

	POLICY & PROCEDURE	SERIES # 1406	PAGE 1 OF 7
	SUBJECT		EFFECTIVE DATE
	POLICE CENTRAL RECORDS		11/29/11
			OVERSIGHT Support Services
DISTRIBUTION ALL MANUALS	AMENDS/SUPERSEDES/CANCELS P&P # 1406 dated 02/01/01 and Chief's Directive 1406.1 dated 04/17/07.		

I. PURPOSE:

To establish the role of the Central Records Unit, and to set forth responsibilities and guidelines for the operation of the Unit.

II. POLICY:

The Hampton Police Division will maintain a Central Records Unit that continuously conducts those records-keeping and permit issuance activities basic to the operational and informational needs of the Division. This will be done in compliance with applicable laws and ordinances. This policy applies to all records and permits including those stored in computerized files which are subject to the provisions relating to security, access, and release of information.

III. PROCEDURE:

A. Compliance with Law

1. The maintenance and release of all information will comply with all relevant Federal, State, and local laws at all time. Any questions in this regard shall be referred to a Records Unit supervisor, who may in turn seek guidance from the City or Commonwealth Attorney in determining what information is to be maintained and released. Administrative Records will be maintained as required by law and/or Division Policy.

B. The Central Records Unit shall maintain the "OneSolution" Records Management System (RMS), an electronic repository of records and information to include but not limited to:

1. Incident Reports – reports submitted by Division members and Animal Control documenting the facts and circumstances surrounding a crime or event (IBR reports).
2. Traffic Accident Reports – officer's written account of the facts and circumstances involved in a motor vehicle accident.

APPROVED:
CHIEF OF POLICE



3. Warrants, Protective Orders and Summonses – items authorizing arrest of a subject and/or summoning an individual to court.
4. Arrests – persons arrested on criminal or traffic charges.
5. Names – A Master Name Index File is maintained through the Records Management System. This is a name relational database that is linked to all modules within the system. It serves as a cross reference within the database that includes persons named as victims, witnesses, suspects, persons wanted or arrested, listed in traffic accident reports and field contact cards.
6. Property file – to include stolen and recovered property.
7. Vehicle file – to include any vehicle information listed in any of the other reporting modules.
8. Virginia Uniform Summonses – all traffic and criminal summonses issued by Division members and Animal Control.
9. Parking Tickets – all parking tickets issued by Division members.
10. Field Contact Cards – lists information on Field Contact Cards submitted by officers.
11. Automated Criminal History Files – files maintained on individuals arrested in the City Hampton or by any law enforcement agency pursuant to warrants from the City of Hampton. This module includes at a minimum personal information and photographs. Fingerprint cards associated with these files are kept in digital format in the LIVSCAN and AFIS systems. Inked Palm Print cards are kept in hard copy files.)
 - a. Criminal histories are given an automated sequential identification number and cross-referenced by the names module. Only one number is issued to each name and each subsequent arrest of that person will be added to the existing file. (Individuals who are arrested that have older hard copy files are added to the automated files and the hard copy file removed to assure they have only one identification number and file.)
 - b. In accordance with state law, criminal history files of juveniles in the automated files will be identified separately from those of adults and access will be strictly controlled.

- c. Deletion of a record or any portion of a record shall be in compliance with a court order for expungement of records or Commonwealth of Virginia Library Retention Regulations.
- C. Also maintained in the Central Records Unit are hard copies of Criminal History Files prior to 1999. These files are maintained on individuals arrested in the City Hampton or by any law enforcement agency on warrants from the City of Hampton. These files contain at a minimum: photographs if available and fingerprint cards.
 - 1. Criminal histories are filed by a sequenced identification number and cross-referenced by name. Only one number is issued to each name.
 - a. Deletion of a record, or any portion of the record, shall be in compliance with a court order for expungement of records or Commonwealth of Virginia Library Retention Regulations.
 - 2. Criminal history information transcripts can be obtained from the State Police through VCIN for law enforcement purposes only.
 - 3. In accordance with state law, hard copies of criminal history files of juveniles will be maintained separately from those of adults and access will be strictly controlled.
 - a. Juvenile criminal history files will be maintained pursuant to state code.
 - b. Police officers will be allowed access to hard copies of juvenile criminal history files for identification and/or investigative purposes on a need to know basis.
- D. Records Maintenance
 - 1. Security
 - a. All records will be maintained in such a manner as to ensure security and privacy while allowing for constant updating, retrieval, and distribution.
 - b. Only authorized persons will be permitted access to the Records and Warrants Unit.

- c. Original records will not be removed from the Central Records Unit without express permission from the Support Services Commander or their designee. When this is authorized, the person taking custody of the items, and the date, shall be noted and placed in the record. Appropriate notation should also be made upon return of said records.
- d. In the event a record is found to be missing, a Records Supervisor shall be notified immediately. The supervisor shall promptly initiate an investigation into such matters, and forward a written report to the Support Services Branch Commander. All avenues will be exhausted in attempting to locate missing records. If items cannot be found, the Support Services Branch Commander will be notified in writing by the supervisor involved.
- e. The introduction of outside/unauthorized disks or software into any agency owned computer in the Central Records Unit is strictly prohibited.

2. Privacy

- a. Police Record Information shall only be disseminated to:
 - (1) Those authorized by Virginia State Code 19.2-389.
 - (2) Authorized officers or members of law enforcement agencies.
 - (3) Agencies authorized by state or federal statute or executive orders to conduct investigations that determine employment or security clearance eligibility.
 - (4) Agencies of any political subdivision of the state, for purposes of determining suitability for public employment, license, or permit.
 - (5) Any individual or agency authorized by Court order or rules.
 - (6) Service companies as defined by the Code of Virginia.

- (7) Criminal History information from any of the Divisions computerized systems shall be used only for the Law Enforcement purpose for which the request was made. Dissemination of such information outside of its intended Law Enforcement use will result in disciplinary action, and possible criminal prosecution.
 - (8) Social Services Personnel with appropriate ID will be allowed to obtain **Criminal Histories** only for the purpose of placing foster children. A purpose code of X must be entered with these transactions. All disseminations to Social Services must be logged as a secondary dissemination with DSS 63.1-56.01 in the ORI field.
3. Any request for records information that is questionable is to be referred to a Records Unit supervisor.
 - a. The supervisor may request in writing the source of the authority permitting access to this information.
 - b. If necessary, the Records Supervisor will consult with the City or Commonwealth Attorney prior to the release of any information requested.
 - c. All copies made of police records will be made in compliance with the Virginia Privacy and Security Act (VA Code Section 2.1-377 through 382).
4. Coordination with other agencies
 - a. Through established liaison activities with the Courts, records will reflect the current status of charges, both pending and tried. Criminal dispositions will be recorded and become part of the record.
 - b. Through established procedures, the Sheriff's Office will forward fingerprints and photographs of adult suspects charged with felonies and Class 1 and 2 misdemeanors.
 - c. Juveniles will be finger printed and photographed by the Forensic Unit, with assistance from the investigating officer.

5. Retention and Destruction of Records

- a. The Central Records Unit will adhere to the Retention Schedule as set forth by the Library of Virginia, “Retention and Disposition Schedule”, which is consistent with all legal and administrative requirements.
- b. Destruction of records will be done in a manner that is consistent with all Federal, State and local laws, especially those pertaining to privacy.
- c. Confidential personal records will **never** be placed with general refuse that is not disposed of in a secure manner.

6. Information Dissemination, Fee Collection and Processing

- a. Upon request from entities or individuals that are legally entitled to such information, a copy of the front page of a Crime or Incident Report will be provided for a fee. As set forth in VA State Code 15.1, certain confidential information will be blocked out.
- b. Drivers, owners, their insurers for same will likewise be provided with a copy of the Form FR-300 for a fee.
- c. All other information contained in these reports is considered investigative in nature (VA State Code 2.1-342) and is thus exempt from disclosure. Individuals who request additional information will be referred to the investigating officer or, where appropriate, to the City Attorney.
- d. IN NO CASE WILL ANY FURTHER INFORMATION BE RELEASED WITHOUT THE PERMISSION OF THE INVESTIGATING OFFICER OR THE COMMANDER OF THE RECORDS UNIT.
- e. Only authorized Records personnel will collect the appropriate fees as set forth in this Policy.
- f. Upon receipt of any fee, personnel shall immediately enter the transaction in the cash register or appropriate log. Receipts will be provided for all funds collected. Fees will remain in the form in which they were received (i.e., cash or check). No checks will be exchanged for cash for any citizen or city employee.

- g. All monies will be kept in a designated secure place. A Records Supervisor or his/her designee will review transactions.
 - h. The City of Hampton may conduct additional internal audits when appropriate. Central Records personnel shall cooperate fully with any such action.
 - i. Monies collected by the Central Records Unit will be transported to the City Treasurer's Office on a regular basis. This will be done by a sworn officer whenever possible. At no time will a single civilian employee transport a deposit.
 - j. The Records Unit will generate a monthly accounting report. A copy will be sent to Professional Standards and Accreditation.
7. Records information shall be accessible to Operations and Investigative personnel at all times. Information Center personnel will have access to all Central Records Information after-hours.