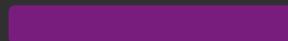


# Body Worn Cameras: Records Retention



Glenn Smith

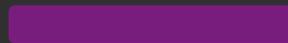
Records Management Analyst



# Virginia Public Records Act

- Designate a records officer
- Establish and maintain a records management program
- Destroy records and report to LVA

COV § 42.1-76 et seq.



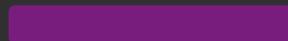
# What is a public record?

... documents a  
transaction or activity ...

Regardless of physical form or  
characteristic ...

... is produced, collected,  
received or retained in  
pursuance of law or in  
connection with the transaction  
of public business.

COV § 42.1-77

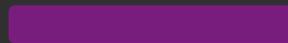


# Timeframe for records destruction

Each agency shall ensure that records created after July 1, 2006 . . .

. . . are destroyed or discarded in a timely manner . . .

. . . such records that contain identifying information . . . shall be destroyed within six months . . .





## LIBRARY OF VIRGINIA

Archives, Records, and Collections Services  
800 E. Broad St., Richmond VA 23219  
(804) 692-3600

## RECORDS RETENTION AND DISPOSITION SCHEDULE

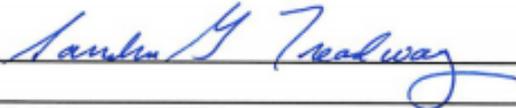
GENERAL SCHEDULE NO. GS-17

COUNTY AND MUNICIPAL GOVERNMENTS

Law Enforcement, Fire and Emergency Services

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

APPROVED:

  
\_\_\_\_\_

EFFECTIVE SCHEDULE DATE: 2/12/2015

### POLICIES 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 Destruction (RM-3 Form). A signed RM-3 Form 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 Form must be sent to Library of Virginia (LVA).
4. Any records created prior to 1913 must be offered, in writing, to LVA before applying these disposition instructions. Offered records can be destroyed 60 days after date of the offer if no response is received from LVA. A copy of the offer must be attached to the RM-3 Form when it is submitted to 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. Unless prohibited by law, records may be reformatted at agency or locality discretion. 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." 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. Ultimate destruction is accomplished through shredding, pulping, burning, and overwriting or physically destroying media. Deletion of confidential or privacy-protected information in computer files or other electronic storage media is not acceptable. Records containing Social Security numbers must be destroyed in compliance with 17VAC15-120-30.
9. Under the Virginia Public Records Act, § 42.1-79, LVA is the official custodian and trustee of all state agency records transferred to the Archives, Library of Virginia. LVA may purge select records in accordance with professional archival practices in order to ensure efficient access.
10. Unless otherwise directed, files are closed out at the end of each calendar or fiscal year as appropriate. Retention periods start at that time.

**LIBRARY OF VIRGINIA**

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## RECORDS RETENTION AND DISPOSITION SCHEDULE

## GENERAL SCHEDULE NO. GS-17

## COUNTY AND MUNICIPAL GOVERNMENTS

## Law Enforcement, Fire and Emergency Services

EFFECTIVE SCHEDULE DATE: 2/12/2015

RECORD SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION PERIOD	DISPOSITION METHOD
<u>Pre-hospital Patient Care Reports</u> This series documents medical care provided by emergency services personnel and is used to summarize the facts and events of an emergency medical incident and any treatment provided. This series may include, but is not limited to: reports and related supplements or addenda. 12VAC5-31-530; 12VAC5-31-1140	007046	6 Years after event	Confidential Destruction
<u>Recording, Surveillance, or Monitoring Systems: Not Used as Evidence</u> This series documents the surveillance of an area and the actions of law enforcement officers, suspects, and bystanders, including in-car monitoring of officers. This series may include, but is not limited to: audio and video recordings.	100796	30 Days after event	Non-confidential Destruction
<u>Recording, Surveillance, or Monitoring Systems: Locality-Wide - Not used as evidence</u> This series documents the surveillance of large areas of a locality, other than traffic corridors, using cameras mounted at fixed locations.	000187	7 Days after event	Non-confidential Destruction
<u>Recording, Surveillance, or Monitoring Systems: Traffic Light Signals - Not used as evidence</u> This series documents the failure of motorists to comply with traffic light signals (red lights), but the decision is made not to issue a summons. This series may include, but is not limited to: photographs and video recordings. COV 15.2-968.1 (H)	200151	2 Days after decision	Non-confidential Destruction
<u>Recording, Surveillance, or Monitoring Systems: Traffic Light Signals - Used as evidence</u> This series documents the failure of motorists to comply with traffic light signals (red lights) and the collection of civil penalty payments. This series may include, but is not limited to: photographs and video recordings. COV 15.2-968.1 (H)	200152	60 Days after final payment	Non-confidential Destruction



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## RECORDS RETENTION AND DISPOSITION SCHEDULE

GENERAL SCHEDULE NO. GS-117

ALL STATE AGENCIES

Law Enforcement

EFFECTIVE SCHEDULE DATE: 12/12/2013

RECORD SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION PERIOD	DISPOSITION METHOD
<u>Investigative Case Files: Less Serious Offenses</u> <p>This series documents the processes and results of any systematic investigation, inquiries, or examinations into criminal or suspected criminal acts that have been committed, are being committed, or are about to be committed that the agency has deemed to be less serious in nature. This series may include, but is not limited to records pertaining to: Breath Alcohol, Confiscated (non-weapon) Property, City-wide/In-car Surveillance/ Monitoring Recordings, Controlled Substance Seizures, Dispatch/ Communications Recordings, Emergency Calls, Evidence (including receipts and requests for), Field Notes, Fingerprints (including latents), Incident Reports, Lab Requests/ Reports/ Certificates of Analysis, Photographs, Polygraphs, Release (Waiver) Forms, Summons, and Virginia Criminal Information Network/ National Crime Information Center (VCIN/NCIC) entries.</p>	200213	25 Years after closed	Confidential Destruction
<u>Investigative Case Files: Non-Serious Offenses</u> <p>This series documents the processes and results of any systematic investigations, inquiries, or examinations into criminal or suspected criminal acts that have been committed, are being committed, or are about to be committed that the agency has deemed to be non-serious in nature. This series may include, but is not limited to records pertaining to: Breath Alcohol, Confiscated (non-weapon) Property, City-wide/In-car Surveillance/ Monitoring Recordings, Controlled Substance Seizures, Dispatch/ Communications Recordings, Emergency Calls, Evidence (including receipts and requests for), Field Notes, Fingerprints (including latents), Incident Reports, Lab Requests/ Reports/ Certificates of Analysis, Photographs, Polygraphs, Release (Waiver) Forms, Summons, and Virginia Criminal Information Network/ National Crime Information Center (VCIN/NCIC) entries.</p>	200214	5 Years after closed	Confidential Destruction

# Questions?

Glenn Smith

Records Management Analyst

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[www.lva.virginia.gov/agencies/records](http://www.lva.virginia.gov/agencies/records)

