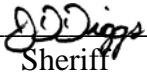


YORK-POQUOSON SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Retention, Privacy, Security, and Dissemination of Records	NUMBER: GO 2-51
EFFECTIVE DATE: July 1, 2021	REVIEW DATE: November 3, 2020
AMENDS/SUPERSEDES: GO 2-51, May 5, 2019	APPROVED:  Sheriff
VLEPSC: ADM.25.03, ADM.25.11	

1 **INDEX WORDS**

- 2
- 3 Dissemination
- 4 Expungement Records,
- 5 • Adult criminal
- 6 • Juvenile criminal
- 7 • Former Law Enforcement Officers
- 8 Retention schedule
- 9 Security

10

11 **POLICY**

12

13 The Commonwealth of Virginia has adopted both statutory law and rules and regulations that

14 govern the security, privacy, and dissemination of adult and juvenile arrest record information.

15 These laws, rules, and regulations also pertain to the physical area where record information is

16 collected, processed, and stored. The York-Poquoson Sheriff's Office will, at all times, comply

17 with these laws, rules and regulations. It is imperative that all personnel, especially those

18 assigned to the records function, understand and comply with this general order.

19

20 **PURPOSE**

21

22 The purpose of this general order is to establish guidelines to insure the security, privacy, and

23 proper dissemination of adult and juvenile arrest record information, by all personnel of the

24 York-Poquoson Sheriff's Office.

25

26 **PROCEDURES**

- 27
- 28 • Definitions:
- 29 ○ Central Criminal Records Exchange (CCRE)
- 30 ▪ A repository in the Commonwealth, operated by the Virginia Department of State
- 31 Police, which receives, identifies and maintains individual criminal history
- 32 records from criminal justice agencies throughout the state.
- 33
- 34 ○ Criminal History Records Information (CHRI)
- 35 ▪ Records and data collected by criminal justice agencies on adult individuals
- 36 consisting of identifiable descriptions and notations of arrests, detention,

- 37 indictments, information, or other formal charges, and any disposition arising
38 there from. The term shall not include:
- 39 ❖ Juvenile record information on which is controlled by Section, [16.1-299](#) Code
40 of Virginia,
 - 41 ❖ Criminal justice intelligence information,
 - 42 ❖ Criminal justice investigative information, or
 - 43 ❖ Correctional status information.
- 44
- 45 ○ Conviction Data
 - 46 ■ Information in the custody of any criminal justice agency relating to a judgment
47 of conviction, and the consequences arising therefrom, in any court.
 - 48
 - 49 ○ Dissemination
 - 50 ■ Any transfer of information, whether orally, in writing, or by electronic means.
51 The term does not include:
 - 52 ❖ Access to the information by officers or employees of a criminal justice
53 agency maintaining the information who have both a need and right to the
54 information.
 - 55 ❖ Former certified law enforcement officer personnel records in accordance
56 with Section [15.2-1705](#), Code of Virginia.
 - 57
 - 58 ○ Expunge
 - 59 ■ Removal of specific criminal history information, as identified by a court order
60 from routine inspection or access.
 - 61
 - 62 ○ Public Service Company
 - 63 ■ In accordance with Section [56-1](#), Code of Virginia, Public Service Corporations
64 include the following companies:
 - 65 ❖ Gas,
 - 66 ❖ Pipeline,
 - 67 ❖ Electric light, heat and power
 - 68 ❖ Water supply,
 - 69 ❖ Sewer,
 - 70 ❖ Telephone, and
 - 71 ❖ All persons authorized to transport passengers or property as a common-
72 carrier.
 - 73 ➤ It excludes all:
 - 74 ✓ Municipal corporations,
 - 75 ✓ Other political subdivisions, or
 - 76 ✓ Public institutions owned or controlled by the Commonwealth.
 - 77
 - 78 ○ Seal
 - 79 ■ Physically secure in order to prevent inspection, except where specified by court
80 order.
 - 81
 - 82 ● Responsibilities

- 83 ○ Persons authorized to release criminal history information shall be responsible for
84 following all laws and regulations pertaining to the dissemination of said information.
85 ▪ The criminal records system shall be compatible with and maintained according
86 to the requirements of the Virginia Central Criminal Records Exchange.
87
- 88 ○ Twenty-four (24) hours a day accessibility will be maintained for criminal record
89 inquiry through NCIC/VCIN.
90 ○ Supervisors shall insure that security measures are followed to provide maximum
91 security of criminal history record information.
92 ○ Unauthorized persons will not be allowed to enter areas, unescorted, where CCRE or
93 Criminal History information can be observed from computer screens or from
94 printouts.
95 ○ All Sheriff's Office Personnel shall insure that:
96 ▪ Criminal History Record Information inquiries are processed in accordance with
97 state laws and rules and regulations.
98 ▪ Juvenile Arrest records are collected, disseminated, retained, and disposed of in
99 accordance with state law and schedules.
100 ▪ Juvenile records involving violations of the law shall be kept separated-and
101 protected from disclosure to unauthorized persons in accordance with this policy
102 and Section [16.1-301](#), Code of Virginia.
103 ❖ Records of motor vehicle law violations by juveniles are exempted from the
104 requirements of Section [16.0-301](#), Code of Virginia.
105
- 106 ● Security
 - 107 ○ Access to the Sheriff's Office's record cabinets, where criminal history record
 - 108 information is stored shall be limited to those personnel authorized by the Sheriff.
 - 109 ○ Security will be provided to all NCIC/VCIN terminals in accordance with
 - 110 NCIC/VCIN guidelines.
 - 111 ○ Printouts of criminal history information/files shall be kept in secure storage locations
 - 112 and destroyed when no longer needed.
 - 113 ○ Criminal history information maintained in electronic format will be secured
 - 114 according to Sheriff's Office and County computer policies and deleted when no
 - 115 longer needed.
 - 116
 - 117 ● Retention of Arrest Information
 - 118 ○ All Sheriff's Office records, including criminal history, and adult and juvenile arrest
 - 119 records shall be maintained using retention and disposition schedules, as approved by
 - 120 the Library of Virginia, Records Management Division.
 - 121 ▪ Adult arrest information will be retained for the specified length of time then
 - 122 disposed of as directed in the schedules.
 - 123
 - 124 ● Procedures and Criteria for the Release of Adult Criminal Records
 - 125 ○ All Criminal History Record Information shall be disseminated in accordance with
 - 126 the provisions of Section [19.2-389](#), Code of Virginia.
 - 127 ○ The following is, a non all inclusive, list of entities that may request the dissemination
 - 128 of adult criminal history information:

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- Authorized officers or employees of criminal justice agencies, as defined by Section [9.1-101](#), Code of Virginia, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of Section [53.1-136](#), Code of Virginia, shall include collective dissemination by electronic means every 30 days.
 - ❖ For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to Sections [37.2-819](#) and [64.2-2014](#), Code of Virginia, when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;
- Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that 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 of the charge has been recorded and no active prosecution of the charge is pending;
- Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;
- Individuals and agencies where authorized by court order or court rule;
- Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;
- Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency,

- 175 temporary, or permanent basis pursuant to Sections [63.2-901.1](#) and [63.2-1505](#),
176 Code of Virginia, subject to the restriction that the data shall not be further
177 disseminated to any party other than a federal or state authority or court as may be
178 required to comply with an express requirement of law;
- 179 ■ To the extent permitted by federal law or regulation, public service companies as
180 defined in Section [56-1](#), Code of Virginia, for the conduct of investigations of
181 applicants for employment when such employment involves personal contact with
182 the public or when past criminal conduct of an applicant would be incompatible
183 with the nature of the employment under consideration;
 - 184 ■ A person requesting a copy of his own criminal history record information as
185 defined in Section [9.1-101](#), Code of Virginia at his cost, except that criminal
186 history record information shall be supplied at no charge to a person who has
187 applied to be a volunteer with:
 - 188 ❖ A Virginia affiliate of Big Brothers/Big Sisters of America;
 - 189 ❖ A volunteer fire company;
 - 190 ❖ The Volunteer Emergency Families for Children;
 - 191 ❖ Any affiliate of Prevent Child Abuse, Virginia;
 - 192 ❖ Any Virginia affiliate of Compeer; or
 - 193 ❖ Any board member or any individual who has been offered membership on
194 the board of a Crime Stoppers, Crime Solvers or Crime Line program as
195 defined in Section [15.2-1713.1](#), Code of Virginia.
 - 196
 - 197 ■ Administrators and board presidents of and applicants for licensure or registration
198 as a child welfare agency as defined in Section [63.2-100](#), Code of Virginia, for
199 dissemination to the Commissioner of Social Services' representative pursuant to
200 Section [63.2-1702](#), Code of Virginia, for the conduct of investigations with
201 respect to employees of and volunteers at such facilities, caretakers, and other
202 adults living in family day homes or homes approved by family day systems, and
203 foster and adoptive parent applicants of private child-placing agencies, pursuant
204 to Sections [63.2-1719](#), [63.2-1720](#), [63.2-1720.1](#), [63.2-1721](#), and [63.2-1721.1](#), Code
205 of Virginia, subject to the restriction that the data shall not be further disseminated
206 by the facility or agency to any party other than the data subject, the
207 Commissioner of Social Services' representative or a federal or state authority or
208 court as may be required to comply with an express requirement of law for such
209 further dissemination;
 - 210 ■ The school boards of the Commonwealth for the purpose of screening individuals
211 who are offered or who accept public school employment and those current
212 school board employees for whom a report of arrest has been made pursuant to
213 Section [19.2-83.1](#), Code of Virginia.
 - 214 ■ The Virginia Lottery for the conduct of investigations as set forth in the Virginia
215 Lottery Law, and the Department of Agriculture and Consumer Services for the
216 conduct of investigations as set forth in Article 1.1:1 Section [18.2-340.15](#), Code
217 of Virginia, Chapter 8 of Title 18.2;
 - 218 ■ Licensed nursing homes, hospitals and home care organizations for the conduct of
219 investigations of applicants for compensated employment in licensed nursing
220 homes pursuant to Section [32.1-126.01](#), Code of Virginia, hospital pharmacies

- 221 pursuant to Section [32.1-126.02](#), Code of Virginia, and home care organizations
222 pursuant to Section [32.1-162.9:1](#), Code of Virginia subject to the limitations set
223 out in subsection E;
- 224 ▪ Licensed assisted living facilities and licensed adult day care centers for the
225 conduct of investigations of applicants for compensated employment in licensed
226 assisted living facilities and licensed adult day care centers pursuant to
227 Section [63.2-1720](#), Code of Virginia subject to the limitations set out in
228 subsection F;
 - 229 ▪ The State Board of Elections and authorized officers and employees thereof and
230 general registrars appointed pursuant to Section [24.2-110](#), Code of Virginia, in the
231 course of conducting necessary investigations with respect to voter registration,
232 limited to any record of felony convictions;
 - 233 ▪ The Commissioner of Behavioral Health and Developmental Services for those
234 individuals who are committed to the custody of the Commissioner pursuant to
235 Sections [19.2-169.2](#), [19.2-169.6](#), [19.2-182.2](#), [19.2-182.3](#), [19.2-182.8](#), and [19.2-](#)
236 [182.9](#), Code of Virginia, for the purpose of placement, evaluation, and treatment
237 planning;
 - 238 ▪ Residential facilities for juveniles regulated or operated by the Department of
239 Social Services, the Department of Education, or the Department of Behavioral
240 Health and Developmental Services for the purpose of determining applicants'
241 fitness for employment or for providing volunteer or contractual services;
 - 242 ▪ The Department of Behavioral Health and Developmental Services and facilities
243 operated by the Department for the purpose of determining an individual's fitness
244 for employment pursuant to departmental instructions;
 - 245 ▪ Pursuant to Section [22.1-296.3](#), Code of Virginia, the governing boards or
246 administrators of private elementary or secondary schools which are accredited
247 pursuant to Section [22.1-19](#), Code of Virginia, or a private organization
248 coordinating such records information on behalf of such governing boards or
249 administrators pursuant to a written agreement with the Department of State
250 Police;
 - 251 ▪ Members of a threat assessment team established by a local school board pursuant
252 to Section [22.1-79.4](#), Code of Virginia, by a public institution of higher education
253 pursuant to Section [23.1-805](#), Code of Virginia, or by a private nonprofit
254 institution of higher education, for the purpose of assessing or intervening with an
255 individual whose behavior may present a threat to safety; however, no member of
256 a threat assessment team shall re-disclose any criminal history record information
257 obtained pursuant to this section or otherwise use any record of an individual
258 beyond the purpose that such disclosure was made to the threat assessment team;
 - 259 ▪ Executive directors of community services boards or the personnel director
260 serving the community services board for the purpose of determining an
261 individual's fitness for employment, approval as a sponsored residential service
262 provider, or permission to enter into a shared living arrangement with a person
263 receiving medical assistance services pursuant to a waiver pursuant to
264 Sections [37.2-506](#) and [37.2-607](#), Code of Virginia.
 - 265 ▪ Executive directors of behavioral health authorities as defined in Section [37.2-](#)
266 [600](#), Code of Virginia, for the purpose of determining an individual's fitness for

267 employment, approval as a sponsored residential service provider, or permission
268 to enter into a shared living arrangement with a person receiving medical
269 assistance services pursuant to a waiver pursuant to Sections [37.2-506](#) and [37.2-](#)
270 [607](#), Code of Virginia.

- 271 ▪ The Commissioner of Social Services for the purpose of locating persons who
272 owe child support or who are alleged in a pending paternity proceeding to be a
273 putative father, provided that only the name, address, demographics and social
274 security number of the data subject shall be released;
- 275 ▪ Authorized officers or directors of agencies licensed pursuant to Article 2
276 Section [37.2-403](#), Code of Virginia , by the Department of Behavioral Health and
277 Developmental Services for the purpose of determining if any applicant who
278 accepts employment in any direct care position or requests approval as a
279 sponsored residential service provider or permission to enter into a shared living
280 arrangement with a person receiving medical assistance services pursuant to a
281 waiver has been convicted of a crime that affects his fitness to have responsibility
282 for the safety and well-being of individuals with mental illness, intellectual
283 disability, or substance abuse pursuant to Sections [37.2-416](#), [37.2-506](#), and [37.2-](#)
284 [607](#), Code of Virginia;
- 285 ▪ Any employer of individuals whose employment requires that they enter the
286 homes of others, for the purpose of screening individuals who apply for, are
287 offered, or have accepted such employment;
- 288 ▪ Public agencies when and as required by federal or state law to investigate
289 applicants as providers of adult foster care and home-based services or any
290 individual with whom the agency is considering placing an adult on an
291 emergency, temporary, or permanent basis pursuant to Section [63.2-1601.1](#), Code
292 of Virginia, subject to the restriction that the data shall not be further disseminated
293 by the agency to any party other than a federal or state authority or court as may
294 be required to comply with an express requirement of law for such further
295 dissemination, subject to limitations set out in subsection G;
- 296 ▪ Bail bondsmen, in accordance with the provisions of Section [19.2-120](#), Code of
297 Virginia;
- 298 ▪ The Department of Social Services and directors of local departments of social
299 services for the purpose of screening individuals seeking to enter into a contract
300 with the Department of Social Services or a local department of social services for
301 the provision of child care services for which child care subsidy payments may be
302 provided;
- 303 ▪ The Department of Juvenile Justice to investigate any parent, guardian, or other
304 adult members of a juvenile's household when completing a pre-dispositional or
305 post-dispositional report required by Section [16.1-273](#), Code of Virginia, or a
306 Board of Juvenile Justice regulation promulgated pursuant to Section [16.1-233](#)
307 Code of Virginia; and

308

- 309 ○ Persons requesting the dissemination of Criminal History Record Information, which
310 is reported to the Central Criminal Record Exchange such as class I, II misdemeanor,
311 felonies shall be provided a Criminal History Record Request form and instructed to
312 make a direct inquiry.

- 313 ○ If there are any questions regarding to whom information can be released, one of the
314 following avenues should be taken:
315 ▪ Check with the Sheriff or his designee.
316 ▪ Ask the requesting company or persons to submit a copy of the federal/state
317 statute or court order permitting them access to the information.
318
- 319 • Dissemination for Employment
- 320 ○ Requests for criminal history record information by prospective employers, except
321 those specifically authorized by law, may be honored by the Records Section subject
322 to the following conditions:
- 323 ▪ The offenses concerned are not required to be reported to CCRE.
324 ▪ The prospective employer must furnish the records clerk with a signed, notarized
325 statement from the individual concerned, requesting the release of information.
326 ❖ Requests for offenses reportable to CCRE will be referred to CCRE, without
327 confirming or denying the existence of a record.
328
- 329 ▪ Section [15.2-1705](#), Code of Virginia, for incidents occurring after July 1, 2021,
330 requires the Sheriff or his designee to provide the following information regarding
331 former certified sworn law enforcement officers of the York-Poquoson Sheriff's
332 Office within 14 days upon request from a Commonwealth of Virginia law
333 enforcement agency and accompanied by a release of information form signed by
334 the former deputy sheriff:
- 335 ❖ Information regarding the arrest or prosecution of the former law enforcement
336 officer to include expunged arrest or criminal charges known to the agency or
337 disclosed to the agency during its hiring process;
- 338 ❖ Information regarding civil suits involving the deputy's former employment
339 or performance of his duties;
- 340 ❖ Information obtained in the course of an internal investigation related to the
341 officer's:
- 342 ➤ Alleged criminal conduct;
- 343 ➤ Use of excessive force;
- 344 ➤ Other misconduct in violation of the state professional standards of
345 conduct;
- 346
- 347 ❖ Information related to the former deputy's job performance that led to his:
- 348 ➤ Resignation;
- 349 ➤ Dismissal;
- 350 ➤ Demotion;
- 351 ➤ Suspension, or
- 352 ➤ Transfer.
353
354
- 355 • Challenge to Criminal History Records Information
- 356 ○ In Accordance with Section [9.1-132](#), Code of Virginia, any individual, or attorney-at-
357 law acting for the individual, who believes the criminal history information being
358 maintained about him by the arresting law enforcement agency, in the case of

- 359 offenses not required to be reported to the CCRE, shall have the right to inspect the
360 criminal history information at the arresting law enforcement agency.
- 361 ▪ The individual may request one of the following:
 - 362 ❖ The incorrect record be purged,
 - 363 ❖ The incorrect record be modified, or
 - 364 ❖ The incorrect record be supplemented.
 - 365
 - 366 ○ All requests to challenge a criminal history record, maintained by the York-Poquoson
367 Sheriff's Office shall be referred to the Administrative Division Commander who
368 shall proceed as specified in Section [9.1-132](#), Code of Virginia.
 - 369 ▪ The Administrative Division Commander shall investigate the Criminal History
370 record and do one of the following:
 - 371 ❖ Decline to act due to the record being correct,
 - 372 ❖ Purge the record if determined to be entered for the wrong person,
 - 373 ❖ Modify the record with the correct information,
 - 374 ❖ Supplement the record with additional information if found to be incomplete.
 - 375
 - 376 ○ If after action by the Administrative Division Commander is completed and the
377 individual still feels the record is still inaccurate or incomplete, the individual may
378 make a written request to the Criminal Justice Services Board for review.
 - 379 ▪ Following the review by the Criminal Justice Services Board the Administrative
380 Division Commander shall take such action as determined by the Board.
 - 381
 - 382 ○ In the event an error in criminal history records maintained is detected, all known
383 copies of the record shall be corrected.
 - 384 ○ The Administrative Services Division Commander shall, in addition to the individual
385 challenging the criminal history record, notify all agencies and individuals who have
386 received the inaccurate criminal history record of the correction.
 - 387
 - 388 ● Expungement
 - 389 ○ Records may be expunged by court order.
 - 390 ○ The Administrative Services Division Commander or his designee shall be
391 responsible for carry out the order of expungement.
 - 392 ○ In the event an order of expungement is received, all records of the arrest will be
393 placed in an envelope and sealed.
 - 394 ○ These records include, if applicable:
 - 395 ▪ The CCRE form,
 - 396 ▪ Fingerprint cards from the expunged charge,
 - 397 ▪ Photos from the expunged charge,
 - 398 ▪ The arrest report from the expunged charge,
 - 399 ▪ The offense report related to the expunged charge,
 - 400 ❖ Offense reports for expunged charges shall be handled as follows:
 - 401 ➤ A copy of the report shall be printed and included in the expungement file.
 - 402 ➤ If the arrestee is the only listed suspect, offender or arrestee for the
403 expunged charge, the offense report shall be deleted.

- 404 ➤ If there are other suspects, offender or arrestees listed in the offense report
405 for the expunged charge, all references to the name of person the
406 expungement is order for shall be redacted and replaced with “Expunged”
407
- 408 ▪ The court order, and
 - 409 ▪ All other documents, which pertain to the charge or arrest. 2.
 - 410
 - 411 ○ This envelope shall be placed in a locked container under the control of the
412 Administrative Services Division.
 - 413 ○ Access to the keys to the locked container shall be limited to:
 - 414 ▪ The Sheriff,
 - 415 ▪ The Chief Deputy,
 - 416 ▪ The Administrative Services Division Commander, and
 - 417 ▪ The Administrative Assistant or Sheriff’s Office employee responsible for the
418 security of personnel records.
 - 419
 - 420 ○ The Administrative Services Division Commander or his designee is responsible for
421 maintaining a corresponding numerical and name index to identify these sealed
422 documents.
 - 423 ○ Section [19.2-392.3](#), Code of Virginia makes it a Class 1 misdemeanor for anyone,
424 who has access to an expunged law enforcement or court record, to open, review or
425 disclose to another person any information from it without a court order from the
426 court which ordered the record expunged.
 - 427 ▪ Section 15.2-1705, Code of Virginia requires the Sheriff or his designee to
428 provide the following information regarding former certified sworn law
429 enforcement officers of the York-Poquoson Sheriff’s Office within 14 days upon
430 request from a Commonwealth of Virginia law enforcement agency and
431 accompanied by a release of information form signed by the former deputy
432 sheriff:
 - 433 ❖ Information regarding the arrest or prosecution of the former law enforcement
434 officer to include expunged arrest or criminal charges known to the agency or
435 disclosed to the agency during its hiring process;
 - 436
 - 437 ▪ The Commonwealth Attorney may request the court to unseal an expunged
438 record, via an ex parte order, for review only under the following conditions:
 - 439 ❖ Immediate access to the record is needed for a pending criminal investigation
440 and that if not accessed:
 - 441 ➤ The investigation will be jeopardized, or
 - 442 ➤ That life and property will be endangered.
 - 443
 - 444 ▪ In the event the court issues an ex parte order, without notice to the person, the
445 record may be reviewed but not copied.
 - 446
 - 447 ● Retention of Juvenile Arrest Information
 - 448 ○ Juvenile fingerprint cards, photographs, authorized for retention, shall be separately
449 maintained from adult files in accordance with Section [16.1- 299](#), Code of Virginia.

- 450 ▪ A copy of all fingerprints and photographs of juveniles arrested for delinquent
- 451 acts shall be provided to the juvenile court.
- 452 ▪ Fingerprint cards and photographs may be retained when the court finds that a
- 453 juvenile of any age is:
- 454 ❖ Convicted of a Felony,
- 455 ❖ Adjudicated delinquent of an offense that would be a felony if committed by
- 456 an adult,
- 457 ❖ Has a case which would be a felony if committed by an adult that is dismissed
- 458 pursuant to a deferred disposition, or
- 459 ❖ Is convicted or adjudicated delinquent of any other offense for which a report
- 460 to the CCRE is required, if the offense were committed by an adult.
- 461
- 462 ○ All copies of Fingerprint cards and photographs shall be destroyed 60 days after
- 463 being taken when:
- 464 ▪ No petition is filed against a juvenile whose fingerprints or photographs have
- 465 been taken in connection with an alleged violation of law.
- 466 ▪ If a juvenile charged with a delinquent act, other than a felony or ancillary thereto,
- 467 is found not guilty or in any other case resulting in a disposition for which
- 468 fingerprints are not required to be forwarded to the CCRE, the court shall order
- 469 that the fingerprint card, all copies of the fingerprint card and all photographs be
- 470 destroyed within six (6) months of the date of disposition.
- 471
- 472 ● Other Juvenile Law Enforcement Records
- 473 ○ Section [16.1-301](#), Code of Virginia, require that all law enforcement agencies take
- 474 special precautions to ensure that law enforcement records concerning a child are
- 475 protected against disclosure to any unauthorized person and that confidentially of
- 476 certain juvenile records are maintained.
- 477 ▪ Records involving violations of the law by juveniles shall not be open to public
- 478 inspection or their contents disclosed to the public.
- 479 ❖ The only exception to the above is:
- 480 ➤ When a juvenile 14 years of age or older, and
- 481 ➤ Charged with a violent felony, and
- 482 ➤ Is being tried as an adult in accordance with Section [16.1-269.1](#), Code of
- 483 Virginia.
- 484
- 485 ○ Juvenile arrest information/records may be disseminated to the following
- 486 individuals/agencies:
- 487 ▪ To a school principal, for the protection of the juvenile, his fellow students and
- 488 school personnel.
- 489 ▪ A court having the child currently before it, in any proceeding;
- 490 ▪ The officers of public and nongovernmental institutions or agencies to which the
- 491 child is currently committed, and those responsible for his supervision after
- 492 release;
- 493 ▪ Any other person, agency, or institution, by order of the court, having legitimate
- 494 interest in the case or in the work of the law- enforcement agency;

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- Law enforcement officers of other jurisdictions, by order of the court, when necessary for the discharge of their current official duties;
 - The probation and other professional staff of a court in which the child is subsequently convicted of a criminal offense for the purpose of a pre-sentence report or other disposition proceedings, or by officials of penal institutions considering his parole or discharge or in exercising supervision over him;
 - The child, parent, guardian, or other custodian and counsel for the child by order of the court.
 - ❖ Deputies may release, upon request to one another and to other local, state or federal law enforcement officers, current information on juvenile arrests.
 - Such information may only be used for current investigation purposes only and not for creation of new individual files or records.
 - To a Court Services unit authorized diversion program.
 - ❖ Law Enforcement officers may prohibit a disclosure to such program to protect a criminal investigation or intelligence information.
 - Release of Juvenile Information to the Media
 - See [RR 1-13](#), Media Relations.
 - Expungement of Juvenile Arrest Records are explained in detail in Section [16.1-306](#), the Code of Virginia.
 - Juveniles who have been subject of a delinquency or traffic proceeding and found innocent or the charge was dismissed may file a motion requesting destruction of all records pertaining to such charge.
 - Upon receipt of such order by the court, all records involving the incident shall be handled in strict accordance to the order.
 - Applicability
 - These rules/regulations/statutes are applicable to originals, copies, and manual or automated criminal history information records which are used, collected, stored, and disseminated by the York County Sheriff's Office.
 - Provisions of the rules and regulations of this policy, applicable to adult arrest information do not apply to:
 - Court records of public criminal proceedings.
 - Posters or lists for identifying fugitives or wanted persons.
 - Criminal justice intelligence information.
 - Criminal justice investigative information.
 - Nothing in these rules and regulations shall be construed as prohibiting the York County Sheriff's Office from disclosing to the public, in accordance with [RR 1-13](#), Media relations, and applicable laws factual information concerning:
 - ❖ Criminal incident data,
 - ❖ Adult arrest information,
 - ❖ Traffic accident/charge information.
 - Retention of Non-Arrest Criminal Justice Information Records

- 541 ○ Criminal justice information records shall be retained and/or disposed of in
542 accordance with:
- 543 ▪ Applicable laws under the Code of Virginia, or
544 ▪ Based on retention schedules established by the Library of Virginia.
545
- 546 • Information required to be released regarding former York-Poquoson Sheriff's Office
547 certified law enforcement officers
- 548 ○ Upon request by a Virginia law enforcement agency or jail, accompanied by a signed
549 authorization for the release of information signed by the former deputy sheriff, the
550 Sheriff or his designee shall within 14 days release the following information:
- 551 ▪ Information regarding the arrest or prosecution of the former deputy sheriff to
552 include expunged arrest or criminal charges known to the Sheriff's Office or
553 disclosed during the Sheriff's Office hiring process;
- 554 ▪ Information regarding civil suits involving the former deputy sheriff's
555 employment in the performance of his duties;
- 556 ▪ Information obtained in course of an internal investigation related to the former
557 deputy sheriff's:
- 558 ❖ Alleged criminal conduct;
- 559 ❖ Use of excessive force;
- 560 ❖ Other misconduct in violation of the state professional standards of conduct.
561
- 562 ▪ Information related to the former deputy sheriff's job performance that led to his:
- 563 ❖ Resignation;
- 564 ❖ Dismissal/Termination;
- 565 ❖ Demotion;
- 566 ❖ Suspension, or
567 ❖ Transfer.