



# ERIE POLICE DEPARTMENT



## Written Directives

Number: **210.000**

|  |                                     |                                      |
|--|-------------------------------------|--------------------------------------|
| <b>Title: <u>Records</u></b>           |                                     | <b>Pages: <u>6</u></b>               |
| <b>Effective Date: <u>11/18/09</u></b> | <b>Review Date: <u>05/18/19</u></b> | <b>Amended Date: <u>05/01/18</u></b> |

### **POLICY:**

#### **CACP STANDARD 210.4**

It is the policy of the Erie Police Department to keep all information contained in the Records Section files confidential and secure, except in cases where the law requires the release of such records to the public **and** such release is not contrary to the Colorado Revised Statutes, to an existing court order, or to the public interest.

It is also the policy of the Erie Police Department to ensure the privacy and security of the information and records that have been compiled by this agency and to strictly adhere to the state and federal law. The privacy and security of criminal history records shall be in accordance with U.S. Department of Justice regulations (28 Code of Federal Regulations Part 20).

### **DEFINITIONS:**

**ARREST AND CRIMINAL RECORDS INFORMATION:** Information reporting the arrest, indictment, or other formal filing of criminal charges against a person; the identity of the criminal justice agency taking such official action relative to an accused person; the date and place that such official action was taken relative to an accused person; the name, birth date, last-known address and sex of an accused person; the nature of the charges brought or the offenses alleged against an accused person; and one or more dispositions relating to the charges brought against an accused person.

**BASIC IDENTIFICATION INFORMATION:** The name, place and date of birth, last-known address social security number, occupation and address of employment, physical description, photograph, handwritten signature, sex, fingerprints and any known aliases of any person.

**CORA:** Colorado Open Records Act policy dictates what is available for a public records request.

**CRIMINAL JUSTICE AGENCY:** Any court with criminal jurisdiction and any agency of the state or of any county, city, home rule city or county, city, town, territorial charter city, governing boards of institutions of higher education, school district, special district, judicial district, or law enforcement authority which performs any activity directly relating to the detection or investigation of crime; the apprehension, pretrial release, post-trial release, prosecution, correctional supervision, rehabilitation, evaluation, or treatment of accused persons or criminal offenders; or criminal identification activities or the collection, storage, or dissemination of arrest and criminal records information.

**CRIMINAL JUSTICE RECORDS:** All books, papers, cards, photographs, tapes, recordings, or other documentary materials, regardless of form or characteristics, which are made, maintained, or kept by any criminal justice agency in the state for use in the exercise of functions required or authorized by law or administrative rule, including but not limited to, the results of chemical blood testing to determine genetic

markers conducted pursuant to sections 16-11-102.3, 16-11-104, 16-11-204.3, 16-11-308 (4.5), 17-2-201 (5) (h) and (5) (i), and 17-22.5-202 (3) (b.5) (II) and (3.5), C.R.S.

**CUSTODIAN**: The official custodian or any authorized person having personal custody and control of the criminal justice records in question.

**DISPOSITION**: A decision not to file criminal charges after arrest; the conclusion of criminal proceedings, including conviction, acquittal, or acquittal by reason of insanity; the dismissal, abandonment, or indefinite postponement of criminal proceedings; formal diversion from prosecution; sentencing, correctional supervision, and release from correctional supervision, including terms and conditions thereof; outcome of appellate review of criminal proceedings; or executive clemency.

**OFFICIAL ACTION**: An arrest; indictment; charging by information; disposition; pretrial or post trial release from custody; judicial determination of mental or physical condition; decision to grant, order, or terminate probation, parole, or participation in correctional or rehabilitative programs; and any decision to formally discipline, reclassify, or relocate any person under criminal sentence.

**OFFICIAL CUSTODIAN**: Any officer or employee of the state or any agency, institution, or political subdivision thereof who is responsible for the maintenance, care and keeping of criminal justice records, regardless of whether such records are in his/her actual personal custody and control.

**PERSON**: Any natural person, corporation, limited liability company, partnership, firm, or association.

**PERSON IN INTEREST**: The person who is the primary subject of a criminal justice record or any representative designated by said person by power of attorney or notarized authorization; except that, if the subject of the record is under legal disability, "person in interest" means and includes his/her parents or duly appointed legal representative.

## **PROCEDURES**:

### **I. WHEN A REPORT IS TO BE MADE**

#### **CACP STANDARD 210.1**

At minimum, a report shall be made for every incident in one or more of the following categories for those situations which are reported to an Erie Police Officer:

1. All reports by citizens of any crime;
2. All requests by citizens for service when:
  - a. An officer is assigned to investigate;
  - b. An officer is assigned to take action at a later time;
  - c. Criminal and non-criminal cases initiated by officers; and
  - d. Incidents involving arrests, citations, or summonses.

## II. PROCEDURES FOR REVIEW OF REPORTS

### CACP STANDARD 210.2

- A. All reports will be reviewed by a supervisor:

The watch supervisor (Sergeant or Corporal) will be responsible for reviewing reports generated on his/her shift. If the watch supervisor is unable to complete this task, the next shift watch supervisor shall be responsible.

- a. This review will ensure all assignments have been completed and reported;
- b. The supervisor will check the report for accuracy and completeness; and
- c. After review, the supervisor will approve the report, return it for corrections or assign it for further investigation.

- B. The Deputy Chief, Commander, or Sergeants will be responsible for ensuring the assignment of criminal cases as active, inactive, cleared by arrest, cleared arrest warrant issued, cleared exceptionally, or unfounded. Cases which have been cleared with an arrest warrant issued will be followed up monthly by Records to verify if the suspect has been arrested on the warrant charge(s).

- C. The reporting officer will be responsible for ensuring informational reports are forwarded to appropriate outside agencies, i.e. Department of Social Services, schools, probation, etc. by notifying the Records personnel such a dissemination is necessary/requested.

## III. STORAGE OF RECORDS AND REPORTS

### CACP STANDARD 210.4

To ensure the security of reports and records, all original reports and related forms, statements and follow-up reports will be kept in the records room. Only Command Staff or Records personnel will file or retrieve records and only copies will leave the records room.

## IV. RELEASE AND DISTRIBUTION OF RECORDS

### CACP STANDARD 210.3

- A. The Chief of Police shall be the official custodian for all records kept at the Erie Police Department.
- B. The Chief, Deputy Chief or Commander must provide prior approval if the Records Section is uncertain of dissemination and ensure only the appropriate report or information is released to the media, victims, insurance companies, or anyone else who may request a copy of a report or record.
1. A "Release of Records" form will be completed by a citizen requesting any record(s) or reports. Citizens may request the record(s) through emailing the Records Section personnel as long as the disclaimer of pecuniary gain is cited in the email response.
  2. Information released will conform to state and federal regulations.
  3. The Command Staff Officer approving the request for release of records will designate on the "Release of Records" form the type and extent of information to be released.
  4. Release of records concerning adults:

- a. Arrest and citation information can generally be released to members of the public and media after written request is submitted. Prior to release, Records personnel and/or Command Staff shall review and approve the request.
  - b. Local criminal history information may be released to a person or his/her guardian or agent upon a formal request and as permitted by CORA. State criminal history information can only be released by the Colorado Bureau of Investigation and such requests will be referred to their agency or [cbirecordscheck.com](http://cbirecordscheck.com).
  - c. Criminal justice records held by the Erie Police Department can be released only to the person in interest and then only upon approval of the Chief of Police, Deputy Chief, or Commander, in accordance with the following procedures to include a review of the report and material requested to ensure disclosure would not be in violation of CORA.
  - d. For guidelines regarding the release of information to the media, refer to Erie Police Department Written Directive 210.004 News Media and Release of Information.
- C. Denial of information or records will be designated on the “Release of Records” request along with the reason for the denial. Reasons for denial of inspection of records are as follows:
1. Such inspection would be contrary to any state statute;
  2. Such inspection is prohibited by rules promulgated by the Supreme Court or by order of any court (Ref. C.R.S. 24-72-305(1)(b));
  3. Such disclosure would be contrary to the public interest and unless otherwise provided by law, the custodian may deny access to records of investigations conducted by or of intelligence information or security procedures of any sheriff, district attorney, police department or any criminal justice investigatory files compiled for any other law enforcement purpose (Ref. C.R.S. 24-72-305(5)); or
  4. Failure to sign the pecuniary gain statement (Ref. C.R.S. 24-72-305.5).
- D. Initial reports of accidents, thefts, or other similar incidents may be released to insurance companies without the completion of a “Release of Records” form upon approval of Records Section personnel.
- E. All records of law enforcement officials and agencies, concerning juveniles, including identifying information, shall be identified as juvenile records. Other than the following exceptions, juvenile identification information shall not be inspected by, or disclosed to the public:

1. Requests by the juvenile and the juvenile's parent, guardian, or legal custodian;
2. Requests by other law enforcement agencies who have a legitimate need for such information;
3. Requests by the victim in each case after authorization by the District Attorney or Prosecuting Attorney;
4. When the juvenile has escaped from an institution to which such juvenile has been committed;
5. When the court orders the juvenile be tried as an adult criminal;
6. When there has been an adult criminal conviction and a pre-sentence investigation has been ordered by the court;
7. By order of the court;
8. Requests by a court which has jurisdiction over a juvenile or domestic action in which the juvenile is named;
9. Requests by any attorney of record in a juvenile or domestic action in which the juvenile has been named;
10. Requests by the Colorado Department of Social Services;
11. Requests by any person conducting a custody evaluation pursuant to the Dissolution Statutes of the state;
12. Requests by all members of a child protection team;
13. Requests by the juvenile's guardian ad litem; and
14. Requests by the appropriate school district upon approval by the Administrative Manager, Commander, Deputy Chief or Chief

F. Any information on juvenile suspects shall be redacted prior to release.

G. The name of any victim of sexual assault or an alleged sexual assault shall be redacted from any criminal justice record prior to the release of such record to any individual or agency other than a criminal justice agency.

**V. FEES FOR COPIES OF RECORDS:**

**CACP STANDARD 210.5**

A. Records staff will receive funds from the public for the following purposes:

1. Copies of records or reports; and
2. Other fees established by the Town of Erie or the Erie Police Department.

B. The Police/Court Administrative Manager will be responsible for the Records Section and for overseeing the handling of all funds by Records personnel.

C. A printed receipt will be provided to the customer from Tyler Cash Receipting and a copy will be placed into the cash drawer to be submitted daily to Finance Department.

**VI. COLLECTING AND SUBMITTING CRIME DATA:**

**CACP STANDARD 210.6**

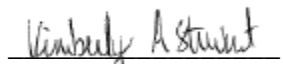
Records personnel will enter all data from reports by the National Incident Based Reporting System, (NIBRS), through the Colorado Crime Information Center, (CCIC) system.

**RULES:**

NONE

**REFERENCES:**

Erie Police Department Policy chapter 4  
Lamar Policy and Procedure 2300.00 – 2300.07  
Colorado Open Records Act C.R.S. 24-72-305

  
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Kimberly A. Stewart  
Chief of Police