

# CHARLOTTESVILLE POLICE DEPARTMENT



Note: This directive is for internal use only and does not enlarge an officer's liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by the Charlottesville Police Department and then only in a non-judicial administrative setting.

Type of Directive: GENERAL ORDER	Number: 131-00
<b>ARREST RECORDS AND PROCESSING</b>	Date: June 20, 2019
VLEPSC Number: ADM.25.08	Manual Number: 536.07
	Effective Date: 06/20/19
Authorization: Chief R.M. Brackney <i>Rm Brackney</i>	Follow-up Date: As Needed

## I. POLICY

The department documents all arrests for criminal violations.

## II. PURPOSE

The department collects information, including fingerprints, photographs and general data about each person arrested. This information forms the basis of criminal histories and documents the activities of the department. The department will comply with all Federal, State and Local regulations governing an arrest and its documentation.

## III. DEFINITIONS

- A. RMS - Records Management System. The RCIN utilizes a computer software and hardware program for all the police reports/records generated by the police department. It also allows participating agencies to share a local area network where most criminal report information can be stored and managed.
- B. VUS - Virginia Uniform Summons
- C. CCRE - Central Criminal Records Exchange of the Virginia State Police
- D. FBI - Federal Bureau of Investigation.
- E. ACRJ - Albemarle Charlottesville Regional Jail.
- F. Arrest - For the purpose of this general order, arrest means the placing of criminal charges against a person, adult or juvenile. Arrest may result in taking into custody or may be handled by summons in accordance with Virginia Code Section 19.2-74.
- G. RCIN - Regional Criminal Information Network. The Charlottesville, Albemarle and University of Virginia Police Departments and the Albemarle-Charlottesville Regional Jail have entered into an agreement creating the RCIN. Its primary purpose is the management of a regional RMS.

H. IMS – Information and Management Services, the records keeping and data entry portion of the Charlottesville Police Department.

#### IV. PROCEDURE

##### A. Arrest Documentation and Processing - Adult Custody

1. Information and Management Services will create and maintain criminal history records on each person arrested by or for the Charlottesville Police Department.
2. Every arrest for a criminal charge will be entered into the department's computerized Records Management System. Any paperwork documenting such arrest will also be filed in Information and Management Services area.
3. Persons taken into custody will be transported to the ACRJ processing center. Exceptions may be made under the following conditions:
  - a. Arrestee requires immediate medical attention. In this case medical attention will not be delayed. Arrangement for bond hearing will be made with the magistrate. Processing will be done at first court appearance.
  - b. Mass Arrest. In these cases the Shift Commander will be responsible for coordinating processing and bond hearings.
4. Members will document custodial arrests of adults by completing a digital arrest worksheet that is located within the departments records management system (RMS). In some instances, a hardcopy arrest worksheet (Form RCIN 3) will be completely instead of a digital copy. In instances where the RMS system may be inoperable, a hardcopy arrest worksheet will be completed and later re-entered into the RMS as soon as practical. If the arrest is for a Part A offense, the arrest worksheet entry will either supplement an existing report or it will accompany a new incident report.
5. Information and Management Services will conduct a search of the department's records for an existing OCA number. The arresting officer will make a determination about the arrestees' identity and its match to existing records.
6. If no record is found a new OCA number will be created.
7. The IMS staff will also conduct a warrant check of local, state and national files. The officer will be notified of the results.
8. This procedure is explained in the Information and Management Services Procedure Manual Section VIII. A copy of the procedure is available from any bureau member or the IMS supervisor.
9. All persons taken into custody for a Part A offenses (See attached list) must be processed. Persons in custody for Part B offenses may be processed if committed to the ACRJ. The arrestee will be processed by the ACRJ staff. Persons too intoxicated, too violent or refusing to be processed will be presented to the magistrate and processed by the ACRJ staff before release.
  - a. Fingerprinting

- i. Fingerprints will be taken utilizing the "Live Scan" equipment at the processing center. This system creates an automated submission of fingerprints and data to the CCRE and FBI.
    - ii. Palm Prints must be taken in cases of murder, robbery, felonious assault and burglary. They may also be taken in other instances where partial print analysis may lead to the resolution of the case.
  - b. Photographing
    - i. A digital identification photograph will be taken electronically and attached to the master name file in the RMS. Care should be taken to insure a good quality image. Hats, scarves, extremely large items of jewelry or any other item that would obstruct the face and neck or would distract the viewer should be removed from the subject. The subject should hold their head up straight. Tilting to the side should be avoided. Extreme facial expression should also be avoided.
    - ii. The processing officer will photograph any scars, marks and tattoos that would not be covered by short pants on men and short pants and a tank top style shirt on women. The officer will not assist in the removal of any clothing for photographing. Removal of even outer garments must be completely voluntary and should never expose any area that is not in compliance with this directive. Scars, marks and tattoos that are not visible under these guidelines should be described in the appropriate notes section.
- 10. The arrestee will be presented to the Magistrate, via video conferencing, for a bond determination.
  - a. Persons that are bonded will be returned to a location within the city that is agreeable to the officer and arrestee.
  - b. Persons committed to jail will be turned over to the staff of the ACRJ.

#### B. Arrest Documentation and Processing - Adult Summons

1. Members may release arrestees on a summons in accordance with Virginia Code Section 19.2-74.
2. Release on summons for on view arrests will be done on a Virginia Uniform Summons.
3. Release on summons by warrant service will be documented by a digital arrest worksheet within the departments RMS. The subject will be summonsed by execution of the appropriate portion of the criminal process being served. Warrants for Part A offenses that are summonsable at the officers discretion will not require processing at the time of arrest.
4. Officers should do a warrant check through IMS on all subjects prior to release on summons.

5. Processing of individuals released on summons shall be done after conviction.
6. The Telephone Reporting Unit will do post-conviction processing.
  - a. Fingerprinting will include:
    - i. Completion of a CCRE Form SP-180
    - ii. Completion of one FBI fingerprint card.
  - b. Photographing will be done following the previously mentioned guidelines.

C. Distribution of Forms.

1. Top (white) Copy of CCRE SP-180 goes to the IMS where it will be filed.
2. Yellow (middle) Copy will be forwarded to the court for reporting of disposition.
3. Bottom (fingerprint card) Copy will be forwarded to CCRE by IMS.
4. The FBI fingerprint card will be forwarded to the Department's Forensics Unit.

D. Arrest Documentation and Processing - Juvenile Custody

1. All custodial arrests of juveniles will be documented by an incident case report within the RMS and a digital arrest worksheet. These reports should include the following information:
  - a. Parent or guardian of juvenile
  - b. The contact from Juvenile & Domestic Relations Court
  - c. To whom the juvenile was released or to where the juvenile was committed.
2. Juveniles taken into custody on Part A offenses will be transported to the Charlottesville Police Department for processing.
  - a. Processing will include the completion of a CCRE Form SP-180 and two FBI fingerprint cards.
  - b. Palm Prints must be taken in cases of murder, robbery, felonious assault and burglary. They may also be taken in other instances where partial print analysis may lead to the resolution of the case.
  - c. A digital identification photograph will be taken electronically and attached to the master name file in the RMS. Care should be taken to insure a good quality image. Hats, scarves, extremely large items of jewelry or any other item that would obstruct the face and neck or would distract the viewer should be removed from the subject. The subject should hold their head up straight. Tilting to the side should be avoided. Extreme facial expression should also be avoided.
  - d. The processing officer will photograph any scars, marks and tattoos that would not be covered by short pants on men and short pants and a tank top style shirt on women. The officer will not assist in the removal of any clothing for photographing. Removal of even outer garments must be

completely voluntary and should never expose any area that is not in compliance with this directive. Scars, marks and tattoos that are not visible under these guidelines should be described in the appropriate notes section.

E. Arrest Documentation and Processing - Juvenile Summons

1. Members may release juveniles on a summons in accordance with Virginia Code Section 19.2-74.
2. Release on summons for on view offenses will be done on a Virginia Uniform Summons. For criminal offenses, an incident case report is also required. Criminal Offenses are **not** traffic offenses. Traffic offenses are generally found in Title 46.2 of the Virginia Code or other similar city ordinance and do not require an incident report.
3. Officers should do a warrant check through IMS on all juvenile subjects prior to release on summons.
4. The processing of juveniles released on summons will be done by the Albemarle Sheriff's Office after a court finding of delinquent.

F. Distribution of Forms - Juvenile.

1. Top (white) Copy of CCRE SP-180 goes to the IMS where it will be placed into the juvenile specific file.
2. Yellow (middle) copy and bottom (ten print card) copy will be forwarded to the Juvenile & Domestic Relations court.
3. One FBI fingerprint card will be forwarded to the court.
4. The second FBI fingerprint card and major case prints will be forwarded to the Forensics Section for inclusion into the juvenile fingerprint files.
5. Any Polaroid identification photos will be forwarded to the IMS. They will be placed into the juvenile specific albums located on the juvenile file shelf.
6. Upon receipt of a disposition that is other than delinquent, all records related to a specific charge will be removed from their respective files and destroyed.

## OFFENSE GROUPS LISTING

The following is a list of Group A and Group B Offenses as defined by RMS Standards. Use this listing as a guideline to help you determine when an arrest or warrant should be linked to an incident report. Please remember that any warrant or arrest for Group A offenses require it to be linked to an incident report. Group B offenses do not require an incident case report, but our Department has policy on writing reports for certain Group B Offenses. If the Group B arrest or warrant is linked to an incident report, you should note such when entering for department records

### GROUP A

Arson  
Assault Offenses  
    Aggravated Assault  
    Simple Assault  
    Intimidation  
Bribery  
Burglary/Breaking & Entering  
Counterfeiting/Forgery  
Destruction/Damage/Vandalism of Property  
Drug/Narcotic Offenses  
    Drug/Narcotic Violations  
    Drug Equipment Violations  
Embezzlement  
Extortion/Blackmail  
Fraud Offenses  
    False Pretenses/Swindle/Confidence Game  
    Credit Card/Automatic Teller Machine Fraud  
    Impersonation  
    Welfare Fraud  
    Wire Fraud  
Gambling Offenses  
    Betting/Wagering  
    Operating/Promoting/Assisting Gambling  
    Gambling Equipment Violations  
    Sports Tampering  
Homicide Offenses  
    Murder & Non-Negligent Manslaughter  
    Negligent Manslaughter  
    Justifiable Homicide  
Kidnapping/Abduction  
Larceny/Theft Offenses  
    Pocket-Picking  
    Purse-snatching  
    Shoplifting  
    Theft from Building  
    Theft from Coin-Operated Machine or Device  
    Theft from Motor Vehicle  
    Theft of Motor Vehicle Parts or Accessories  
Motor Vehicle Theft  
Pornography/Obscene Material  
    Prostitution Offenses  
    Assisting or Promoting Prostitution

Robbery  
Sex Offenses, Forcible  
    Forcible Rape  
    Forcible Sodomy  
    Sexual Assault with an Object  
    Forcible Fondling  
Sex Offenses, Non-Forcible  
    Incest  
    Statutory Rape  
Stolen Property Offenses (Receiving., etc.)  
Weapons Law Offenses

### GROUP B

Bad Checks  
Curfew/Loitering/Vagrancy Violations  
Disorderly Conduct  
Driving Under Influence  
Drunkenness  
Family Offenses, Non-violent  
Liquor Law Violations  
Peeping Tom  
Runaway  
Trespass on Real Property  
All Other Offenses