2.4	-20.0%
NO ALCOHOL/DRUGS	14	27	92.9%	4	4.8	-82.2%
TOTAL ACCIDENTS						
NORTHBOUND	13	14	7.7%	7	8.4	-40.0%
SOUTHBOUND	30	36	20.0%	16	19.2	-46.7%
ALCOHOL/DRUGS	11	11	0.0%	9	10.8	-1.8%
NO ALCOHOL/DRUGS	32	39	21.9%	14	16.8	-56.9%

	XYZ CITY	OTHER
1990 NORTHBOUND	30%	10%
1990 SOUTHBOUND	70%	90%
1990 DUI FATALS	1	10
1990 TOTAL ACCIDENTS	23	60
1990 DUI	9	23
1990 DUI = % OF TOTAL	39%	38%
1990 TOTAL ACCIDENTS	50	119
1990 DUI	11	40
1990 DUI = % OF TOTAL	22%	34%

This type of report is generally done once a problem is identified. It is more analytical in nature and more specifically defines the details of a given problem. It would be prepared on an as needed basis.

Figure IV-8 (Page 1)

1985/90 Budget Projection

As of 3-19-90

ACCOUNT TITLE	ACCOUNT NUMBER	APPROPRIATION	EXPONDED TO DATE	% OF BUDGET	PROJECTION	PROJECTION +/- BUDGET
SALARIES	1000	2,085,227	1,183,126	56.7%	1,774,689	310,438
OVERTIME	1200	195,000	142,887	73.3%	214,331	(19,331)
P/T - TEMP	1300	120,920	48,924	40.5%	73,386	47,534
TOTAL SALARY		2,401,147	1,374,937	57.3%	2,062,406	338,742
PERS	1960	524,034				
BENEFITS	1962	275,500				
WORKERS COMP	1963	112,579				
TOTAL BENEFITS		912,113				
OFFICE SUPL	2151	12,460	7,129	58.0%	10,694	1,767
MICROFILM SUPL	2157	1,520	0	6.6%	0	1,520
MULTILITH	2158	3,500	932	29.5%	1,398	2,102
PRINTING	2161	8,060	1,976	25.8%	2,964	5,096
JOIC SUPL	2166	1,300	172	20.9%	258	1,042
COPIER SUPL	2170	2,490	377	19.2%	566	1,925
POSTAGE	2172	3,450	231	9.6%	347	3,104
COMPUTER SUPL	2176	5,200	4,869	95.6%	7,304	(2,104)
2100 TOTAL		37,980	15,686	41.6%	23,529	14,451
VEH MAINT	2254	54,270	43,622	80.6%	65,433	(11,163)
CAR WASH	2255	800	132	29.0%	198	602
T/C REPAIR	2260	15,000	2,733	18.9%	4,100	10,901
GASOLINE	2262	76,700	2,051	2.8%	3,077	73,624
2200 TOTAL		146,770	48,538	33.1%	72,807	73,963
RADIO CONTRACT	2316	5,500	0	1.8%	0	5,500
CONSOLE CONTR	2317	3,550	0	2.8%	0	3,550
RADIO REP T/M	2318	4,500	2,340	54.2%	3,510	990
TYPEWRITER CONTR	2352	1,000	261	36.1%	392	609
DICTAPHONE CONTR	2362	1,820	1,599	93.4%	2,399	(579)
SIMPLEX CONTR	2363	600	969	178.2%	1,454	(854)
IMAGE SYS CONTR	2364	1,240	0	8.1%	0	1,240
RADAR MAINT	2365	700	739	119.9%	1,109	(409)
LEASE/MAINT TV	2366	2,400	2,095	91.5%	3,143	(743)
COMPUTER MAINT	2369	15,000	0	0.7%	0	15,000
MICROFILM MAINT	2376	1,360	628	53.5%	942	418
MISC REPAIRS T/M	2377	2,800	2,948	108.9%	4,422	(1,622)
RECORDING EQUIP	2386	750	26	16.8%	39	711
POLICE SYS MAINT	2388	2,600	0	3.8%	0	2,600
2300 TOTAL		43,820	11,605	26.7%	17,408	26,413
2400 TOTAL	SEE 3304	0				
BATTERIES/BULBS	2565	2,440	251	14.4%	377	2,064
CAMERA SUPPLIES	2566	4,150	1,176	30.7%	1,764	2,386
RANGE SUPPLIES	2571	6,500	2,621	41.9%	3,932	2,569
CRIME PREV SUPL	2572	2,800	883	35.1%	1,325	1,476
SAFETY EQUIP	2573	8,500	9,730	115.6%	14,595	(6,095)
EVIDENCE SUPPLIES	2575	5,120	0	2.0%	0	5,120
JAIL SUPPLIES	2576	4,270	2,051	50.4%	3,077	1,194
CODE BOOKS	2580	800	1,152	156.5%	1,728	(928)
MISC DEPT SUPL	2581	17,120	6,769	40.1%	10,154	6,967
2500 TOTAL		51,700	24,633	47.8%	36,950	14,751

Figure IV-8 (Page 2)

1985/90 Budget Projection

As of 3-19-90

ACCOUNT TITLE	ACCOUNT NUMBER	APPROPRIATION	EXPONDED TO DATE	% OF BUDGET	PROJECTION	PROJECTION +/- BUDGET
MISC SERVICE	2607	13,150	560	5.0%	840	12,310
EMP PHYSICALS	2618	10,500	5,158	50.1%	7,737	2,763
POLYGRAPH	2636	685	100	29.2%	150	535
MEDICAL EXPENSES	2638	13,000	7,786	60.7%	11,679	1,321
CROSSING GUARDS	2639	4,500	3,688	84.2%	5,532	(1,032)
PRISONER MEALS	2640	9,000	5,250	59.4%	7,875	1,125
TRUSTY MEALS	2641	7,600	4,247	57.2%	6,371	1,230
IDENTI KIT	2642	450	433	118.4%	650	(200)
TRUSTY UNIFORMS	2643	6,090	3,842	64.7%	5,763	327
CROSS DIRECTORY	2644	200	166	133.0%	249	(49)
ADVERTISING	2646	300	27	42.3%	41	260
MICROFILM SERVICE	2654	4,000	17,120	430.5%	25,680	(21,680)
UNIFORM REPLACE	2672	1,000	1,987	208.7%	2,981	(1,981)
PHOTO PROCESSING	2673	2,200	1,792	86.0%	2,688	(488)
UNIFORMS SWORN	2683	20,165	3,792	19.3%	5,688	14,477
UNIFORMS/CIVILIAN	2684	5,750	307	7.1%	461	5,290
BADGES/PATCHES	2685	5,500	469	10.3%	704	4,797
COPIER LEASES	2696	13,900	6,320	46.2%	9,480	4,420
CITATION LEASE	2697	3,000	2,018	70.6%	3,027	(27)
VET EXP K-9	2699	500	0	20.0%	0	500
2600 TOTAL		121,490	65,062	53.6%	97,593	23,897
TOTAL LEGAL SERV	2702	12,000	3,579	30.7%	5,369	6,632
TOTAL FALSE ARR INS	3117	3,000	0	3.3%	0	3,000
CAR ALLOW/RENT	3304	8,400	219	3.8%	329	8,072
MEETINGS	3306	6,855	3,862	57.8%	5,793	1,062
CONFERENCE/SEMINAR	3340	11,060	3,636	33.8%	5,454	5,606
TUITION REIMBURSE	3345	3,000	8,460	285.3%	12,690	(9,690)
POST COURSES	3348	40,000	20,832	52.3%	31,248	8,752
OTHER TRAINING	3349	3,000	1,160	42.0%	1,740	1,260
3300 TOTAL		72,315	38,169	52.9%	57,254	15,062
EQUIPMENT/CAPITAL	4400	191,330	55,227	28.9%	82,840	108,490
TOTAL BUDGET		3,993,665				

This is a sample of a detailed budget status report. Data is compiled from expenditure reports (usually obtained from the Finance Department). While an effective budget status report need not be this detailed, even a simplified version giving only major group totals and status information provides a factual basis for expenditure related decision making.

"gut feelings" and experience with specific data that can be systematically analyzed. A formal crime analysis process will also improve coordination between operational units by providing specific action plans and goals. Since the analytic function is centralized, there is consistency and accountability to the process. Trends and patterns can be more easily identified in less time and the information is made available to all concerned personnel. Perhaps the most noticeable advantage to a formalized process is the development of a tangible tool that gives direction to law enforcement personnel in reducing or preventing crime and provides a vehicle that allows for evaluation of the results. Figure IV-9, page IV-22, represents the crime analysis process.

Basic Applications

Generally, there is a twofold purpose to crime analysis. One is to provide administrative data and the other is to provide operational data. Both areas are important. Based upon the individual agency needs, crime analysis can be used to meet a variety of needs.

In designing a crime analysis program, the objectives must be defined. This gives direction to the analyst and provides a basis for evaluation of the effectiveness of the program.

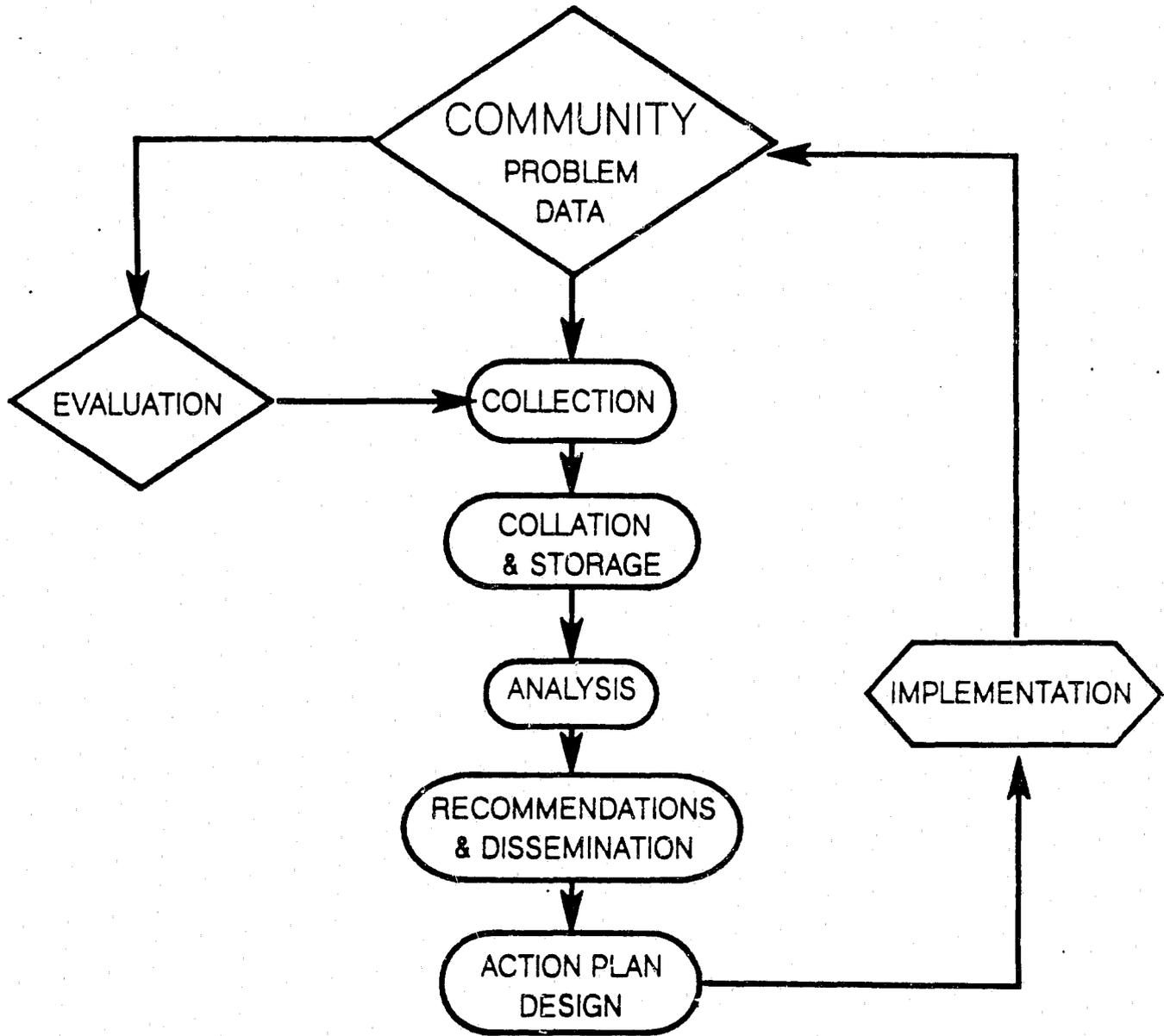
Operational data provides information to field personnel for use in the prevention and reduction of crime. It will identify target crimes, potential suspect information, investigative leads, evolving patterns and geographical activity information. It is most effective when the information is very current. Administrative data provides management with information as to the effectiveness of operational activities and programs, cost/benefit data, and provides an evaluation of the current status which serves as a basis for management decision-making. Administrative data generally covers a longer period of time and are broader in scope than operational data.

Some potential applications and/or objectives might include such things as:

- o Increasing the number of case clearances by providing investigative leads and correlating modus operandi (MO) and suspect information from multiple reports.
- o Provide current operational data for patrol including target crimes, activity location identification, suspect information, and evolving crime patterns.
- o Provide supporting data for recommended crime prevention programs, selective enforcement activities, directed patrol, and community awareness/involvement programs.

Figure IV-9

The Crime Analysis Process



- o Yield substantive data for measuring the effectiveness of specific programs such as traffic enforcement, task force activities, and narcotics enforcement.
- o Furnish trend data for planning, targeting, budgeting and resource allocation.
- o Supply law enforcement data to other government entities for such activities as urban planning, building permits and codes, construction, and redevelopment activities.

Generally, the application selected will involve three basic elements; identification of specific problems or targets, correlation of related data from multiple sources for analysis and action plan formation, and evaluation of the results of a program or activity.

Crime Analysis Process

Regardless of the application selected (administrative or operational), there are six basic elements in an effective crime analysis program. They are:

1. collection of information (raw data),
2. collation of selected data,
3. storage of data,
4. recommendations (suggested action plan) and dissemination of information,
5. implementation of an action plan, and,
6. evaluation of the results.

Looking at each elements, it is apparent that most units within an agency are involved at some point in the crime analysis process. The Records Unit normally supplies or facilitates the collection of the raw data. Communications Unit records may also be involved. A "crime analyst" most likely is someone who is familiar with law enforcement policy, procedures and goals and trained in data analysis. This individual organizes the raw data and carefully studies the results. Based on data analysis, recommended action plans are formulated, documented and disseminated to appropriate personnel. Management and operations personnel then implement and monitor the progress of these action plans. The final element is the evaluation of the results of the action(s) taken. Ideally, this step should involve everyone who contributed to the process.

Collection of Data

Prior to the Records Unit initial collection of raw data, a decision must be made as to what information is to be collected

for analysis. To facilitate this process, a specific problem or "target" must be identified. This identification may evolve from various statistical information routinely compiled, reports filed, officer observations, citizen advisements or any number of other sources. It is important not to limit existing sources and to continually search for new sources. However, the problem is identified, defining the target is a critical first step.

Once the target and goal are defined, the raw data necessary to attack the problem can be determined. Asking questions concerning the crimes will provide useful information in determining what data is necessary for analysis. Some questions might be:

- o Where are the crimes occurring?
- o What day of the week and time of day?
- o Are there any similarities in: MO, property loss, victim suspect/vehicle information, etc.?
- o Is suspect/vehicle information available, even partial?
- o Is there any pattern to the crimes?

There may be many other elements to consider. Depending on the target, the data elements could vary considerably. The key is to define the specific data elements to be analyzed. In other words, what is needed to specifically define this problem. In most cases, the initial information will be contained in a variety of documents routinely maintained.

Records personnel are normally involved in this element of the crime analysis process. They serve as the initial collection point for the bulk of the raw data. Therefore, the methods used by records personnel to process information are critical to the accuracy and completeness of the end result.

In designing a records system, crime analysis requirements should also be considered. Three key areas are:

1. Initial capture of the required information (report forms, documentation and distribution procedures).
2. Ease in retrieval of information (MO factors, suspect information, occurrence dates/times, locations).
3. Quality control--a systematic verification procedure that ensures accurate and complete data.

These key areas are important factors in the design of a record keeping system. Crime analysis concerns are not, by far, the only considerations in the design of a system. Rather, the information requirements for this process are another aspect of information

management and must be carefully designed and integrated into the system. Each of the three key areas should be applied equally to any source of information that is used by an agency.

Figure IV-10, page IV-26, list possible sources of crime analysis information.

Collation and Storage

Once the initial data collection is complete, the analyst must collate and store the information. The Records Unit may or may not be involved in this step.

The collation and storage elements of the crime analysis process are the preliminary steps in the actual analysis of a "target," problem or crime. At this point, an apparently unrelated, fragmented base of information (raw data) has been collected. This step organizes the raw data into classifications and categories that lend themselves to comparison of seemingly unrelated incidents.

For example, modus operandi (MO) data will be sorted and cross referenced so that individual burglary reports can be selected for further study based on the use of a window pry entry. Other factors of the reports can then be compared to determine if any patterns or similarities in the crimes are present. This analysis could indicate that one suspect is involved in all residential burglaries during the past month where a window pry entry was used and that they occur in a five-block radius between 0800 and 1200 on weekdays. This information certainly is useful in deploying line personnel and increases the potential of reducing the burglary rate.

When determining the methods of collation and storage of raw data for crime analysis, several elements must be considered. The data elements found to be most used in analysis are depicted in Figure IV-11, page IV-27.

A forced choice crime report form is useful in capturing this information. "Force choice" refers to a check-box type of form where the reporting officer MUST make a selection in each area describing or identifying the specifics of a particular element. Many agencies use these forms and samples can be obtained and modified to a particular need. Samples of forced choice forms follow Figure IV-12, page IV-29.

Three basic files associated with crime analysis activities are:

1. Offenses - The offense file is generated from information in various crime reports. This file is used primarily for M.O. analysis and case correlations.

Figure IV-10

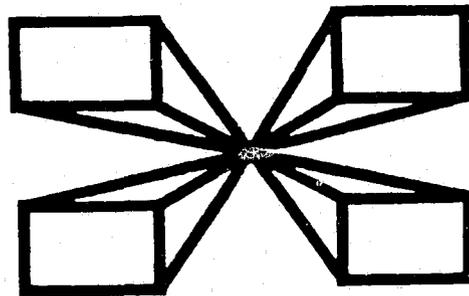
**Possible Sources of
Crime Analysis Information**

WITHIN THE LAW ENFORCEMENT AGENCY

- * Crime Reports
- * Field Interview Cards
- * Communications Reports
- * Intelligence Information
- * Administrative Data

OUTSIDE THE LAW ENFORCEMENT AGENCY

- * Other Law Enforcement Agencies
- * Other Criminal Justice Agencies
- * Social Data
- * Economic Data
- * Census Data
- * Planning Data



This is only a partial list of sources of potentially useful raw data for crime analysis. The basic list should be expanded upon as needed.

Figure IV-11

Universal Factors for Crime Analysis

**CRIME TYPE
CLASSIFICATION**

Burglary class: business-commercial, residential, other.
Robbery class: armed vs. unarmed.
Auto theft: automobile, commercial vehicle, motorcycle, etc.
General larceny: theft from auto, auto accessories, scrap metal, etc.
Sex crimes: forcible rape, child molesting, exposure, etc.
Aggravated assault and murder.

GEOGRAPHICAL

Location offense occurred
Street address of intersection
Block
Sub-reporting area (RD) or census tract
Zone, precinct, district or beat
Grid coordinates

CHRONOLOGICAL

Specific time offense occurred
Time span in which offense occurred (day/night)
Day of the week
Week of the year
Month of the year

**VICTIM TARGET
(Descriptive)**

Victim/person (age, sex, tract, etc.)
Victim/structure (single family, apartment, highrise, etc.)
Victim/premise type (commercial, industrial, public, etc.)
Victim/premise purpose (sales, service, manufacturing, etc.)
Victim knowledge of suspect

**SUSPECT
(Descriptive)**

Name of responsible
Age of responsible
Race of responsible
Sex of responsible
Height of responsible
Weight of responsible
Clothing and unusual characteristics

-over-

SUSPECT VEHICLE
(Descriptive)

Specific license number
Make of vehicle
Model and year of vehicle
Color of vehicle
Damage of vehicle

PROPERTY LOSS
(Descriptive)

Serial number of property loss
Make of property loss (brand name)
Model of property loss
Type of property loss
Purpose/use of property

Police Department Crime Report

1-DATE & TIME RPTD. TO PD		2-RD		POLICE DEPARTMENT				3-BEAT	4-DOMESTIC VIOLENCE <input type="checkbox"/> YES <input type="checkbox"/> NO		
5-TYPE OF CRIME OR INCIDENT								6-PREMISES/VEHICLE SECURED BY			
7-LOCATION OF INCIDENT (OR ADDRESS)							8-DATE & TIME OCCURRED		9-DAY OCCURRED		
10-VICTIM'S NAME (LAST, FIRST, MIDDLE)				11-RESIDENCE ADDRESS		CITY	STATE	ZIP	12-RESIDENCE PHONE		
13-RACE	14-SEX	15-DATE OF BIRTH	16-BUSINESS ADDRESS OR EMPLOYER				17-WORK HOURS	18-DAYS OFF	19-BUSINESS PHONE		
20-V RP DC	W	21-NAME (LAST, FIRST, MIDDLE)		22-RESIDENCE ADDRESS		CITY	STATE	ZIP	23-RESIDENCE PHONE		
24-RACE	25-SEX	26-DATE OF BIRTH	27-BUSINESS NAME & ADDRESS				28-WORK HOURS	29-DAYS OFF	30-BUSINESS PHONE		
31-V RP DC	W	32-NAME (LAST, FIRST, MIDDLE)		33-RESIDENCE ADDRESS		CITY	STATE	ZIP	34-RESIDENCE PHONE		
35-RACE	36-SEX	37-DATE OF BIRTH	38-BUSINESS NAME & ADDRESS				39-WORK HOURS	40-DAYS OFF	41-BUSINESS PHONE		
42-WAS THERE A WITNESS TO THE CRIME? <input type="checkbox"/> YES <input type="checkbox"/> NO				43-WAS THERE A MAJOR INJURY OR RAPE INVOLVED? <input type="checkbox"/> YES <input type="checkbox"/> NO				44-IS THERE A SIGNIFICANT MO PRESENT? <input type="checkbox"/> YES <input type="checkbox"/> NO			
45-IS THERE SIGNIFICANT REASON TO BELIEVE THIS CRIME MAY BE SOLVED? <input type="checkbox"/> YES <input type="checkbox"/> NO				46-IS THERE SIGNIFICANT PHYSICAL EVIDENCE PRESENT? <input type="checkbox"/> YES <input type="checkbox"/> NO				47-IS THE STOLEN PROPERTY TRACEABLE? <input type="checkbox"/> YES <input type="checkbox"/> NO			
48-HAS AN I.D. TECHNICIAN BEEN INVOLVED? <input type="checkbox"/> YES <input type="checkbox"/> NO				49-IT REQUEST		SERIAL NO. ITEMS <input type="checkbox"/> YES <input type="checkbox"/> NO	INSCRIBED ITEMS <input type="checkbox"/> YES <input type="checkbox"/> NO	50-FORM 26 MADE <input type="checkbox"/> YES <input type="checkbox"/> NO		FORM 38 MADE <input type="checkbox"/> YES <input type="checkbox"/> NO	
51-OBJECT/PLACE OF ATTACK											
1 <input type="checkbox"/> STRUCTURE			4 <input type="checkbox"/> BOAT			7 <input type="checkbox"/> PARKING LOT-PUBLIC/SECURITY			52-DESCRIPTION OF SURROUNDING AREA		
2 <input type="checkbox"/> STREET/ALLEY			5 <input type="checkbox"/> PARK/YARD			8 <input type="checkbox"/> CITY PARKING STRUCTURE			A <input type="checkbox"/> RESIDENTIAL		
3 <input type="checkbox"/> VEHICLE			6 <input type="checkbox"/> GARAGE-SINGLE/MULTIPLE			9 <input type="checkbox"/> CONSTRUCTION SITE			B <input type="checkbox"/> BUSINESS		
						10 <input type="checkbox"/> OTHER			E <input type="checkbox"/> PARK/BEACH		
									F <input type="checkbox"/> PIER/HARBOR		
									G <input type="checkbox"/> INDUSTRIAL MFG		
									D <input type="checkbox"/> INSTITUTIONAL		
53-EVIDENCE OBTAINED											
0 <input type="checkbox"/> NONE			2 <input type="checkbox"/> OTHER PRINTS			4 <input type="checkbox"/> VEHICLE			6 <input type="checkbox"/> HAIR		
1 <input type="checkbox"/> FINGERPRINTS			3 <input type="checkbox"/> WEAPONS/TOOLS			5 <input type="checkbox"/> PHOTOS			7 <input type="checkbox"/> STAINS		
									8 <input type="checkbox"/> BLOOD/SEMEN		
									9 <input type="checkbox"/> OTHER		
54-DISPOSITION OF EVIDENCE						55-LOCKER NO.					
56-ADDITIONAL PROPERTY LISTED											
<input type="checkbox"/> YES <input type="checkbox"/> NO			CASH/NOTES \$		CLOTHING \$		OFFICE EQUIP \$		FIREARMS \$		LIVESTOCK \$
JEWELRY/PREC METAL \$		VEHICLE \$		TV/RADIOS/CAMERAS \$		HOUSEHOLD GOODS \$		CONSUMABLE FOOD \$		MISC \$	
										TOTAL \$	
61-AUTO STATUS II		62-PAYMENTS CURRENT? <input type="checkbox"/> YES <input type="checkbox"/> NO		LOCKED STEERING? <input type="checkbox"/> YES <input type="checkbox"/> NO		IGNITION LOCKED? <input type="checkbox"/> YES <input type="checkbox"/> NO		65-DOORS LOCKED? <input type="checkbox"/> YES <input type="checkbox"/> NO		KEYS IN IGNITION? <input type="checkbox"/> YES <input type="checkbox"/> NO	
63-CARDS		64-REGISTRATION VERIFIED BY									
57- <input type="checkbox"/> STOLEN <input type="checkbox"/> FOUND		<input type="checkbox"/> RECOVERED <input type="checkbox"/> IMPOUNDED		58- <input type="checkbox"/> PRIVATE VEH <input type="checkbox"/> COMMERCIAL VEH		<input type="checkbox"/> M/C <input type="checkbox"/> OTHER		59-SPECIAL NOTIFICATION INSTRUCTIONS			
60- <input type="checkbox"/> VEHICLE <input type="checkbox"/> BOAT <input type="checkbox"/> BIKE		LICENSE/CF NO		YEAR	MAKE	MODEL	STYLE (A OTHER UNIQUE DESCRIPTORS)				
WHEEL SIZE INCH		FRAME COLOR	TRIM COLOR	SEAT COLOR	LICENSE NO	BRAKE TYPE	NO OF GEARS	HEADLIGHT <input type="checkbox"/> YES <input type="checkbox"/> NO	BASKET <input type="checkbox"/> YES <input type="checkbox"/> NO	SPECIAL MARKINGS	
68-LOCATION OF RECOVERY						69-NAME OF GARAGE ADDRESS					
70-DATE & TIME RECOVERED				71-CHP FORM 126 MAILED? <input type="checkbox"/> YES <input type="checkbox"/> NO		72-OWNER NOTIFIED? <input type="checkbox"/> YES <input type="checkbox"/> NO			73-BY WHOM? <input type="checkbox"/> MAIL <input type="checkbox"/> PHONE		
74-CONDITION OF VEHICLE						75-RD		76- <input type="checkbox"/> AUTO STATUS II <input type="checkbox"/> CARDS MADE <input type="checkbox"/> OUTSIDE AGENCY II <input type="checkbox"/> CARDS MARKED			
77-OFFICER/PERSON/AGENCY REPORTING RECOVERY						CASE NO.		78-AGENCY REPORTING VEHICLE STOLEN		CASE NO.	DATE STOLEN
LO _____ RO _____						DIVISION					
79-TYPE OF DOCUMENT						80-REASON NOT HONORED					
<input type="checkbox"/> PERSONAL CHECK		<input type="checkbox"/> GOVT CK (FED/ST/CO)		<input type="checkbox"/> CREDIT CARD/INVOICE		<input type="checkbox"/> NSF		<input type="checkbox"/> FORGED		<input type="checkbox"/> STOLEN	
<input type="checkbox"/> COMMERCIAL CHECK		<input type="checkbox"/> TRAVELER'S CHECK		<input type="checkbox"/> DEPOSIT/WITHDRAWAL SLIP		<input type="checkbox"/> ACCOUNT CLOSED		<input type="checkbox"/> RAISED/ALTERED		<input type="checkbox"/> FICTITIOUS PRINTING	
<input type="checkbox"/> CASHIER'S CHECK		<input type="checkbox"/> AIRLINE TICKET		<input type="checkbox"/> OTHER		<input type="checkbox"/> RTM		<input type="checkbox"/> UTL OR NO ACCOUNT		<input type="checkbox"/> SIGNATURE IRREGULAR	
<input type="checkbox"/> MONEY ORDER						<input type="checkbox"/> UTILITY OR NO ACCOUNT		<input type="checkbox"/> OTHER			
81-POSTDATED <input type="checkbox"/> YES <input type="checkbox"/> NO		82-AGREEMENT TO HOLD <input type="checkbox"/> YES <input type="checkbox"/> NO		83-WILL VICTIM PROSECUTE? <input type="checkbox"/> YES <input type="checkbox"/> NO		84-PARTS COMPLETED IN ACCEPTING PERSON'S PRESENCE <input type="checkbox"/> NONE <input type="checkbox"/> ALL <input type="checkbox"/> FACE <input type="checkbox"/> ENDORSEMENT <input type="checkbox"/> MAKER'S SIG					
85-PERSON ACCEPTING DOCUMENT						86-IDENTIFICATION USED (OPER LIC. NO., SOCIAL SECURITY NO.)					
87-REPORTING OFFICER RECOMMENDS <input type="checkbox"/> OFFICE REV <input type="checkbox"/> INV F/U			88-SUPERVISOR REVIEW <input type="checkbox"/> CONCUR <input type="checkbox"/> O/R <input type="checkbox"/> FOLLOW-UP			89-CASE SCREENING OFFICER <input type="checkbox"/> CONCUR <input type="checkbox"/> O/R <input type="checkbox"/> FOLLOW-UP			94-COPIES TO		
90-OFFICER(S) REPORTING			SERIAL NO.			DATE			<input type="checkbox"/> INVESTIGATIONS		
91-SUPERVISOR APPROVING			SERIAL NO.			DATE			<input type="checkbox"/> CITY ATTORNEY		
92-SECURITY CHECK REQUESTED <input type="checkbox"/> YES <input type="checkbox"/> NO			93-STENO NAME			SERIAL NO.			<input type="checkbox"/> CRIME PREVENTION		
<input type="checkbox"/> VICTIM <input type="checkbox"/> WITNESS <input type="checkbox"/> OTHER						DATE/TIME RECD			<input type="checkbox"/> CRIME ANALYSIS		
									<input type="checkbox"/> PROPERTY		
									<input type="checkbox"/> DOJ		
									<input type="checkbox"/> CHIEF		

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Figure IV-12 (Page 2)

Police Department Crime Report

SUSPECT INFORMATION

PAGE ____ OF ____

S.F.	95-WAS A SUSPECT ARRESTED?	<input type="checkbox"/> YES <input type="checkbox"/> NO	96-CAN A SUSPECT BE IDENTIFIED?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
	97-CAN A SUSPECT BE NAMED?	<input type="checkbox"/> YES <input type="checkbox"/> NO	93-CAN A SUSPECT BE DESCRIBED?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
	99-CAN A SUSPECT BE LOCATED?	<input type="checkbox"/> YES <input type="checkbox"/> NO	100-CAN A SUSPECT VEHICLE BE IDENTIFIED?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
SUSPECT DESCRIPTORS	101-SUSPECT NO. 1 (LAST, FIRST, MIDDLE)		NICKNAME (AKA)	110-RACE	103-SEX	104-AGE	105-HT	106-WT	107-BUILD	108-HAIR	109-EYES	110-DOB	
	111-SUSPECT'S ADDRESS, KNOWN HANGOUTS, OTHER IDENTIFYING MARKS											112-BOOKING NO	
	113-SUSPECT NO. 2 (LAST, FIRST, MIDDLE)		NICKNAME (AKA)	114-RACE	115-SEX	116-AGE	117-HT	118-WT	119-BUILD	120-HAIR	121-EYES	122-DOB	
	123-SUSPECT'S ADDRESS, KNOWN HANGOUTS, OTHER IDENTIFYING MARKS											124-BOOKING NO	
	125-VEHICLE	YEAR	MAKE	MODEL	COLOR/COLOR	BODY STYLE	LICENSE NO		STATE				
	126-ADDITIONAL VEHICLE IDENTIFIERS (DAMAGE, CHROME WHEELS, ETC.)								VEHICLE IMPOUNDED	LOCATION			
									<input type="checkbox"/> YES <input type="checkbox"/> NO				
	127-SUSPECT(S) CLOTHING				128-WEAPON(S) <input type="checkbox"/> N/A				129-TATTOOS				
	SUSPECT NO. 1		SUSPECT NO. 2		#1 #2 SUSPECT				#1 #2 SUSPECT				
	1 SKI MASK				A <input type="checkbox"/> HANDGUN	#1 CALIBER		<input type="checkbox"/> ARM					
2 STOCKING MASK				B <input type="checkbox"/> AUTOMATIC	LENGTH		<input type="checkbox"/> HAND						
3 CAP/HAT				C <input type="checkbox"/> REVOLVER			<input type="checkbox"/> ABDOMEN/CHEST						
4 COAT/JACKET				D <input type="checkbox"/> BLUE STEEL	#2 CALIBER		<input type="checkbox"/> HEAD/FACE						
5 SHIRT				E <input type="checkbox"/> CHROME NICKEL	LENGTH		<input type="checkbox"/> SHOULDER/BACK						
6 PANTS				F <input type="checkbox"/> RIFLE/SHOTGUN			<input type="checkbox"/> LEGS/FEET						
7 SHOES				G <input type="checkbox"/> SAWED OFF			<input type="checkbox"/> OTHER						
8 JEWELRY				H <input type="checkbox"/> KNIFE			130-SCARS						
9 GLASSES				I <input type="checkbox"/> OTHER CUTTING/STABBING INSTRUMENT			#1 #2 SUSPECT						
10 OTHER				J <input type="checkbox"/> HANDS/BODILY FORCE			<input type="checkbox"/> ARM						
				K <input type="checkbox"/> CLUB/BLUDGEON			<input type="checkbox"/> ABDOMEN/CHEST						
				L <input type="checkbox"/> SIMULATED WEAPON			<input type="checkbox"/> HEAD/FACE						
				M <input type="checkbox"/> OTHER			<input type="checkbox"/> SHOULDER/BACK						
							<input type="checkbox"/> LEGS/FEET						
							<input type="checkbox"/> OTHER						
ADDITIONAL CLOTHING LIST IN NARRATIVE				ADDITIONAL WEAPONS LIST IN NARRATIVE									
131-HAIR LENGTH /TYPE	132-HAIR STYLE	133-FACIAL HAIR	134-COMPLEXION	135-APPEARANCE	136-DEMEANOR	137-SPEECH/VOICE	138-LARCENY ONLY						
#1 #2 SUSPECT	#1 #2 SUSPECT	#1 #2 SUSPECT	#1 #2 SUSPECT	#1 #2 SUSPECT	#1 #2 SUSPECT	#1 #2 SUSPECT	A <input type="checkbox"/> POCKET PICK						
A <input type="checkbox"/> UNKNOWN	A <input type="checkbox"/> UNKNOWN	A <input type="checkbox"/> UNKNOWN	A <input type="checkbox"/> UNKNOWN	A <input type="checkbox"/> UNKNOWN	A <input type="checkbox"/> UNKNOWN	A <input type="checkbox"/> UNKNOWN	B <input type="checkbox"/> PURSE SWATCH						
B <input type="checkbox"/> BALD	B <input type="checkbox"/> AFRICAN	B <input type="checkbox"/> CLEAN SHAVE	B <input type="checkbox"/> ACNE	B <input type="checkbox"/> CASUAL	B <input type="checkbox"/> CASUAL	B <input type="checkbox"/> ANGRY	C <input type="checkbox"/> SHOPLIFT						
C <input type="checkbox"/> COLLAR	C <input type="checkbox"/> BRAIDED	C <input type="checkbox"/> FULL BEARD	C <input type="checkbox"/> DARK	C <input type="checkbox"/> DIRTY	C <input type="checkbox"/> APOLOGETIC	C <input type="checkbox"/> ACCENT	D <input type="checkbox"/> FROM MOTOR VEHICLE						
D <input type="checkbox"/> LONG	D <input type="checkbox"/> BUSHY	D <input type="checkbox"/> FU MANCHU	D <input type="checkbox"/> FRECKLED	D <input type="checkbox"/> DISGUISE	D <input type="checkbox"/> CALM	D <input type="checkbox"/> LISPS STUTTERS	E <input type="checkbox"/> NEW PARTS						
E <input type="checkbox"/> SHOULDER	E <input type="checkbox"/> GREASY	E <input type="checkbox"/> GOATEE	E <input type="checkbox"/> LIGHT	E <input type="checkbox"/> FLASHY	E <input type="checkbox"/> DISORIENTED	E <input type="checkbox"/> MUMBLES	F <input type="checkbox"/> ACCESSORIES						
F <input type="checkbox"/> SHORT	F <input type="checkbox"/> MILITARY	F <input type="checkbox"/> LOWER LIP	F <input type="checkbox"/> MEDIUM	F <input type="checkbox"/> GOOD LOOKING	F <input type="checkbox"/> IRRATIONAL	F <input type="checkbox"/> OFFENSIVE LOUD	G <input type="checkbox"/> FROM BUILDING						
G <input type="checkbox"/> COARSE	G <input type="checkbox"/> PONYTAIL	G <input type="checkbox"/> MUSTACHE	G <input type="checkbox"/> PALE	G <input type="checkbox"/> MILITARY	G <input type="checkbox"/> NERVOUS	G <input type="checkbox"/> QUIET/SOFT	H <input type="checkbox"/> CON MACHINE						
H <input type="checkbox"/> FINE	H <input type="checkbox"/> PROCESSED	H <input type="checkbox"/> NONE FUZZ	H <input type="checkbox"/> POKED	H <input type="checkbox"/> UNKEMPT	H <input type="checkbox"/> POLITE	H <input type="checkbox"/> MOWTONE	I <input type="checkbox"/> OTHER						
I <input type="checkbox"/> THICK	I <input type="checkbox"/> STRAIGHT	I <input type="checkbox"/> SIDE BURNS	I <input type="checkbox"/> RUDDY	I <input type="checkbox"/> UNUSUAL ODDR	I <input type="checkbox"/> PROFESSIONAL	I <input type="checkbox"/> RAPID TALKATIVE							
J <input type="checkbox"/> THINNING	J <input type="checkbox"/> WAVY/CURLY	J <input type="checkbox"/> UNSHAVEN	J <input type="checkbox"/> SALLOW	J <input type="checkbox"/> WELL-GROOMED	J <input type="checkbox"/> STUPOR	J <input type="checkbox"/> SLOW							
K <input type="checkbox"/> WIRY	K <input type="checkbox"/> WIG	K <input type="checkbox"/> VAN DYKE	K <input type="checkbox"/> TANNED	K <input type="checkbox"/> OTHER	K <input type="checkbox"/> VIOLENT	K <input type="checkbox"/> RASPY/NASAL							
L <input type="checkbox"/> OTHER	L <input type="checkbox"/> OTHER	L <input type="checkbox"/> OTHER	L <input type="checkbox"/> OTHER		L <input type="checkbox"/> OTHER	L <input type="checkbox"/> DISGUISED							
						L <input type="checkbox"/> HIGH-PITCHED							
						M <input type="checkbox"/> OTHER							
139-SUSPECT'S RELATION TO VICTIM A <input type="checkbox"/> UNKNOWN B <input type="checkbox"/> RELATIVE C <input type="checkbox"/> ACQUAINTANCE D <input type="checkbox"/> STRANGER 140-ADDITIONAL SUSPECTS LISTED <input type="checkbox"/> YES <input type="checkbox"/> NO													
M.O. FACTORS	141-NON-RESIDENTIAL		143-RESIDENTIAL		145-POINT OF ENTRY		146-METHOD OF ENTRY		147-SUSPECT ACTIONS				
	A <input type="checkbox"/> CONVENIENCE	1 <input type="checkbox"/> SINGLE FAMILY DWLG	A <input type="checkbox"/> FRONT	<input type="checkbox"/> N/A	A <input type="checkbox"/> UNKNOWN	1 <input type="checkbox"/> USED FORCE TO GAIN ENTRY	27 <input type="checkbox"/> USED LOOKOUT/DRIVER						
	B <input type="checkbox"/> FAST FOOD	2 <input type="checkbox"/> APARTMENT	B <input type="checkbox"/> REAR		B <input type="checkbox"/> ATTEMPT ONLY	2 <input type="checkbox"/> MID IN BUILDING	28 <input type="checkbox"/> CAT BURGLARY						
	C <input type="checkbox"/> RESTAURANT/BAR	3 <input type="checkbox"/> CONDO	C <input type="checkbox"/> SIDE		C <input type="checkbox"/> NO FORCE	3 <input type="checkbox"/> OCCUPIED BUILDING	29 <input type="checkbox"/> MADE THREATS						
	D <input type="checkbox"/> DRUG/MEDICAL	4 <input type="checkbox"/> DUPLEX	D <input type="checkbox"/> GR LEVEL		D <input type="checkbox"/> PET DOOR	4 <input type="checkbox"/> UNOCCUPIED BUILDING	30 <input type="checkbox"/> THREATENED RETALIATION						
	E <input type="checkbox"/> GAS STATION	5 <input type="checkbox"/> UP LEVEL	E <input type="checkbox"/> UP LEVEL		E <input type="checkbox"/> LOCK PICK	5 <input type="checkbox"/> INDICATION OF MULTIPLE SUSPECTS	31 <input type="checkbox"/> PUSHED SHOVED VICTIM						
	F <input type="checkbox"/> RETAIL SEV	6 <input type="checkbox"/> TRIPLEX	F <input type="checkbox"/> DOOR		F <input type="checkbox"/> SHIM LATCH	6 <input type="checkbox"/> INDICATION OF TECHNICAL SKILLS	32 <input type="checkbox"/> FORCED VICTIM TO LIE ON FLOOR						
	G <input type="checkbox"/> RETAIL CON	7 <input type="checkbox"/> UNITS	G <input type="checkbox"/> WINDOW		G <input type="checkbox"/> CUT SCREEN	7 <input type="checkbox"/> VANDALIZED	33 <input type="checkbox"/> STRUCK VICTIM						
	H <input type="checkbox"/> FINANCIAL INST	8 <input type="checkbox"/> HOTEL/MOTEL	H <input type="checkbox"/> SLIDING GLASS DOOR		H <input type="checkbox"/> BODY FORCE	8 <input type="checkbox"/> RANSACKED	34 <input type="checkbox"/> BOUND/GAGGED VICTIM						
	I <input type="checkbox"/> ENTERTAIN REC	9 <input type="checkbox"/> NO OF STORIES	I <input type="checkbox"/> SLIDING GLASS WINDOW		I <input type="checkbox"/> SCREWDRIVER	9 <input type="checkbox"/> DEFEATED	35 <input type="checkbox"/> SUSPECT COVERED/HID FACE						
J <input type="checkbox"/> PUBLIC BUILDING	144-TARGET(S)	J <input type="checkbox"/> LOUVRES		J <input type="checkbox"/> UNK PRY TOOL	10 <input type="checkbox"/> SMOKED ON PREMISES	36 <input type="checkbox"/> USED DEMAND NOTE							
K <input type="checkbox"/> INDUSTRIAL	A <input type="checkbox"/> ATTIC	K <input type="checkbox"/> DUCT/VENT		K <input type="checkbox"/> CROWBAR	11 <input type="checkbox"/> ATE/DROOK ON PREMISES	37 <input type="checkbox"/> DEMANDED MONEY							
L <input type="checkbox"/> OTHER	B <input type="checkbox"/> BASEMENT	L <input type="checkbox"/> ROOF/FLOOR		L <input type="checkbox"/> LOCKING PLIERS	12 <input type="checkbox"/> USED MATCHES	38 <input type="checkbox"/> PLACED PROPERTY IN SACK/POCKET							
	C <input type="checkbox"/> BATHROOM	M <input type="checkbox"/> WALL		M <input type="checkbox"/> BRICK PCKER	13 <input type="checkbox"/> USED VICTIM'S TOOLS	39 <input type="checkbox"/> REMOVED CASH FROM REGISTER							
	D <input type="checkbox"/> BEDROOM	N <input type="checkbox"/> GARAGE CARPORT		N <input type="checkbox"/> WINDOW SMASH	14 <input type="checkbox"/> USED G.OVES	40 <input type="checkbox"/> SUSPECT ARMED							
	E <input type="checkbox"/> DINING ROOM	O <input type="checkbox"/> ADJACENT BLDG		O <input type="checkbox"/> CUT GLASS	15 <input type="checkbox"/> DEFEATED SECURITY	41 <input type="checkbox"/> SUSPECT FRED WEAPON							
	F <input type="checkbox"/> FAMILY ROOM	P <input type="checkbox"/> OTHER		P <input type="checkbox"/> SAW DRILL	16 <input type="checkbox"/> SHUT OFF POWER	42 <input type="checkbox"/> MOLESTED VICTIM							
	G <input type="checkbox"/> GARAGE/CARPORT				17 <input type="checkbox"/> DISABLED PHONE	43 <input type="checkbox"/> MASTURBATED							
	H <input type="checkbox"/> KITCHEN				18 <input type="checkbox"/> KNEW LOCATION OF HIDDEN CASH	44 <input type="checkbox"/> RIPPED CUT CLOTHING							
	I <input type="checkbox"/> LIVING ROOM				19 <input type="checkbox"/> SELECTIVE IN LOOT	45 <input type="checkbox"/> SUSPECT DISROBED							
	J <input type="checkbox"/> STORAGE AREA				20 <input type="checkbox"/> TOOK ONLY TV/STEREO	46 <input type="checkbox"/> COVERED VICTIM'S FACE							
	K <input type="checkbox"/> OTHER				21 <input type="checkbox"/> TOOK ONLY MONEY	47 <input type="checkbox"/> USED VICTIM'S NAME							
1 <input type="checkbox"/> CASH REG DRAWER					22 <input type="checkbox"/> TOOK ONLY TOOLS	48 <input type="checkbox"/> OFFERED VICTIM ASSISTANCE							
2 <input type="checkbox"/> OWNER/EMPLOYEE					23 <input type="checkbox"/> TOOK ONLY CONCEALABLES	49 <input type="checkbox"/> UNUSUAL DOOR ON SUSPECT							
3 <input type="checkbox"/> SAFE BOX					24 <input type="checkbox"/> VEHICLE NEEDED TO REMOVE PROPERTY	50 <input type="checkbox"/> SUSPECT PRETENDED TO BE							
4 <input type="checkbox"/> VENDING MACHINE					25 <input type="checkbox"/> TOOK VICTIM'S VEHICLE	51 <input type="checkbox"/> OTHER							
5 <input type="checkbox"/> DISPLAY ITEMS					26 <input type="checkbox"/> USED STOLEN VEHICLE								
6 <input type="checkbox"/> CUSTOMER													
7 <input type="checkbox"/> OTHER													
149 SEC. P. ** USED <input type="checkbox"/> N/A <input type="checkbox"/> 1 <input type="checkbox"/> ALARM 2 <input type="checkbox"/> BARS GRATE 3 <input type="checkbox"/> DOG 4 <input type="checkbox"/> GUARD													
NARRATIVE	150-NOTES/NARRATIVE												

2. Suspects/vehicles - The suspect/vehicles file is used to identify possible suspects, based on M.O. information contained in the offense file.
3. Field interrogation card (FI's) - FI cards contain information about people in given locations at specified times. M.O. information is generally not available, but this file is also useful for identification.

Depending on the structure of the analysis unit, other files may be necessary or desirable. Care should be taken not to duplicate file information kept elsewhere within the agency when setting up additional files for crime analysis.

Methods of storage and retrieval of information are dependent upon available resources. Manual systems can be designed and be reasonably effective. The sophistication of the analysis may be restricted by limits on time, money and equipment.

Automation provides the most rapid, efficient means of capturing, storing, sorting and retrieving information for crime analysis.

Analysis

Once data is collected, collated and stored, the actual analysis takes place. Information gathered is analyzed from two broad perspectives: modus operandi (M.O.) pattern detection and correlation, and operations analysis.

M.O. pattern detection and correlation refers generally to using mapping techniques, or searching the various files in order to determine if similar offenses or a crime series are occurring, and correlating cases once an arrest is made. The four basic categories of M.O. analysis are:

- o geographic pattern detection (spot maps),
- o specific M.O. patterns (common unique characteristics),
- o suspect information (match crime with people files), and,
- o case correlation (match arrestee to other cases based on M.O.).

The actual analysis of the data involves the intuition of the analyst, factual comparisons, extensive research and the use of mathematical and statistical functions. The analytical process will not be the same in every situation. As the dictionary definition states, analysis is the examination of a complex whole, its elements and their relations. The analysis of criminal activity focuses on the relationships between seemingly unrelated events so that proactive enforcement can be planned.

There are a number of reference manuals available to guide crime analysis activities. The purpose of this manual is to familiarize records personnel with the elements and concept of crime analysis. For further study, reference material directly related to crime analysis should be consulted.

Recommendations and Dissemination

This element is the crucial step that initiates response to the conclusions of the analysis. Once the raw data is analyzed, summarized and the specific relationships are recorded, recommendations are made. These are usually in the form of suggested strategies to impact the "target" that has been identified and specifically defined by analysis.

At this point in the crime analysis, three factors are present: a factually identified "target," analysis and correlation of the initial data, and a suggested strategy. The next phase requires dissemination of the summarized data to all personnel who may commit resources to implementation of the plan.

M.O. information, maps and photographs are included in the memoranda disseminated to various members of the agency. Graphs and charts indicating changes in status or relationships may also be helpful. Crime analysis memoranda generally fall into five categories. They are:

1. Patrol--used for directing patrol operations.
2. Investigative--used to clear cases, interview witnesses, investigate suspects and provide investigative leads.
3. Task Force--used by strike forces to plan directed operations against specified crime problems.
4. Crime Prevention--used to educate potential victims.
5. Evaluation--used by supervisors and managers to evaluate the effectiveness of a given action plan.

The important things to remember in the dissemination of crime analysis information are that it includes all relevant data and is distributed in a timely manner.

The formats and channels used to distribute the completed analysis can vary widely. Those employees who will ultimately use the information to design an action plan should be included in the design process to ensure that the final product is useful.

Action Plan Design

This step is completed after the information is disseminated. Depending upon the nature of the target, either patrol, detectives,

task force or crime prevention may be involved. The action plan may involve a combination of these units. This is where decisions are made on how to implement the suggested strategies. These will be decisions concerning personnel and equipment deployment, accountability and responsibility, and time frames. Once these decisions have been made, the plan is implemented by appropriate personnel.

Evaluation

This is the final step in the crime analysis process. It involves an element similar to the analysis phase. Basically the same steps used to initially analyze data are repeated, noting any changes that may have occurred.

It is important that the results of the evaluation process be disseminated to all concerned personnel. These changes (or lack thereof) will serve as the basis for evaluation of the effectiveness of the chosen action plan.

The purpose of this manual is not to provide a complete course in crime analysis. The intention is to familiarize the reader with the various concepts and requirements of crime analysis for consideration in records systems design. Should serious consideration be given to the implementation of an active crime analysis unit, further research is necessary to fully understand the mathematical and statistical applications. The California Department of Justice offers a POST-certified course titled "Introduction to Criminal Analysis" which will provide a solid foundation for implementation of the program. A manual/workbook of the same title is provided with the courses and is available from DOJ in limited quantities.

Automation and Crime Analysis

This Records Management Manual specifically addresses non-automated record keeping systems. However, it is appropriate to address automation as it applies to crime analysis.

The general trend is toward automation. Consequently, improvements in technology and consumer demand have drastically reduced the start-up costs for an automated system. Some systems, particularly personal computers, are usually within the budgetary limitations of most agencies.

It is important to understand the concepts and design of a good manual crime analysis system before attempting to automate, either fully or partially. A good automated system will capture the elements of an effective manual system, dramatically improving the speed, accuracy and efficiency of the process.

Summary

Statistics, in general, play an important role in law enforcement activities. Used wisely, these applications provide tools for decision-making, action planning and evaluation of police functions.

V. RECORDS RETENTION/DESTRUCTION

Introduction

This manual section discusses the retention and destruction of law enforcement records. California state law requires the collection and processing of certain records. The collection and retention of other records is optional, and aimed at providing law enforcement with a pool of "good investigative information." Certain documents become less valuable as an information resource with the passage of time. Their continued retention inhibits an agency's ability to reference more current and valuable information sources.

The Records Unit is responsible for receiving, processing, retrieving, and storing these documents. The records supervisor is generally responsible for:

- o the quality of information being stored, retrieved and disseminated,
- o the possible ramifications of retention of information beyond "reasonable period of usefulness" or legal mandate,
- o the cost of permanently storing the hard copy documents; or the cost of alternative storage of archive documents,
- o the time consumed in referencing archive documents which may be stored off-site or in an inconvenient area of the facility,
- o ensuring the security of these documents, and,
- o the general loss of efficiency when documents are kept indefinitely.

The intent of this section is to identify those laws that apply to records retention and destruction. It will also provide the framework for a retention and destruction program; make specific recommendations for retention and destruction; and provide sample resolutions and other documents necessary to establish a program.

Within the guidelines of the legal statutes referenced in this section, agencies should establish an on-going schedule for the purge and destruction of documents.

The three units of this section include:

1. Mandated purge/destruction requirements,

2. Government Code Sections applicable to records purge/destruction, and,
3. Discussion of microfilming as an alternative to destruction.

The first unit of this section will identify those code sections which MANDATE the purge/destruction of specified types of records within identified time frames. Included will be information from:

- o 11361.5 Health and Safety Code (H&S) - dealing with the mandated destruction of arrest and conviction records related to the possession of marijuana,
- o 781(a) Welfare and Institutions Code (W&I) - dealing with the destruction of sealed juvenile records, and,
- o 851.8 Penal Code (PC) - dealing with the destruction of sealed adult records and specified records of Youth Authority parolees.

Also presented is information regarding statutes of limitations. These statutes must be considered in determining the retention period of crime reports. Information regarding record retention considerations related to the commencement of civil actions, and retention information dealing with records involving city/county personnel is also included.

The next unit of this section lists the Government Code (GC) sections which apply to the purge/destruction of:

1. City Records,
2. County Records, and,
3. City and County Records.

A discussion of the code content is provided after each code section.

Once the code sections related to mandatory destruction, retention criteria for statutes of limitations, and destruction of city/county records have been reviewed, a step-by-step process is provided to assist in preparation of a purge/destruction resolution. Recommendations are also given to assist in carrying out the actual purge of files.

The last unit of this section addresses considerations for microfilming records. Microfilming is discussed as an alternative method of storage for records which have been identified as requiring long retention periods.

Code Sections Requiring Purge/Destruction Of Specified Records

The Code Sections listed identify the types of records that MUST be purged/destroyed. The retention of records that are required by law to be purged/destroyed exposes agencies to potential civil liability. For purposes of convenience, each code section will be presented individually.

Marijuana-Health & Safety Code (H&S)

11361.5 (a) H&S - Purge/destruction of Arrest and Conviction Records; Procedure; Exceptions

Refers to: Conviction of any person for violation of Health and Safety Code Sections 11357 (b), (c), (d) or (e), or 11360(b)

Applies to: Convictions occurring AFTER January 1, 1976, or arrests not followed by a conviction occurring after January 1, 1976.

Discussion

This section states that records as described above shall not be kept beyond two (2) years from the date of conviction or from the date of arrest if there was no conviction. One exception is a violation of 11357(e) Health and Safety by a juvenile. The record shall be retained until the offender attains the age of eighteen (18) years at which time the records shall be destroyed as provided in this section (11361.5 H&S).

NOTE: SECTION 11361.5 (d) H&S states that "no records shall be destroyed pursuant to subdivision (a) if the defendant or codefendant has filed a civil action against the peace officers or law enforcement jurisdiction which made the arrest or instituted the prosecution if the agency which is the custodian of those records has received a certified copy of the complaint in the civil action, until the civil action has finally been resolved."

Immediately following the final resolution of the civil action, records subject to subdivision (a) shall be destroyed pursuant to subdivision (c) if more than two years have elapsed from the date of the conviction or arrest without conviction.

11361.5 (b) H&S - Destruction of arrest and conviction records; applicable offenses; method; records not applicable; cost.

Refers to: Sections 11357, 11364, 11365 and 11550 H&S as they relate to marijuana use, paraphernalia, visiting a place where marijuana is used, and being under the influence of marijuana, and as these sections existed prior to January 1, 1976, or statutory predecessors of any of these sections.

Applies to: Records of convictions and arrests not followed by conviction occurring prior to January 1, 1976.

Discussion

This section provides for persons subject to an arrest or conviction for those offenses listed above to apply to the Department of Justice for purge/destruction of those records. Once the application for purge/destruction is approved, "Each state or local agency receiving notice from the Department of Justice SHALL DESTROY records of the agency, if any, pertaining to the arrest or conviction specified in the notice, in the manner prescribed below":

11361.5(c) Health and Safety Code Method Of Destruction

"Destruction of records of arrest or conviction pursuant to subdivision (a) or (b) shall be accomplished by permanent obliteration of all entries or notations upon the records pertaining to the arrest or conviction, and the record shall be prepared again so that it appears that the arrest or conviction never occurred. However, where (1) the only entries upon the record pertain to the arrest or conviction and (2) the record can be destroyed without necessarily effecting the purge/destruction of other records, then the document constituting the record shall be physically destroyed."

Juvenile Records—Welfare & Institutions Code (W&I)

781 (a) W&I - Sealing of Records

Refers to: Records of matters involving the arrest, detention and/or petitioning of a juvenile before the juvenile court which have now been sealed by order of the juvenile court.

Applies to: Records sealed pursuant to the provisions of section 781 W&I.

Discussion

This section states, in part, "Once the court has ordered the person's records sealed...The court shall send a copy of the order to each agency and official named therein, directing the agency to seal its records and stating the date thereafter to destroy the sealed records."

826 (a) & (b) W&I - Purge/Destruction of Records

Refers to: Purge/destruction of probation and juvenile court records relating to minors, starting in section ...(a) that the Probation Department may destroy all records...five years after juvenile court jurisdiction has terminated and the juvenile court record shall be destroyed by order of the court....

Applies to: Local law enforcement records within section (b) which states "if an individual whose juvenile record has been destroyed or released under subdivision (a) discovers that any other agency still retains a record, the individual may file a petition with the court requesting that the records be destroyed. The court shall order that such records also be destroyed unless for good cause the court determines to the contrary."

Discussion

Subsection (a) provides for the records in possession of the probation department and the juvenile court relating to minors to be ordered destroyed. Subsection (b) basically states that if, after the records of the probation department and the juvenile court are ordered destroyed, the subject of the record becomes aware that any other agency still retains a record, the subject may petition the court for an order to destroy the record.

Sex Registration Records—Penal Code (PC)

290(d)(1) PC - Registration of Sex Offenders

Refers to: Any person who, on or after January 1, 1986, is discharged or paroled from the Youth Authority to the custody of which he or she was committed after having been adjudicated a ward of the court pursuant to Section 602 of the Welfare and Institutions Code because of the commission or attempted commission of offenses subject to registration.

Applies to: All records specifically relating to the registration in the custody of the Department of Justice, law enforcement agencies, and other agencies or public officials.

Discussion

This section requires that records of registration pertaining to a subject either paroled or discharged by the California Youth Authority shall be destroyed when the person required to register attains the age of 25 or has his or her records sealed under the procedures set forth in 781 WIC, whichever event occurs first.

Adult Records—Penal Code (PC)

851.8 PC - Sealing and purge/destruction of arrest records by law enforcement agency; Petition.

Refers to: Arrest records in which the subject of the record has been found "factually innocent" of the charges.

Applies to: Arrest records sealed pursuant to this section. 851.8 (a) PC states, in part: "The law enforcement agency having jurisdiction over the offense, upon a determination that the person arrested is factually innocent, shall, with the concurrence of the district attorney, seal its arrest records, and the petition for relief under this section for three years from the date of the arrest and thereafter destroy its arrest records and the petition." (For more specific details regarding the requirements of section 851.8 (a) PC, refer to the section in this manual entitled "Secondary Processes.")

Retention Periods—Statutes Of Limitations

Criminal

The following code sections specify statutes of limitations for the filing of criminal complaints. In determining record retention requirements, the Penal Code sections listed should be reviewed because they specify the period of time after an incident in which a criminal complaint must be filed. If a complaint is not filed during that time span, the matter can no longer be prosecuted in criminal court.

In preparing a purge/destruction resolution, it is recommended that these section numbers be listed and the purpose explained.

- Penal Code Section: 799 - Offenses punishable by death, life imprisonment without parole, or embezzlement of public money.
- 800 - Offenses punishable by imprisonment for eight years or more.
- 801 - Offenses punishable by imprisonment in state prison.
- 802 - Offenses not punishable by death or imprisonment in state prison; Sex offenses upon minor.
- 803 - Tolling or extension of time period.
- 804 - Commencement of prosecution.
- 805 - Determination of applicable limitation period.
- 805.5 - Application of chapter; "Operative Date"
- 832.5 - Procedure for investigation of citizen's complaints against personnel.

Civil

Chapter 2 of the Code of Civil Procedures presents information regarding the commencement of civil actions. When considering the retention of "non-criminal" documents such as traffic accident reports, reports of injured persons, etc., consider the most reasonable period of retention to allow availability of these documents for any civil action which could result from the documented occurrence.

Other Retention Considerations

Reports involving city/county employees have the potential for reference as long as the employee is employed and, in some cases beyond their employment. This reference could result from a worker's compensation claim of injury, or in the form of a claim of liability against the employing agency. There are two options to consider. They are:

1. Ensure that a copy of the original document is available in the employee's file (i.e., officers involved in traffic accidents).
2. When such a report is being reviewed for purge/destruction, consider forwarding the original report for storage in the employee's agency file or, if the employee is no longer employed with the agency, to the personnel department for retention in the employee's file.

Retention of documents pending the resolution of civil matters can be accomplished by flagging the identified documents and noting the civil court case number. This will enable contact with the civil court clerk at a later date (when you would normally purge/destroy the document) to determine the status of the case.

Purge/Destruction Of City Records

The Government Code (GC) sections listed under this heading apply specifically to the purge/destruction of CITY records and are therefore directed to city police agency records. These code sections present the framework within which a purge/destruction ordinance must be prepared and specify that approval of such an ordinance requires the concurrence of the agency head, the city attorney and the governing body.

34090 GC - Purge/destruction of city records; excepted records; construction

"Unless otherwise provided by law, with the approval of the legislative body by resolution and the written consent of the agency attorney the head of a city agency may destroy any city record, document, instrument, book or paper, under his charge, without making a copy thereof, after the same is no longer required."

This section does not authorize the purge/destruction of:

- o Records affecting the title to real property or liens thereon.
- o Court records.
- o Records required to be kept by statute.
- o Records less than two years old.
- o The minutes, ordinances, or resolutions of the legislative body or of a city board or commission.

Discussion

Section 34090 GC basically states that if the record does not affect the title to real property or liens thereon, and

- o if the records are not court records, and
- o if there is no statute that requires that the record be kept, and
- o if the record is more than two years old, and
- o if the records are not minutes, ordinances, or resolutions of the legislative body or of a city board or commission, that:
 - a. On the request of your agency head, and
 - b. with the written consent of your City Attorney, and,
 - c. with the approval of the legislative body (city council) by resolution,
 - d. you may destroy any city record, document, instrument, book or paper, within your agency, without making a copy of it, after it is no longer needed.

34090.5 GC - Purge/destruction of records; conditions

"Notwithstanding the provisions of Section 34090, the city officer having custody of public records, documents, instruments, books, and papers, may without the approval of the legislative body or the written consent of the city attorney, cause to be destroyed any or all of such records, documents, instruments, books, and papers. if all of the following conditions are complied with:

1. The record, paper, or document is photographed, microphotographed, or reproduced on film, optical disk or any other medium, of a type approved for permanent photographic records by the National Institute of Standards and Technology.
2. The device used to reproduce such record, paper, or document on film, optical disk or any other medium, is one which accurately and legibly reproduces the original thereof in all details.
3. The photographs, microphotographs, or other reproductions on film, optical disk or any other medium, are made as accessible for public reference as the book records were.
4. A true copy of archival quality of such film, optical disk or any other medium, reproductions shall be kept in a safe and separate place for security purposes.

Provided, however, that no page of any record, paper, or document shall be destroyed if any such page cannot be reproduced on film with full legibility. Every such unreproducible page shall be permanently preserved in a manner that will afford easy reference." (Added Stats. 1955. Amended by Stats. 1970 and 1971).

Discussion

Section 34090.5 GC basically states that if the records are photographed, microphotographed, or reproduced on film approved for permanent records; and

- o the quality of the equipment used to photograph or reproduce the document provides the ability to reproduce a legible copy of the photographed document(s); and
- o the photographed records are made as accessible to the public as the original document(s) were; and
- o a second "archival quality" copy of the film reproductions are kept in a safe and separate place for security reasons, that;
- o the public records, documents, instruments, books, and papers may be destroyed without approval of the legislative body, or City Attorney.

Clarification Of 34090 And 34090.5 GC

In an effort to clarify the meaning of these two sections, the basic difference between them is this:

- o 34090 GC allows the purge/destruction of those law enforcement records that meet the listed criteria [(a) through (e) of 34090 GC] without microfilming provided that the City Attorney and the local governing body (city council) approve the purge/destruction by resolution.
- o 34090.5 GC says basically that the destruction of original records without first obtaining city attorney and council approval, is permissible if microfilmed, photographed or reproduced on a film, optical disk or any other medium for permanent reference.

34090.7 GC - Duplicate records less than five years old; destruction.

"Notwithstanding the provisions of Section 34090, the legislative body of a city may prescribe a procedure under which duplicates of city records less than five years old may be destroyed if they are no longer required."

Discussion

Section 34090.7 GC basically states that if the documents are duplicates of original documents; and these duplicates are less than five years old, that:

- o the city council may prescribe a procedure under which these duplicate files may be destroyed.

Summary

This section states that city law enforcement records may be destroyed when either a resolution is adopted approving purge/destruction of the records (34090 and 34090.7 GC), or after first microfilming or preserving the documents by some other method of permanent storage (34090.5 GC).

Purge/Destruction Of County Records

The Government Code (GC) sections listed under this heading apply specifically to the purge/destruction of COUNTY records and are therefore directed to county sheriffs agency records. These code sections present the framework within which a purge/destruction resolution must be prepared and specify that approval of such a resolution requires the concurrence of the agency head, the agency attorney and the governing body.

26205 GC - Purge/destruction of certain records; conditions

"At the request of the county officer concerned, the board of supervisors of any county may authorize the purge/destruction of any record, paper, or document which is not expressly required by law to be filed and preserved if all of the following conditions are complied with:

1. The record paper, or document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, or reproduced on film, optical disk or any other medium, of a type approved for permanent photographic records by the National Institute of Standards Technology.
2. The device used to reproduce such record, paper, or document on film, optical disk or any other medium, is one which accurately reproduces the original thereof in all details.
3. The photographs, microphotographs, electronically recorded video images on magnetic surfaces, or other reproductions on film, optical disk or any other medium,

are placed in conveniently accessible files and provision is made for preserving, examining, and using the same.

Notwithstanding any other provisions of this section, purge/destruction of the original records, papers, or documents is not authorized when the method of reproduction pursuant to this section is reproduction of electronically recorded video images on magnetic surfaces unless a duplicate video tape of such images is separately maintained."

Discussion

Section 26205 GC basically states that if record paper, or documents are photographed, microfilmed, reproduced by electronically recorded video images on a magnetic surface, or reproduced on any type of film approved by the National Bureau of Standards for permanent photographic records, and

- o if a device is available which can accurately reproduce the original document in all detail, and
- o if the microfilmed, photographed, electronically recorded video images or other reproductions on film are conveniently placed for preserving, examining and using them, then:
- o The documents may be destroyed.

Exception: When the method of reproduction is reproduction of electronically recorded video images on magnetic surfaces, purge/destruction of the original documents is not authorized unless a duplicate video tape of the images is separately maintained.

26205.1 GC - Purge/destruction of nonjudicial public records, documents etc.

"The county officer having custody of nonjudicial public records, documents, instruments, books, and papers may cause to be destroyed any or all of such records, documents, instruments, books and papers if each of the following conditions exist:

1. The board of supervisors of the county has adopted a resolution authorizing such county officer to destroy records, documents, instruments, books and papers pursuant to this subdivision. Such resolution may impose such conditions, in addition to those specified in this subdivision, as the board of supervisors determines are appropriate.

2. The county officer who destroys any record, document, instrument, book, or paper pursuant to the authority granted by this subdivision and a resolution of the board of supervisors adopted pursuant to clause (1) shall maintain for the use of the public a photographic or microphotographic film, electronic recorded video production or other duplicate of such record, document, instrument book or paper destroyed.
3. Clause (2) shall not apply to records prepared or received other than pursuant to a state statute or county charter, or records which are not expressly required by law to be filed and preserved.

For the purposes of this subdivision, every reproduction shall be deemed to be an original record and a transcript, exemplification or certified copy of any reproduction shall be deemed to be a transcript, exemplification or certified copy, as the case may be, of the original."

Discussion

Section 26205.1 GC basically states that if a resolution is adopted by the county board of supervisors which authorizes the purge/destruction of records (the board of supervisors may impose any conditions to that purge/destruction of records as they deem appropriate), and

- o if the files are first photographed, microfilmed or electronically stored on video images and the reproduction is maintained for the use of the public, then:
- o the county officer having custody of these nonjudicial public records may destroy any or all such records.

Exception: If there is no law (state statute, or county charter) expressly requiring that the record be filed and preserved, then the record need not be photographed, microfilmed or electronically stored on video images prior to purge/destruction. Purge/destruction must, however, be preceded by approval of the board of supervisors.

Summary

This section has presented that county records may be destroyed either after microfilming or preserving the documents by some other

method of permanent storage or, upon resolution of the board of supervisors without microfilming if there is no law expressly requiring that the record be filed and preserved.

Destruction of City/County/Public Safety Recordings

The statutory requirements for destruction of public safety "recordings", whether maintained by a city or a county agency, are provided in the following sections:

26202.6 GC & 34090.6 GC - Recordings of telephone and radio communications; purge/destruction

"Notwithstanding the provisions of Sections 26202, 26205, and 26205.1, the head of a department of a city, county, or city and county, public safety communications center, or head of a special district after 100 days may destroy recordings of telephone and radio communications maintained by the agency or the special district. Such purge/destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. In the event that such recordings are evidence in any claim filed or pending litigation, such recordings shall be preserved until pending litigation is resolved."

Note: Both sections 26202.6 and 34090.6 GC read the same with the exception that 34090.6 GC begins "Notwithstanding the provisions of Section 34090".

Discussion

Section 26202.6 GC basically states that if recordings of telephone and radio communications of a city, county, or public safety communications center are more than 100 days old, and

- o if these recordings are not evidence in any claim filed or pending litigation, and
- o if approval is first granted by the agency attorney and the legislative body (city council, board of supervisors), then: the recordings may be destroyed.

Recordings which are evidence in any claim filed or pending litigation shall be preserved until pending litigation is resolved. It should be noted that there is a 180 day time period within which a claim may be filed. Some agencies retain their tapes 180 days to insure they are not destroyed prior to any possible litigation.

Purge/Destruction Resolution Preparation

In addition to addressing concerns about quality, cost, availability and security, an effective purge/destruction program can enhance efficiency and create a more pleasant work environment. An agency should consider the following:

- o Identify the need to purge/destroy - Are you running out of room to store older documents? Do you have difficulty in locating them? Are your employees having to struggle with inadequate, inconvenient, or unsafe storage facilities to reference them? Are they referenced with any regularity? When you do reference them, are they dog-eared, torn, mutilated, illegible? Can you easily provide security for them?
- o Identify specific types of records for purge/destruction - Are there certain types of records which are seldom if ever referenced? Is there any statutory requirement that they be kept as long as you already have kept them?
- o Micrographics/Optical Disk Storage - If your agency presently uses micrographics to archive your agency's records prior to purge/destruction, you may consider the cost savings of storing some of these documents on micrographics. Then, consider the cost savings of not using micrographics at all. There are many considerations to be addressed before committing to any automated processes--caution should be used. Remember, documents on microfilm, microfiche, or optical disk must remain retrievable and as readily accessible as the original document(s) would have been. This means indexing references to your stored records must be maintained.

A suggested five step process, that will assist in the preparation of a purge/destruction resolution follows:

1. Make a list of the different types of files maintained by your agency.
2. Based on the statutes governing documents within your agency (city/county), refer to the listing at the end of this chapter for retention periods recommended for specific types of files. Indicate that retention period on your list.

Refer to sections 799, 800 to 806, and 832.5 of the Penal Code to determine the time period in which a criminal complaint must be filed.

All "documents" may not be "records" which fall under the provisions of the code sections previously discussed. When addressing this issue, keep in mind the following two questions:

- o Whose record is this? Is it a local law enforcement record or is it actually the property of another criminal justice agency?
- o Is there any statute requiring my agency to do anything with this document?

Clarify which files are actually agency files and which may be Department of Justice (DOJ) files.

3. Do a simple study designed to let you know how often the files you want to purge/destroy are actually referenced.

Starting with the same list of files used in Step 1, group file names according to the statutes which require their purge/destruction or retention for identified periods of time.

Determine whether the agency attorney will prepare the official resolution for presentation to the city council/board of supervisors or whether it is expected that you prepare the document. (A sample resolution for both city and county agencies is included at the end of this section.) If you are expected to prepare the resolution, submit it with your formal proposal as completed staff work.

4. Once you have finalized retention criteria based on the recommendations presented in this chapter, prepare your documentation for the resolution to purge/destroy specified records.

The purge/destruction resolution should be "on-going." This will allow the purge/destruction of files regularly without repeating the resolution adoption process each year. Recognize, however, that some type of review of the listed statutes should take place annually to ensure compliance with current legal requirements.

5. Present your recommendations to your superior.

Monitor the status of your proposal. Be prepared to verbally support your efforts before the approving body (city council/board of supervisors) if necessary.

While you are waiting for approval of your purge/destruction resolution, begin planning how the actual purge/destruction will occur. Include details such as cancelling automated system entries before destroying the documents, and deleting index references to documents being destroyed.

Pages V-23 through V-34 provide sample letters for requesting a resolution to purge, sample resolutions, and sample letters of consent. Samples are provided for both police and sheriff departments.

Purge/ Destruction of Your Files

Once the purge/destruction resolution has been approved, begin to put a plan into action. This part of the process will take time and effort.

The initial purge/destruction of existing files will require a tedious review of each file or groups of files. Prepare easily interpreted instruction for the employees who will actually do the purge/destruction of files. Then monitor their performance to ensure that the instructions are being followed.

Look at the present method of filing to determine if there is a way that they can be identified for future purge/destruction. For instance, if a specific crime report classification is purgeable in 5 years, think about color-coding the file folder tab with a color band that indicates "review for purge in 1991." This will mean that a schedule of color tabs will have to be prepared in advance and readily available to employees when setting up the initial file; for example: red--1987, blue--1988, and green--1989.

When documents are added to this file, a review should occur to determine if the documents added to the file will require adjustment of the original purge date. The color tab can then be changed accordingly.

Agencies with automated records management systems may have a source for searching and identifying "purgeable files" on the computer. Agencies considering automation of records should consider, as part of the request for proposal, requiring either a "purge date" field or the ability to search and identify files by type and date filed.

Alternative Storage Mediums

Now that you are familiar with the regulations and laws governing the retention and purge/destruction of law enforcement records, you

may want to consider other legal methods of retaining records for extended periods in a more condensed form. Micrographics and optical disk storage are two (2) alternatives.

The law is quite specific about the use of micrographics in replacing the original hard copies of public records. Each type of agency has its own provisions within the Government Code.¹

County Agency: Government Code Section 26205 Purge/destruction of certain records; conditions

City Agency: Government Code Section 34090.5 - Purge/destruction of records; conditions

Government Code Section 14756 - Microfilmed and photographically reproduced records; standards; certification

Anyone considering the use of microfilm should become familiar with the statutes that apply to their agency. Attorney General's opinions and case law related to each section should also be reviewed.

Agencies that microfilm documents should adhere to purge procedures that fully comply with legal requirements. These would depend on the type of equipment and film used. Roll film and microfiche jackets require different purge procedures. There are significant costs associated by purging technologies--caution should be used. The use of microfilm requires the addition of microfilm reader/printers. An Attorney General's opinion (57 Ops. Atty. Gen. 6-20-74) specifies that a mechanical "reader" must be made available to the public for microfilmed documents, or hard copies must be made for the public, if requested.

Purge Recommendations By Type Of File

The following purge recommendations are based on the content of the sample purge resolution provided at the end of this section. They are not absolute and should be checked and reviewed by the city attorney or county counsel.

1 Cross-References:

Best Evidence Rules - see Evidence Code 1500 et. seq.
Fees, requests for copies - see Government Code 6257
Inspection of public records - see Government Code 6250 et seq.
School District records, microfilm copies see Education Code 35254.

1. Arrest Report Files

Purge only those arrest reports which are required to be destroyed pursuant to sections:

- o 290(d)4 Penal Code
- o 11361.5(a) Health and Safety Code
- o 11361.5(b) Health and Safety Code
- o 11361.5(d) Health and Safety Code
- o 11357(e) Health and Safety Code
- o 781(a) Welfare and Institutions Code
- o 826(a) Welfare and Institutions Code
- o 826(b) Welfare and Institutions Code
- o 851.8 Penal Code

For clarification of these sections, refer to the portion of this section entitled "Code Sections Requiring Purge/Destruction Of Specified Records."

2. Police Report Files

Refer to the sample purge resolution, section #1, subsections (d), (e), and (g).

- o Reports of lost/found property may be purged after two years if the items have been lawfully disposed of in that time.
- o Reports of Miscellaneous non-criminal occurrences. Examples:
 - Injured or sick person reports,
 - Missing person reports where the individual has returned,
 - Traffic collision reports not used as the basis for criminal charges,

All of which are not the basis for any civil action at the time the file is being reviewed for purge, may be purged after they are two years old.

- o Crime and supplemental reports of infractions, misdemeanors, and felonies and which meet the criteria presented in (1) through (7) of Section 1, subdivision (g) of the sample purge resolution, may be purged after they are three years old.

3. Traffic Accident Files

As noted above, traffic accident reports which are not the basis for criminal charges may be purged after they are two years old.

4. Alpha Index Card Files

Retention of alpha index cards is related to the retention of the document from which the index was prepared. Index cards should be purged as part of the document purge procedure. The cross-referenced index to micro-filmed documents are to be retained indefinitely in order that the microfilmed record is as "readily accessible" as the original document would be.

5. Citation Files

Original citations (either moving or parking) are forwarded to the court once they are processed by law enforcement. There are two schools of thought that might be further reviewed. They are:

- o Once the original citation is forwarded to the court, it becomes a court document. Any duplicates retained by the issuing agency can be destroyed as soon as they are no longer needed. If you elect to pursue this philosophy, consider that if any original notes are entered on the department copy of the citation by the issuing officer, the document then becomes an "original" and can only be purged after the documents are more than two years old.
- o The second school of thought believes that even though the original citation is sent to the court, the issuing agency has the responsibility to maintain a copy of each citation for the two year period.

6. Correspondence Files

Correspondence received or sent that relates to a specific public record should be retained for the same period of time that the public record is retained.

Informational correspondence from the Department of Justice, Federal Bureau of Investigation, Department of Motor Vehicles, etc., should be maintained as long as the

information provided is current. These documents should be pulled and replaced by the most current correspondence on the same subject matter.

Miscellaneous correspondence should be retained for a period of two years and then purged.

7. Dealers Records of Sale Files

The Penal Code does not require law enforcement to do anything with Dealers Records of Sale forms except receive duplicate copies of them. These forms should be destroyed as soon as they are no longer needed. The original document is maintained by the Department of Justice and automated lists of firearms purchases are furnished by the Department of Justice upon request.

8. Pawn and Second Hand Property Files

There is no legal mandate for local law enforcement to retain copies of secondhand dealer transactions once the information is entered into the State Automated Property System. Most agencies retain these records for two years.

9. Tear Gas Files

As with Dealers Records of Sale, there is no statutory processing required by law enforcement other than the receipt of a duplicate copy of the document. It is recommended that these documents be destroyed as soon as they are no longer needed.

10. Sex and Narcotics Registration Files

Only those records falling under the provisions of Penal Code Section 290(d)(1) PC may be purged/destroyed. Refer to specific code section.

11. Alcoholic Beverage Control License File

Documents provided to law enforcement by the Alcoholic Beverage Control Board (ABC) are duplicates of original ABC paperwork. If there is no follow-up investigation at the law enforcement level, the duplicates may be destroyed when they are no longer needed.

If, however, some investigation is completed at the local level, then any documentation of the investigation should be retained for the appropriate period (two years for licensing paperwork; or three years if no arrest occurs).

12. Concealed Weapon Permits/Bicycle License/Business License Files

The recommended retention period for expired licenses and permits is two years.

13. Auto Repossession Files

Written notification of repossession of a vehicle is a miscellaneous non-criminal report and should be retained for two years and then destroyed.

Sample Cover Letter
DESTRUCTION OF CITY RECORDS

TO: City Attorney

I would like to establish a record destruction policy which will minimize the police department's document storage requirements.

The California Government Code authorizes two destruction methods for records. The first method relates to microfilming processes as authorized by Section 34090.5. Undertaking the microfilming of all departmental records, however, would be expensive. Even more important, there is no persuasive rationale supporting the retention of police reports for decades. For this reason I recommend the second method, the systematic destruction of records which have outlived their usefulness, as described in Government Code Sections 34090 and 34090.6.

Submitted with this letter is a draft resolution for submission to the city council; this resolution will permit me to implement the record destruction procedure. I would like you to review, modify (if necessary), approve and forward an appropriate resolution to the city manager for presentation to the city council. Also forwarded with the resolution are excerpts from the relevant Attorney General's opinion on the destruction of city records.

Sincerely,

Chief of Police

cc: City Manager

DRAFT RESOLUTION

RESOLUTION # _____

RESOLUTION OF THE CITY COUNCIL OF _____ APPROVING THE DESTRUCTION OF CERTAIN POLICE DEPARTMENT RECORDS, DOCUMENTS, AND PAPERS, PURSUANT TO SECTIONS 34090 AND 34090.6 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

WHEREAS the Chief of the _____ Police Department has submitted a request for authority to destroy obsolete records and;

WHEREAS said request is in accordance with the procedures and requirements of Section 34090 and 34090.6 of the California Government Code; and

WHEREAS the Chief has stipulated the useful retention period for the Police Department records;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF _____

1. The following city records, documents, instruments, books or papers are no longer required and may be destroyed.
 - (a) Recordings of telephone and radio communications over one hundred (100) days old, providing such recordings are not evidence in any claim filed or any pending litigation (or potential claims and litigation), in which case, such recordings shall be preserved for one hundred (100) days after the conclusion of litigation.
 - (b) Auction receipts and records over two (2) years old.
 - (c) Records of expired licenses and permits over two (2) years old.
 - (d) Records of lost and found items, which lost and found items have been lawfully disposed of, over two (2) years old.
 - (e) Miscellaneous non-criminal reports over two (2) years old.
 - (f) Police Daily Activity records and logs over two (2) years old.

- (g) All crime and supplemental reports of infractions, misdemeanors, and felonies over three (3) years old, providing:
 - (1) They do not relate to an arrest, except for section 2 below.
 - (2) They do not relate to unserved warrants.
 - (3) They do not involve identifiable items which have not been recovered.
 - (4) They do not relate to 290 Penal Code, 457.1 Penal Code or 11590 Health and Safety Code registrants.
 - (5) They do not relate to a criminal death case.
 - (6) They do not relate to violations listed in Penal Code Sections 799 and 800.
 - (7) The cases are not presently involved in either civil or criminal litigation.
 - (h) All index cards and logs which relate to the case documents destroyed.
 - (i) Police dispatch cards over two (2) years old.
 - (j) Field interview cards over two (2) years old.
 - (k) Duplicates of all reports may be destroyed at any time when the duplicates are no longer needed.
2. Records pertaining to the arrest or conviction of any person for a violation of subdivision (b), (c), (d), or (e) of Section 11357 or subdivision (b) of Section 11360 of the Health and Safety Code occurring after January 1, 1976 shall not be kept beyond two years from the date of conviction, or from the date of arrest if there was no conviction.
3. Any documents relating to citizen complaints or investigations in response to citizen complaints relating to members of the Police Department and internal affairs investigation files shall be retained for a period of at least five (5) years, providing such documents are not evidence in any claim filed or any pending litigation (or potential litigation), in which case such documents shall be preserved for five (5) years after the conclusion of litigation.

4. This Resolution also authorizes the Police Department to purge arrest warrants according to a recall schedule established by the Courts for the timely return of warrants.

Recommended for approval:

(date)

SAMPLE LETTER OF CONSENT

TO: CHIEF OF POLICE

This is to provide written consent to destroy obsolete records of the _____ Police Department in accordance with the schedule established by Resolution # _____, of the City Council of _____, dated _____, 19__.

Sincerely,

City Attorney

cc: City Manager

OPTIONAL SAMPLE LETTER OF CONSENT

TO: CHIEF OF POLICE

This is to provide written consent to destroy obsolete records of the _____ Police Department as enumerated on the copy of your enclosed letter of _____ 19__. This destruction is in accordance with the schedule established by Resolution #_____, of the City Council of, _____, dated _____ 19__.

Sincerely,

City Attorney

cc: City Manager

Sample Cover Letter
DESTRUCTION OF COUNTY RECORDS

TO: County Counsel

I would like to establish a record destruction policy which will minimize the sheriff's department document storage requirements.

The California Government Code authorizes two destruction methods for records. The first method relates to microfilming processes as authorized by Sections 26205 and 26205.1. Undertaking the microfilming of all departmental records, however, would be expensive. Even more important, there is nonpersuasive rationale supporting the retention of police reports for decades. For this reason I recommend the second method, the systematic destruction of records which have outlived their usefulness, as described in Government Code Sections 26202 and 26202.6.

Submitted with this letter is a draft resolution for submission to the board of supervisors; this resolution will permit me to implement the record destruction procedure. I would like you to review, modify (if necessary), approve and forward an appropriate resolution for presentation to the board of supervisors.

Sincerely,

Sheriff

DRAFT RESOLUTION

RESOLUTION # _____

RESOLUTION OF THE BOARD OF SUPERVISORS OF _____ COUNTY APPROVING THE DESTRUCTION OF CERTAIN SHERIFF'S DEPARTMENT RECORDS, DOCUMENTS, AND PAPERS, PURSUANT TO SECTIONS 26202 AND 26202.6 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

WHEREAS the Sheriff has submitted a request for authority to destroy obsolete records and;

WHEREAS said request is in accordance with the procedures and requirements of Section 26202 and 26202.6 of the California Government Code; and

WHEREAS the Sheriff has stipulated the useful retention period for the Sheriff's Department records;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF _____

1. The following county records, documents, instruments, books or papers are no longer required and may be destroyed.
 - (a) Recordings of telephone and radio communications over one hundred (100) days old, providing such recordings are not evidence in any claim filed or any pending litigation (or potential claims and litigation), in which case, such recordings shall be preserved for one hundred (100) days after the conclusion of litigation.
 - (b) Auction receipts and records over two (2) years old.
 - (c) Records of expired licenses and permits over two (2) years old.
 - (d) Records of lost and found items, which lost and found items have been lawfully disposed of, over two (2) years old.
 - (e) Miscellaneous non-criminal reports over two (2) years old.

- (f) Sheriff's Daily Activity records and logs over two (2) years old.
 - (g) All crime and supplemental reports of infractions, misdemeanors, and felonies over three (3) years old, providing:
 - (1) They do not relate to an arrest, except for section 2 below.
 - (2) They do not relate to unserved warrants.
 - (3) They do not involve identifiable items which have not been recovered.
 - (4) They do not relate to 290 Penal Code, 457.1 Penal Code or 11590 Health and Safety Code registrants.
 - (5) They do not relate to a criminal death case.
 - (6) They do not relate to violations listed in Penal Code Sections 799 and 800.
 - (7) The cases are not presently involved in either civil or criminal litigation.
 - (h) All index cards and logs which relate to the case documents destroyed.
 - (i) Dispatch cards over two (2) years old.
 - (j) Field interview cards over two (2) years old.
 - (k) Duplicates of all reports may be destroyed at any time when the duplicates are no longer needed.
2. Records pertaining to the arrest or conviction of any person for a violation of subdivision (b), (c), (d), or (e) of Section 11357 or subdivision (b) of Section 11360 of the Health and Safety Code occurring after January 1, 1976 shall not be kept beyond two years from the date of conviction, or from the date of arrest if there was no conviction.
3. Any documents relating to citizen complaints or investigations in response to citizen complaints relating to members of the Sheriff's Department and internal affairs investigation files shall be retained for a period of at least five (5) years, providing such

documents are not evidence in any claim filed or any pending litigation (or potential litigation), in which case such documents shall be preserved for five (5) years after the conclusion of litigation.

4. This Resolution also authorizes the Sheriff's Department to purge arrest warrants according to a recall schedule established by the Courts for the timely return of warrants.

Recommended for approval:

(date)

SAMPLE LETTER OF CONSENT

TO: SHERIFF

This is to provide written consent to destroy obsolete records of the _____ Sheriff's Department in accordance with the schedule established by Resolution # _____, of the Board of Supervisors of _____ County, dated _____, 19__.

Sincerely,

County Counsel

OPTIONAL SAMPLE LETTER OF CONSENT

TO: SHERIFF

This is to provide written consent to destroy obsolete records of the _____ Sheriff's Department as enumerated on the copy of your enclosed letter of _____, 19___. This destruction is in accordance with the schedule established by Resolution #_____, of the Board of Supervisors of _____ county, dated _____, 19__.

Sincerely,

County Counsel

VI. FORMS CONTROL

Introduction

Forms control is an essential component of a records management system. Forms control is a system of centralized responsibility for the development maintenance, numbering, revision, ordering, and supply of designated forms. Forms are used to record, transmit and store information. Forms processing represents a significant expenditure of personnel time. Effective forms control will ensure that desired information is collected in a consistent format; it will limit the duplication of information and effort, and it will ensure adequate forms supply and systematic forms revision. All of these elements contribute to the integrity and efficiency of the total records system.

The forms control concepts and procedures recommended in this section are basic. They are particularly suitable for the small and medium sized agency where responsibility for forms control usually rests with the Records Supervisor. Recommendations in this section are meant to serve as guidelines. Each agency should adapt the concepts to fit its own operations and needs.

Elements of Forms Control

The basic elements of a forms control system are:

1. Central responsibility
2. Written policy
3. Forms inventory
4. Form development and revision
5. Form numbering
6. Form ordering and supply

Central Responsibility

The responsibility for forms control should be centralized. One person should be the coordinator for all forms activities. This individual will:

- o maintain an inventory of agency forms,
- o assist in form development and design,
- o number new forms,
- o consolidate duplicate forms,
- o assist in form revisions,
- o order forms, and
- o maintain adequate form supplies.

Records supervisors are often given this responsibility. The determination of forms control responsibility must be based on agency size, specific job classifications, and agency circumstances.

Written Policy

A forms control directive must be written to identify policy and to establish procedures. This written document is designed to ensure uniformity and compliance as well as to train and inform. Its objectives are to:

- o promote consistent policies,
- o assure uniform and appropriate forms design,
- o prevent the use of unauthorized forms,
- o prevent duplicate forms,
- o control form volume,
- o ensure adequate form supply, and
- o prevent duplication of effort.

A sample directive is included in the Model Directives Section, pages A-1 through A-3.

Forms Inventory

Forms control starts with the identification of all forms used by the agency. This is accomplished through a forms inventory. The inventory consists of a listing of all current agency forms. The forms can be collected in several ways, depending upon agency size. In a small agency, the records supervisor can simply gather the forms in use. In a larger agency, each section or unit can be asked to provide current forms to the forms control coordinator. Two copies of each form in use should be collected.

Two files should be established:

1. A numerical file--a collection of all current forms filed in numerical order by form number.
2. A functional file--a collection of all forms segregated by form subject or function.

Numerical File. The numerical file consists of one letter-sized file folder for each form. The folder, which is the basic working file, should be labeled with the form number and form name. Each folder should contain:

- o The most current example of the form along with any older versions clearly identified as such. This provides an

overview of the form's history and assists when considering further modifications.

- o Form specifications, that is, color, size, type of paper or card stock, number of sides, number of copies, placement of holes or perforations, fold instructions, NCR or carbon, etc.
- o Form number and title.
- o Form preparation and distribution instructions.
- o Minimum stock level and ordering information.
- o Estimated annual use.

This file should contain an accurate record of the history and use of each form.

Functional File. The functional file consists of a group of file folders, each pertaining to a particular subject, such as:

- o administrative forms,
- o log forms,
- o personnel forms,
- o property/evidence forms,
- o report forms,
- o routing forms,
- o supplemental forms,
- o traffic forms, and
- o vehicle forms.

The purpose of the functional file is:

- o to compare forms by function to determine if overlapping or duplication are occurring,
- o to provide easy access to forms related to the same function,
- o to prevent the development of new forms when an existing form will do,
- o to locate a form when the name and number are not known, and
- o to aid in the analysis of agency processes related to a particular subject.

As the functional file is completed, ideas for forms consolidation will become apparent. Forms consolidation is an excellent way to reduce the number of agency forms as well as to record more concise information with less effort. A forms inventory will also identify forms that are no longer used.

A complete form index, listing each form number and title, should be developed for easy reference.

Forms Numbering

Each form should have a unique form number. The form number is the most basic reference to a specific form. The forms inventory may reveal unnumbered forms in use. These must be given a number if they are to continue to be used. All form numbers should be preceded by an agency identifier consisting of the agency's initials.

Several numbering systems are acceptable. In the simplest numbering system, forms are numbered consecutively starting with "one." No significance is built into such a system. Other options might include the grouping of form numbers according to use. For example, all general report forms could be in the 100 series, all property and evidence forms in the 200 series. This numbering system permits forms with like functions to be stored together when maintained numerically. This provides easy access to forms when the number is not known.

Another option might be to include an alphabetic prefix to a form number which indicates which agency section uses the form. For example, administration form numbers would be preceded by a "A", investigation forms preceded by an "I", etc. This system segregates forms by users. This system also provides convenient access to forms.

The simplest numbering system is usually the best. If an existing numbering system works, it is best not to change. Changing all the numbers, which would also mean revising manuals and the forms themselves, could lead to more work and disruption. When a form becomes obsolete and the form's use is discontinued, the form number should be retired along with the inventory file folder. Reassigning form numbers can lead to confusion.

Form Development and Revision

Employees should be encouraged to suggest methods for improving efficiency. This often results in the proposal for a new form, a revised form or a consolidation of forms. Written policy should identify the approval process.

When a new form is proposed, the forms coordinator should:

1. Review the proposed form and determine its function.
2. Determine if there is an existing similar form.
3. Determine form processing implications and resultant personnel time by flow charting the new form's use. Test the use of the form through the processing stages and discuss implications of its use with clerical personnel.

Weigh any additional time necessitated by use of the form against additional benefits that are likely to result.

4. Determine and review related legal mandates. Examples:
5. Request input from agency personnel that will use the form.
6. Recommend adoption (or rejection) of the new form, or revision of existing forms.
7. Advise the training officer of the new or revised form. Indicate the purpose of the proposed form and possible ramifications; for example, needed training, the revision of manuals and directives. Training prior to the introduction of a new or revised form is essential.

Once the basic concept of a new form is approved, the final design phase begins. Well-designed forms are easier to use, provide more accurate information, and facilitate completion.

Figure VI-1, page VI-13, depicts the form development flow chart.

Basic considerations in form design are:

- o Who will complete the form?
- o Will the form be completed by hand, or typewriter, or computer?
- o Where will the form be completed?
- o How much routing will the form need?
- o Will the form be filed, if so, where?
- o What are the legal issues?

These preliminary considerations will identify special needs related to:

- o form size,
- o form color,
- o number of copies,
- o the use of card stock, and
- o the use of carbon or "no carbon required" (NCR) paper.

Circumstances may arise requiring the use of a temporary form. The form development process should remain the same. To ensure temporary use, however, an expiration date should be clearly visible on the form.

Forms requiring copies present special problems. Copies are produced using carbon paper, "no carbon required" (NCR) paper, or an office copier. There are factors to consider in each method.

Carbon paper copies are usually legible and require minimum personnel time for completion. The use of carbon paper is messy, presents disposal problems and may increase personnel clean-up time when large batches are handled. Carbon paper is less expensive to order initially but, bulkier to store and use. Outdoor use, particularly in wind and rain, is difficult. Carbon copy legibility can deteriorate during storage. Spurious markings often appear on copies which also affect legibility.

NCR paper is easier to use (no clean-up or disposal problems), but legibility may vary depending upon conditions such as user writing pressure and exposure to sun and moisture. NCR paper is slightly more expensive to purchase than paper and carbon; is subject to markings, and images may deteriorate with extended storage.

Office copiers produce the most legible copies. There is little image deterioration with storage nor markings which might affect legibility. The costs associated with producing copies are in personnel time and increased copier usage. Several factors must be considered in determining which method should be used for producing copies. Agency report forms which may be completed by an officer in the field and which contain significant information subject to retention are best duplicated by office copier. Those forms of lesser significance prepared in a controlled environment can be reproduced using NCR paper. The method used to produce copies is dependent upon:

- o significance of content,
- o method of completion,
- o environmental conditions,
- o retention period,
- o cost factors, and
- o desired copy quality.

Each form requiring copies must be evaluated as to the method most suitable taking into consideration the above factors.

Form Content Arrangement. The logical arrangement of information on a form is important for user efficiency and ease of handling.

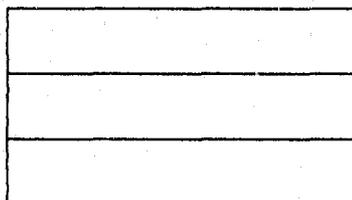
Once it has been decided what information will be gathered, the information should be arranged into groups and the groupings then arranged into the appropriate order. The relevant issues in this arrangement concern the accessibility of key information and its logical sequence.

The information used to reference the document, such as the case number, should be placed in the most visible location, usually the upper right-hand corner. How a document will be filed and retrieved is an important factor. Signature boxes used for approvals appear at the bottom of the form.

Form Layout Basics. The following are generally regarded as the basis for a well-designed functional form:

1. Vertical Spacing Three writing lines per inch will accommodate most handwriting. This spacing also accommodates typewritten entry as it matches the double spacing of a typewriter.

Example:

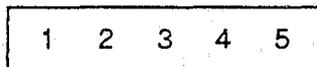


(1-inch)

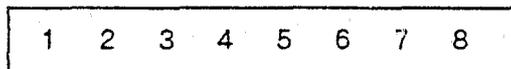
2. Horizontal Spacing For entries up to ten characters, allow one inch for every five characters. For entries over ten characters, allow two inches plus an inch for every seven to eight characters. This spacing is adequate for handwritten and typed forms and provides some space between entries. This spacing adds to the readability of the form.

Example:

1"



3"



3. Upper Left Captions Style This design style is recommended because:

- o the captions become secondary after the form is completed,
- o no writing space is taken up by the captions,
- o typewriters are easier to set-up, and
- o it provides more room for completion.

Example:

Name
Address
City, State, Zip Code

4. Captions These should be clear and readily understandable by anyone completing the form. Few directions for forms completion are necessary with well-thought-out captions.

Example:

Date of Incident
Date of Report

5. Check Boxes These should be placed in front of the answers.

Example:

Case Status	<input type="checkbox"/> Pending	<input type="checkbox"/> Suspended
	<input type="checkbox"/> Unfounded	<input type="checkbox"/> Closed

6. Screens Screens or shaded areas can be used to highlight certain areas. This is frequently used to indicate data entry items.
7. Margins Adequate margins are essential because:
 - o the form appears neater, and
 - o the form can be placed in a binder without losing information along the left-hand column.

A 3/8" border around the form is usually adequate. If the form will be maintained in a three-ring binder, 5/8" to 3/4" is suggested.
8. Instructions Instructions for forms completion should be located in the agency's report writing manual. These instructions will indicate under what circumstances and by whom the form shall be completed as well as further information on desired content.
9. Distributing and Routing Information The distribution of agency report forms (crime reports, incident reports, etc.) will be identified in the agency's report writing manual. Other types of intra-agency forms can have specific routing information clearly stated on each copy of the form. This information should be located along the bottom or stacked in the lower left corner of each copy. Bolder typeface can be used to draw attention to these instructions.
10. Form Number and Title These are the essential elements in identifying a form. Form numbers are used for inventory control, for ordering, and for reference in written procedures. Form numbers should be placed in the lower left corner. Form titles should be placed at the top of the form. Overall consistency in location is important.

Forms Design Checklist

This checklist can be used to determine if form design will meet the needs of the users.

Arrangement:

- o Are all items arranged in a logical sequence taking into account how the information is recorded and retrieved?
- o Is key information in the most visible location?

- o Is non-releasable information concentrated in one area so that masking can be efficiently used?

Spacing:

- o Is adequate space provided for each data element requested?
- o Is the horizontal spacing adjusted to provide a minimum number of typewriter tab stops?
- o Is the vertical spacing set so that the typist can use the carriage return lever or key to move to the next line?

Captions:

- o Are the captions easily understood?
- o Are captions placed in the upper left corner of each fill-in area?
- o Will abbreviations be readily understood?

Multiple Choice Answers:

- o Are clear and comprehensive choices given?
- o Are the choices and check boxes arranged properly for accurate fill-in?

Instructions and Distribution:

- o Are instructions for completion clear and placed near the items being explained?
- o Is specified routing information on each copy of a multipart form?
- o Are the routing instructions along the bottom or stacked in the lower left corner of each copy?

Margins:

- o Are margins adequate for any binding technique, such as three-ring binder, arch file or metal fasteners?
- o Are margins adequate for other handling processes, such as stapling and office copier reproduction?

Type, Lines, and Screens:

- o Do the lines on the form vary in width and boldness to guide the user?
- o If shading is used for highlighting or separation, is it really helpful? Remember that shading can often affect the quality of office copier reproduction.
- o Within the same typeface, is there variation in the size of type, its boldness, and use of capital and small letters and italics to enhance the appearance and legibility of the form?

Construction:

- o Is the size standard to avoid higher costs and delays in reordering?
- o Is the paper weight appropriate for the form's use and retention?
- o Is the color of the form appropriate and suitable for office copier reproduction?

Identification:

- o Is the title appropriate?
- o Is the agency properly identified?
- o Is the agency "originating agency identifier" (ORI) number on the report form?

General:

- o Will this form accomplish its purpose with minimum effort by all users?
- o Has form processing been analyzed by flow charting to discover potential problems?
- o Have clerical processing personnel given feedback on form use?
- o Does the form meet legal mandates and requirements?
- o Have potential users given feedback on form use?

Forms Ordering and Supply

Centralized responsibility for forms ordering and supply is essential for an orderly and cost effective forms supply system.

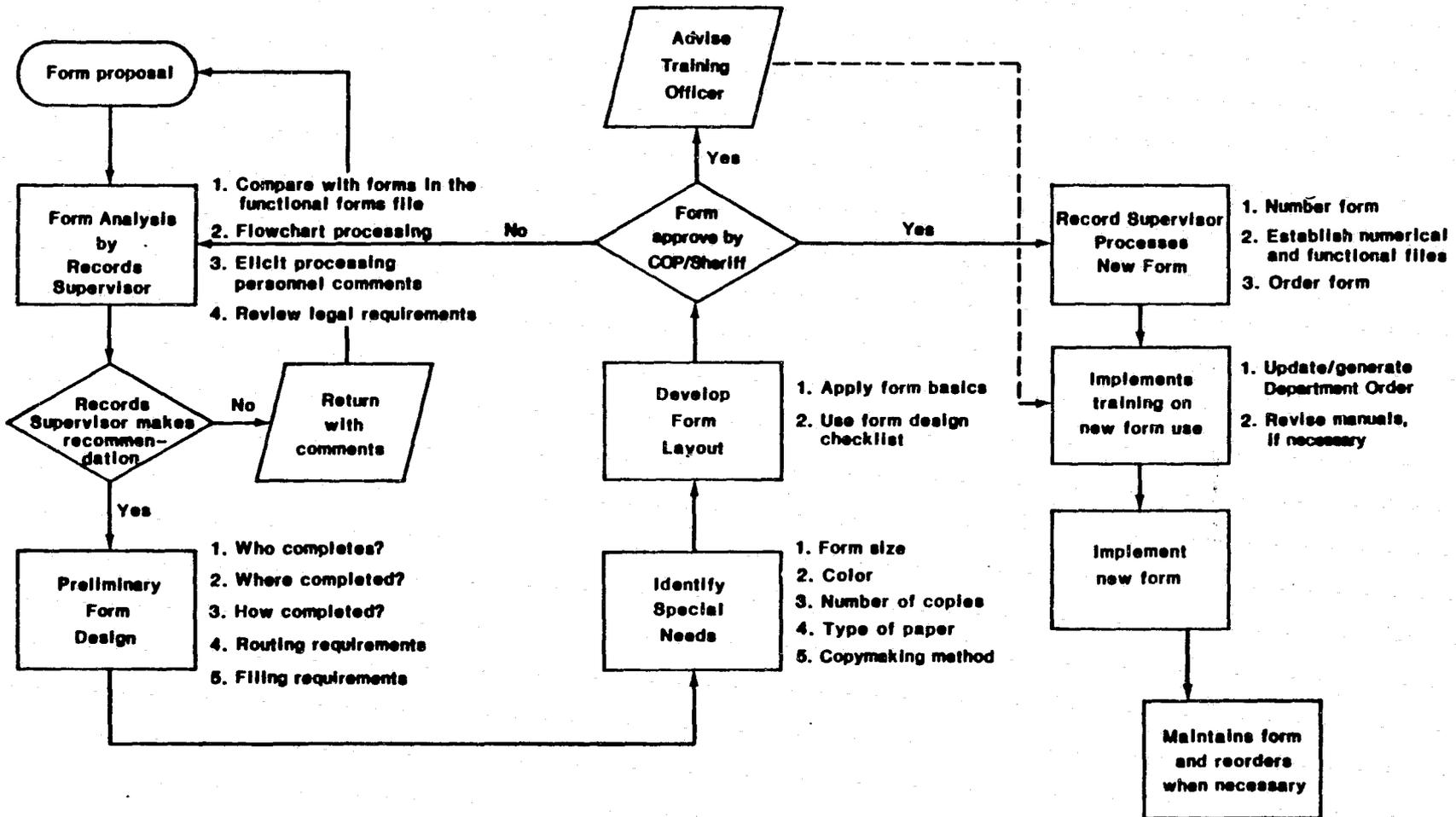
The six steps in this process are:

1. Establish annual form usage and reorder criteria (based upon date or inventory) for each form. This information is maintained in the numerical forms file folders, which also contain specifications and order histories.
2. Place a form reorder indicator at the appropriate place in the existing forms stock. This can be a colored sheet with instructions to the user to place the indicator in a designated location for reorder purposes.
3. Notify in writing the appropriate supervisory level personnel of the proposed reorder date. State that any proposed revision or change should be communicated immediately.
4. Reorder form on scheduled date.
5. Place a copy of reorder sheet in "reorder folder" to monitor order time.
6. When the order is completed, place the reorder sheet into the appropriate folder in the numerical forms file for historical reference.

This simple supply and ordering procedure, if followed carefully, should result in an adequate supply of agency forms.

The basics of forms control can be adapted to fit any agency. The key to a successful forms control system is centralized responsibility and a well planned system formalized in a written policy.

FORM DEVELOPMENT FLOW CHART



VI-13

Figure VI-1

VII. SYSTEM AUDIT PROCEDURES

Introduction

Law enforcement records management demands a close check on controls and performance auditing. In large agencies, audits may be performed by staff assigned to inspectional services. In smaller agencies, records managers or other assigned personnel may perform this function. The auditing process is intended to provide pertinent information to managers and supervisors to assure that processes and procedures are meeting identified objectives. Each agency must determine the auditing configuration best suited to its needs.

As audit is defined as "an official examination and verification of accounts and records." Its basic objective is to control and verify the integrity of records and the reporting system. It provides a means for assuring compliance with existing rules, regulations and policies by identifying any weaknesses in the reporting system and then providing information necessary to take corrective action and improve performance.

A formal audit procedure involves conducting a preliminary survey and an in-depth audit. The purpose of the survey is to discover problem areas in the record-keeping system and to collect necessary general information about the system. This survey is used to identify areas of concentration in the preparation of the audit plan. To facilitate this task, interviews and questionnaires may be used. Questionnaires should be given to records personnel and selected operations personnel. Each group has a specific perspective on the overall records system and will be able to report perceived problems, bottlenecks, delays or other processing problems. The questionnaires should help to identify the main areas on which the audit should focus and may identify information or documents necessary to conduct the audit.

The in-depth audit will involve the random examination of records and other documentation, the visual inspection of files, possible testing of procedures and the preparation of the final report.

Legal Standards

The audit concept of quality control is one of the standards set by the National Advisory Commission on Criminal Justice Standards and Goals, Criminal Justice System, Police Information Systems, Standard 4.7, Quality Control of Crime Data:

"Every police agency should make provisions for an independent audit of incident and arrest reporting. The audit should verify that:

1. Crime reports are being generated when appropriate;
2. Incidents are being properly classified;
3. Reports are being properly prepared and submitted."

The Justice System Improvement Act (JSIA) Regulations, 28 C.F.R., Section 20.1 et seq. (formally known as the LEAA Regulations) addresses standards for the quality of criminal history record information. JSIA Regulations 28 C.F.R., Section 20.21(a), subsection 5 states that:

- o "Criminal justice agencies must institute a process of data collection, entry, storage and systematic audit that will minimize the possibility of recording and storing inaccurate information."

In addition to these requirements, 42 United States Code 3771(b) establishes a standard which is prescribed for records management and perhaps the establishment of maintenance standards for records. In part, it relates that:

- o "Criminal justice agencies specifically have a duty to maintain records that are accurate, complete and up-to-date. To ensure that legally sufficient record management is present, each administrator should ensure that there are security audit standards and personnel training standards which would allow accurate and up-to-date records."

Title II, Section 702 of the California Administrative Code, subsection (c) states that the California Department of Justice shall:

- o "Conduct audits of authorized persons or agencies using criminal offender records information to ensure compliance with state regulations."

The FBI mandated a number of changes to be implemented at the state and local level effective January 1, 1987. These changes, "necessary to ensure the integrity of records information," require DOJ to biennially audit each user agency to ensure compliance with CJIS and NCIC policy and regulations.

Types of Audits

Although this section will primarily address itself to the internal operations audit of a police recordkeeping system, it is important to note that several types of audits exist. Those which impact the criminal justice field include:

- o Management Audit - Examination and evaluation of an agency's organizational structure, plans, policies, and systems.
- o Operational Audit - Examination and evaluation of the efficiency and effectiveness of the use of resources and the extent to which practices and procedures adhere to policies established by management.
- o Compliance Audit - Examination to determine if certain legal requirements have been met.

Who Conducts the Audit?

Records audits are most often performed by records managers. Records managers usually have the best overall view of records processes, procedures and legal requirements, as well as the responsibility for the supervision of records processing personnel.

If serious problems surface during the preliminary survey which the agency would like assistance in solving, the Commission on Peace Officer Standards and Training, Management Counseling Services Bureau, can be contacted for information, advice, and assistance.

How Often Should You Audit?

Although there are no set time frames for conducting audits, good management dictates that inspections and audits should be planned and scheduled on a periodic basis so that all critical areas are covered within an established time period. Problem areas may require audits on a more frequent basis. The records operation should be audited at least once a year. Frequent changes occur in law enforcement, many due to changes in the law. Due to the potential liability placed upon agencies, their employees and the data they maintain, it is essential that records managers monitor and inspect their sections annually.

Working Papers

The documents developed during the audit, otherwise known as the "working papers," contain the records of the preliminary survey, the audit plan, the results of interviews, physical inspections and all other paperwork relating to the audit. They are the organized references to supporting data. The working papers provide evidence to support the audit, and they provide background and reference material for future audit planning.

Documentation should be made on standard 8 1/2" x 11" paper. This will allow placement in binders.

Impacts of Automation

Although the use of computers does not affect audit standards, computerization does have a significant impact upon all aspects of information systems. Therefore, it may be necessary to audit both the manual processing as well as computer-based processing activities. This evaluation may involve tracing selected transactions "around the computer" and/or auditing "through the computer."

Auditing Around the Computer

This audit approach consists of tracing data from the source documents to the final reports. This assumes that if the final product was "correctly derived from the input, then the computer processing is functioning properly." For example, if the records system utilizes the entry of specific data for the purpose of creating a data-base, providing management reports based upon time frames, types of crime, etc., and if the entry of that data does provide the requested reports/information in a useable and acceptable form, then it is assumed that the computer processing is functioning properly. Therefore, there is no need to test the computer program. The main advantage to this type of approach is that it is economical, simple to apply and the auditor needs little if any knowledge concerning computer programming.

Auditing Through the Computer

This approach assumes that if the processing system is reliable, then the final output will most likely be accurate. This involves testing the processing and programmed checks which are found in the programs. This involves a relatively high degree of computer programming knowledge by the auditor. In addition, there can be substantial costs involved in this type of testing.

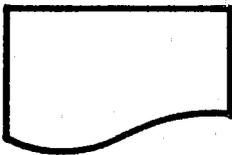
Use of Flowcharts

Flowcharts are diagrams that "graphically portray the sequential flow of data and/or operations through a procedure." Flowcharts are cost effective in portraying the flow of documents through a system. Beginning with the origination point, they trace the distribution of documents as they are processed within various units and are moved toward their ultimate destination. They also indicate interfaces with other related procedures and can help to identify poor processes. They help decide what should be done and who should do it. Flowcharts are drawn as part of the audit process and will be kept with the working papers; occasionally they are included in the final report.

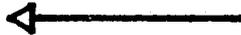
The flowchart depicts what jobs are being performed, where, how, and by whom. The chart identifies all documents, forms, and reports in a procedure. It further identifies the equipment used and the output of the equipment. The flowchart records every action required to produce the final product. It also provides statistical data.

How to Flowchart

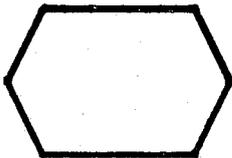
Although flowcharts appear in many forms, they are basically a word and symbol picture of the major steps involved in the workflow procedure. A simplified flowchart utilizes the following symbols:



A manually prepared document, such as a letter, form, or report. It should be identified by placing its name, i.e., Initial Report, in the center of the symbol.



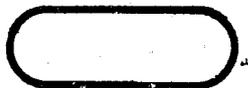
Action symbol indicating workflow or movement of items or operations from one place to another. An alternative direction of flow can be identified by drawing the symbol with dotted lines.



Any machine, such as a typewriter, computer, etc. It should be identified by placing its name in the center of the symbol.



Punch, magnetic, or tab card. This is a multi-use symbol which may be used to identify records or computer-related procedures. It should be identified by its form number or by placing its name in the center of the symbol.



Start or stop process.



Connector.



Any document automatically produced from a machine, such as a computer printer. It should be identified by placing its name in the center of the symbol.

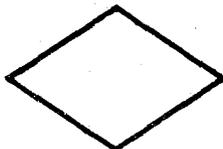
Symbols used in identifying most operations which occur in an office procedure include:



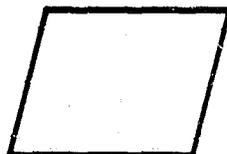
OPERATION - An operation occurs when information is arranged and prepared and when actual action takes place, such as opening mail, time stamping documents, etc.



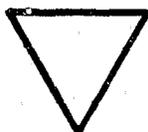
ACTION - As previously mentioned, a transportation symbol indicating workflow or movement from one person to another, one desk to another, etc.



DECISION.



INPUT/OUTPUT.

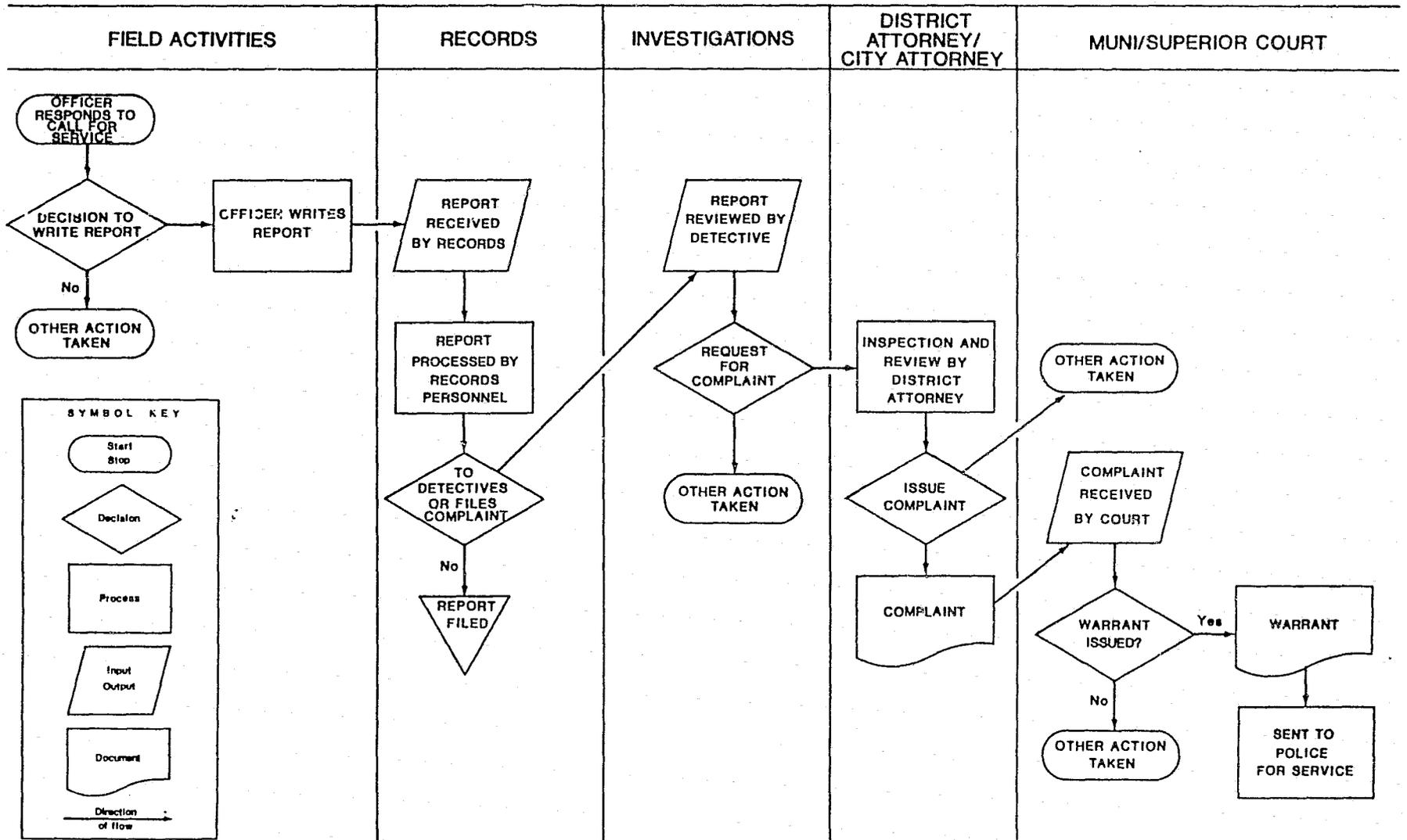


STORAGE - This occurs when a flow is terminated for temporary or permanent safekeeping, such as the filing of paperwork in a storage file.

In the actual preparation of the flowchart, it is necessary to fill in the identifying information at the top of the form (see Figure VII-1, page 7). This information should be brief and accurate. It is important to remember that all symbols used must be properly identified. Any multi-use symbols may take on different meanings without proper identification.

Although multiple charts may be required to document a procedure or operation, their combination will provide a complete method for analyzing all factors involved in the tasks. The charts should establish how many operations are involved, how often they occur, how many actions are required, the number of employees involved, the distance covered, the delays occurring, any inspection stations and the temporary and final storage of the papers/product involved.

SAMPLE FLOWCHART - REPORT TO ISSUANCE OF WARRANT



VII-7

Figure VII-1

The Audit Process

Data Collection

Write down every operation involved in the procedure under audit. Obtain all data available, including: time required to process data; number of transactions processed daily, weekly, monthly; number of employees performing the tasks; number of duplicate or identical tasks performed.

Data Analysis

After compiling the data, draw a preliminary flowchart. The flowchart may reveal bottlenecks, duplicate and unnecessary tasks, or overlapping duties. Ask these questions:

- o Is there a valid need to perform the operation?
- o Why is it performed?
- o Why is it performed in a particular area?
- o Why is it performed at a particular time?
- o Why is it performed using a particular method?

The flowchart has become a popular audit tool. It provides a clear pictorial representation of the reporting system. It can aid in the training of new employees, identify processing inefficiencies, as well as identify control strengths and weaknesses.

Planning the Operation Audit

The audit can be performed efficiently if care is taken in the planning stage. This involves gathering data and interpreting their meaning. It means conducting interviews and investigations, performing analysis, measuring employee performance, and finding solutions.

Before beginning the actual audit it is necessary to define the scope of the audit. This is merely a matter of listing the points to be covered and the procedure to be followed in performing the inspection. The following areas should be examined prior to the start of the actual audit:

- o Organization--Study the organizational structure of the area under appraisal. Compare the existing structure with that depicted in the agency organizational chart.
- o Policies and Procedures--Conduct a study to find out what action, if required, must be taken to improve the

effectiveness of the policies and procedures. Obtain copies of all written agency rules, regulations, and instructions for record handling practices.

- o Regulations--Determine whether the agency is in compliance with all local, state, and federal regulations. Obtain copies of all relevant statutes, ordinances, and regulations.
- o Systems--Study the systems and procedures for possible defects or irregularities. Seek out methods to bring about possible improvements. Obtain copies of all data collection forms (crime reports, etc.) and all data output forms (rap sheets, fingerprint cards, disposition forms, etc.).
- o Staffing--Study the general personnel requirements and their application to the work in the area under appraisal.
- o Layout and Equipment--Determine whether or not improvement could be made in the layout of the work area or use of equipment.

Use of Questionnaires

Questionnaires are useful in providing an organized and structured method for uncovering hidden problems or revealing workable solutions. They are information tools only. The auditor should make use of questionnaires. They provide responses to specific questions, provide comments from the users and they may reveal additional questions which address areas of additional concern.

Questionnaires should be structured to provide the following answers:

- o Yes
- o No
- o Not Applicable (N/A)
- o Not Answerable (--)

Because it is difficult to answer a question with a simple yes or no, space should be provided for comments. Each questionnaire should be tailored to the particular function or activity being studied. It should address the issues of organization, staffing and operations. The questionnaire represents the audit scope and objectives presented in the form of specific questions to be answered. The auditor is not limited by the questionnaire and should bring a full range of expertise into the audit. The questions should refer, as much as possible, to specific events

that can be verified, counted or observed. The auditor's responsibility is to present factual information; it is not possible to base judgments on something that cannot be observed. (See the two sample audit questionnaires, Figures VII-2 and VII-3, on pages VII-11 and VII-12).

Interviews

The interview is used to obtain information. It is an effective tool for gaining valuable insight into the operating procedures used by an agency, including effective and non-effective practices and employee motivation in performing tasks. The auditor should know the type of information desired and should be prepared to ask a number of direct questions. The employee(s) scheduled for interviews should be notified in advance of interview topics. They should also be told what, if any, reports, records, etc., should be brought to the interview.

In order to place the employee at ease, the interview should be conducted in an informal manner. The auditor should state the purpose of the audit and make sure the employee understands that the purpose of the audit is to seek information that may aid in the inspection and review. Direct questions should be asked. The auditor should clarify any areas which are in question. During the interview, the auditor should not make recommendations or evaluative comments. The tone must be diplomatic and first focus on information gathering, then clarify any areas of confusion.

Examination of Documents

Depending on the extent of the audit, the examination of documents may be warranted. This may involve the checking of records to determine their accuracy, comparisons with other related papers, or the inspection of files and filing systems to determine if reports are easily accessible, filed in logical order, and filed correctly.

The method for examining these files or documents is based upon the principles of work sampling and is conducted by drawing random samples of items. A sample is taken according to a predetermined or systematic proceeding, such as every fifth, tenth, or hundredth record. With a minimum of regular checking, an overall picture of the amount of work can be obtained, as well as any errors in the work performed. It should be noted, however, that if the purpose of a random sampling of files is to determine the completeness of a particular file, it may not be considered necessary to draw random samples. A one-month chronological sample of files may be acceptable and the auditor may assume that the completeness rate found in the sample file is representative of the error rate of the entire file.

Figure VII-2

AUDIT QUESTIONNAIRE
ANYTOWN POLICE DEPARTMENT

DATE: _____

RECORDS BUREAU	YES	NO	N/A	COMMENTS/RECOMMENDATIONS
POLICIES				
1. A policy is a guide for carrying out action to achieve objectives. It is in effect until it is replaced or eliminated.				
a. Does the department have written policies?				
b. Are they organized in a manual?				
c. Are they up-to-date?				
d. Are they clearly written?				
REPORT PREPARATION				
2. Indicate the method by which police reports are usually prepared:				
a. Handwritten				
b. Typed by Investigating Officer				
c. Dictated and later typed by clerical employees				
d. Other - Complete comments				
3. Are reports usually prepared:				
a. In the field?				
b. Telephone to the station?				
c. At the station?				
FACILITIES, EQUIPMENT, & LAY-OUT				
4. Are working quarters adequate in term of:				
a. Space?				
b. Noise level?				
c. Lighting?				
d. Other?				
5. Is equipment up-to-date and adequate to do the job?				
a. Efficiently?				

Figure VII-3

SAMPLE QUESTIONNAIRE FORMAT/LAYOUT

BUREAU/DIVISION/UNIT	YES	NO	N/A	COMMENTS/RECOMMENDATIONS
<p>QUESTIONS</p> <p>1.</p> <p>2.</p> <p>3.</p>				

Several important areas of a police records system which should receive routine inspections are:

- o Telephone/radio tapes - Determine if dispatchers and/or receptionists are accurately documenting citizens requests for service by listening to a random sample of tapes. This includes properly dispatching units or taking telephone reports.
- o Dispatch/complaint control cards or logs - Determine if, upon responding to a request for police service, the officer accurately documented the elements of the offense. This includes the proper issuance of case numbers, and verification of complainant information. This can be accomplished by comparing the cards with the information documented on the police report.
- o Crime/offense report - Determine the accuracy with which the crime/offense reports are prepared, reviewed, classified, and scored for Uniform Crime Reporting. This includes comparisons with information on both the communications tapes and the complaint cards/logs.
- o Filing systems - Determine if reports are easily accessible, properly prepared for filing, and filed in logical order. A random sampling of reports will provide this information. Several key areas to be aware of when inspecting files include:
 - legible, accurate labels on all file drawers or folders,
 - absence of overcrowding (drawers and shelves should have at least three inches of free space),
 - use of "out" cards (which indicate the name of the person who has the document and the removal date),
 - use of a tickler file or other follow-up system for documents that are checked out,
 - conformity with the agency's uniform filing system, and
 - existence of an up-to-date index system, when appropriate.

- o Data reporting - Determine whether the agency's procedures and practices for data reporting comply with legal requirements. Documents (booking registers, complaint assignment forms, fingerprint cards, disposition forms, etc.) should be examined and compared with records samples obtained from DOJ to determine whether the agency is reporting complete and accurate data. Compare the dates to determine if the data was reported promptly.
- o Forms design/control - Determine whether all data collection documents are properly designed so as to be easy to understand and complete. Determine if the forms are designed to eliminate the possibility of entering inaccurate data or losing data. Determine if proper controls are placed on both design and use.
- o Records dissemination - Determine whether the agency disseminates any type of data outside of the agency. Determine if appropriate audit trails are maintained. Determine if records personnel understand the type of data which may be made available, and to whom it may be released.
- o Physical records security - Determine if all criminal records are physically located in a secure area. Determine if procedures are used to ensure that only authorized persons may enter the area. Determine if all records areas are adequately protected against fires, and if procedures exist for handling these emergencies. Determine if employees are properly trained or educated on security procedures.
- o Automated system requirements - Determine if the computer system is protected against unauthorized access.

The system must use effective hardware and software designs to prevent unauthorized access. Determine if there is protection against unauthorized tampering. The system must use operational programs to ensure that data cannot be accessed, modified or changed by non-criminal justice terminals, and can only be purged or destroyed by specifically designated criminal justice terminals. Ensure that the operational programs are kept under maximum security conditions and available only to designated persons. The development of operating programs and procedures which ensure that criminal justice data is secure from non-criminal justice users is mandatory.

Other areas which may require periodic audits include:

- o Data entry procedures
- o Department manuals
- o Financial records
- o Micrographics
- o Personnel training
- o Photocopying procedures
- o Records retention
- o Statistical recordkeeping
- o Subpoena processes

It is important to ask the following basic questions that are relevant to all files and procedures:

- o Why are we doing this?
- o Is the procedure or file mandated by law?
- o How is the file used, by whom, how often, for what purpose?
- o What happens if the file or procedure is changed or deleted?
- o Can the file or procedure be improved?
- o Is the file or procedure mandated by agency policy/directive? If not, should it be?

Features of a Records Operating System

Reliability and efficiency form the basis for an effective operating system. Overall, the auditor should recount the key features of a good system:

- o well defined goals and objectives,
- o reliable employees and established training programs,
- o clear responsibility,

- o separation of important duties,
- o reliable, up-to-date records,
- o compliance with rules, regulations, and instructions,
- o regular management review and approval, and
- o neat work area, designed for efficiency.

The weaknesses to look for in the operating system include:

- o procedures which are ineffective,
- o duplication of effort by employees or units,
- o performance of work which saves little or no useful purpose,
- o ineffective or uneconomical use of equipment,
- o overstaffing/understanding in relation to work to be performed, and
- o wasteful use of resources.

Compliance Audit

The compliance audit is the examination of records or procedures to determine if certain legal requirements have been met. Although these audits are normally conducted through the use of questionnaires and interviews, their objective is to ensure compliance. Physical examination of files is warranted.

There are many areas which require compliance in the records area. They include:

- o CORI - Examination of agency directives/orders to determine if written regulations exist regarding the security of CORI which comply with state regulations (702 C.A.C.), determination that designated employees are authorized to release CORI; that the agency maintains a record of each release of CORI (audit trails); determination that the agency furnishes CORI pursuant to existing law. Auditors should refer to the most current "California Criminal Records Security Statutes and Regulations" publication, Department of Justice, for a complete listing of applicable laws. Also refer to this manual section entitled, "Security of Information."

- o Communications Logging Tapes - Determine if city/county resolution exists pertaining to the destruction of certain telephone and radio communications (34090.6 G.C.).
- o UCR/BCS Statistical Requirements - Determine if agency is submitting reports to DOJ (1320, 13010(a) P.C.). If the agency is experiencing problems in this area, it is recommended that an audit be conducted examining the reporting standards used to compile these statistics. Auditors should use the IACP/UCR Audit/Evaluation Manual to aid in this process.
- o Mandated Reporting - Determine if the agency is submitting mandated reports (in a prescribed format) to DOJ pursuant to law. These reports include:

Vehicles

- Vehicles and serialized parts (stolen, lost, recovered) (11108 P.C.; 10500, 10551, 22854 V.C.).
- Notice of Stored Vehicle Reports (22853 V.C.).
- Traffic Accidents (20008(a) V.C.).

Firearms

- License to carry concealed weapons applications, licenses/renewals (12052, 12054 P.C.).
- Notification of retention or destruction of firearm (12028, 12030 P.C.).
- Report of mail-order purchase of concealable firearm (12079 P.C.).
- Gun sellers (12071 P.C.).

Property

- Serialized property (stolen, lost, found) (11108 P.C.).
- Non-serialized property (21634 B.P.).
- Pawn/Buy property (21208 F.C.).

Arrest Records

- Fingerprint cards (13150 P.C.).

- Disposition of Arrest and Court Action (JUS 8715; 11115 P.C.).
- Release of person arrested and released on 849b and issuance of "Detention Only" certificate (851.6 P.C.).
- Records dismissed (1203.4, 1203.4(a) P.C.; 1772, 3200 W.I.).
- Records sealed (781 W.I.; 851.7, 851.8, 1203.45 P.C.).
- Declaration of factual innocence (851.8 P.C.).
- Destruction of marijuana arrest reports (11361.5(a) H.S. (after 1/1/76), 11361.5(b) H.S. (b) (before 1/1/76)).

Statistical Reports

- Return A
- Supplement to Return A
- Monthly Arrest and Citation Report (13020, 13010(a) P.C.).
- Juvenile Court and Probation Statistical Report (13020, 13010(a) P.C.; 285 W.I.).
- Reports of law enforcement killed or injured (13020, 13010(a) P.C.).
- Arson Reports (13020, 13010(a) P.C.).
- Jail and Camp population (annually) (13020, 13010(a) P.C.).
- Juvenile Detention Facility Report (13020, 13010(a) P.C.).
- Number of full-time law enforcement personnel (annually) (13020, 13010(a) P.C.).
- Justifiable Homicide Reports (13022 P.C.).
- Probation Officer Reports (13020, 13010(a) P.C.; 285 W.I.).
- Domestic Violence Report.

- Violent Crimes Against Senior Citizens (Concurrent Senate Resolution #64).

Special Reports

- Crime Reports (11107 P.C.).
- Missing persons and dental charts (11114 P.C.).
- Unidentified deceased and dental charts (10254 H.S.).
- Child Abuse (11166, 11169 P.C.).
- Registration reports.
 - o Sex (290 P.C.)
 - o Narcotic (11590 H.S.).
 - o Arson (457.1 P.C.).
- Secondhand dealer.
 - o Application for license (21641 B.P.).
 - o License (21641, 21642 B.P.).
 - o Reports on tangible personal property acquired (21634 B.P.).
- Death in custody (12525 G.C.).
- Elder Abuse.
- Bomb Reporting.

Documentation

Upon completion of the audit, the findings must be analyzed. Analysis of the data will identify any weaknesses in the reporting system and provide information necessary to take corrective action. The audit report should address observed problems and identify those steps necessary to make corrections. The information provided must be clear, concise, and accurate.

The report itself should clearly state the scope of the auditor's examination. It should tell the reader what the auditor did and what he did not do; a brief description of the limitations placed on the audit. For example, the auditor may express an opinion on the control procedures used to ensure that reports are physically secured, but may wish to mention that the opinion expressed is not on the quality of the reports themselves.

The report should explain the standards used in measuring the function or activity. These standards may be based upon written policies, procedures or based upon information provided by management or line personnel. The use of existing policies and procedures help establish the basis for the audit standards.

The report should identify the evidence upon which the auditor's opinion and conclusions were based. For example, citing reviews and tests will add credibility to the findings.

Finally, the auditor should review all drafts of the report with the supervisors and/or managers of the activities which were audited. This will ensure that the auditor has properly interpreted all the facts, has considered all factors involved in the operation being reviewed, and that technical terminology has been correctly translated.

Review

The purpose of the audit is to identify any weaknesses in a system and to provide the information necessary to take corrective action.

The audit process involves the random sampling of reports, files, or procedures beginning at the origin of the event and tracing the process to final disposition. The reports or processes are closely inspected to ensure completeness, accuracy, and reliability. The inspection, audit findings, and recommendations are then documented. They provide valuable information for improved performance.

VIII. AUTOMATION OF RECORDS

CONSIDERING THE AUTOMATION OF YOUR RECORDS SYSTEM?

PROCEED WITH CAUTION

Introduction

Today, increasing numbers of police and sheriff's agencies have an automated records system, are currently in the process of automating, or are giving serious consideration to acquiring a computer. When computers were first introduced to the law enforcement community several years ago, they were out of the financial reach of most medium and small-sized agencies. The advent of the mini-computer, followed by development of the microcomputer and the increased availability of criminal justice software (programs), encouraged many agencies to move to automation. As a result of the continuing decline in the price of personal computers, virtually all agencies have the potential to automate at least a portion of their information system.

Almost daily we are bombarded with stories about the potential benefits that result from automation. Take a quick look at some recent issues of a few law enforcement journals. Several will contain at least one article on the positive results derived from automated records, dispatch, and investigative processes. Unfortunately, such publicity has led many administrators to believe that computerization is "the answer" to improving the efficiency and effectiveness of an organization.

While the benefits of automation are many, a decision to automate must include consideration of a variety of issues. Automating a records system may require major capital expenditures for hardware and software, increases in supervisory and management personnel, major changes in work flow and procedures, specific technical training for all personnel, increases in space requirements, and new staff with computer-specific technical skills.¹

Need for Highly Skilled Staff

Implementing and maintaining an automated records system requires staff trained in data entry, data quality control, and system development and maintenance. Individuals with such skills and experience may be more costly than other clerical personnel. Additionally, the computer system may require programmers and computer operators within the agency to support program development and system maintenance.

¹ Bonnie Canning, "Six Drawbacks to Putting Records On-Line," *Administrative Management*, May 1986, pp. 20-21.

More Supervisory and Management Staff

Someone must oversee document analysis and data entry, direct quality control efforts and coordinate computer support. More sophisticated system, with diverse and specialized staffs, typically require increased supervisory and management resources.

Changes in Workflow and Procedures

Records management is a service operation that affects the way all organizational units function. Automation may result in the need to revise procedures, timetables, and methods for processing documents and data. These changes require the cooperation of other units to support the new procedures and contribute to the success of the new system.

Technical Training

The records staff is not the only group that requires training to support the automated records function. ALL USERS WILL REQUIRE TRAINING TO SOME DEGREE. Resources and employee time must be allocated for system familiarization and start-up, and for periodic refresher training.

Increased Space Requirements

One common justification for an automated records system is that filing space will be reduced. While this may be true, it is important to remember that a computer system has its own space requirements. Areas are needed for storing documents awaiting processing, computer hardware (including remote, desk top terminals), and additional staff. The "computer room" oftentimes has specific, air conditioning, power, and noise suppression requirements.²

With these factors in mind, how does an agency determine if it is worthwhile to automate the record system?

Reviewing and Evaluating the Agency's Manual Records System

The first step in making a decision whether to automate is to review and evaluate the manual records system. Some agencies assume, incorrectly, that automation is the only way to increase the use of information. Efficiency must first be realized within the manual records system.

² Ibid., pp 20-21.

If a decision is made to computerize, the automated system must be designed around a sound manual records system. Law enforcement operations depend on information that is reliable, accurate, complete and timely. An automated system alone, cannot correct all of the problems and deficiencies of a poorly designed manual information system.

Section VII, System Audit Procedures, provides a methodology for assessing a manual records system. Before proceeding with a feasibility study on automation, an audit of the manual system should be completed and the deficiencies corrected.

Conducting a Feasibility Study

After a comprehensive audit of the manual records system and correction of problems within the system, the next step is to conduct a feasibility study on computerization. This study process includes the following 11 steps:

1. form a Feasibility Study Group and Steering Committee,
2. develop a feasibility study plan,
3. build support for the project,
4. select a systems analyst,
5. define objectives of a desired information system,
6. determine present system capabilities and resources,
7. analyze needs,
8. determine resource requirements,
9. assess procurement options (if appropriate),
10. identify the desired system, and
11. a report to management including a cost benefit analysis option.

Forming a Feasibility Study Group and Steering Committee

A Feasibility Study Group should be established to conduct the feasibility study. The Administrative Services Division manager should serve as the chairperson. It is very important that this group include representatives of affected units and ranks within the agency. A typical study group may be comprised of the following:

³ For a comprehensive treatment of this topic, see National Clearinghouse for Criminal Justice Information Systems, System Development Guidelines (Sacramento, CA, October 1979). The feasibility study process outlined is primarily based on the Systems Investigation and analysis information taken from this source.

Chair Person:	Administrative Services Division Manager
Group Members:	
Lieutenant	Representing Sworn Managers
Sergeant	Representing Sworn Supervisors
Records/Comm. Supervisor	Representing Non-Sworn Supervisors
Patrol Officer	Representing Patrol Division
Investigator	Representing Investigations Division
Records Clerk	Representing Records Line Staff
Dispatcher	Representing Communications

Group members should be chosen for their interest in the project and knowledge of the records system, resources, user information needs, problem areas and constraints. "The importance of a representative group cannot be underestimated. Information systems may be made or broken at the user level. They are responsible for the integrity of system input, for the smooth, cooperative daily operation of the records system and are an invaluable source of information regarding . . . conditions which could impact many processing steps A productive . . . group can result in important contributions to the . . . development of an information system."⁴

To ensure executive staff participation, an overall policy board should be established to review and comment on the products prepared by the Feasibility Study Group. This policy board may be identified as the Steering Committee. Its members should consist of the agency administrator, all division heads and one mid-manager at-large.

Development of Feasibility Study Plan

One of the first tasks of the Feasibility Study Group is to reach agreement on the purpose of the study and develop a basic plan for carrying out the project. The plan should include:

- o an outline of major steps to be followed in conducting the study,
- o a proposed time frame, including number of meetings planned per month, and
- o a budget estimate of personnel costs and incidentals for the projects.

⁴ Ibid., pp. 1-20.

Upon completion, the plan and proposed budget should be presented to the Steering Committee for approval.

Building Support for the Study

Given the limited resources available for extensive studies, and the potential cost of hardware and software, a proposal for the expenditure of funds for a study may receive little support, if any, from the city/county administrator. Accordingly, it is important to gain the early approval and cooperation of the city/county chief executive officer for the project. This study approval is not for the purpose of automating the agency, but to generate support should the agency eventually determine that automation is an appropriate means to improve operations.

The feasibility study proposal should be presented in a manner that emphasizes careful assessment and pre-planning to prevent unnecessary expenditures of funds. A two-pronged approach, using informal and formal lines of communication, should be considered to build support for the study.

Formal lines of communications include official memoranda that specifically describe the study. For example, the proposal may state: "The purpose of the feasibility study is to examine the concept of automating XYZ agency's information system. The scope of the study is to: 1) determine present system capabilities and resources, 2) analyze information needs, 3) determine resource requirements, 4) identify transferrable software if automation is deemed appropriate, and 5) identify potential funding sources from corporate, business, social and government organizations."

To avoid misunderstandings and disapproval of the study, fiscal issues should be relegated to follow-up memoranda and discussions. It is important that the conceptual plan, as agreed upon by the agency's management team be a viable plan as far as the city or county administrator is concerned. The agency administrator may wish to stress that the agency will share its experiences with other law enforcement agencies within the jurisdiction so that they do not have to "reinvent the wheel." Placed in proper perspective, this may be a powerful selling point for the study.

Selection of a Systems Analyst

Once approval has been given to proceed with the feasibility study, a systems analyst should be selected. The role of the systems analyst is to ensure that a logical, comprehensive and thorough plan is the basis for the needs analysis and system design. The analyst may be an agency employee or an outside consultant chosen on the basis of the ability to work with the Feasibility Study Group, communicate well, develop ideas for system development, and

for knowledge of criminal justice records systems. The analyst should be accountable to the Feasibility Study Group.

Defining the Objectives of a Desired Information System

With preliminary planning for the feasibility study completed, the systems analyst and Feasibility Study Group should meet to assess, in concrete terms, the objectives of a good information system. Consideration should be given to:

- o identifying all users of the agency's information system,
- o cataloging user needs and the various ways information is utilized (for crime analysis, statistics, research, etc.), and
- o identifying external constraints on the system (privacy and security regulations, purging requirements, etc.).

Simply stated, this process should result in a list of desired outcomes that the information system should provide.

Determining Present System Capabilities and Resources

Once user needs have been established and external constraints have been identified, it is necessary to determine the capability of the present system to deliver the type and quality of service required. System capabilities can be determined by:

- o Interviews

Interviews should be conducted at the clerical level with report processors and distributors to obtain detailed information about operation of the system. Data from the interviews must be carefully recorded, collated and analyzed.

- o Questionnaires

- o Observations of the System

The flow of paper from input to output should be traced and documented in detail. This process will allow the systems analyst to identify each step in the process and the cost of each function. This review often reveals opportunities for simplification, consolidation, or elimination of some data being collected.

A series of flowcharts should be developed to describe the current system, including the sequence of operations, tasks performed, and the movement of documents within the agency and between other criminal justice agencies.

Copies of all forms used in the system should be obtained together with information regarding their use. Each document should be evaluated as to its contents and utility.

Finally, all system directives which relate to the records function should be identified. They should be analyzed to determine whether they address all aspects of the system, if there are any conflicting or redundant instructions, and how they are currently applied.

Analyzing Needs

Once the desired outcomes and current system capabilities and resources have been identified, present and future needs can be described. By comparing system objectives and existing capabilities, the following determinations can be made:

- o Which existing functions could be replaced?

If implementation of a desired objective would eliminate all or part of an existing procedure, there will be an increase in system capabilities in proportion to the displaced service. For example, automating the UCR function eliminates the need for manual daily tallies and monthly recaps, thereby saving considerable clerical time.

- o Which existing functions could be modified and made more effective?
- o How can existing resources be better utilized; what additional resources are required to attain the stated objectives?
- o Which resource (lack of personnel, lack of equipment, etc.) is the major constraint in attaining each of the stated objectives?
- o Consideration of legal processes mandated for automated systems. Reference Section III, page III-14.

To help clarify system needs, two types of needs assessment charts should be produced: 1) a priority listing of all proposed system objectives, listed in order of priority from highest to lowest; and, 2) a listing of all proposed objectives by capabilities. The lists should begin with those objectives that can be accomplished with present resources. The remaining objectives should be listed in order, from minimum to maximum, according to the degree of additional resources required for their attainment. Objectives

mandated by law must be incorporated within both charts. The charts will greatly assist in the formulation of a comprehensive picture of the needs assessment results and can be used to make decisions regarding the agency's priorities and resources.

Determining Resource Requirements

Each objective identified in the feasibility study should be analyzed to determine the resources required to achieve the objective. While two or more objectives or applications may be related, each may have its own unique resource requirements. The resources required to achieve the objective may include operating staff for the system, equipment, facilities, and supplies.

Specific costs for resources will generally fall into two categories. Variable costs, which react proportionally to volume changes in the workload (such as the number of calls for service), and fixed costs which are more stable and usually respond only to significant changes in workload volume over a long period of time.

Variable costs to consider include:

- o Staff

The cost is based on the total annual productive hours necessary per application X average hourly rate, including fringe benefits.

The study must include an estimate of personnel requirements, and related costs, associated with operation of the system on a 24-hour, 7-day per week basis.

- o Supervision

If workload requires more than 3 clerical positions, a supervisor's salary should be considered.

- o Forms and Documents

The cost for each specific application and additional costs for new objectives or modifications to current procedures must be determined.

- o Data Storage

Cost could be either file cabinet space or cost of computer storage to maintain information on line.

Fixed costs can include:

- o Administration
Management personnel time, and related costs, necessary to accomplish each objective. Also included are the costs of specific operational personnel necessary for each task.
- o Training
Cost of training staff on new procedures, forms and hardware. If training will be required for several new applications, costs of personnel time and training may be divided among them.
- o Travel
Cost of any trips necessary for the implementation or transfer of new applications.
- o Office Equipment and Supplies
Initial cost of supplies and all equipment required for implementation of any objective.
- o Hardware and Software
Costs associated with procurement of data processing equipment and software.
- o Terminals and Lines
Costs for installation and purchase/lease of terminals, printers and/or communication lines.
- o Contractual Expenses
Any contractual costs associated with the feasibility study, software modification or design, and system transfer or forms design, which will occur as the direct result of the implementation of any objective.

When assessing resource requirements, three important costing concepts should be considered. They are:

- o Cost Avoidance
Occurs when a new application or system results in enhanced productivity or efficiency without an increase in current personnel or equipment.

- o Cost Displacement

Occurs when a current expenditure for equipment, office space or personnel will no longer be required as a result of implementing a new program or application.

- o Value Added

Placement of a dollar value on less tangible benefits typically associated with improvements in service delivery, crime analysis, forecasting, etc., which may occur as a result of a new application or system.

Ranking Objectives

Objectives should now be ordered in rank of priority on the basis of the agency's needs. Needs can be grouped into four categories:

- o Required

Where federal, state or local regulations require a new service or modification to an existing service.

- o Critical

Where inadequate procedures or lack of automation is a serious detriment to the efficient functioning of the department.

- o Significant

Where development of a new, or modification of an existing, application would produce significant improvement in the agency's functional capabilities.

- o Desirable

Where the availability of automation or modification of an existing service would result in an improvement, but lack of implementation would not seriously affect the agency's overall operation.

Assessing Procurement Options

Once the agency's needs have been analyzed and resource requirements determined, it is necessary to consider what services or equipment should be procured and the estimated costs involved.

If the decision is made to acquire an automated system, it is suggested that the agency use the services of a consulting group

and in-house advisory committee to conduct an assessment of procurement options. The committee may include members of the feasibility group. An agency considering a computer system for the first time may lack the in-house expertise to conduct a comprehensive evaluation of procurement options. While a consultant may appear to be an unnecessary expense, experienced consulting services are usually a sound investment. As an alternative to a private consultant, the agency may obtain procurement assistance from a local data processing department, purchasing department, or other law enforcement agencies that have recently acquired data processing systems.

The acquisition of a computer system should begin with the identification of various software systems that meet the needs of the agency. The most successful and efficient process identifies software first, and hardware second. Look at several different systems and meet with representatives from other law enforcement agencies that are using software the agency may be interested in acquiring. Do not rely solely on the statements of vendors concerning the capabilities of a specific system. Look at the user's manuals provided with the system. Can they be easily understood? Determine what support (training on use of the system, maintenance contract, etc.) is provided by the vendor. Finally, keep in mind that even "off the shelf" software usually requires some "customizing" for specific agency use. Be sure to identify the potential programming costs associated with software modifications.

Once software has been identified that meets the needs of the agency, it is appropriate to identify the various computers available that will operate the software the agency may acquire. A consulting group can be of great assistance in determining the costs and advantages/disadvantages associated with acquiring a dedicated, shared or leased system.

Determining the Best System

The agency should now have sufficient information to determine the best system alternative. The Systems Analyst and advisory committee/Feasibility Study Group should reduce alternatives to two or three of the best which most closely meet the needs of the department, are technically feasible and financially attractive. The group should reach consensus on the best system that will be recommended for purchase.

Reporting to Management

A complete report of the entire feasibility study should be prepared for presentation to the agency administrator. The report should include:

- o scope of the feasibility study,
- o a discussion of the needs assessment process and results,
- o advantages and disadvantages of alternatives recommended, and
- o recommendation of the best system.

The agency administrator must decide whether to accept the recommendation and proceed with the acquisition and implementation of a new system. Due to the complexity of the issues and potential costs involved, an oral presentation by the System Analyst, in the presence of the user's group, to the Steering Committee is recommended. This process will allow questions to be asked, further information to be obtained and political considerations reviewed.

Conclusion

Automation may provide benefits and savings to a law enforcement agency by reducing clerical time, simplifying report storage and data retrieval, expanding the availability of information, facilitating access to other data bases and avoiding future costs for expansion of the records system. These benefits may be lost if computer acquisition is not properly planned. Deliberate planning of the feasibility study, assessment of user's needs and determination of resource requirements, accompanied by careful consideration of alternatives for improving the agency's records system, will help to ensure that the decision to automate is a sound one. Furthermore, these efforts will serve to insure that automating the records system is a successful endeavor.

EXAMPLE POLICE DEPARTMENT

DEPARTMENT ORDER: _____

DATE: _____

Index as: Forms Control Program
Numbering, Form
Supply, Form

FORMS CONTROL

I. Purpose

The purpose of this order is to establish uniform procedures for the development, revision, format, numbering, and ordering of forms used by the (name of agency).

A. Responsibility

1. It is the responsibility of the Records Supervisor to monitor the development, revision, format, numbering, ordering, and supply of forms to ensure that the forms used by the Department are in conformance with the procedures set forth in this order.
2. Forms developed or revised will be approved by the Division Commander prior to any printing request being processed.

II. Development or Revision

- A. Any employee may propose the creation, revision or consolidation of forms which would increase the efficiency or effectiveness of the Department.
- B. Employees will forward the suggested form or revisions to their Division Commander. The Division Commander will review the proposed form or revision.
- C. Prior to approval, the proposed form or revisions will be submitted to (Records Supervisor) for the review and comments. The (Records Supervisor) will return the proposal with an evaluation to the Division Commander for final approval by the Chief of Police/Sheriff.
- D. Upon the Chief's/Sheriff's approval, the (Records Supervisor) will assign the appropriate number to the form, initiate an inventory file folder, and order a supply of the form.

- E. The Records Supervisor will notify the training officer of the new form, indicating its purpose and ramifications so that form training prior to form implementation can be scheduled.

III. Numerical Form Inventory File

- A. A file will be maintained in the Records Section for each form used by the Department.
- B. Folders will be filed numerically, by form number.
- C. Each form file will contain the following information:
 - 1. Form number,
 - 2. Title,
 - 3. Ordering specifications,
 - 4. Preparation instructions,
 - 5. Distribution,
 - 6. Estimated annual usage, and
 - 7. Minimum stock level.
- D. The form inventory file will be used for the following purposes:
 - 1. Master index of forms,
 - 2. Inventory stock control,
 - 3. Record of form specifications,
 - 4. Forecasting budgetary needs, and
 - 5. Preparation and processing instructions.

IV. Functional Form File

- A. A file folder will be maintained in the Records Section for each major Department function.
- B. Folders will be filed alphabetically by function.
 - 1. Administrative forms
 - 2. Log forms
 - 3. Personnel forms
 - 4. Property/Evidence forms
 - 5. Report forms
 - 6. Routing forms
 - 7. Supplemental forms
 - 8. Traffic forms
 - 9. Vehicle forms
- C. The purpose of the functional forms file is to assist in the evaluation of form development, revision, and consolidation, and to provide easy access to the forms related to a particular subject.

V. Numbering

- A. Each Department form will be numbered in order to control the number of forms and to provide a basic reference to a particular form.
- B. Each form will contain the form number in the lower left corner and consist of (individual agency numbering system).

VI. Ordering Forms

- A. Forms will be ordered through the Records Supervisor using Department form number _____.
- B. Supplies of forms will have a reorder indicator inserted in each inventory at the appropriate reorder level.
- C. When forms reach the level of the reorder indicator, the employee will forward reorder indicators to the Records Supervisor so that additional supplies can be ordered.

By order of:

Chief of Police/Sheriff

EXAMPLE POLICE DEPARTMENT

DEPARTMENT ORDER: _____

DATE: _____

Index as: Information Release
Public Information
Release of Information
Department Reports, Release of

INFORMATION RELEASE

I. Purpose

The purpose of this order is to establish policy and procedures to comply with the California Public Records Act and other applicable laws and legal divisions, concerning the release of public information.

A. Policy

1. It is the policy of the _____ Department to comply with public law regarding disclosure of police reports and public information.
2. Subject to legal constrains, the _____ Department shall disclose upon request, information pertinent to the day-to-day service activities of the Department.
3. In conjunction with the public's right to know, the _____ Department must protect the legal rights of the victims and accused and ensure disclosure is in compliance with public law.

II. Information to be Released

- A. Information shall be released in compliance with the Public Records Act and other applicable laws and legal decisions.
- B. Government Code Section 6254(f) defines information which must be made public unless release of the information would endanger the safety of a person or the successful completion of an investigation.
- C. The Public Records Act requires specific information be released to the public, unless release of the information would endanger the safety of a person or endanger the successful completion of an investigation, in the following categories:

1. Call-for-Service

- a. Time, substance and location of all complaints or requests for assistance.
- b. Time and nature of response.
- c. Date, time and location of occurrence.
- d. Date and time of report.
- e. Victim's name, age, and current address, EXCEPT victims of specific abuse and sex crimes.
- f. Factual circumstances surrounding the crime or incident.
- g. General description of any injuries, property or weapons involved.

2. Arrestees

- a. Full name, current address and occupation.
- b. Date of birth and physical description: sex, height, weight, color of eyes and hair.
- c. Date and time of arrest.
- d. Location of arrest.
- e. Factual circumstances surrounding arrest.
- f. Date and time of booking.
- g. Amount of bail.
- h. All charges, including warrants and parole or probation hold.
- i. Location where arrestee is being held.
- j. Time and manner of release.

3. Crime Reports

- a. Names and addresses of victims except victims of specific abuse and sex crimes, arrestees, and witnesses, EXCEPT confidential informants.
- b. Description of any property involved.

- c. Date, time and location of incident.
- d. All diagrams.
- e. Statements of parties involved.
- f. Statements of all witnesses, EXCEPT confidential informants.

III. Authority for Legal Exceptions

- A. Public Records Act
- B. Government Code Section 6255
- C. Penal Code Sections 11075 & 13300
- D. T.N.G. vs. San Francisco Superior Court (1971), Cal. App. 3d 767, Wescott v. Yuba County Cal. App. 3d 103 (1980) W. & I Code Section 827(a)
- E. South Coast Newspapers, Inc. vs. Oceanside (1984, 164 Cal. App. 3d 261)

IV. Exemptions to Release of Information

- A. The _____ Department shall not release the following information and/or reports:
 - 1. Names, addresses and identifying information of:
 - a. Juvenile (under 18 years of age) Wescott v. Yuba County (1980).
 - b. Victims of any crime defined by Penal Code Sections 261, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, or 289.
 - c. Confidential Informants. 6254(f) G.C.
 - d. Individuals taken into custody per 5150 W & I (dangerous or gravely disabled persons).
 - 2. Criminal offender information. Younger v. Berkeley City Council (1975).
 - 3. Information that may endanger the safety of any person, including law enforcement personnel. 6254(f) G.C.

4. Information that may jeopardize an investigation, related investigation or law enforcement proceedings. 6254(f) G.C.
5. Any portion of a report which reflects the analysis, recommendation or conclusion of the investigating officer. 6254(f) G.C.
6. Confidential information provided only by a confidential source. South Coast Newspapers, Inc. v. City of Oceanside (1984).
7. Information that may disclose investigative techniques and/or procedures.
8. Information that may deprive a person of a fair trial. South Coast Newspaper, Inc. v. City of Oceanside (1984).
9. Preliminary drafts, notes, or memoranda which are not retained in the ordinary course of business. 6254(a) G.C.
10. Records pertaining to pending litigation to which the public agency is a party until litigation is adjudicated or otherwise settled. 6254(b) G.C.
11. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy. 6254(c) G.C.
12. These exemptions do not purport to cover every situation or subject on which questions may arise.

B. Discretionary Release of Information

1. Exceptions may be made to the Exemptions to Release of Information, when not prohibited by law, on a case by case basis and when the release of information will:
 - a. Aid in an investigation
 - b. Assist in the arrest of a suspect
 - c. Warn the public of danger

C. Conditional Release of Information

1. Death Releases - In cases involving death, the victim's name will not be released until the next

of kin has been notified and clearance obtained from the Coroner's Office.

2. Injury Releases - In cases involving serious injury, the victim's name will not be released until the next of kin has been notified.
3. Suicide Notes - Contents of suicide notes will not be released, but the existence of a suicidal note may be acknowledged.
4. Multi-jurisdiction Investigations and Assisting Other Agencies - Inquires will be referred to the agency with primary jurisdiction.

D. Reports Pending Litigation

1. Reports pertaining to pending litigation to which the City/County _____ Department or an employee is a party shall not be released and all inquiries will be referred to the City Attorney/County Counsel.
2. These reports may be released only when the litigation or claims have been finally adjudicated or otherwise settled and the City Attorney/County Counsel has approved the release.

E. Personnel Issues and Policy

1. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy, shall not be disclosed.
2. Personnel issues and matters of policy shall be referred to the Chief of Police/Sheriff or designee.

V. Public Disclosure and Inspection Procedure

- A. All arrest and crime report information shall be available in accordance with the limitations of public law and consistent with this policy.
- B. Reports shall be reviewed by records personnel prior to public disclosure to ensure names and information entitled to an exemption are deleted or whether reason exists which specifically exempts the report from disclosure.

- C. Records personnel who process and distribute reports shall edit the face page of all arrest and crime reports prior to release.
- D. A record shall be maintained with the original report of all such releases of information.
- E. A fee from the current fee schedule shall be charged for release of report.

By order of:

Chief of Police/Sheriff

EXAMPLE POLICE DEPARTMENT

DEPARTMENT ORDER: _____

DATE: _____

Index as: Criminal Offender Record Information
CORI
Arrest Information

**RELEASE OF CRIMINAL OFFENDER RECORD
INFORMATION**

The purpose of the order is to establish departmental policy on the dissemination of criminal offender record information (CORI).

I. Departmental Policy

- A. It is the policy of the Department to control the release of criminal history records and to prevent the improper use of criminal history information.
- B. The Records Supervisor of this Department is designated Criminal Records Security Officer.

II. Authority

The authority for establishing local Crime Offender Records Security regulations is found in Title 11, Chapter 1, California Administrative Code. Other authorities include Penal Code 11105, Penal Code 11140-11144, and Penal Code 11120-11127.

III. Definitions

- A. The following definitions are applicable to court order.
 - 1. "Criminal Justice Agency": a public agency or component thereof which performs a criminal justice activity as its principal function.
 - 2. "Authorized Person or Agency": any person or agency authorized by court order, statute, or decisional law to receive criminal offender record information.
 - 3. "Criminal Justice Agency": records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and summaries of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release.

4. "Right to Know" means the right to obtain criminal offender record information pursuant to court order, statute, or decisional law.
5. "Need to Know" means the necessity to obtain criminal offender record information in order to execute official responsibilities.
6. "Record Check" means obtaining the most recent rap sheet from the California Department of Justice.
7. "Criminal Record Security Officer" means the employee of the Department given the authority and responsibility to enforce record security regulations.

IV. Responsibility of Departmental Employees

- A. Employees of the Department who are in possession of criminal history records shall be responsible for the physical security of documents. Under no circumstances shall an employee disclose the contents of any criminal history record to any person except as provided in this order.

V. Agencies and Persons Authorized to Receive Police/Sheriff Records

- A. Employees of the Department may furnish copies of Department of Justice (DOJ) "rap" sheets to authorized persons or agencies when the data is needed for official purposes such as a criminal investigation, arrest or booking, child endangerment or officer safety.

When the DOJ rap sheets are needed for employment, licensing or certification purposes, the authorized person or agency will be referred to:

Department of Justice
Division of Law Enforcement
4949 Broadway
Sacramento, CA 95820

See Authorized Agency List published by the Department of Justice.

- B. The Chief of Police/Sheriff shall maintain a current list of authorized agencies and persons who may have access to, or may receive copies of Department criminal history records.

VI. Request for Police/Sheriff Department Records

All employees of the _____ Department, and all authorized persons or agencies who are eligible to receive copies of arrest records, are required to complete an entry on the "Release of Criminal History Information" log. No record will be provided by records personnel until this entry is completed. The Records Unit of the Department shall retain all entries for a period of not less than three years.

VII. Procedures

A. Right-to-know

1. Criminal offender record information will be released only to persons or agencies authorized by court order, statute, or decisional law to receive such information.
2. One of the criteria for release shall be "Agencies Authorized to Receive California Department of Justice Rap Sheets."

B. Need-to-Know

1. Basis -- Need-to-know is based on the necessity to obtain criminal offender record information in order to execute official responsibilities.
2. Criteria -- Need-to-know is established when the requester certifies verbally or in writing to an official need for the information.

C. Release Criteria

1. Criminal offender record information may be released only when both the right-to-know and need-to-know have been established.

D. Audit Trail Requirements

1. A record shall be maintained on each release of summary criminal offender record information and shall contain the date of dissemination, the name of the agency, and where possible the name of the person to whom the information was given, the extent of the information given, and how it was transmitted.
2. The Records Supervisor shall comply with any reasonable request made by a representative of the

Department of Justice relative to any security and privacy audit of this agency.

E. Review of Criminal Offender Record Information

1. California Department of Justice rap sheets shall be reviewed in accordance with Penal Code Section 11120-11127.
2. The review of local records shall be in accordance with Penal Code Sections 13320-13325.
3. Release of Local Criminal Record Information

Criminal history information will only be released to authorized persons and agencies by authorized members of the Department Records Division, when right-to-know and need-to-know criteria are met.

F. Reproduction of Criminal Offender Record Information

1. Local criminal offender record information shall be reproduced or photocopied only within the physical facility of the record division by persons authorized to perform such reproduction, except that the court may make such reproductions relating to the needs of the District Attorney or the court, providing that a log is maintained indicating the reason why the reproductions are made.
2. All copies of criminal offender records that are released by the Records Unit shall be stamped on each page "_____ Department," along with the date and name of the individual or agency to whom the record was released.
3. The original of all copies criminal records shall be stamped with the date, and the agency or individual to whom the copy was released.

VIII. Protection of Criminal Offender Record Information

A. Security

1. All criminal offender record information shall be stored in a secure area and access to this file will be restricted to personnel authorized to release criminal offender record information.

IX. Destruction of Criminal Offender Record Information

- A. Employees of the Department who are no longer in need of criminal offender record information, shall be responsible for destroying the documents to the point that any reconstruction of the record is impossible or the record may be returned to Records for shredding.

X. Personnel

- A. A record check will be made on all employees of the Department who have access to criminal offender record information.
- B. Pursuant to Penal Code Sections 11142 and 13303, any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to person who is not authorized by law to receive the record or information is guilty of a misdemeanor.

By order of:

Chief of Police/Sheriff

EXAMPLE POLICE DEPARTMENT

DEPARTMENT ORDER: _____

DATE: _____

Index as: Report Release
Subpoena
Records Release

SUBPOENA DUCES TECUM PROCEDURES

The purpose of this order is to establish procedures for accepting and complying with Subpoenas Duces Tecum that are received by the Department.

I. Department Policy

It is the policy of this Department that Subpoenas Duces Tecum received by the Department will honored.

II. Definitions

A. "Subpoena Duces Tecum": An order directing a person or a business to produce papers, documents, books, or other things at a hearing as evidence in accordance with Code of Civil Procedure Section 1985.

1. "Custodian of Records": The custodian of records of the Department is the Chief of Police/Sheriff.

2. "Custodian of Records Designee": The person designated to accept subpoenas duces tecum other than the Chief of Police/Sheriff is the _____.

III. Processing of Subpoenas Duces Tecum

A. Acceptance

1. A subpoena duces tecum shall be obeyed only after it has been personally served on the Chief of Police/Sheriff or designee.

2. Service shall be accomplished by showing the original subpoena and affidavit to the _____ and by giving the _____ a copy of the subpoena and affidavit.

B. Witness Fees in Civil Cases

Witness fees for subpoenas in civil cases shall be paid even if not demanded by the respondent as noted in Government Code Section 68097.2(b).

C. The _____ shall check each accepted Subpoena Duces Tecum to determine:

1. that the subpoena is timely, that is, the date of the hearing in a civil case is at least 15 days subsequent to the date of service; or 20 days from the date of issuance, or five days from issuance for a criminal hearing.
2. that the subpoena is specific in its description of records to be produced;
3. that the affidavit sets forth the materiality of the requested records to the case;
4. that all of the requirements of Civil Code of Procedure Section 1985 are met; and,
5. that the documents requested are not personnel records.

The _____ shall confer with the City Attorney/ County Counsel if any of the above criteria are in question.

D. Compliance with Subpoenas Duces Tecum

1. Upon determining that the subpoena duces tecum is valid and lawful, the _____ shall follow Evidence Code Sections 1541 and 1560 in complying with the subpoena.
2. The _____ shall:
 - a. Make a copy of the requested records.
 - b. Prepare and sign a declaration certifying the records are true and accurate copies as described in Evidence Code Sections 1541 and 1560, or that no copies are available as the Department has no records on the subject.
 - c. Enclose the copies of the records and declaration or the declaration stating no

EXAMPLE POLICE DEPARTMENT

DEPARTMENT ORDER: _____

DATE: _____

Index as: Warrant Processing Procedure
Processing Procedure, Warrants
Receiving, Service Returning

WARRANT PROCESSING PROCEDURE

I. Purpose

The processing and service of warrants of arrest is an important function of law enforcement agencies. The objective of this Department is to carry out the warrant function as effectively as possible within appropriate legal, ethical, and financial constraints. The purpose of this directive is to provide an overview of the departmental warrant process. Additional directives on this subject will develop more detailed procedures concerning specific responsibilities (bail acceptance, warrant recall, etc.).

II. Responsibilities

The responsibility for the warrant function is divided between the Records Section and the Patrol Division, and is detailed as follows:

A. Records Section Responsibilities:

The Records Section is responsible for the establishment, maintenance, and updating of the various files and logs associated with the warrant processing functions.

The responsibilities are divided into those which occur before the warrant is served and those which occur after the warrant is served. They are enumerated below:

1. Pre-Service Responsibilities

- a. Log the warrant in the Warrant Log.
- b. Prepare the Warrant Service Information Card and the warrant envelope (or alpha index cards, if used).
- c. If appropriate, enter the warrant in NCIC, or other automated systems.

- d. Route the Warrant Service Information Card to the Patrol Division for service.
- e. File the warrant in the warrant file.

2. Post-Service Responsibilities

After attempts by the Patrol Division, the Warrant Card shall be returned to the Warrant/Records Unit indicating whether or not the warrant was served. The Warrant/Records Unit shall then perform the following tasks.

- a. If the wanted person was arrested:
 - (1) Place the Warrant Service Information Card in the "served" file. (In the case of an outside warrant, send the warrant or warrant abstract, any bail collected and the Warrant Service Information Card, that is, the record of attempts at service, to the agency which sent the warrant.)
 - (2) Pull and destroy the alpha card (if used).
 - (3) Update the Warrant Log.
 - (4) Clear the warrant from NCIC or other automated system (if previously entered).
- b. If the wanted person was not arrested:
 - (1) On a local warrant, place the Warrant Service Information Card in file with the warrant.
 - (2) In the case of an outside warrant, return a copy of the Warrant Service Information Card with the warrant or warrant abstract to the originating agency and update the Warrant Log.

B. Patrol Division Responsibilities:

1. When an officer is assigned a Warrant Service Information Card for service, the officer shall make a serious effort to serve it. All available leads shall be pursued within practical constraints.

2. The assigned officer shall log all attempts at service on the back of the Warrant Service Information Card.
3. When unable to serve a warrant, the card should be turned in at the end of the watch.
4. Whenever it becomes apparent that the wanted person is not available, this information shall be noted on the Warrant Service Information Card and the card returned to the Records Unit.
5. When a wanted person is arrested on a warrant:
 - a. The officer shall indicate on the back of the Warrant Service Information Card that the warrant was served.
 - b. The officer shall then turn in the card to the Records Section in exchange for the warrant.
 - c. The wanted person shall either be booked at the jail or allowed to deposit bail as appropriate. The officer shall make the return on the back of the warrant, which shall either be deposited at the jail or returned to the Records Section with the bail depending on the disposition.
6. Whenever any person is arrested on another agency's warrant abstract, a teletype shall be sent, notifying the agency that the person is in custody and has either posted bail or is available for release.

By the order of:

Chief of Police/Sheriff

LEGAL REFERENCE

(By Code/Sections)

<u>CODE/SECTION(S)</u>	<u>TOPIC</u>	<u>DESCRIPTION</u>
28 C.F.R. 20.1	Audits	Justice System Improvement Act-- need for CORI audits.
42 U.S. 3771(b)		Establishes standards for records management, including audits.
Business and Professions Code 6054	Information Release	Cooperation, assistance with State Bar.
Business and Professions Codes 21625-28	Licensing	Secondhand dealer licensing requirements/ reporting.
Business and Professions Code 24202		Requirement to report arrest to ABC. (Premise violations.)
Case Law	Arrests/Warrants	Rost v. Municipal Court (1960) 184 CA 2d 507; Cal Rptr 869. Jones v. Superior Court (1970) 30 Cal 3d 734; 91 Cal Rptr. 578; 478 p. 2d 10.

CODE/SECTION(S)

TOPIC

DESCRIPTION

Case Law

Arrests/Warrants

Serna v. Superior Court (1985), 40 Cal 3d 239; Cal Rptr P 2d.

Kaikas v. Superior Court (1971), 18 Cal 3d 86; 95 Cal Rptr 596.

Information Release

LAPD v. Superior Court LA Co. (1977), 135 Cal Rptr 575, 65 CA 3d 661.

Black Panther Party v. Kehoe (1974), 117 Cal Rptr 106, 42 CA 3d 645.

Central Valley 7th Step Foundation v. Younger (1979) 157 Cal Rptr 117, 95 Cal 3d 212 and (1989) 262 Cal Rptr 496, Cal App 1 Dis.

Hooper vs. Deukmejian (1981) 176 Cal Rptr 569, 122 Cal App 3d.

South Coast Newspapers, Inc. v. Oceanside (1984) 160 Cal App 3d 261.

Juvenile Records

Westcott v. Yuba County (1980), 163 Cal Rptr 385, 104 CA 3d 103.

<u>CODE/SECTION(S)</u>	<u>TOPIC</u>	<u>DESCRIPTION</u>
Case Law	Juvenile Records	Younger v. Berkeley City Council (1975) 119 Cal Rptr 830, 45 Cal 3d 82.5. T.N.G. v. Superior Court (1971), 4 C. 3d 767.
Civil Procedures 545-547 and 550(b)	Firearms/ Restraining Orders	Firearms/restraining orders/ prohibition to possess, agency mandate to report to DOJ.
Civil Procedures 1985-1987	Subpoenas	Defines subpoena and affidavit requirements.
Code of Regulations 702	Audits	Establishes requirement for DOJ audit of CORI dissemination.
Code of Regulations 700-711	CORI	Procedures, regulations, definitions in handling criminal history information.
Education Code 35254	Records Destruction	Destruction of school district records; microfilming.
Education Code 44237	School Employees	Bar from employment for sex/narcotics offense.

CODE/SECTION(S)TOPICDESCRIPTION

Education Code 45123

School Employees

Bar from
employment for
sex/narcotics
offense.

Education Code 45124

Bar from
employment--sexual
psychopath.

Education Code 45125

Requirement for
fingerprints/state
criminal history
check.

Education Code 45126

Duty of DOJ to
furnish
information.

Education Code 88022

Bar from
employment for
sex/narcotics
offense--community
colleges.

Education Code 88023

Bar from
employment -
sexual
psychopath -
community
colleges.

Education Code 88024

Requirement for
fingerprints/state
criminal history
check-community
colleges.

Education Code 88025

Duty of DOJ to
furnish
information-
community
colleges.

Evidence Code 1040

Information
ReleasePrivilege/
conditions for
refusal to
disclose
information.

<u>CODE/SECTION(S)</u>	<u>TOPIC</u>	<u>DESCRIPTION</u>
Evidence Code 1043	Pitchess Motions	Establishes guidelines for discovery/ disclosure of peace officer records.
Evidence Codes 1560-63	Subpoenas	Compliance with subpoenas for records; recovery of costs.
Financial Code 777.5	Information Release	Release of information to banks for employment.
Financial Code 6525		Release of information to financial assns. for employment.
Financial Code 14409.2		Release of information to credit unions for employment.
Government Codes 15150-67	CLETS	Establishes California Law Enforcement Telecommunications System.
Government Codes 6200-01	Information Release	Penalty for theft, destruction, etc., of public records.
Government Codes 6200-65		Public Records Act.
Government Codes 6250-6265		Public Records Act--defines and regulates release of public records.

<u>CODE/SECTION(S)</u>	<u>TOPIC</u>	<u>DESCRIPTION</u>
Government Codes 6251-52	Information Release	Definitions under Public Records Act.
Government Codes 6254-6254.5		Exemptions of public records from disclosure.
Government Code 6255		Justification for withholding information.
Government Codes 6256-57		Copies of records/time requirements and extensions.
Government Codes 6258-59		Public recourse for failure to provide information requested.
Government Code 6260		Effect of prior rights and proceedings.
Government Code 6261		Inspection of statement of expenditures and disbursement.
Government Code 6262-65		Disclosure to district attorney.
Government Codes 14755-56	Records Destructions	Destructions of state records, authority.
Government Codes 26201-05.1		Destruction of county records, authority.
Government Codes 34090-34090.5		Destruction of city records, authority.

<u>CODE/SECTION(S)</u>	<u>TOPIC</u>	<u>DESCRIPTION</u>
Government Code 34090.6	Records Destructions	Destruction of communication tapes, authority.
Government Codes 68093-68097	Subpoenas	Witness fees.
Health & Safety 11357(e)	Marijuana	Juvenile possession on school grounds.
Health & Safety 11361-61.5		Purge requirements.
Health & Safety 11361.7		Accuracy, timeliness and completeness of destruction, application.
Health & Safety 11590	Registrant	Narcotic registration requirements.
Health & Safety 11591-91.5	School Employees	Notice to school authorities-- controlled substance offenses.
Labor Codes 432.7-32.8	CORI	Regulates disclosure for employment, penalties for violation.
Labor Code 432.7(b)		Arrest and detention of peace officer.
Penal Code 273.6	Arrests	Violation of restraining order.

<u>CODE/SECTION(S)</u>	<u>TOPIC</u>	<u>DESCRIPTION</u>
Penal Code 111565	Child Abuse	Reporting requirements.
Penal Code 853.6(g)	Citations	Citations, booking required on recordable offenses.
Penal Code 832.5	Complaints	Citizen's complaints against agency personnel.
Penal Code 502	Computer Systems	Theft from; malicious access/damage; penalties.
Penal Code 11078		Requirement to maintain listing of agencies to whom CORI is released.
Penal Codes 11075-81	CORI	Definition: dissemination; requirement to regulate dissemination.
Penal Code 11105		Requirements/restrictions in furnishing state summary information.
Penal Code 11105.3		Youth organizations and human resource agencies access to state CORI for employment/volunteers.

<u>CODE/SECTION(S)</u>	<u>TOPIC</u>	<u>DESCRIPTION</u>
Penal Code 11105.4	CORI	Security organizations access to state and local CORI for employment.
Penal Codes 11120-24		Right to examine and challenge state record.
Penal Code 11125		Prohibition from requiring subject to obtain copy of state record.
Penal Code 11126		Procedure for correction/clarification of state record.
Penal Code 11127		Requirement for DOJ to adopt regulations.
Penal Codes 11141-43		Penalties for unauthorized possession/dissemination of state summary records.
Penal Code 11144		Dissemination for statistical/research purposes, authorized and defined-state.
Penal Code 13202		Dissemination for statistical/research purposes; local CORI.
Penal Codes 13300-01		Requirements/restrictions in furnishing local summary information.

<u>CODE/SECTION(S)</u>	<u>TOPIC</u>	<u>DESCRIPTION</u>
Penal Codes 13302-04	CORI	Penalties for unauthorized possession/ dissemination of local summary records.
Penal Code 13305		Dissemination for statistical/ research purposes; local CORI.
Penal Codes 13320-23		Right to examine and challenge state record; procedures.
Penal Code 13324		Procedure for correction/ clarification of local record.
Penal Code 13325		Requirement for local record review.
Penal Code 13326		Prohibition from requiring subject to obtain copy of local record.
Penal Code 11140		Definitions-state records.
Penal Code 691	Criminal Procedures	Accusatory pleading.
Penal Code 806		Examination before magistrate.
Penal Code 988		Arraignment.
Penal Code 849.5	Detention Only	Arrest deemed detention only; requirements.

<u>CODE/SECTION(S)</u>	<u>TOPIC</u>	<u>DESCRIPTION</u>
Penal Code 851.6(a)	Detention Only	Detention certificate requirements.
Penal Codes 11115 & 13151	Dispositions	Arrest and court action dispositions requirements.
Penal Codes 13700-02	Domestic Violence	Domestic Violence Act.
Penal Code 11113	Fingerprint Cards	Coroner's records, decedent fingerprint cards required.
Penal Codes 12070-77	Licensing	Firearms dealers; dealer record of sales.
Penal Codes 14200-13	Missing Persons	Reporting requirements.
Penal Codes 832.7-.8	Peace Officers	Personnel records of peace officers described and made confidential.
Penal Code 1203	Probation	Authority to grant; conditions of probation.
Penal Code 1203.4		Discharged probationer; conviction set aside; reimbursement of county costs.

<u>CODE/SECTION(S)</u>	<u>TOPIC</u>	<u>DESCRIPTION</u>
Penal Code 1203.45	Records Sealing	Authority to order juvenile sealing with relief under 1203.4 PC.
Penal Codes 851.8-.85		Factual innocence; sealing/ destruction requirements.
Penal Codes 799-805	Records Destruction	Statute of limitations; criminal.
Penal Code 290	Registrants	Sex offender registration requirements.
Penal Code 457.1		Arson offender registration requirements.
Penal Codes 291-291.5	School Employees	Notice of school authorities of arrest for sex crime.
Penal Code 11108	Vehicles	Requirement to submit stolen reports (includes other serialized property).
Vehicle Codes 20012-15	Collision Reports	Traffic collision reports; confidentiality and use.
Vehicle Code 1808.45	Information Release	Unauthorized disclosure of information; false representation.

<u>CODE/SECTION(S)</u>	<u>TOPIC</u>	<u>DESCRIPTION</u>
Vehicle Code 28	Vehicles	Vehicle repossession notification.
Vehicle Code 10500		Requirement to report stolen vehicles or plates.
Vehicle Code 10851		Vehicle theft.
Vehicle Code 20002		Accident reporting requirement.
Vehicle Code 22650		Vehicle removal requirement.
Vehicle Code 22651		Vehicle removal; circumstances allowing.
Vehicle Code 22852		Notice to owner of towed vehicle.
W & I Codes 15610-15632	Elder Abuse	Definition, reporting and employee requirements.
W & I Codes 389	Juvenile Records	Authority to require sealing; requirement to seal--noncriminal.
W & I Code 781		Authority to require sealing; requirement to seal--criminal.
W & I Code 827		Inspection of petition and reports of probation officer.

<u>CODE/SECTION(S)</u>	<u>TOPIC</u>	<u>DESCRIPTION</u>
W & I Codes 826-826.5	Juvenile Records	Release, destruction, reproduction of court records.
W & I Codes 827-828		Court jurisdiction over juvenile records; police authority to release.
W & I Code 830		Child abuse, disclosure.
W & I Codes 8100-8103	Licensing	Prohibits firearm sales to mentally unfit.
W & I Code 389	Records Sealing	Authority to require sealing; requirement to seal--noncriminal.
W & I Code 781		Authority to require sealing; requirement to seal--criminal.

LEGAL REFERENCE

(By Topic)

<u>TOPIC</u>	<u>CODE/SECTION(S)</u>	<u>DESCRIPTION</u>
Arrests	Penal Code 273.6	Violation of restraining order.
Arrests/Warrants	Case Law	Rost v. Municipal Court (1960) 184 CA 2d 507; Cal Rptr 869. Jones v. Superior Court (1970) 3C. 3d 734; 91 Cal Rptr. 578; 478 p. 2d 10. Serna v. Superior Court (1985). 40 Cal 3d 239; Cal Rptr P 2d. Kaikas v. Superior Court (1971), 18 Cal 3d 86; 95 Cal Rptr 596.
Audits	28 C.F.R. 20.1	Justice System Improvement Act-- need for CORI audits.
	42 U.S. 3771(b)	Establishes standards for records management, including audits.
	Code of Regulations 702	Establishes requirement for DOJ audit of CORI dissemination.

<u>TOPIC</u>	<u>CODE/SECTION(S)</u>	<u>DESCRIPTION</u>
Child Abuse	Penal Code 111565	Reporting requirements.
Citations	Penal Code 853.6(g)	Citations, booking required on recordable offenses.
CLETS	Government Codes 15150-67	Establishes California Law Enforcement Telecommunications System.
CORI	Code of Regulations 700-711	Procedures, regulations, definitions in handling criminal history information.
	Labor Codes 432.7-32.8	Regulates disclosure for employment; penalties for violation.
	Labor Code 432.7(b)	Arrest and detention of peace officer.
	Penal Codes 11075-81	Definition; dissemination; requirement to regulate dissemination.

TOPICCODE/SECTION(S)DESCRIPTION

CORI

Penal Code 11105

Requirements/
restrictions in
furnishing state
summary
information.

Penal Code 11105.3

Youth
organizations and
human resource
agencies access to
state CORI for
employment/
volunteers.

Penal Code 11105.4

Security
organizations
access to state
and local CORI for
employment.

Penal Codes 11120-24

Right to examine
and challenge
state record.

Penal Code 11125

Prohibition from
requiring subject
to obtain copy of
state record.

Penal Code 11126

Procedure for
correction/
clarification of
state record.

Penal Code 11127

Requirement for
DOJ to adopt
regulations.

Penal Codes 11141-43

Penalties for
unauthorized
possession/
dissemination of
state summary
records.

<u>TOPIC</u>	<u>CODE/SECTION(S)</u>	<u>DESCRIPTION</u>
CORI	Penal Code 11144	Dissemination for statistical/ research purposes, authorized and defined-state.
	Penal Code 13202	Dissemination for statistical/ research purposes; local CORI.
	Penal Codes 13300-01	Requirements/ restrictions in furnishing local summary information.
	Penal Codes 13302-04	Penalties for unauthorized possession/ dissemination of local summary records.
	Penal Code 13305	Dissemination for statistical/ research purposes; local CORI.
	Penal Codes 13320-23	Right to examine and challenge state record; procedures.
	Penal Code 13324	Procedure for correction/ clarification of local record.
	Penal Code 13325	Requirement for local record review.
	Penal Code 13326	Prohibition from requiring subject to obtain copy of local record.

<u>TOPIC</u>	<u>CODE/SECTION(S)</u>	<u>DESCRIPTION</u>
CORI	Penal Code 11140	Definitions-state records.
Collision Reports	Vehicle Codes 20012-15	Traffic collision reports; confidentiality and use.
Complaints	Penal Code 832.5	Citizen's complaints against agency personnel.
Computer Systems	Penal Code 502	Theft from; malicious access/damage; penalties.
	Penal Code 11078	Requirement to maintain listing of agencies to whom CORI is released.
Criminal Procedures	Penal Code 691	Accusatory pleading.
	Penal Code 806	Examination before magistrate.
	Penal Code 988	Arraignment.
Detention Only	Penal Code 849.5	Arrest deemed detention only; requirements.
	Penal Code 851.6(a)	Detention certificate requirements.

<u>TOPIC</u>	<u>CODE/SECTION(S)</u>	<u>DESCRIPTION</u>
Dispositions	Penal Codes 11115 & 13151	Arrest and court action dispositions requirements.
Domestic Violence	Penal Codes 13700-02	Domestic Violence Act.
Elder Abuse	W & I Codes 15610-15632	Definition, reporting and employee requirements.
Fingerprint Cards	Penal Code 11113	Coroner's records, decedent fingerprint cards required.
Firearms/ Restraining Orders	Civil Procedures 545-547 and 550(b)	Firearms/restraining orders/prohibition to possess, agency mandate to report to DOJ.
Information Release	Business and Professions Code 6054	Cooperation, assistance with State Bar.
Information Release	Case Law	LAPD v. Superior Court LA Co. (1977), 135 Cal Rptr 575, 65 CA 3d 661. Black Panther Party v. Kehoe (1974), 117 Cal Rptr 106, 42 CA 3d 645.

TOPICCODE/SECTION(S)DESCRIPTION

Information
Release

Case Law

Central Valley 7th
Step Foundation v.
Younger (1979) 157
Cal Rptr 117, 95
Cal 3d 212 and
(1989) 262 Cal
Rptr 496, Cal App
1 Dis.

Hooper vs.
Deukmejian (1981)
176 Cal Rptr 569,
122 Cal App 3d.

South Coast
Newspapers, Inc.
v. Oceanside
(1984) 160 Cal App
3d 261.

Evidence Code 1040

Privilege/
conditions for
refusal to
disclose
information.

Financial Code 777.5

Release of
information to
banks for
employment.

Financial Code 6525

Release of
information to
financial assns.
for employment.

Financial Code 14409.2

Release of
information to
credit unions for
employment.

Government Codes 6200-01

Penalty for theft,
destruction, etc.,
of public records.

TOPICCODE/SECTION(S)DESCRIPTIONInformation
Release

Government Codes 6200-65

Public Records
Act.

Government Codes 6250-6265

Public Records
Act--defines and
regulates release
of public records.

Government Codes 6251-52

Definitions under
Public Records
Act.

Government Codes 6254-6254.5

Exemptions of
public records
from disclosure.

Government Code 6255

Justification for
withholding
information.

Government Codes 6256-57

Copies of
records/time
requirements and
extensions.

Government Codes 6258-59

Public recourse
for failure to
provide
information
requested.

Government Code 6260

Effect of prior
rights and
proceedings.

Government Code 6261

Inspection of
statement of
expenditures and
disbursement.

Government Code 6262-65

Disclosure to
district attorney.

TOPIC

CODE/SECTION(S)

DESCRIPTION

Information
Release

Vehicle Code 1808.45

Unauthorized disclosure of information; false representation.

Juvenile Records

Case Law

Westcott v. Yuba County (1980), 163 Cal Rptr 385, 104 CA 3d 103.

Younger v. Berkeley City Council (1975) 119 Cal Rptr 830, 45 Cal 3d 82.5.

T.N.G. v. Superior Court (1971), 4 C. 3d 767.

W & I Codes 389

Authority to require sealing; requirement to seal--noncriminal.

W & I Code 781

Authority to require sealing; requirement to seal--criminal.

W & I Code 827

Inspection of petition and reports of probation officer.

W & I Codes 826-826.5

Release, destruction, reproduction of court record

W & I Codes 827-828

Court jurisdiction over juvenile records; police authority to release.

<u>TOPIC</u>	<u>CODE/SECTION(S)</u>	<u>DESCRIPTION</u>
Juvenile Records	W & I Code 830	Child abuse, disclosure.
Licensing	Business and Professions Codes 21625-28	Secondhand dealer licensing requirements/reporting.
	Business and Professions Code 24202	Requirement to report arrest to ABC. (Premise violations.)
	Penal Codes 12070-77	Firearms dealers; dealer record of sales.
	W & I Codes 8100-8103	Prohibits firearm sales to mentally unfit.
Marijuana	Health & Safety 11357(e)	Juvenile possession on school grounds.
	Health & Safety 11361-61.5	Purge requirements.
	Health & Safety 11361.7	Accuracy, timeliness and completeness of destruction, application.
Missing Persons	Penal Codes 14200-13	Reporting requirements.
Peace Officers	Penal Codes 832.7-.8	Personnel records of peace officers described and made confidential.

<u>TOPIC</u>	<u>CODE/SECTION(S)</u>	<u>DESCRIPTION</u>
Pitchess Motions	Evidence Code 1043	Establishes guidelines for discovery/disclosure of peace officer records.
Probation	Penal Code 1203	Authority to grant; conditions of probation.
	Penal Code 1203.4	Discharged probationer; conviction set aside; reimbursement of county costs.
Records Destruction	Education Code 35254	Destruction of school district records; microfilming.
	Government Codes 14755-56	Destructions of state records, authority.
	Government Codes 26201-05.1	Destruction of county records, authority.
	Government Codes 34090-34090.5	Destruction of city records, authority.
	Government Code 34090.6	Destruction of communication tapes, authority.
	Penal Codes 799-805	Statute of limitations; criminal.

<u>TOPIC</u>	<u>CODE/SECTION(S)</u>	<u>DESCRIPTION</u>
Records Sealing	Penal Code 1203.45	Authority to order juvenile sealing with relief under 1203.4 PC.
	Penal Codes 851.8-.85	Factual innocence; sealing/ destruction requirements.
	W & I Code 389	Authority to require sealing; requirement to seal--noncriminal.
	W & I Code 781	Authority to require sealing; requirement to seal--criminal.
Registrants	Penal Code 290	Sex offender registration requirements.
	Penal Code 457.1	Arson offender registration requirements.
School Employees	Education Code 44237	Bar from employment for sex/narcotics offense.
	Education Code 45123	Bar from employment for sex/narcotics offense.
	Education Code 45124	Bar from employment--sexual psychopath.

<u>TOPIC</u>	<u>CODE/SECTION(S)</u>	<u>DESCRIPTION</u>
School Employees	Education Code 45125	Requirement for fingerprints/state criminal history check.
	Education Code 45126	Duty of DOJ to furnish information.
	Education Code 88022	Bar from employment for sex/narcotics offense--community colleges.
	Education Code 88023	Bar from employment - sexual psychopath - community colleges.
	Education Code 88024	Requirement for fingerprints/state criminal history check-community colleges.
	Education Code 88025	Duty of DOJ to furnish information-community colleges.
	Health & Safety 11591-91.5	Notice to school authorities--controlled substance offenses.
	Penal Codes 291-291.5	Notice of school authorities of arrest for sex crime.

<u>TOPIC</u>	<u>CODE/SECTION(S)</u>	<u>DESCRIPTION</u>
Subpoenas	Civil Procedures 1985-1987	Defines subpoena and affidavit requirements.
	Evidence Codes 1560-63	Compliance with subpoenas for records; recovery of costs.
Vehicles	Penal Code 11108	Requirement to submit stolen reports (includes other serialized property).
	Vehicle Code 28	Vehicles repossession notification.
	Vehicle Code 10500	Requirement to report stolen vehicles or plates.
	Vehicle Code 10851	Vehicle theft.
	Vehicle Code 20002	Accident reporting requirement.
	Vehicle Code 22650	Vehicle removal requirement.
	Vehicle Code 22651	Vehicle removal; circumstances allowing.
	Vehicle Code 22852	Notice to owner of towed vehicle.

RESOURCE GUIDE

Books, Pamphlets, Articles and Special Reports

<u>Topic</u>	<u>Title</u>
Arrest and Dispositions	<u>"Arrest and Disposition Instruction Manual,"</u> Department of Justice, Bureau of Justice Information Services.
Audit of Records Function	<u>"A Records Management Audit," The Records and Retrieval Report,</u> Vol. 2, No. 5, May 1986. <u>Audit Manual for Criminal History Records Systems.</u> SEARCH Group, Inc., Sacramento: 1982. <u>Handbook of Auditing Methods.</u> J.K. Lasser. New York: D. Van Nostrand and Company, Inc., 1953. <u>IACP UCR Audit/Evaluation Manual.</u> International Association of Chiefs of Police. Gaithersburg, MD: 1976. <u>Inspection Section Manual.</u> Washington State Patrol. 1982. <u>Operations Auditing for Public Managers.</u> Roger Keast and Robert Franke. Long Beach: Bureau of Governmental Research and Services, Center for Public Policy and Administration. California State University, Long Beach. 1982. <u>Simplified Flowcharting.</u> General Services Administration National Archives and Records Service. Office of Records Management. 1972.

Topic

Title

Automation

How to Buy the Right Small Business Computer System. C. Roger Smolin. New York: John Wiley and Sons. 1981.

Office Automation - A Manager's Guide. Harry Katzan, Jr. New York: AMACOM. 1982.

Office Automation: A Manager's Guide to Improved Productivity. Mark Lieberman, Gad J. Selig and John J. Walsh. New York: John Wiley and Sons. 1982.

Canning, Bonnie: "Six Drawbacks to Putting Records On-Line," Administrative Management, May 1986.

"Successful Conversion to an Automated System Requires Careful Planning -- With Many Issues to Reveal," Office Administration and Automation, October 1984.

System Analysis and Project Management. David Cleland and William R. King. New York: McGraw-Hill Book Company, 1968.

System Development Guidelines. National Clearinghouse for Criminal Justice Information Systems. Sacramento: SEARCH Group, Inc., 1979.

Directory

Directory of Services. State of California, Department of Justice, Division of Law Enforcement.

National Law Enforcement Telecommunications System (NLETS) Originating Agency Identifier (ORI) Directory. Available through CLETS - ORION file.

<u>Topic</u>	<u>Title</u>
Filing	<u>Filing and Records Management.</u> Bertha M. Weeks. New York: Ronald Press, 1976.
	<u>Fundamental Filing Practices.</u> Estelle Popham and Harry N. Fujita. New Jersey: Prentice Hall, 1973.
	Robert L. Sample, "The Mathematics of Filing: Cabinets vs. Electronics," <u>Administrative Management</u> , January 1982.
Fingerprints/Registrants	<u>Applicant Fingerprint Clearance Manual.</u> California Department of Justice, Bureau of Criminal Identification. Sacramento: April 1990.
	<u>English Equivalents for Offense Codes.</u> California Department of Justice, Bureau of Criminal Identification. Sacramento: 1989.
	<u>Fingerprint Standardization Guide.</u> California Department of Justice, Division of Law Enforcement. Sacramento: 1980.
	<u>Guide to Sex, Narcotic and Arson Registration Procedures.</u> Department of Justice, Bureau of Criminal Statistics and Special Services, 1989.
	<u>Instructions for Taking Finger- prints.</u> California Department of Justice, Bureau of Criminal Identification, Sacramento.
	<u>Statutes and Regulations.</u> State of California, Attorney General's Office, Sacramento.

Topic

Title

Forms Management

"Applicant Instruction Manual,"
State of California, Bureau of
Justice Information Services.

Business Forms Management.
William Nygren. New York:
AMACOM. 1980.

The Knox Standard Guide to Design
and Control of Business Forms.
Frank M. Knox. New York: McGraw-
Hill Book Company. 1965.

Property

Criminal Justice Information
System Manual. (CJIS) California
Department of Justice, Division of
Law Enforcement. Sacramento.
*Also see CJIS Bulletins.

Dangerous Weapons' Control Law.
California Department of Justice,
Division of Law Enforcement.
Sacramento.

Managing Property in Law
Enforcement Agencies. State of
California, Commission on Peace
Officer Standards and Training.
Sacramento: 1984.

National Crime Information Center
Code Manual. US Department of
Justice, Federal Bureau of
Investigation.

National Crime Information Center
Control Operating Manual. US
Department of Justice, Federal
Bureau of Investigation.

Retention and Return of Property
Held by Law Enforcement Agencies.
California District Attorney's
Association, Center for Criminal
Justice Policy and Management.
1984.

Topic

Title

Records Management

Secondhand Dealer Licensing and Reporting Information. California Department of Justice, Division of Law Enforcement.

Accounting and Information Systems. Joseph W. Wilkinson. New York: John Wiley and Sons. 1982.

CJIS/NCIC Program Enhancements. California Department of Justice, Sacramento. 1986.

Local Police Information Policy. SEARCH Group, Inc. Sacramento: 1982.

Managing Training and Development Systems. William R. Tracey. New York: American Management Association. 1974.

Model Records System Manual and Reporting Guides. Larry Walton and William D. Wallace. Washington, D.C.: US Department of Justice, Law Enforcement Assistance Administration. July 1977.

System and Procedures: A Handbook for Business and Industry. Victor Lazzaro. New Jersey. Prentice-Hall, Inc., 1968.

Records Security

California Criminal Records Security Statutes and Regulations. State of California, Department of Justice. Sacramento: July 1988.

State of California, Department of Justice: "Updated List of Agencies Authorized to Receive Criminal History Information," July 1988.

Topic

Title

Temporary Restraining Orders

Guidelines and Curriculum for Law Enforcement Response to Domestic Violence. State of California, Commission on Peace Officer Standards and Training. Sacramento: 1985.

Vehicles

State of California, Department of Motor Vehicles: "Automated Management Information System." (AMIS).

Criminal Justice Information System (CJIS) Manual. California Department of Justice, Division of Law Enforcement. Sacramento. *Also see CJIS Bulletins.

Information Request Manual. State of California, Department of Motor Vehicles. Sacramento.

National Crime Information Center Code Manual. U.S. Department of Justice, Federal Bureau of Investigation.

Periodicals

Administrative Management

The Automated Office LTD.
1123 Broadway
New York, NY 10010

ARMA Records Management Quarterly

P.O. Box 8540
Prairie Village, KS 66208

California Police Recorder

P.O. Box 214
Inglewood, CA 90301
(213) 323-2307

Computer Decisions

Hayden Publishing Company
10 Mulholland Drive
Hasbrock Heights, NJ 07604

Modern Office Technology

P.O. Box 95795
Cleveland, OH 44101

Office Systems

P.O. Box 150
Georgetown, CT 06829

The Government Micro Users' Catalog

Technology Services Inc.
Sullyfield Circle
Chantilly, VA 22021

The Records and Retrieval Report

Quorum Reports
P.O. Box 5007
Wesport, CT 06881

Today's Office

645 Stuart Avenue
Garden City, NY 11530

Associations

APCO Associated Public-Safety Communication
Officers, Inc.
Claude Davis, Sec./Treas.
2699 Ramona Street
Palo Alto, CA 94306
(415) 329-0749

APPRO Association of Police Planning and Research
Officers

<u>So. CA Chapter</u>	<u>No. CA Chapter</u>
P.O. Box 116	P.O. Box 858
West Covina, CA 91793	Modesto, CA 95353

CLEARs California Law Enforcement Association
of Records Supervisors
P.O. Box 2708
Sacramento, CA 95812

CLEWOA California Law Enforcement Warrant
Officers Association
John Firenza, President
Sacramento County Sheriff's Department
711 G Street
Sacramento, CA 95814
(916) 440-5946

CAPTO California Association of Police Training
Officers
Tom Hood
Berkeley Police Department
Hall of Justice
2171 McKinley Avenue
Berkeley, CA 94703
(415) 644-6698

CCUG Computerized CLETS Users Group

<u>So. Chapter</u>	<u>No. Chapter</u>
San Bernardino Co. Sheriff's Dept. P.O. Box 569 San Bernardino, CA 94202 Pat Moody, President (714) 387-3653	San Mateo Co. Data Processing Co. Govt. Center Pony #2910 Redwood City, CA 94063 Steven Barretta (415) 363-4490

Post Certified Training Courses Related To Records Management

Records	Allan Hancock College 800 South College Drive Santa Maria, CA 93454 (805) 922-6411
Records	Los Mendanos College 2700 East Leland Road Pittsburg, CA 94565 (415) 439-2181
Records	San Diego Regional Training Center 12760 High Bluff Dr., Suite 270 San Diego, CA 92130 (619) 792-6501
Records	Southwest Regional Training Center 1000 East Victoria Street Carson, CA 90747
Records Supervisor	Los Mendanos College 2700 East Leland Road Pittsburg, CA 94565 (415) 239-2181
Records Supervisor	San Diego Regional Training Center 12760 High Bluff Dr., Suite 270 San Diego, CA 92130 (619) 792-6501
Records Management	Department of Justice Training Center 4949 Broadway Sacramento, CA 95820 (916) 739-2770
Information Systems - DOJ	Department of Justice (see above)
Introduction to Computers in Law Enforcement	Academy of Justice/Riverside County 1500 Castellano Road Riverside, CA 92509 (714) 787-6496

Introduction to Computers
in Law Enforcement

San Diego Regional Training Center
12760 High Bluff Dr., Suite 270
San Diego, CA 92130
(619) 792-6501

SEARCH Group Inc.

925 Secret River Drive, Suite H
Sacramento, CA 95831
(916) 392-2550

How to Request an Attorney General's Opinion

An opinion by the state's Attorney General may be requested for the purposes of:

- o obtaining clarification of legislation,
- o interpretation of legislation, and
- o obtaining additional information regarding the legislative intent of a statute.

The agency administrator or District Attorney should prepare the inquiry. All inquiries should be directed to:

State of California
Office of the Attorney General
1515 K Street, Suite 511
Sacramento, CA 95814

GLOSSARY

Abstract -- an abstract is a summary of an existing warrant. which is communicated by telegraphic or other electronic means to other peace officers for service, and which contains all the information required by Penal Code Section 850.

Audit -- an official examination and verification of accounts and records.

CLETS -- California Law Enforcement Telecommunication System.

CORI -- accumulative criminal offender record information.

Carbon -- paper with a pigmented coating that is used to transfer an image through pressure or impact.

Carbonless Paper -- paper that is specially manufactured or coated to provide transfer of impression to multiple parts without the use of carbon paper; often called NCR paper.

Citizen Courtesy Warning Notice -- a written notification that an outstanding warrant exists. It is mailed to the person named on the warrant in minor misdemeanor cases or infractions.

Complaint -- an accusatory pleading in a court of law charging an individual with a public offense.

Complaint Control Number -- the case number, file number or daily report number.

Complaint Dispatch Card -- a document used by a law enforcement agency to record initial data concerning a call-for-service.

Daily Activity Log -- a document used to record initial data concerning a call-for-service.

Exemptions -- information that can be withheld from release to the public as defined by legal statute and court decision.

Flowchart -- diagrams that graphically portray the sequential flow of data and/or operations through a procedure.

Forms Control -- a system of centralized responsibility for the development, maintenance, numbering, revision, ordering, and supply of designated forms.

Forms Inventory -- a collection of all forms segregated by form function or subject.

Functional Forms File -- a collection of all forms segregated by form function or subject.

Juvenile Records -- those records pertaining to an individual under the age of 18.

Local T.N.G. Order -- juvenile court order for each county that defines conditions for releasing information on juveniles.

Microfilm -- film used for storage of records; usually as 16 mm rolls or cartridges, or as microfiche.

Micrographic -- the industry concerned with the manufacture and sale of graphics material in microform, such as microfilm.

Numerical Forms File -- a collection of all current forms filed in numerical order by form number.

Patrol Workload Measurement -- a method used to measure the response capability of a law enforcement agency patrol force.

Personal Identification File -- a file consisting of an individual's arrest history with a local law enforcement agency.

Personnel Files -- any application, information, memoranda, or internal investigation pertaining to an agency's present or past employees.

Presentence Report -- report prepared by the probation department at the order of the court, recommending type of sentence to be given to the defendant.

Primary Report System -- system that begins with a call-for-service and results in action taken by the law enforcement agency and the documentation thereof.

Public Records -- any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

Rap Sheet -- record of arrests and prosecutions (commonly used to describe the State of California criminal history record).

Screen -- shaded area on a form to highlight certain data.

Special Activity Card -- a document used by a law enforcement agency to record initial data resulting from an officer's initiated activity or administrative activities.

Tickler File -- a device for jogging the memory; a file that serves as a reminder and is arranged to bring matters to timely attention.

Uniform Crime Reporting -- a nationwide view of crime based upon the submission of police statistics by law enforcement agencies throughout the country.

Warrant Alpha Index Card -- contains the wanted person's name, date of birth, and date of the warrant. It may be filed in the master alpha file or in a separate want/warrant alpha file.

Warrant File -- a file containing all the original arrest warrants and warrant abstracts in the possession of the department.

Warrant Log -- a chronological listing of all warrants and abstracts received by the department.

Warrant Service Information Card -- contains pertinent information concerning the wanted person which is carried in the field by the assigned officer in lieu of the warrant.

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