



Policy and Procedure Manual: R02

RECORDS MANAGEMENT POLICY.

NOVEMBER 2010

All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, gender, transgender, race, religion, belief, sexual orientation, marriage/civil partnership and pregnancy/maternity. If you consider this policy could be improved for any of these groups please raise with the author of the policy without delay.

Any enquiries in relation to this policy should be directed to Corinne Brazier, Force Records Manager, Information Services.

1. INTRODUCTION.

- 1.1 West Midlands Police (referred to as 'the force' thereafter) with immediate effect introduces a new Records Management Policy in line with The Management of Police Information 2006 (MoPI) Code of Practice (CoP) and Guidance. This policy should be read and implemented in conjunction with the Data Protection Act 1998 (DPA), the force retention schedule, composite offence lists for groups 1, 2 and 3 and the force Information Management Strategy. These documents are located on the MoPI website.

2. BACKGROUND.

- 2.1 MoPI applies to records held for a policing purpose. This is defined to be either:
- Protecting life and property
 - Preserving order
 - Preventing the commission of offences
 - Bringing offenders to justice
 - Any duty or responsibility arising from common or statute law
- 2.2 Policing records must also comply with the 8 principles of the DPA. These state that information must be:
- Fairly and lawfully processed
 - Processed for limited purposes
 - Adequate, relevant and not excessive
 - Accurate and up to date
 - Not kept for longer than necessary
 - Processed in accordance with the data subject's rights
 - Secure
 - Not transferred to countries outside the EU without adequate protection.

The Chief Constable has overall responsibility for force records and must ensure that the force complies with these requirements.

- 2.3 The purpose of MoPI is for all forces to implement effective information management procedures to ensure that information is recorded properly, shared appropriately, reviewed at necessary intervals and destroyed when no longer required. This will guarantee that records can be fully utilised, are adequate and up to date, and are not kept for longer than required.

- 2.4 The force recognises that good, effective records management can assist in the prevention and detection of crime and thereby increase public confidence, and help to achieve the Force vision of ‘Serving our communities and protecting them from harm’. It is committed to ensuring that it creates good quality records and manages them appropriately throughout their lifecycle.
- 2.5 The Criminal Procedures and Investigation Act (CPIA) 1996 also contains instructions on how long police forces must retain their information. It requires that all information relevant to an investigation (including unused material) must be retained for the length of any sentence handed down by the courts, or if there is no conviction – for 6 months following the completion of the investigation or court case. In most cases MoPI retention periods will go far beyond that of the CPIA but it is important to note the requirements for records where there has been a conviction.
- 2.6 The force retention schedule gives time periods for destruction of all record types – including those not covered by MoPI. This policy gives further information regarding retention of records that are covered by MoPI retention periods.
- 2.7 MoPI categorises records into 4 groups, which subsequently determine the retention period. There are a number of other criteria to consider for electronic records, as detailed below, but these do not need to be applied to paper records.

3. ELECTRONIC RECORDS.

- 3.1 Electronic records will be managed centrally, in agreement with system owners and business areas. The force Information Management Strategy covers the retention and disposal of these records and should be consulted for further information.
- 3.2 In summary, if an individual continues offending during the specified retention periods, the retention period for their electronic records may be reset. They will be retained until they have completed a ‘clear’ period where they do not come to police attention for any offending behaviour. If an individual becomes a high risk offender (MoPI group 1 or 2 – see *below*) all of the information that the force holds on them will be retained for the relevant time period for that MoPI group.
- 3.3 Electronic records are held about individuals in accordance with MoPI retention rules. Physical crime records are retained as long as the offence is likely to be investigated. The time periods for electronic and physical records may therefore be different.
- 3.4 The time periods given below therefore will not necessarily apply to electronic records and need only be applied to physical records.

4. PHYSICAL RECORDS.

- 4.1 Paper records can be destroyed as soon as the time periods detailed below (or on the force retention schedule) have expired. It is also worth bearing in mind that ICT developments will soon allow for the majority of these records to be held electronically, thereby drastically reducing the amount of paperwork that has to be retained as a physical copy. At present however, physical records must be kept for the specified time periods.

Retention periods for other physical records (exhibits, property etc) are covered later in this policy.

- 4.2 A chart showing the MoPI groups and further information can be found at the end of this policy in [Appendix A](#). Flowcharts for destruction of crime files and exhibits can be found at [Appendices B and C](#).

5. RECORD CREATION.

5.1 When new records are created, a number of standard principles must be adhered to:

- Search systems for any existing records before creating new ones.
- Add as much detail as possible – always include a date of birth if known.
- Link related records wherever possible.
- All information held for a policing purpose must be searchable and retrievable wherever possible.
- Do not duplicate information unnecessarily.
- Very little should be entered into a nominal field that does not refer to the name of an individual. Words such as 'refused', 'declined', and 'unidentified' must not be used.
- If duplicate records are identified –the necessary action must be taken to ensure that they are merged. For Crimes and IMS duplicates use the Multiple Application Merging System (or e-mail details to B_data quality if you do not have access) and for ICIS duplicates contact the ICIS Team.

Crime recording: –

- If suspect details are not known, do not record a suspect against that crime (i.e. do not record 'John Unknown').
- If a victim refuses to give their details, record them under nominal ref 572152E.
- If it is necessary to protect a victim's details (for example victims of Honour Based Violence, or if they are a serving member of the force), use the 'privacy flag', ensure that full details are recorded on the paperwork and include in the MO where the paperwork can be located.
- All suspects and defendants MUST have their details properly recorded. It is not acceptable to use nominal ref 572152E for offender roles or to record anything other than full nominal details.

6. MoPI GROUPS.

- 6.1 The MoPI groups relate to the risk posed by the offender. The first time an individual comes to the attention of the police their MoPI group will be determined by the offence they are thought responsible for. This will be the case regardless of whether they have been arrested/questioned/implicated/charged/convicted/cautioned or acquitted or if the offence has been 'no-crimed'. For the purpose of this policy, the word suspect will be taken to mean any of the above.
- 6.2 If individuals are subsequently involved in more serious offending, their group may change to reflect the higher level of risk that they now pose. For example, an individual can go from a group 3 to 2 or 1, but under no circumstances can an individual move from group 1, as they are deemed high-risk offenders.
- 6.3 Records where individuals have been eliminated from enquiries or the matter has been 'no crimed' will be retained for the same length of time as if the individual were still a suspect. For this reason, it is crucial that any information received indicating that an individual is not responsible for an offence is detailed on a WC202 (investigation log) and scanned into Crimescan. Their involvement in the offence must be made very clear.

- 6.4 When an offence is not crimed this must be put into the MO field of the Crimes record. Suspects must NOT be removed from Crimes if they are eliminated, (*see information regarding group 4 below for more details*).
- 6.5 Groups 1-3 relate to offences where a suspect has been identified (regardless of whether they have been arrested, charged, convicted or eliminated from enquiries). If no suspects are identified, the record will fall into group 4.
- 6.4 **Group 1**
- 6.4.1 This group pose the most threat to the public and include suspects of 'serious specified offences' (Criminal Justice Act 2003, Schedule 15), MAPPA managed individuals and 'potentially dangerous people'; – those that may not have committed serious offences but are believed to pose a high risk to the public (see appendix A for more information).
- 6.4.2 Group 1 records must be retained until the individual reaches 100 years of age.
- 6.4.3 A full list of group 1 offences can be found in the spreadsheet titled Composite List – Group 1 offences (located on the MoPI website under MoPI Guidance Documents).
- 6.5 **Group 2**
- 6.5.1 This consists mainly of sexual and violent offences not covered in group 1, some drug offences, and 'specified offences' as defined in the Criminal Justice Act 2003 Schedule 15.
- 6.5.2 Group 2 paper records must be retained for 10 years and can then be destroyed. If the individual is still thought to pose a risk of harm or the record contains a lot of relevant information about the individual, it may be retained for a further 10 years and reviewed again. Electronic records will be held for a minimum of 10 'clear' years – where the individual does not come to the attention of the force for any offending behaviour. If they do come to notice for offending behaviour then this time period will be reset.
- 6.5.3 A full list of group 2 offences can be located in the spreadsheet titled Composite List – Group 2 offences (located on the MoPI website under MoPI Guidance Documents).
- 6.6 **Group 3**
- 6.6.1 All other offences that do not come under group 1 or 2 will be found in group 3.
- 6.6.2 Group 3 paper records must be retained for 6 years and can then be destroyed. If the individual is still thought to pose a risk of harm, the record may be retained for a further 5 years. Electronic records will be held for a minimum of 6 'clear' years – where the individual does not come to the attention of the force for any offending behaviour. If they do come to notice for offending behaviour then this time period will be reset.
- 6.6.3 A full list of group 3 offences can be found in the spreadsheet titled Composite List – Group 3 offences (located on the MoPI website under MoPI Guidance Documents),
- 6.7 **Group 4**
- 6.7.1 Undetected crimes with no suspects fall into MoPI group 4. If an undetected crime has a suspect attached to it then it will belong to either group 1, 2 or 3.
- 6.7.2 Crime files for 'serious specified offences' with no suspect must be retained for 50 years, and all other offences with no suspect for 6 years.

- 6.7.3 If a suspect is eliminated from enquiries their details must be retained on Crimes to preserve an accurate record of the investigation and ensure that any future enquiries can be aware of previous incidents. Research has shown that it is common for suspects of serious crimes to have been investigated for previous offences that they had previously been NFA'd or eliminated from. Suspects **MUST NEVER** be removed from Crimes following elimination from an investigation.
- 6.7.4 An ELIM role has been developed to allow for the appropriate recording of an individual who is no longer a suspect. If an individual is proved not to be involved in an offence (i.e. if the allegations are determined to be malicious, or another individual is proved responsible) then their role should be amended to ELIM, and a WC202 (investigation log) must be completed detailing why they are no longer a suspect. The only reason a suspect should be removed is if they were never actually suspected in the first place (i.e. details inputted in error) or if they are showing on the same crime as a DEFE, RESP or PROB.

7. NON-CRIME RECORDS.

- 7.1 Non-crime paper records must be kept for the following time periods:

Minor road traffic offences	3 years
Drunk and disorderly	3 years
Hate incidents	6 years
Prostitution	6 years
Anti-social behaviour	6 years
Harassment	6 years
Non-domestic matters whereby an incident has taken place but no criminal offences recorded (such as accidental injury)	6 years
Vulnerable adult paperwork	10 years
Domestic incidents non crime	10 years
Child abuse non crime incidents	50 years

- 7.2 Offences that are reported, but found out to be false reports before they are crimed need not be retained at all.
- 7.3 Where an offence is recorded and later no crimed, this must be retained in line with the time period for the offence that was originally recorded.

8. OTHER INVESTIGATIVE RECORDS: - property and exhibits.

- 8.1 It is important to distinguish between records that provide information about an individual, and records that provide information towards an investigation. Any information about an individual will need to be kept for the time period specified by the MoPI group, whereas information relating to an investigation need only be kept as long as the Force is likely to be furthering that enquiry, for civil litigation purposes, or as long as legislation mandates.

These records will belong to one of two categories:

1. Convicted: - If an individual has been convicted of the offence, all records relating to the investigation must be retained for the length of any court ordered sentence or a minimum of 6 months following the end of the investigation/court case (whichever is longer).

In cases of historical interest, consideration may be given to retaining the materials for longer. For example, murder cases may be retained for longer.

2. All other cases (including acquittals, NFAs, or where no suspect has been identified):

- Group 1 = 50 years
- All other offences = when the Senior Investigating Officer has confirmed that there are no further lines of enquiry and the investigation is closed.

- 8.2 Discretion may be used to extend these time periods if deemed necessary. For example a cold case review after 40 years may identify some new lines of enquiry and at the 50 year destruction date the exhibits may still be required, in which case they may be retained until no longer useful.
- 8.3 None of these retention periods apply to administrative papers and copies etc gathered during the course of an investigation that do not add to an understanding of the nature of the offence, the enquiry itself, or the individuals involved.
- 8.4 If a photograph will suffice, i.e. if the physical material is not necessary for the investigation or the item is perishable, then it may be photographed and returned to the owner or destroyed.



MoPI GROUPS.

Review Group	Offence/Record type	Action
Group 1 – Certain public protection matters	1. MAPPA Managed offenders 2. Serious Specified Offences – CJA 2003 3. Potentially dangerous people	Retain until subject has reached 100 years of age
Group 2 – Other sexual and violent offences	Sexual offences listed in Schedule 3 Sexual Offences Act 2003. Violent offences specified in the Home Office Counting Rules/ National Crime Recording Standards. Non-serious specified offences – CJA 2003	Paper records = retain for 10 years
Group 3 – All other offences	Non-sexual, non-violent	Paper records = retain for 6 years
Group 4 – Undetected crime with no suspects	Serious specified offences: All other offences >	Paper records: Retain for 50 years Retain for 6 years



DESTRUCTION of CRIME FILES and EXHIBITS.

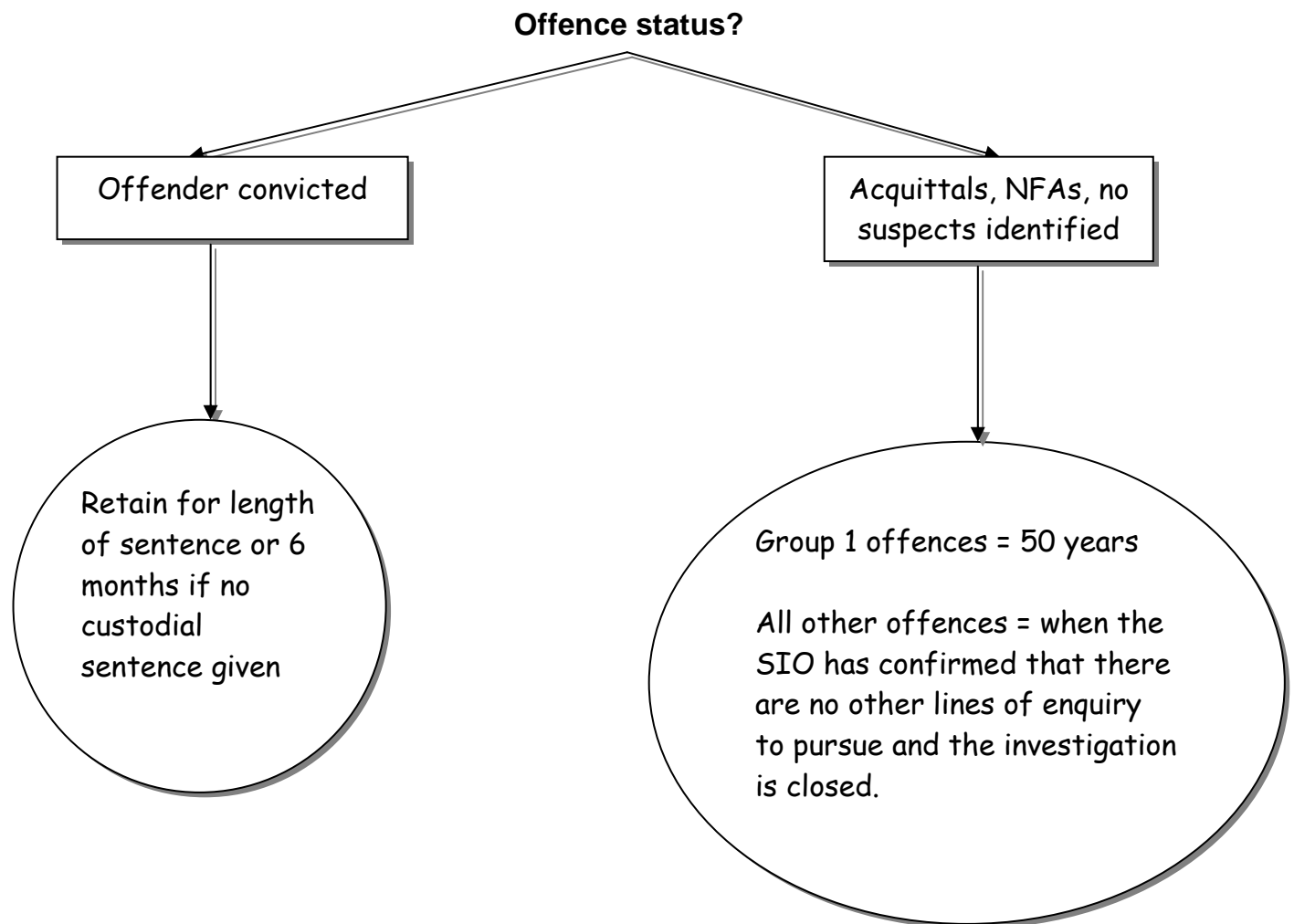
Scenario 1 – How long do I retain paper crime files?





DESTRUCTION of CRIME FILES and EXHIBITS.

Scenario 2 – How long do I retain exhibits and property?





Version History

Version	Date	Reason for Change	Amended/Agreed by.
1.0	3 rd November 2010 (sign off)	New policy document to supersede all previous interim guidance etc	Corinne Brazier – Force Records Manager.