

	<b>ELGIN POLICE DEPARTMENT</b> 151 Douglas Avenue Elgin, Illinois 60120	
<b>Effective Date:</b> 01/01/03	<b>STANDARD OPERATING PROCEDURE</b>	<b>Revised Date:</b> 11/18/19
<b>Chief of Police:</b> 	Records Administration, 82.1	
<b>Cross Reference:</b> SOP 16.3 Social Media SOP 42.1 Criminal Investigations Administration SOP 44.2 Juvenile Operations 20 ILCS 2630/5.2 (2.5) 705 ILCS 405 (Sections 1-7, 1-8, 5-915) City of Elgin Computer System Policy	<b>Policy Sections:</b> 82.1.1 Administration 82.1.2 Records Retention Schedule 82.1.3 Crime Data Submission 82.1.4 Records Accessibility 82.1.5 Records Accountability 82.1.6 Annual Audit Central Records Computer 82.1.7 Introduction of Outside Software 82.1.8 Computer File Backup and Storage 82.1.9 LEADS Criminal Histories	

## PURPOSE

The purpose of this policy is to establish guidelines for records processing, retrieval and retention to prevent unauthorized access or release.

## POLICY STATEMENT

It is the policy of the Elgin Police Department to review, process, maintain and secure records used to document activity of the department. Moreover, the department ensures compliance to the relevant statutes as it pertains to the confidentiality and expungement of law enforcement and court records. Additionally, access to computerized or other criminal data system records shall only be accessed by authorized department personnel and must be related to an official authorized department duty. The department has adopted privacy and security precautions for the central records function to ensure the integrity of our records system in accordance with agency policy, state, and federal laws.

## DEFINITIONS

**DACRA:** Software utilized to streamline, organize and automate electronic citations, TOW and Seizure Management, Administrative Adjudication & Municipal Courts, and fine management.

**LEADS:** A statewide data system in which law enforcement agencies share information with other agencies, to include but not limited to: warrants, driver's license status, license plate information, officer safety information, and NCIC access

## PROCEDURES

### 82.1.1 ADMINISTRATION

A. The Records Division shall be responsible for records:

1. Audit.
2. Control.
3. Retrieval.
4. Maintenance.
5. Expungements.

B All juvenile arrest information including the prior juvenile contact sheet will be maintained by the Juvenile Investigations Unit and conform to the State of Illinois Juvenile Courts Act. City ordinance violations and status offense records are handled by the Adjudication Office.

C. Court Orders to Expunge.

1. It is the responsibility of the Records Division to comply with all court orders of expungement.
2. All associated documents pertaining to the defendant shall be purged from all department files and records.
3. When requested, all records shall be returned to the defendant or their attorney in accordance with the court ordered expungement.
4. Juvenile expungements will be handled by the Records Division in conjunction with the Juvenile Investigations Unit.
5. If a petition for delinquency is filed and dismissed, or is determined to be unfounded, the court will order expungement of the records. Even if a petition for delinquency is adjudicated, other than very serious offenses, the court will order expungement 2 years after the case was closed if there were no subsequent findings of delinquency or criminal convictions.

D. Automatic Expungements of Juvenile Law Enforcement and Court Records

1. The Records Division shall automatically expunge all juvenile law enforcement records and juvenile court records relating to events occurring before a juvenile's 18<sup>th</sup> birthday, before January 1 of each year if:
  - a. One year or more has elapsed since the date of the arrest or law enforcement interaction documented in the records.
  - b. No petition for delinquency or criminal charges were filed with the clerk of the circuit court relating to the arrest or law enforcement interaction documented in the records.
  - c. 6 months have elapsed since the date of the arrest without an additional subsequent arrest or filing of a petition for delinquency or criminal charges whether related or not to the arrest or law enforcement interaction documented in the records.
  - d. Juvenile records generated during the time period of January 1, 2000 through December 31, 2017 shall be automatically expunged in accordance to the below statutory timelines. Records prior to:
    1. January 1, 2000 are not subject to the automatic expungement requirements.
    2. January 1, 2013, but on or after January 1, 2000, shall be automatically expunged prior to January 1, 2023.
    3. January 1, 2018, but on or after January 1, 2013, shall be automatically expunged prior to January 1, 2020.
  - e. For records generated after December 31, 2017, follow the guidelines established in Section 82.1.1 (D) (3) which are listed below.
  - f. Officer worn body camera recordings shall not be expunged, except as otherwise authorized by Standard Operating Procedure 41.10 Body Worn Cameras.

- g. Juvenile law enforcement records of a plaintiff who has filed civil litigation against the city that contain information related to the allegations set forth in said litigation may not be expunged until after 2 years after the conclusion of the law suit.
2. If the department is unable to verify the conditions listed in (b) (c) listed above, records that satisfy condition (a) shall be automatically expunged if the records relate to an offense that if committed by an adult would not be an offense classified as a Class 2 felony or higher; an offense under Article 11 of the Criminal Code of 1961 or the Criminal Code of 2012 as amended; Criminal Sexual Assault; Aggravated Criminal Sexual Assault; Predatory Criminal Sexual Assault of a Child; Criminal Sexual Abuse; or Aggravated Criminal Sexual Abuse.
3. On a quarterly basis, the Records Division shall provide the major investigations division lieutenant with a listing of juvenile felony cases that meet the automatic expungement criteria.
  - a. There may be instances where the records are required to be expunged, but are needed for:
    1. A pending litigation involving the commission of a felony. This information and information identifying the juvenile may be retained until the statute of limitations for the felony has expired.
    2. An internal investigation of a law enforcement officer. This information and information identifying the juvenile may be retained within an intelligence file until the investigation is terminated or the disciplinary action, including appeals, has been completed, whichever is later.
  - b. An assigned investigations employee shall review the cases to determine if any records fall under the above categories. When records fall under the above categories, the assigned employee shall obtain approval to retain the case information through the chain of command. Upon approval, the employee shall request the chief of police or designee to certify in writing that the records are needed. This information shall be forwarded to the deputy director of records and evidence to ensure the information is not expunged.
    1. Retention of a portion of a juvenile's law enforcement record does not disqualify the remainder of his or her record from immediate automatic expungement.
    2. Only information relevant to the above categories may be retained; all other information must be expunged by the Records Division.
    3. The assigned investigations employee is responsible for documenting cases where the records were held for an extended period of time and shall notify the Records Division when the records can be expunged, in accordance to the statutory time frames as specified in Section 82.1.1 (D) (3).
    4. The procedures set forth in (a) and (b) above, also pertain to expungements of records generated during the time period of January 1, 2000 through December 31, 2017.
4. Semi-annually, the Adjudication Office conducts a review of the records of a person found to have committed a civil law violation of subsection (a) of Section 4 of the Cannabis Control Act or subsection (c) of Section 3.5 of the Drug Paraphernalia Control Act.

- a. The purpose of this review is to ensure the automatic expungements of these records as required by the applicable statutes.
  - b. Once the records have been expunged, the Records Division shall be provided with a report of the juvenile cannabis expungements.
  - c. Said report shall include, when applicable, the citation number, report number, date of issue, name and DOB.
  - d. Upon receipt of said report, the Records Division shall conduct a review of the records management system to determine if additional records need to be expunged. At the conclusion of their review, said report shall be destroyed.
5. Through the juvenile court's normal expungement process, juveniles can petition the court for expungement in advance of the automatic expungement timeline or when the offense is a serious one and is not eligible for automatic expungement.
  6. Refer to Standard Operating Procedure for information on statutory definitions and additional information on the confidentiality and expungement of juvenile law enforcement and court records.

E. Notification of Expungements

1. The Records Division shall send a written notice to the expungee, using the expungee's last known address, within 60 days of the automatic expungement or date of service of an expungement order.
2. The Adjudication Office shall handle notifications to a juvenile expungee pertaining to the offenses described in Section 82.1.1(D) (4).
3. Notice to juvenile expungees regarding the expungement of records created prior to 2016 may be satisfied by public notice via the police department's website page. The names of persons who records were expunged shall not be published in said public notice.

F. Global Subject/Name Index

1. Any person who comes into contact with the department as a victim, witness, complainant, arrestee or suspect shall be documented in a global subject jacket.
2. Incidents involving personnel will be maintained in the respective employee's jacket.
3. Any person who receives a citation shall be entered into the name index maintained by the Adjudication Office.

G. Police Report Maintenance.

1. All police reports and associated documents are electronically stored in the department's records management system.
2. The Records Division maintains a hard copy of supplemental reports for the length of time specified in the state's records retention schedule.

H. Release of Information outside of the department.

Information to include reports, electronic files, video recordings, photographs or other department records, may be disseminated outside of the department as outlined below:

1. To another law enforcement agency for a specific law enforcement purpose.

2. In compliance with a properly issued subpoena by a court of law.
3. In compliance with the Freedom of Information Act and the Juvenile Court Act.
4. In compliance with Standard Operating Procedure 16.3 Social Media.
5. Upon the approval of the chief of police or designee.

#### **82.1.2 RECORDS RETENTION SCHEDULE**

All department records shall be retained and destroyed according to guidelines set forth by the Illinois Records Retention Schedule and the Juvenile Court Act. The deputy director of records and evidence maintains the retention schedules for department records.

#### **82.1.3 CRIME DATA SUBMISSION**

The public information and community outreach manager shall be responsible for submitting all reportable incidents to the State Uniform Crime Reporting systems according to their established procedures.

#### **82.1.4 RECORDS ACCESSIBILITY**

- A. The Records Division shall be restricted to agency employees only and shall be locked and secured at all times. Access to the room is granted using an assigned proxy identification card.
- B. Police reports and associated documents are available within the department's records management system and are generally available to all employees. However, police reports shall only be accessed for the purpose of carrying out assigned or ongoing investigative job functions.
- C. The department may identify the police records as confidential with restricted, authorized access. As the case file for these records are initially created, the permissions are established based on operational need. Employees seeking permission to view these records outside the established permissions shall do so through their supervisor.

#### **82.1.5 RECORDS ACCOUNTABILITY**

- A. Prior to being forwarded to the Records Division, all reports shall be submitted to the shift supervisor for review. If corrections are noted, the report shall be rejected to the employee for corrections.
- B. The signature of the reviewing supervisor indicates that they read the report and verified compliance with department policy and proper reporting practices.
- C. At the end of each patrol shift, supervisors shall review the records management system to ensure all reports are completed. No report shall be held beyond an officer's tour of duty, unless authorized by a supervisor.
- D. Follow-up investigative reports shall be submitted as outlined in Standard Operating Procedure 42.1, Criminal Investigations.

#### **82.1.6 ANNUAL AUDIT CENTRAL RECORDS COMPUTER**

The department's public safety systems specialist shall ensure the integrity of security systems in place for the police records management system. On an annual basis, the public safety systems specialist shall conduct an audit to verify all access user names and passwords are valid. Administrative access codes shall be changed at least yearly.

### **82.1.7 INTRODUCTION OF OUTSIDE SOFTWARE**

The specific requirements are described in the City of Elgin Computer System Policy.

### **82.1.8 COMPUTER FILE BACKUP AND STORAGE**

- A. The ITS Department is responsible for:
  - 1. Daily backup of files located on the local area network (LAN) and the AS400 system.
  - 2. The security and storage of all backup computer files stored offsite.
- B. The department's public safety systems specialists are responsible for ensuring the following:
  - 1. Daily backup of the department's records management system which contains police reports and related documentation.
  - 2. Daily backup of the department's DACRA software which maintains the adjudication process, to include citations and ordinance violations.
  - 3. The backup of any other software/computer systems under the realm of their control.

### **82.1.9 LEADS CRIMINAL HISTORIES**

- A. LEADS criminal history access is controlled through the use of passwords and related technology.
- B. The dissemination of computerized criminal history information will conform to the rules and regulations outlined in the Illinois Law Enforcement Agencies Data Systems (LEADS) user's agreement.