

**PRINCE WILLIAM COUNTY POLICE DEPARTMENT
MANUAL OF GENERAL ORDERS**

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**RECORDS CONTROL: ACCESS TO REPORT INFORMATION/RECORD
CHECKS**

A. Police Department reports and arrest records shall not be released to persons who are not members of the Department unless authorized by a Records Section supervisor in accordance with departmental policy and in accordance with state and federal guidelines. The Forensic Services Section supervisor may authorize the release of fingerprint and mug shot photograph records as necessary.

1. The records, and official police department reports, will be released only in accordance with departmental policy and state and federal guidelines. In releasing information from any file, the basic policy will be to give out information based on the requesting party's legal and valid reason to have access to the information. Each request will be judged individually and a response provided in accordance with state and federal laws pertaining to police records systems.

Police Report information may be disseminated to the following components/agencies; with the exception of releases made by the Office of Professional Standards or the Chief of Police (or designee), any release must be made through a Records Section supervisor. A notice prohibiting secondary disclosure will be affixed to all documents released to non-law enforcement entities (including those released to military authorities).

- a. To members of this Department when the information requested is necessary to carry out their official duties and responsibilities.
- b. To representatives of the County Attorney or the Commonwealth's Attorney, as requested for official duties and responsibilities.
- c. To another criminal justice agency with the approval of a Records Section supervisor. A criminal justice agency is defined as a court or any other governmental agency or sub-unit thereof which as its principal function performs the administration of criminal justice activities but only to the extent that it does so.
- d. To representatives of components of the Armed Forces with sworn investigative law enforcement powers. Specifically, they are:
 - 1) U.S. Army Criminal Investigations Division (CID)
 - 2) Naval Criminal Investigative Service (NCIS) (Navy and Marine Corps)
 - 3) U.S. Air Force Office of Special Investigations
 - 4) U.S. Coast Guard Investigative Service

Locally, requests from components other than those listed will be honored when specifically requested, in writing, on behalf of the Provost Marshal's Office MCB Quantico or Headquarters MC Henderson Hall. Requests must be made in person or otherwise in writing on official stationary.

Releases will only be made if the case has been closed. In cases being actively investigated or that are inactivated, the Criminal Investigations Division Commander, or designee, must approve any such release.

- e. Police report information and arrest records will not be disseminated to non-criminal justice agencies, except as follows; the departmental policy in dealing with non-criminal justice agencies will be not to release police report information and record checks unless authorized by:
 - 1) Executive order.
 - 2) Court order or court rule.
 - 3) State and Federal law.
 - 4) Local ordinance.

Dissemination of arrest records by definition includes statements to the effect that *“Individual ‘X’ has no record.”* Unless specifically authorized by State law, a non-criminal justice employer cannot be told that a prospective employee has a record or does not have a record.

Persons may review their own record and can receive a copy of this record. The individual’s signed waiver will no longer be accepted unless the release is authorized as discussed in this order.

B. Specific Guidelines for Dissemination of Police Report Information and Crash Reports.

1. Crash Reports are a public record and may be released to an interested party. Examples of persons allowed access to Crash Reports are insurance company representatives and parties involved in the accident. Such reports will be limited to the portion of the crash report that is forwarded to DMV. Copies of crash reports are not to be made available to the general public. The crash report may be read to a news media representative. Information concerning the name and address of any juvenile involved in the crash will not be given to the media if it is anticipated the juvenile will be charged.
2. Criminal Investigative Reports will not be shown to the general public, nor will copies of Incident Reports be given out to the general public. If an individual not associated with a criminal justice agency requests a copy of an Incident Report and has a direct interest in the report, such as proof of loss for insurance purposes or income tax deductions, a member of the Records Section will release an edited copy of the Incident Report. The copy will be given to the interested party as verification of the fact that the Department has the report on file and what property was involved. Names of suspects will not be given to the interested party as part of this verification procedure.
3. Copies of Criminal Investigative Reports may be given to another criminal justice agency if the agency in question can justify that there is a need for a copy of such a report and that the information contained in the report is necessary in order for them to carry out their legal duties. Such requests must be cleared through a Records Section supervisor or the Support Services Commander before the report is given.