



**RICHMOND POLICE DEPARTMENT
GENERAL ORDER**



Subject: RECORDS RETENTION PROTOCOL	Chapter 9	Number 6	Pages 5
<p>CALEA Standards: 82.1.1a, 82.1.1 b, 82.1.1c, 82.1.2a, 82.1.2c, 82.1.2d, 82.1.2e, 82.1.3, 82.1.4, 82.1.6a, 82.1.6b, 82.1.6c, 82.1.6d, 82.3.5</p> <p>References: Virginia Records and Disposition Schedule, General Schedules 2, 3, 17, 19, 23, and 29 Virginia Public Records Act, VA Code §§ 42.1-76 et seq., 42.1-86.1, 16.1-301 Richmond City Code §§ 2-1321 – 2-1326 City of Richmond Administrative Regulation 7.2</p>	<p>Related Orders: General Orders: 6-2, Incident-Based 7-2, Case File Preparation Procedures</p>	<p>Effective Date: 03/30/2023 Revised By: Review Prv. Review Date: 07/09/2019</p>	
<p>Chief of Police:</p> <div style="text-align: center; margin-top: 20px;"> </div>			

I. PURPOSE

The Richmond Police Department generates thousands of records each year. In order to be in compliance with state code, the Department must have a satisfactory plan to deal efficiently in the filing, retention, and disposal of these records. The purpose of this directive is to ensure that the plan is consistent in its treatment of all records and personnel assigned to maintain records in their command are cognizant of their responsibilities. [CALEA 82.3.5]

II. SUMMARY OF CHANGE

This policy is due for triannual review. The Records and Retention Schedule of the Commonwealth of Virginia’s Archives and Records Division website has been updated. The specific changes are noted in bold italicized text throughout the document.

III. POLICY

The Police Department shall comply with the Virginia Public Records Act of the Code of Virginia (Section 42.1-76 et seq.) and the records and disposition schedules and procedures established by the Records Management and Imaging Services Division of the Library of Virginia. General Schedule 17 (Law Enforcement Records) is the primary records and disposition schedule pertaining to law enforcement records. There are, however, separate schedules pertaining to Administrative Records (Chapter 19), Fiscal Records (Chapter 2), Personnel Records (Chapter 3), and Criminal Justice Training Academy Records (Chapter 29). The department will additionally comply with the requirements of Administrative Regulation 7.2 of the City of Richmond.

IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling, and/or disciplinary action is initiated.

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.

V. PROCEDURE

A. The Officer-in-Charge of the Central Records Unit (hereinafter referred to as the Department's Records Management Officer) will be the point of contact for Department personnel regarding questions and concerns on record retention and preservation. For the purpose of this policy, all records created by the Richmond Police Department fall under state guidelines for record retention and preservation. This includes papers, letters, photographs, films, tapes, microfilm, Photostats, recordings, maps, drawings, computer disks, fiscal records of any type and any representation in computer memory. All Officers in Charge, including specialized units, shall be considered Records Coordinators. Precinct Commanders or his/her designee shall be designated as Records Coordinators for his/her precinct. [CALEA 82.1.3]

1. Each Department Records Coordinator and the Records Management Officer shall ensure that records are being maintained in accordance with the applicable general retention schedule(s).
2. Department Records Coordinators having records that need to be destroyed will submit them to the Records Management Officer, with a written request specifying the type of records, the time period the records cover, (beginning month and year, and ending month and year) and the contact person making the request.
3. The Records Management Officer shall submit *electronically* / via e-mail, an executed Certificate of Records Destruction Form (State Form RM-3) to the City Records Manager at the main City Library.
 - a. The City Records Manager shall print out and review the form for accuracy, sign the form to approve the destruction, and return the signed hard copy to the Records Management Officer.
 - b. The Records Management Officer shall sign the form as the department's approval for destruction and refer it to the Supervisor of the Records Section of the Central Records Unit to arrange for the physical destruction of the records.

- c. The Supervisor of the Records Section shall contact the records destruction vendor who has the current contract with the City and schedule the pickup or drop-off of the records.
 - d. The Supervisor of the Records Section shall secure the contractor's signature on the original RM-3 form and shall make a copy to retain for the department's documentation.
 - e. The Supervisor of the Records Section shall send the original fully-executed form to the City Records Manager who will submit it to the State to complete the transaction.
- B. Department Records Coordinators shall ensure that all records applicable to their assignment and created on or before July 1, 2006 are retained for at least the minimum time span set forth in the Records and Retention Schedule of the Commonwealth of Virginia's Archives and Records Division before being submitted for destruction. This schedule is available online at www.lva.virginia.gov/agencies/records/sched_local/search.asp
- C. Per § 42.1-86.1 (B) of the Code of Virginia, Department Records Coordinators shall ensure that all records applicable to their assignment and created after July 1, 2006 are destroyed by no later than the end of the year in which the retention period expires [fiscal year for records maintained by fiscal year, calendar year for records maintained by calendar year]. Such records created after July 1, 2006 that contain social security numbers, driver's license numbers, bank account numbers, credit or debit card numbers, personal identification numbers (PIN), electronic identification codes, automated or electronic signatures or passwords shall be destroyed within six months of the expiration date of the retention period. Only one category of identifying information needs to be present in a record to make it subject to the six month destruction provision.

NOTE: Knowledge of audits, subpoenas, investigations, or litigation that may reasonably include the records, suspends any disposal or reformatting (electronic records) process until all issues are resolved.

- D. Record Security: [CALEA 82.1.1a]
- 1. The Department's Record Management Officer and team members comprised of representatives from the Central Records Unit shall be responsible for ensuring the security and retention of physical records stored in the Central Records Unit. The Records Team members will also ensure that records are maintained in compliance with federal, state and local laws and regulations.
 - 2. Physical and Computerized Records are always available for access by authorized personnel. The Information Desk is staffed 24 hours a day, seven days a week. The public will not have access to areas where criminal justice information is handled, processed or stored. [CALEA 82.1.1b]
 - 3. Members of the Richmond Police Department have access to the Department's computer system. Each member is responsible for creating and maintaining his/her password. Information Technology provides support for the computer system, including auditing, storage and back-up, and monitors system usage. The system

and its programs require passwords to be changed every 45 days and as added security, will deny access to a user if the wrong password is used in 3 successive attempts to logon. [CALEA 82.1.6]

E. The Department participates in the national Uniform Crime Reporting (UCR) and the National Incident Based Reporting System (NIBRS) programs through submission of data to the Virginia State Police. The Central Records Unit shall gather and submit crime data to these entities in accordance with the procedures established by these programs. See also General Order 6-2, Incident Based Reporting. [CALEA 82.1.4]

F. Juvenile Records Retention Protocol:

1. The Richmond Police Department will take special precautions in retaining juvenile criminal history records to ensure confidentiality regarding those records. In accordance with VA Code §16.1-301, juvenile criminal records shall be kept separate from adult criminal records. [CALEA 82.1.2a]

2. Juvenile records shall only be released to law enforcement officers of other jurisdictions upon court order. [CALEA 82.1.1c, 82.1.2c]

3. Juvenile arrest information will be retained and disposed of in accordance with General Schedule 17 of the Records Retention Schedule. The record will be retained for 5 years after the juvenile reaches the age of majority and then destroyed in accordance with the State's Retention Schedule 17 or expunged by order of the court. [CALEA 82.1.2d, 82.1.2e]

G. Records Protection and Recovery During/After Emergencies:

1. Natural disasters (hurricanes/tornadoes) and unforeseen emergencies, such as fire and broken water lines, pose the most significant risk to record preservation. Hurricanes/tornadoes, accompanied by heavy rains and high winds, have the potential of widespread damage, flooding, power outages, and major disruption of customary services. In these times of peril, it is the responsibility of all police personnel to ensure police records are safeguarded. In addition, all Precinct and Division Commanders will be knowledgeable of the location of all computer equipment and record storage areas under their command and take every precaution to protect and preserve records.

2. Once the emergency has passed, all Precinct and Division Commanders will be required to survey their area of responsibility to ascertain if any damage was done to computer equipment or stored records.

a. If damage to computer equipment or a stored record is apparent, Precinct and Division Commanders will notify the Department Records Management Officer immediately so an assessment of damage can be arranged.

b. Under no circumstances will damaged or water soaked computer equipment be turned on or operated.

- c. Water or fire damaged paper records, taped recordings, microfilm, negatives or other similar items will be left intact until an assessment has been conducted.
 - d. The Records Management Officer will coordinate damage assessment, removal, salvage, and recovery efforts for all damaged records regardless of type or location.
- H. Employees shall refer to General Order 7-2, Case File Preparation Procedures, for all procedures related to the storage and destruction of the Department's case file folders; officer and/or detective's personal case file folders and all reports or other documents that are stored within them.

V. FORMS

RM-3 Certificate of Records Destruction is an electronic process/ form.