

Records Center

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Red Bluff Police Department Records Center. The policy addresses department file access and internal requests for case reports.

806.2 POLICY

It is the policy of the Red Bluff Police Department to maintain department records securely, professionally, and efficiently.

806.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Red Bluff Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Operations Division Commander. The Operations Division Commander 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 Operations Division Commander should forward the petition to the Chief of Police and the City Attorney for review. After such review and consultation with the City Attorney, the Operations Division Commander shall decide whether a finding of factual innocence is appropriate.

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

The Operations Division Commander should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

806.4 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Operations Division Commander 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 and the record reflects only a detention.
- (c) The California DOJ is notified.

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806.5 FILE ACCESS AND SECURITY

The security of files in the Records Center 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 case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Center, accessible only by authorized members of the Records Center. Access to case reports or files when Records Center staff is not available may be obtained through the Shift Sergeant.

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

806.6 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Center. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Center shall be recorded.

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

806.7 CONFIDENTIALITY

Records Center staff has access to information that may be confidential or sensitive in nature. Records Center 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 Center procedure manual.