
	GAITHERSBURG POLICE DEPARTMENT		
	Department Records		
	GENERAL ORDER	108.1	
Effective Date	03/17/2016		
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE

I. PURPOSE

The purpose of this directive is to outline the procedures used by the Department for processing and maintaining records, in a secure manner and in compliance with applicable laws and regulations.

II. POLICY

The Administrative Support Supervisor is responsible for the Department's central records function which includes data entry, file maintenance and maintaining station copies of citations, field interview cards, warning notices and other documents for which the records function is best suited to maintain. Pertinent information regarding documents maintained by the central records function is entered into the Department's master name index. The Administrative Bureau Commander, or designee, maintains a photocopy of juvenile arrest records in a secure location. Montgomery County Police Records Division has responsibility for maintaining all official police reports.

III. DEFINITIONS

This directive does not contain any terms deemed to require special definition.

IV. PROCEDURE

A. Legal Compliance and Release of Records

1. All Department personnel shall comply with laws, rules and regulations at the federal, state and local levels that govern privacy, security and dissemination of the information to which the Department has access or maintains. These laws may include, but are not limited to:
 - a) Criminal Law Article, §7-302 and §8-606, Annotated Code of Maryland;
 - b) Criminal Procedure Article, §1-101, §10-103, §10-105, §10-106, §10-108, §10-201 through 204, §10-207 through 210, §10-213 through 224, §10-226 through 228 and §10-231 through 225, Annotated Code of Maryland;

- c) State Government Article, §10-611 through 625, Annotated Code of Maryland; and
 - d) Title 28, Part 20 of the United States Department of Justice "Code of Federal Regulations."
2. Criminal History Record Information (CHRI) shall not be released by members of the Department, except to another criminal justice agency, in accordance with law and CJIS / NCIC policies.
 3. Unauthorized person(s) are not permitted in the Operations or Administrative areas of the police facility without an escort.
 4. To ensure compliance with CJIS / NCIC regulations, the terminal area shall not be left unattended with CHRI or sensitive information displayed on the screen. When the terminal is not in use, the main menu should be on the terminal's screen.
 5. Records relating to expungements are protected from disclosure. The contents of an expunged record shall not be disclosed to any person, unless ordered by the court.
 6. A person may have a charge expunged (or removed) from his or her police record, court records and other records maintained by the State of Maryland and its subdivisions, if the person was acquitted of the charge, the charge was dismissed or quashed, a judgment of probation without finding a verdict or probation on stay of entry of judgment was made, a nolle prosequi was entered, the case was compromised or dismissed pursuant to Criminal Law Article, §3-207, Annotated Code of Maryland, the person is convicted of only one criminal act which is not a crime of violence and is subsequently granted a full and unconditional pardon by the governor or the charge was transferred to juvenile court.
 7. Notwithstanding the provisions of the Freedom of Information Act, requests for information from Department records shall be forwarded to a bureau commander or the Chief of Police. The following general information may be released to the media or members of the public (see [General Order 1201.1](#)):
 - a) The status of an investigation (open, suspended, closed, unfounded);
 - b) Apprehension and arrest information involving individuals charged as adults for up to seven days after the charge(s) were placed; and

- c) Traffic accident/charge(s) placed.

B. Report Review

1. Officers preparing reports shall prepare and submit them in accordance with the provisions and procedures outlined in the MCP Field Report Manual and E-Justice electronic reporting system.
2. Patrol supervisors review reports submitted by officers, ensuring that the reports are complete, accurate, legible and understandable, that an adequate preliminary and any appropriate follow up investigation was conducted and documented, and is in compliance with MCP Field Report Manual and E-Justice requirements.
3. To properly account for the status of each report completed and submitted, supervisors indicate their review and approval on the Supervisor's Report Log.
4. Each bureau commander ensures that reports completed by officers within their bureau have been reviewed and approved by a supervisor prior to submission.
5. After supervisory approval, reports are submitted to administrative support staff for processing and distribution.

C. Report Control, Security and Processing

1. Central records information is maintained in Department computer databases and central files, ensuring that all authorized personnel have 24 hour access to the data.
 - a) Computer databases are password and access level protected to ensure the security of stored information.
 - b) Central records retained in paper form are maintained by the administrative support staff and, for the purposes of physical security, are stored in an area that is not open to the public.
 - c) Dated records, and those of a sensitive nature, are stored or archived in secure locations.
2. To provide for the security of Criminal History Record Information (CHRI), officers shall not attach printouts or copies of such records to reports submitted to administrative support staff. Department files will not contain CHRI information.

- a) To ensure proper security, CHRI must stay in its electronic format. If disseminated in any way (from the screen or printout), it is subject to Maryland CJIS and NCIC dissemination procedures.
 - b) It is unlawful to disseminate CHRI to a person not authorized to have it. NCIC regulations require that employees who disseminate CHRI record the dissemination and to whom the information was disseminated.
3. Report control is accomplished by administrative support staff, who scan them into the Laserfische imaging system and organize them according to UCR classification. Reports may be retained in Laserfische for an indefinite period of time.
 4. When processing reports for distribution, the administrative support staff logs them into the report log books, enters applicable information into the Master Name Index and scans the reports into Laserfische. All reports are then distributed in the following manner:
 - a) The original report will be forwarded to the MCP Records Section;
 - b) A copy will be forwarded to the MCP 6th District Station;
 - c) A copy will be provided to the Department's Crime analyst;
 - d) A copy of all reports documenting Part I crimes (of a serious nature), sex offenses, and/or those showing crime trends or patterns will be forwarded to GPD investigators;
 - e) Attached photographs will be scanned into Laserfische with the accompanying report. A copy of the report and the original photographs will then be provided to the GPD Investigative Section;
 - f) Juvenile arrest reports (when not charged as an adult) will be scanned into Laserfische. A photocopy will be forwarded to the Department of Juvenile Justice (DJJ);
 - g) DWI reports and other paperwork related to the arrest processing, such as the DR-15 Advice of Rights For Chemical Test, DR-15A Officer's Certification and Order of Suspension, MCP Form #50 Advice of Rights, MSP 33 Result of Test for Alcohol Concentration and any other relevant documents, are scanned into Laserfische;

- h) Domestic violence incident reports and originals of the domestic violence supplemental, domestic violence lethality screening, photographs, statements and a copy of the charging document (where applicable) will be forwarded to MCP Domestic Violence Unit;
 - i) Supplement reports are distributed in the same manner as the associated initial report;
 - j) Criminal citations are photocopied (front and back when applicable) and all copies of the citation (except for the officer's copy) are forwarded to the District Court Liaison Officer for assignment of a court date. The charging officer must also complete an MCP 107 State's Attorney's Witness Information form to subpoena witnesses to the incident and attach a copy of any associated event report. These items accompany the citation to the District Court Liaison Officer;
 - k) Juvenile civil citations are forwarded to MCP Family Crimes Division and a copy is provided to the administrative support staff.
- 5. The Administrative Support Supervisor ensures that all reports are processed and distributed daily via the mail run.
 - 6. Montgomery County Police Records Section retains all original reports.
 - 7. Legal process documents are processed, logged and maintained by the Administrative Bureau.

D. Report and Record Retrieval

- 1. Officers may print copies of reports from Laserfische for official purposes.
- 2. Only members of the Police Department have access to police reports stored on Laserfische.
- 3. Montgomery County Police Records Division may be contacted 24 hours a day for access to reports.

E. Assignment of ID Numbers

- 1. Every person arrested and fully processed, adult or juvenile, is assigned a booking number.

- a) Adult arrestees are processed at the Montgomery County Detention Center (MCDC) Central Processing Unit (CPU) and assigned booking numbers electronically.
 - b) Juvenile arrestees (not being charged as adults) are processed at a district station. The processing officer must obtain a juvenile ID number from the MCP Records Division.
2. Records Division or CPU personnel provide the processing officer with the arrestee's ID number.
- a) If the individual has been processed before, there will be an existing number that will be given to the processing officer.
 - b) If the individual has never been processed before, a new number is assigned.
 - c) If the processing officer already knows the arrestee's booking number (i.e., from prior arrests, CHRI, etc.), the processing officer will provide it to Records Division personnel.
3. Upon receipt or confirmation of an arrestee's booking number from the Records Division or CPU staff, the processing officer ensures that the booking number is accurately recorded on the associated reports and other document relating to the arrest.
4. The officer processing an arrested juvenile will fingerprint the juvenile using the MCP fingerprint imaging system, when available.
- a) All processing of juvenile fingerprints will be in accordance with MCP policy and procedures.
 - b) If the fingerprint imaging system is not available, or the system is temporarily out of service, the processing officer will ensure that the required County and State fingerprint cards are completed.
 - c) FBI cards will not be completed for any arrest of a juvenile who are not being charged as an adult.
5. All arrestees (adult or juvenile) must be photographed.
- a) Officers may also photograph any individual to whom a criminal or civil citation is issued.
 - b) CPU staff will photograph adult arrestees and juveniles

being charged as adults.

- c) Juveniles processed at an MCP district station will be photographed in accordance with MCP policy and procedure.

F. Juvenile Records Procedure

1. After being taken into custody for a delinquent act, juveniles will be photographed and fingerprinted. Fingerprint cards completed when the fingerprint imaging system is temporarily out of service or unavailable will be forwarded along with the original report for supervisory approval.
2. The Administrative Support Supervisor obtains copies of all juvenile arrest reports to assist with annual juvenile arrest statistics and to track when expungements of juvenile records (for reaching the age of majority) are due.
 - a) These records pertaining to juveniles (not being charged as adults) are kept in a secure file outside the central records function.
 - b) Records relating to a juvenile taken into custody for a delinquent act are retained until the juvenile reaches the age of majority, unless a court order dictates otherwise.
3. All original photographs and fingerprint cards are forwarded to the MCP Records Division with the associated reports.
4. Other forms of identification pertaining to juveniles (i.e., driver license, hair samples, writing samples, etc.), if evidentiary in nature, are retained securely in the Property Room, pursuant to Department policies and chain of custody requirements, until no longer needed or the court or State's Attorney's Office orders its return or disposal.

G. Retention Schedule

1. Consistent with City policies and the established Municipal Record Filing and Retention System, the following records are maintained by the Department for a period of at least three (3) years, plus the balance of the current year:
 - a) Event reports and ACRS reports;
 - b) Field interview cards;

- c) State and City citations;
 - d) Reports related to crime prevention;
 - e) General correspondence and memoranda; and
 - f) Property inventories pertaining to City owned property and recovered property.
2. The following records are retained until replaced:
- a) General orders;
 - b) Special Orders; and
 - c) City traffic ordinances (traffic orders).