



Herndon Police Department GENERAL ORDERS

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RECORDS MANAGEMENT

I. POLICY

- A. The Herndon Police Department will effectively and efficiently manage official law enforcement records.
- B. The creation, processing, retention, destruction, and release of records will comply with department policy and all relevant federal, state, and local laws, and will be subject to the Virginia Public Records Act, pursuant to Virginia Code § 42.1-76–§ 42.1-91.

II. TERMINOLOGY

- Public Record (Record) – information, in any format (physical, electronic, digital, audio, etc.), that documents a transaction or activity by the department or its members, regardless of the form.
- Records Retention and Disposition Schedule (RRDS) – the required retention and destruction guide mandated for public records by the Library of Virginia under the authority of the Virginia Public Records Act, Virginia Code § 42.1-85.

III. RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for the overall administration, enforcement, and implementation of records management and will ensure lifecycle accessibility, preservation, conversion, migration, retention, and disposition of official law enforcement records. The Records Section is specifically responsible for:

- A. Effectively managing department records, which governs the creation, maintenance, and disposition of public records regardless of the type, by following a systematic and logical process to adhere to the Virginia Public Records Act, Virginia Code § 42.1-76–§ 42.1-91, department policy, best practices, and all relevant federal, state, and local laws.
- B. Ensuring compliance with the most current RRDS, according to the prescribed timetable establishing the required retention period and disposition action of a



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record series. The administrative, fiscal, historical, and legal value of a public record shall be considered in appraising its appropriate retention schedule.

- C. Facilitating the applicable release of records through the Freedom of Information Act, or other department or legal process.
- D. Designating a records officer to serve as a liaison with the Library of Virginia.
- E. Developing processes and procedures for the department's records management program to comply with the Library of Virginia and the most current RRDS.
- F. Coordinating and/or assisting department members in the examination and classification of department records and ensuring that essential, archival, and permanent records are identified, properly maintained, protected, and accessible for the length of time required by the RRDS.

IV. RECORDS MANAGEMENT

Effective records management involves the essential elements of a record's lifecycle (creation, retention, and disposition). Each department member is accountable and responsible for the proper processing and management of official law enforcement records.

A. Records Creation

The creation of records will be in accordance with the current standards and requirements prescribed by the department. Department members should create electronic formats of official records unless paper records are necessary to perform the task. The department will intentionally work towards reducing the use of paper in creating and maintaining official records.

B. Records Retention

1. Records will be retained, as appropriate, by each section and **reviewed for retention or disposition status every 12 months.**



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2. The Records Section will require an annual inventory of records maintained by the department in each section. This inventory will ensure that each section's records are reviewed for retention or disposition.
 3. Each section's inventory will necessitate an established retention period for all records held, with a disposition date according to the RRDS. A customized plan and process will be developed for each section to convert retained records to an electronic format, for migration to and management by the Records Section. This is necessary so that official law enforcement records are not lost due to hardware, software, or media obsolescence, deterioration, and are purged in accordance with the RRDS.
 4. Department members that convert and/or migrate a physical record to an electronic record shall ensure it is an accurate copy of the original record. The converted electronic record shall then become the original record. Converted records (electronic conversions of records and documents scanned to PDF/file format) should be reviewed by a supervisor or designated reviewer for a quality check. The RRDS governs retention of electronic records in the same manner as paper records. Content, not format, drives records retention.
 5. The department will no longer archive and file paper records for longer than six months. All non-electronic records created shall be converted, quality checked, and migrated to the Records Section within six months of creation unless active or exempt.
 6. Physical records not converted to electronic format are at risk of loss, damage, and deterioration, and remain unsearchable until converted.
- C. Records Disposition (Destruction)
1. Records retention schedules are established by the Library of Virginia and by law must be followed. Retention schedules clearly identify the record series, the associated length of time a series must be kept, and its required disposition.



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2. **All department records (paper or electronic) must be destroyed once the applicable retention period has expired. No records may be maintained past the end of their stated retention period unless they are involved in a current investigation, litigation, or audit, or have been identified for permanent retention.** (Virginia Code § 42.1-86.1)
 3. Records destruction will be performed in accordance with Library of Virginia procedures and documented on a Certificate of Records Destruction (RM-3 Form). The RM-3 Form is required when destroying public records, in all forms and types (physical, electronic, digital, audio, etc.). The Records Section will facilitate the completion of the RM-3 Form. The original RM-3 Form must be submitted to the Library of Virginia, and the department must retain a copy of the form for three (3) years. Acceptable methods of destruction include confidential and non-confidential destruction as required according to the RRDS.
 4. The disposition of non-records (record copies, personal items, reference materials) involves the destruction of non-record material, confidential or otherwise. Such items will NOT BE REPORTED to the Library of Virginia and no RM-3 form is required. If necessary, the destruction of non-records should adhere to best practices for discarding information that may contain personal identifying information or other sensitive data.
- D. The department will have a Records Emergency Action Plan, which may be part of the Continuity of Operations Plan, that clearly communicates the procedures for records recovery in the event of a natural disaster, fire, or other catastrophic event affecting the department, pursuant to the Virginia Code § 42.1-86. Each section shall have a point person as the liaison with the designated records officer in the event emergency action needs to be implemented.

V. RECORD TYPES

The Records Section is responsible for the overall management and disposition of all department records. Department sections are responsible for specific records and



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shall ensure timely and accurate adherence to records management practices in accordance with department policy, the Virginia Public Records Act (VPRA) § 42.1-76 et seq., and best practices beyond the scope of the VPRA for the lifecycle of the record. Unless records are active or exempt, the Records Section shall be consulted on records management practices. The following is a general account of records maintained by the department.

A. Records Section:

1. Adult Arrest Files
2. Background Checks
3. Court Ordered and Other Process Records
4. Court Ordered Process Records - Protective Orders
5. Criminal History Records: Local Information Requests and Challenges
6. Expungements
7. Incident and Supplement Reports
8. Field Notes
9. Investigative Case Files – Resolved/Unresolved
10. Traffic Accident/Crashes
11. Juvenile Arrest Files
 - a. In accordance with Virginia Code § 16.1-301, juvenile records will be maintained and identified separately from adult records, even in cases where the same person has a juvenile and adult record. **<82.1.2a>**
 - b. Fingerprints, photographs, and other forms of identification, in connection with arrests, are collected at the juvenile detention center and maintained in the LIVESCAN and AFIS systems. **<82.1.2b>**
 - c. Juvenile arrest files are restricted to those with authorized access. **<82.1.2c>**
 - d. Deletion or partial deletion of a juvenile record after reaching adult age shall occur in accordance with a court order for expungement or in compliance with the RRDS. **<82.1.2d,e>**
12. Missing Persons (Resolved/Unresolved)
13. Parking Tickets
14. Vehicles Towed – Abandoned, Impounded
15. Other records that support law enforcement purposes that comply with the RRDS and are managed and maintained in the Records Section.



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B. Communications Section:

1. Dispatch (Communications) and Emergency Call Recordings: not retained as evidence
2. Dispatch (Communications) and Emergency Call Records: supporting documentation
3. Court Ordered and Other Process Records
4. VCIN/NCIC Administrative Messages: (not part of an investigative file, validation records, original entry printouts/worksheets)
5. Warrants, unexecuted

C. Patrol and Traffic Safety Sections:

1. Automotive Operations: Radar/LIDAR service records
2. Automotive Operations: Speed-limit Enforcement Equipment Calibrations
3. Officer's Individual Cases and Files
4. Roll Call Files
5. Field Notebooks

D. Criminal Investigations Section:

1. Criminal Investigative records
2. Confidential informant files
3. Crime Analysis Files
4. Recording, Surveillance, or Monitoring Systems – not used as evidence
5. Investigative Case Files:
 - Less Serious Offenses (Resolved or Unresolved)
 - Non-Serious Offenses (Resolved or Unresolved)
 - Serious Offenses - Unresolved
 - Historically Significant

D. Personnel and Training Section:

1. Personnel training records
 - DCJS credited
 - Department- held or discretionary training
2. Recruitment, Hiring, Interview, and Selection Records
3. Firearms Qualifications Records



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4. Weapons Inventory and Assignments

E. Chief's Office:

1. Accreditation Records – supporting documentation (CALEA)
2. General Orders, Regulations, and department directives
3. Internal Affairs Files (considered CONFIDENTIAL and will remain in the section).
4. FOIA requests/responses
5. General administrative matters

VI. RECORDS RETRIEVAL, SECURITY, AND PRIVACY

Records will be managed and maintained for law enforcement purposes in such a manner as to ensure security and privacy while allowing for constant updating, retrieval, and dissemination. **<82.1.1a>**

- A. Authorized department personnel are permitted access to records and the Records Section as needed in conjunction with their job responsibilities. Department personnel have 24-hour access to records through the records management system and Communications personnel have 24-hour direct access to active warrant and legal process files. **<82.1.1b>**
- B. Original physical records shall not be removed from the Records Section unless an electronic copy has been created.
- C. Release of records shall be governed by the following: **<82.1.1c>**
 1. Pursuant to Virginia Freedom of Information Act requests, Virginia Code § 2.2-3700.
 2. As authorized by Virginia Code § 19.2-389 for criminal history information. Requests for criminal history information other than for Town of Herndon convictions shall be referred to the Central Criminal Records Exchange of the Virginia State Police. Criminal history records may only be accessed by authorized personnel as permitted by law.



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3. As authorized for officers or members of other law enforcement agencies for law enforcement purposes.
 4. As authorized by state or federal statute or executive orders for agencies to conduct investigations that determine employment or security clearance eligibility.
 5. As authorized by a court order.
- E. The Police IT Section maintains the operational integrity of the records management system in concert with the approved CAD/RMS vendor to ensure access, data back-up, and storage requirements are preserved. An audit to verify password access of the records management system is conducted annually.
- <82.1.6>**
- F. Traffic Citations Forms **<82.3.4>**
1. The department primarily utilizes electronic summons technology and devices to issue and record traffic and parking citations. Following issuance, officers print a copy of the citation for the Records Section to transfer to the appropriate court. The citation record is automatically captured in the records management system.
 2. Pre-printed citations (to include Virginia Uniform Summonses and/or Herndon Notice of Parking Violations) are ordered and stored in the Records Section for distribution to officers. When utilized, officers shall provide a copy of the citation to the Records Section for processing and document each citation issued on a log sheet. Officers shall submit citations to supervisors prior to the end of their shift, and supervisors will turn them over to the Records Section, who will forward the citations to the appropriate court.
 3. If a citation needs to be voided, the officer shall provide the details of the circumstances in a memo through the chain of command, with a copy to the Records Section.



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VII. EXPUNGEMENTS

- A. Expungements are covered by Virginia Code § 19.2-392.2-3. The expungement process falls under the purview of the circuit court. Upon receipt of an expungement request, the Records Section shall ensure that the department complies with the provisions of the expungement. The Records Section shall place all original records authorized for expungement in a sealed envelope with an assigned reference number provided by the Virginia State Police, clearly indicate on the envelope that the record shall only be opened by order of the court and maintain the expungement until retention requirements have been met. All electronic and/or physical copies shall be destroyed. Once completed, the Virginia State Police shall be notified of compliance. Violation of the code by willingly accessing or acquiring expunged records is punishable as a criminal offense.
- B. Juvenile record expungements are governed by Virginia Code § 16.1-306. Once time requirements are met as established by law, the offense shall be treated as if it never occurred and effectively “no such record exists” with respect to such persons unless felony or other cases enumerated by code require longer retention.

VIII. ACCOUNTABILITY

- A. The Records Section Supervisor shall prepare an annual report to the Chief of Police detailing the department’s status and efforts related to records management to include maintaining required compliance with VPRA and the RRDS. The report shall include:
1. Detailed inventory of records contained in each department section by record type, date range, and volume of records held.
 2. Results of the annual inventory by section identifying the need and plan of action for record conversion and migration to the Records Section.



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3. Identification of records by department section that are lost or in danger of loss due to hardware, software, or media obsolescence or deterioration.
4. Compliance status with the Library of Virginia and RRDS.
5. Annual documentation of all physical and electronic records destruction submitted and approved by the Library of Virginia.
6. IT status update on the searchable records database's maintenance, storage, security, and privacy, to include servers, electronic equipment used to scan, manage, and search for electronic records.
7. Records Emergency Action Plan status update to include the maintenance of all back-ups for electronic storage and physical storage locations.
8. Recommendations or feedback for each department section based on policy adherence.