



DESCHUTES COUNTY SHERIFF'S OFFICE

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| Policy Title: Records and Case Tracking | Effective Date: June 28, 2016 | Policy Number: 4.40 |
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| Attachments: | L. Shane Nelson, Sheriff | |

I. PURPOSE

The purpose of this policy is to provide procedures for case tracking. Case tracking provides employees of the Sheriff's Office a system to: generate, process, and secure information accurately; complete required reports and forms; and to disclose information in accordance with agency procedures and Oregon Revised Statutes.

II. POLICY

It is the policy of the Deschutes County Sheriff's Office that all deputies understand and follow applicable procedures established herein to effectively record and track cases, as well as to establish a procedure for record keeping, retention, and distribution. Agency employees shall regard all information concerning the official business operations and policies of the agency as confidential, and will not release such information unless authorization is specifically permitted.

III. CALLS FOR SERVICE PROCEDURES

Calls for services are usually received and processed through 9-1-1 Dispatch. 9-1-1 Dispatch will obtain the necessary information and route that information to the appropriate deputy. Occasionally, calls for service are generated through deputy self-initiated activity.

Each case requiring investigation or documentation will be assigned a unique case number. A separate case number should be used for each incident when there is a separation of date, time or location. Any reports prepared by other deputies working on the same case will submit a supplemental report using the same case number. Any follow-up or arrests resulting from that case should also use the same case number.

Information received from outside agencies which requires follow-up investigation, will be assigned an agency case number and recorded in a report. If the other agency has documented the information and assigned its agency's case number, that case number should be listed as a related case number in the report. If the incident relates to a crime that occurred in the other jurisdiction, our report will be an information report for "Outside Agency Assist." If the crime occurred in our jurisdiction, we will write the criminal report.

A. Courtesy Reports

The Sheriff's Office will take a courtesy report when a citizen reports a crime that turns out to have actually occurred in another jurisdiction providing:

1. The citizen is not returning to the jurisdiction where the incident occurred and cannot easily file a report there.

2. The report does not lend itself to being taken over the phone.

The report will be an information report titled "Outside Agency Assist" and should be routed to the agency having original jurisdiction, once the deputy has made contact with a law enforcement officer at that agency.

IV. CASE STATUS - GENERALLY

All incidents that come to the attention of the Sheriff's Office are open and listed as "Active", unless something occurs to change that designation.

The disposition and status of the case, i.e., Active, Cleared with an Arrest, Unfounded, Cleared Exceptionally or Suspended, should be marked on each report and updated as the status changes.

V. RESPONSIBILITY OF INVESTIGATING DEPUTY/EMPLOYEE

It is the responsibility of the deputy assigned to a case to investigate the case fully and to bring closure to the case.

A. Clearance

When possible, the case should be cleared by arrest, exceptionally, or unfounded. The deputy should:

1. Insert the proper clearance code on the face of the incident report and the case would then be recorded statistically.
2. Complete whatever additional follow-up is required.
3. Indicate in the report the proper disposition of evidence and property.
4. Notify the victim of the disposition of the incident.

B. Cleared by Arrest

A case is cleared by arrest when the deputy has arrested the suspect and charged him with a crime directly related to the incident under investigation or when the deputy has issued a citation in lieu of custody.

C. Cleared by Exception

A case is cleared by exception when the deputy has identified the suspect and has probable cause to arrest the offender, but is prevented from making an arrest by circumstances beyond his control.

Examples of exceptional clearance situations include:

1. The suspect is deceased.
2. The suspect is in custody in another jurisdiction and not available for prosecution.
3. There is evidence to prosecute the suspect but the District Attorney has decided not to prosecute the suspect "in the interests of justice."
4. The case has been resolved as part of a negotiated plea in which the defendant was convicted of charges and other charges were dismissed.

Exceptional clearances may not be used in most cases where the District Attorney concludes that there is insufficient evidence to prosecute the case.

5. Occasionally, there are cases where there is no dispute that the crime occurred, the identity of the offender is clear, and the District Attorney declines to prosecute based on, among other things, the admissibility of evidence, the victim refuses to cooperate or the availability of witnesses. These cases may be cleared exceptionally with the approval of the Detective Captain.

D. Cleared Unfounded

A case is cleared unfounded when the deputy has determined that no crime occurred.

Examples of situations include:

1. The victim was mistaken about the original report.
2. The victim filed a false report.
3. The incident turned out to be a civil dispute.
4. The District Attorney determined that the act was justified under ORS, (e.g., justifiable homicide, self-defense, etc.).
5. The investigation revealed that the crime occurred at a location different from what was originally reported and the actual location is outside our jurisdiction.

E. Suspended

If, during the course of an investigation, it becomes apparent that the case cannot be cleared and no other reasonable means of follow-up is available, the case will be suspended.

The deputy should:

1. Designate "Suspended" on the face page of the incident report.
2. Notify the victim that no further investigation will be made unless additional information becomes available and the reason for this action.
3. Encourage the victim to notify the agency if the victim discovers additional information relevant to this incident.
4. Indicate in the report the proper disposition of property. In most cases, evidence will be retained until the statute of limitations on prosecution has expired.

Copies of suspended cases can be forwarded to other divisions for informational purposes.

F. Referral

Cases may be referred to an outside agency under limited specific circumstances. **This does not clear the case and the assigned deputy retains responsibility for the case and its ultimate disposition.**

1. Cases may be referred to the District Attorney's Office or the Juvenile Department pending decisions on filing charges.
2. When a report is going to be distributed to the District Attorney's Office for eventual prosecution, it is important that the District Attorney's Office be made aware if the suspect/arrestee is a person of notice. People of notice are many times people in which sentencing guidelines may change due to past criminal history. Deputies shall review the suspect's Criminal History Record to determine if the suspect is a LEDS candidate for any of the following:
 - a. Potential armed career criminal
 - b. Violent convicted felon
 - c. Suspected gang member
 - d. Suspected drug manufacturer
 - e. Motorcycle gang affiliate
 - f. Potentially dangerous to Secret Service protected person

If the suspect/arrestee falls under any of these categories, the deputy shall note it in the incident report.

3. In the event the reported crime occurred in another jurisdiction, our case should be cleared "Unfounded" and the information forwarded to the other jurisdiction. These cases should not be listed as "Referred."
4. Occasionally, another jurisdiction may be investigating cases related to ours and request to include our case in its investigation. Our case will remain active and contact with the other agency shall be maintained throughout the investigation.

5. Referred cases are the equivalent of active cases on an assigned investigator's caseload and final clearance or disposition of the case remains the responsibility of the assigned deputy.
 - a. Document the referral in the narrative of the report.
 - b. Mark the appropriate distribution box on the report. (The report will be forwarded by the Records Division.)

G. Warrant Requests

Often, a case may not be resolved with an immediate arrest due to an inability to find the suspect. The case may be resolved by requesting a warrant. The case will remain "open" until the warrant is served or the District Attorney's Office declines to prosecute.

If the investigation is complete and the prosecuting attorney has decided not to prosecute, the assigned case deputy will write a supplemental report explaining the District Attorney's decision. Depending on the circumstances, the case may be unfounded, cleared by exception, or suspended.

H. Supervisor Review

It is the responsibility of the Team Sergeant to review cases that remain "open" and are being investigated by members of the team. The Sergeant will review these cases once a month to determine the appropriateness of the status. The Sergeant may choose to review the cases with the deputies and suggest a course of action, or grant extensions as necessary.

VI. EXCEPTION: RUNAWAY JUVENILES/MISSING PERSONS/HOMICIDES

Homicide cases are never suspended and will be assigned to a detective until cleared. Missing Persons reports always remain active until the subject person is located. Such cases will not be suspended. Runaway juvenile reports will remain active until the juvenile is located or until the emancipation date is passed, at which time the report will be reclassified to a "Missing Person" case.

VII. CASE MANAGEMENT

A. Overview

Case management is a system to manage investigative resources. The process involves regulating case flow, monitoring investigative activities, and assessment of individual performance.

Regulating case flow ensures that investigative resources are applied to those cases and investigations that can most benefit from expenditure of those resources. This is done by case screening and assignment, establishing deadlines of reporting in investigative progress, and managing investigator caseloads.

B. Case Screening

Case screening is the manner of deciding whether or not to continue an investigation based on solvability factors. Case screening is designed to provide sufficient information about a case at the earliest possible point in the investigative process to decide if it is beneficial to invest additional resources.

In all incidents involving a criminal event in which a victim is identifiable, a case number will be assigned and given to the victim. This case number is provided in anticipation that the victim may need this number for future law enforcement inquiries, insurance claims, or victim's assistance compensation claims.

C. Assignment of Cases

Patrol deputies will follow up cases they initiate from assigned calls as circumstances and workload dictate. On major cases, such as death investigations, child abuse, robberies, rapes, serious assaults, or missing persons, the patrol supervisor shall notify the investigative supervisor of the crime(s) and circumstances. It

is the responsibility of the investigative supervisor to determine whether or not investigative personnel will respond and assume responsibility of the investigation.

1. The patrol supervisor will review each case and determine whether further patrol follow-up is justified. Cases returned to the initiating deputy or another assigned deputy for further follow-up investigation will remain in "Active" status.
2. Cases which merit follow-up investigation shall be assigned by the supervisor to deputies within his own division. Cases that merit follow-up investigation by another division shall be forwarded to that division's supervisor for assignment.
3. When a deputy or detective is assigned a case for follow-up he will read and review all documentation on the case to determine what further action is needed. Cases that are useful for "informational purposes only" may be assigned at the supervisor's discretion. The investigating deputy shall suspend cases that do not merit follow-up investigation after notification to the victims.
4. Supplemental information shall be screened by the patrol supervisor and routed to the assigned patrol deputy or the investigative supervisor for evaluation and action. Cases found to be linked together by crime analysis shall also be routed to the patrol and/or investigative supervisors.
5. When a deputy generates new cases or new information on previously suspended cases, the deputy is responsible for bringing those cases to the attention of the appropriate supervisor for evaluation and disposition.
6. Case files shall be maintained by assigned investigators when an investigation is ongoing, and should contain copies of crime reports, statements, evidence reports, case status, and any other reports or records necessary to the investigation. The case file shall be available to any Sheriff's Office member requiring the information contained therein.

D. Length of Investigations

A second mechanism to regulate the flow of cases is to govern the time allowed for investigations before the deputy must provide a written report of the investigative progress to the supervisor.

1. The patrol supervisor shall utilize five working days as the maximum time allowed for a patrol follow-up investigation. Within five working days of the case assignment to a patrol deputy, the deputy shall submit all supplemental/disposition reports.

If within the five working days a patrol deputy has not cleared or suspended the case and additional follow-up is required, the patrol supervisor will evaluate the case and either grant an additional five days for completion, suspend the case, or forward the case to the Investigations Division for further investigation.

The original incident report shall not be held pending the completion of follow-up investigation and should be submitted the same day the report was taken, unless approved by the supervisor.

2. If the case is accepted by the Detective Division, that Division Supervisor may follow three time limitations when assigning cases:
 - a. ten days;
 - b. twenty days; or
 - c. thirty days.

General criteria for time limitations assigned to investigators are:

- a. Ten days: These cases usually require a minimal number of contacts for disposition. An example might include an assault or harassment where a witness or suspect is the only contact to be made.
- b. Twenty days: These cases often include the more serious misdemeanors and routine felonies that will require crime lab analysis, grand jury, and/or numerous contacts of involved parties.
- c. Thirty days: These cases are generally robberies, rapes, or major assaults without suspect information. Because of the severity of the crimes, long-term and/or detailed follow-up is required.

All cases that will require the use of outside agencies or resources to collect and evaluate evidence shall be given thirty-day investigation periods.

3. These criteria are general guidelines only. It is the responsibility of the supervisor to evaluate each case and assign an appropriate investigative period.
4. A disposition report in the form of a supplemental report is required from the assigned investigator at the conclusion of the allotted time periods.

If an extension beyond the maximum allotted time period has been requested and granted by the supervisor, the investigator must submit a memorandum status report. The status report is in lieu of the disposition report required if the case has been cleared.

Whenever the assigned investigator files a disposition report, the assigned case deputy shall notify the crime victim. Notifications to crime victims shall be made in person, telephonically, by U.S. Mail, or through the District Attorney's Office Victim's Assistance Program. Status changes include re-open, closed, or suspended. The assigned case deputy will notify victims of status changes in their case.

E. Supervisor Responsibility

1. Assign the case to an investigator for follow-up.
2. Log the case into the case management system, to include the investigator, type of crime, date of assignment, case number, and due date. The due dates will be assigned according to Section D above, Length of Investigations.
3. Maintain current disposition codes. All cases will be considered "Active" unless otherwise designated in the system. When a case is no longer being investigated the supervisor will log in the correct disposition code.
4. Maintain a file system containing all reports of cases the supervisor's team is actively working. Records of a sensitive nature will be secured in a file cabinet, accessible only to the supervisor and assigned investigators. Reports that are not of a sensitive nature will be kept in an area accessible to all agency personnel.
5. Assure that when a case is suspended or cleared the report will be forwarded to the Records Division who will include it in the general file. All records will be purged in accordance with State Law.
6. Assure that when the status of the case changes, the crime victim shall be notified.

F. Improvements in Investigative Techniques

Should the District Attorney's Office decline to prosecute, or prosecute to a reduced charge due to an insufficient or improper investigation, the Sheriff's Office will review the case. The District Attorney's disposition and the investigation will be reviewed by the Detective Lieutenant who will evaluate the nature of any problem in procedure or investigation and identify improvements or changes in policy to deal with similar instances in the future.

VIII. CASE TRACKING

The purpose of case tracking is to ensure that the Sheriff's Office resolves each case in a reasonable and responsible manner and provides for an accurate flow of information.

A. Reports

Reports constitute the Sheriff's Office information system. They document the case against offenders as well as the actions taken by the agency, inform the agency of existing crime problems, and protect the investigating deputy and the agency against unwarranted allegations of improper action.

B. Report Completion

Sheriff's Office employees shall complete all required reports and forms in an accurate, legible manner and submit them through proper channels immediately upon completion and in accordance with agency procedures.

Any necessary corrections or additions to previously approved reports must be submitted on a supplemental report.

C. Timely Submission of Reports

Sheriff's Office employees shall submit reports the same day the case was investigated, unless a supervisor authorizes the report to be pended until the next workday. Deputies shall not pend reports until the completion of the entire investigation, but shall complete and submit a report as the investigation progresses and information is developed.

Supervisors will ensure the timely completion and submission of reports and routinely audit the pending file. Reports submitted late due to inattention constitute grounds for disciplinary action.

Arrest reports, reports requiring immediate follow-up by other deputies, or high profile reports likely to generate public attention are not to be pended. They are to be completed immediately to ensure they are approved and routed to the District Attorney's Office prior to any court procedure.

All reports must be completed and turned in for approval prior to days off. No report shall be held over days off unless prior arrangements have been made with a supervisor.

D. Supervision

A shift supervisor or his designee will review all reports. No report is considered an agency record until approved and accepted. Deputies will be asked to elaborate or to revise reports when found to be inadequate or incomplete. Upon approval from the shift supervisor, the report will be forwarded to Records. If a supervisor finds an incident that requires a report and a report was not completed, the supervisor shall direct the deputy who responded to the incident to complete a report.

E. Missing Reports

It is the duty of each deputy to ensure that all required reports are completed and submitted through the proper channels. It is the supervisor's responsibility to ensure that all reports are completed by pulling up the list of outstanding case numbers and verifying that reports which have been started have been completed.

IX. RECORDS

A. Generally

All records will be kept in accordance to Oregon State Records Retention Laws. Records are maintained by the Sheriff's Office as a public service, an investigative and administrative aid, and to provide statistical data. As such, records must be maintained as current and as accurately as possible. The Records staff is responsible for updating information and entering the data in a timely fashion.

B. Accessibility, Check-Out

1. Reports will be kept in an area that is not accessible to the general public. Access to records is limited to records personnel during regular office hours. The records room door will be locked prior to records staff leaving each day. Keypad entry is limited to records staff and supervisors after hours. All original reports are to be checked out by Records Staff or a Supervisor, prior to being removed from the file room.
2. All original reports, including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case, will be maintained by the Records Unit.
3. The Records Unit shall maintain a "Report Check-Out Log" which shall constitute the only authorized manner by which an original report may be removed from Records Unit's custody.

4. Deputies who appear in court will be prepared for the case. The deputy will review the case prior to the trial, and consult with the prosecuting attorney, if necessary. The deputy may receive a copy of the file for court purposes.
5. Although police records are "public records", they are primarily confidential and their use is limited. With certain restrictions, criminal history, vehicle registration, and arrest information may be released to those persons who qualify as agents of approved criminal justice agencies or those agencies specifically authorized.

C. Traffic Citations

The supply of traffic citation books will be stored in a secure area. Patrol Sergeants are responsible for issuing and logging the citation books with the Records Unit. The Records Unit tracks citation books via the computerized tracking system.

Completed citations will be submitted to Record Unit for processing. The white copies will be stored by the Records Unit in the electronic records management system. Should a member have the need to retrieve a completed citation, he is to contact a member of the Records Unit.

D. Falsification, Destruction of Records

With the exception of routine purging, no members of the Sheriff's Office shall falsify, destroy, alter, or remove any report or record of the agency. Anyone having knowledge of such activity must report it to a supervisor as soon as possible.

E. Purging, Expunctions and Sealed Records

1. All purging, expunctions and record sealing are to be performed by Record Unit's staff only. Incident entries and reports are purged according to Oregon Administrative Rules Retention Schedule.
2. Expunctions are only authorized per court orders. The expunged person's name and other identifying information will be removed from the report(s) electronically. If the individual to be expunged is the only person named within a report, the report will be destroyed. If there are others mentioned in the report, the pertinent information will be replaced with "Expunged." A new report will be generated to replace the original report. The original report will be destroyed.
3. Upon receiving a court order to "seal" or "set aside" a report, the hard copy of the report is placed in a tamper evident envelope and sealed. The report is then placed in a specific location within the Sheriff's Office secure report storage room. Electronic copies of the "sealed" report are removed (electronically). All sealed records remain so unless, or until, a new court order supercedes the original.

F. Criminal History Record Information

It is the policy of the Sheriff's Office, as well as the Administrative Rules of the Oregon State Police and Law Enforcement Data System, that criminal history files be kept confidential from public disclosure except as otherwise required by law. Criminal history files shall not be placed in police records files.

G. Disclosure of Criminal History Record Information

All Sheriff's Office employees shall comply with all agency policies, procedures, and regulations regarding the privacy and security of criminal records or official reports. No employee shall release or disseminate any criminal history or official report except as authorized by agency directives and in accordance with the LEDSA agreement.

H. Release of Wanted Lists, Descriptions of Suspects

The Sheriff's Office may release wanted lists, posters, or descriptions of wanted suspects only to authorized personnel/agencies and with supervisory approval.

X. RECORDS SECTION AUDIT

The Sheriff or his designee will conduct an audit of the records section annually. The audit will cover the central records computer system for verification of all passwords, access codes, or access violations. Additionally the audit will cover, but is not limited to; report files, traffic citation files and field interview report files.

XI. INFORMATION DISCLOSURE

Consistent with the Public Records Law, the Sheriff's Office shall take all necessary steps to ensure prompt and impartial disclosure of information concerning crimes or incidents of substantial importance or interest to the media.

We are required to release the names, addresses, ages and charges of any adult person arrested by an employee of this agency.

Other information relating to an arrest or a reported crime may be released as long as the release is approved by the person in charge of the investigation and does not violate any of the following restrictions.

Once a case has been referred to the District Attorney's Office for prosecution, requests for information about the case shall be referred to that office.

A. Prejudice

Information **will not** be disclosed when such release would prejudice the outcome of an investigation or court proceedings.

Examples of information that will not be released-include, but are not limited to:

1. The contents of any admission or confession, or the fact that an admission or confession has been made.
2. Opinions relative to an arrested person's character, guilt, or innocence.
3. Predictions concerning the outcome of a trial.
4. Statements concerning the credibility of anticipated testimony or the truthfulness of prospective witnesses.
5. The results of fingerprints, polygraph examinations, ballistics tests or laboratory tests.
6. Precise descriptions of items seized or discovered during the investigation.

B. Exempt Information

1. When, in the opinion of the Sheriff's Office, such release would prejudice the safety, rights and privileges of persons identified in investigations.
2. Any time the right to privacy outweighs the public's right to know.

XII. RELEASE OF CRIME REPORTS

The Sheriff's Office will disclose reports unless they are exempt from public disclosure under the Public Records law, set forth in ORS Chapter 192. **Reports are to be copied and/or released by records members at the main office only.**

A. Release of Information Prior To Trial

The procedures set forth in policy are to be applied in conjunction with the Oregon Public Records Law and the Bar Press Guidelines.

B. Juvenile Records

In juvenile proceedings only the name, age and student status of the juvenile defendant and the grounds for the juvenile's detention may be disclosed to the public after the juvenile is taken into custody. Any additional information is kept confidential unless requested by one of the following:

1. Other public agencies for use in investigating or prosecuting cases in which the juvenile in question is involved;
2. Services to Children and Families or the Juvenile Department;
3. The child or youth;
4. A caseworker responsible for planning or caring for the juvenile;
5. Those acting under the judge's direction;
6. The youth's guardian, parent, surrogate, or CASA advocate;
7. The superintendent of the school district where the youth resides, limited to certain restrictions as described in ORS 419A.255(8)
8. An adult criminal court, if the child is to be tried there as an adult.

The above information about juveniles only applies when the juvenile is arrested for committing what would be a crime if committed by an adult and the juvenile is adjudicated in Juvenile Court.

Information regarding juveniles 16 years of age or older who have been charged with traffic infractions or crimes, boating and game violations should be treated as though the juvenile were an adult.

The information regarding juveniles 15 years of age and older charged with Measure 11 crimes should be treated as though the juvenile were an adult.

Child abuse cases may be available to any law enforcement agency or child abuse registry for the purpose of subsequent investigation of child abuse. Any other criteria should be referred to the Sheriff.

XIII. SECURITY OF CRIMINAL HISTORY RECORD INFORMATION

To reasonably assure the security of criminal history records, the following restrictions are placed on the physical storage of such records and upon direct access thereto by agency personnel.

A. Physical Security of Records

Direct access to criminal history records is restricted to members of the agency for criminal justice purposes.

B. Criminal Histories Obtained For Other Law Enforcement Agencies

Criminal histories obtained for other law enforcement agencies on Sheriff's Office terminals will be run using that agency's ORI number.

C. SID or FBI numbers

If the CCH has been obtained for the courts, the Records Unit will place an electronic copy of the CCH in a secured, shared electronic file for the District Attorney. Any CCHs that are not being used as an investigative tool will be shredded or placed into an authorized document destruction bin for future shredding. Each member is responsible to ensure no "hard copy" CCHs are left unattended.

D. CCHs Are Not Public Record

The use and/or release of CCH information is restricted by the LEDS agreement.