



**DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES**



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SUBJECT: LAW ENFORCEMENT RECORDS

1.0 PURPOSE

The purpose of this policy is to establish policies, procedures and guidelines to be adhered to while preparing and disseminating specific law enforcement related records.

2.0 POLICY

It is the policy of the Department of Public Safety that all required reports and forms documenting the activities of its commissioned employees be completed accurately and in a timely manner.

3.0 APPLICABILITY

This policy is applicable to all employees of the Department of Public Safety (DPS).

4.0 REFERENCES

- A. Inspection of Public Records Act, 14-2-1 NMSA, 1978**
- B. Fingerprinting of Persons Arrested; disposition, 29-3-8 NMSA, 1978**
- C. Public Records, Chapter 13 NMAC**
- D. General Records Retention and Disposition Schedules, Chapter 15 NMAC**
- E. CJIS Security Policy**
- F. Arrest Records Information Act**
- G. CALEA Chapter 82- Central Records**

5.0 DEFINITIONS

- A. Arrest Fingerprint Card** – The FBI fingerprint card is used to capture ten print impressions and arrest record information each time a person is arrested, which will serve as the source document for an individual's arrest.
- B. Computer Aided Dispatch (CAD) Reports** – Logs of all calls coming in to every telecommunications center, including, but not limited: calls for service, citizens reports of crime, and miscellaneous items. The CAD reports also document actions taken by officers, to include generation of reports, citations and physical arrests. These documents are available for review at District Offices.
- C. Criminal Justice Information System (CJIS) Accident Reporting Segment** -The portion of CJIS that is used to capture limited accident report information, which will

enable Law Enforcement Records Bureau (LERB) personnel to identify that an accident report has been created and has been sent to the LERB.

- D. FBI Number** - A number which is automatically assigned by the FBI to individual arrest records.
- E. Field Reports** – Field reports are intended to record the activities of commissioned employees within the DPS.
- F. Final Disposition** – The final outcome after adjudication or when the report is closed if no charges were filed.
- G. IAFIS (Integrated Automated Fingerprint ID System)** – Automated submission of fingerprint card to the FBI.
- H. Motor Vehicle Crash Reports** – The crash report is the official report of a motor vehicle crash documenting an investigation conducted by a DPS commissioned officer.
- I. NMIBRS** – New Mexico Incident Based Reporting System
- J. Offense/Incident Report** – A record of a criminal or non-criminal event reported by a commissioned officer of the DPS.
- K. Secured Group** - A secured group is a defined group set up in NMIBRS that limits access to an Offense/Incident Report to those people in that group. A secured group is typically set up for high risk groups (i.e., Narcotics, K-9, Criminal Investigations Section) or for a report that is high profile (a public figure, possibly a case involving a child, etc.) or involves a police officer (whether ours or from another law enforcement agency). A member of the chain of command above the investigator can also request to have a secured group set up and will be included in the group unless they are a suspect in the investigation.
- L. SID Number (State Identification Number)** - A number assigned to every person custodial arrested.
- M. State Bureaus** – DPS manual filing system for storage of Offense Incident supplemental reports, attachments, Non-Traffic Citations and Petty Misdemeanor Fingerprint Cards.
- N. STN (State Tracking Number)** - A number automatically and manually assigned by Live Scan (Automated Fingerprint Scanner) when fingerprints are electronically scanned.

6.0 PROCEDURE

A. DPS Field Reports

1. The following shall comprise the DPS criminal reporting forms:
 - a. Offense/Incident Report Form and all related attachments including supplemental report form.
 - b. SP-205 Evidence Control Form
 - c. Arrest/Booking Form

2. The following shall comprise the State of New Mexico Uniform Crash Report:
 - a. State of New Mexico Uniform Crash Report form with supplemental/diagram form.
 - b. Commercial Motor Vehicle Supplemental Report Form.
3. The following comprise DPS citations:
 - a. State of New Mexico Uniform Traffic Citation
 - b. State of New Mexico Uniform DWI Citation
4. All DPS field reports shall be completed accurately and completely using the appropriate report form. All pertinent information shall be included. All mandatory fields shall be completely and accurately filled out in an Offense/Incident report.
5. All DPS field reports shall be submitted in a timely manner through the appropriate channels for approval and filing purposes.
 - a. Initial Offense/Incident Report shall be submitted within three (3) days of taking the report. Supplemental Offense/Incident reports shall be entered in the NMIBRS system within ten (10) days of a change in the status of the investigation, e.g., serving arrest warrant, evidence submitted to crime lab, etc.
 - b. Initial motor vehicle crash reports shall be submitted within twenty-four (24) hours of completing the crash investigation. Supplemental crash reports shall be submitted within ten (10) days of a change in the status of the investigation.

B. Field Reporting

1. Offense/Incident Report
 - a. Offense/Incident Reports shall be completed in the NMIBRS system under the following circumstances, including, but not limited to:
 1. A person physically arrested.
 2. Evidence or property seized.
 3. Use of force, pursuant to department policy *OPR:01 Use of Force*.
 4. Criminal and non-criminal cases initiated by department commissioned personnel.
 5. When administrative citations are issued pursuant to the Liquor Control Act.
 6. When there is a use of department contingency funds.
 7. Any other type of incident where the officer believes the incident should be documented.
 8. Supplemental reports should be generated in those instances when there is a referral made to another division within the law enforcement program, i.e., an SID agent stops a vehicle and determines the driver is DWI and requests assistance from a uniform officer, the SID agent would complete a

supplemental report to the arresting officer's original Offense/Incident Report.

Original Offense/Incident reports should be completed by the first officer to respond. Any follow up investigation should be documented on a supplemental report, whether the follow up investigation is done by additional uniform personnel, the Criminal Investigations Section, or Narcotics Section.

- b. Offense/Incident reports shall be completed on the standard Offense/Incident Form, according to the following procedure. Please refer to the attached *NMIBRS Training Manual* for further details on using the NMIBRS system.
- c. Submitting, Processing and Review
 - 1. The reporting personnel submit the investigative information into the NMIBRS computer system and complete the Offense/Incident report form, as appropriate, or submit the information into the Lanier Dictation system for the Transcription unit to complete the required Offense/Incident report form.
 - 2. The Transcription Unit processes the report into the appropriate report form and notifies the reporting personnel that the report has been completed and is ready for final review and authorization, via fax or email.
 - 3. The reporting personnel review and approve the report and notify their supervisor that the report is ready for their review and final approval.
 - 4. The supervisor reviews and approves the Offense/Incident report and locks it by marking the locked section of the computerized form.
 - 5. The report is then stored in the computer system.
- 2. SP-205 Evidence/Property Control Form
 - a. The standard SP-205 Evidence/Property Control form shall be completed any time evidence/property is seized according to the following procedure.
 - b. Submitting, Processing and Review
 - 1. All appropriate sections of the SP-205 form shall be completed in order to identify the item(s) of evidence/property, seizing individual, owner, etc.
 - 2. Once completed, the SP-205 form shall be attached to the item(s) of evidence/property according to the guidelines described in Department policy *OPR:17 Evidence/Property Handling* and submitted to the evidence custodian for processing. The SP-205 and evidence/property may also be secured in a drop box.
 - 3. The SP-205 and evidence/property will be processed and reviewed by the supervisor assigned evidence custodian duties.
- 3. Arrest/Booking Form
 - a. The standard Arrest/Booking form shall be completed any time a physical arrest is made according to the following procedure.

b. Submitting, Processing and Review

1. All appropriate sections of the Arrest/Booking form shall be completed in order to identify the arrestee, charges being filed, arresting officer, arrestee's property inventoried, etc.
2. Once completed, the arresting officer will provide a copy of the form to the detention facility.
3. The arresting officer will submit a completed copy of the Arrest/Booking form through his/her supervisor.
4. The supervisor will process, review and approve the Arrest/Booking form. The supervisor will then forward the Arrest/Booking form to the district/bureau/division administrative staff for entry into CJIS and filing purposes.

4. Motor Vehicle Crash reports

a. Motor vehicle crash reports shall be completed under the following circumstances:

1. Traffic crashes resulting in death or injury.
2. Traffic crashes resulting in property damage to an apparent extent of \$500.00 or more.
3. Traffic crashes involving a department vehicle. Refer to department policy *ADM:18 Fleet Crashes*.

b. The standard State of New Mexico Motor Uniform Crash Report form shall be completed according to the following procedure.

c. Submitting, Processing and Review

1. The reporting officer will complete all appropriate sections of the State of New Mexico Uniform Crash Report form in order to identify the location, driver(s) involved, witness(s), vehicle(s), contributing factors, investigating officer, results of the investigation, etc. The diagram form will be used for documenting the diagram of the crash. The supplemental form will be used for the narrative of the crash investigation.
2. Once completed, the reporting officer will submit the completed report to a supervisor for processing, review and final approval.
3. The supervisor will process, review and approve the report. The supervisor will then forward the approved report to the district/bureau/division administrative staff for data entry and other appropriate processing.
4. The district/bureau/division administrative staff will submit the approved report to the NM Department of Transportation and LERB for storage purposes.
 - a. Upon receiving the crash report, the LERB will timestamp and file them by date of crash.

- b. The LERB will access the computerized version of the crash report in the Crash Reporting System and add the name of the LERB clerical staff employee who received the report.
 - c. The LERB forwards crash reports to the State Records and Archives annually. Crash reports for the current year are maintained in the LERB.
- 5. The New Mexico Commercial Motor Vehicle Supplemental Report Form shall be completed by the investigating officer when the crash involves a commercial vehicle as defined in state statute.
- 6. Fatal Crash Reports
 - a. The LERB is notified of fatal crashes via teletype.
 - b. The LERB logs fatal crashes by date and county.
 - c. The LERB faxes fatality teletypes to the State Department of Transportation on a daily basis.
- 5. Uniform Traffic Citations
 - a. New Mexico Uniform Traffic citations shall be completed when taking enforcement action pursuant to state law.
 - b. The standard uniform traffic citation shall be completed according to the following procedure. Refer to Department policies *OPR:33 Arrest* and *OPR:41 Traffic Control and Enforcement* for details on issuing citations.
 - c. Submitting, Processing and Review
 - 1. The issuing officer/agent shall complete all appropriate sections of the uniform traffic citation in order to identify the location, driver, vehicle, violation being charged, issuing officer, court appearance, etc.
 - 2. Once completed, the issuing personnel will provide a copy of the completed citation(s) to the driver, or to the appropriate court for summons purposes.
 - 3. The issuing officer/agent submits the completed citation(s) to his/her supervisor for processing, review and approval.
 - 4. The supervisor processes, reviews and approves the completed citation(s).
 - 5. The district/section administrative secretary forwards a copy of the citation to the NM Motor Vehicle Department and maintains a copy in the district office.
- 6. Computer Aided Dispatch (CAD) Reporting
 - a. The standard CAD report form shall be completed by telecommunications personnel in order to document the following, including but not limited to:
 - 1. Calls for service.
 - 2. Citizen reports of crime.
 - 3. Citizen complaints.

4. Incidents resulting in an employee being dispatched or assigned.
 5. Criminal and non-criminal cases initiated by law enforcement personnel.
 6. Incidents involving arrests and citations.
- b. CAD reports shall contain the information required by and be completed pursuant to the procedures described in Department policy *OPR:31 Telecommunications*.

C. Responsibilities

1. Officers/Agents

- a. Accurately complete the appropriate report forms in accordance with policy for timely submission through appropriate channels.
- b. Ensure the report is thorough and that all required mandatory fields are completed correctly. This includes thoroughly describing those items of evidence/property seized, stolen, and/or found.
- c. Submit reports in a timely manner for approval. Officers/Agents will dictate/manually enter reports into system within 72 hours of taking initial report. Officers/Agents will have 72 hours from time dictation is completed to review and submit the report through their chain of command.
- d. Promptly submit a final disposition to the LERB for every physical arrest that is submitted upon conclusion of the case.

2. Supervisors

- a. Receive, review, and approve reports and records completed by commissioned officers prior to submission to the Law Enforcement Records Bureau.
- b. Ensure the overall quality and completeness of the report.
- c. Establish and maintain a records system to track and monitor the status of pending and completed reports.
- d. Ensure supplemental reports are prepared and submitted in a timely manner.

3. Transcription Unit

- a. Receive and edit reports submitted by field personnel.
- b. Provide timely turnaround for transcribed reports.
- c. Provide notification that reports are completed and ready for approval.
- d. Establish "Secured Groups" pursuant to NMIBRS guidelines and/or a specific request from the investigating officer and/or supervisory staff.

4. Law Enforcement Records Bureau (LERB)

- a. Receive and store original copies of field reports and applicable attachments. The CJIS system stores the original electronic version of the report.

- b. Disseminate records, pursuant to state law and department policy.
 - c. Collect and submit (UCR) crime information to state and/or national uniform crime reporting programs using the following procedure:
 - 1. Pertinent UCR information is collected by the reporting person during the investigation. This information is then entered into the appropriate field of the NMIBRS report form by the reporting officer or transcription personnel. This information automatically populates the appropriate field in the UCR report.
 - 2. LERB personnel run the UCR report on a monthly basis out of the NMIBRS/CJIS/UCR module and verify information contained in the report.
 - 3. LERB personnel submit the UCR report to the FBI/UCR unit by mail.
 - d. Maintain physical security over and restrict access to agency records.
 - e. Maintain an on-call person, to the extent possible, to respond to requests for records which occur outside of normal business hours.
 - f. Central repository of all criminal history information.
 - g. Maintain the Missing Persons Clearinghouse.
 - h. Maintain the Sex Offender Registration and provide notifications as described in State law.
5. Information Technology Division
- a. Provide data backup and storage for computerized records.
 - b. Provide access security for computerized records.

D. Records Storage and Retention

- 1. District and sub-district offices are required to maintain copies of the following field reports:
 - a. Traffic crash reports.
 - b. Issued traffic citations. Copies of issued citations shall be maintained at the district/sub-district office for a period of one year from the date of issue.
 - c. Issued non-traffic citations. Copies of issued non-traffic citations shall be maintained at the district/sub-district office for a period of one year. Following the one-year period, the non-traffic citations shall be forwarded to the LERB for archiving.
 - d. Daily recaps. Daily recaps shall be maintained at the district/sub-district office for a period of one calendar year. Following the one-year period, the daily recaps shall be forwarded to the LERB for archiving.
 - e. Arrest/booking forms. The original arrest/booking form shall be forwarded to the LERB for filing with the Offense/Incident Report. Copies of the

arrest/booking form shall be maintained in the district/sub-district office for a period of one year from the date of arrest.

2. Within twenty-four (24) hours after completing a crash investigation, two (2) copies of the crash report shall be submitted to the LERB. The LERB will forward the second copy of the crash report to the State Department of Transportation
3. Original attachments to Offense/Incident reports shall be forwarded to the LERB for storage as soon as the case is closed.
4. All records shall be maintained pursuant to the State Records Retention Schedule.
5. All records shall be shredded or otherwise obliterated when being destroyed in order to ensure privacy.

E. Records Numbering

1. A unique Offense/Incident number is automatically assigned to an Offense/Incident report at such time as NMIBRS is accessed and the "Create New Incident" button is selected. Supplemental reports shall be added to the original case report by selecting the "Add A Supplemental" button.
 - a. The NMIBRS system maintains an alphabetical name index for those reports within the system.
 - b. The NMIBRS system maintains calls for service and crimes by type and location for those reports within the system.
 - c. The NMIBRS system maintains a listing of stolen, found, recovered and evidence and property for those reports within the system.
2. A unique number is assigned to traffic crash reports by the Traffic Safety Bureau of the Department of Transportation.
3. In instances when an officer responds to a call for service and no report is taken, the officer shall provide a brief summary of the incident and reason no report was taken to the Telecommunicator for purposes of logging the incident in the CAD system. The CAD system automatically assigns a number to the incident.
4. The LERB maintains criminal history files for every person custodial arrested.
5. State Tracking Numbers (STN) are assigned to every person placed under custodial arrest.
 - a. A State Tracking Number (STN) will be assigned to each person arrested at the time of booking. If person is booked using Livescan, the STN will be automatically generated.
 - b. All officers will forward the STN to the appropriate agency (courts, district attorneys);
 - c. The STN will be utilized by the courts, DAs and the DPS to link a final disposition to the actual arrest via the STN.

6. State Identification (SID) Numbers are assigned by the LERB to every person placed under custodial arrest.
 - a. The LERB receives fingerprint cards and assigns an SID number.
 - b. Should the arrested person already have an SID number from a previous arrest, the LERB will then append the existing criminal history to reflect the new arrest.

F. Security Protocol for Criminal History Records

1. Access to and Release of Criminal History Records

Criminal history records will be accessed and released pursuant to the guidelines described in the Arrest Records Information Act.

G. Juvenile Records

1. Juvenile records, including fingerprints, photographs, and other forms of identification shall be collected, maintained and disseminated in a manner consistent with state law.
2. Guidelines for distinguishing juvenile records.
 - a. When reports involving juveniles are entered into the CJIS report system, the database automatically populates a field indicating the person is a juvenile based on the date of birth.
 - b. Additionally, the LERB will stamp "Juvenile" on the hard copies of juvenile reports.
3. Guidelines for retaining fingerprints, photographs, and other forms of identification.
 - a. All photographs, fingerprints, or other forms of identification taken by an officer/agent will be clearly identified as belonging to a juvenile.
 - b. Photographs, fingerprints, or other forms of identification will be retained in the file as attachments in accordance with state law.
4. The LERB shall maintain security over juvenile records and control access to authorized personnel only.
5. The LERB shall seal juvenile records only after receiving a valid court order. The following is the procedure for expunging juvenile records:
 - a. The LERB receives a valid court order for the sealing of a specific record.
 - b. The LERB pulls the specific record identified in the court order.
 - c. The LERB returns the record to the original contributor with the court order.
 - d. The transcription unit supervisor transfers the electronic report in NMIBRS into a secure group thereby restricting access.
6. Once the juvenile reaches the age of eighteen, the record is automatically merged into the adult filing system.

H. Records Security

1. Physical security over records stored in the LERB shall be maintained by restricting access electronically to authorized personnel only.
2. Access to the LERB area, including after hours access, must be approved by LERB or appropriate supervisors, and can only be activated by the Chief Security Officer. In the event of an emergency after hours request, the appropriate LERB Bureau Chief with security permissions will fulfill the request.
3. Security over computerized files is accomplished through the use of user name, password identification, and proper permissions to requested files.
4. Password audits are conducted pursuant to the guidelines in the CJIS Security Policy.

I. Procedures and Criteria for Release of Agency Records

Refer to Department policy *OPR:37 Release of Public Information* for details on releasing agency records.

J. Procedure to Account for the Status of Reports

1. Field Reporting
 - a. Officers/Agents handling an incident or traffic crash shall obtain a CAD number from the telecommunications center.
 - b. The CAD number shall be entered in the “*Optional Use Case no. etc.*” block of the Offense/Incident report form. The CAD number shall be entered in the “*Case Number*” block on the State of New Mexico Uniform Crash Report form.
 - c. The use of the CAD number will ensure that the correct control number is assigned and accounted for.
2. Completed field reports are submitted to the reporting employee’s supervisor for processing, review and approval.
 - a. Once approved the reports are forwarded to the district administrative secretary. Those reports which are maintained in the district/bureau are filed accordingly. Those reports which are maintained in the LERB are forwarded to the LERB by the district/bureau administrative secretary for filing purposes.
 - b. When incidents/vehicle crashes require additional investigation, the reporting employee shall submit an original report according to the time requirements outlined for the specific report. Supplemental reports shall be submitted according to the guidelines outlined earlier.

K. Procedures for Storage, Issuance and Accounting of Traffic Citations

1. Storage
 - a. Citations are to be stored in a secure storage area until they are issued to department personnel.

- b. Secure storage areas shall be accessible only by supervisory personnel.

2. Issuance

- a. Citations shall be issued using the standard Department *Citation Books Issued* form.
- b. The issuing supervisor shall fill out the *Citation Books Issued* form completely listing all citation books issued by the appropriate numerical sequence.
- c. The receiving officer shall sign the *Citation Books Issued* form indicating receipt of the citation books.
- d. A copy of the completed *Citation Books Issued* form shall be maintained by the issuing supervisor for accounting purposes.
- e. It is the officer's responsibility to ensure that he/she has a sufficient number of blank citations.

3. Accounting

- a. Officers shall submit issued copies of citations, in numerical order, to his/her respective supervisor for review. Officers shall include photocopies of any court citations.
- b. Supervisors shall compare the issued citations against the *Citation Books Issued* form for accounting purposes.
 - 1. Citations may be voided by the officer. An officer will clearly indicate the word "VOID" across the entire citation, making sure it appears on each copy of the citation.
 - 2. Voided citations will be submitted to the employee's supervisor for review/approval and accounting.
- c. The supervisor shall initial the *Citation Books Issued* form when all the citations listed on the form have been accounted for.
- d. Once all the citations have been accounted for on the *Citation Books Issued* form, the supervisor shall sign off on the form and submit it to the district/bureau/division administrative staff for filing and audit purposes.
- e. The district/bureau/division commander will utilize the completed *Citations Books Issued* forms to conduct audits of citations pursuant to *OPR:41 Traffic Control and Enforcement*.

L. Traffic Records System

- 1. The DPS cooperates with the Traffic Safety Bureau of the Department of Transportation for access to information relating to:
 - a. Traffic collision data.
 - b. Traffic enforcement data.
 - c. Roadway hazard information.

2. This information can be obtained by making a written request to the Traffic Safety Bureau.
3. Traffic Crash related Information shall be transmitted to the Traffic Safety Bureau according to the following procedure:
 - a. Traffic crash reports are finalized at the district level.
 - b. The district administrative personnel affix a crash report number for tracking purposes.
 - c. The district administrative personnel enter the crash report information into the Departmental crash database.
 - d. The district administrative personnel make a photocopy of the original report. The photocopy and the original report are then sent to the LERB.
4. Traffic Enforcement related information shall be transmitted to the Motor Vehicle Division according to the following procedure:
 - a. Officers issue traffic citation to violators.
 - b. Officers separate citations into the following categories: Issuing Agency Copy, Abstract Copy, and Court Copy and submit to their supervisor for review and approval. (The separation of citations may be performed by the reviewing supervisor).
 - c. Once approved, the supervisor gives the copies of citations to the district administrative personnel.
 - d. The district administrative personnel file the Issuing Agency Copy of the citation and mail the Abstract and Court Copy to the State Motor Vehicle Division.
 - e. Issuing Agency Copies of citations are maintained in district files for a period of one year.
 - f. Written warning citations are also mailed to the Motor Vehicle Division.

M. Legal Process

1. Service
 - a. Any arrest warrant or other legal process may be executed by any department commissioned officer.
 - b. Civil process is generally a function of the sheriff's department or local agency as established by statute and procedure.
 - c. This policy governs service of the criminal process, and those special circumstances where service of civil process is made by the Department of Public Safety.
2. Documentation
 - a. All attempts to serve the legal process (civil or criminal), whether successful or not, shall be documented.

- b. This may be accomplished by submitting a supplemental offense report when the process has been successfully served or by requesting a CAD entry from telecommunications personnel when unsuccessful.
- c. The following information, if known, shall be documented:
 - 1. Date and time received by the Department.
 - 2. Type of document.
 - 3. Nature of document.
 - 4. Source of document (Court/Judge's name).
 - 5. Names of plaintiff/complainant or respondent/defendant.
 - 6. Name of officer assigned for service.
 - 7. Date of assignment.
 - 8. Docket number.
 - 9. Date service due.
- d. Upon successfully serving the criminal/civil process, the following information will be documented in an offense/incident report or supplemental report:
 - 1. Date/time service was executed/attempted.
 - 2. Name of officer(s) executing/attempting service.
 - 3. Name of individual on whom the legal process was served/executed.
 - 4. Method of service/reason for non-service.
 - 5. Address of service/attempted service.

3. Service of Civil Process Documents

- a. Ex parte emergency protection orders shall be handled as described in state statute 40-13-3.2 and Department policy PRS:28 Victim/Witness Assistance.
- b. Ex parte custody orders shall be handled as described in state statute 32A-4-16.
- c. Any civil process performed by DPS commissioned employees must be within the appropriate area which the officer has jurisdiction.

7.0 ATTACHMENT

A. NMIBRS Training Manual

8.0 APPROVAL

APPROVED BY: s/John Denko
DPS Cabinet Secretary

DATE: March 18, 2008