

NIAGARA FALLS POLICE DEPARTMENT GENERAL ORDER

EFFECTIVE DATE: 08/13/2013	SUBJECT: RECORDS MANAGEMENT SYSTEM; STATISTICAL SUMMARIES; SEALING ORDERS; STATE FINGERPRINT RECORDS SYSTEM/NIBRS; RECORDS MAINTENANCE	Number 111.00 (NYSLEAP A-8-2; A-8-5; A-8-6, A-8-7, A-8-11)
RESCINDS: 04/15/2003		Number of pages 8

PURPOSE

Records are maintained by the Niagara Falls Police Department's Administration and Records Division in compliance with statutes, as an investigative aid, as an administrative aid, as a public service, and to provide statistical data. All Departmental records are confidential. Release of these records to any person or agency must follow departmental policy and procedure. All records will only be released on a need to know and a right to know basis.

POLICY

It is a policy of the Niagara Falls Police Department to maintain accurate and complete records and to provide security, controlled access, and to generate timely reports on a daily, monthly, and annual basis. The Department will follow all practices mandated by local, state, and federal laws.

PROCEDURE

The Administration and Records Division will work under the Administrative Captain and will maintain the NFPD Computer System (Impact). The Administrative Captain will be responsible for overseeing regular maintenance and updating of the computer system. The Systems Administrator shall work under the Administrative Captain and handle day to day supervision and maintenance of the computerized record system. The Administration and Records Division will maintain and keep current on all forms needed for departmental operations and provide all reports as mandated by this department or applicable statute.

RECORDS OFFICE - ACCESS AND SECURITY

The regular hours of operation for the Records Room are 0800 hours through 1545 hours, Monday- Friday except holidays. The Superintendent of Police must approve any variation of these hours. During the regular hours of operation only records personnel are permitted access to the original records files. Any requests for information will be made through the Administrative Captain or designee. All

non-departmental persons requesting information after regular hours will be asked to contact the Records Division during normal hours of operation.

NFPD officers requiring access to the Records Room during non-regular hours will contact the Administrative Captain for records access. Officers accessing the records files will retrieve the requested information from the files, photocopy it, return the record to the file, and the Records Room shall be re-secured.

When no Records Division personnel are present, the door to the Administrative Offices will be locked and all computer terminals in the Records area will be logged off.

RECORDS SECURITY

The Niagara Falls Police Department will follow all local, state and Federal laws and mandates regarding the security of records, record files, and computer access.

RECORDS MAINTENANCE

All police reports, arrest reports and accident reports shall be maintained in accordance with the records retention and disposition schedule issued by the Commissioner of the State Department of Education; Schedule MU-1 (9 NYCRR section 185.11). Records archiving and disposition shall be accomplished through the Administrative Captain at appropriate intervals.

COMPUTER SECURITY

The Systems Administrator shall be designated the Security Officer for the computer system. Any attempt to breach the security of the computer system will be immediately reported to the Administrative Captain and he/she will investigate the incident and report his/her findings to the Superintendent of Police.

The Administrative Captain and the Systems Administrator control access to the computer system. All access is controlled by the use of unique user passwords, which allow varying degrees of information and record access. Only authorized Records Division personnel shall modify record information in the computer system.

The NFPD Computer System (Impact) will be used to provide Department personnel with access to the following information:

1. Master Name File
2. Master Incident File
3. Master Vehicle File
4. Master Property File
5. Police Report File

COMMUNICATIONS DIVISION COMPUTER SYSTEMS

The Communications Division shall be responsible for providing the Niagara Falls Police Department with access to the following computer systems.

1. Department of Motor Vehicles
2. New York State Police Information Network
3. Division of Criminal Justice Services
4. National Crime Information Center
5. Empire System (CPS)
6. Canadian Law Enforcement Network
7. All other services offered through the eJustice Portal

TYPES OF RECORDS

The Niagara Falls Police Department shall maintain the following records as a regular course of daily business, to include, but not limited to:

1. Incident and supplemental reports
2. Arrest reports
3. Accident reports
4. Criminal investigation case files to include violation, misdemeanor, and felony cases
5. Arrest booking log
6. Uniform Traffic Tickets
7. Payroll records
8. Department personnel records
9. Evidence and property records
10. Vehicle and radio maintenance records
11. Criminal history request records
12. Fingerprint control log
13. Cellblock book (male and female)
14. NYSPIN teletype file
15. Warrant files
16. Daily radio log (through Computer Aided Dispatch)
17. Radar log sheets

CRIMINAL RECORDS

The availability of criminal records and information must be strictly controlled and the policies followed to insure individual rights are not violated.

The Records Division during normal business hours shall handle all requests for record checks. Requests by an individual will be handled only after the individual has presented proper identification, satisfactorily explained his reason for the request and completed the Department REQUEST FOR POLICE RECORD CHECK

(NFPD Form 24A – see attached form). Only LOCAL file information will be processed.

Requests by military organizations or employment background checks will be done following these same guidelines only when accompanied by an ORIGINAL notarized signed consent form from the subject of the inquiry. Mailed requests will be handled using these same guidelines and when a stamped self-addressed return envelope is included with such request.

Requests by federal and local law enforcement agencies to view our criminal records are normally accepted if the record is legally viewable and the requesting official has completed the Department REQUEST FOR POLICE RECORD CHECK (Same as above). Positive proof of identification is required.

Telephone requests shall not be accepted unless the Administrative Captain or designee is satisfied that the request is being made by an authorized law enforcement agency and the telephonic request is accompanied by a copy of the request on agency letterhead and signed by the official requesting the information. A copy of such request sent via fax machine or email shall be acceptable in lieu of a request sent via US Postal Services.

Criminal History printouts are NOT available for general viewing by personnel outside of the Niagara Falls Police Department. PHOTOCOPYING OF CRIMINAL HISTORIES IS FORBIDDEN.

The New York State Division of Criminal Justice Services (DCJS) controls dissemination of information from Criminal History Records Inquiries (CHRI). Only those persons or agencies specifically given authority to receive CHRI requests may view information in these files. The following are authorized to view or receive information from CHRI files:

1. Police Departments at all governmental levels responsible for enforcement of general criminal laws.
2. Agencies responsible for criminal investigations.
3. Courts with criminal jurisdiction.
4. Corrections departments, parole commissions, and probation departments at all governmental levels.

If any doubt or questions exist about the eligibility of an agency to view a CHRI file, the CHRI Rules and Regulations should be reviewed for more specific information or contact the CHRI Section of DCJS at 518-457-6077.

All data normally collected by members of the Niagara Falls Police Department following the arrest of an individual or any subsequent material received at a later date pertaining to that arrest, is considered to be criminal record information.

The rules of this procedure are meant to include, but not necessarily limited to the following:

1. All arrest reports
2. Court commitments and releases
3. Communications (interagency and interagency)
4. Court sealing orders and sealed documents
5. Prisoner property records
6. Photographs
7. NYSIIS and FBI reports and replies
8. Disposition data
9. Fingerprints

WHO MAY VIEW A CRIMINAL RECORD

Any law enforcement or criminal justice agency official may view a criminal history, provided the agency has an assigned NCIC numerical identifier and presents proper identification in person. Agency representatives who are allowed to view a criminal record in person are as follows:

1. Court clerks;
2. Department of Defense representatives;
3. Department of Motor Vehicles representatives;
4. District Attorneys;
5. Federal Law Enforcement Officers;
6. Judges;
7. Parole Officers;
8. Police Officers employed in New York State;
9. Postal Inspectors;
10. Pre-trial release personnel;
11. Probation Officers;
12. Public Defenders;
13. Rehabilitation personnel;

WHO MAY OBTAIN RECORD CHECKS BUT NOT VIEW CRIMINAL HISTORY RECORDS

Representatives of certain agencies may obtain record checks issued by criminal records personnel, who will provide arrest data on an individual, but only if the arrest was made by the Niagara Falls Police Department, and a disposition of the charge(s) is known. These agencies include:

1. United States Armed Forces: Record will be provided via mail if the required form is submitted by the requesting agency and an original signed and notarized authorization from the enlistee giving his permission for the record check accompanies the request. A self addressed stamped envelope should also be enclosed with such mail request.
2. Department of Social Services: Only dates of incarceration or personal data will be provided to the Department of Social Services. No arrest or charge (s) data will be disseminated.
3. US Government employees or contractors with proper identification conducting security clearance or background investigations possessing a signed authorization for release of the records from the subject of the investigation.
4. Out of state police agencies.
5. Private citizens: Private citizens may request a record check on themselves if proper identification is shown. As with other situations listed above, only information concerning arrests made by the Niagara Falls Police Department will be released. Mail requests will be honored if the private citizen provides information about himself/herself to include legal name, date of birth, and address, along with a self addressed stamped envelope. The private citizen must sign all mail requests and the signature must be notarized.

CRIMINAL RECORDS MAY BE OBTAINED FOR OFFICIAL USE

No Niagara Falls Police Department employee shall obtain a criminal record check on another person with the intent to use such data for an unofficial purpose.

The following individuals or agencies are not authorized to request record checks without signed notarized permission from the subject of the inquiry:

1. Attorneys
2. Civil Courts without subpoena
3. Employers
4. Former law enforcement personnel
5. Insurance Agents
6. Private investigators
7. Banks
8. Bail bondsmen
9. News media
10. Colleges
11. Private citizens checking on another person

12. Employed police personnel collecting information for other than official purposes

COPIES OF CRIMINAL DATA

The Niagara Falls Police Department prohibits the photocopying or dissemination of criminal records. Public defenders may be given a copy of a NYSIIS report when the request is accompanied by written authorization from the District Attorney's Office.

PHOTOGRAPHS

All Mug Shots and fingerprint records are to be kept and secured by the Crime Scene Unit. Mug shots of an arrested person, if available, may be obtained and used for investigative or court presentation purposes by law enforcement and/or criminal justice agency officials. The following procedure will be strictly observed when disseminating photographs:

1. No photograph may be used for unofficial purposes.
2. No photograph may be used for any reason by any person if the date on the photograph is the same as the date of arrest on a charge that was sealed by a court pursuant to section 160.50 or 160.55 of the Criminal Procedure Law or if the arrest person was adjudicated as a Youthful Offender.
3. No photograph will be given to the news media unless authorized by the Superintendent of Police or designee.

FINGERPRINTS

The Crime Scene Unit will maintain fingerprints after classification.

1. Original and/or electronic fingerprint cards may only be released with the approval of the Superintendent of Police or the Chief of Detectives.
2. The restrictions imposed by sections 160.50 and 160.55 of the Criminal Procedure Law will be followed when considering a dissemination of fingerprint cards.

INCIDENT BASED REPORTING AND NEW YORK STATE FINGERPRINT/CRIMINAL HISTORY RECORDS SYSTEM

It is the policy of the Niagara Falls Police Department to fully participate in the Incident Based Reporting System and the New York State Fingerprint/Criminal History Records System in accordance with policies and procedures set forth by the FBI and DCJS.

REMOVAL OF FOLDERS FROM CRIMINAL RECORDS

Under no circumstances will an original criminal record file be removed from its' storage place in whole or in part, unless the information contained therein is subpoenaed by a court.

SEALING ORDERS

No information contained within criminal records will be disseminated which has subsequently been ordered sealed by a court pursuant to sections 160.50 or 160.55 of the Criminal Procedure Law or if the individual has been adjudicated a Youthful Offender. An exception to this policy will only be made when there is a specific statutory allowance for dissemination of such sealed record.

The return of information contained in a criminal record that has been sealed by a court will be done in accordance with the provisions of sections 160.50 or 160.55 of the Criminal Procedure Law.

The Administration and Records Division will insure that all records designated as sealed are updated and handled per the specifications of applicable statutes.

UNIFORM TRAFFIC TICKET

Uniform traffic ticket (UTT) accountability will be the responsibility of the Administrative Captain. The Administrative Captain shall order uniform traffic tickets from the NYS Department of Motor Vehicles. Upon receipt of the UTTs, the Administrative Captain will verify the inventory and maintain a sign out sheet for their distribution.