

PUBLIC RECORDS MGT. AND RETENTION FOR VIRGINIA POLICE CHIEFS

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**Virginia Association of Chiefs of Police – Mid Year
Training Conference
Chesterfield, Virginia
February 5, 2007**

Public Records Management and Retention

For

Virginia Police Chiefs

Presented By: Brian Cummings – Associate General Counsel (Richmond Police)

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Applicable Accreditation Standards:

CALEA 82.1.2 – The Agency has a records retention schedule (Commentary: The schedule for retaining records should be consistent with legal requirements)

VLEPSC ADM .25.11 The agency has and complies with a records retention schedule consistent with the *Code of Virginia*.

Implementing a Public Records Management Program

(SOURCE: <http://www.lva.lib.va.us/whatwedo/records/manuals/00m-toc.htm>)

Introduction

The [Virginia Public Records Act](#) (Sections 42.1-76 et. seq.) of the *Code of Virginia* "establishes a single body of law applicable to all public officers and employees to ensure that the procedures used to manage and preserve public records will be uniform throughout the Commonwealth."

In addition to being a mandate of the *Code*, following sound records management practices is good business. Public officials are legally responsible for creating and maintaining records that document the transactions of government as it conducts business. These records provide evidence of the operations of government and accountability to its citizens. Public officials must maintain this information according to established retention requirements- regardless of the format in which they are kept (i.e., paper, microforms, electronic records, magnetic tapes, or digital optical disks).

To have an effective and legal records management program, you must implement [Records Retention and Disposition Schedules](#) (also called retention schedules) on a regular basis; document destruction of scheduled records; and disseminate policies and guidelines.

Importance of Program

The *Virginia Public Records Act* was established to ensure that state and local public records are protected throughout their life cycle. (Refer to [Appendices](#) for full text of the Act.) A public records management program is implemented to:

- *Aid and assist government officials in making informed policy and program judgments.*
- *Maintain good business practices-proper records management creates efficiency.*
- *Enable citizens to judge the conduct of the government by providing administrative, fiscal and legal accountability and documenting rights and responsibilities.*
- *Allow information to be open for observation and access, while safeguarding privacy and confidentiality.*
- *Assure the fullest possible historical documentation of government's actions.*

What Is A Public Record?

The *Virginia Public Records Act* defines a public record as: "***Information that documents a transaction or activity by or with any public officer, agency or employee of state government or its political subdivisions. Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business.***" Formats can include paper, microforms, electronic records, magnetic tapes, maps, disks, photographs, film and sound recordings.

Remember that "public record" means that it is a government record; however, it does not mean that these records must always be available to the public. Public records must be available for appropriate access throughout their retention period. The *Virginia Freedom of Information Act* of the *Code of Virginia* (Sections 2.1-340 et. seq.) governs access to public records.

Custody of Records

The *Virginia Public Records Act* does not divest agency heads of the authority to determine the nature and form of the records required in the administration of their agency. The law does require that public records in an agency's custody have proper oversight.

Designation of a Records Officer. In Section [42.1-85](#), the Act states that each agency and locality "shall designate as many as appropriate, but at least one, records officer to serve as a liaison to the Library of Virginia for the purposes of implementing and overseeing a records management program, and coordinating legal disposition, including destruction of obsolete records."

Delivery of Records to Successor. An important custodial issue addressed in the *Code* is the requirement that "Any custodian of any public records shall, at the expiration of his term of office, appointment or employment, deliver to his successor, or, if there be none, to The Library of Virginia, all books, writings, letters, documents, public records, or other information, recorded on any medium kept or received by him in the transaction of his official business..."(Section [42.1-88](#))

Statutes Related to Records

In addition to the *Virginia Public Records Act*, there are three other statutes in the Code of Virginia that relate to public records management:

- [Freedom of Information Act](#) (Sections 2.1-340 et. seq.)
- [Privacy Protection Act](#) (Sections 2.1-378 et. seq.)
- *Copies of Originals as Evidence* ([Section 8.01-391](#))

Program Objectives

To provide the right information...at the right place...at the right time...to the right person...efficiently...at the lowest possible cost.

Records management is the economical and efficient administrative process for managing information throughout its life cycle- from creation to its final designated disposition (destruction or preservation). It also is a process of maintaining information in a format that allows for its timely access. To create and maintain an effective records management program:

- Develop policies and procedures for managing records and information.
- Conduct a survey or inventory of records (in all formats).
- Establish and follow retention schedules (these must be approved by the Library of Virginia)
- Identify and use technology appropriately to create, store and retrieve materials.
- Destroy obsolete records in a timely and systematic manner and document their destruction.
- Store inactive records in a cost-effective and secure location.
- Identify and preserve vital records (those that are essential to conducting and continuing business operations).
- Identify and preserve archival (historic, permanent) records.
- Develop a disaster preparedness plan to protect and recover records in the event of a disaster.
- Implement filing and indexing systems and tools.
- Develop forms to maintain efficient operations.

Benefits

By implementing and maintaining a sound records management program, your business operations will run more smoothly and efficiently. An effective records management program will enable your agency to:

- Locate what you need when you need it.
- Reduce the volume of records stored.
- Improve storage and retrieval systems.
- Increase efficiency of office operations.

- Reduce costs for equipment, supplies, space and personnel.
- Identify and protect vital records.
- Improve customer service.
- Improve accountability of public funds.
- Reduce liability risks by keeping records according to an authorized retention schedule.

Starting Your RM Program

Follow these steps to establish a records management program:

- Identify the person or persons who will serve as the Records Officer(s) (and office coordinators, if needed) and lead the records management program. Designate this person by completing the *Responsibilities of State Agency and Local Government Records Officers* (RM-25 form) (refer to the "[Chapter Attachment](#)" section).
- Contact the Records Analysis Section of the Library of Virginia for assistance. An analyst will review your *Records Retention and Disposition Schedule* and evaluate the need for records surveys. (A survey identifies the types of records you have.)
- Develop records management policies and procedures to be disseminated to appropriate staff, along with approved retention schedules. A plan for protecting and preserving your vital and other records in the event of a disaster also should be developed and distributed to agency personnel.
- Conduct an annual review of your retention schedules and records management program, including a critique of your disaster plan. If your retention schedules need to be updated, contact the Records Analysis Section.

<h3><u>Records Retention and Disposition Schedules</u></h3>
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<p>(SOURCE: http://www.lva.lib.va.us/whatwedo/records/manuals/00m-toc.htm)</p>
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Introduction

Establishing a *Records Retention and Disposition Schedule* requires appraising the use and value of information, as well as researching regulations that may govern retention. The [Virginia Public Records Act](#) authorizes the Library of Virginia to issue retention schedules; state agencies and localities must follow the guidelines set forth in them. *Records Retention and Disposition Schedules* (also called retention schedules) are issued by the Records Management and Imaging Services Division and approved by the State Records Administrator. (State agency retention schedules that list financial records must be approved by the State Comptroller.)

A *Records Survey* (RM-19 form) collects data about the records and information maintained by your organization. The data on the survey is used to compile retention schedules. By appraising this data, you will be able to propose reasonable retention periods and disposition procedures.

By following a retention schedule, systematic control of information from its creation to final disposition is established. Retention schedules should be reviewed annually to ensure they remain complete and accurate. Retention schedule and program reviews may reveal that a new retention schedule needs to be created or an old one revised. The Records Analysis Section of the Library of Virginia can help you evaluate your retention schedules.

Implementing records retention and disposition schedules is the most important part of a records management plan.

What Is A Retention Schedule?

A **retention schedule** lists records series and provides instructions and special guidelines for their care-how long to retain them, how to maintain them, and procedures for disposing of them. Retention schedules reflect the length of time that records have administrative, legal, fiscal or historical value.

REMEMBER, RETENTION PERIODS SHOULD BE FOLLOWED! RECORDS CAN NOT BE DESTROYED BEFORE THE STATED PERIOD, NOR SHOULD THEY BE RETAINED LONGER THAN THE STATED PERIOD (UNLESS THEY ARE NEEDED FOR AN INVESTIGATION, LITIGATION OR AUDIT).

General Schedules. These schedules apply to records that state agencies and localities have in common (e.g., fiscal, administrative and personnel records). Refer to the Library of Virginia website for a list of *State Agency General Schedules* and *Locality General Schedules*. All general schedules are available on their Web site.

- [GS-1 through 30 and GS-2000](#) are used by **localities** for the records they have in common.
 - **GS-17 – Law Enforcement Records**
 - **GS-29 – Criminal Justice Training Academy Records**

Specific Schedules. These retention schedules apply to records that are unique to a state agency's operations and mission. The schedules identify records that the agency produces, collects, receives or retains in carrying out its special functions. Specific schedules also are developed to designate records that state agencies and localities wish to transfer to the Records Center of the Library of Virginia.

Benefits of a Retention Schedule

By implementing a retention schedule, an agency or locality:

- Ensures that records needed for legal, fiscal or administrative purposes will not be destroyed prematurely.
- Allows records that are no longer useful to be destroyed legally.

- Helps reduce the space and equipment necessary for filing records, thus saving money. Releases electronic storage space on computer disks, video and audio tapes.
- Determines when records may be transferred to inactive storage or to another repository for permanent storage.
- Assists with making reformatting decisions (i.e., converting records to microfilm or scanning them for use on a computer).
- Provides information for a vital records protection plan.
- Ensures the preservation of records with historical value.
- May indicate the privacy status of a given records series.

Composition of Schedule

A retention schedule includes the following information:

- Schedule number.
- Date effective.
- Name of organization.
- Name of department.
- Records series title.
- Description of the content of the records series.
- Retention and disposition period for records, including on-site (for active records) and off-site (inactive records) periods.
- Legal citations regarding retention requirements.
- Method of records disposal or preservation.
- Special instructions.
- The signature of the State Records Administrator, indicating the schedule is authorized. Specific retention schedules also are signed by the agency head.

Building the Schedule

Records survey forms compile data on each records series; this information is used by the Records Analysis Section to draft retention schedules. Each valid records series becomes an item on your proposed retention schedule. (*Refer to <http://www.lva.lib.va.us/whatwedo/records/manuals/00m-ch4.htm>.*)

- A **records series** is a group or unit of related documents or information that is normally filed or kept together because it relates to a particular subject or function, results from the same activity, or documents a particular transaction or activity. Examples include correspondence, time sheets, contracts, ordinances, fiscal vouchers, project files and minutes.

Making the Schedule Legal

After the retention schedules have been drafted in conjunction with the Records Analysis Section, seek internal approval. Submit the draft to department heads, legal counsel and other appropriate people for review. Negotiate changes as necessary.

Once the schedule has received internal approval from the agency or division head, submit it to the Records Analysis Section for review and approval by the State Records Administrator.

Once approved by the State Records Administrator, the schedules become your office's legal documentation for the retention and disposition of its records. Distribute copies to all departments, along with records management procedures.

Implementation of Schedules

Once there is a valid retention schedule to implement, follow these procedures:

- Identify the records eligible for destruction under the retention schedule.
- List the records on a *Certificate of Records Destruction* (RM-3 form) and obtain signatures to approve their disposal. Use a method of destruction appropriate to the records.
- Establish a regular review and disposal period for records, usually at the end of the calendar or fiscal year.
- Review retention schedules periodically; submit changes to the Records Analysis Section.

Records Destruction

The *Virginia Public Records Act* requires that you have a valid retention schedule before destroying public records. The destruction of records is documented on the *Certificate of Records Destruction* (RM-3 form).

Refer to <http://www.lva.lib.va.us/whatwedo/records/manuals/00m-ch5.htm> for more information on the destruction of records

Records Analysis Section

The Records Analysis Section of the Records Management and Imaging Services Division advises state agencies and local governments on public records management methods. It develops and distributes official *Records Retention and Disposition Schedules*. Contact: (804) 692-3600. For Law Enforcement, contact Tom Wellman, 804-692-3609, twellman@lva.lib.va.us

The Virginia Public Records Act (§ 42.1-76 et seq.)

§ [42.1-76](#). Legislative intent; title of chapter.

The General Assembly intends by this chapter to establish *a single body of law applicable to all public officers and employees on the subject of public records management and preservation and to ensure that the procedures used to manage and preserve public records will be uniform throughout the Commonwealth.*

This chapter may be cited as the **Virginia Public Records Act.**

(1976, c. 746.)

§ [42.1-77](#). Definitions.

As used in this chapter:

"Agency" means all boards, commissions, departments, divisions, institutions, authorities, or parts thereof, of the Commonwealth or its political subdivisions and includes the offices of constitutional officers.

"Archival quality" means a quality of reproduction consistent with established standards specified by state and national agencies and organizations responsible for establishing such standards, such as the Association for Information and Image Management, the American National Standards Institute, and the National Institute of Standards and Technology.

"Archival record" means a public record of continuing and enduring value useful to the citizens of the Commonwealth and necessary to the administrative functions of public agencies in the conduct of services and activities mandated by law that is identified on a Library of Virginia approved records retention and disposition schedule as having sufficient informational value to be permanently maintained by the Commonwealth.

"Archives" means the program administered by The Library of Virginia for the preservation of archival records.

"Board" means the State Library Board.

"Conversion" means the act of moving electronic records to a different format, especially data from an obsolete format to a current format.

"Custodian" means the public official in charge of an office having public records.

"Disaster plan" means the information maintained by an agency that outlines recovery techniques and methods to be followed in case of an emergency that impacts the agency's records.

"Electronic record" means a public record whose creation, storage, and access require the use of an automated system or device. Ownership of the hardware, software, or media used to create, store, or access the electronic record has no bearing on a determination of whether such record is a public record.

"Essential public record" means records that are required for recovery and reconstruction of any agency to enable it to resume its core operations and functions and to protect the rights and interests of persons.

"Librarian of Virginia" means the State Librarian of Virginia or his designated representative.

"Lifecycle" means the creation, use, maintenance, and disposition of a public record.

"Metadata" means data describing the context, content, and structure of records and their management through time.

"Migration" means the act of moving electronic records from one information system or medium to another to ensure continued access to the records while maintaining the records' authenticity, integrity, reliability, and usability.

"Original record" means the first generation of the information and is the preferred version of a record. Archival records should to the maximum extent possible be original records.

"Preservation" means the processes and operations involved in ensuring the technical and intellectual survival of authentic records through time.

"Private record" means a record that does not relate to or affect the carrying out of the constitutional, statutory, or other official ceremonial duties of a public official, including the correspondence, diaries, journals, or notes that are not prepared for, utilized for, circulated, or communicated in the course of transacting public business.

"Public official" means all persons holding any office created by the Constitution of Virginia or by any act of the General Assembly, the Governor and all other officers of the executive branch of the state government, and all other officers, heads, presidents or chairmen of boards, commissions, departments, and agencies of the state government or its political subdivisions.

"Public record" or "record" means recorded information that documents a transaction or activity by or with any public officer, agency or employee of an agency. Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a public record.

For purposes of this chapter, "public record" shall not include nonrecord materials, meaning materials made or acquired and preserved solely for reference use or exhibition purposes, extra copies of documents preserved only for convenience or reference, and stocks of publications.

"Records retention and disposition schedule" means a Library of Virginia-approved timetable stating the required retention period and disposition action of a records series. The administrative, fiscal, historical, and legal value of a public record shall be considered in appraising its appropriate retention schedule. The terms "administrative," "fiscal," "historical," and "legal" value shall be defined as:

- 1. "Administrative value": Records shall be deemed of administrative value if they have continuing utility in the operation of an agency.***
- 2. "Fiscal value": Records shall be deemed of fiscal value if they are needed to document and verify financial authorizations, obligations, and transactions.***
- 3. "Historical value": Records shall be deemed of historical value if they contain unique information, regardless of age, that provides understanding of some aspect of the government and promotes the development of an informed and enlightened citizenry.***
- 4. "Legal value": Records shall be deemed of legal value if they document actions taken in the protection and proving of legal or civil rights and obligations of individuals and agencies.***

(1976, c. 746; 1977, c. 501; 1981, c. 637; 1987, c. 217; 1990, c. 778; 1994, cc. 390, 955; 1998, cc. 427, 470; 2005, c. 787; 2006, c. 60.)

§ [42.1-78](#). Confidentiality safeguarded.

Any records made confidential by law shall be so treated. Records which by law are required to be closed to the public shall not be deemed to be made open to the public under the provisions of this chapter. Records in the custody of The Library of Virginia which are required to be closed to the public shall be open for public access 75 years after the date of creation of the record. No provision of this chapter shall be construed to authorize or require the opening of any records ordered to be sealed by a court. All

records deposited in the archives that are not made confidential by law shall be open to public access.

(1976, c. 746; 1979, c. 110; 1990, c. 778; 1994, c. 64; 2006, c. 60.)

§ [42.1-79](#). Records management function vested in The Library of Virginia.

A. *The archival and records management function shall be vested in The Library of Virginia.* The Library of Virginia shall be the official custodian and trustee for the Commonwealth of all public records of whatever kind, and regardless of physical form or characteristics, that are transferred to it from any agency. As the Commonwealth's official repository of public records, The Library of Virginia shall assume ownership and administrative control of such records on behalf of the Commonwealth. The Library of Virginia shall own and operate any equipment necessary to manage and retain control of electronic archival records in its custody, but may, at its discretion, contract with third-party entities to provide any or all services related to managing archival records on equipment owned by the contractor, by other third parties, or by The Library of Virginia.

B. The Librarian of Virginia shall name a State Archivist who shall perform such functions as the Librarian of Virginia assigns.

C. Whenever legislation affecting public records management and preservation is under consideration, The Library of Virginia shall review the proposal and advise the General Assembly on the effects of its proposed implementation.

(1976, c. 746; 1986, c. 565; 1990, c. 778; 1994, c. 64; 1998, c. 427; 2005, c. 787; 2006, c. 60.)

§ [42.1-82](#). Duties and powers of Library Board.

A. *The State Library Board shall:*

1. Issue regulations concerning procedures for the disposal, physical destruction or other disposition of public records containing social security numbers. The procedures shall include all reasonable steps to destroy such documents by (i) shredding, (ii) erasing, or (iii) otherwise modifying the social security numbers in those records to make them unreadable or undecipherable by any means.

2. *Issue regulations and guidelines designed to facilitate the creation, preservation, storage, filing, reformatting, management, and destruction of public records by agencies. Such regulations shall mandate procedures for records management and include recommendations for the creation, retention, disposal, or other disposition of public records.*

B. The State Library Board may establish advisory committees composed of persons with expertise in the matters under consideration to assist the Library Board in developing regulations and guidelines.

(1976, c. 746; 1977, c. 501; 1981, c. 637; 1990, c. 778; 1994, cc. 64, 955; 2003, cc. 914, 918; 2005, c. 787; 2006, c. 60.)

§ [42.1-85](#). Records Management Program; agencies to cooperate; agencies to designate records officer.

A. The Library of Virginia shall administer a records management program for the application of efficient and economical methods for managing the lifecycle of public records consistent with regulations and guidelines promulgated by the State Library Board, including operation of a records center or centers. The Library of Virginia shall establish procedures and techniques for the effective management of public records, make continuing surveys of records and records keeping practices, and recommend improvements in current records management practices, including the use of space, equipment, software, and supplies employed in creating, maintaining, and servicing records.

B. Any agency with public records shall cooperate with The Library of Virginia in conducting surveys. Each agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of such agency. The agency shall be responsible for ensuring that its public records are preserved, maintained, and accessible throughout their lifecycle, including converting and migrating electronic records as often as necessary so that information is not lost due to hardware, software, or media obsolescence or deterioration. Any public official who converts or migrates an electronic record shall ensure that it is an accurate copy of the original record. The converted or migrated record shall have the force of the original.

C. Each state agency and political subdivision of this Commonwealth shall designate as many as appropriate, but at least one, records officer to serve as a liaison to The Library of Virginia for the purposes of implementing and overseeing a records management program, and coordinating legal disposition, including destruction, of obsolete records. Designation of state agency records officers shall be by the respective agency head. Designation of a records officer for political subdivisions shall be by the governing body or chief administrative official of the political subdivision. Each entity responsible for designating a records officer shall provide The Library of Virginia with the name and contact information of the designated records officer, and shall ensure that such information is updated in a timely manner in the event of any changes.

D. The Library of Virginia shall develop and make available training and education opportunities concerning the requirements of and compliance with this chapter for records officers in the Commonwealth.

(1976, c. 746; 1990, c. 778; 1994, c. 64; 1998, c. 427; 2006, c. 60.)

§ [42.1-86](#). Essential public records; security recovery copies; disaster plans.

A. In cooperation with the head of each agency, The Library of Virginia shall establish and maintain a program for the selection and preservation of essential public records. The program shall provide for preserving, classifying, arranging, and indexing essential public records so that such records are made available to the public. The program shall provide for making recovery copies or designate as recovery copies existing copies of such essential public records.

B. Recovery copies shall meet quality standards established by The Library of Virginia and shall be made by a process that accurately reproduces the record and forms a durable medium. A recovery copy may also be made by creating a paper or electronic copy of an original electronic record. Recovery copies shall have the same force and effect for all purposes as the original record and shall be as admissible in evidence as the original record whether the original record is in existence or not. Recovery copies shall be preserved in the place and manner prescribed by the State Library Board and the Governor.

C. The Library of Virginia shall develop a plan to ensure preservation of public records in the event of disaster or emergency as defined in § [44-146.16](#). This plan shall be coordinated with the Department of Emergency Management and copies shall be distributed to all agency heads. The plan shall be reviewed and updated at least once every five years. The personnel of the Library shall be responsible for coordinating emergency recovery operations when public records are affected. Each agency shall ensure that a plan for the protection and recovery of public records is included in its comprehensive disaster plan.

(1976, c. 746; 1980, c. 365; 1990, c. 778; 1994, c. 64; 1998, c. 427; 2005, c. 787; 2006, c. 60.)

§ [42.1-86.1](#). *Disposition of public records.*

A. No agency shall sell or give away public records. No agency shall destroy or discard a public record unless (i) the record appears on a records retention and disposition schedule approved pursuant to § [42.1-82](#) and the record's retention period has expired; (ii) a certificate of records destruction, as designated by the Librarian of Virginia, has been properly completed and approved by the agency's designated records officer; and (iii) there is no litigation, audit, investigation, request for records pursuant to the Virginia Freedom of Information Act (§ [2.2-3700 et seq.](#)), or renegotiation of the relevant records retention and disposition schedule pending at the expiration of the retention period for the applicable records series. After a record is destroyed or discarded, the agency shall forward the original certificate of records destruction to The Library of Virginia.

B. No agency shall destroy any public record created before 1912 without first offering it to The Library of Virginia.

C. Each agency shall ensure that records created after July 1, 2006 and authorized to be destroyed or discarded in accordance with subsection A, are destroyed or discarded in a timely manner in accordance with the provisions of this chapter; provided, however, such records that contain identifying information as defined in clauses (iii) through (ix), or clause (xii) of subsection C of § [18.2-186.3](#), shall be destroyed within six months of the expiration of the records retention period.

(1990, c. 778; 1998, c. 427; 2005, c. 787; 2006, cc. 60, 909.)

§ [42.1-87](#). Archival public records.

A. Custodians of archival public records shall keep them in fire-resistant, environmentally controlled, physically secure rooms designed to ensure proper preservation and in such arrangement as to be easily accessible. Current public records should be kept in the buildings in which they are ordinarily used. It shall be the duty of each agency to consult with The Library of Virginia to determine the best manner in which to store long-term or archival electronic records. In entering into a contract with a third-party storage provider for the storage of public records, an agency shall require the third-party to cooperate with The Library of Virginia in complying with rules and regulations promulgated by the Board.

B. Public records deemed unnecessary for the transaction of the business of any state agency, yet deemed to be of archival value, may be transferred with the consent of the Librarian of Virginia to the custody of the Library of Virginia.

C. Public records deemed unnecessary for the transaction of the business of any county, city, or town, yet deemed to be of archival value, shall be stored either in The Library of Virginia or in the locality, at the decision of the local officials responsible for maintaining public records. Archival public records shall be returned to the locality upon the written request of the local officials responsible for maintaining local public records. Microfilm shall be stored in The Library of Virginia but the use thereof shall be subject to the control of the local officials responsible for maintaining local public records.

D. Record books deemed archival should be copied or repaired, renovated or rebound if worn, mutilated, damaged or difficult to read. Whenever the public records of any public official are in need of repair, restoration or rebinding, a judge of the court of record or the head of such agency or political subdivision of the Commonwealth may authorize that the records in need of repair be removed from the building or office in which such records are ordinarily kept, for the length of time necessary to repair, restore or rebind them, provided such restoration and rebinding preserves the records without loss or damage to them. Before any restoration or repair work is initiated, a treatment proposal from the contractor shall be submitted and reviewed in consultation with The Library of Virginia. Any public official who causes a record book to be copied shall attest it and shall certify

an oath that it is an accurate copy of the original book. The copy shall then have the force of the original.

E. Nothing in this chapter shall be construed to divest agency heads of the authority to determine the nature and form of the records required in the administration of their several departments or to compel the removal of records deemed necessary by them in the performance of their statutory duty.

(1976, c. 746; 1994, cc. 64, 955; 2005, c. 787; 2006, c. 60.)

§ [42.1-90.1](#). Auditing.

The Librarian may, in his discretion, conduct an audit of the records management practices of any agency. Any agency subject to the audit shall cooperate and provide the Library with any records or assistance that it requests. The Librarian shall compile a written summary of the findings of the audit and any actions necessary to bring the agency into compliance with this chapter. The summary shall be a public record, and shall be made available to the agency subject to the audit, the Governor, and the chairmen of the House and Senate Committees on General Laws and the House Appropriations and Senate Finance Committees of the General Assembly.

(2006, c. 60.)

IMPORTANT CHANGE TO THE VIRGINIA PUBLIC RECORDS ACT, 2006
(Source: Library of Virginia Website –
http://www.lva.lib.va.us/whatwedo/records/timely_destruction.htm)

Reference: Code of Virginia, §42.1-86.1 (A), effective July 1, 2006; §18.2-186.3

Applies to: Disposition of public records created after July 1, 2006 by state agencies, localities and political subdivisions

Discussion: Changes made during the 2006 regular session amended the Virginia Public Records Act (VPRA) through Senate Bill 461. The text below was added to §42.1-86.1, Disposition of public records:

B. Each agency shall ensure that records created after July 1, 2006 and authorized to be destroyed or discarded in accordance with subsection A, are destroyed or discarded in a timely manner in accordance with the provisions of this chapter; provided, however, such records that contain identifying information as defined in clauses (iii) through (ix), or clause (xii) of subsection C of §18.2-186.3 shall be destroyed within six months of the expiration of the records retention period.

What does destruction of records in a “timely manner” mean?

The Library of Virginia interprets “timely manner” to mean that records scheduled for destruction will be destroyed no later than the end of the year (calendar or fiscal) in which the retention period expires.

In order to implement this section, you need to know whether records are maintained by calendar year or fiscal year. “Calendar Year” (CY) is the normal chronological year, from January 1st to December 31st. “Fiscal Year” (FY) is the twelve month period for which budgets are usually set.

What are “records with identifying information?”

§18.2-186.3 of the Code concerns records containing the following categories of identifying information:

(iii) social security number; (iv) driver's license number; (v) bank account numbers; (vi) credit or debit card numbers; (vii) personal identification numbers (PIN); (viii) electronic identification codes; (ix) automated or electronic signatures; or (xii) passwords.

Only one category of identifying information needs to be present in a record to make it subject to the destruction provision within six months of the expiration of the relevant scheduled retention period.

When do these provisions not apply?

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

Destruction of records

Custodians of records must ensure that information in confidential or privacy protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Normally, destruction of confidential or privacy protected records will be done by shredding or pulping. "Deletion" of confidential or privacy-protected information in computer files or other electronic storage media is not acceptable. Electronic records must be overwritten with meaningless data or the storage media physically destroyed. Commercial software applications are available to “shred” deleted records from database systems.

HOUSE BILL NO. 2770 - WAS TABLED IN GENERAL LAWS

Offered January 10, 2007

Prefiled January 10, 2007

A BILL to amend and reenact § [42.1-86.1](#) of the Code of Virginia, relating to the Virginia Public Records Act; disposition of public records.

Patron-- Hurt

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § [42.1-86.1](#) of the Code of Virginia is amended and reenacted as follows:

§ [42.1-86.1](#). Disposition of public records.

A. No agency shall sell or give away public records. No agency shall destroy or discard a public record unless (i) the record appears on a records retention and disposition schedule approved pursuant to § [42.1-82](#) and the record's retention period has expired; (ii) a certificate of records destruction, as designated by the Librarian of Virginia, has been properly completed and approved by the agency's designated records officer; and (iii) there is no litigation, audit, investigation, request for records pursuant to the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.), or renegotiation of the relevant records retention and disposition schedule pending at the expiration of the retention period for the applicable records series. After a record is destroyed or discarded, the agency shall forward the original certificate of records destruction to The Library of Virginia.

B. No agency shall destroy any public record created before 1912 without first offering it to The Library of Virginia.

C. Each agency ~~shall ensure that~~ *may, for* records created after July 1, 2006, and authorized to be destroyed or discarded in accordance with subsection A, ~~are destroyed or discarded~~ *destroy or discard such records* in a timely manner in accordance with the provisions of this chapter; ~~provided, however, such records that contain identifying information as defined in clauses (iii) through (ix), or clause (xii) of subsection C of § [18.2-186.3](#), shall be destroyed within six months of the expiration of the records retention period.~~

§ [15.2-1722](#). Certain records to be kept by sheriffs and chiefs of police.

A. It shall be the duty of the sheriff or chief of police of every locality to insure, in addition to other records required by law, the maintenance of adequate personnel, arrest, investigative, reportable incidents, and noncriminal incidents records necessary for the efficient operation of a law-enforcement agency. Failure of a sheriff or a chief of police to maintain such records or failure to relinquish such records to his successor in office shall constitute a misdemeanor. Former sheriffs or chiefs of police shall be allowed access to such files for preparation of a defense in any suit or action arising from the performance of their official duties as sheriff or chief of police. The enforcement of this section shall be the duty of the attorney for the Commonwealth of the county or city wherein the violation occurs.

B. For purposes of this section, the following definitions shall apply:

"Arrest records" means a compilation of information, centrally maintained in law-enforcement custody, of any arrest or temporary detention of an individual, including the identity of the person arrested or detained, the nature of the arrest or detention, and the charge, if any.

"Investigative records" means the reports of any systematic inquiries or examinations into criminal or suspected criminal acts which have been committed, are being committed, or are about to be committed.

"Noncriminal incidents records" means compilations of noncriminal occurrences of general interest to law-enforcement agencies, such as missing persons, lost and found property, suicides and accidental deaths.

"Personnel records" means those records maintained on each and every individual employed by a law-enforcement agency which reflect personal data concerning the employee's age, length of service, amount of training, education, compensation level, and other pertinent personal information.

"Reportable incidents records" means a compilation of complaints received by a law-enforcement agency and action taken by the agency in response thereto.

(1975, c. 290, § 15.1-135.1; 1979, c. 686; 1981, c. 284; 1997, c. 587; 1999, cc. 703, 726.)

Attachments

- 1.) Model Local Government Regulation (City of Richmond Administrative Regulation 3.5 – Virginia Public Records Policy)
(<http://www.ci.richmond.va.us/departments/hr/adminregs/3-5.pdf>)
- 2.) Commonwealth of Virginia (Library of Virginia) Records Retention and Disposition Schedule – GS No. 17 ~ Law Enforcement Records/All Locality Law Enforcement Activities
(http://www.lva.lib.va.us/whatwedo/records/sched_local/GS-17.pdf)
- 3.) Commonwealth of Virginia (Library of Virginia) Records Retention and Disposition Schedule – GS No. 29 ~ Criminal Justice Training Academy Records
(http://www.lva.lib.va.us/whatwedo/records/sched_local/GS-29.pdf)
- 4.) Commonwealth of Virginia (Library of Virginia) Certificate of Records Destruction Form (Form RM-3) - BLANK
(<http://www.lva.lib.va.us/whatwedo/records/forms/rm3-99.pdf>)
- 5.) Commonwealth of Virginia (Library of Virginia) Certificate of Records Destruction Form (Form RM-3) – SAMPLE OF COMPLETED RM-3
(<http://www.lva.lib.va.us/whatwedo/records/forms/00m-ch5a.pdf>)



Office
of
City
Manager

ADMINISTRATIVE REGULATION

(Issued Under Authority of the City Manager)

Supersedes: NA

Title: VIRGINIA PUBLIC RECORDS POLICY

A.R.: NA DATED: NA

Number:
3.5

Effective Date:
September 1, 2004

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I. PURPOSE

The purpose of this regulation is to provide for the orderly maintenance of, access to and disposition of the public records of the City of Richmond in accordance with provisions of the Code of Virginia and the Code of the City of Richmond.

II. APPLICATION

The policies and procedures set forth in this regulation shall apply to (i) all agencies of the City of Richmond (ii) all agencies of the Commonwealth that deposit public records in the City Records Center and (iii) citizens who may use the records stored in the City Records Center.

III. DEFINITION

The term "public record" refers to "recorded information that documents a transaction or activity by or with any public officer, agency or employee of the state government or its political subdivisions. Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business." Va. Code Ann. § 42.1-77 (Michie 2002). Types of public records may include, but are not limited to, letters, photographs, magnetic tapes, e-mails and reports. Non-current public records of continuing and enduring value are appropriate for archive if they have one of the following values:

- A. Administrative: Records that have continuing utility in the operation of an agency
- B. Legal: Records that document actions taken in the protection and proving of legal or civil rights and obligations of individuals and agencies.
- C. Fiscal: Records that verify and document financial transactions, obligations and authorizations.
- D. Historical: Records that contain unique information, significance, or an ability to convey an understanding of the operations of government, regardless of the record's age.

IV. POLICY

A. Ownership of Records

Records on deposit in the City Records Center are the property of the City of Richmond and in particular the agency that created them, not of the creator.

City Manager Approval Initials _____

ADMINISTRATIVE REGULATION

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B. Confidentiality of Records

Those records that are confidential or private do not lose that status by being placed in the City Records Center. Va. Code Ann. § 42.1-78 (Michie 2002); Richmond City Code § 2-382 (1993).

C. Retention Requirements

In compliance with the Virginia Public Records Act, Va. Code §§ 42.1-70—42.1-91 (Michie 2002 & Supp. 2003), the City and all of its agencies adhere to the General Schedules for Local Governments in Virginia promulgated by the Library of Virginia. These schedules specify the length of time that the City must retain various categories of records in order to comply with state law.

D. Requirements before Destruction

No record shall be destroyed without:

1. the written consent of the Agency Head or his written designee;
2. an approved retention/disposition schedule of the Library of Virginia in place;
3. the written approval of the City Records Manager; and
4. completion of the Commonwealth of Virginia form RM3.

E. Access to or Removal of Records

1. No records deposited in the City Records Center by one agency's staff may be accessed by another agency's staff without the written consent of the depositing agency's Agency Head, unless such access is pursuant to:
 - a. investigative powers set forth in the Charter of the City of Richmond or the Code of the City of Richmond;
 - b. a request by the City Manager, his Chief of Staff, or a Deputy City Manager; or
 - c. a federal or state entity acting in accordance with either statutorily authorized investigative powers or the written order of a court of competent jurisdiction.
2. No record may be removed from the custody of the City Records Manager without a written request documenting the details of the withdrawal.
3. No public records shall be removed from the place in which they were created or in which they are retained upon the separation of the employee who is custodian. Public records may be carried away by city employees who are using the records in the course of their duties.

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V. PROCEDURE

A. In General

1. Data Collection and Dissemination Practices - State law requires that record-keeping systems which include personal information about identifiable individuals comply with certain standards regarding the collection and dissemination of personal information. {Government Data Collection and Dissemination Practices Act, Va. Code Ann. §§ 2.2-3800—2.2-3809 (Michie 2001 & Supp. 2003)}. In order to assist the City in complying with this law, the City Records Manager (i) maintains an “access list” of all persons who are authorized to have regular access to any given set of records deposited in the City Records Center—usually certain employees of the depositing agency—and (ii) maintains for a period of three (3) years a list of all persons who access records deposited in the City Records Center. Each individual agency is responsible for the compliance of its data-gathering systems with this law.
2. Electronic Mail - Records preserved in electronic media, including but not limited to electronic mail (“e-mail”), are subject to records retention requirements if not retained in some other medium (e.g., paper). The following general principles apply to e-mail records:
 - a. E-mail is a generic term that refers merely to a medium, like paper or microfilm, in which records are kept. The retention requirements for e-mail are the same as for any paper record. Agencies and their employees are responsible for maintaining copies of all public records created, stored or received electronically.
 - b. Copies of e-mail may be printed on paper and filed according to the General Schedules promulgated by the Library of Virginia. In the alternative, agencies may seek the assistance of the Department of Information Technology in maintaining an electronic archive of e-mail.
 - c. More information concerning the application of records retention legal requirements to e-mail is available from the Library of Virginia on the World Wide Web at the URL address <http://www.lva.lib.va.us/whatwedo/records/electron/index.htm>.

See A.R. 2.6 concerning Electronic Media Systems for guidelines on the use of electronic media systems, including but not limited to e-mail.
3. Freedom of Information - Unless a specific exclusion from its requirements applies, the Virginia Freedom of Information Act (“VFOIA”) requires the disclosure to Virginia citizens of records “prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.” {Va. Code Ann. § 2.2-3701 (Michie Supp. 2003)}; *See* A.R. 3.1 concerning Freedom of Information for guidelines on complying with VFOIA, {Va. Code Ann. §§ 2.2-3700—2.2-3714 (Michie 2001 & Supp. 2003).}

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4. Records Retention - As noted above, the City adheres to the General Schedules promulgated by the Library of Virginia pursuant to the Virginia Public Records Act, {Va. Code §§ 42.1-70—42.1-91 (Michie 2002 & Supp. 2003)}. These schedules are available on the World Wide Web at the URL address http://www.lva.lib.va.us/whatwedo/records/sched_local/index.htm and by written request to the City Records Manager.

B. Responsibilities of City Records Manager

Pursuant to section 42.1-85 of the Code of Virginia and section 2-384 of the Code of the City of Richmond, the City Manager shall appoint a City Records Manager to perform duties including, but not limited to, the following:

1. Implementing and overseeing a records management program. Va. Code Ann. § 42.1-85 (Michie 2002).
2. Coordinating legal disposition, including destruction of obsolete records. Va. Code Ann. § 42.1-85 (Michie 2002).
3. Providing for the safekeeping, security and preservation of public records entrusted to his care and keeping. Richmond City Code § 2-385(1) (1993).
4. Operating the City Records Center to house and preserve inactive records prior to disposition. Richmond City Code § 2-385(2) (1993).
5. Providing appropriate instruction in records management techniques to agency staff. Richmond City Code § 2-385(3) (1993).
6. Approving and reporting the destruction of public records of the City of Richmond destroyed in the course of business. Richmond City Code § 2-385(4) (1993).
7. Ensuring that the Library of Virginia creates and approves appropriate records retention and disposition schedules where they do not exist already.

C. Agency Responsibilities

Each Agency Head shall designate annually in writing an employee of his agency to serve as the agency's Records Management representative with the City Records Manager. This Records Management representative shall (i) approve the destruction of public records of the agency, (ii) arrange for the transfer of agency records, (iii) advise the City Records Manager of special or unusual records management problems in the agency and (iv) perform other such duties as may be set forth in section 2-386(4) of the Code of the City of Richmond or assigned by the Agency Head. Each Agency Head shall be responsible for his agency's compliance with the requirements of section 2-386 of the Code of the City of Richmond.

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D. Storage Procedures

1. Procedures for Deposit - Depositing agencies shall deposit collocated records to be stored in the City Records Center only in accordance with the written procedures established the City Records Manager and only in unmarked containers that he has approved. These written procedures are set forth in the Administrative Correspondence of the City Records Manager. Copies of the Administrative Correspondence are furnished to each agency's Records Management representative and may be obtained from the City Records Manager upon request.
2. Transfer Sheet - Depositing agencies shall be responsible for the transportation of records to the City Records Center and assistance with shelving. Depositing agencies shall not bring records to the City Records Center without the prior consent of the City Records Manager, except in dire emergencies and only then at the explicit request of the Agency Head. The City Records Manager may refuse to accept records presented in damaged or unmarked containers. A typewritten transfer sheet, placed inside the container, shall accompany all deposited records. Each container shall have a separate transfer sheet. The City Records Manager shall specify the form of the transfer sheet, and depositing agencies shall use only transfer sheets that conform to the City Records Manager's specifications.
3. Storage Containers - Each agency shall provide the necessary containers at its expense. The City Records Center has a limited supply of standard 1 c/f containers, available on a first come, first served basis. The City Records Center can accept records requiring special containers, but the depositing agency shall pay for any special containers or conservation devices such as photographic negative holders. The City Records Manager shall assist in locating appropriate archival storage containers and shall advise agency staff of costs.
4. Binding or Rebinding - In cases in which books or annual reports require binding or rebinding, the City Records Manager shall see that this is done at the depositing agency's expense. The City Records Manager may refuse to accept records needing binding, rebinding or other conservation measures if the depositing agency does not agree to pay that expense.
5. Receipt of Records - Upon accessioning the records—not later than forty-eight (48) hours from arrival—the City Records Manager will furnish the depositing agency a duplicate copy of the completed transfer sheet, showing the Records Center number, the date of accession and the prospective date of destruction, if any. If the agency should require later access to the records, its Records Management representative shall provide the City Records Center with the Records Center number at the upper right hand corner of the Records Center transfer sheet.

E. Procedures for Access to Records

1. Persons Authorized to Access Records - Under ordinary circumstances, only staff in the depositing agency may access records on deposit in the City Records Center without the prior written consent of the depositing agency's Agency Head or Records Management representative. The City Records Manager will document separately to the Agency Head access by anyone not on the appropriate regular departmental access list after the Agency Head has consented to the access.

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2. Persons Authorized to Access Records - Under ordinary circumstances, only staff in the depositing agency may access records on deposit in the City Records Center without the prior written consent of the depositing agency's Agency Head or Records Management representative. The City Records Manager will document separately to the Agency Head access by anyone not on the appropriate regular departmental access list after the Agency Head has consented to the access.
3. Documentation of Access and Retention of Documentation - No record shall be used without the documentation of that use on a standard, pre-printed, sequentially-numbered, "City of Richmond Records Request Form." The form shall bear the name and the agency (if a City employee) or full address and telephone number (if not a City employee) of the user. The City Records Center shall give the user the pink slip and retain the remainder of the form. Upon the completion of the use and the return of the records, the City Records Center shall sign and date the user's pink slip and return the pink slip to the user. The remainder of the Records Request Form will be retained by the City Records Center for three (3) years after the Fiscal Year of the use. The data on the form above will be placed on the electronically maintained withdrawal file. This procedure shall apply to all records, whether or not subject to the Government Data Collection and Dissemination Practices Act, Va. Code Ann. §§ 2.2-3800—2.2-3809 (Michie 2001 & Supp. 2003).
4. Agency Access List - The Agency Head shall sign and forward to the City Records Manager annually a list and specimen signatures of those individuals authorized to (i) withdraw and (ii) destroy public records of that agency. Under ordinary circumstances, only those individuals whose names and signatures with which the Agency Head has furnished the City Records Manager will be allowed to withdraw records. If an urgent need exists and is confirmed by the City Records Center, the City Records Center may release a record; however, the City Records Center shall notify the Agency Head of the depositing agency of the release in writing. The City Records Manager will require the Agency to update this list annually or more frequently, if necessary.
5. Access Pursuant to VFOIA - If an entitled citizen makes a freedom of information request pursuant to VFOIA, the following procedure shall apply:
 - a. The City Records Center shall adhere to all procedures set forth in A.R. 3.1 concerning Freedom of Information when handling freedom of information requests.
 - b. The City Records Center shall collect and retain data from the requester as prescribed by (V)(E)(2) above.
 - c. The City Records Center shall notify the Agency Head of the depositing agency of the request upon receipt.

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d. If the Agency Head or Records Management representative does not evince a desire to handle the request in another statutorily-permissible manner within forty-eight (48) hours of notification by the City Records Center, then the City Records Center shall adhere to the following procedure:

- (1) If there is no doubt that the requested records are subject to VFOIA's disclosure requirements (i.e., that no exclusion applies or that no law requires the record's withholding), then the City Records Center shall make the requested records available to the requester for inspection and copying; however, under no circumstances shall the requester be permitted to remove any record from the City Records Center premises.
 - (2) If there is doubt as to whether the requested records are subject to VFOIA's disclosure requirements (i.e., a belief that an exclusion may apply or that a law may require the record's withholding), then the City Records Center shall consult with the City Attorney as prescribed in A.R. 3.1 concerning Freedom of Information and act accordingly.
 - (3) The City Records Center shall respond to the request in writing and furnish the Agency Head with a copy of the response.
5. Copies of Records - The City Records Center shall supply copies of records at no cost to City agencies, to any other governmental agency acting under color of law, or in response to an order entered by a court of competent jurisdiction. The City Records Center shall supply copies to other requesters subject to payment of the costs as specified in A.R. 3.1 concerning Freedom of Information. The amount collected shall be noted on the Records Center request form. Monies collected for copying shall be paid into the City's General Fund in accordance with normal procedures.
6. Tracking of Withdrawn Records - An agency may use original records that the City Records Center provides to that agency pursuant to this regulation for thirty (30) days. The City Records Center will notify the using agency when thirty (30) days have elapsed since the withdrawal of a record. The City Records Center will attach a copy of the thirty-day notification to the original request form. If the using agency chooses to retain the record, the City Records Center will confirm that choice in writing to the Agency Head and will keep the Records Center request form until the record is returned. When the record is returned, the City Records Center shall note the return on the original request form.

F. Procedures for Destruction of Records.

1. Authorization Required - No public records of the City of Richmond shall be destroyed unless they have been scheduled for destruction on an approved Records Management Schedule of the Commonwealth of Virginia and a local schedule of the City of Richmond and have been noted on a completed RM3 form signed by the City Records Manager in his capacity as the City's "records officer" designated pursuant to section 42.1-85 of the Code of Virginia.

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2. Notification of Agency Prior to Destruction - Between thirty (30) and sixty (60) days before the anticipated date of destruction, the City Records Manager shall forward to the Agency Head or the agency's Records Management representative a written request for destruction. The request shall contain the Records Center numbers of the records to be destroyed, the contents of the records, the number of times the records have been used in the three-year period preceding destruction, and any data deemed worthy of mention by the City Records Manager. The Agency Head or the Records Management representative shall indicate in writing his concurrence or non-concurrence with the scheduled destruction and shall date and sign the document. If the Agency Head or the Records Management representative fails to reply, the City Records Manager shall make one further inquiry. If the Agency Head or the Records Management representative still fails to reply, the City Records Manager may at his option either decline to accept further records from the agency or destroy the records as scheduled without further notice to the agency's staff.
3. Records of Destruction - For three (3) years after the Fiscal Year of the destruction, the City Records Manager shall retain a package containing his original request for destruction and the action taken upon it, the transfer sheets showing the records that were stated to be contained in the Records Center container and a copy of the certificate of destruction filed with the Library of Virginia. The destruction packages shall be destroyed three (3) years after the close of the fiscal year of destruction, and that destruction shall be documented appropriately.

VI. AUTHORITY

Virginia Public Records Act, Va. Code Ann. §§ 42.1-76—42.1-91 (Michie 2002 & Supp. 2003).
Richmond City Code §§ 2-381—2-388 (1993).

VII. REGULATION UPDATE

The City Records Manager shall be responsible for modifications to this Regulation.

APPROVED:

Dr. Calvin Jamison
CITY MANAGER

RECORDS RETENTION AND DISPOSITION SCHEDULE
GENERAL SCHEDULE NO. 17
LAW ENFORCEMENT RECORDS
ALL LOCALITY LAW ENFORCEMENT ACTIVITIES

The schedule on the attached page(s) is approved with agreement to follow the records retention and disposition conditions listed below:

APPROVED: Conley Edwards, State Records Administrator

EFFECTIVE SCHEDULE DATE: September 16, 2005

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CONDITIONS FOR RECORDS RETENTION AND DISPOSITION

1. This schedule is continuing authority under the provisions of the Virginia Public Records Act, §§ 42.1-76, et. seq. of the *Code of Virginia* for the retention and disposition of the records as stated on the attached page(s).
2. This schedule supersedes previously approved applicable schedules.
3. This schedule is used in conjunction with the *Certificate of Records Disposal* (Form RM-3). A signed RM-3 must be approved by the designated records officer and on file in the agency or locality before records can be destroyed. After the records are destroyed, the original signed RM-3 must be sent to Library of Virginia (LVA).
4. Any records created before the Constitution of 1902 came into effect (January 1, 1904) must be offered, in writing, to the LVA before applying these disposition instructions. Offered records can be destroyed 60 days after date of the offer if no response is received from the LVA. A copy of the offer must be attached to the RM-3 form when it is submitted to the LVA.
5. All known audits and audit discrepancies regarding the listed records must be settled before the records can be destroyed.
6. All known investigations or court cases involving the listed records must be resolved before the records can be destroyed. Knowledge of subpoenas, investigations or litigation that reasonably may involve the listed records suspends any disposal or reformatting processes until all issues are resolved.
7. The retentions and dispositions listed on the attached page(s) apply regardless of physical format, i.e., paper, microfilm, audio-visual, electronic storage, optical imaging, etc. Unless prohibited by law, records may be reformatted at agency or locality discretion. All reformatting must be done in accordance with The Library of Virginia Guidelines for Electronic Records and Microfilm and with §§ 17VAC15-20-10, et. seq. of the *Virginia Administrative Code*, "Standards for the Microfilming of Public Records for Archival Retention." All records must be accessible throughout their retention period in analog or digital format. Whether the required preservation is through prolongation of appropriate hardware and/or software, reformatting or migration, it is the obligation of the agency or locality to do so.
8. Custodians of records must ensure that information in confidential or privacy protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Normally, destruction of confidential or privacy-protected records will be done by shredding or pulping. "Deletion" of confidential or privacy-protected information in computer files or other electronic storage media is not acceptable. Electronic records must be "wiped" clean or the storage media physically destroyed.
9. Under the *Virginia Public Records Act*, (§ 42.1-79) the Library of Virginia is the official custodian and trustee of all state agency records transferred to the Archives, Library of Virginia. The Library may purge select records in accordance with professional archival practices in order to ensure efficient access.



**RECORDS RETENTION AND DISPOSITION SCHEDULE
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RECORDS SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<p><u>Abandoned / Impounded Vehicle Files</u> This series documents the identification, retrieval, processing, return or disposal of abandoned or impounded vehicles.</p>	100812	Retain 3 years after disposition of vehicle, then destroy.
<p><u>Activity Reports</u> This series documents the completion of departmental or locality required law enforcement activity reports, not specified elsewhere in this schedule.</p>	005661	Retain 1 year after report date, then destroy.
<p><u>Administrative Records</u> This series documents the common functions and administration of various types of offices; records not otherwise listed on this schedule.</p>		Refer to <i>General Records Retention and Disposition Schedule No. GS-19, Administrative Records</i> for retention guidelines.
<p><u>Adult Custody Files – Legally Incompetent</u> This series documents the transfer of custody of adults who are temporarily or permanently incompetent to handle their affairs.</p>	005662	Retain 3 years after transfer, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Adult Protective Orders</u> This series documents receipt and action on Adult Protective Orders not filed in case files, including emergency orders, <i>Code of Virginia</i>, §§ 63.2-1606 to 1613.</p>	005663	Retain until expiration of order, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Alarm Files, Security</u> This series documents when a security alarm in a home or business is activated and the department is notified.</p>	100706	Retain 3 years after activation, then destroy.
<p><u>Alarm Permit Files, Security</u> This series documents permits filed with police departments to link home or business security alarm devices to the department's response system.</p>	100707	Retain 1 year after expiration of permit, then destroy.



**RECORDS RETENTION AND DISPOSITION SCHEDULE
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RECORDS SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<u>Alcoholic Beverage Control Permit Files</u> This series documents local review and/or approval of ABC permits.	100708	Retain 1 year after expiration of permit, then destroy.
<u>Alcohol Safety Action Program Files</u> This series documents a law enforcement agency's participation in local Alcohol Safety Action programs.	100709	Retain 3 years after participation, then destroy.
<u>Alias Files</u> This series documents the aliases used by suspected or convicted law breakers.	100710	Retain 75 years after entry of alias, then destroy in compliance with No. 8 on schedule cover page.
<u>Animal Control Files</u> This series documents law enforcement's participation in local animal control.	100711	Retain 3 years after end of calendar year, then destroy.
<u>Appearance and Continuing Bonds</u> This series documents the acceptance of a bail bond for suspects to appear at court.	100712	Retain 3 years after close of case, then destroy.
<u>Arrest Cards, Master - Adult</u> This series documents the cumulative history of arrests and convictions on a particular individual.	100713	Retain until 80 th birthday or 1 year after notification of death of individual arrested, whichever is less; then destroy in compliance with No. 8 on schedule cover page.
<u>Arrest Cards, Master - Juvenile</u> Documents the cumulative history of arrests and convictions on a particular individual.	100714	Retain 5 years after individual reaches age of majority (18). Refer to <i>Code of Virginia</i> , §16.1-306. Destroy in compliance with No. 8 on schedule cover page.
<u>Arrest Files - Adult</u> This series documents the arrest of adults alleged to have committed criminal or illegal acts.	100715	Retain 5 years after date of arrest, then transfer required information to records series 100713, "Arrest Cards, Master - Adult." After information transferred, destroy in compliance with No. 8 on schedule cover page.



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RECORDS SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<p><u>Arrest Files - Juvenile</u> This series documents the arrest of juveniles alleged to have committed criminal or illegal acts.</p>	100716	Retain 5 years after individual reaches age of majority (18). Refer to <i>Code of Virginia</i> , §16.1-306. Destroy in compliance with No. 8 on schedule cover page.
<p><u>Arrest Index Card Files</u> This series documents the creation of an index to arrests by act, location and/or suspect.</p>	100717	Retain as long as administratively necessary, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Arrest Logs / Books</u> This series documents the cumulative arrests by an agency in chronological order.</p>	100718	Retain 5 years after last entry, then destroy.
<p><u>Automotive Operations: General</u> This series documents vehicle operation and maintenance, not otherwise listed on this schedule, of departmental vehicles.</p>		Refer to <i>General Records Retention and Disposition Schedule No. GS-16, General Services Records</i> for retention guidelines.
<p><u>Automotive Operations: Logs, Vehicle</u> This series documents the control, use and status of law enforcement vehicles.</p>	100719	Retain 2 years after last entry, then destroy.
<p><u>Automotive Operations: Radar and Tuning Fork Calibrations Files</u> This series documents the routine, timely and effective calibration of radar equipment and tuning forks.</p>	100720	Retain 6 months after superseded by a new calibration or disposal of equipment, then destroy.
<p><u>Automotive Operations: Radar Equipment Files</u> This series documents the cumulative maintenance and repair history of radar equipment.</p>	100721	Retain for life of equipment, then destroy.



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<u>Automotive Operations: Speedometer Calibration Files</u> This series documents the routine, timely and effective calibration of speedometers in law enforcement vehicles.	100722	Retain 6 months after superseded by a new calibration or disposal of vehicle, then destroy.
<u>Autopsy Reports – Not Included in Specific Case Files</u> This series documents analysis completed by medical examiners or coroners regarding cases of unattended deaths, suicides and homicides. Medical examiner or coroner retains original copy.	100723	Retain 10 years after receipt, then destroy in compliance with No. 8 on schedule cover page.
<u>Bicycle Registration/License Files</u> This series documents the registration and or licensing of bicycles if required by local ordinance.	100724	Retain 1 year after expiration, then destroy.
<u>Breath/Alcohol or Drug Testing Records</u> This series documents the collection and testing of breath/alcohol or drug tests on vehicle operators. Includes logs and reports not included in case files.	005664	Retain 3 years after test date or last entry, then destroy in compliance with No. 8 on schedule cover page.
<u>Certificates of Analysis</u> This series documents the performance of laboratory analysis on evidence.		Refer to records series 100777, "Lab Requests and Reports."
<u>Child Protective Orders</u> This series documents receipt and action on Child Protective Orders, <i>Code of Virginia</i> , §§ 16.1-251 through 254.	100725	Retain until expiration of order, then destroy in compliance with No. 8 on schedule cover page.
<u>Community Crime Prevention Program Files</u> This series documents law enforcement's effort to develop and assist community based crime prevention programs.	100726	Retain as long as administratively necessary, then destroy.



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<p><u>Concealed Weapons Checks or Permits</u> This series documents the receipt of concealed weapons checks or permits issued by courts. Refer to records series 101209, "Fingerprint Cards, Concealed Weapons Checks" for related records.</p>	100727	Retain 2 years after expiration, then destroy in compliance with No. 8 on schedule cover page. Refer to <i>Code of Virginia</i> , §18.2-308.
<p><u>Confidential Informant Files</u> This series documents the identity of, contacts with, and reliability of confidential informants.</p>	100728	Retain as long as administratively necessary, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Confiscated or Surrendered Firearms Files</u> This series documents the taking and/or acceptance of confiscated or surrendered firearms by or to law enforcement authorities.</p>	100729	Retain 10 years after court order and final disposal, then destroy.
<p><u>Confiscated Property Files</u> This series documents the seizure of property involved in an arrest or execution of a court order. Does not include firearms/weapons; refer to records series 100729, "Confiscated or Surrendered Firearms Files."</p>	100730	Retain 3 years after court order and disposal, then destroy.
<p><u>Conservator of the Peace (Special) – Background Investigation Files</u> This series documents applications by individuals petitioning the court for appointment to police certain locations, or for individuals who need the designation for employment purposes. Files include background investigation, interviews, copies of birth certificates, diplomas, military discharge papers, reference letters, and a copy of the report summarizing results that is submitted to the requestor.</p>	100731	Retain 2 years after designation is no longer active, then destroy in compliance with No. 8 on schedule cover page.



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<p><u>Controlled Substance Seizure Files</u> This series documents the confiscation of controlled substances such as drugs and alcohol involved in arrest or execution of a court order. Does not include firearms/weapons; refer to records series 100777, "Confiscated or Surrendered Firearms Files."</p>	100732	Retain 3 years after final disposition of case, then destroy.
<p><u>Court Appearance Files</u> This series documents the scheduling and appearance of law enforcement officers or support staff in court proceedings as a course of police activities.</p>	100733	Retain 6 months after appearance, then destroy.
<p><u>Court Orders</u> This series documents the receipt, execution or failure to execute court orders or other processes not listed elsewhere on this schedule. Includes any logs or registers used to control or locate court orders. See also "Extraditions", "Juvenile Detention Orders" and "Warrants".</p>	100734	Retain 3 years after last action, then destroy.
<p><u>Crime Analysis Files</u> This series documents the formal and/or informal analysis of crimes, patterns or crimes and the reporting of the analysis.</p>	100735	Retain 5 years after report completion or longer if administratively necessary, then destroy.
<p><u>Crimeline/Crime Solvers - Tapes</u> This series documents the recording of anonymous tips from citizens.</p>	100736	Retain 60 days after recording, then reuse or destroy in compliance with No. 8 on schedule cover page. Disposal reporting on <i>Certificate of Records Disposal</i> (RM-3 form) not required.
<p><u>Crimeline/Crime Solvers - Transcriptions or Reports - Actions Taken</u> This series contains written transcripts or reports of anonymous tips from citizens.</p>		Transfer to appropriate case file.



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<p><u>Crimeline/Crime Solvers - Transcriptions or Reports - No Actions Taken</u> This series contains written transcripts or reports of anonymous tips from citizens.</p>	100738	Retain 2 years after receipt, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Criminal History Request and Response Files</u> This series documents the receipt of requests for individual criminal histories and the response provided. (<i>Code of Virginia</i>, §9-192). See also VCIN records.</p>	100739	Retain 2 years after request, then destroy.
<p><u>Dispatch (Communications) Tapes - Not Retained as Evidence</u> This series documents the recording of radio communications to or from officers in the field.</p>	100740	Retain 60 days after recording, then reuse or destroy in compliance with No. 8 on schedule cover page. Disposal reporting on <i>Certificate of Records Disposal</i> (RM-3 form) not required.
<p><u>Dispatch (Communications) Tapes - Retained as Evidence</u> This series documents the recording of radio communications to or from officers in the field.</p>		Transfer to appropriate case file.
<p><u>Dispatch (Communications) Records</u> This series documents the recording of radio communications to or from officers in the field. Includes logs, reports and other written information.</p>	100742	Retain 2 years after creation, then destroy.
<p><u>DMV Confirmations of Liability Insurance</u> This series documents the receipt of DMV Confirmations of Liability Insurance.</p>	100743	Retain 1 year after receipt, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Dog Control Files</u> This series documents law enforcement's participation in animal control programs.</p>		Refer to records series 100711, "Animal Control Files."



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<u>Duty Rosters</u> This series documents the assignment of work days, work hours, jobs, tasks, patrols or other duties to law enforcement officers.	100745	Retain 6 months after date of last entry, then destroy.
<u>Educational Program Files, Citizen</u> This series documents law enforcement participation in citizen education programs.	100746	Retain as long as administratively necessary, then destroy.
<u>Electronic Records</u> This series contains records created or stored in any electronic format; records not otherwise listed on this schedule.		Refer to <i>General Records Retention and Disposition Schedule No. GS-23, Electronic Records</i> for retention guidelines.
<u>Emergency Call Records - 911 System Maintenance</u> This series documents the actions to maintain 911 or similar system. Includes address corrections, system complaints and problem corrections.	100747	Retain 3 years after last action, then destroy.
<u>Emergency Call Records - Logs and Other Supporting Records</u> This series documents actions taken in response to emergency calls. Includes ambulance, fire and police calls.	100748	Retain 3 years after end of calendar year, then destroy.
<u>Emergency Call Records - Tapes, Not used as Evidence</u> This series documents actions taken in response to emergency calls. Includes ambulance, fire and police calls.	100749	Retain 60 days after recording, then reuse or destroy. Disposal reporting on <i>Certificate of Records Disposal</i> (RM-3 form) not required.
<u>Emergency Call Records - Tapes, Retained as Evidence</u> This series documents actions taken in response to emergency calls. Includes ambulance, fire and police calls.	100750	Retain 3 years or until case resolved or evidence released, whichever is longer; then destroy.



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<u>Equipment Checkout Log</u> This series documents the daily issuance of weapons and other controlled items to law enforcement or support personnel.	100751	Retain until the location of all equipment is verified and log is completed, then destroy.
<u>Evidence Receipts</u> This series documents the chain of custody of evidence.	100752	Retain 3 years after final disposition of evidence or case closure, whichever is greater; then destroy.
<u>Evidence Requests</u> This series documents the receipt of and response to requests for use of evidence and/or copies of evidence.	100753	Retain 3 years after final disposition of evidence or case closure, whichever is greater; then destroy.
<u>Extraditions</u> This series documents the receipt of and execution of extradition orders, <i>Code of Virginia</i> , §§ 19.2-84 through 118.	100754	Retain 1 year after last action, then destroy.
<u>False Alarm Files</u> This series documents the receipt of false alarms and actions taken to investigate cause of false alarm.		Refer to records series 100706, "Alarm Files, Security."
<u>FBI Files</u> This series contains information obtained from the Federal Bureau of Investigation. Series includes reports, warnings, alerts and correspondence.	100756	Retain 2 years after receipt or longer if administratively necessary, then destroy in compliance with No. 8 on schedule cover page.
<u>Field Contact / Interrogation Files</u> This series documents field notes of officers in regard to investigations and/or complaint resolution.		Transfer to related investigation or case file.



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<u>Fingerprint Cards, Concealed Weapons Checks</u> This series consists of fingerprint cards used to screen candidates for concealed weapons permits. Refer to 100727 "Concealed Weapons Checks" for related records.	101209	Retain 21 days after notification sent out, then destroy in compliance with No. 8 on schedule cover page. Refer to <i>Code of Virginia</i> , § 18.2-308.
<u>Fingerprint Cards - Juvenile - No Warrant or Petition Filed</u> This series documents the recording of fingerprints during the booking process.	100758	Retain 60 days after booking, then destroy in compliance with No. 8 on schedule cover page, <i>Code of Virginia</i> , § 16.1-299.
<u>Fingerprint Cards, Master - Adult</u> This series documents the recording of fingerprints during the booking process.	100759	Retain until 80 th birthday of individual arrested, then destroy in compliance with No. 8 on schedule cover page.
<u>Fingerprint Cards, Master - Juvenile</u> This series documents the recording of fingerprints during the booking process.	100760	Retain until 80 th birthday of individual arrested, then destroy in compliance with No. 8 on schedule cover page.
<u>Fire Investigations</u> This series documents law enforcement investigations of suspicious fires.		Refer to <i>General Records Retention and Disposition Schedule No. GS-10, Fire and Rescue Records</i> for retention guidelines.
<u>Firearms Qualifications</u> This series documents the history of firearms proficiency and qualification by individual officers.	100761	Retain 5 years after last testing, then destroy.
<u>Firearms Registrations and Assignments, Internal</u> This series documents the registration and assignment of firearms for law enforcement use.	100762	Retain until reassignment or disposition of firearm, then destroy.



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<p><u>Firearms Registrations and Permits, Citizens</u> This series documents the registration of firearms if required by local ordinance. Includes fingerprint cards and other identifying information.</p>	100763	Retain 5 years after expiration or re-registration, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Fiscal Records</u> This series documents the expenditure of funds, accounting for funds, routine purchases and other activities of an accounting or financial nature; records not otherwise listed on this schedule.</p>		Refer to <i>General Records Retention and Disposition Schedule No. GS-2, Fiscal Records</i> for retention guidelines.
<p><u>Forms Management Files, Police</u> This series documents the currently approved and used local forms for law enforcement.</p>	100764	Retain until superseded, then destroy.
<p><u>General Orders and Regulations</u> This series documents the local and internal orders, rules and regulations for law enforcement activities.</p>	100765	Retain 5 years after superseded, then destroy.
<p><u>Handicapped Parking Permits</u> This series documents the receipt of or verification of the right to have a handicapped parking sticker.</p>	100766	Retain 6 months after expiration or superseded, then destroy in compliance with No. 8 on schedule cover page.
<p><u>House Watch Checklists and Reports</u> This series documents the performance and/or completion of a house watch.</p>	100767	Retain as long as administratively required, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Impounded Vehicle Records</u> This series documents the control of impounded vehicles while in law enforcement custody.</p>		Refer to series 100812, "Abandoned/Impounded Vehicle Files".



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<p><u>In-Car Monitoring Tapes</u> This series consists of video or audio tapes from equipment installed in law enforcement vehicles to monitor actions of officers and possible offenders.</p>		Refer to records series 100796, "Recordings, Surveillance and Monitoring – Not Used as Evidence" and 100797, "Recordings, Surveillance and Monitoring – Retained as Evidence".
<p><u>Information Requests</u> The series documents the receipt of an information request, including FOIA requests, not listed elsewhere in this schedule, and the response to the request. Requests can be for public information or exempt information and can be from the public, businesses, other law enforcement agencies and other entities. Refer to <i>Code of Virginia</i>, 2.2-3704.</p>	005665	Retain 3 years after last action, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Index Cards</u> Documents the creation of internal indexes, not identified elsewhere on this schedule, to monitor and control law enforcement records.</p>	100768	Retain as long as related records, then destroy.
<p><u>Internal Affairs, Founded or Sustained Complaints</u> This series documents complaints against department members that were investigated and determined to be founded or sustained.</p>	100769	Retain 5 years after termination of employment, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Internal Affairs, Unfounded, Exonerated or Non-Sustained Complaints</u> This series documents complaints against department members that were investigated and determined to be without merit, within policy or lacking sufficient evidence to prove or disprove the allegation.</p>	100770	Retain 3 years after close of investigation, then destroy in compliance with No. 8 on schedule cover page.



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<u>Investigation Files, Case</u> This series documents the process and results of individual criminal investigations.	100771	Retain 5 years after close of investigation, destroy in compliance with No. 8 on schedule cover sheet.
<u>Investigations/Background Checks</u> This series documents the receipt and performance of routine background checks requested by courts, employers and other persons - not involving an active case.	100772	Retain 1 year after completion and response, then destroy in compliance with No. 8 on schedule cover page.
<u>Juvenile Custody Files</u> This series documents the transfer of custody of juveniles.	100773	Retain 3 years after transfer, then destroy in compliance with No. 8 on schedule cover page.
<u>Juvenile Detention Orders - Unexecuted</u> This series documents receipt of and failed attempts to execute detention orders.		Retain 3 years after last action, then submit report and transfer warrants to Commonwealth's Attorney per <i>Code of Virginia</i> , § 19.2-76.1.
<u>K-9/Horse Management Records</u> This series documents the management of police force's dogs (K-9s) and horses. Includes history, status, health and training records. Does not include routine law enforcement records.	100775	Retain records for 3 years after end of animal's service, then destroy.
<u>Known/Suspected Law Breaker Files</u> This series documents the internal creation of files to identify known or suspected law breakers and their suspected modus operandi.	100776	Retain 75 years after entry of known or suspected lawbreaker, then destroy in compliance with No. 8 on schedule cover page.
<u>Lab Requests and Reports (Certificates of Analysis)</u> This series documents requests by an evidence technician for forensic lab to test possible evidence. Lab provides a certificate of analysis. These provide property trail/chain of evidence.		Transfer to appropriate case file.



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<u>Litigation Files, Officer</u> This series documents the civil actions against law enforcement personnel.	100778	Retain 10 years after dismissal or close of case, then destroy in compliance with No. 8 on schedule cover page.
<u>Logs</u> This series consists of law enforcement logs, not listed elsewhere on this schedule.	005666	Retain 2 years after last entry, then destroy.
<u>Missing Person Files - Resolved</u> This series documents the receipt of notification of missing persons and actions taken in response to notification.	100779	Retain 2 years after locating or identifying missing person, then destroy in compliance with No. 8 on schedule cover page.
<u>Missing Person Files - Unresolved</u> This series documents the receipt of notification of missing persons and actions taken in response to notification.	100780	Retain 75 years after notification, then destroy in compliance with No. 8 on schedule cover page.
<u>Motor Vehicle Accident Reports</u> This series documents the on site investigation and reporting of motor vehicle accidents.		Refer to records series 100781, "Reports –Accident/Traffic."
<u>Parking Meter Collection Files</u> This series documents the collection and deposit of funds from parking meters.	100782	Retain 3 years after deposit or until audited, whichever is greater; then destroy.
<u>Parking Tickets</u> This series documents the issuance of a citation and fine for violating parking regulations.	100783	Retain 3 years after issue or until audited, whichever is greater; then destroy.
<u>Parking Ticket Summons</u> This series documents issuance of summons to pay outstanding parking tickets issued by department.	100784	Retain 3 years after issuance, then destroy.



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<u>Pawnshop and Precious Metals Dealers - History Files</u> This series documents the location and licensing of pawnshops and precious metals dealers. Excludes investigative case files.	100785	Retain until license superseded and/or business no longer operating, then destroy.
<u>Pawnshop and Precious Metals Dealers – Reports</u> This series consists of routine reports required by local ordinance from pawnshops or precious metals dealers.	005667	Retain 3 years after report date, then destroy.
<u>Permits, Parade</u> This series documents local approval of parades, parade routes, and traffic control activities in regards to parades.	100786	Retain 6 months after expiration, then destroy.
<u>Permit Review and Investigation Files</u> This series documents the request for an investigation of permit applicants. Includes permits not otherwise listed on this schedule.	005668	Retain 1 year after completion of investigation report, then destroy in compliance with No. 8 on schedule cover page.
<u>Personnel Records</u> This series documents the management of staff and administration of benefits to staff; records not otherwise listed on this schedule.		Refer to <i>General Records Retention and Disposition Schedule No. GS-3, Personnel Records</i> for retention guidelines.
<u>Photographs, Evidence</u> This series documents the taking, receipt, use and control of photographs used as evidence in investigations or trials.		Transfer to related case file.



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<p><u>Photographic, Negatives - Solved and Unsolved Felonies and Special Crimes</u> This series consists of negatives used to print photographs of crime scenes. Includes negatives depicting homicides and other death-related offenses or scenes, aggravated assault, malicious wounding, sex offenses and police-related offenses. Negative envelopes may indicate offense, crime scene number, investigator/ photographer, and date of offense. May include negatives for misdemeanors and non-felonies if not filed or stored separately.</p>	100788	Retain 30 years after date of offense, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Photographic, Negatives - Solved and Unsolved Misdemeanors, Non-Felonies</u> This series consists of negatives used to print photographs of crime scenes, if stored separately from other negatives. Includes negatives depicting burglaries, robberies, and non-homicide accidents.</p>	100789	Retain 5 years after offense, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Photographs and Negatives - Not Evidence Related</u> This series documents the collection or making of photographs and/or negatives for other than direct evidence purposes.</p>		Refer to <i>General Records Retention and Disposition Schedule No. GS-19, Administrative Records</i> for retention guidelines.
<p><u>Photographs and Negatives – Identification Purposes</u> This series documents the collection or making of photographs and/or negatives for the purpose of routine identification (commonly known as mug shots).</p>	005691	Retain as long as administratively necessary after photographic image has been inserted into criminal identification record. Disposal reporting on <i>Certificate of Records Disposal</i> (RM-3) not required.
<p><u>Photographs and Evidence - Traffic Tickets</u> This series documents the collection of photographic evidence of traffic violations, including automatic cameras at intersections.</p>	100791	Retain 1 year after creation, then destroy.



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<p><u>Polygraph Records</u> This series documents the performance of polygraph tests, when not included in a case file.</p>	005669	Retain 2 years, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Precinct/Station Management Records</u> This series documents the management and operation of precinct and station houses. Includes all records not otherwise listed on this schedule or other locality general schedules.</p>	100792	Retain 1 year after last entry or action, then destroy.
<p><u>Property Listing Records</u> This series documents the internal control of property used or owned by the law enforcement agency.</p>	100793	Retain 3 years after return or disposal of property, then destroy.
<p><u>Radio Equipment Files</u> This series documents the operation, maintenance and repair history of radio equipment.</p>	100794	Retain for life of equipment, then destroy.
<p><u>Raffle Reports</u> This series documents the registration, monitoring and control of local raffle, lottery or bingo activities.</p>	100795	Retain as long as administratively necessary, then destroy.
<p><u>Recordings, Surveillance or Monitoring - Not Used as Evidence</u> This series documents the surveillance of an area and the actions of police, suspects and bystanders by use of audio or video recordings. Includes area surveillance and in-car monitoring of officers. Recordings may be audio or video in electronic or magnetic format.</p>	100796	If not required to support known investigations or litigation, retain 30 days after recording, then reuse or destroy. Disposal reporting on <i>Certificate of Records Disposal</i> (RM-3 form) not required.



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<p><u>Recordings, Surveillance or Monitoring - Retained as Evidence</u> This series documents the surveillance of an area and the actions of police, suspects and bystanders by use of audio and video recordings. Includes area surveillance and in-car monitoring of officers. Recordings may be audio or video in electronic or magnetic format.</p>	100797	Retain 3 years or until case resolved or evidence released, whichever is longer; then destroy in compliance with No. 8 on schedule cover page.
<p><u>Red Light Camera Photos</u> This series consists of red light photos and supporting documentation.</p>		Refer to records series 100791, "Photographs and Evidence – Traffic Tickets."
<p><u>Release (Waiver) Forms</u> This series documents the release of claims or the waiver of rights by or to law enforcement.</p>	100798	Retain 5 years after creation, then destroy.
<p><u>Reports – Accident/Traffic -Citizen</u> This series documents the reporting and/or investigation of accidents not involving law enforcement vehicles.</p>	100781	Retain 3 years after date of accident, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Reports – Accident/Traffic – Law Enforcement Vehicles</u> This series documents the reporting and investigation of accidents involving law enforcement vehicles.</p>	005670	Retain 3 years after close of investigation or decision not to investigate, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Reports - Incident, Offense or Death - Active</u> This series documents incidents, offenses, deaths and other occurrences that require further investigation.</p>		Transfer to investigative case folder.
<p><u>Reports - Incident, Offense or Death - Closed</u> This series documents incidents, offenses, deaths and other occurrences that do not require further investigation.</p>	100800	Retain 5 years after closure, then destroy in compliance with No. 8 on schedule cover page.



**RECORDS RETENTION AND DISPOSITION SCHEDULE
GENERAL SCHEDULE NO. 17
LAW ENFORCEMENT RECORDS
ALL LOCALITY LAW ENFORCEMENT ACTIVITIES**

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RECORDS SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<p><u>Reports – Others</u> This series consists of routine law enforcement reports, not listed elsewhere on this schedule.</p>	005671	Retain 3 years, then destroy.
<p><u>Revoke/Suspension Notice, DMV</u> This series documents notifications from the Department of Motor Vehicles that a driver's license has been suspended or revoked.</p>	100801	Retain 5 years after receipt, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Roll Call Files</u> This series documents officer attendance at meetings, briefings, inspections and other law enforcement activities.</p>	100802	Retain 6 months after roll call, then destroy.
<p><u>Subpoenas/Summons/Processes</u> This series documents the issuance of a court order for an individual to appear at a specified place and time.</p>	100803	Retain 1 year after issuance, then destroy.
<p><u>Taxi Records</u> This series documents registration of taxi cabs and/or cab drivers. Includes vehicle identification, rate cards, driver's identification, fingerprint cards and driving records.</p>	100804	Retain 3 years after expiration of permit, then destroy.
<p><u>Towed Vehicle Files</u> This series documents law enforcement's actions in towing or having vehicles towed in accidents, parking violations, abandoned or damaged vehicles.</p>	100805	Retain 3 years after towed, then destroy.
<p><u>Traffic Management and Control Records</u> This series documents the planning for, investigation of and resolution of traffic control problems.</p>	100806	Retain 1 year after last action, then destroy.



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RECORDS SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<p><u>Training Records, Criminal Justice Academies</u> This series documents training conducted by Department of Criminal Justice Services-certified academies. Includes independent and regional academies.</p>		Refer to <i>General Records Retention and Disposition Schedule No. GS-29, Criminal Justice Training Academy Records</i> for retention guidelines.
<p><u>Training Records, Employee</u> This series documents the completion of courses by employees, mandated or optional, related to their job requirements.</p>		Refer to <i>General Records Retention and Disposition Schedule No. GS-3, Personnel Records</i> for retention guidelines.
<p><u>Unclaimed Body Files</u> This series documents the transfer of custody of unclaimed bodies temporarily under law enforcement control.</p>	005672	Retain 10 years after transfer and release of body, then destroy.
<p><u>Uniform Traffic Summons</u> This series documents the issuance of a summons to appear in court in regard to traffic violations.</p>	100807	Retain 1 year after issuance, then destroy.
<p><u>Victim Records</u> This series documents the status and locations of victims of crimes and any payments made through state or local programs.</p>	100808	Retain 1 year after case closure, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Virginia Criminal Information Network (VCIN/NCIC) – Administrative Messages</u> This series documents the sending of messages to/through or receipt of messages from/through the Virginia Criminal Information Network (VCIN) or the National Crime Information Center (NCIC). Messages contain law enforcement inquiries or information and can be point to point messages, state-wide broadcast messages and/or nationally broadcast messages. Refer to <i>Code of Virginia</i>, § 52-25.</p>	005673	Include in related case file or report if required by local department policy, otherwise retain 2 years after the end of the calendar year, then destroy in compliance with No. 8 on schedule cover page.



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RECORDS SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<p><u>Virginia Criminal Information Network (VCIN/NCIC) – Original Entry Printouts or Worksheets</u> This series consists of original entry printouts or worksheets, if used, that exist solely to assist with data entry into the VCIN/NCIC system or to verify removal of entries from system. VCIN exists to promote officer safety and security by identifying wanted persons and/or stolen vehicles, and to distribute law enforcement information. Refer to <i>Code of Virginia</i>, § 52-25.</p>	005674	Transfer to related case file or report if required by local department policy, otherwise retain until entries into system or removals from system are verified, then destroy in compliance with No. 8 on schedule cover page. Disposal reporting on <i>Certificate of Records Disposal</i> (RM-3 form) not required.
<p><u>Virginia Criminal Information Network (VCIN/NCIC) – NCIC Validation Records</u> Monthly, in order to remove outdated listings, the State Police sends out a list of entries from the National Crime Information Center (NCIC) database for specific periods. The local department verifies that those entries remain valid and open and/or remove entries that are no longer valid or current from the system. Refer to 28CFR20.37.</p>	005675	Retain 2 years after report date, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Warning Tickets</u> This series consists of warning tickets issued, if separated from other series on this schedule.</p>	005676	Retain 2 years, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Warrants, Unexecuted Felony Arrest</u> This series documents felony arrest warrants in police or sheriff department's possession which have not been executed within seven years of the date of issuance.</p>		Retain 7 years after receipt, then submit report and transfer warrants to Commonwealth's Attorney per <i>Code of Virginia</i> , § 19.2-76.1.



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RECORDS SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<p><u>Warrants, Unexecuted Misdemeanor Arrest and Other Processes</u> This series documents misdemeanor arrest warrants, summonses and capiases and other criminal processes in police or sheriff department's possession which have not been executed within three years from the date of issuance.</p>		Retain 3 years after receipt, then submit report and transfer warrants to Commonwealth's Attorney per <i>Code of Virginia</i> , § 19.2-76.1.
<p><u>Warrants, Executed Copies and/or Jackets</u> This series documents the execution of warrants, summons or other processes by law enforcement officers or empty jackets, with execution information, held in lieu of a copy of a warrant.</p>	100811	Retain 1 year after execution, then destroy.

RECORDS RETENTION AND DISPOSITION SCHEDULE
GENERAL SCHEDULE NO. 29
CRIMINAL JUSTICE TRAINING ACADEMY RECORDS

SCHEDULED AGENCIES: CRIMINAL JUSTICE TRAINING ACADEMIES (INDEPENDENT AND REGIONAL)

The schedule on the attached page(s) is approved with agreement to follow the records retention and disposition conditions listed below:

APPROVED: C. Preston Huff, CRM, STATE RECORDS ADMINISTRATOR

EFFECTIVE SCHEDULE DATE: MARCH 1, 1999**PAGE 1 OF 4 PAGES**

CONDITIONS FOR RECORDS RETENTION AND DISPOSITION

1. This schedule is continuing authority under the provisions of the Virginia Public Records Act, §§ 42.1-76, et. seq. of the *Code of Virginia* for the retention and disposition of the records as stated on the attached page(s).
2. This schedule supersedes previously approved applicable schedules.
3. This schedule is used in conjunction with the *Certificate of Records Disposal* (Form RM-3). A signed RM-3 must be approved by the designated records officer and on file in the agency or locality before records can be destroyed. After the records are destroyed, the original signed RM-3 must be sent to Library of Virginia (LVA).
4. Any records created before the Constitution of 1902 came into effect (January 1, 1904) must be offered, in writing, to the LVA before applying these disposition instructions. Offered records can be destroyed 60 days after date of the offer if no response is received from the LVA. A copy of the offer must be attached to the RM-3 form when it is submitted to the LVA.
5. All known audits and audit discrepancies regarding the listed records must be settled before the records can be destroyed.
6. All known investigations or court cases involving the listed records must be resolved before the records can be destroyed. Knowledge of subpoenas, investigations or litigation that reasonably may involve the listed records suspends any disposal or reformatting processes until all issues are resolved.
7. The retentions and dispositions listed on the attached page(s) apply regardless of physical format, i.e., paper, microfilm, electronic storage, optical imaging, etc. Microfilming must be done in accordance with §§ 17VAC15-20-10, et. seq. of the *Virginia Administrative Code*, "Standards for the Microfilming of Public Records for Archival Retention."
8. Custodians of records must ensure that information in confidential or privacy protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Normally, destruction of confidential or privacy-protected records will be done by shredding or pulping. "Deletion" of confidential or privacy-protected information in computer files or other electronic storage media is not acceptable. Electronic records must be "wiped" clean or the storage media physically destroyed.



RECORDS RETENTION AND DISPOSITION SCHEDULE

GENERAL SCHEDULE NO. 29

CRIMINAL JUSTICE TRAINING ACADEMY RECORDS

EFFECTIVE SCHEDULE DATE: MARCH 1, 1999

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RECORDS SERIES TITLE AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
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The records of closed training academies shall be transferred to another academy or the Department of Criminal Justice Services to be held for the appropriate retention periods.

Administrative Records

Documents the common functions and administration of various types of offices; records not otherwise listed on this schedule.

Refer to *General Records Retention and Disposition Schedule No. GS-19, Administrative Records*, for appropriate retention periods.

Board Minutes

Minutes of governing board of regional academies.

100135

Retain permanently in academy.

Electronic Records

Information created or stored in any electronic format; records not otherwise listed on this schedule.

Refer to *General Records Retention and Disposition Schedule No. GS-23, Electronic Records*, for appropriate retention periods.

Entry-Level Training Records

Consists of a record/file on each student attending entry-level training sufficient to document that all performance objectives/outcomes have been successfully completed. Also contains attendance records, counseling records, curriculum/schedule, discipline records, lesson plans, tests, test sheets, and course evaluation or summary for each entry-level course conducted.

100136

Retain 5 years, then destroy.

Fiscal Records

Documents the expenditure of funds, accounting for funds, routine purchases and other activities of an accounting or financial nature; records not otherwise listed on this schedule.

Refer to *General Records Retention and Disposition Schedule No. GS-2, Fiscal Records*, for appropriate retention periods.



RECORDS RETENTION AND DISPOSITION SCHEDULE

GENERAL SCHEDULE NO. 29

CRIMINAL JUSTICE TRAINING ACADEMY RECORDS

EFFECTIVE SCHEDULE DATE: MARCH 1, 1999

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RECORDS SERIES TITLE AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
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Form 41–Criminal Justice Training Roster

Documents the successful completion, by all individuals, of the applicable rules relating to compulsory training standards and all other applicable requirements established by the Criminal Justice Services Board and the DCJS.

100137

Retain 5 years, then destroy.

Instructor Certification and Recertification Training

Documents that all instructors used by the academy meet the minimum requirements established by DCJS.

100138

Retain 5 years after instructor becomes inactive, then destroy.

Instructors' Personnel Records

Documents the qualifications and schedules of past, present and potential instructors for courses at the academy.

100139

Retain 5 years after instructor becomes inactive, then destroy.

In-Service Training Records

Documents completion of mandated in-service training consisting of legal and career development/electives, as required by DCJS. Also contains attendance records, curriculum/schedule, lesson plans, and course evaluation or summary. If applicable, includes testing and test sheets.

100140

Retain 5 years, then destroy.

Master Roster of Completed Classes and Attendees

Documents the name of each individual and the date each test and performance test was completed. Also includes a master copy of each test and performance test to document the knowledge or skill mastered on the test.

100141

Retain permanently in academy.



RECORDS RETENTION AND DISPOSITION SCHEDULE

GENERAL SCHEDULE NO. 29

CRIMINAL JUSTICE TRAINING ACADEMY RECORDS

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RECORDS SERIES TITLE AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<p><u>Personnel Records</u> Documents the management of staff and administration of benefits to staff; records not otherwise listed on this schedule.</p>		<p>Refer to <i>General Records Retention and Disposition Schedule No. GS-3, Personnel Records</i>, for appropriate retention periods.</p>
<p><u>Specialized Training</u> Documents training classes on particular topics, such as scuba, canine, AFIS, crime scene, basic investigations. Includes rosters, curriculum, test scores and correspondence.</p>	100142	Retain 5 years, then destroy.
<p><u>Standard Operating Policies and Procedures</u> Documentation required by DCJS for certification and recertification of academy's operations. Includes three-year plan of current, future and long-range plans for academy.</p>	100143	Retain 3 years after end of last certification year.
<p><u>Training Aids for Courses</u> Films, videos, slides and other materials used by instructors to assist in teaching courses.</p>	100144	Retain 5 years after they cease to be used, then destroy.
<p><u>Training Records of Officers</u> Verification issued to an individual or individual's employer that training has been successfully completed at a DCJS certified academy.</p>		<p>Retain with officer's personnel file at place of employment. Refer to <i>General Records Retention and Disposition Schedule No. GS-3, Personnel Records</i>, for appropriate retention periods.</p>

Certificate of Records Destruction

(Form RM-3 Nov 99)



Records Management and Imaging Services Division
800 East Broad Street, Richmond, VA 23219-8000
(804) 692-3600

This form documents the destruction of public records in accordance with the Virginia Public Records Act, § 42.1-86.1 of the Code of Virginia.
INSTRUCTIONS ON BACK.

1) Agency / Locality		2) Division / Department / Section			
3) Person Completing Form		4) Address			5) Phone No.
6) Records to Be Destroyed					
a) Schedule and Records Series No.	b) Records Series Title	c) Date Range (mo/yr)	d) Location	e) Volume	f) Method of Destruction

DESTRUCTION APPROVALS

NOTE: Public records may not be destroyed without receiving prior approval from your agency or locality Records Officer.

We certify that the records listed above have been retained for the scheduled retention period, required audits have been completed, and no pending or ongoing litigation or investigation involving these records is known to exist.

7. _____
APPROVING OFFICIAL (PRINT NAME) SIGNATURE DATE

8. _____
DESIGNATED RECORDS OFFICER (PRINT NAME) SIGNATURE DATE

9. RECORDS DESTROYED BY: _____
NAME (PRINT OR SIGNATURE) DATE OF DESTRUCTION

Certificate of Records Destruction

(Form RM-3 Nov 99)



Records Management and Imaging Services Division
 800 East Broad Street, Richmond, VA 23219-8000
 (804) 692-3600

This form documents the destruction of public records in accordance with the Virginia Public Records Act, § 42.1-86.1 of the Code of Virginia.
INSTRUCTIONS ON BACK.

1) Agency / Locality TOWN OF CHARLESTON		2) Division / Department / Section TREASURER'S OFFICE			
3) Person Completing Form KIM SMITH		4) Address 311 POLLARD DR., CHARLESTON 23888		5) Phone No. 540-555-1111	
6) Records to Be Destroyed					
a) Schedule and Records Series No.	b) Records Series Title	c) Date Range (mo/yr)	d) Location	e) Volume	f) Method of Destruction
GS-2, #35	VOUCHERS (A-2)	7/87 - 6/93	STORAGE RM	7 c.f.	RECYCLING
GS-2, #76	CANCELLED CHECKS	7/86 - 6/94	"	1 c.f.	"
GS-2, #26	WATER/SEWER PAYMENTS	12/88 - 8/95	"	17 c.f.	SHREDDED
GS-19, #10037	OFFICE CORRESPONDENCE	7/96 - 6/97	"	2 c.f.	RECYCLING

DESTRUCTION APPROVALS

NOTE: Public records may not be destroyed without receiving prior approval from your agency or locality Records Officer.

We certify that the records listed above have been retained for the scheduled retention period, required audits have been completed, and no pending or ongoing litigation or investigation involving these records is known to exist.

7. JOHN DRIVER APPROVING OFFICIAL (PRINT NAME) John Driver SIGNATURE 1-12-2000 DATE

8. SUSAN COMBS DESIGNATED RECORDS OFFICER (PRINT NAME) Susan Combs SIGNATURE 1-12-2000 DATE

9. RECORDS DESTROYED BY: KIM SMITH NAME (PRINT OR SIGNATURE) 1-20-2000 DATE OF DESTRUCTION