



Records

Section: 1.700
Effective Date: October 13, 2010
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1.700 Records

- A. The agency's record storage area is located on the 2nd floor, in room 204 of the Charles Royal building.
- B. This has a locking file cabinet and is used for storage of departmental files and other police related files.
- C. Certain sensitive files and results of background polygraphs and psychological pre-employment evaluations are stored in a locked file cabinet in the Office of the Captain.
- D. Sensitive internal investigation files and other criminal investigation files are stored in the Administrative office.
- E. Official personnel files are retained in Human Resources with the agency maintaining a file for each UBPD member. (Information regarding personnel files retained by the agency is addressed under directive **1.454 – Personnel Files & Retention Schedule**)

1.702 Definitions

- A. Criminal Justice Agency – applies to any governmental agency or subunit which has as its principal function the performance and administration of criminal justice activities.
- B. Central Records – the repository in the State, operated by the Maryland State Police, which receives, identifies and maintains individual criminal history records from criminal justice agencies throughout the state.
- C. Criminal History – any records and/or data collected by criminal justice agencies on adults with specific identifiable descriptions, notation of arrest, detentions, indictment, information, formal charges and/or any disposition arising. Criminal History does not include juvenile record information, criminal justice intelligence information, criminal justice investigative information or correctional status information.
- D. Conviction Data – information in the custody of any criminal justice agency relating to a judgment of conviction and/or subsequent consequences arising in any court.
- E. Dissemination – transfer of information (oral, in writing or electronic means) but does not exclude access to the information by any officer or employee of a criminal justice agency maintaining the information who has both a need and a right to the information
- F. Expunge – removal of specific criminal history information as defined by a court order.
- G. Public Service Company – includes gas, pipeline, electric light, heat, power and water supply companies, sewer companies, telephone companies, telegraph companies, and all persons authorized to transport passengers or property as a common carrier and shall exclude all municipal

corporations, other political subdivisions and public institutions owned or controlled by the State of Maryland.

- H. Purge – removal by court order from public inspections or access.
- I. Seal – to secure in order to prevent inspection, except where specified by court order.
- J. Criminal History/Information Area – any areas in which criminal history records information is collected, stored, processed or discriminated.

1.704 RECORDS ACCESS

- A. File cabinets containing personal and departmental related information must remain locked at all times when not in use.
- B. The Captain and the Lieutenant have unlimited access to this area, the file cabinets and their contents.
- C. The Lieutenant has functional responsibilities for files maintained in the records storage area. This responsibility includes, but is not limited to the storage, control, retrieval, routing, review, and maintenance of the agencies police related records and reports.
- D. Agency employees needing documents not available on the R-drive or Report Exec Program, but stored in these file cabinets must submit a written request to the Lieutenant; the Lieutenant will retrieve the requested file folders and place the written request in the file folder's place.
 - 1. For requests made by staff from evening or overnight shift, the Lieutenant will place them in a sealed envelope and put in a secure area for later retrieval by the requesting staff member.
- E. Other sworn, non-sworn or security personnel are prohibited from being in the record storage area. The exception is when the individual is there in the:
 - 1. Furtherance of agency business/activities, and after admission and/or escort by agency employees with unlimited access; or
 - 2. Response to a "*bona fide*" emergency.

1.706 Records Administration

1.706.02 Privacy & Security of Records

- A. All agency personnel are responsible for compliance with applicable laws, regulations, etc., pertaining to the privacy, security, and dissemination of information maintained by the agency.
- B. Applicable laws, regulations, etc. pertaining to record privacy, security, and dissemination include, but are not limited to:
 - 1. CR 8-606 (making false entries in public records);
 - 2. CR 7-302 (unauthorized access to computers and related materials);
 - 3. CP Title 10 (evidence);
 - 4. State Government Art. 10-611 *et seq* (Pt III - access to records);
 - 5. COMAR 12.06.08.01 through 12.06.08.13 (Dept of Public Safety & Corrections);
 - 6. COMAR 12.11.02.01 through 12.11.02.15 (Dept of Public Safety & Corrections); and
 - 7. Code of Federal Regulations Title 28, Part 20.

1.706.04 Criminal History Files

- A. After an arrest, a single criminal history file is established when the arrested is processed as an adult at the *Baltimore Central Booking Intake Facility (BCBIF)*. BCBIF follows a protocol regarding retention, discrimination and destruction of criminal history files originated at this site.
- B. Documents contained in these arrest records can include, but are not limited to:
 - 1. Final disposition finger print cards;
 - 2. Criminal history transcripts;
 - 3. Photographs; and
 - 4. Copies of charging documents.
- C. All persons arrested by agency officers are assigned a State identification Number (SID).
 - 1. The SID is person-oriented and individual specific.
 - 2. Subsequent arrests of persons will be linked to individual's SIDs.
- D. While at Central Booking, and in an attempt to improve the accuracy of booking information, and to the extent possible and working within the parameters that University Police Officers may actually control, UPO's shall submit a completed UBPD Arrest Information Sheet directly to CBIF booking personnel.
- E. UPO's will ensure all information originating from them and submitted to CBIF personnel is accurate and timely; to include the UB Police Department's ORI # **MD0040700**.
- F. Under no circumstances, will a university police officer spend unnecessary time at CBIF to ensure accuracy of information if the circumstances precluding such an attempt are out of the UPO's control or scope of authority.
- G. UPO's are to obtain photographs of the arrestee from CBIF for retention in case folder/s.
 - 1. If practical and without jeopardizing officer or citizen safety, UPO's shall use the digital camera to take photograph/s of the arrestee prior to transport to CBIF and/or any person issued a trespass warning and allowed to leave.
 - 2. All "on scene" photographs are to be entered into the Report Exec by following the on line instructions.
- H. All case folders are to be stored in the Administrative office, in the secure *active adult* case folder's file cabinet drawer, in chronological order by CC number.

1.706.06 Criminal History Record Information (CHRI)

- A. Only the assigned investigator, the Police Communication Officers (PCO'S), and the agency's command level staff are authorized to print a CHRI check.
- B. All other UB Police Officers must go through the Police Communication Officer.
- C. **Not every arrest or every field investigation requires a CHRI check and if not an absolute necessity for a case, no copy of a CRHI is to be printed.**
- D. If a UB Police Officer determines a copy of a CHRI is **ABSOLUTELY NECESSARY** for a case, a written Administrative Report is required.
 - 1. The administrative report is to be addressed to the Operations Captain via the PCO and must contain the name and address of the person checked, the CC number of the incident/crime report and the **articulable reason** for the report;
 - a. For investigation is insufficient.
 - b. The report must contain specific reasons for the perceived need.

2. On receipt of the report, the PCO will initial the administrative report, print the CHRI and forward the report to the Lieutenant;
 3. The Lieutenant will place the Administrative report in the case folder's file cabinet drawer, in chronological order by CC number.
 4. On receipt of the officer's case folder, this report will be put in the folder and the folder placed in the drawer, in chronological order by CC number for retention.
- E. If it is determined the printed CHRI sheet is in fact not needed, it is to be immediately shredded in the presence of another agency staff member.

1.706.08 Incident Report for CHRI Check Required

- A. All requests for a **printed** copy of a CHRI also require an incident report.
- B. ALL incident reports with the CHRI must be placed in a case folder and retained in the file area – The only exceptions are sensitive or internal inquiries.
- C. Officers are reminded case folders **MUST** be submitted to the Lieutenant for filing in a locking file drawer on the 2nd floor.
 1. The assigned investigator, because of the ability to print a CHRI report without going through the PCO, may print them **only** with an **articulable reason** and knowledge it is an **ABSOLUTE NECESSITY** for the investigation conducted.
 2. Once printed, the CHRI is to be retained.
 3. As noted above, copies of CHRI checks must be made a part of a case folder with an incident report which is needed to obtain a CC number. For confidential and/or internal inquiries, numbers can be obtained by noting the reason as such, noting the date of the incident.
- D. **If not an absolute necessity for a case, no copies of a CHRI will be printed.**
- E. **Once it is determined a CHRI is no longer needed, it must be immediately shredded in the presence of another agency staff member.**
- F. **Under no circumstance will an officer retain any copy of a CHRI in a briefcase, bag, box, desk, locker, office, house, garage, vehicle or any other unauthorized record storage area.**

1.706.10 Requesting files for Court

- A. Officers requiring case folders for court will make their request in person to the Lieutenant. In the absences of the Lieutenant, request will be made in person to the Captain. Request will be made no later than three (3) days prior to the court date as case folders will not be released an earlier than three days before trial.
- B. Officers making the request will complete a Case Folder Accountability Log sheet.
- C. This Case Folder Accountability Log sheet will be placed in the file cabinet in lieu of the removed folder.
- D. On return of the folder, officers will ensure a copy of all supplement reports written are placed in the case folder.
- E. The supplement report must contain the court's findings, fines, fees, probations, nolle prosequi, probation, jail time or a postponement date case folders must be returned within three days after the trial.
- F. The Lieutenant will ensure this report is in the case folder.
- G. Case folders no longer needed will be disposed of in accordance with the records retention policy.

1.706.12 Release of CHRI

- A. Criminal history record information will not be released by agency personnel, except to other criminal justice agencies, consistent with CP 10-219, CJIS directives, and NCIC directives.
- B. Persons may inspect their own CHRI.
- C. CHRI may be released when officers or agents of federal, state, or local criminal justice agencies request CHRI providing they are:
 - 1. State's Attorneys records checks for court;
 - 2. Court Commissioners' inquiries relating to bail hearings; or
 - 3. Request from officers of other agencies regarding CHRI in reference to ongoing investigations.
- D. The Security Clearance Information Act (SCIA) requires that agency point of origin CHRI be provided to investigators from certain agencies.
 - 1. CHRI covered in SCIA includes arrests or other formal charges and any disposition information available. It does not include juvenile information, sealed record information, non-criminal fingerprint information, or intelligence or investigative file information. Requests for statewide CHRI must be referred to Lieutenant.
 - 2. The agencies covered by SCIA are:
 - a. Department of Defense (DOD);
 - b. Office of Personnel Management (OPM);
 - c. CIA;
 - d. FBI;
 - e. Secret Service; and
 - f. Naval Investigative Service.
- E. The Captain will assign a sworn member to check agency records when a *bona fide* request for CHRI held by the agency is received.
 - 1. On finding the CHRI an administrative report identifying what was found, to whom given and the reason for the request is to be prepared and retained in a separate file appropriately marked.
 - 2. A CHRI is not to be released if the information is not recorded in the administrative report.
 - 3. Dissemination Requests will be completed and copies of release forms provided by non-agency personnel will be placed in arrest jackets of applicable persons.
 - 4. Agency employees receiving requests are to refer the requesting person to the Captain of Police.
 - 5. Requests will be marked "No Record" and returned to requesting agencies or persons if no CHRI is found.

1.706.14 Juvenile Records

- A. Juveniles taken into custody and processed at the *Baltimore City Juvenile Justice Center* (BCJJC) will have their criminal history researched at that facility and retained or transferred per their protocols.
- B. Copies of custody information necessary for Juvenile Court are to be retained in the juvenile's "case folder", filed chronologically by CC number, in a file cabinet drawer which is separate from adult cases. This drawer is conspicuously labeled "Juvenile Case Folders".

1. To obtain a case folder for court or a continuing investigation, a case folder Accountability Log Sheet will be given to the Lieutenant before any folder is pulled.
 2. For court, officers should submit their request no later than three days before the court date.
 3. Case folders will not be released any earlier than three days before trial.
 4. The report requesting a file must contain the CC number of the report, the court and date. A copy of the summons is also to be attached the request.
 5. This Accountability Log Sheet is to be placed in the file cabinet in place of the removed folder.
 6. On return of the folder, the request and any ancillary reports will be placed inside the folder and it replaced in the drawer.
 7. Case folders must be returned within three days after the trial, and
 - a. A supplement report completed to record the findings. It is to include the fines, fees, probations, jail time or if the case was not tried or postponed.
 - b. The Lieutenant will ensure this report is placed in the case folder.
- C. When juveniles are arrested and charged as adults, their arrest records for their specific adult arrest incident will be filed with adult arrestee records.
- D. Motor vehicle arrest information when juveniles are taken before District Court Commissioners will be treated as adult arrest information.
- E. Requests for information regarding juveniles involved in minor motor vehicle collisions may be released if the charges do not involve actual or potential incarceration. The juvenile cannot be charged as a juvenile but is issued a Maryland Uniform Complaint and Citations for a non-jailable motor vehicle offense.
- F. The contents of juvenile arrests records may not be divulged to the public, except by court order. Copies of court orders will be placed in the arrest jackets of applicable juveniles.
- G. Parents or guardians of arrested juveniles are not entitled to review or receive copies of juvenile arrest records.
- H. Federal agencies, military recruiters, and private sector employees cannot access juvenile arrest records to conduct security clearances or background investigations for employment purposes.
- I. DJS personnel may access juvenile arrest records for confidential uses.
- J. Law enforcement personnel may access juvenile arrest records in order to investigate or prosecute juveniles.
- K. Juvenile arrest records will be removed from active juvenile arrest files and stored separately when the juveniles reach the age of 18. The case folders will be shredded in the presence of an agency staff member.
- L. The Captain will assign a sworn member to check agency records on receipt of *bona fide* requests for juvenile arrest information held by the agency.
 1. Dissemination Requests will be completed by all non-agency requesters when juvenile arrest information is found. Completed Dissemination Requests and copies of any court orders or will be placed in juvenile arrest jackets of applicable persons.
 2. Agency employees must initiate records and/or CHRI requests via the Lieutenant. Completed dissemination reports will be placed in juvenile arrest jackets of applicable persons.
- M. Juvenile records may be sealed at any time and may be sealed after a youth turns 21 years old consistent with Courts and Judicial Proceedings 3-8A-27c. If sealed, the court records of

a child may not be opened, for any purpose, except by order of the court.

N. Criminal Procedure 10-105 and 10-106 provides for expungement of records for charges that were transferred back to the juvenile court from adult court.

1.706.16 Records Retention & Destruction

The University of Baltimore has a records retention and destruction scheduled which is listed separately as **1.700-A Record Retention Schedule**.

1.706.18 UCR

The agency actively participates in the UCR system by submitting required data through MSP to the FBI consistent with procedures established by those agencies for the collecting and submitting of crime data.

1.708 Reporting System

A. The agency's primary field reporting system is the Report Exec program. As such, officers are trained and use the program to "write" reports which are stored in the program's database. Supervisors enter the program to approve reports and print and distribute reports, as may be needed.

1. The agency's police officers have been trained in report writing and are aware of:
 - a. when reports must be written;
 - b. Specific applications used in recording necessary and/or required information;
 - c. Information required in reports;
 - d. Procedures for completing reports;
 - e. Procedures for submitting, processing, distributing, supervisory review and approval; and
 - f. Procedures for accounting for the status of reports.

B. Other forms or reports required by other departments, agencies, or other organizations which are used by the agency are to be completed consistent with guidelines supplied by them. Examples:

1. Maryland Uniform Complaint and Citations
2. Maryland Safety Equipment Repair Orders
3. DR-15- DUI Advice of rights
4. DR-15A - Officer Certification and Order of Suspension
5. Certification of Police Officer Violation of Alcohol
6. Restriction
7. Request for Witness Service and etc.

1.708.02 Case Numbering System

A. Central Complaint Numbers (CCN) are unique numbers generated by the Police Officer from PCO and entered into the Report Exec for each call for service or on view situation where a report is required.

1. The first letter represents the month of the case (A=January; B=February; C=March and etc);
2. The second two digits represent the year in which the case, incident, or operational activity was recorded by the agency;
3. The last digits are the sequence or the incident with each year beginning with 001.

B. Entries are to be made for all cases and incidents investigated by the agency and a report required.

- C. The CCN system is designed to ensure that each entry receives a number.
 - 1. no numbers are omitted, and
 - 2. no numbers are duplicated.

1.708.04 Required Reporting

- A. Officers are to document activities in the Report Exec either on view or as a result of a communication from the PCO, a supervisor or agency command staff.
- B. The Report Exec is configured to ensure agency records are made of actions taken by agency personnel whether in response to requests for service which require reporting on:
 - 1. Citizen reports of crimes (including identity theft);
 - 2. Citizen complaints;
 - 3. Incidents wherein agency employees were dispatched and/or assigned;
 - 4. Criminal and non-criminal cases initiated by officers; and
 - 5. Incidents involving arrests, citations, or summonses.
- C. Minimal reporting of all cases and incidents investigated by the agency and operational activities conducted by the agency is accomplished via data entry into the system.
- D. Full reports in the agency's Report Exec are usually not required when:
 - 1. Complaints are unfounded or are handled exclusively by another agency;
 - 2. Complaints are canceled by Communications or supervisory or administrative ranked personnel;
 - 3. Complaints are not verified, cannot be located, or are gone on arrival;
 - 4. Alarms are the result of equipment malfunctions or human error; or
 - 5. Incidents or operations are of a purely service nature.
- E. All agency reports will be processed and submitted for supervisory review. Supervisors shall review ALL reports for accuracy, completeness, grammar, and spelling. If an arrest is made, **ALL** information in the "Contact" (arrestee or suspect) box **MUST** be completed in order to be compliant with federal and state mandates relating to criminal history record information (CHRI) submissions.
- F. Reports and all related paperwork must be completed and submitted by the end of the officer's tour of duty unless an extension is authorized by a supervisor. If an extension is authorized, the authorizing supervisor must notify the oncoming shift supervisor and send an e-mail to inform the Lieutenant.
- G. **Under no circumstances will an offense report be provided, in any format, to anyone without first ensuring:**
 - 1. **Report has been reviewed and approved by a supervisor;**
 - 2. **The person/company making such a request has legal standing and;**
 - 3. **All personal information redacted from the report by either the Lieutenant or the Captain.**
- H. **Redacted personal information includes, but is not limited to, dates of births, social security numbers, cell phone numbers, e-mail and etc.**
- H. **The ONLY possible exception to the redacting requirement is for a request from a law enforcement officer investigating a criminal offense.**

1.708.06 Records Indexing

- A. Report Exec contains a master name index that allows searches and retrieval of names, personal descriptor information, CCNs, and/or citation numbers of persons identified in agency reports.
- B. The system also contains searchable fields that include, but are not limited to:
 - 1. CCN;
 - 2. Crime codes;
 - 3. Incident locations;
 - 4. Stolen, found, recovered, and evidentiary property.
- C. Software design permits customized data searches in any report field.

1.708.08 Telephone Reporting

- A. Agency officers are permitted to take reports over the phone when:
 - 1. Suspects are unknown and are not on the scene;
 - 2. Incidents occurred earlier;
 - 3. No tangible evidence is on the scene; and
 - 4. Damage has not been incurred to university property.
- B. Incidents that may be reported over the phone include, but are not limited to:
 - 1. Misdemeanor theft, except shoplifting;
 - 2. Auto theft;
 - 3. Malicious destruction of property, excepting hate related incidents;
 - 4. Telephone misuse provided there is no apparent danger to complainants;
 - 5. Supplemental reports.
- C. In no case will officers who respond to incidents requiring reports request that victims file their initial reports over the telephone.
- D. No more than one report call will be stacked awaiting telephone reporting unless victims specifically agree to wait the extra time necessary to call them back.
- E. Initial reports cannot be taken over the telephone unless the victim's telephone numbers can be verified or by calling victims back on phone numbers provided by them.
- F. Narratives of initial reports taken over the phone must clearly indicate that the information was reported via telephone.

1.710 Traffic Records System

- A. For minor "fender benders" occurring on university property and do not involve personal injury or the vehicle being towed, officers can prepare a Police Information report to cover the incident. Officers can also assist Baltimore City Police at an accident scene, on a request/need basis.
- B. Traffic information that would be needed would require a formal request in writing to that agency.
- C. Traffic enforcement data that is collected by the agency includes, but is not limited to traffic citations, arrests, dispositions, and locations.
- D. Roadway hazard information provided to the agency is entered into the system when a report is generated. Hazard information is relayed by communications personnel to appropriate departments, units, or organizations.

- E. Traffic enforcement analysis reports may be generated and disseminated as necessary and prudent to facilitate management decisions and the agency's traffic related efforts.

1.712 Traffic Citation Records

- A. The Lieutenant is responsible for:
 - 1. Ensuring a sufficient supply of Maryland Uniform Complaint and Citations and Safety Equipment Repair Orders are maintained by the agency within a secure area.
- B. To be issued traffic citations, officers will:
 - 1. Request a citation book and sign the required Citation Registry information;
 - 2. The Lieutenant shall then issue the next citation book in sequence;
- C. Citation Registry pages that have been filled to capacity will be retained by the Business Specialist.
- D. The Lieutenant is responsible for:
 - 1. The transmittal and retention of citation copies in accordance with established procedures and court directives; and
- E. Final traffic citation dispositions are provided to the agency by the courts.

1.714 Records Maintained Independently

- A. Certain operational records are maintained independently from the record storage area in order to more appropriately restrict or facilitate record security and control.
 - 1. Active criminal investigation files are maintained by the Lieutenant.
 - 2. Internal inquiries, handled by officers assigned by command personnel, retained in the locked file cabinet in the office occupied by the Captain of Police
 - 3. Polygraph results and psychological evaluations of new hires are retained in the locked file cabinet in the office occupied by the Captain of Police.
- B. Retention and destruction of records maintained independently from the agency is addressed in **1.706.16**.

1.714.02 Request for record by victims, witnesses, news reporters, insurance companies, and etc.

- A. Any request for a departmental record is to be referred to the Captain or his designee during periods of absence.
- B. The Lieutenant will determine whether a report will be provided to the person requesting it.
- C. If approved, a report will be printed by the Lieutenant and provided to the requesting person.