

MARLBORO TOWNSHIP POLICE

SAFETY Through *SERVICE*
Since 1968

DEPARTMENTAL POLICIES AND PROCEDURES

Location CHAPTER 16	Reference PROCEDURE	Special Instructions REVISED POLICY		ACCDT # 82.1.1
Subject RECORDS MANAGEMENT AND SECURITY		Number PRC003	Distribution ALL PERSONNEL	
Effective 11-30-11	Revised 12-05-13	Revised	Revised	No. Pages 1 of 16

I PURPOSE

To establish the structure and procedures necessary to carry out the department's record keeping responsibilities; and to ensure consistency, accuracy, appropriate control and maintenance of reports and records produced by this department.

II POLICY

The law enforcement mission and the responsibilities of the department require the documentation and maintenance of accurate records of all activities engaged in by department personnel. Accurate, complete and accessible reports are necessary to the successful prosecution of criminal cases; for planning and the appropriate use of resources; to defend the department and its personnel in litigation; and to facilitate the proper submission of a variety of reports mandated by the State and Federal government. In addition, the department has an obligation to assist citizens in obtaining records of their contacts with this department and to keep the public informed of the department's activities.

III PROCEDURE

1. Operational Protocol

- A. The Records Bureau has been established as a separate unit within the Administrative Division. The Administrative Division Commander or his/her designee will supervise the Records Bureau. It is the responsibility of the Records Bureau to provide for the department's records maintenance, as well as to provide for the collection, categorization, retention, retrieval, privacy, and security of police records.

- B. The Records Bureau functions include the processing, indexing and filing of all reports and case files, as well as providing miscellaneous law enforcement and other governmental record keeping services to the public and the department. Other duties and responsibilities are as follows:
1. Completion of all required reporting in connection with the Uniform Crime Report and related supplemental reports forwarded to the New Jersey State Police. The computerized records management software will produce the information and/or reports.
 2. Preparation and maintenance of a comprehensive filing system that may include the following:
 - Incident reports
 - Criminal and arrest reports
 - Domestic violence restraining orders
 - Motor vehicle accident and incident reports
 - Warrant file
 - Motor vehicle tow reports
 - Driving while intoxicated reports
 - Uniform Crime Reports data
 - Driver' license abstract
 - Issued motor vehicle summonses (maybe be copies-court has orig.)
 - All other miscellaneous reports, documents and files as directed by the Chief of Police or his/her designee.
 3. Data entry for computerized records of departmental activities.
 4. Preparation of various incident reports as needed.
 5. Retrieval and distribution of reports, documents and files contained with the Records Bureau.
 - This shall include the retrieval of reports, documents and files resulting from requests submitted by citizens, corporations, law enforcement agencies, judicial bodies and members of this department.
 - Requests for discovery shall be completed in a timely fashion in accordance with the provisions contained with this written directive.
 6. Compiling the data to facilitate the preparation of a monthly statistical report for the Township Business Administrator or his/her designee, documenting department activities. The report shall reflect the totals for the month reported, the current year to date totals and the previous year to date totals for comparison. The following information shall be reported:

- Monthly, current year to date and previous year to date amount of cash receipts for the following:
 - Motor vehicle accident reports
 - Criminal reports
 - Driving while intoxicated reports
 - All other miscellaneous reports
- Significant department events, including:
 - Motor vehicle accidents
 - Burglaries
 - Thefts
 - False alarms
 - Fire calls
 - Ambulance/Squad calls
 - Homicides
 - Sex Offenses
 - Robbery
 - Aggravated/Simple assaults
 - Shoplifting
 - Motor Vehicle Theft
 - Arson
 - Domestic Violence related Incidents
 - Adult arrests
 - Juvenile arrests
 - Warrants served
 - Motor Vehicle summonses
 - Ordinance violations
 - Alarm violation
- Other miscellaneous information, to include:
 - Total complaints handled
 - Stolen property recovered
 - Motor vehicle summonses issued

7. Destruction of police records as provided for in this written directive.

C. The Records Bureau also serves as the primary information facilitator for external inquiries. Records Bureau personnel shall handle inquiries received by telephone and at the walk-up information window at police headquarters.

1. Records Bureau personnel shall provide NO information via telephone other than directions to locations within the township, hours of operation for the Records Bureau or general information regarding the acquisition of permits, reports or information from the police department. No information regarding the law enforcement activities of this police department shall be released unless the person or entity making the request is authorized to view and/or obtain the information. For guidelines on the release of certain information, see Release of Records and Information on page 10 of this written directive.

2. Phone calls for personnel who are unavailable shall be forwarded to the proper extension to allow for the voice mail system to record the message of the party who placed the call.
3. Telephone calls received from individuals requesting to report an incident or desiring to speak with an officer shall be forwarded to Marlboro Police Communications Center to have an officer dispatched to the caller's location unless a member is readily available to respond to the request.
4. Whenever a question shall arise as to the appropriateness of a request for information or documents, Records Bureau personnel shall consult with the Administrative Division Commander or his/her designee for guidance.

2. Records Bureau Authorized Access

- A. The following employees have been granted authorization to access the file room (criminal/quasi criminal case files) located within the Record's Bureau:
 1. Records Bureau Personnel
 2. Command Staff
 3. Designee (s) permitted by Administrative Division Commander or Support Services Captain. (i.e. Administrative Sergeant or Administrative Lt.)
- B. Whenever Records Bureau personnel are on duty, members not authorized to retrieve reports or case files shall request retrieval of the report or file from a member of the Records Bureau staff.
 1. If no Records Bureau personnel are on duty or present, the member requiring the information shall submit a request, in writing or via email, to the Records Bureau for processing on the next business day.
 2. If there is an immediate need to retrieve the report or file, the affected member shall make a request for the information through the watch commander who will contact A 1, 2, or 3 to release the record (s) on an immediate basis.
 3. Requests for reports or files that are more than two years old shall be submitted in advance to allow for the possibility of retrieval from the record's archive.
 4. The file room shall remain locked whenever there are no Records Bureau personnel on duty. Off hours access to the file room shall be restricted to members of the Records Bureau, Command Staff,

or Designee permitted by the Administrative Division Commander or Support Services Captain.

3. Distribution of Reports and Files

A. Based on the type of report, the following procedure will be followed in the routing of original reports:

1. Completed reports are to be submitted to the appropriate supervisor for review.
 - Shift Supervisors / Watch Commanders shall review every report submitted by members of the Patrol Bureau under their command for accuracy, legibility and completeness. Reports submitted in a manner unacceptable by department standards will be returned to the submitting member to be redone.
 - Incident reports are to be completed prior to the completion of the member's tour of duty, or at the earliest possible convenience.
 - Criminal reports, DWI reports and any other associated documentation must be completed as soon as possible but not later than 24 hours from the time the incident is reported.
 - Motor vehicle accident reports are to be completed as soon as possible but not later than 48 hours from the time of occurrence, unless a transfer sheet is filed with the Traffic Safety Division.
 - Arrest reports are to be completed once a suspect has been taken into custody
 - Officers assigned to the Investigative Bureau will submit all completed reports to the Investigative Bureau supervisor for review.
 - Officers assigned to the Traffic Unit will submit all completed reports to the Traffic Unit supervisor or his/her designee prior to the completion of the member's tour of duty or within a specific time frame as instructed by the Traffic Unit Supervisor.
 - Civilian employees preparing routine incident reports are to forward the completed report to the on-duty Watch commander/Shift Supervisor prior to the end of their scheduled work day.

2. Following the initial supervisory review, reports will be routed as follows:
 - Criminal reports, along with, any associated reports are to be forwarded to the Investigative Bureau secretary or appropriate Investigative Supervisor.
 - Motor Vehicle Accident Reports, DWI Reports and Motor Vehicle Impound/Inventory Reports are to be forwarded to the Traffic Unit Supervisor.
 - Incident Reports will be forwarded to the designated Records Supervisor/Clerk for confirmation of entry into the department's computerized records management system and UCR Indexing.

4. Storage and Removal of Records

- A. Completed investigative, motor vehicle accident, adult and juvenile arrest, drunk driving and motor vehicle impound reports are to be filed in the departments designated record's storage area.

1. Records are to be filed in sequential order, numerically, alphabetically or by date and time.
 - Records stored numerically will utilize a number generated by the department's computerized record's management system.
 - The incident number as generated by Marlboro Township Communications CAD program will serve as the incident number of record.
 - The following records may be stored within the Investigative Bureau;
 - Sex offender Registry
 - List of businesses licensed to sell alcoholic beverages
 - Pending/completed forfeiture files
 - Confidential informant records
 - Records pertaining to the collection and dissemination of law enforcement intelligence
 - Any other record deemed necessary for the efficient functioning of the Investigative Bureau
 - Internal Affairs
 - Records of confidential investigations

- The following records are to be maintained and secured under Administrative control within the department:
 - Applications
 - Grants
 - Payroll
 - Personnel Files
 - Training records
 - Purchasing
 - Vendors contracts
 - Payroll, Vendor contracts, Purchasing, Training records, Grants, and Applications may be secured and maintained within the Administrative Secretary Office and Training Office.
 - Non-public personnel records will be stored and secured within the Chief of Police office.
 - Juvenile arrest/custody records shall be maintained and secured separate from adult arrest records within the records bureau.
 - Confidential records/Expungements shall be maintained and secured separate and within their own filing cabinet from all other records within the records bureau.
- B. Original reports shall be maintained in the appropriate record's storage area and shall only be removed as provided for below:
 1. Time constraints that would make photocopying impractical.
 2. To facilitate an Internal Affairs/Confidential investigation.
 3. Municipal Court Sessions.
- C. All records, documents, reports, forms, logs or other information, created, maintained or stored by the Police Department are the exclusive property of the Police Department. No employee shall personally possess any document, record, report, form or other source of information created, maintained or stored by the Police Department or the reproduction of any such document, record, report, form or other source of information without the express authorization of the Chief of Police or his/her designee.
- D. As previously stated in section 2-B, members not authorized to remove records will enlist an employee of the Record's Bureau to retrieve documents from the record's storage area.
 1. Members requesting documents from the record's storage area will be given a photocopy of the information requested.
 2. Where applicable, a member may be given a printout of any record stored in the department's computerized record's management system.

- E. Original reports may be removed from the records storage area for use during a session of the Municipal Court subject to the following guidelines:
1. Records Bureau personnel will turn over to the assigned Court Liaison/Officer a list of reports to be utilized for that court session.
 2. It will be the responsibility of the Court Liaison Officer to ensure that each file removed for court is returned to the Records Bureau at the conclusion of that day's session.
 3. Members requesting files/records for Superior Court, Grand Jury or Municipal Court in another jurisdiction will be issued photocopies unless otherwise directed.
 4. In the event that the original version of any report or file is needed for judicial proceedings or for any reason whereby the record will be removed from this facility, records bureau personnel will photocopy the entire record prior to its release.
- F. When a case file is assigned for follow-up investigation, the assigned investigator shall compile a working file that shall consist of photocopies of the original documents contained in the case file.
1. Original reports completed subsequent to the opening of a working case file shall be forwarded to the Record's Bureau for inclusion in the original case file that is maintained in the Record's Bureau.
 2. Based upon the need for confidentiality in connection with some cases, it may be necessary to withhold original reports and/or entire files from the Record's Bureau.
 - Investigator's having a genuine need to withhold files and/or individual reports shall notify their immediate supervisor of such need and the basis for the request.
 - The supervisor receiving such a request shall be responsible for obtaining permission from the Administrative Division Commander to deviate from the standard record's filing procedures herein outlined.
 - If approved, the Administrative Division Commander shall dictate the storage location and security precautions, including access authorization, which shall be established for the confidential records.

5. Computerized Records

- A. The department utilizes a computerized, records management system.

1. The computerized records system will create and store a record of every incident responded to, or generated this department. All relevant data fields must have an entry obtained and entered by the dispatcher or updated by records bureau clerks.
 - The Administrative Division Commander or his/her designee is the systems administrator for the CAD System.
 - The CAD records management system will be utilized to generate an incident number for every incident responded to or generated by members of this department.
2. In addition to a computerized records management system, the department will use computerized spreadsheets and/or databases, whenever practical, to track records including but not limited to:
 - Purchases
 - Vehicle repairs
 - Equipment Inventories
 - Training records
 - Statistical records
 - Work schedules
 - Overtime expenditures
 - Personnel records
 - Property/evidence records
3. Spreadsheets and/or databases used to track information for official departmental use shall be created with the express authorization of the Chief of Police or his designee.
 - All spreadsheets and databases must be created on software compatible with the Township's computer network.
 - Spreadsheets and databases created for official departmental use are to be created and stored on a file on the Township network.
 - The Chief of Police or his designee will grant access to departmental spreadsheets and databases on an as needed basis.
4. No member of the department is to create any restricted access file or record on the Township's network or on any department issued computer without the permission of the Chief of Police or his designee.

B. The computerized records system software captures, at a minimum, the following information for every incident:

1. Incident Number
2. Date and time of request
3. Name and address of complainant, if possible
4. Type of incident reported

5. Location of incident
6. Identification of officers assigned as primary and backup officers
7. Time of dispatch
8. Time of officer arrival
9. Time officer cleared or returned to service, and
10. Disposition or status of the incident

- C. The Chief of Police or his designee may grant or restrict access to any computerized record or file as needed. Possession, reproduction, access or attempted access of any record, file, database or spreadsheet, stored on a departmental or Township computer or computer network, without authorization is strictly prohibited. Any member of the department doing so will face serious disciplinary action up to and including dismissal and criminal prosecution where appropriate

6. ***New Jersey Motor Vehicle Accident Reports (NJTR-1*** Release of Records and Information

- A. The Marlboro Township Police Department will provide records for release, upon request, in a manner consistent with N.J.S.A. 47:1a-et seq. commonly known as the Open Public Records Act (OPRA). For the purposes of this directive, the term “government record” is to be defined as “any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of official business by any officer, commission, agency or authority of the State”. The term government record shall not include inter-agency or intra-agency advisory, consultative or deliberative material.
1. Access to departmental records shall comply with the provisions of OPRA; “government records shall be readily accessible for inspection, copying, or examination by the citizens of this state with certain exceptions, for the protection of the public interest. To ensure compliance with the provisions of the Open Public Records Act, the Administrative Division Commander will act as the custodian of records for the police department.
 2. Records specifically excluded from the Open Public Records Act and therefore not available for public release, shall include:
 - Any copy, reproduction or facsimile of any photograph, negative or print including instant photographs and videotapes of the body or any portion of the body, of a deceased person, taken by or for the medical examiner at the scene of death or in the course of a post mortem examination or autopsy made by or caused to be made by the medical examiner except:

- When used in a criminal action or proceeding in this State which relates to the death of that person.
- For the use as a court of this State permits, by order after good cause has been shown and after written notification of the request for the court order has been served at least five days before the order is made upon the county prosecutor for the county in which the post mortem examination or autopsy occurred.
- For use by any law enforcement agency in this State or any other state or by a Federal law enforcement agency.
- Criminal investigatory records.
 - For the purpose of this written directive, criminal investigatory records are defined as any record, not required by law to be made, maintained or kept on file that is held by a law enforcement agency which pertains to any criminal investigation or related civil enforcement proceeding.
 - Victims of a crime may have access to their own records. For the purpose of this written directive a Victim's Records are defined as an individually –identifiable file or document held by a victim's rights agency which pertains directly to the victim of a crime.
- Internal Affairs investigative records.
- Criminal History, Division of Motor Vehicle or any other information maintained or accessed through the Criminal Justice Information System (CJIS), the Administrative Office of the Courts (AOC) computer system or any other criminal justice computerized records system as required by law.
- Emergency or security information or procedures for any building or facility, which, if disclosed, would jeopardize security.
- Information related to any sexual harassment complaint filed with the Township
- Records and information related to any grievance filed by or against any township employee.
- Results indicating the cause of death.

- Individuals seeking information on the cause of death may be directed to the County or State Medical Examiner.
- Results of analysis of body fluids in conjunction with a prosecution for a violation of NJSA 39:4-50 et al
- Information pertaining to registered sex offenders under the provisions of Megan's Law except where otherwise provided.
- Juvenile records except as otherwise provided in NJSA 2A:4A-60
- Telephone numbers and other identifying information such as dates of birth and/or social security numbers of any party listed on any document, record or file maintained or stored by the department.
- Information captured and stored on the departments mobile audio/video recording system except as required pursuant to the rules of discovery.
- Persons convicted of an indictable offense under the laws of this or any other State or the United States, shall not have access to records containing personal information pertaining to their victim or their victim's family including but not limited to the victim's home address, telephone number, work or school address, work telephone number, social security number, medical history or other identifying information.
- Government records requested anonymously.

3. Records available for release include but are not limited to:

- When a crime has been reported but no arrest yet made, information as to the type of crime, location, time and type of weapon if any.
- If an arrest has been made, information as to the name, address and age of any victims unless there has not been sufficient opportunity for notification of next of kin of any injury and/or death to any such victim or where the release of the names of any victim would be contrary to existing law or Court Rule. In deciding on the release of information as to the identity of a victim, the safety of the victim and the victim's family and the integrity of the ongoing investigation shall be considered.

- If an arrest has been made, information as to the defendant's name, age residence, occupation, marital status and similar background information and the identity of the complaining party unless the release of such information is contrary to existing law or Court Rule.
- Information as to the text of any charges such as the complaint, accusation and indictment unless sealed by the court or unless the release of such information is contrary to existing law or Court Rule.
- Information as to the identity of the investigating personnel and agency and the length of the investigation unless the release of such information would jeopardize any ongoing or future investigation.
- Information of the circumstances immediately surrounding the arrest including but not limited to the time and place of arrest, resistance, if any, pursuit, possession and nature and use of weapons and ammunition by the suspect and by the police.
- Information as to the circumstances surrounding bail, whether it was posted and the amount.
- Any other information, data, record or file required under the Open Public Records Act.
- Any records required to be produced and released pursuant to Rule 3:13-3 of the Rules of the Court of New Jersey titled Discovery and Inspection.
- Records including local arrest records when requested as part of an authorized background investigation provided that the request includes a properly executed release signed by the party under investigation waiving all claims against the Township of Marlboro and this department.

B. Requests for information, records, files and/or reports will be processed in the following manner:

1. Requests from other law enforcement agencies for investigatory reports will be referred to the Records Bureau Supervisor and the Administrative Division Commander or his/her designee.
2. Requests for discovery will be processed to the assigned records Clerk.

- Only those records and material listed in R.3: 13-3c shall be provided to a defendant pursuant to a request for discovery unless otherwise directed by the Court or other appropriate authority. Specifically excluded from the list of material available for discovery will be the Search Warrant Approval Form.
 - All requests for discovery will be logged and maintained on file.
 - The discovery file will include the date the request was received as well as the date the material was forwarded to the requesting party.
 - Requests for discovery for criminal cases involving juvenile offenders will be directed to Family Case Management of Monmouth County.
3. Requests for incident reports, criminal reports, accident reports or any other record by any other Court, or governmental agency will be forwarded to the Records Bureau.
- Records Bureau personnel will forward the request along with the pertinent information to the Administrative Division Commander or his/her designee for review prior to release.
4. The Records Bureau will process requests for copies of incident reports, which do not generate an Investigative Report.
- The requesting party will be given a Marlboro Township Incident/Accident request form to complete.
 - Records Bureau personnel will generate a printout of the incident as recorded in the Cody Records Management system.
 - Addresses, telephone numbers, social security numbers, dates of birth and driver's license numbers along with any information identifying a juvenile is to be redacted from the record prior to release.
 - The information along with the application will be presented to the Records Supervisor or Administrative Division Commander or his/her designee for review prior to release.
 - If approved by the Records Supervisor or Administrative Division Commander or his/her designee, records requested will be made available as soon as possible but in no case in a time period greater than 7 days.

5. Motor Vehicle accident reports will be made available upon request.
 - Requests received from a person(s) involved in the accident or representatives or agents of their insurance carriers, may not require a completed Marlboro Township Incident/Accident form if requested by electronic means. (i.e. request by insurance company via fax)
 - Reports requested by a person(s) involved in the accident or representatives or agents of their insurance carriers will be provided with no redaction of information.
 - Parties or entities not directly involved in the accident requesting copies of an accident report will be required to complete an OPRA form.
 - Copies of accident reports to be released to individuals or entities not directly involved in the accident are to have telephone numbers redacted prior to release.
6. Requests for Criminal Investigatory reports will be denied subject to the following exceptions:
 - Requests for information involving law enforcement activity, received from persons or entities not directly involved in the incident will be processed in accordance to OPRA guidelines.
 - Requests for information for matters under active investigation by members of this department along with members of the Monmouth County Prosecutor's Office will be referred to the appropriate member of the Prosecutor's Office. Requests for information for matters under investigation by members of this department along with representatives of the New Jersey State Police, New Jersey Division of Criminal Justice or any other municipal, county, state or federal law enforcement agency will be referred to the designated member of each agency responsible for handling such a request.
7. All requests for information received by the records Bureau will be recorded.
 - Discovery requests will be recorded in the department's Discovery log.
 - All other requests are to be recorded in the department's OPRA, Incident/Accident or Law Enforcement request file maintained in the Record's Bureau.

- C. Persons or entities requesting records/information (under OPRA) will be assessed a fee for copying consistent with the fee schedule found in NJSA 47:1A-et al.

7. Destruction of Records

- A. Records, documents and files will be maintained for the appropriate period of time as described in the Records Retention and Disposition Schedule promulgated by the New Jersey Division of Archives and Records Management.
- B. Records covered by the Retention Schedule will not be destroyed without prior approval of the NJ Division of archives.
- C. At least, once annually the Records Supervisor and/or Administrative Sergeant will evaluate all records within the police department to evaluate their timely destruction as per NJDARM. This process will take place at least once a year to maintain storage space within the records filing system and records archives.
- D. Records not covered by the Retention Schedule are to be maintained in accordance with all applicable laws, policies or directives.

By order of: _____

Bruce E. Hall
Chief of Police