

# SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 82.1

## RECORDS: ADMINISTRATION

ISSUED APRIL 2006

---

### **82.1.1 Records Security and Privacy**

The Services Division will control availability, physical security and confidentiality of all reports and records. All releases shall be in accordance with the laws of the State of California. All computerized criminal justice information systems and national crime information systems will be utilized in accordance with the appropriate national or local regulations in regard to dissemination, completeness and accuracy, audits, security requirements, access and review.

The Records Manager shall not permit any records of the Department to be removed from the Records Division unless necessary in an investigation or as evidence in Court. He/she shall release such records only to a Commanding Officer or his/her representative, and in the event same are removed, he/she shall keep an accurate record of their disposition. A copy will be made of the released information and retained in Services Division while the original copy is being used for judicial purposes.

Information contained in written reports stored in the Services Division will be released outside the agency only in accordance with the guidelines established in the Santa Clara Police Department Records Operations Manual, and the appropriate sections of California Government Code 6254.

The Santa Clara Police Department Records Management System identifies juvenile arrest records and accompanying fingerprints and photographs in a distinctive manner to reduce the possibility of improper release. General guidelines for fingerprinting and photographing juveniles are contained in [General Order 72.1.9](#).

### **82.1.2 Records Retention Schedule**

As a basic rule, all entries on a criminal record (including out-of-state arrests) must meet purge criteria in order for the criminal record to be purged. The entire record will be retained in any criminal entry if it does not meet purge criteria. All retention periods meet standards as set forth by California State Laws and Regulations.

#### **Zero Retention Period**

- Subjects arrested for drunk, 647(f) PC, unless the local reporting agency indicates that the arrest was for being under the influence of drugs; i.e., 647(f) (drugs).
- Subjects arrested for violation of local ordinances.
- Subjects arrested for minor traffic offenses.

## 82.1

### Five-year Retention Period

- Misdemeanor arrests not resulting in a conviction or for which no disposition was received - retention period begins on the date of arrest.
- Retainable arrests which are later termed “detention only” under 849(b) PC - retention period begins on the date of detention (arrest).
- Retainable misdemeanor arrests reduced to non-retainable offenses - retention period begins on the date of arrest.

### Seven-Year Retention

- Misdemeanor arrests that result in a conviction - retention period begins on the date of arrest.
- Felony arrests which do not result in a conviction, or for which no disposition was received - retention period begins on the date of arrest.
- Felony arrests reduced to misdemeanor or non-retainable offenses - retention period begins on the date of arrest.

### Modified Lifetime Retention Period

Arrests which result in conviction for:

- An offense where a prior conviction constitutes a felony.
- An offense which would be a felony depending upon disposition.
- Felonies

When the record indicates the subject has reached age 70 and has had no arrests since age 60, the record will be purged. If the individual has been arrested after age 60, the record will be maintained until the subject is at least age 70 or for the applicable retention period even if it extends past the age of 70 or, in the case of a felony conviction, for a 10-year period commencing with the date of release from supervision.

### **82.1.3 Uniform Crime Reporting Procedures**

The Department supports the efforts of the National Crime Statistics program by collecting data using guidelines established by the National Uniform Crime Reporting program. The Records Management System is designed to capture the information necessary for this report. The report program will collect and calculate the statistics and print an approved report format. The report is printed, verified and mailed to the California Department of Justice by the Records Division staff. The report is then forwarded to the F.B.I.

### **82.1.4 Accessibility of Records**

Personnel assigned to the Records Section of the Services Division will control the accessibility of all reports, records, and other information stored in that Division.

Records information is accessible to all operations personnel on a twenty-four hour basis by querying the computer system, or having an on-duty records specialist obtain hard copy files from the manual records system.

### **82.1.5 Status of Reports**

Any officer needing a report number may obtain one from a Communications Dispatcher. The number is computer generated, and is unique to the case for which it is requested. The progress of the report is followed in the computerized records system from origination to criminal complaint filing to final case disposition.

Newly composed reports completed by field units shall be forwarded to Records after supervisory review by a Patrol Sergeant. When a report is incomplete and a police officer requires additional time to conduct an investigation, a 'Report Review' form (SCPD 051) will be completed, and the pink copy filed with Records. The officer will maintain the original copy of the form in the appropriate patrol team box in the Sergeant's office. In this way, even a partially completed crime report can be located if necessary.

Follow-up reports from the assigned investigator will be reviewed by an Investigations Supervisor before the original is forwarded to Records Section. This initial supplementary report should be prepared within 10 days of the assignment of the investigator to the case.

Records personnel shall be responsible for the transfer of data from reports into the Records Management System.