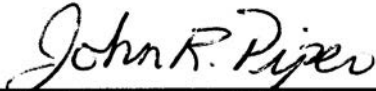




**WINCHESTER POLICE DEPARTMENT OPERATION ORDER**

**NOTE: This directive is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.**

<b>Number</b> 2-40		<b>Effective Date</b> June 13, 2022	<b>Review Date</b> April 21, 2022	<b>Reviewing Division</b> Administration
<b>Subject</b> <b>RECORDS MANAGEMENT</b>		<input type="checkbox"/> New Policy  <input checked="" type="checkbox"/> <b>Revised</b>  <input type="checkbox"/> Replaces:		<b>This directive shall apply to personnel assigned to the following divisions:</b>  <input checked="" type="checkbox"/> All Personnel  <input type="checkbox"/> Patrol Division  <input type="checkbox"/> Administration Division  <input type="checkbox"/> Investigation Division
<b>References</b>  VLEPSC: ADM.09.01 - .02  CALEA				
 <hr/> Chief of Police or Designee		June 13, 2022 <hr/> Date		

**I. PURPOSE**

The purpose of this directive is to identify and explain various records functions, reports, files, and information collected, stored, and disseminated by the Department Records Section.

**II. POLICY**

The Records Section serves as the Department’s central records component and as the focal point for matters associated with records. Centralization places accountability in a specialized section, increases efficiency, reduces duplication, and is vital to the effective delivery of law enforcement services.

**III. PROCEDURES**

A. Records Administration

1. The Captain of the Administration Division has overall supervision of the Records Section, with direct supervision by the Records Section supervisor.
2. Records clerks will normally handle all requests directed to the Records Section.

3. Department records functions include report control, records maintenance, records retrieval, coding and accounting for uniform crime reporting purposes, routing of reports, and the release of information to the public.
4. The Department criminal records system will conform to requirements as provided by the Virginia Central Criminal Records Exchange (CCRE).
5. A central repository of records is maintained by the Records Section to include:
  - a. Incident based reporting (IBR) reports;
  - b. Arrest reports;
  - c. Adult arrest records;
  - d. Juvenile arrest records (kept separate from adult arrest records);
  - e. Traffic summons;
  - f. Other administrative files as directed by the Chief of Police.
6. Active case files are maintained by the Criminal Investigations Division and the Patrol Division.
7. The Department's record retention schedule shall be consistent with Library of Virginia requirements.

B. Records Security

1. Security and confidentiality of information stored in the computerized criminal history files of the Virginia Criminal Information Network (VCIN) and the National Criminal Information Center (NCIC) shall be in accordance with the VCIN manual and U. S. Department of Justice regulations.
2. The Records Section shall be locked and secured from unauthorized access during non-business hours.
3. The Records Section shall be staffed during normal business hours and protected from unauthorized access. All requests for information protected by Virginia Code shall be processed in accordance with department directives.

4. Persons authorized to release criminal history record information shall be responsible for completing the dissemination control book whenever any such information is disseminated to persons not employed by the department.
5. Supervisors shall insure that security measures are followed to provide maximum security of criminal history record information. Unauthorized persons will not be allowed to enter areas where such information is stored, collected, or processed.

C. Criminal History Files

1. A personal identification number is assigned and a criminal history file is maintained on each person arrested.
2. Criminal history files include:
  - a. Fingerprint cards and photographs allowed by Virginia Code;
  - b. Record of arrest reports;
  - c. Criminal history transcripts, if available. Normally these files are immediately accessible through VCIN and NCIC.
3. CCRE requirements include:
  - a. Persons arrested and to be released on a summons shall not be held in custody after the issuance of the summons for the purpose of completing CCRE reports.
  - b. In cases where a person is arrested for a CCRE reportable offense and is released on a summons, the CCRE processing shall be completed by the City Sheriff's Office after the disposition of guilt is entered in court. This applies when a misdemeanor is released in the field on a written summons. It does not apply to felony arrests or arrests on a warrant in which the person is brought before a magistrate and subsequently released on bond or other form of pretrial release.
4. Dissemination of adult criminal history information may be made to:
  - a. Authorized officers or employees of criminal justice agencies;
  - b. Other entities as allowed by law.
5. Information concerning the arrest of an individual may not be disseminated to a non-criminal justice agency or individual, if an interval of one (1) year has elapsed from the date of the arrest and no disposition has been recorded and no active prosecution is pending.

6. If there are any questions regarding to whom information can be released, one of the following avenues should be taken:
  - a. Review the request with the Captain of the Administration Division, Records Section supervisor, or with any on-duty supervisor; or
  - b. Ask the requesting company or person to submit a copy of the federal or state statute or court order permitting them access to the information.
  
7. An individual or his/her attorney may upon proper identification, inspect any criminal history record information maintained on that individual by the Department or the CCRE. All such requests shall be referred to the Captain of the Administration Division. Prior to any such inspection, the Captain of the Administration Division may request a verification of the individual's identity through the furnishing by the individual of a set of fingerprints. Such verification shall be required for requests to inspect CCRE records. If the individual's fingerprints are not on file, the fingerprints will be mailed to CCRE for verification, prior to an inspection of a CCRE record. At a minimum, for inspection of a record maintained by the Department, verification of identity shall be through presentation of a valid vehicle operator's license, valid identification card, or valid photo identification from a federal or state agency.
  
8. All requests to challenge a criminal history record will be referred to the Captain of the Administration Division, who will proceed as specified in the rules and regulations of the Criminal Justice Services Board. In the event an error in records maintained is detected, all known copies of the record shall be corrected. The Captain of the Administration Division shall notify, in writing, all agencies and individuals who have received the record of the correction. The Department shall also, upon request, give the individual or his attorney a list of all non-criminal justice agencies to whom the data has been furnished.
  
9. Records may be expunged by the court. In the event of an expungement order, all records of the arrest will be placed in an envelope and sealed. These records include the Department arrest report, CCRE arrest report, fingerprint cards, photos, offense reports, and all other documents which indicate that the arrest took place. Any Department records pertaining to the arrest unable to place in envelope, shall be deleted from any department computer system. The envelope should be assigned a sequential number with the number marked on the right upper corner of the envelope. An index card will be maintained reflecting the sequential number and name of the individual. The index card will be placed in the front of the sealed expunged records file. No one shall under any circumstances review or disclose any information from such sealed record without an order from the court which ordered the record expunged.

D. Retention of Juvenile Arrest Information

1. Juvenile fingerprint cards, photographs, and arrest records authorized for retention will be separately and securely maintained.
2. Fingerprint cards and photographs may be retained when the court finds that any juvenile has committed a delinquent act, which if committed by an adult is reportable to CCRE.
3. Fingerprints and photographs of juveniles may be retained by the Department and copies sent to CCRE in accordance with Virginia Code.
4. Arrest information such as fingerprints, photographs, and custody reports which may be collected and made part of a juvenile arrest record, will be retained for the specified length of time then disposed of as directed by Library of Virginia requirements.
5. Fingerprint cards and photographs of juveniles will be destroyed when:
  - a. No petition is filed against a juvenile whose fingerprints or photograph have been taken in connection with an alleged violation of law; and
  - b. A juvenile is found not guilty by juvenile court or circuit court of a charge of delinquency.

E. Dissemination of Juvenile Arrest Information

1. Virginia Code requires that all law enforcement agencies take special precautions to ensure that law enforcement records concerning a juvenile are protected against disclosure to any unauthorized person.
2. Juvenile arrest information and records may be disseminated to individuals or agencies for law enforcement purposes only to include:
  - a. A court having the juvenile currently before it in any proceeding;
  - b. The officers of public and non-governmental institutions or agencies to which the juvenile is currently committed and those responsible for his or her supervision after release;
  - c. Any person, agency, or institution, by order of the court, having legitimate interest in the case or in the work of the law enforcement agency involved;

- d. Law enforcement officers of other jurisdictions by order of the court, when necessary for the discharge of their current official duties;
  - e. The probation and other professional staff of a court in which a juvenile is subsequently convicted of a criminal offense, for the purpose of a pre-sentence report or other dispositional proceedings, or by officials of penal institutions considering the juvenile's parole or discharge, or in exercising supervision over the person; and
  - f. The juvenile, parent, guardian, or other custodian and counsel for the juvenile by order of the court.
3. Police officers may release, upon request to one another and to other local, state, or federal law enforcement officers, current information on juvenile arrests, limited to name, address, physical description, date of arrest, and charge for which the arrest was made. Such information may only be used for current investigations and not for creation of new individual files or records.
  4. Provisions for the expungement and sealing of juvenile arrest records as listed in Virginia Code will be adhered to as mandated.

F. Uniform Crime Report (UCR)

1. The Department is an active participant in the National Uniform Crime Reporting Program. Crime data is collected and reports are prepared and submitted electronically as specified in the UCR manual and incident based reporting (IBR) manual.

G. Warrant and Wanted Persons File

1. All warrants picked up from the magistrate's office for service must be provided to ECC/Warrant Clerk for assignment of a warrant document number and entry into the RMS system. All warrants must be modified by the ECC/Warrant clerk for NCIC and VCIN entry per the set forth requirements by Virginia State Police.
2. The warrant and wanted persons file consists of a document file that includes local warrants, warrants from other agencies, capias, etc., which are filed in the Department's computer system with information to include:
  - a. Date and time received;
  - b. Type of process (civil or criminal);
  - c. Nature of document;

- d. Source of document;
  - e. Name of the plaintiff, defendant, complainant, and respondent;
  - f. Officer assigned for service;
  - g. Date of assignment;
  - h. Method of service;
  - i. Date of service and/or return; and
  - j. Court docket number assigned by the court.
3. Documents shall be placed in a document holder and stored in the Emergency Communications Center (ECC). It is the responsibility of each officer to attempt service of legal documents during his or her tour of duty.
  4. Department personnel serving legal documents shall maintain records on document folders and activity forms with information for service or attempted service, to include:
    - a. Name of the person for who service was attempted;
    - b. Date and time of service or attempted service;
    - c. Name of server;
    - d. To whom the legal document was served;
    - e. Method of service, when applicable;
    - f. Location of service, when applicable; and
    - g. Reason for non-service.
  5. Proper documentation of service or attempted service of legal documents is the responsibility of supervisors and the officers under their direction.
  6. VCIN and NCIC manual guidelines will be followed when entering, verifying, and canceling wanted person information.
  7. Information pertaining to any outstanding warrant on file shall be accessible to all authorized personnel at all times.

## H. Indexes

1. The Records Section maintains a master name index that serves as a cross-reference to reports in which a person has been named. Names listed in the master name index file include victims, complainants, suspects, and witnesses.
2. An incident type index is maintained by the Records Section, providing quick access to information including location regarding certain types of incidents which can be cross referenced to reports, case files, etc.
3. An incident number index is maintained by the Records Section, providing quick access to information for all reported incidents of law enforcement service. The incident number consists of eight (8) numbers, with the first two (2) numbers indicating the year of the report.
4. Incidents by location and stolen, recovered, found, and evidentiary property are maintained by the department.

## I. Reports

1. Incident reports will be completed on the following:
  - a. All criminal offenses;
  - b. All offenses required by Virginia Code;
  - c. Missing persons and runaways;
  - d. Mentally ill persons;
  - e. Unattended deaths and suicides;
  - f. Animal complaints;
  - g. Suspicious persons;
  - h. Malicious mischief;
  - i. Police information; and
  - j. Any other incident required by the Chief of Police.
2. Department personnel will complete an incident report on incidents reported by residents of the City of Winchester, whenever the location of the incident cannot be determined.



3. All initial reports completed by Department personnel will be submitted to their supervisor before the end of their tour of duty. The supervisor may allow the officer to submit misdemeanor reports, non-criminal incident reports, and traffic crash reports the following day.
4. Supervisors will review and sign all reports submitted by assigned personnel for completeness, content, and errors. All reviewed reports will be reviewed by the Records Manager to ensure compliance with this policy.

J. Handling of Funds

1. Records Section personnel are authorized and frequently called upon to perform certain non-mandated services in the Department, and therefore are bonded in accordance with Virginia Code.
2. Non-mandated services performed by Records Section personnel will be performed using a fee schedule established by the Chief of Police.
3. As required by the Department of Criminal Justice Services Board, a schedule of fees shall be posted at the Department in an area conspicuous to the public.
4. The person requesting a service from the Records Section for which a fee is charged, must pay the fee to the Records Section before the request is processed.