

## Records Section

### 802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Capitola Police Department Records Section. The policy addresses [department/office] file access and internal requests for case reports.

#### 802.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Section by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number YY-00001 would be the first new case beginning January 1 of a new year.

### 802.2 POLICY

It is the policy of the Capitola Police Department to maintain [department/office] records securely, professionally, and efficiently.

### 802.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Capitola Police Department and no accusatory pleading has been filed, the person arrested may petition the [Department/Office] to destroy the related arrest records. Petitions should be forwarded to the Support Services Supervisor. The Support Services Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Support Services Supervisor should forward the petition to the Investigation Unit Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Investigation Unit Supervisor and the Support Services Supervisor shall decide whether a finding of factual innocence is appropriate.

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

The Support Services Supervisor should respond to a petition with the [Department/Office]'s decision within 45 days of receipt. Responses should include only the decision of the [Department/Office], not an explanation of the analysis leading to the decision.

## *Records Section*

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### **802.4 FILE ACCESS AND SECURITY**

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

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

### **802.5 ORIGINAL CASE REPORTS**

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

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

### **802.6 CONFIDENTIALITY**

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

### **802.7 ARREST WITHOUT FILING OF ACCUSATORY PLEADING**

The Field Operations Division Captain should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the [Department/Office] and the record reflects only a detention.
- (c) The California DOJ is notified.