

# RECORDS MANAGEMENT

POLICY & PROCEDURE NO.  <b>4.35</b>	ISSUE DATE: ____ 11/08/16
MASSACHUSETTS POLICE ACCREDITATION STANDARDS  REFERENCED: <b>82.1.1(a)(b);</b> <b>82.1.3; 82.3.5</b>	EFFECTIVE DATE: ____ 11/08/06
	REVISION DATE: _____

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Many of the activities in which police personnel are involved result in the creation of some types of records. Although the records are created by and in the custody of this department, they are actually under the authority of the Massachusetts Secretary of the Commonwealth, Public Records Division. The length of retention is determined by that office, and they may lawfully be destroyed only with the permission of that office.

The purpose of this directive is to establish organization and guidance for the collection, storage, and permanent archive or destruction of records.

## II. POLICY

It is the policy of the department that:

- A.** C.O.R.I., juvenile records, and personal data will be protected in compliance with Massachusetts General Law, C.M.R.s and other regulations.
- B.** All records in the custody of the police department shall be retained and/or destroyed in accordance with the standards of the Office of the Secretary of the Commonwealth.

## III. DEFINITIONS

- A. C.O.R.I.:** “Criminal offender record information”: records and data in any communicable form compiled by a criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial

proceedings, sentencing, incarceration, rehabilitation, or release. For a more in-depth definition, see the department policy on **C.O.R.I.**

**B. Public Record:** All books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee or any agency, executive office, department, board, commission, bureau, division or authority established by the General Court to serve a public purpose, unless such materials or data fall within one or more of the exemptions found within M. G. L. c. 4, §7(26).

## **IV. PROCEDURES**

**A. Administration:** The Support Services Division is responsible for the records management function. The duties shall include:

1. Collection of all reports and related data;
2. Distribution of reports to appropriate agency recipients;
3. Maintenance of incident, accident, arrest and other reports in an organized manner through filing of hard copies and management of electronic records;
4. Retrieval and distribution of records and documents for authorized persons and entities;
5. Compliance with records requests under state law and the Freedom of Information Act;
6. Protection of C.O.R.I., confidential and personal data;
7. Maintaining the archive of records required to be stored permanently; and
8. Destruction of records in compliance with protocols provided by the Secretary of the Commonwealth.

### **B. Storage and Security [82.1.1(a)]**

1. PAPER RECORDS
  - a. **The Keeper of the Records** is responsible for the security of paper records stored in the records section of this agency.
  - b. Paper records are stored in Central Records.
  - c. Paper records shall be stored in a secure area free from unsupervised access by members of the public and unauthorized personnel.
2. ELECTRONIC RECORDS: Security of electronic records shall be the responsibility of The Keeper of Records. For further information about

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electronic records, see the department policy on **Computers and Data Security**.

3. PAPER RECORDS STORED BY OPERATIONAL COMPONENTS:  
Security of records stored by other operational components of this department shall be the responsibility of the commander of that component. The following records are stored as such within the respective unit: [82.3.5]

**Chief's Office**

**Criminal Investigations**

**Special Criminal Investigations**

**Internal Investigations**

**Support Services/Training**

**Canine**

4. ACCESS BY EMPLOYEES [82.1.1(B)]
  - a. Paper records stored by the records management section shall be accessible to employees during regular business hours.
  - b. Requests for records may be made in person during business hours, via email, fax or written request.
  - c. Records may **not** be obtained after business hours
  - d. Electronically stored records are available to authorized personnel at all times through the department's computer network. For further information about electronic records, see the department policy on **Computers and Data Security**.

**C. Challenge of Accuracy of Police Records**

1. C.O.R.I.: For information on C.O.R.I. challenges, see the department policy on **C.O.R.I.**
2. POLICE REPORTS: Any person who wishes to challenge the accuracy of a police report may do so by:
  - a. Speaking with a supervisor to explain the nature of the alleged inaccuracy; and
  - b. Submitting a request in writing explaining the nature of the alleged inaccuracy.
3. The employee's supervisor will present the request to the employee who authored the report, or portion of a report in dispute.

4. The author will review the portion in question. The report's author may:
  - a. Edit the report to correct the inaccuracy raised or any other inaccuracy found.
  - b. Take no action.
5. Upon completion of this process, The Keeper of the Records will advise the person challenging the report in writing of the outcome of the review.

**D. Expungement:** This procedure shall apply to adult and juvenile records.

1. Upon receipt of a judicial order of expungement of any record, records management personnel shall identify and obtain the record.
2. Hard copy records shall be destroyed in compliance with this policy.
3. Electronic records, files and other data will be deleted manually or using specific expungement or deletion software programs in the department's records management software.

**V. Retention of Records [82.1.3]:**

1. Police department records shall be retained, at a minimum, for the time specified in the records disposal schedules promulgated by the Secretary of the Commonwealth, as amended from time to time.<sup>1</sup>
2. Disposal schedules apply to information, not the media containing the information. If records maintained on electronic media are printed out in an eye-readable format, the original electronic records may be immediately destroyed.
3. If the electronic record is the sole source of the information, it must be treated in the same manner as its hard copy counterparts for the purposes of disposal, and must be maintained in accordance with the disposal schedule.

**B. Destruction**

1. OBTAINING AUTHORIZATION
  - a. Nearly all records held by police departments require authorization of the Supervisor of Public Records, Office of the Secretary of the Commonwealth. Instructions and sample letters are included in each category of Records Disposal Schedule which is available from the Secretary of the Commonwealth's web site, <http://www.sec.state.ma.us/arc/arcmu/rmurds/rdsmds.htm>
  - b. Any records which may be destroyed without the permission of the Supervisor of Public Records shall be destroyed after being retained at least for the minimum duration specified in the

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destruction schedule. Such records are denoted with an asterisk “\*” on the destruction schedule.

- c. Police department records shall be destroyed in compliance with the records disposal schedules promulgated by the Secretary of the Commonwealth, as amended from time to time.<sup>2</sup>
  - d. No records that are subject to any current or pending litigation, public records request, or which have not been retained for at least the minimum retention duration may be destroyed.
  - e. Original records cannot be destroyed without the written permission of the Supervisor of Public Records.
  - f. No records created prior to 1870 may be destroyed.
  - g. Application for Authorization for Destruction: Submit a letter to the Supervisor of Records requesting permission for destruction. A sample letter is available in Appendix A of this policy. The letters must be signed by the Chief of Police and contain the following:
    - 1) Schedule Number: the destruction schedule number in which the record to be destroyed is found (Police Department: 14-81);
    - 2) Date of last revision of the schedule, listed on the Disposal Schedule cover sheet;
    - 3) Series Number, as indicated on the destruction schedule to identify the particular type of record to be destroyed;
    - 4) Estimated volume of records to be destroyed;
    - 5) Inclusive dates of each series to be destroyed; and
    - 6) Date of last audit, if applicable.
  - h. Upon approval, one copy of the letter will be returned and the records described therein may be destroyed.
  - i. To destroy records that are not included on the Police disposal schedule, refer to the Administration/Personnel (23/89) records disposal schedules. This schedule includes records held in common by various municipal offices.
  - j. To destroy a record that is not included in the police disposal schedule or the Administration/Personnel (23/89) disposal schedule, submit a letter in duplicate to the Supervisor of Public Records. In addition to the information above, the letter should describe the record. If possible, attach a photocopy of the record.
2. METHODS OF DESTRUCTION
- a. Records containing confidential information or information that would be segregated, excluded, or redacted from release as a

public record shall be destroyed in such a manner as to make the record un-readable and unrecoverable. Security of the records must be maintained until they are actually destroyed.

- b. Paper records, optical media, and flexible media, such as a floppy drive, may be shredded or burned.
- c. Hard drives may be destroyed by the following methods:
  - 1) Disassemble the hard drive case and destroy the physical disk;
  - 2) Run a wipe utility to over-write the disk and file allocation tables; or
  - 3) Complete degaussing.

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<sup>1</sup> Disposal Schedules for Municipal Government, Office of the Secretary of the Commonwealth, Public Records Division.

<sup>2</sup> Disposal Schedules for Municipal Government, Office of the Secretary of the Commonwealth, Public Records Division.