

Records Center

803.1 PURPOSE AND SCOPE

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

803.2 POLICY

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

803.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Fresno State 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 Patrol Operations Lieutenant. The Lieutenant 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 Lieutenant should forward the petition to investigations and the District Attorney for review. After such review and consultation with the District Attorney, the Lieutenant and investigator shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Lieutenant 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 Lieutenant 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.

803.4 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Patrol Operations Lieutenant should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed (by the DA) 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.

Fresno State Police Department

POLICY MANUAL

Records Center

803.4.1 TURNDOWN NOTICE PROCEDURES

When the District Attorney's Office sends the Department a turndown notice ["No Complaint Filed" (NCF)], Detectives in the Investigation Unit are responsible for the following:

- (a) Review the notice to confirm case number/charges and determine if the department needs to complete follow-up activities in order to re-submit the case to the DA
- (b) If the listed defendant/subject was arrested in the originating case, obtain a current address via a driver license records check
- (c) Complete a Department of Justice Adult Disposition of Arrest and Court Action form
 1. Use Prosecution release code in section A
- (d) Complete a Fresno State PD Detention Certificate for the subject (indicating that he/she was detained not arrested) and print on department letterhead
- (e) Upload scanned copies of both completed forms into the original case file in RIMS and complete a supplemental report requesting that the approving Sergeant changes the subject's connection from "Suspect Arrested" to "Suspect"
- (f) Fax the DOJ 8715 to to the Department of Justice and mail the Detention Certificate to the subject

803.5 FILE ACCESS AND SECURITY

The security of physical files in the Records Center must be a high priority and shall be maintained as mandated by state or federal law. All physical 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.

Primarily, all physical case file documents (attachments) will be scanned and attached to the corresponding case in the RiMS database during the records approval process. Once all attachments are stored electronically, the original physical documents can be securely shredded.

803.6 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Center after Records Center approval. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Dispatcher. All original case reports removed from the Records Center shall be recorded via RIMS routing, and a controlled copy provided. This shall be the only authorized manner by which an original case report may be removed from the Records Center.

Fresno State Police Department

POLICY MANUAL

Records Center

803.7 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.