

WINTER HAVEN POLICE DEPARTMENT

GENERAL ORDER 82.1

RECORDS

ACCREDITATION STANDARDS: CALEA – 82.1.1, 82.1.2, 82.3.4, CFA – 34.01, 34.02, 34.04, 34.05, 34.08, 34.10

EFFECTIVE DATE: October 30, 1995

RESCINDS: G.O. 82.1, August 19, 2022 and all applicable Amended/Temporary Orders prior to June 25, 2025

LAST REVISED DATE: June 25, 2025

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POLICY

It shall be the policy of the Winter Haven Police Department to comply with regulations regarding the retention of public records, as defined in Florida State Statute 119. Florida State Statute 257 advises that it is the duty of each agency to cooperate with the State, in complying with the provisions of records retention and disposal by establishing and maintaining an active and continuing program, for the economical and efficient management of records.

SCOPE

This General Order shall apply to all Department members.

PROCEDURE

I. Records Section Function

- A.** The functional responsibilities assigned to the Records Section shall include, but not limited to, report review, report control and distribution, records maintenance and records retrieval.
 - 1.** The Records Section shall control the availability and confidentiality of all reports and records in its control in accordance with applicable state and federal laws.
 - 2.** The Records Section shall maintain all records of official police reports and distribute copies to authorized persons/agencies. (CFA 26.01a)
 - 3.** Filing and retrieval of reports shall be conducted by Color Coded Files, Agency Case Numbered files, or through Tiburon/Aegis Reporting System. (CFA 26.01c)

II. Distribution of Reports

A. Criminal/Incident Reports

- 1.** Completion, reports will be assessable to all organizational components and Department members via the Tiburon. (CFA 26.01a, c, 26.02a)

B. Traffic Crash Reports

- 1.** Copies of all traffic crash reports involving city property or city vehicles shall be forwarded to the Human Resources office. (CFA 26.02a)
- 2.** Open Hit & Run traffic crashes are accessible via electronic crash reporting system, by the Traffic Supervisor for a follow-up investigation. (CFA 26.02a)
- 3.** Traffic crash reports are forwarded electronically, daily to the Florida Department of Highway Safety and Motor Vehicles (DHSMV) by the Traffic Supervisor.
- 4.** Copies of traffic crash reports are accessible electronically, with viewing restrictions via electronic crash reporting system, to the Polk County Transportation Division.

C. Individual Requests

- 1.** Individual requests for information will be handled by the Records members in accordance with public records guidelines, as established in state and federal laws. (CFA 26.02c)

D. Report Requests from Organizations outside the Agency (CFA 26.02b)

- 1.** Members shall release requested records in accordance with Florida State Statute 119.

2. Records members will then pull the record from the file or print the record from the Tiburon/Aegis report system. The record will then be forwarded to the requesting organization or outside agency by fax, email, the postal system or retained for pick-up at the Records window.

III. Records Office, Privacy, Access and Security (CFA 26.03)

- A. The Records Section is designated as a restricted area. The following procedures with regards to access and security shall apply:
 1. During normal working hours, Records members' supervisors and the Chief of Police or their designee(s) shall have unrestricted access to the Records Section. Other department members may conduct their business at the hallway access window. (CFA 26.05)
 2. The door to the Records Section shall be secured and locked at all times, and members shall ensure computer monitors cannot be viewed by the public, visitors, or any unauthorized person. (CALEA 82.1.1a)
 3. Supervisors shall be the only members allowed after-hours access to the Records Section. The supervisor gaining access shall complete the log sheet posted on the wall next to the Records door each time entry is made. The hall door shall be locked upon leaving records to ensure the security of records. (CALEA 82.1.1b) (CFA 26.05)
 4. Cleaning, pest control, maintenance and other members may be admitted to the Records Section while under the direct supervision of a Records member.

IV. Records Management

- A. In compliance with Florida State Statute 257.36(5) (A), the Records Supervisor shall be designated to act as the Records Management Liaison Officer. The duties of an RMLO include, but are not limited to the following:
 1. To act as the agency representative to the Florida Bureau of Archives and Record Management.
 2. To be familiar with Florida State Statute 119 and 257, and the rules and guidelines promulgated by the Bureau and to ensure the rules and guidelines are being observed by the Department.
 3. To ensure the Department is supplied with current editions of records retention schedules and records management manuals as published by the Bureau.
 4. To ensure all communications received from the Bureau are promptly distributed to the Chief of Police and Commanders, if appropriate.
 5. To direct Department members with the storage of records and the preparation of records destruction requests.

V. Records Retention Schedule and Disposition (CFA 26.01b)

- A. In accordance with the General Records Schedule for Law Enforcement Agencies, GS2,

established by the State of Florida Division of Library and Information Services, Records Management Program and Florida State Statutes 119 and 257, a schedule of retention and destruction for police records has been established. A current copy of this schedule will be located in the Records Section and online. No agency records are to be retained, transferred, destroyed, or otherwise disposed of in violation of this schedule.

- B. Agencies are not required to document the disposition of records with a retention “retain until obsolete, superseded or administrative value is lost” (OSA) except for records that have been microfilmed or scanned as part of a retrospective conversion project in accordance with GS2, Rule 1B-26, F.A.C., where the microfilm or electronic version will serve as the record copy.
- C. Any questions regarding the retention, destruction or storage of records should be directed to the Records Supervisor.

VI. Handling Funds

- A. The Records Supervisor or Records members are responsible for the maintenance of all cash received within the Department’s Records Section, which includes funds received via mail. All Records members are permitted to receive monies during transactions conducted as a result of Department business.
 - 1. All walk-in customers shall pay the attending Records member at the public access window.
- B. Records members conducting transactions shall provide customers a receipt showing proof of the transaction. All transactions shall be entered into the Cash Register. The Records Supervisor shall conduct random audits of the cash drawer to ensure accountability.
- C. The monies received shall be counted and transactions verified in the cash register daily. The monies shall be secured in the cash drawer and secured inside the Records Section. Cash Collections Report is transmitted electronically in the New World software system.

VII. Accessibility to Records

- A. Members assigned to the Records Section shall control the accessibility of all reports, records, and other information stored in Records.
- B. Hard copy records information is available to agency members 24 hours a day, as outlined in this general order.
- C. Information contained in written reports stored in Records shall be released in accordance with Florida State Statute 119. (CALEA 82.1.1c) (CFA 26.02c)

VIII. Arrests/Affidavit Requests

- A. An arrest file is maintained on all persons physically arrested by members of this Department. This file shall be maintained on file in Records or in the Tiburon Reporting System.
- B. Arrest Reports and Affidavit Requests copies, submitted to Records, shall include a copy of the arresting/submitted member’s original signature and the member’s signature

authorized to administer the oath.

- C. Supporting documentation, not in the arrest report, shall be forwarded to Records for scanning or placement in the Arrest File.
- D. Criminal History teletype data is not filed with the original incident and arrest reports. This information is immediately accessible through FCIC/NCIC system. Per FCIC rules and regulations, this information is controlled and shall not be saved due to frequent updates to the arrest data.

IX. Traffic Citations (CALEA 82.3.4a, b)

- A. The Uniform Services Bureau Commander or their designee shall control and replenish the supply of uniform traffic citations (UTCs) for the Department. These UTCs are kept in a secured cabinet. UTCs are acquired from DHSMV. (CALEA 82.3.4c)
- B. Supervisors are responsible for receiving the traffic citation books from the Uniform Services Bureau Commander or their designee and distributing them to members.
- C. The Uniform Services Bureau Commander or their designee shall complete the Traffic Citation Log Sheet (whpd-16) when distributing UTCs to a supervisor. This log shall indicate to whom the UTCs were issued, the date of issuance, the citation numbers issued and the name of the Uniform Services Bureau Commander or their designee.
 - 1. Prior to signing and accepting the citation book, it shall be the responsibility of the receiving member to personally examine that each page is present within the citation book. In the event that a page is missing or damaged, the entire citation book shall be returned with the Officer's Receipt page unsigned.
 - 2. When accepting a citation book, the officer shall complete and sign the Officer's Receipt page at the front of the citation book. It shall be forwarded to the Uniform Services Bureau Commander or their designee via Records for filing.
 - 3. If a citation is lost, stolen or damaged, the member who is accountable for the citation shall complete WHPD form 428 to the Records Supervisor explaining the reason for the loss, stolen or damage. The remnants of any damaged citation(s) shall be voided and attached to the WHPD form 428. They shall be forwarded to Records.
 - 4. Whenever a member voids a traffic citation, the member shall write the word "VOID" in large letters across the face of the citation. A WHPD form 428 shall be completed to include the reason for voiding the citation. All copies of the citation and WHPD form 428 shall be forwarded to Records via normal distribution.
 - 5. When the book is completed, the UTC book covers, displaying the range of ticket numbers and the member's record of each issued ticket (pink copies) shall be turned into the Uniform Services Bureau Commander or their designee.
 - 6. Members are responsible for submitting copies of all issued UTCs, along with any reports generated by the UTC, to Records via normal distribution.
- D. When the Officer's Receipt Page of the citation book is received by Records, it shall be stapled to the Officer's page in the Traffic Citation Tracking Log (whpd-74). As the completed citations are received in Records, they shall be documented by citation

number and date received, on the Traffic Citation Tracking Log.

1. When a citation is received out of sequence, Records shall verify the citation(s) is missing and notify the member's supervisor of the missing citation(s) by memorandum.
2. Once the status of the out of sequence citation is established, this information and citation, if appropriate, shall be forwarded to Records by the assigned member for proper documentation.
3. On occasion, a member may issue a citation from another member's book. This shall be documented on the loaning member's traffic citation tracking log sheet to correspond with the citation range on the log.
 - a. This method shall be used for departmental auditing purposes, along with periodic audits conducted by DHSMV, to ensure accountability for UTCs assigned to the Department.

X. Juvenile Records, General Provisions (CFA 26.01b)

- A. All members who handle juvenile records shall be familiar with the provisions of Florida State Statute 985.04 and 985.11, which includes but not limited to: (CALEA 82.1.2b)
 1. Photographs;
 2. Fingerprints; and
 3. Other forms of identification.
- B. Under no circumstance shall juvenile records be co-mingled with records belonging to those of adults. (CALEA 82.1.2a)
 1. Juvenile records are color coded orange for clear identification purposes.
- C. Juvenile records are not generally available for public disclosure. However, under circumstances as defined by Florida State Statutes 985.04 and 943.053, records may be disclosed to other law enforcement agencies, state attorneys, the courts, the juvenile, the parents or legal guardians of the child, the juveniles' attorney(s), and any other person authorized by the court or state statute to have access to such records.
- D. Juvenile records shall be marked as "JUVENILE" upon entry into the computer records system and access to these records shall be restricted to authorized members only. (CALEA 82.1.2a,c)

XI. Release of Juvenile Records to the Public (CALEA 82.1.1c)

- A. Records regarding juvenile arrest shall not be open to inspection by the public, unless otherwise specified in this General Order and by state or federal law.
- B. Juvenile offense reports may be released to the victim of a crime. However, the name and address of the juvenile offender(s) shall be redacted from the report, unless such information is otherwise available to the public under Florida State Statute 985.04(3).

XII. Expunging – Sealing of Records

- A. Upon receipt of a court order to expunge or seal a criminal history record, the Records Supervisor shall ensure that all requirements of applicable state statutes are fulfilled and; (CALEA 82.1.2e)
 - 1. Confirm the court order is appropriately signed and certified as a true copy;
 - 2. Ensure the arrest report\record and the photographs are removed from all files, electronically recorded or otherwise;
 - 3. Records waiting Florida Department of Law Enforcement (FDLE) confirmation shall be held until a reply has been received. Upon reply from FDLE, the RMLO shall make the determination as to which records are to be purged and the method of their disposition. This shall be accomplished in accordance with applicable law; and
 - 4. Records ordered sealed by a court shall be maintained by Records.

XIII. Destruction of Juvenile Records (CALEA 82.1.2d) (CFA 26.01b)

- A. Members who are considering destruction of any record, including the destruction of records ordered destroyed by the Court, shall comply with the directions articulated by the Florida Bureau of Archives and Records Management, or as may otherwise be directed by Florida State Statute.
- B. Requests for the destruction of records shall be forwarded to the Records Supervisor, to determine if the records meet minimum criteria recommended or mandated by the Florida Bureau of Archives and Records Management or any court order, ordering destruction.

XIV. Records Control

- A. The records section shall maintain logs that record the movement or destruction of each juvenile record in its custody.
 - 1. Once a juvenile reaches adulthood, their juvenile records are archived until they can be destroyed per Florida State Statute. (CALEA 82.1.2d)
- B. Requests for obtaining records, by authorized members shall be for valid law enforcement reasons and shall be made to the Records Management Division, Technical Services Coordinator or their designee; (CFA 26.02)
 - 1. If the record has been expunged, the Records Supervisor shall advise the requesting party there is no record.
 - 2. Any type of record that has been mandated as Confidential according to Florida State Statute 119 shall not be opened for public inspection. These records include, but are not limited to:
 - a. Social Security Number;
 - b. Active Criminal Intelligence Information;
 - c. Identity of Confidential Informants;
 - d. The Names of victims of Sex Offenses and of Child Abuse;
 - e. Surveillance Techniques or Procedures;

- f. Records of Juveniles;
- g. Tactical operation plans;
- h. Identity of Undercover Members;
- i. Personal information on active or former law enforcement and corrections members;
- j. Sealed purchasing bids;
- k. All records supplied by telecommunications companies containing the name, address and telephone number of subscribers; and
- l. Information relating to the medical condition of members.

XV. Submission of Records to the Records Section

- A. The Records Section adheres to the rules and guidelines established by the State of Florida Division of Library and Information Services and Florida State Statute 92.29 for electronic copies and records keeping.
- B. All cases and other documentation assigned a case number shall be submitted to Records via the Tiburon Reporting System as soon as practicable. A completed checklist, signed by a supervisor, shall be forwarded to Records with supporting documents.
- C. Reports or supplements completed by investigators and other members shall be forwarded to Records via Tiburon Reporting System as soon as practicable. A completed checklist, signed by a supervisor, shall be forwarded to Records with supporting documents.
 - 1. As supplement reports on active cases are completed, they shall be forwarded via their chain of command to Records for placement with the original report. These reports shall be submitted within ten days from the conclusion of the investigation.
 - 2. Special Victims Unit and Criminal Intelligence Data files shall be securely stored within those units as indicated by general orders until they are forwarded to Records for recording or destruction in accordance with the Bureau of Archives guidelines. (CALEA 82.1.1a)

XVI. Records Indexing

- A. The Records section shall maintain an alphabetical master name index file, with the names of persons identified in field reports, which shall serve as a cross-reference to all documents in which the person was named. Witnesses and other persons involved shall be obtained from the case report file when needed.
- B. The Records section shall maintain index files to include:
 - 1. An index file by incident type and signal for Uniform Crime Reporting. A computerized zone or grid search can be conducted to obtain necessary information for reports.
 - 2. A computerized index of incidents by location.
 - 3. An index of stolen and recovered property. An index of found and evidentiary property shall be maintained by the Property and Evidence Division.

XVII. Uniform Crime Reporting Procedures

- A.** Offense/Information reports received by the Records Section, if needed, shall be assigned a Uniform Crime Reporting Code (UCR). Records shall maintain the crime statistics, reported to FDLE annually.
- B.** Annually, the Department forwards the UCR Information Report to the FDLE.
- C.** Records members shall refer to the UCR Manual for proper procedures when reporting the data.

XVIII. Identification Numbers for Persons Arrested:

- A.** Each person who has been arrested shall have only one identification number, although the individual may have been arrested on various occasions and thus have different case and arrest numbers relating to them. Identification numbers are not to be duplicated or skipped.
- B.** Each person involved in a case shall be assigned an identification number by computer, whether they were arrested or not.

XIX. Traffic Record System

- A.** Members investigating traffic crashes shall complete and submit a traffic crash report. The Traffic Supervisor shall review the reports submitted via electronic crash reporting system. A copy of the traffic crash reports shall be submitted daily to the DHSMV in accordance with this General Order.
 - 1.** Original crash reports will be maintained electronically for 180 days.
 - 2.** Distribution of crash reports shall be handled on an "as requested" basis. The exception is the mandatory requirement of submission to the DHSMV as required by statute. (CFA 26.02c)
 - 3.** Crash reports maintained on file shall be available to be released upon request as directed in Florida State Statute 119. (CALEA 82.1.1c)
 - 4.** Records members releasing information shall redact all statutorily exempt data prior to its release.

XX. Traffic Crash Report Exceptions

- A.** The Driver's Privacy Protection Act, 18 United States Code sections 2721-2725 (DPPA) makes personal information contained in motor vehicle records of driver license records confidential and exempt from disclosure. Personal information in a motor vehicle record includes, but is not limited to an individual's:
 - 1.** Social Security Numbers;
 - 2.** Drivers license or Identification number;
 - 3.** Name;
 - 4.** Address;

5. Telephone number;
 6. Medical or disability information; and
 7. Emergency contact information.
- B.** Personal information does not include information related to crash data, driving violations, and driver status.
- C.** Personal information from these records may only be released to individuals or organizations that qualify under one of the following exceptions provided in DPPA:
1. Persons involved in the crash;
 2. Legal representative to a party involved in a crash or an immediate relative;
 3. Licensed insurance agent to a party involved in the crash, their insurer or insurers;
 4. Persons under contract to provide claims or underwriting information to a qualifying insurance company;
 5. Prosecuting attorney;
 6. A representative of a radio or television station licensed by the FCC or a newspaper qualified to publish legal notices or a free newspaper of general circulation, qualifying under statute;
 7. A representative of a local, state, or federal agency authorized by law to have access to these reports; or
 8. Representatives from a Victim Service Program, as defined in Florida State Statute 316.003(85).
 9. A receiving facility, hospital, or licensed detoxification or addictions receiving facility pursuant to s. 394.463(2)(a) or s. 397.6772(1)(a) for the sole purpose of informing a patient's emergency contacts of the patient's whereabouts.
- D.** Persons requesting copies of a crash report that occurred within 60 days after the date the report is filled and who meets an exception shall complete a "Sworn Statement for Traffic Crash Report Information" which shall be notarized and submitted to a member of Records.
1. The persons requesting records must present a valid driver's license or other photographic id, proof of status or identification that demonstrates his/her qualifications to access the information.



APPROVED

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CHIEF OF POLICE**