

DEKALB POLICE DEPARTMENT

Subject: **Release of Record Information**

Effective Since: 8-21-03

Revision Effective: 1-1-19

Reference Material: NA

ILEAP Standards Covered: ADM.22.03

Policy #: **302.1**

Originally Issued As: General Order # 11 of 3-14-96

FTO Training Task: NA

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PURPOSE: The purpose of this policy is to outline the department's procedure and regulations for the release of records information.

POLICY: The primary purpose for maintaining records is to fulfill statutory requirements and to assist officers, courts, and administrative officials of this jurisdiction to accomplish police objectives. The department will guard against unauthorized release of information contained in police records. It is the policy of the department to follow legal regulations pertaining to the release of information from records sources.

DEFINITIONS:

Criminal History Record Information (CHRI): Any information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictment, information, or other formal criminal charges and any disposition arising there from, sentencing, correctional supervision, and release. Fingerprint identification is not necessary to the collection, maintenance, and dissemination of CHRI. CHRI does not pertain to source documentation of individual transactions, case reports, desk reports, or to investigative and intelligence information.

FOIA: Freedom of Information Act

DCFS: Department of Children & Family Services

PROCEDURE:

A. Release of Information to Criminal Justice Agencies

1. Any criminal justice agency may have access to the information in department files when the information is requested for official investigations or background checks.
2. If the request is made for purpose of doing a background investigation for employment or for other than a criminal investigation, the following guidelines will be followed:
 - a. Information will only be given if a release signed by the individual for whom the information is requested accompanies the request.
 - b. Only information requested in the release will be provided.
 - c. Juvenile information will NOT be provided except for military background checks, which is required by law.
3. Authorized Records Division employees will have access to these records and will be solely responsible to search these records in order to obtain and release the requested information. No criminal history record information (CHRI) or information obtained directly from LEADS shall be disseminated to other agencies, as they can make these inquiries themselves.

B. Release of Information to News Media

1. Information for news media will be released in accordance with the department's Media Relations procedure as outlined in Policy 306.2.
2. Information in department files requested by the media will be available only during administrative working hours.

C. Release of Information to Others

1. General arrest information is public information that can be disclosed.

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2. No information will be disclosed regarding records or arrests that have ultimately been expunged.
 3. Non-criminal justice agencies authorized by statute or executive order to receive CHRI shall be forwarded to the Bureau of Identification for release of CHRI.
 4. Governmental and public service agencies authorized to conduct independent official investigations, such as DCFS, Elder Care Services, Youth Service Bureau, DeKalb County Housing Authority, DeKalb School District, etc. may receive copies of reports for their investigative purposes. Any questions as to the release to any such agency should be referred to a Records supervisor or commander.
 5. Release of accident reports should be made by requestors using the department's online accident report system.
 6. Release of physical copies of accident reports are subject to a \$5 fee each as allowed in the ILCS.
 7. The department utilizes a secure electronic access system for the City and State's Attorney's offices to directly obtain reports.
 8. The City and State's Attorney's offices may request reports or other material for cases that may not be available to them electronically. Records staff will ordinarily fulfill these requests, but any employee can do so.
- D. **Release of Information by Telephone** : The only information to be given to unknown callers over the telephone will be that an incident has been reported. If another police agency or media representative calls for information and their identity is not personally known, obtain the caller's name and title and call them back at their agency to verify the authenticity of their employment and request.
- E. **Freedom of Information Act Requests** : All Freedom of Information Act (FOIA) requests shall be immediately forwarded to the Records Division Commander for disposition. It is the duty of designated Records employees to fulfill FOIA requests. [ILEAP ADM.22.03(a)]
- F. **Compliance with FOIA Procedures** : All FOIA requests will comply with applicable state FOIA procedures, including the following:
- a. Maximum time limits for providing requested information. [ILEAP ADM.22.03(b)]
 - b. Calculating the charges for information provided. [ILEAP ADM.22.03(c)]
 - c. Circumstances under which the information may be withheld. [ILEAP ADM.22.03(d)]
 - d. The City maintains a FOIA Guide created by the Legal Department to assist with the proper interpretation of FOIA definitions, timelines, fees, and exemptions.
 - e. The City maintains an electronic FOIA system to accommodate FOIA requests, which includes a tracking system to assist with the timely workflow and documentation of FOIA requests.
 - f. FOIA requests can be made through the electronic FOIA system, e-mail, or in person. The department does not accept requests made by telephone and cannot guarantee the receipt of a request made by fax.
- G. **Requests for Records by Subpoena** : All requests for records by subpoena shall be forwarded to the Records Division Commander for disposition. It is the duty of designated Records or Communications employees to fulfill subpoena report requests in a timely manner, and prior to the due date.

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Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police.

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.