




City of Manassas Police Department General Duty Manual



Effective Date: 06-05-2000	GENERAL ORDER	Number: 04-04
Subject: Criminal History / Records Security		
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General Order # Dated:		
Accreditation Standards: 82.1.2	By Authority Of:  Douglas W. Keen, Chief of Police	Total Pages: 5

PURPOSE:

To establish guidelines to ensure the security, retention and dissemination of arrest record information and police report information maintained by the Department.

POLICY:

The Commonwealth of Virginia and the Department of Criminal Justice Services has adopted both statutory laws, rules and regulations that govern the security, privacy and dissemination of adult and juvenile arrest record information. These laws, rules and regulations also pertain to the physical area where record information is collected, processed and stored. The Department complies with these laws, rules and regulations. It is imperative that all members, especially those assigned to the Records Section, understand and comply with these laws, rules and regulations.

The procedures in this directive apply to originals, copies and manual or automated data that are used, collected, stored and disseminated by the Department.

DISCUSSION:

N/A

For the purpose of this directive, the following definitions apply:

CRIMINAL JUSTICE AGENCY: A court or any other governmental agency or subcomponent that as its principal function performs the administration of criminal justice and any other agency or subcomponent of which performs criminal justice activities.

CENTRAL CRIMINAL RECORDS EXCHANGE (CCRE): The repository, operated in Virginia, operated by the Virginia Department of State Police, that receives, identifies and maintains individual criminal history records from criminal justice agencies throughout the state.

CRIMINAL HISTORY RECORDS INFORMATION (CHRI): Records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information or other formal charges, and any disposition arising therefrom.

CONVICTION DATA: Information in the custody of any criminal justice agency relating to a judgment of conviction and the consequences arising therefrom, in any court.

DISSEMINATION: Any transfer of information, whether orally, in writing, or by electronic means. The term does not include access to the information by officers or other members of a criminal justice agency maintaining the information whom have both a need and right to the information.

EXPUNGE: The removal of specific criminal history information, as defined by a court order, from public inspection or access.

PUBLIC SERVICE COMPANY: Gas, pipeline, electric light, heat, power and water supply companies, telegraph companies, and all persons authorized to transport passengers or property as common carrier, excluding all municipal corporations, other political subdivisions, and public institutions owned or controlled by the state.

SEAL: To physically secure to prevent inspection, except where specified by court order.

Effective Date: 06-05-2000	GENERAL ORDER	Number: 04-04
Subject: Criminal History / Records Security		Page: 2 of 5

PROCEDURE:

I. Responsibilities

- A. Persons authorized to release criminal history information must ensure that a Criminal History Record Request form is completed whenever any such information is disseminated to persons not employed by the Department. Persons authorized to release CHRI are:
 - 1. Records Section members.
 - 2. On duty Public Services Communications Center (PSCC) members, for requests received via VCIN.
- B. Supervisors ensure that security measures (see Section II) are followed to provide maximum security of CHRI.
- C. The Commander of Administrative Services ensures that:
 - 1. CHRI inquiries are processed according to State laws, rules and regulations.
 - 2. Juvenile arrest records are separated from adult records and are collected, disseminated, retained and disposed of in accordance with State laws and schedules.

II. Security

- A. Access to the Department's Records Room where criminal history record information is collected, stored, processed and disseminated is limited to authorized persons who are as follows (also see General Order 4-2):
 - 1. Records Section members.
 - 2. Sworn and non-sworn members.
- B. Telecommunications.
 - 1. All computer terminals having access to CHRI must be secure.
 - 2. Any terminal device capable of receiving or transmitting CHRI must be attended during all periods of its operation.
 - 3. In cases in which the terminal is unattended, the device, through some security means must be made inoperable or inaccessible.
 - 4. The facilities used in connection with the terminal must be secured. In addition:
 - a. All terminals must be identified on a hardware basis to the host computer.
 - b. Appropriate identification of any terminal operator is required.
 - c. Terminals and associated equipment must be reasonably protected from possible tampering or tapping.
 - d. Dial-up lines are strictly prohibited to access CHRI.
 - 5. Department designated criminal justice terminal identifier is:
 - a. MANA: Four letter terminal identifier for the Department on the Virginia Criminal Information Network (VCIN) primary terminal located in the Public Safety Communications Center.
 - 6. Use of VCIN terminals is limited to only those persons listed with the Virginia State Police as authorized level A or B Operators.
 - 7. The computer must store CHRI in such a manner that it can not be modified, destroyed, accessed, changed, purged or overlaid in any fashion.

III. Dissemination of Adult Criminal History Information

- A. All CHRI is disseminated in accordance with the provisions of the Code of Virginia Section 19.2-389. Information may be disseminated to individuals as follows:
 - 1. To authorized officers or other members of criminal justice agencies, for purposes of administration of criminal justice and the screening of Department applicants.
 - 2. Agencies of State / Federal Government conducting investigations to determine employment suitability or eligibility for security clearance allowing access to classified information.
 - 3. Individuals or agencies authorized in writing by court order or rule.
 - 4. Agencies of any political subdivision of the State conducting applicant investigations for public employment, permit or license as required by ordinance.

Effective Date: 06-05-2000	GENERAL ORDER	Number: 04-04
Subject: Criminal History / Records Security		Page: 3 of 5

5. Public or private agencies when and as required by law to investigate applicants for foster or adoptive parenthood.
6. Authorities for the purpose of granting citizenship or for international travel (i.e., visas, and passports).
7. Individuals and agencies that require criminal history information to implement State / Federal statutes, or executive orders of the President of the United States or the Governor of Virginia that expressly refer to criminal conduct and contain requirements or exclusion expressly based on such conduct.
8. All persons requesting a copy of their own CHRI.
- B. Information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition has been recorded on the agency copy and can not be obtained from archives (dispositions are recorded and disseminated by the court) and no active prosecution is pending.
- C. A request form designed and prepared by the requesting agency or a Criminal History Record Request form is completed when criminal history record information is disseminated to persons not employed by the Department. A record of this dissemination is noted, by the involved Records Section member, on the Criminal History Record Request Form. The Criminal History Record Request Form is maintained in the Records Section for a period of at least two years.
- D. If there are any questions regarding to whom information can be released, one of the following avenues should be taken:
 1. Check with the Police Records Supervisor.
 2. Check with other Records Section members in the absence of the Police Records Supervisor.
 1. The Records Section, upon presentation of a notarized release signed by the prospective employee, may honor request for CHRI by prospective employers. The requester must also complete the appropriate Police Record Check form.
- E. Review.
 1. An individual or his attorney may, upon proper identification, review any CHRI maintained on that individual by this Department or the CCRE. Such requests are handled through the Records Section.
 2. At a minimum, for inspection of a record maintained by this Department, verification of identity must be through presentation of one proper photo identification card, and one additional proper identification card. The following documents constitute a proper identification document:
 - a. Valid motor vehicle operator's license.
 - b. Valid nonoperator's identification card.
 - c. Valid photo identification issued by a Federal or State agency.
 - d. Current passport.
 - e. Birth certificate.
 - f. Social Security Card.
 - g. A United States Military identification card.
 3. The requesters can be referred to the Virginia State Police for CCRE records.

IV. Dissemination of Juvenile Arrest Information

- A. Inquiries received by the Records Section concerning juvenile records are normally referred to the Police Records Supervisor.
- B. Code of Virginia Section 16.1-301 requires that all law enforcement agencies take special precautions to ensure that the law enforcement records concerning juveniles are protected against disclosure to any unauthorized person.

Effective Date: 06-05-2000	GENERAL ORDER	Number: 04-04
Subject: Criminal History / Records Security		Page: 4 of 5

- C. Juvenile arrest information / records may be disseminated to individuals / agencies on a need to know basis to include:
 - 1. A court that has the juvenile currently before it in any proceeding.
 - 2. The officers of public and nongovernmental institutions or agencies to which the juvenile is currently committed, and those responsible for his supervision after release.
 - 3. Any other person, agency or institution, by order of the court, having legitimate interest in the case or in the work of the law enforcement agency.
 - 4. Law enforcement officers of other jurisdictions, by order of the court, when necessary for the discharge of their current official duties.
 - 5. The probation and other professional staff of a court in which the juvenile is subsequently convicted of a criminal offense for the purpose of a presentence report or other dispositional proceedings, or by officials of penal institutions considering his parole or discharge or in exercising supervision over the juvenile.
 - 6. The juvenile, parents, guardian or other custodian and counsel for the juvenile, by order of the court.
 - 7. The juvenile, upon reaching his 18th birthday, making a request for his own record.
- D. 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, with the exception of the Serious Habitual Offender Comprehensive Action (SHOCAP) Program.

V. Dissemination of Report Information

- A. Release of Incident Based Reports.
 - 1. Copies of complaint reports may be released to other law enforcement agencies (and authorized non-law enforcement governmental agencies such as the City Social Services Department) conducting criminal investigations.
 - 2. A court order is required for the release of a copy of the original report in its entirety to any other individual or organization.
- B. Release of Accident Reports.
 - 1. Copies of accident reports may be released to:
 - a. Any person involved or injured in the accident.
 - b. Attorneys for person(s) involved or injured in the accident.
 - c. Any authorized representative of any insurance carrier that insures a vehicle or person involved in the accident.
 - d. Any requesting individuals, since accident reports are public information.
- C. Any questions regarding the legitimacy of the request for a copy of a report are directed to the Police Records Supervisor.

VI. Dissemination of Virginia Division of Motor Vehicles (DMV) Information

- A. Vehicle registration information is for criminal justice use only.
- B. Noncriminal justice agencies or persons must obtain information directly from DMV.
- C. This restriction does not prohibit Department members from furnishing vehicle registration information to a towing or storage service when the service tows or stores the vehicle at the direction of an officer.

VII. Retention of Records

- A. Adult arrest records.
 - 1. The Department in accordance with General Order 4-5 retains adult arrest information, unless ordered expunged by a court of competent authority or purged by an order of the Department of Criminal Justice Services.
 - 2. In the event of an expungement all records of the arrest are placed in an envelope and sealed by the Police Records Supervisor. These records include the original IBR, an automated copy of the IBR, CCRE arrest report, fingerprint cards, photos, and all other documents that indicate that the

Effective Date: 06-05-2000	GENERAL ORDER	Number: 04-04
Subject: Criminal History / Records Security		Page: 5 of 5

arrest took place. In the original IBR and the automated copy of the IBR, all references to the name of the subject of the expungement are stricken from the record, and the word “expunged” is inserted.

3. This envelope is secured permanently in the Evidence Room, or until destruction order is received from the appropriate court.
 4. No one, under any circumstances whatsoever, is authorized to review or disclose any information from such a sealed record without an order from the court that ordered the record expunged. Violation of Code of Virginia Section 19.2-392.3 is a Class I misdemeanor.
- B. Juvenile arrest records.
1. See General Order 7-16.

VIII. Disposal of Protected Data

- A. All protected information and / or communications listed below in Section C must be destroyed by shredding or burning when no longer needed except those that are made part of a permanent official police record.
- B. Protected communications are normally those that each member requests and handles daily as a matter of routine. Each member is responsible for proper disposition of such materials by shredding them when no longer needed.
- C. Information that must be shredded after use includes:
 1. Police Record Check printouts of any type.
 2. Criminal History Information printouts of any type (which should never be made part of a record / report).
 3. Department of Motor Vehicles information printouts.
 4. Police teletype printout messages.
 5. Any other communications that might be sensitive if obtained by any person outside of this agency.
- D. Shredders and shredder bins are located:
 1. In the Administrative Services Division.
 2. In the Patrol Services Division.
 3. In the Investigative Services Division.
 4. In the Public Safety Communications Center.
 5. In the Records Section.

Attachments: N/A

Index as: Criminal History Security.
Security of Records.
Records.
Reports.
DMV Information.

References: N/A