

RECORDS & REPORTS

STANDARD NO(S):

NYSLEAP Chapter 8

NYSSACD#: 69-70

DATE:

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REFER TO:

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I. OBJECTIVE

To define and describe the records maintained by the SCSO; procedures for their execution, review, retention or disposition; and, to identify specific personnel having responsibilities for these functions.

II. POLICY

Accurate, intelligent and complete record-keeping ensures quality performance and full accountability of the modern law enforcement agency. Every member of the SCSO is expected to recognize and fulfill the responsibility to generate the reports required and, thereafter, to handle them in accordance with the approved procedures.

III. DETAILS

- A. The Records Division is the central records component of the SCSO. In accordance with statutory and operational requirements this division shall be responsible for maintaining and keeping all SCSO public information and general business records, including but not limited to incident reports, certain correction related reports, arrest reports, criminal records, motor vehicle accident reports, traffic citations, pistol permit records, other agency licenses, e.g., ABC permits or permits for the use of explosives. Records of the SCSO not under the control of the Records Division are those generated and maintained by specialized units of the SCSO and include records pertaining to juveniles, civil matters, the correctional facility, identification, matters still under investigation and others.
- B. Information in the custody of the Records Division will be available to operations personnel at all times during normal business hours. After the normal workday business hours of 8:00 AM to 4:00 PM and on Saturdays, Sundays and Holidays, access to the records repository will only be permitted with authorization by the Sheriff, Under Sheriff or Chief Deputy. Requests for information made by other than members of the SCSO will be handled only during regular business hours unless it involves a high priority law enforcement matter and in those cases only with authorization by the Sheriff, Under Sheriff or

Chief Deputy. The CID and Road Patrol Lieutenants will have access to the Records Division after normal business hours once authorization has been received as previously outlined. In all other cases the Records Division will be secure. Corrections Division Supervisors will have access to the Records Division after normal business hours, provided authorization to access has been granted as previously indicated.

C. SCSO RECORD KEEPING SYSTEMS- Over time and with the advent of modern electronic case reporting and computer aided dispatching systems, the SCSO Records Division has transformed its record keeping system to keep pace with modern technology.

1. Commencing in the 1960's through the 1980's, the first formalized record keeping system utilized by the SCSO was referred to as a "Master Name Index File". The master name index file contains names taken from field reports during the January 1, 1960 through December 31, 1979. This included the names of the complainant as well as all other names on the field reports. This information was typed onto a 3x5 index card which contained the name, address, date of birth, the complaint number and date of complaint. During this time frame, the complaint and supplement were one in the same. The SCSO Communications Officer completed the top portion of the report and placed it in the deputy's box to complete the bottom portion. The 3x5 index card would be filed alphabetically in a card file cabinet.
2. The information contained on the 3x5 index card would include the following information:
 - a. For person who were complainants:
 - 1) Last Name, First Name, MI
 - 2) Street Address, Village, Town, City, State
 - 3) Any and all complaints filed by the individual with the SCSO, for example;

Doe, John M.
123 Main Street, Waterloo, New York
Complaint# 3245- 04/02/72
Complaint# 10369- 09/01/74
Complaint# 10637- 11/05/74
Complaint# 17296- 01/30/76
 - 4) Utilizing the information contained on the 3x5 index card, for this complainant, one should ascertain that John Doe was a complainant to the SCSO on four separate instances from 1972 through 1976 with the corresponding case number.

- b. For persons whose names appeared in SCSO reports, they would be reported as a Reference, for example:

- 1) Last Name, First Name, MI
- 2) Street Address, Village, Town, City, State
- 3) Any and all SCSO reports where the person's name was mentioned, for example;

Smith, Mary E.

6136 County Road 121, Fayette, New York

Ref; # 12-37-86

Ref; #01-827-87 (324 Route 89, Seneca Falls, N.Y.)

Ref; # 02-538-89 (49 Whiskey Hill Rd., Waterloo, N.Y.)

Ref; # 06-436-93

- 4) Utilizing the information contained on the 3x5 index card, for this individual, one could ascertain that Mary Smith was mentioned as a reference in four SCSO reports on four separate instances from 1986 through 1993 with the corresponding case number. Moreover, if Mary Smith's address was reported as being changed, that change was noted on the 3x5 index card.
3. On January 1, 1980, the Master Name Index System was enhanced with another record keeping system known as the two-part "Complaint Report" system. The physical complaint card consisted of a two-part NCR form- the top part (yellow) and the hard copy (white). This reporting system identified SCSO calls for service and investigations utilizing a "Complaint or CR number" as the unique identifier. The unique identifier was made up of the two digit calendar month, for example- 05 (May), the next sequential call for service for during the month, followed by the two digit calendar year, for example- 87 (1987). A typical SCSO case number during this time would appear, for example 05-303-87, which indicated this particular case is the 303rd call for service or investigation commenced to or by the SCSO in the month of May, 1987. Each month, was started at 001, as the call for service or investigation commenced for the particular month. The Complaint Card would be completed by SCSO Communications Personnel who would complete applicable fields contained on the Complaint Card and assign a SCSO CR number to the case.
- a. The SCSO Records Division would file separately the top and hard copy portions of the Complaint Card. The top (yellow) copy would be filed and retained by the Records Division in numerical order by month and year. The hard (white) copy would be filed in a storage cabinet by alphabetical order using the name of the complainant on the Complaint Card. Personnel in the Records Division would continue to read and identify any and all persons mentioned in SCSO Official Reports and add those

names to the 3x5 Master Index File cards as a Reference.

4. It was the responsibility of those assigned to the Records Division to include the appropriate names in the index in accordance with any legal requirements and the procedures of the SCSO. Names in the Master Index will not be deleted from the index except upon proper authority, i.e., a court order.
 5. Names that were included in the Master Name Index are those of the Complainant, the victim, the owner and/or operator of boat or vehicle involved, the owner of property damaged or of an animal killed or injured, and the defendant/arrestee.
 - a. The reports from which the names of the above were taken are:
 - 1) SCSO Incident Reports (includes attached Supplemental);
 - 2) Motor Vehicle Accident Reports (includes ATV's and bicycles);
 - 3) Boat Accident Reports (includes snowmobiles);
 - 4) Stolen Vehicle Reports;
 - 5) Arrest Reports;
 - 6) Jail Bookings (includes arrests from other agencies where arrestee is lodged in SCSO Correctional Facility);
 - 7) Missing Persons Reports; and,
 - 8) Center for Dispute Settlement Reports.
- D.** The information extracted from all reports were entered along with the indexed name includes, full name, address, date of birth and CR number.
- E.** The information extracted from arrest reports and jail bookings and entered along with the indexed name includes all of the above and, in addition, the social security number, physical description, arresting agency, arresting officer, the arrest charges, judge's name, arraignment date, appearance ticket number, bail amount, and release status.
1. After booking, the following numbers were added to the record: SCSO Criminal Number, NYS Identification Number, FBI Number, Booking Number, Court Control Number, and Fax Number. Once an individual number is assigned by the SCSO, NYS, or FBI, it remains with that individual.
 2. The enhanced "Master Name Index" was the primary record keeping system used by the SCSO from 1980's through 1995.
- F.** On June 1, 1995, the SCSO entered the electronic reporting period with an electronic reporting system known as "The CAD" an acronym, for Computer Aided Dispatching. Personnel assigned to the SCSO Communication Division during this period would enter calls for service electronically into "The CAD"

which would automatically assign a unique SCSO case identifier. The complainant information would be entered into the fields on “Screen 1” of “The CAD” Personnel assigned to the Records Division would continue to review every official SCSO report and enter the names and addresses of every person associated with a particular case into “Screen 3” of “The CAD”. This system was the electronic reporting system used by the SCSO from 1995 through May 2008.

- G.** During the Fall of 2006, the Seneca County Board of Supervisors created the Seneca County E-911 Center to handle Emergency Communications Dispatching in Seneca County thus removing it from the command and control of the SCSO. The new independent E-911 Center utilizes ARIES Computer Aided Dispatch System (CAD) for its computer aided dispatching, which the SCSO has access to on a 24/7 basis. ARIES CAD assigns a unique identifier to each call for service received by the Seneca County E-911 Center. The SCSO utilizes the unique sequential identifier assigned automatically by the E-911 Center as the official SCSO case number for a particular case.

H. COMPLAINT RECORD (EXTERNAL TO SCSO) (Calls for Service)-

Whenever a request for service is received by the Seneca County E-911 Center, a record of that request and any subsequent action is created in the ARIES Computer Aided Dispatch System (CAD).

1. Information is entered, either manually or automatically, into various fields providing a retrievable and permanent record of the transaction. The computer assigns a complaint (control) number, by which that case is thereafter known, and records the date, time, nature of call, names of persons involved, action, if any taken by the agency and the Communication Officer's ID.
 2. The program then prompts the dispatcher to enter the complainant's name, a call-back number, the type of incident, cars dispatched, time of arrival, and any other pertinent remarks. The record remains under the dispatcher's exclusive control until the complaint has been handled by the responding officer.
 3. The CAD system provides for the regular review and approval by supervisory personnel and for access by the SCSO Records Division to ensure compliance with reporting and filing procedures.
- I.** Since May 2008, the SCSO utilizes a NYS standardized electronic reporting system known as **S**pectrum **J**ustice **S**ystem (SJS). This record keeping system has replaced all previous systems employed by the SCSO. The SJS electronic reporting system allows for the storage, search and retrieval of any and all names associated with any SCSO call for service or investigation. The SJS system consists of electronic fields in which case data is entered manually or may be populated automatically by the SJS system when a report is started in a patrol

vehicle utilizing TracS. The SCSO case number assigned to a particular case is the unique identifier assigned to the call for service from CAD at the E-911 Center. This is commonly referred to as the “CR” (complaint report) number. There are however, several classes of activity performed by SCSO members that are not usually issued CR numbers from E-911, such as programs/details. These activities, as determined by command personnel, are documented in SJS and automatically assigned an SJS incident number.

- J.** The Records Division has no responsibility for the distribution of reports and records to organizational components of the SCSO since this need is determined through the review process and is accomplished prior to Records Division’s receipt of the completed package.
 - 1. In like manner, the reviewing procedure, i.e. Sergeant, Lieutenant, and Chief Deputy, Chief Administrative Officer will ensure that there is appropriate accountability for the status of reports. Accurate review of SCSO produced reports are an essential element of conducting quality control of SCSO member performance. It is imperative the reviewing officer pay meticulous attention to reviewing SCSO produced records to ensure all pertinent information pertaining to a case is included in the official SCSO reports. Reviewing officers will be held accountable and will retain responsibility until reports which are found deficient are brought into compliance with SCSO reporting requirements.
 - a. Members charged with reviewing SCSO produced records and reports will ensure prior to approval that all spelling and grammatical errors are corrected.
- K.** The Records Division shall be responsible for the distribution of certain documents outside the SCSO.
 - 1. There are statutory requirements that the original or copy of the following reports be routinely sent to the appropriate state agency:
 - a. Motor vehicle accidents;
 - b. Child abuse;
 - c. Boating/Snowmobile accidents;
 - d. Violations of laws affecting premises licensed to sell alcoholic beverages;
 - e. The Standard Domestic Violence Incident Report.
 - 2. In addition, the Records Division handles the distribution of the following, upon request:

- a. Copies of motor vehicle accident reports to parties involved, including attorneys and insurance companies;
 - b. Copies of Incident Reports to individuals or organizations having a legitimate need to receive them, e.g., owner of stolen property, victim of assault, etc.; and,
 - c. Copies of reports of interest to other county entities, e.g., accident report to County Attorney and Risk Manager, report of death investigation to County Coroner, etc.
3. The Records Division receives written requests from organizations (public, private and military) for criminal background checks pertaining, but not limited to an applicant for housing, employment or military enlistment. Each request must include the applicant's authorization to release any such information. Only information that has originated with the SCSO will be released. The requesting agency will be notified that a reply may be expected within **five** days, unless a special need exists.

L. POSSESSION, RELEASE and/or DUPLICATION of SCSO RECORDS or WRITTEN MATERIAL- Members and/or employees are restricted in their possession, use and storage of SCSO written material.

1. No member or employee will duplicate, copy, print or process any SCSO record, report or any other written material kept and/or filed on behalf of the SCSO for their own personal use or file.
2. Any and all written or electronic material prepared or received by any member or employee of the SCSO in the performance of his/her duties is SCSO property and will be stored and filed in the SCSO Records Section or within the Division component files. No member or employee will keep, store, or otherwise retain written or electronic material prepared or received in the performance of his/her duties at any location other than the SCSO or within the SCSO Division component.

M. Personnel of the Records Division are authorized to accept monies on behalf of the SCSO in payment for copies of records at the current rates.

1. Personnel may accept, on behalf of the SCSO, the regular fee for the execution of a subpoena to produce records in a court proceeding. All funds so received will be receipted and maintained in a locked cash drawer in the Records Division. On a weekly basis the Fiscal Services Manager will audit the funds taken in by the Records Division for the week, a deposit slip prepared and deposited into the Sheriff's account for records and reports by the Fiscal Services Manager in the appropriate banking institution. (See "**Fiscal Management**") this manual.

N. Records pertaining to Uniform Traffic Tickets shall be kept and maintained by the Records Division in accordance with the procedures set out by the New York State Motor Vehicle Department in the police agency handbook under the Traffic Safety Law Enforcement and Disposition System. With the advent of the computerized TraCS (Traffic and Criminal Software) database, members utilize this system for issuing traffic tickets and reporting crash events. Records personnel have access to TraCS reporting database.

O. FREEDOM OF INFORMATION- All records generated and maintained by the SCSO are kept within the confines of the SCSO building and, as such, are considered to be secure from unauthorized access and review. Requests from members of the public for information from records which are considered to be non-public, citing the Freedom of Information Act (FOIA) are the responsibility of the Chief Deputy and handled with assistance from Records personnel. FOIA requests received by SCSO are reviewed by the Chief Deputy, who after review may authorize a release of all or part of the requested information. The Chief Deputy may seek advice and counsel prior to any such release or may direct the FOIA request be sent to the Seneca County Attorney, who serves as the Records Access Officer along with the requested records or his determination of such release as requested.

1. Neither the public nor defendant's counsel is entitled to documents or other material under the FOIA while a case (even a misdemeanor) is still pending. Any questions about such demands should be cleared with the County Attorney's Office or the District Attorney's Office.

P. DIVISION SPECIFIC RECORDS- Certain records may be in the custody of and maintained under secure conditions by operational components of the SCSO, such as CID, Corrections, Court Security and Civil Divisions. The Criminal Investigation Division will maintain under secure conditions all ORIGINAL documents associated with any CID investigation. CID Investigators will provide COPIES of any and all documents associated with criminal investigations to the Records Division.

Q. RECORDS RETENTION- The Seneca County Board of Supervisors by Resolution Number 133-99 adopted the Records Retention and Disposition Schedule CO-2, as prepared by the New York State Education Department, as the official subject matter list of the County of Seneca and all department and agencies thereof.

1. To ensure compliance with both state and local regulations pertaining to the minimum retention of records, members should be familiar with the provisions of the New York State publication entitled "Records Retention and Disposition Schedule CO-2", copies of which are kept in the Records Division.

R. INCIDENT BASED CRIME REPORTING (IBR)- The SCSO Records Division shall be responsible for the review of reports submitted by patrol or investigating members for the purpose of collecting the data necessary for submission to the Incident Based Reporting (IBR) system.

1. From these data, a written report consisting of Part I and Part II offenses shall be submitted monthly to the New York State Division of Criminal Justice Services. They, in turn, submit a comprehensive state-wide report to the Federal Bureau of Investigation in accordance with Executive Law, Article 35, Section 837.

S. WARRANTS- See “Warrants” contained in the LEMOI.

T. FINGERPRINTING/CRIMINAL HISTORY- The SCSO Correctional Facility submits all fingerprints required to be taken pursuant to law electronically to the Onondaga County Sheriff’s Office. The SCSO contracts with the Onondaga County Sheriff’s Office, who, acting as a regional hub, captures and saves all of the information and fingerprints and then re-sends them to the New York State Division of Criminal Justice and Federal Bureau of Investigation.

1. The SCSO has web-based access (Web-RICI) to all booking information stored by the Onondaga County Sheriff’s Office from all counties/agencies that use them as a regional hub. A current criminal history report is on file for every person booked into or processed by the Seneca County Correctional Facility staff.

U. JUVENILE RECORDS- The State of New York Family Court Act, Section 381.3, entitled “Use of Police Records” states:

1. “All police records relating to the arrest and disposition of any person under this article shall be kept in files separate and apart from arrests of adults and shall be withheld from public inspection.”
2. In the State of New York, a juvenile is a person under the age of 16 years, and arrest and disposition records pertaining to such persons shall be kept under secure conditions in the Juvenile Aid Section of the SCSO. (See “Juvenile Operations”) contained in eLEMOI.

V. SEALED RECORDS- New York State Laws provide that upon court order certain criminal history records are closed to ensure against their review by any person or agency, except in circumstances specifically authorized by statute.

1. The SCSO complies with all lawful sealing orders issued by a Court of competent jurisdiction. All records sealed pursuant to a lawful sealing order are maintained in a secure location within the Seneca County Correctional Facility.

2. Examples of records that may be sealed are those generated by a criminal action that is: terminated in favor of the accused (CPL 160.50); terminated by conviction of a non-criminal offense (CPL 160.55); adjudicated a youthful offender (CPL 720.35); or, removed to Family Court (CPL 725.15). SCSO's Records Division complies with such laws by designating the computer record as "sealed arrest", which limits its accessibility to those few personnel actually having responsibility for record maintenance.
3. In cases that fall under the provisions of CPL 160.50 and 160.55, that part of the record consisting of fingerprints or photographs are returned to the defendant or defendant's representative by SCSO Records.

W. GENERATION of RECORDS and REPORTS- SCSO records and reports are generated by SCSO members by using either paper forms provided or electronically into various electronic reporting and tracking systems and database(s) by the laptop or desktop computers available to SCSO personnel. Computers are approved only for official use while on duty. They may be used in the preparation of arrest, incident, domestic violence, accident and DA reports and/or press releases, accusatory instruments, statements, depositions, as well as other electronic records or reports filed by the Civil and Corrections Divisions or others that may be added from time to time. All software required to prepare these documents is provided by the SCSO.

Unauthorized software, games, music or any other non SCSO business related programs or software will not be installed on either the laptop or desktop computers dedicated for SCSO business related purposes. No member or employee will make or cause any non-business related information to be included in any official SCSO report.

X. PERSONS ENTITLED TO FREE COPY OF POLICE REPORTS-

1. Victims are entitled to receive a free copy of the police report related to the crime. (NYS Executive Law, Section 646).

VICTIM- (DEFINED)- Any person alleged or found, upon the record, to have sustained physical or financial injury to person or property as a direct result of the crime charged; or a person alleged to have sustained, upon the record, an offense under Article 130 of the Penal Law, or in the case of a homicide or minor child, the victim's family; or a person alleged to have been the victim of incest as described in Section 255.25 of the Penal Law.

- a. A victim of crime shall be entitled, regardless of physical injury, without charge to a copy of a police report of the crime.
- b. An individual whose identity was assumed or whose personal identifying information, as defined in Section 190.77 of the Penal Law, was used in

violation of Section 190.78, 190.79 or 190.80 of the Penal Law, or any person who has suffered a financial loss as a direct result of the acts of a defendant in violation of Section 190.78, 190.79, 190.80, 190.82 or 190.83 of the Penal Law, who has learned or reasonably suspects that his or her personal identifying information has been unlawfully used by another, may make a complaint to the local law enforcement agency of the county in which any part of the offense took place regardless of whether the defendant was actually present in such county, or in the county in which the person who suffered financial loss resided at the time of the commission of the offense, or in the county where the person whose personal identification information was used in the commission of the offense as provided in paragraph (1) of subdivision four of section 20.40 of the criminal procedure law. Said local law enforcement agency shall take a police report of the matter and provide the complainant with a copy of such report free of charge.