

## Records Bureau

### 803.1 PURPOSE AND SCOPE

The Records Supervisor shall maintain the Department Records Bureau Procedures Manual on a current basis to reflect the procedures being followed within the Records Bureau. Policies and procedures that apply to all employees of this department are contained in this chapter.

#### 803.1.1 NUMERICAL FILING SYSTEM

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

Reports are numbered commencing with the last two digits of the current year followed by the two digit month, followed by the two digits day within the month and ending with the three digit sequential incident number. Example: 120515035.

### 803.2 FILE ACCESS AND SECURITY

All employees have access to the official police report contained within the Laserfiche system. Personnel are granted the ability to print a copy of the report for their own official use. Records personnel are the only authorized employees allowed to print a police report for distribution.

San Luis Obispo 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.

#### 803.2.1 REQUESTING ORIGINAL REPORTS

Reports shall only be released from Records Personnel.

### 803.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by an officer of the San Luis Obispo 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 Records Supervisor. The Records Supervisor should promptly contact the District Attorney's Office 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 Records Supervisor should forward the petition to the Investigations Unit Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Investigations Unit Supervisor and the Records Supervisor shall forward findings to the Administrative Captain to decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Records Supervisor shall ensure that the arrest record and petition are sealed for later destruction 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 Records 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 ARREST WITHOUT FILING OF ACCUSATORY PLEADING**

The Administrative Captain 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.