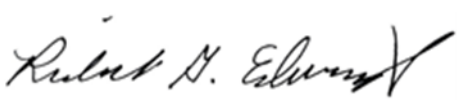




RICHMOND POLICE DEPARTMENT GENERAL ORDER



| | | | | |
|---|-----------------|---|--------------|------------|
| Subject: REQUESTING CRIMINAL HISTORY RECORDS | | Chapter 6 | Number 30 | Pages 5 |
| References: CALEA Standards: 82.1.1a-c, 82.1.2a, 82.3.6 VA. Code 16.1-301 | Related Orders: | Effective Date: 03/13/2025 Revised By: Review Prv. Rev. Date: 07/30/2021 | | |
| <i>If any provision of this General Order conflicts with any collective bargaining article, the collective bargaining agreement shall govern.</i> | | | | |
| Chief of Police:  | | | | |

I. PURPOSE

The purpose of this general order is to establish the procedures for law enforcement officers requesting criminal history records.

II. SUMMARY OF CHANGE

This general order has undergone a triannual review. Revisions were made to correct grammar, style, and formatting. These revisions are not in bold or italicized text.

III. POLICY

It is the policy of the Richmond Police Department to create an identification number with a criminal history file for each person under custodial arrest. The files shall be compatible with the requirements of the Virginia Central Criminal Records Exchange. The Richmond Police Department: [CALEA 82.3.6]

- A. Shall allow the criminal records system to be accessible 24 hours a day; [CALEA 82.1.1b]
- B. Will not disseminate information except as provided by law;
- C. Shall prevent unauthorized access and release of information on juvenile records; and
- D. Shall adhere to the Virginia State Record Retention Schedule 17.

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. Procedures for Requesting Criminal History Records

1. The Department conducts the following types of criminal history records requests:
 - a. Criminal investigations;
 - b. Employment queries;
 - c. Domestic violence; and
 - d. Firearms permit.
2. The normal service hours for requesting criminal history record checks at the Information Desk are 0800 hours through 1600 hours, Monday through Friday (excludes recognized holidays). After normal service hours, criminal history record requests may also be submitted to Information Desk personnel.
 - a. Requests made between 0800 hours and 1000 hours will normally be available for pick-up by 1600 hours on the day of the request.
 - b. Whenever an emergency or an investigative criminal history record are requested, they will be handled as priority items by the Virginia Criminal Information Network (VCIN) certified Central Records personnel.
3. Officers shall always request criminal history records check for the following reasons:
 - a. To verify other convictions of an arrestee;
 - b. To obtain informant background information; and
 - c. Before attending court, an officer shall obtain the most recent criminal history record of the arrestee and have it in their possession before the court date.

NOTE: No completed criminal history record request form will be stored in case folders or files. Upon verification of the requests, the criminal history request forms shall be destroyed.

4. Emergency and magistrate requests for criminal history record checks:
 - a. VCIN-certified (Level A/B) Information Desk personnel will normally process after-hours criminal history requests of an urgent or emergency nature or for officers' presentation to the magistrate(s).
 - b. If a certified VCIN operator is unavailable or the system is inoperative, the officer shall be directed to the ***Division of Emergency Communications, Preparedness and Response (DECPR)*** for processing the request(s). In such instances, the Information Desk personnel will call ***DECPR*** to verify why an officer is being referred for assistance.

5. Non-urgent requests for criminal history records checks.

All non-urgent criminal history record requests received after normal working hours will be forwarded to the Records Section by the Information Desk personnel for processing at 0800 hours of the following workday.

NOTE: If an arrestee is carrying a firearm, arrested for shoplifting, or if the situation involves a domestic assault, officers may also obtain criminal history records checks from ***DECPR*** using a radio. All other criminal history requests should be obtained from ***DECPR*** using a telephone.

B. Procedures for Requesting Criminal Record Checks for a Juvenile Detainee:

1. The Richmond Police Department will take special precautions in maintaining juvenile criminal history records to ensure confidentiality regarding those records. [CALEA 82.1.2a]
2. Juvenile records shall only be released to law enforcement officers of other jurisdictions upon court order.
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 according to the State's Retention Schedule 17.
4. According to Virginia Code §16.1-301, juvenile criminal records shall be kept separate from adult criminal records. [CALEA 82.1.2a]

C. Procedures and criteria for release of agency records: [CALEA 82.1.1c]

1. All law enforcement officers shall be required to submit a written request to obtain agency records, except in the situations cited above in sections A and B.
2. Upon receipt of the written request, agency files will be queried, and the criminal history records check will be provided.

3. Whenever a citizen requests a criminal history record, they shall be required to submit a written request and some form of positive identification to obtain a local record of a non-reportable misdemeanor offense.
4. Other agencies shall also be required to submit a written request form and a release of information affidavit to obtain the local record of non-reportable misdemeanor offenses for a third party.

D. Procedures for Security and Controlling Access to Department Files:

1. The Central Records Unit's personnel provide controlled security based on restricted security access to the Department's files.
[CALEA 82.1.1a, c]
2. Any law enforcement officer requiring a criminal history records check must follow the established guidelines to obtain the record.

E. Criminal History Records Request Forms:

1. Richmond Police officers requesting criminal record checks on individuals may use a Criminal History Record Request form (PD-131). If the "Complete" box on the form is checked by the officer, the form will be given to the Records Section's personnel to run the record. Based on the urgency of the request, the officer may either wait for the processing or drop off the request form for pick-up later. If a request is submitted between 0800 and 1000 hours, the officer may pick up the completed criminal history record check by 1600 hours on the same day.
2. A complete criminal history record will contain arrest information from the Central Criminal Records Exchange and departmental files.
3. If the "Magistrate" box on the PD-131 form is checked by the officer, the form will be given to the Warrant/Information Desk's personnel to run the record and the officer must wait for it.
4. When a citizen makes a request for a criminal background check for themselves a CR-2 form (Central Records in-house form) will be used by the Central Records Unit's personnel to process the request. There is normally a 24-hour processing time required for this type of record request. This request shall be processed by the Central Records Unit's personnel.
5. A CS260285 form shall be used when either another agency or other law enforcement agency requests local criminal history records check on an individual. Normally, the requesting agency's personnel will wait for the processing to be completed by the Central Records Unit's personnel.

NOTE: Requests by individuals or non-criminal justice agencies concerning criminal history information for offenses, which are reportable to the

Central Criminal Records Exchange, must be directed to the Virginia State Police.

VI. FORMS

- A. PD-131, Criminal History Records Request
- B. CR-2, Central Records In-house Form
- C. CS260285 Form