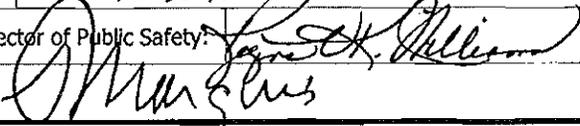


 City of Norfolk	Administrative General Order – 453		Records Retention
	Department of Police General Order		
	CALEA:	none	
VLEPSC:	none		
LEGAL REVIEW DATE:	12/11/2010	PRESCRIBED DATE:	12-30-10 ^{LM}
City Attorney:	Tasha D. Lee	City Manager/Director of Public Safety:	James H. Williams
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:			

Office of Preparation: Strategic Management Division / acb

Purpose

Provide guidance for the distribution and management of departmental records to ensure compliance with city policy and state code.

Policy

Departmental records, as defined below, shall be distributed in accordance with policies and procedures set forth in departmental rules, regulations and directives. They shall be retained and/or destroyed in accordance with City of Norfolk Policy and Administrative Regulations, Records Management Policy and Procedures using the Library of Virginia Records Retention and Disposition Schedules and all applicable state laws.

Supersedes:

1. G.O. 04-002, dated May 14, 2009
2. Any previously issued order conflicting with this order

Order Contents:

- I. Distribution of Records
- II. Responsibilities
- III. Procedures

I. Distribution of Records

A. Official Departmental Records Created Through Prescription

All orders, rules and regulations for the government of the entire Department of Police, prescribed by the City Manager in his/her capacity as Director of Public Safety that involve the creation and/or submission of official records, shall identify completely the distribution paths by which those records are disseminated.

B. Official Departmental Records Not Created Through Prescription

Other official records generated by commands/units, submitted for the purposes defined in this order, shall be identified in the employing command's/unit's Standard Operating Procedure Manual (SOP). They shall be located in the General Procedures section of the SOP, as described in G.O. ADM-110: Written Directives, under the separate heading of "Official Records Generated". The following information shall be included in the section:

1. Name of record.
2. Frequency of submission, e.g., weekly, monthly, etc.
3. Complete distribution path.

II. Responsibilities

The Commanding Officer, Central Records Division is designated as the Department Records Officer. Commanding officers (CO) and officers in charge (OIC) shall designate a Records Officer for each command.

A. The Department Records Officer shall:

1. Provide oversight of the Department's records program.
2. Assist and advise Records Officers.
3. Receive and process certificates of destruction and forward to the appropriate authority.
4. Maintain copies of all "Records Transfer Lists" (Attachment A), and "Certificates of Destruction" (Attachment B), in accordance with the retention and disposition schedules.

5. Provide to the City of Norfolk Department of Records Management a letter listing all departmental personnel, by command, authorized to access the City's contracted secure records storage facilities.

B. Records Officers shall:

1. Identify official records and take steps to ensure their preservation.
2. Coordinate the preparation, inventory, packing and labeling of official records designated for storage.
3. Identify personnel authorized to access city contracted secured records storage facilities to view, copy, deliver, or retrieve command records. An authorized access letter signed by the CO/OIC shall be forwarded by each command to the Department Records Officer.
4. Identify records for destruction as required in accordance with the Library of Virginia Records Retention and Disposition Schedules.
5. Witness the destruction of records, or properly mark the boxed records sent to city contracted secure records storage facilities with the destruction date, within the time set forth by state law (refer to Virginia Code References, Attachment C).
 - a. Records created after July 1, 2006 containing identifying information shall be destroyed within six months of the expiration of the records retention period.
 - b. All other records are to be destroyed within a timely manner in accordance with records retention and disposition schedule.
6. Coordinate the retention and destruction of divisional records with the Department Records Officer by submitting required forms and reports via the chain of command.

III. Procedures

- A. Commands shall maintain a file of all box numbers, inventories, Records Transfer Lists and Certificates of Records Destruction, in accordance with retention and disposition schedules.
- B. Prior to storing official records, Records Officers shall:
 1. At least annually box, inventory, number and label records to be stored at the secure records storage facility.

2. Complete a City of Norfolk Records Transfer List and submit it to the Department of Records Management, with a copy provided to the Department Records Officer.
 3. Upon approval of the records transfer, coordinate the transportation of all boxes to the contracted secure records storage facility by authorized personnel.
- C. Prior to gaining access to stored official records, Records Officers shall:
1. Send an email to the Department of Records Management (copy to the Department Records Officer) with your department code and the box number for the files you need. Boxes requested before 10:00 am can be accessed in the afternoon, requests after 10:00 am will be available the next day.
 2. Annotation shall be made on the inventory in the file of records transfer lists for all records removed that shall include date, holder and/or location of the removed records.
- D. Prior to destroying official records, Records Officers shall:
1. Certify that the official records contained in boxes scheduled for destruction are no longer needed for pending or ongoing litigation or investigations, and are eligible for destruction according to the Library of Virginia Records and Retention Schedules.
 2. Recover official records that need to be retained beyond the original destruction date. Recovered records may be removed from the boxes, and the records remaining in the box may be destroyed. Official records removed and retained shall be stored in accordance with established procedures. The transfer list and inventory shall be annotated to indicate the specific records removed, date, holder and/or location.
 3. Submit and/or return the Certificate of Records Destruction through the chain of command to the Department Records Officer who shall forward the certificate to the Department of Records Management.

Definitions

Official Records: Records are defined as the official (often the original) copy which furnishes information on the organization, function, policy, procedure, operation or other activities of the department. This includes all written papers, completed forms, letters, documents, tapes, microfiche, microfilm, photostats, sound recordings, maps, other documentary materials or

information in any recording medium regardless of physical form or characteristics, including data processing devices and computers, made, received, maintained and stored in the pursuance of police department business.

Other Records: Blank forms, publications, reference books or circulars, courtesy letters and/or routine transmittal letters, duplicate or “tickler” files, officers’ informal arrest notes, vehicle crash work sheets, information kept in pocket or small notebooks, and copies of records for personal files are other types of records which are considered unofficial, and are exempt from the provisions of this order. Other records shall be safeguarded and destroyed in a manner commensurate with the sensitivity of the material.

Identifying Information: Name, date of birth, fingerprints and other biometric data, social security number, driver’s license number, bank account numbers, credit or debit card numbers, personal identification numbers (PIN), electronic identification codes, automated or electronic signatures, passwords that can be used to access a person’s financial resources, obtain identification, act as identification, or obtain goods or services.

Holder of Record (HOR): The command responsible for maintaining the files of official record(s) is the holder of record. Commands are not the holder of record, if they generate official records and then forward them to another command responsible for maintaining those files.

Related Documents:

1. G.O. ADM-110: Written Directives
2. G.O. ADM-455: Virginia Freedom of Information Act
3. City of Norfolk Policy and Administrative Regulations, Records Management Policy and Procedures
4. Virginia Public Records Management Manual

Attachments:

- A. RM03, City of Norfolk Records Transfer List
- B. RM-3, Commonwealth of Virginia Certificate of Records Destruction
- C. Virginia Code References



City of Norfolk
RECORDS TRANSFER LIST

<u>Department / Div or Bureau</u>	<u>Department No. / Div or Bureau No.</u>
<u>Person Transferring Records / Phone No.</u>	<u>Date</u>
<u>Restrictions on Access to Records</u> ___ Yes ___ No If Yes, State Restriction	
<u>Agency Director / Records Officer (signature / date)</u>	Total number of boxes: _____ Location:

Box No.	Description Subject - Date (Mo/Yr)	General Schedule/ Records Series No.	Destruction Date Yr/Mo

RM03 - 11/00

INSTRUCTIONS FOR COMPLETING CERTIFICATE OF RECORDS DESTRUCTION (RM-3 FORM)

The RM-3 documents that records were destroyed properly and in accordance with the Virginia Public Records Act.

Before a state agency or locality can destroy public records:

- A Records Officer for your organization must be designated in writing by completing and filing a Records Officer Designation and Responsibilities (RM-25 FORM) with the Library of Virginia.
- Records to be destroyed must be covered by a Library of Virginia-approved general or agency-specific RECORDS RETENTION AND DISPOSITION SCHEDULE, and the retention period for the records must have expired.
- All investigations, litigation, and required audits must be completed. Existing records can not be destroyed if they are pertinent to an investigation (including requests under the Freedom of Information Act), litigation, or where a required audit has not been undertaken.
- The organization's designated Records Officer and an Approving Official must authorize records destruction by signing each RM-3 form.

After a state agency or locality has destroyed public records:

- The individual or company responsible for destroying the records must sign and date block 9 of the RM-3 form. This final signature certifies the records have **actually been destroyed**.
- A copy of the RM-3 form must be retained by the organization pursuant to GS-19 for localities or GS-101 for state agencies.
- The RM-3 form, with all original signatures, must be mailed to the Library of Virginia where it will be retained for fifty (50) years.

Mail forms to: Library of Virginia
 Records Analysis Section
 800 E. Broad Street
 Richmond VA 23219-8000

For additional information on records destruction refer to the Virginia Public Records Management Manual.

Instructions:

- 1 Enter the full name of agency, locality or organization
- 2 Enter the name of division, department, and section.
- 3 Enter the name of individual completing the form, preferably the individual responsible for or familiar with the records.
- 4 Enter the address of the agency or locality completing the form.
- 5a. Enter the telephone number, including extension, of the person completing the form.
- 5b. Enter the e-mail address, including extension, of the person completing the form.
- 6 Records to be destroyed:
 - a) Enter both the retention schedule and series numbers that apply to the records to be destroyed. ENTER ONLY ONE SERIES NUMBER PER LINE.
 - b) Enter the exact records series title as listed on the approved retention schedule. You may add detail to this title if it is important to identifying the records.
 - c) Enter the date range of the records to be destroyed, from oldest to most recent. Indicate starting month/year and ending month/year
 - d) Enter the location where the records are stored (optional).
 - e) Enter the total volume or amount of paper records to be destroyed by cubic footage. Refer to the Volume Equivalency Table to convert boxes or drawers of paper or microform records to their cubic foot equivalents. If destroying electronic records, enter the approximate size of the files by bytes (KB, MG, GB, or TB).
 - f) Enter the method used to destroy the records, i.e., trash, shredding, recycling, burning, degaussing, wiping, etc.

- 7 Printed name and signature of individual responsible for maintaining records or agency/locality head.
- 8 Printed name and signature of agency/locality Records Officer.
- 9 Enter name of individual or company that destroyed the records and the date they were destroyed.

If multiple RM-3 forms are submitted, all three required signatures must be on each page.

EXAMPLES:

a) Schedule and Records Series	b) Records Series Title	c) Date Range (mo/yr)	d) Location	e) Volume	f. Destruction Method
GS12, 010496	Garnishments	1/1960 - 12/1997	Basement	15 cu. Ft.	Burned
GS102, 012129	Payroll Records	7/2001 - 6/2002	Server 4	30 MB	Electronic Shredding
601-030; 100095	Hospice Program Records	1/1999 - 12/2003		2 cu. Ft.	Shredded by vendor
301-55 no series	Dair Products Inspections Records	7/1995 - 6/2005	Rm 504	52 cu. Ft.	Shredded in house

Virginia Code References

§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.

§18.2-186.3, Identity theft; penalty; restitution; victim assistance.

A. It shall be unlawful for any person, without the authorization or permission of the person or persons who are the subjects of the identifying information, with the intent to defraud, for his own use or the use of a third person, to:

1. Obtain, record or access identifying information which is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;
2. Obtain money, credit, loans, goods or services through the use of identifying information of such other person;
3. Obtain identification documents in such other person's name; or
4. Obtain, record or access identifying information while impersonating a law-enforcement officer or an official of the government of the Commonwealth.

B. It shall be unlawful for any person without the authorization or permission of the person who is the subject of the identifying information, with the intent to sell or distribute the information to another to:

1. Fraudulently obtain, record or access identifying information that is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;
2. Obtain money, credit, loans, goods or services through the use of identifying information of such other person;
3. Obtain identification documents in such other person's name; or
4. Obtain, record or access identifying information while impersonating a law-enforcement officer or an official of the Commonwealth.

B1. It shall be unlawful for any person to use identification documents or identifying information of another person, whether that person is dead or alive, or of a false or fictitious person, to avoid summons, arrest, prosecution or to impede a criminal investigation.

C. As used in this section, "identifying information" shall include but not be limited to: (i) name; (ii) date of birth; (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; (x) biometric data; (xi) fingerprints; (xii) passwords; or (xiii) any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain money, credit, loans, goods or services.

D. Violations of this section shall be punishable as a Class 1 misdemeanor. Any violation resulting in financial loss of greater than \$200 shall be punishable as a Class 6 felony. Any second or subsequent conviction shall be punishable as a Class 6 felony. Any violation of subsection B where five or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence shall be punishable as a Class 6 felony. Any violation of subsection B where 50 or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence shall be punishable as a Class 5 felony. Any violation resulting in the arrest and detention of the person whose identification documents or identifying information were used to avoid summons, arrest, prosecution, or to impede a criminal investigation shall be punishable as a Class 6 felony. In any proceeding brought pursuant to this section, the crime shall be considered to have been committed in any locality where the person whose identifying information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in such locality.

E. Upon conviction, in addition to any other punishment, a person found guilty of this offense shall be ordered by the court to make restitution as the court deems appropriate to any person whose identifying information was appropriated or to the estate of such person. Such restitution may include the person's or his estate's actual expenses associated with correcting inaccuracies or errors in his credit report or other identifying information.

F. Upon the request of a person whose identifying information was appropriated, the Attorney General may provide assistance to the victim in obtaining information necessary to correct inaccuracies or errors in his credit report or other identifying information; however, no legal representation shall be afforded such person.