	<b>Winchester City Sheriff's Office</b> <b>Manual of General Orders</b>  <b>Administration</b> <b>125</b>	<b>Effective Date:</b> May 1, 2014 Accreditation Standards: ADM .25.01 ADM .25.06 ADM .25.02 ADM .25.07 ADM .25.03 ADM .25.08 ADM .25.04
		<b>Original Policy:</b> May 1, 2014 <b>Last Review Date:</b> May 1, 2020 <b>Next Review Date:</b> May 1, 2023
<b>Subject: Records Management</b>		<b>By Authority of:</b>  _____ William E Sales, Sheriff

Effective /Review Date	Sections Changed	Changes	Reviewed by	Approved by
04-09-15	I	Changed "Records Unit" to "Major"	EAS	LRT
04-09-15	III A 1	Changed "Administrative Assistant" to "Major"	EAS	LRT
04-09-15	III A 2	Changed "Records personnel" to "Major"	EAS	LRT
04-09-15	III A 2	Changed "Records personnel" to "Major"	EAS	LRT
04-09-15	III A 4	Removed "that are normally separate and distinct from, but on occasion may, overlap records functions performed by records personnel. Direct coordination among all supervisors will be initiated, as required, to resolve any problems."	EAS	LRT
04-09-15	III B 1	Changed "A central repository of records (PISTOL) is maintained in the Records" to "The Winchester City Sheriff's Office does not have an automated central repository such as (PISTOL). All criminal records will be secured in a locked drawer. Records to be secured are:"	EAS	LRT
05-14-15	III B b	Removed "Traffic accident reports "	EAS	LRT
05-14-15	III B g	Removed "Suspended or closed vice, organized crime and intelligence information case files which contain no sensitive source information "	EAS	LRT
05-14-15	III D 1	Removed "The Winchester City Sheriff's Office is an active participant in the National Uniform Crime Reporting Program"	EAS	LRT
05-14-15	III E	Replaced Warrant/Wanted section with section F	EAS	LRT
05-14-15	III F 1	Changed "Records Unit " to " Major"	EAS	LRT
05-14-15	III F 3	Changed "listing persons issued traffic citations, persons involved in traffic accidents and persons injured in traffic accidents is maintained in the department's" to "The Master name index shall be kept on the Major's computer according to the Library of Virginia Records Retention Schedule.	EAS	LRT
05-14-15	III F 3 f	Removed "FR300P Crash Report "	EAS	LRT
05-14-15	III F 3 4	Removed "accident reports"	EAS	LRT
05-14-15	G	Handling Funds Section	EAS	LRT
06-20-16	III F 4 6	Added "6. Reports will be taken in all of the following instances: a. Citizen Reports of Crime b. Citizen requests/calls for service	EAS	LRT

		c. When an employee is dispatched or assigned d. Criminal cases initiated by Law Enforcement Employees e. Non-Criminal cases initiated by Law Enforcement Employees f. Incidents resulting in custodial arrest g. Incidents resulting in the issuing of summonses		
06-20-16	III F 4 7	Added “7. Incident numbers a. Incident case numbers can be obtained from looking at the white binder marked “Event/ Incident case numbers” in the Deputies room. b. Deputies are instructed to fill in the requested information on the next available number.”	EAS	LRT
06-20-16	III C D 1	Added “The arrest number will be issued by the clerk”	EAS	LRT
06-20-16	III C D 3	Added “The arrest number will be issued by the magistrate.”	EAS	LRT
10-05-16	III D 2	Added, “The Winchester Police Department will handle cases requiring IBR submission.”	EAS	LRT
06-11-18	II B 1	Changed, “not have an automated central repository such as (PISTOL). All criminal records will be secured in a locked drawer.” To “does have an automated central repository, (Southern Software). All criminal records will be secured in locked file cabinet drawers.”	EAS	LRT
06-11-18	III n. D 2	Added “Submission”	EAS	LRT
06-11-18	III n. D 3	Changed, “are” to “can be”.	EAS	LRT
06-11-18	III F 7 a	Changed, “can be obtained from looking at the white binder marked “Event/ Incident case numbers” in the Deputies room.” To “ are generated automatically by the RMS.”	EAS	LRT
06-11-18	III F 7 b	Deleted, “Deputies are instructed to fill in the requested information on the next available number.”	EAS	LRT
06-11-18	III E 1	Changed, “All personnel entering information into NCIC/VCIN will ensure such information is accurate and up-to-date.” To “The Winchester Police Department Emergency Communications Center will enter all NCIC/VCIN information for the Winchester City Sheriff’s Office. “	EAS	LRT
06-11-18	III F 1	Changed, “The Major” To “Southern Software RMS”	EAS	LRT
06-11-18	III F 3	Changed, “shale be kept on the Major’s computer according” to “located in the RMS shall be kept in accordance”	EAS	LRT
06-11-18	III F 3 3	Deleted, “a. IBR Report (Front page. Page # 2, Page # 3); b. Supplementary Report (narrative);	EAS	LRT
06-11-18	III F 3 3	Added, “and can be uploaded into RMS:”	EAS	LRT
06-11-18	III F 3 4	Changed, “turned into their supervisor” to “routed to the major via RMS”	EAS	LRT

06-11-18	III F 5	Changed, "Supervisors will review and sign all of the reports given to them by their assigned personnel for completeness, content, and grammatical/spelling errors. All reports will then be routed to the Major for processing into the system and filing." To "All reports will be routed to the Major for processing into the system and filing. The Major will review all reports routed to him by personnel for completeness, content, and grammatical/spelling errors."	EAS	LRT
03-07-23	III F e 5&6	Changed Major to Supervisor	BWD	WES

## I. POLICY

The Major serves as the Winchester City Sheriff's Office central records component and as the focal point for matters associated with records.

## II. PURPOSE

To identify and explain various records functions, reports, files, and information collected, stored and disseminated by the Records Unit.

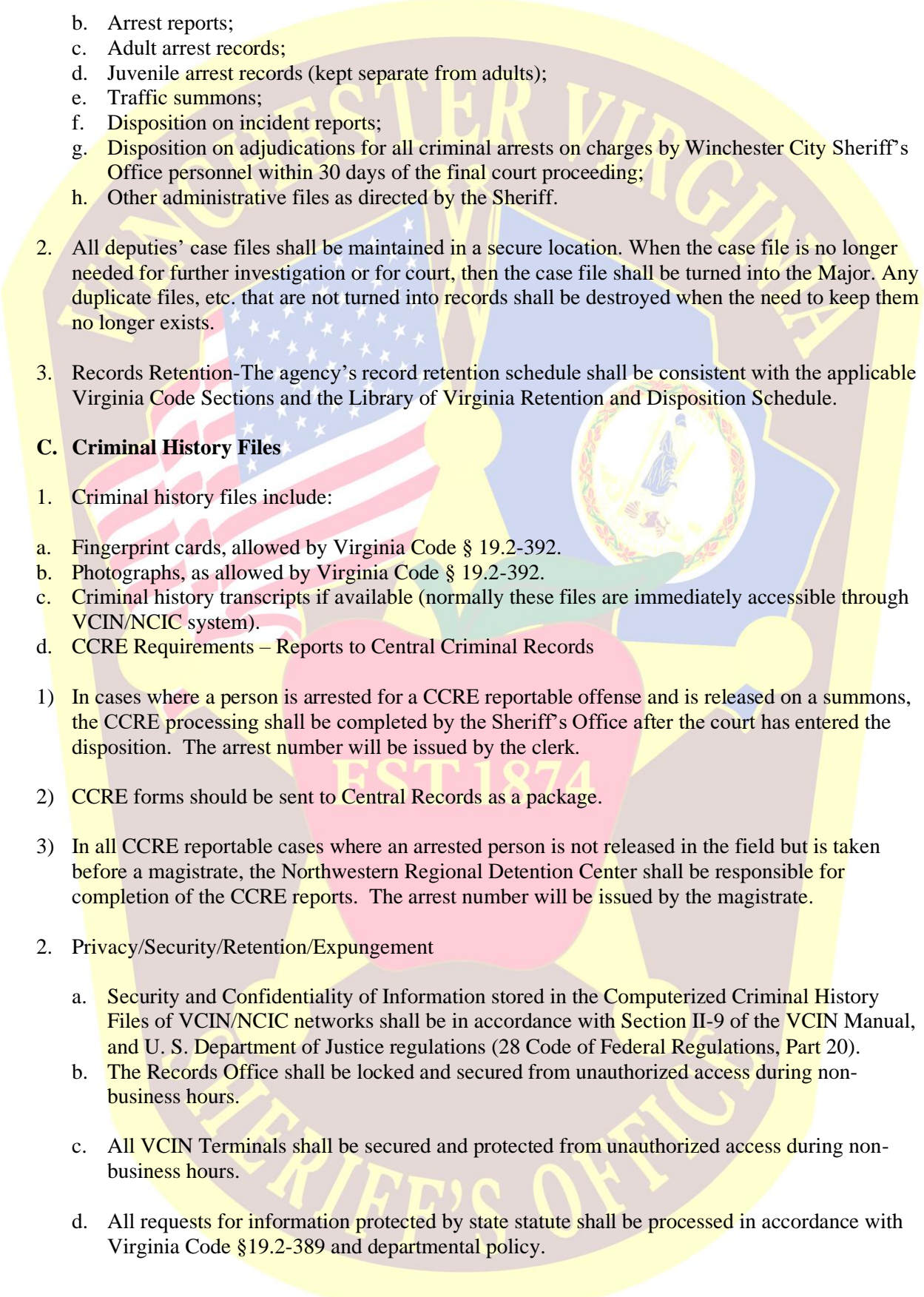
## III. PROCEDURES

### A. Records Administration

1. The Major has overall command of the Records.
2. The Major will normally handle all requests for Records. All Sheriff's Office personnel have access and are authorized to refer to files and records during hours when the office is closed to the public, thus providing 24-hour access to operations personnel.
3. Departmental records functions include report review, report control, records maintenance, and records retrieval, coding and accounting for uniform crime reporting purposes, routing of reports, release of information to the public, and ensuring status on case and arrest files.
4. The Major or his/her designee is assigned responsibilities for report review, distribution of reports, and status reports on case files
5. The agency criminal records system will conform to requirements as provided by the Virginia Central Criminal Records Exchange and report all information as required by the Code of Virginia.

### B. Records

1. The Winchester City Sheriff's Office does have an automated central repository, (Southern Software). All criminal records will be secured in locked file cabinet drawers. Records to be secured are:
  - a. IBR Reports;

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- b. Arrest reports;
  - c. Adult arrest records;
  - d. Juvenile arrest records (kept separate from adults);
  - e. Traffic summons;
  - f. Disposition on incident reports;
  - g. Disposition on adjudications for all criminal arrests on charges by Winchester City Sheriff's Office personnel within 30 days of the final court proceeding;
  - h. Other administrative files as directed by the Sheriff.
2. All deputies' case files shall be maintained in a secure location. When the case file is no longer needed for further investigation or for court, then the case file shall be turned into the Major. Any duplicate files, etc. that are not turned into records shall be destroyed when the need to keep them no longer exists.
  3. Records Retention-The agency's record retention schedule shall be consistent with the applicable Virginia Code Sections and the Library of Virginia Retention and Disposition Schedule.

### **C. Criminal History Files**

1. Criminal history files include:
  - a. Fingerprint cards, allowed by Virginia Code § 19.2-392.
  - b. Photographs, as allowed by Virginia Code § 19.2-392.
  - c. Criminal history transcripts if available (normally these files are immediately accessible through VCIN/NCIC system).
  - d. CCRE Requirements – Reports to Central Criminal Records
    - 1) 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 Sheriff's Office after the court has entered the disposition. The arrest number will be issued by the clerk.
    - 2) CCRE forms should be sent to Central Records as a package.
    - 3) In all CCRE reportable cases where an arrested person is not released in the field but is taken before a magistrate, the Northwestern Regional Detention Center shall be responsible for completion of the CCRE reports. The arrest number will be issued by the magistrate.
2. Privacy/Security/Retention/Expungement
  - a. Security and Confidentiality of Information stored in the Computerized Criminal History Files of VCIN/NCIC networks shall be in accordance with Section II-9 of the VCIN Manual, and U. S. Department of Justice regulations (28 Code of Federal Regulations, Part 20).
  - b. The Records Office shall be locked and secured from unauthorized access during non-business hours.
  - c. All VCIN Terminals shall be secured and protected from unauthorized access during non-business hours.
  - d. All requests for information protected by state statute shall be processed in accordance with Virginia Code §19.2-389 and departmental policy.

e. Responsibilities

- 1) Persons authorized to release criminal history record information (records personnel, command staff) shall be responsible for completing the dissemination control book whenever any such information is disseminated to non-law enforcement personnel.
- 2) The Major shall insure that security measures are followed to provide maximum security of criminal history record information. Unauthorized personnel will not be allowed to enter areas where such information is stored, collected, or processed.

f. Dissemination of Adult Criminal History Information may be made according to ADM 124.

g. Information concerning the arrest of an individual may not be disseminated to a non-criminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition has been recorded and no active prosecution is pending.

h. When a dissemination control book is completed it will be kept as prescribed by the Library of Virginia Records Retention and Disposition Schedule (two years) and then destroyed.

i. If there are any questions regarding whom information may be released to, one of the following avenues should be taken:

- 1) Ask the requesting company or person to submit a copy of the federal/state statute or court order permitting them access to the information.

j. Dissemination for Employment

- 1) Requests for criminal history record information by prospective employers, except those specifically authorized by law, may be honored by Sheriff's Office personnel subject to the following conditions:

- ◆ Only conviction data from non-CCRE reportable offenses will be released.
- ◆ The prospective employer must furnish a signed, notarized statement from the individual concerned, requesting the release of information.
- ◆ Requests for offenses reportable to CCRE will be referred to CCRE, without confirming or denying the existence of a record.

k. Review

- 1) An individual or his/her attorney may upon proper identification, review any criminal history record information maintained on that individual by this office or the Central Criminal Records Exchange.
- 2) Prior to any such inspection, the Sheriff's Office may request a verification of the individual's identity by submitting a set of the individual's fingerprints for comparison. Such verification may be required for requests to inspect CCRE records. If the individual's fingerprints are not on file, they will be mailed to CCRE for verification prior to an inspection of a CCRE record.
- 3) The verification of a person's identity shall be established before an individual may inspect any record maintained by this office. The presentation of a valid operator's license, or valid photo identification from a federal or state agency shall be sufficient for verifying a person's identity.

#### 1. Challenge

- 1) All requests to challenge a criminal history record will be referred to the Chief Deputy who will proceed as specified in the rules and regulations of Virginia Code 6VAC20-120-70.
- 2) In the event an error in records maintained by this office is detected, all known copies of the record shall be corrected. The Sheriff shall notify, in writing, all agencies and individuals who have received the record of the correction to the record. The Sheriff shall, upon request, give the individual or his/her attorney a list of all non-criminal justice agencies to which data had been furnished.

#### m. Expungement

- 1) Only the courts may expunge a criminal record.
- 2) Whenever this office receives an expungement order, all records of the arrest of that individual will be placed in an envelope and sealed. These records include the copies of warrants/indictments, CCRE arrest report, fingerprint cards, booking photographs, incident reports, and all other documents that indicate an arrest occurred. The envelope should be assigned a sequential number, such as WCSO-EXP-1, WCSO-EXP- 2, WSO-EXP-3, etc., with the number marked on the left upper corner of the envelope. These envelopes will be placed in a locked filing cabinet. All electronic records will be permanently deleted from the Sheriff's Office's record management system.
- 3) A master list will be maintained reflecting the sequential number and name of each individual that has received a court order for expungement. The master list will be placed in a separate locked filing cabinet.
- 4) The Major shall maintain both filing cabinets.
- 5) Virginia Code §19.2-392.3 states that it shall be unlawful for any person having or acquiring access to an expunged court or police record to open or review it or to disclose to another person any information from it without an order from the court, which ordered the record expunged. Any person who willfully violates this section is guilty of a Class 1 Misdemeanor.

#### n. Retention of Juvenile Arrest Information

- 1) Juvenile fingerprint cards, photographs, and arrest records authorized for retention, will be maintained separate from adult records, but secured the same.
- 2) Record retention and disposition schedules will be according to the appropriate Library of Virginia records retention and disposition schedule and by applicable Virginia code.
- 3) 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 Central Criminal Records Exchange.
- 4) Fingerprints and photographs may be retained by this agency and copies sent to CCRE in accordance with Virginia Code § 16.1-299 (See ADM-124).

- 5) Arrest information (i.e. fingerprints, photographs, custody reports) that have been collected and made part of a juvenile arrest record will be retained and disposed of as directed in the Library of Virginia records retention schedule.
- 6) Virginia Code §16.1-299 states fingerprint cards and photographs will be destroyed when:
  - a) No petition is filed against a juvenile whose fingerprints or photographs have been taken in connection with an alleged violation of law.
  - b) A juvenile that is found not guilty by juvenile court or circuit court of a charge of delinquency.
  - o. Expungement/Sealing. Provisions for the expungement and sealing of juvenile arrest records are explained in detail in Virginia Code §16.1-306 and will be adhered to as mandated.

#### **D. Uniform Crime Report**

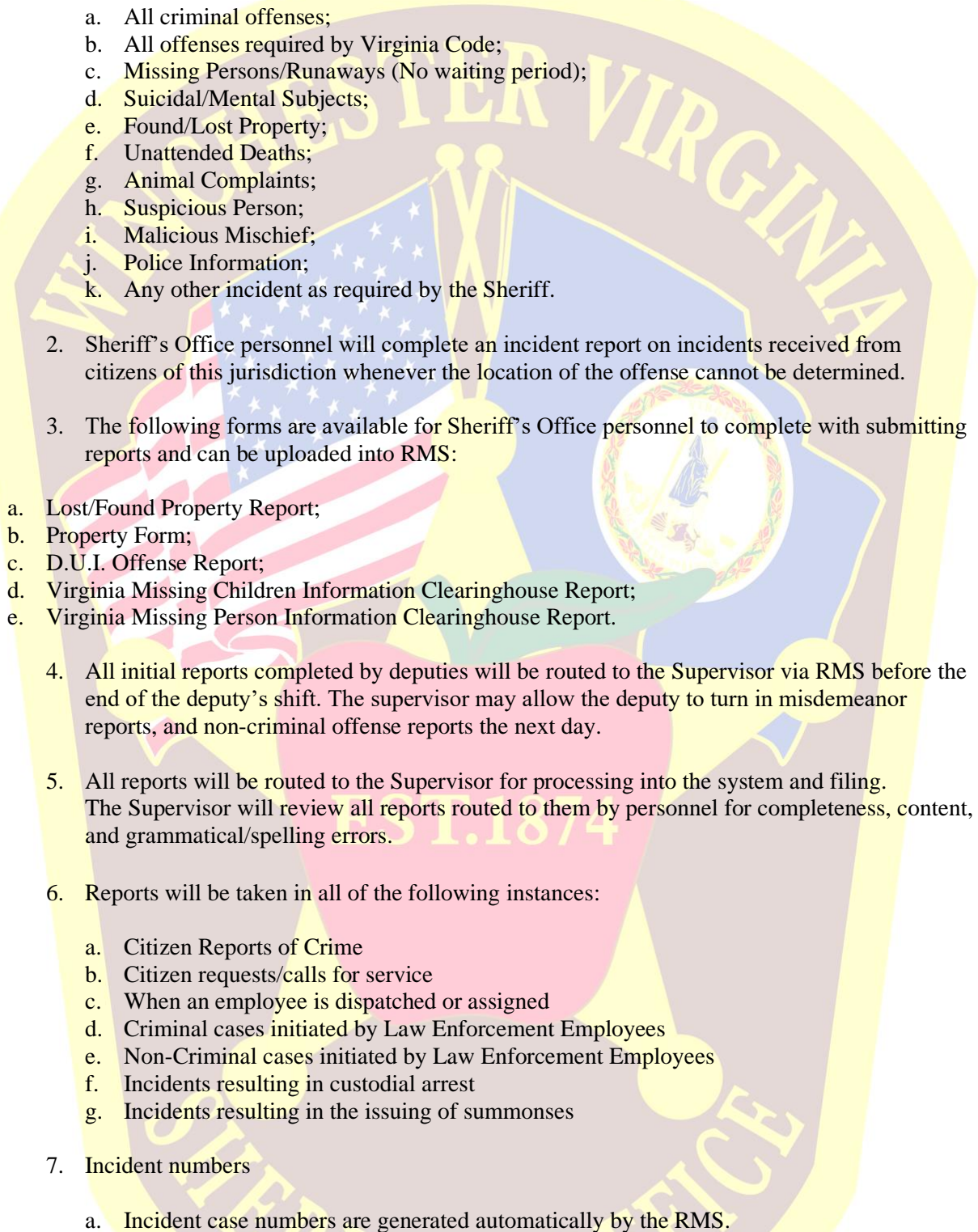
1. Crime data is collected, and reports are prepared and submitted on standard report forms as specified in the UCR Manual/IBR Manual.
2. The Winchester Police Department will handle submission of cases requiring IBR submission in accordance with the Virginia Crime Reporting program.
3. Following report approval and signature by the Major, final reports can be mailed to the Virginia State Police Headquarters in Richmond (UCR state repository). The reports should be mailed to Richmond by the 15th of each month.

#### **E. Entry of information into NCIC/VCIN**

1. The Winchester Police Department Emergency Communications Center will enter all NCIC/VCIN information for the Winchester City Sheriff's Office.
2. Personnel locating property or persons, which have been entered into NCIC/VCIN, will take steps to immediately cancel such NCIC/VCIN entry.
3. Deputies having property or persons entered into NCIC/VCIN will as soon as possible check the entry as entered by the dispatcher to ensure the accuracy of the entry.

#### **F. Indexes/Searches**

1. Southern Software RMS maintains an alphabetical master name index that serves as a cross-reference to all IBR reports in which a person has been named.
2. Names listed in the alphabetical master name index file include victims, complainants, suspects, and witnesses.
3. The Master name index located in the RMS shall be kept in accordance to the Library of Virginia Records Retention Schedule.
4. Sheriff's Office Reports
  1. Incident reports will be completed on all of the following:

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- a. All criminal offenses;
  - b. All offenses required by Virginia Code;
  - c. Missing Persons/Runaways (No waiting period);
  - d. Suicidal/Mental Subjects;
  - e. Found/Lost Property;
  - f. Unattended Deaths;
  - g. Animal Complaints;
  - h. Suspicious Person;
  - i. Malicious Mischief;
  - j. Police Information;
  - k. Any other incident as required by the Sheriff.
2. Sheriff's Office personnel will complete an incident report on incidents received from citizens of this jurisdiction whenever the location of the offense cannot be determined.
  3. The following forms are available for Sheriff's Office personnel to complete with submitting reports and can be uploaded into RMS:
    - a. Lost/Found Property Report;
    - b. Property Form;
    - c. D.U.I. Offense Report;
    - d. Virginia Missing Children Information Clearinghouse Report;
    - e. Virginia Missing Person Information Clearinghouse Report.
  4. All initial reports completed by deputies will be routed to the Supervisor via RMS before the end of the deputy's shift. The supervisor may allow the deputy to turn in misdemeanor reports, and non-criminal offense reports the next day.
  5. All reports will be routed to the Supervisor for processing into the system and filing. The Supervisor will review all reports routed to them by personnel for completeness, content, and grammatical/spelling errors.
  6. Reports will be taken in all of the following instances:
    - a. Citizen Reports of Crime
    - b. Citizen requests/calls for service
    - c. When an employee is dispatched or assigned
    - d. Criminal cases initiated by Law Enforcement Employees
    - e. Non-Criminal cases initiated by Law Enforcement Employees
    - f. Incidents resulting in custodial arrest
    - g. Incidents resulting in the issuing of summonses
  7. Incident numbers
    - a. Incident case numbers are generated automatically by the RMS.