

## Records Unit

### 803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the San Leandro Police Department Records Unit. The policy addresses department file access and internal requests for case reports.

#### 803.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Unit by Records Unit personnel.

Reports are numbered commencing with the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number YYYY-00001 would be the first new case beginning January 1 of a new year.

### 803.2 POLICY

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

#### 803.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Unit. Should an original document be needed for any reason the requesting employee shall first obtain authorization from the Records Unit Supervisor.

### 803.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the San Leandro 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 Criminal Investigations Lieutenant. The Criminal Investigations Lieutenant, or their designee, 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 Criminal Investigations Lieutenant, or their designee, shall forward the petition to the City Attorney for review. After such review and consultation with the City Attorney, the Criminal Investigations Division Lieutenant, or their designee, shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Records Unit Employee assigned to records sealing, shall ensure that the arrest record and petition are sealed for destruction three years after arrest and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

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The Criminal Investigations Lieutenant, or their designee, 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 Criminal Investigations Division Lieutenant 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.

### **803.5 FILE ACCESS AND SECURITY**

The security of files in the Records Unit 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 Unit, accessible only by authorized members of the Records Unit. Access to case reports or files when Records Unit staff is not available may be obtained through the Watch Commander.

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

#### **803.5.1 ACCESS SECURITY PROTOCOLS**

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure database and accessible only to department personnel. Access to confidential or locked reports may be obtained, with permission, through the appropriate supervisor personnel.

San Leandro Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law. It is the policy of the San Leandro Police Department to maintain department records securely, professionally and efficiently.

### **803.6 CONFIDENTIALITY**

Records Unit staff has access to information that may be confidential or sensitive in nature. Records Unit 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

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Maintenance and Release and Protected Information policies and the Records Unit procedure manual.