

## Records Division

### **803.1 PURPOSE AND SCOPE**

This policy establishes the guidelines for the operational functions of the Shasta County Marshal's Office Records Division. 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 Division by Records Division personnel.

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

### **803.2 POLICY**

It is the policy of the Shasta County Marshal's Office to maintain department records securely, professionally and efficiently.

### **803.3 DETERMINATION OF FACTUAL INNOCENCE**

In any case where a person has been arrested by deputies of the Shasta County Marshal's Office 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 Administration Supervisor. The Administration Supervisor 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 Administration Supervisor should forward the petition to the Investigation Team Supervisor and the General Counsel for review. After such review and consultation with the General Counsel, the Investigation Team Supervisor and the Administration Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administration Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administration Supervisor 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 FILE ACCESS AND SECURITY**

The security of files in the Records Division 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,

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follow-up, evidence and any other reports related to a marshal's department case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area within the Records Division, accessible only by authorized members of the Records Division. Access to case reports or files when Records Division staff is not available may be obtained through the Sergeant.

The Records Division will also maintain a secure file for case reports deemed by the Marshal as sensitive or otherwise requiring extraordinary access restrictions.

### **803.5 ORIGINAL CASE REPORTS**

Generally, original case reports shall not be removed from the Records Division. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Sergeant. All original case reports removed from the Records Division shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Division.

All original case reports to be removed from the Records Division shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Division. The photocopied report shall be shredded upon return of the original report to the file.

### **803.6 CONFIDENTIALITY**

Records Division staff has access to information that may be confidential or sensitive in nature. Records Division 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 Division procedure manual.

### **803.7 ARREST WITHOUT FILING OF ACCUSATORY PLEADING**

The Field Operations Sergeant 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.