

RENO POLICE DEPARTMENT GENERAL ORDER

This directive is for internal use only and does not enlarge this department's, governmental entity's and/or any of this department's employees' civil or criminal liability in any way. It is not to be construed as the creation of a particular standard of safety or care in an evidentiary sense, with respect to any complaint, demand for settlement, or any other form of grievance or litigation. Violations of this directive, if substantiated, can only form the basis for intra-departmental administrative sanctions.

Chief of Police: Jim Weston/s/		
Legal Advisor: Karen Fraley /s/		
Approving Deputy Chief:		
General Order No: E-101-04	Issued: September 16, 2004	Supersedes: 4/420.000
General Order Title: RECORDS MANAGEMENT		

POLICY

The Reno Police Department case/incident numbering system provides an efficient procedure for filing and retrieving police reports and information regarding calls for service.

In addition to City of Reno personnel files, the department maintains files pertaining to internal personnel functions, such as job performance, training and education, disciplinary action, commendations, illness and on-the-job injury. It is the policy of this department to maintain confidentiality of these files to the extent permitted by law.

PROCEDURES

Generation of Incident/Case Numbers

An incident number is automatically generated by the Tiburon computer as each activity is entered in the system. A number is initiated in several different ways:

- A call for service prepared by communications personnel following citizen contact either for field dispatch or for desk personnel to handle telephonically; or
- An activity in the field by an employee recorded on the system by communications or records personnel: or
- Case activity from the station resulting from contact with a citizen by an employee.

Computer entry may be made by an employee with security access and the training necessary to complete the entry from a Tiburon work station. Employees not meeting this criteria may contact Records personnel to complete the entry.

The case/incident number is composed of two parts as follows:

- The first portion reflects the year the case was issued, e.g., 03-000001, 03-000201, etc.
- The second portion reflects the order in which the number was assigned and proceeds

sequentially throughout the year, e.g., 00001, 00002, 00003 etc.

Each call for service or assigned activity is reflected by the issuance of an incident number. An incident remains an incident or becomes a case by virtue of the disposition of the activity. **A case number should only be issued when a report is to be written or a false alarm notice is posted.**

Case Number Controls

Calls for service to field personnel will include the number for use by the officer should the activity require a written report. An employee initiating an activity which requires a written report may request a case number from Communications. Employees will provide or append the most appropriate disposition code to a call activity.

No more than one case number will be issued for a single occurrence, nor will the same case number be assigned to more than one event. Should this occur, Records personnel will be responsible for correctly assigning the number or obtaining a new number. If several incidents are related, Records personnel may make notation of master case and related case numbers through the Tiburon system.

No case number will be canceled by an employee, except for those ordered to do so for the purpose of sealing an entire incident and/or case. Should circumstances surrounding a completed report change, a follow-up report will be made. The Records Section is responsible for noting follow-up activity accordingly within Tiburon. When a report is completed after a case number has been requested, the employee will notify their supervisor who will notify Records personnel.

Confidentiality/Access Control to Personnel Files

Personnel records are not confidential records under Nevada law. There is case law support for a case-by-case evaluation, balancing the right of the public to know (public records doctrine) against the right to privacy of the individual employee. Some records contained in personnel files are otherwise designated confidential under the law, e.g., medical records.

Upon receipt of a subpoena or a public records request, each document in the file will be evaluated individually in light of laws existing at the time of the request.

Master personnel files will be maintained in locked files. Only the Chief of Police/designee and the Administrative Support Division Commander will have general access to personnel files. Personnel directly involved in file maintenance are authorized access for such purposes.

File contents may be copied only when authorized by the Chief of Police/designee or the appropriate divisional commander.

An access control list will be maintained in each file and will include:

- Date and time signed out/signed in;

- Name of individual signing out;
- Purpose for signing out.

The Administrative Support Division Commander will direct the security and maintenance of the master personnel files. These files include, but are not limited to:

- Evaluations: departmental copy of employee's evaluation
- Training and education: copies of departmental training certificates and non-departmental police related courses completed. Employees will submit copies of such documents for entry into this file.
- Disciplinary actions: departmental and divisional level disciplinary actions
- Commendations: departmental and divisional commendations as well as non-departmental letters of commendation
- On-the-job injuries/illnesses: CDS reports of on-the-job injuries/illnesses. Related medical records are retained in the locked files of the Risk Manager.

Authorized access to master personnel files is as follows:

1. Employees may review their own master personnel file upon request, in the presence of a supervisor. A supervisor's response to this request will be contingent upon the availability of the file custodian. The supervisor witnessing the review is not given access rights to this file.
2. Internal Affairs Unit personnel may review an employee's master personnel file when necessary to complete an internal investigation or to assist City Attorney's office personnel in obtaining documentation, as is necessary, 1) in the defense or potential defense of a pending law-suit, or claim against the employee and/or the city, or 2) as ordered by a subpoena.

Divisional Personnel Files

The respective division commander will direct the security and maintenance of divisional personnel files. These files will include, but are not limited to:

- Evaluations: rater's copy of employee's evaluation;
- Training and education: same as for master personnel file;
- Disciplinary actions: same as for master personnel file;
- Commendations: same as for master personnel file;
- Illnesses: Non-job related illness records, kept on day-to-day call-ins, involving minor illnesses, to which the employee has not asserted rights of confidentiality to, will be maintained in the divisional file.

Non-job related illnesses/injuries/medical procedures files that the employee does not wish to keep confidential, may also be placed in this file without restriction.

NOTE: Any documents containing the specifics of an employee's illness/injury/medical procedures, that the employee has deemed sensitive and wishes to keep confidential, will be kept confidential and kept in a separate, locked medical file maintained by the Risk Manager.

An entry of "Medical Excuse - Department Approved" is all that may be entered in the divisional file as directed by the division commander. (See section below on Medical Files.)

Authorized access to divisional personnel files is as follows:

1. A supervisor involved in the direct supervision of an employee may review the file, as necessary, when relevant to departmental functions. Supervisory access to these files will be on a need-to know/right-to-know basis.
2. Internal Affairs Unit personnel may review these files as necessary to complete their investigation.

Internal Affairs Files

The Internal Affairs supervisor will direct the security and maintenance of Internal Affairs Files in accordance with departmental Internal Affairs policies and procedures.

Training Files

Rules governing access to the City's A-Train computer data base are outlined in the City's Policies and Procedures.

The Training Section supervisor will direct the security and maintenance of employee training files. These files will include, but are not limited to, departmental training courses and non-departmental police related courses completed. Employees will submit copies of such documents for inclusion in their training file and the A-Train data base.

Authorized access to training files is as follows:

1. Employees may review their training file during the Training Section's office hours.
2. A supervisor involved in the direct supervision of an employee may review the employee's training file, as necessary, when review pertains to departmental functions. Supervisory access to these files will be on a need-to-know/right-to-know basis.

Medical Files

The Risk Manager will control access and maintain employee Medical files. Access to the locked medical files will be limited to the wellness coordinator and the Chief of Police/designee. Medical files include, but are not limited to:

- Records pertaining to sworn-employees' NRS-required medical/fitness examination;
- Records pertaining to the departmentally-required physical fitness examination;
- Non-CDS medical information an employee wishes to keep confidential.

NOTE: Employees may circumvent their chain-of-command and go directly to their division commander when notifying the department, either in writing or verbally, of sensitive medical information. The employee, not the department, will determine whether the information is

sensitive. The division commander will notify mid-management personnel, on a need-to-know basis, of any information needed in the supervision of the employee (duty restrictions, etc.). The division commander will not give mid-management personnel any details/descriptions, including the name, of any illness/injuries/medical procedures the employee has deemed sensitive and wishes to keep confidential. The division commander will forward the information, maintaining confidentiality, to the Risk Manager for filing in the employee's medical file. The division commander will keep the Chief of Police informed of the particulars of these medical files as the Chief of Police maintains the "right-to-know" as the department head.

Sealing of Disciplinary Actions

Disciplinary actions provide a basis for training/counseling and are not meant to perpetually penalize an employee. Therefore, employees will be allowed to review disciplinary actions and request that they be sealed according to the following schedule:

1. Written reprimands and notice of oral reprimands, with no recurrence, may be sealed after one year.
2. Suspensions of less than three days, without recurrence, may be sealed after three years.
3. Suspensions of three days or more, with no recurrence, may be sealed after five years.

The employee must submit the request, in writing, to their immediate supervisor. If the schedule criteria has been met, the supervisor will apply a cover memorandum and submit it, via chain-of-command, to their divisional commander for the sealing process.

NOTE: Sealing will include memos, letters, correspondence, complaint forms and other written material pertaining to the disciplinary action. Sealing will not include material related to criminal offenses for which the employee was charged, except in concurrence with the sealing or expunging of criminal charges by a court of competent jurisdiction, or except in the event of a complete exoneration of the employee by the court. The Human Resources Department will be notified and the corresponding file copies contained within the employee's City personnel file will be sealed accordingly.

Any sealed action will not be considered against the employee in a subsequent disciplinary action, or in the event of impending promotion, merit step raise, transfer, request for educational leave, modification of duties, vacation selection, application for other employment, or against another action the employee may take for personal improvement or betterment.

Once sealed, said file will be forwarded to Internal Affairs for storage and will not be opened unless the employee requests unsealing in writing for examination by a person or persons specified by the employee, or at the direction of the Chief of Police/designee who may deem it necessary. The employee is to be notified of the opening of a sealed file and the reason.