

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 530
SUBJECT: DISSEMINATION, ACCESS, STORAGE &
SAFEGUARDING OF INFORMATION & RECORDS
PERTAINING TO INMATES**

I. PURPOSE

To provide guidelines for the dissemination, access, storage and safeguarding of information and records pertaining to inmates in the Fairfax County Adult Detention Center.

II. POLICY

It is the policy of the Fairfax County Sheriff's Office that dissemination, access, storage and procedures for safeguarding information and records concerning inmates confined in the Adult Detention Center will be in compliance with the following:

- A. Title 2.2, Chapter 37, [Section 2.2-3700](#) (et. seq.) of the Code of Virginia (1950), as amended - Virginia Freedom of Information Act.
- B. Title 19.2, [Chapter 23](#) (et. seq.) of the Code of Virginia (1950), as amended - Central Criminal Records Exchange.
- C. Title 19.2, [Chapter 23.1](#) (et. seq.) of the Code of Virginia (1950), as amended - Expungement of Criminal Records.
- D. Title 2.2, [Chapter 38](#) (et. seq.) of the Code of Virginia (1950), as amended - Government Data Collection and Dissemination Practices Act.
- E. Title 9.1, Chapter 1, Article 3, [Section 9.1-126](#) (et. seq.) of the Code of Virginia (1950), as amended - Criminal Justice Information System.
- F. The Administrative Code of Virginia [6VAC20-120-50](#), [6VAC20-120-60](#) and [6VAC20-120-80](#).
- G. [Fairfax County Records Management Policy \(PM 70-06\)](#) and [Records Retention Schedules](#).

III. DEFINITIONS

For the purpose of this standard operating procedure:

Dissemination - The release, disclosure, or transfer of information concerning an inmate either verbally, in writing, or by electronic means to any non-employee of the Fairfax County Sheriff's Office.

Information - Recorded data pertaining to, or personal knowledge of, an inmate's:

- Criminal History Record, including identifiable description (i.e., DOB/SSN/HT/ WT/ RACE/ SEX/ ADDRESS), notations of prior arrests, prior indictments, prior charges and their disposition.
- Correctional Status. This term is limited to information concerning a convicted person's custodial status (i.e., in confinement, on probation, on work release, escaped, or no longer in custody).

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 530
SUBJECT: DISSEMINATION, ACCESS, STORAGE &
SAFEGUARDING OF INFORMATION & RECORDS
PERTAINING TO INMATES**

- Conviction Data: Any information relating to a judgment of conviction and the consequences (sentence) imposed by a court.
- Medical, dental, psychological, substance abuse, classification, disciplinary, or program participation status.

Public - Any person not employed by a criminal justice agency. News media, bondsmen, attorneys, and their agents are considered members of the public.

Public Information - Factual information concerning the status of an investigation, the apprehension, arrest, release or prosecution of an individual, the adjudication of charges, or the correctional status of an individual which relates to the offense for which an individual is currently within the criminal justice system.

Criminal Justice Agency - Any court or other governmental (federal, state, or local) agency, or sub-unit thereof, whose principal function is the administration of criminal justice, or the performance of criminal justice activities.

Access - Authority to enter an area where recorded information concerning an inmate is maintained or stored for purposes of viewing, inspecting, recording, changing, or extracting information for any purpose.

IV. PROCEDURE

A. Dissemination of Information to the Public

1. Adults and Juveniles Certified as Adults (hereinafter referred to as inmates)

- a. The following information may be disseminated to the public unless, for the protection of the individual concerned or at the request of a criminal justice agency or agent thereof, it has been requested that no information be released.

- 1) Individual's name
- 2) Race
- 3) Date of arrest and confinement
- 4) Current charge
- 5) Amount of bond
- 6) Court date
- 7) Conviction date
- 8) Correctional status
- 9) Release date
- 10) Inmate Identification Number

- b. Fairfax County Adult Detention Center booking photographs may be released on active and inactive inmates by the Public Information Officer except when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation.

B. Dissemination of Information to Criminal Justice Agencies or Agents Thereof

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 530
SUBJECT: DISSEMINATION, ACCESS, STORAGE &
SAFEGUARDING OF INFORMATION & RECORDS
PERTAINING TO INMATES**

1. The following information may be disseminated:
 - a. Name
 - b. Race
 - c. Date of arrest and confinement
 - d. Current charge
 - e. Amount of bond
 - f. Court date
 - g. Conviction date
 - h. Correctional status
 - i. Release date
 - j. Inmate Identification Number
 - k. Fairfax County Adult Detention Center Booking photographs released by the Public Information Officer. If the PIO is unavailable, the following personnel may release a booking photograph on active or inactive inmates:
 - 1) The On-Duty ADC Shift Commander
 - 2) Inmate Records Section
2. The additional information listed below may be released to Criminal Justice Agencies or Agents Thereof:
 - a. Identifying data (description/aliases/address/etc.)
 - b. Copies of court orders, cards, records, memoranda
 - c. Detainer status and copies of detainers
 - d. Custody status
 - e. Jail adjustment
 - f. Disciplinary records
 - g. Information concerning criminal history. Copies of official criminal history record information obtained by the Fairfax County Sheriff's Office may not be released to any criminal justice agency or agent thereof.
 - h. Information concerning an inmate's medical, dental, or psychological

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 530
SUBJECT: DISSEMINATION, ACCESS, STORAGE &
SAFEGUARDING OF INFORMATION & RECORDS
PERTAINING TO INMATES**

status, upon order of a court; at time of transfer to the Department of Corrections detention facility; as may be required during the conduct of an official investigation; or as may be required to ensure an inmate's physical and mental health

- C. Dissemination of Information to Attorneys Representing an Accused, Convicted, or Sentenced Individual in the Fairfax County Adult Detention Center.
1. Attorneys are privileged to that information available to the public (Section IV, Paragraph A, 2, of this Standard Operating Procedure).
 2. In addition, attorneys may be provided:
 - a. Information pertaining to an inmate's jail adjustment.
 - b. Information pertaining to criminal offenses committed by an inmate while confined in the Fairfax County Adult Detention Center, when the attorney is appointed or retained as the inmate's counsel.
 3. Upon request and proper identification, attorneys representing inmates may inspect official criminal history record information pertaining to their clients that the Fairfax County Sheriff's Office has obtained. Should attorneys desire copies of their clients' criminal history records; they will be instructed to contact the Virginia State Department of Police, P.O. Box 27472, Richmond, Virginia 23261.
 4. No other information will be released to attorneys representing inmates unless by subpoena.
- D. Dissemination of Information to Inmates
1. Inmates may inspect official criminal history record information being maintained on them by the Sheriff's Office per Title 9.1, Chapter 1, Article 3, [Section 9-192](#), Code of Virginia (1950), as amended.
 - a. No copy of an official criminal history record may be reproduced for dissemination to an inmate.
 - b. Inmates desiring a copy of their criminal history records will be instructed to request such information through their attorneys, or by contacting the Virginia Department of State Police, P.O. Box 27472, Richmond, Virginia 23261. See Title 19.2, Chapter 23, [Section 19.2-389.A](#), Code of Virginia (1950), as amended, for specific procedures.
 2. On request, inmates may review their personal medical, dental, or behavioral health records maintained by the Fairfax County Adult Detention Center, unless an official notation has been made by the staff physician or staff psychologist, that "... a review of such records by the subject person would be injurious to the subject person's physical or mental health or well-being." Inmates, however, may not have copies made of their personal medical, dental, or behavioral health records per Title 2.2, Chapter 37, [Section 2.2-3705.5](#) (Section 1), Code of Virginia (1950), as amended.

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 530
SUBJECT: DISSEMINATION, ACCESS, STORAGE &
SAFEGUARDING OF INFORMATION & RECORDS
PERTAINING TO INMATES**

Inmates may release copies of their medical and/or mental health records to their attorneys, family members, etc. upon receipt of the appropriate release form provided by the respective section. Under no circumstances will inmates be permitted to maintain a copy of their medical/mental health record while incarcerated in the Fairfax County Adult Detention Center. If copies of records are found in an inmate's possession, they will be destroyed. They will not be placed in the inmate's property.

3. Inmates may review official court documents, warrants, and detainers that pertain to them, and their inmate financial account and property records.
 4. Inmates may not review, have access to, or have copies of the following records which are categorized as "... records of persons imprisoned in a penal institution..." and as such, excluded from the provision of Title 2.2, Chapter 37, [Section 2.2-3705.5](#) (Section 1), Code of Virginia (1950), as amended.
 - a. Inmate classification interview files
 - b. Inmate administrative file
 - c. Any other record containing information prepared in confidence or which is sensitive in nature
- E. Dissemination of Information to Non-Criminal Justice Agencies and Individuals
1. Unless specifically provided for in this Standard Operating Procedure, no information pertaining to inmates confined in the Fairfax County Adult Detention Center will be released to any non-criminal justice agency or individual without specific approval of the Sheriff or as the result of a court order.
- F. Record of Dissemination
1. Criminal history record information.
 - a. Any time information concerning an inmate's criminal history is disseminated to another criminal justice agency, agent thereof, inmate or his/her attorney, a record of dissemination must be completed and logged into the VCIN secondary dissemination logbook for the specific VCIN terminal requesting the criminal history.
 - b. This record must specify:
 - 1) The date on which the information was disseminated.
 - 2) The name and Adult Detention Center prisoner number of the inmate subject of the criminal history record.
 - 3) The identity of the individual and agency to which the information was provided.
 - 4) The nature of the information released.

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 530
SUBJECT: DISSEMINATION, ACCESS, STORAGE &
SAFEGUARDING OF INFORMATION & RECORDS
PERTAINING TO INMATES**

- c. It is a violation of law for copies of criminal history record information obtained by the Fairfax County Sheriff's Office from any Central Criminal Records Exchange or other criminal justice agency to be released to any individual per Title 19.2, Chapter 23, [Sections 19.2-389](#), Code of Virginia (1950), as amended).
2. Other record information.
 - a. Except as specified in paragraph F.1., preceding, no record of dissemination is required to document the release of information concerning inmates to criminal justice agencies or agents thereof during the conduct of official business.
 - b. Any time approval is granted for the dissemination of information to an attorney, inmate, non-criminal justice agency or individual, a record of dissemination will be completed and forwarded to the Inmate Records Supervisor. In these instances, the authority approving the dissemination will be indicated.

G. Access

1. Information gathered, compiled, recorded, and maintained on inmates confined in the Adult Detention Center will be treated as confidential.
2. In order to maintain the confidentiality of information and records, and to preclude unauthorized and improper disclosure:
 - a. Access to information and records pertaining to inmates will be limited to the Sheriff, a Chief Deputy Sheriff, Internal Affairs Investigator, and members of the Fairfax County Adult Detention Center Staff.
 - b. The Sheriff, a Lieutenant Colonel, Commander, Confinement Division, and Internal Affairs Investigator are authorized unlimited access to all information and records.
 - c. In order to maintain security and control over records and information for operational purposes, however, access to records and information generated and maintained by the various branches and sections within the Adult Detention Center is restricted to "need to know" basis.

The following list designates the positions responsible for controlling access to various sources of information. Personnel filling these positions will ensure the security of records and information within their purview and ensure that access is restricted to authorized personnel only.

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 530
SUBJECT: DISSEMINATION, ACCESS, STORAGE &
SAFEGUARDING OF INFORMATION & RECORDS
PERTAINING TO INMATES**

<u>RECORD</u>	<u>AUTHORIZED ACCESS</u>
Active Booking Cards	Any member of the Fairfax County Adult Detention Center Staff.
Inmate Administrative Records	Chief, Classification & Records Branch; Supervisor, Records & Transportation Section; Supervisor, Inmate Records Unit; Supervisor, Inmate Transportation Unit; Confinement Squad Commanders; Booking Deputies; Inmate Records Deputies; Inmate Records clerks.
Classification Interview Records	Chief, Classification & Records Branch; Supervisor, Classification Section; Assistant Supervisor, Classification Section; Assistant Supervisor, Classification Team(s); Intelligence Liaison Officer; Classification Counselors; Confinement Supervisors; Director of Correctional Health & Human Services; Behavioral Health Supervisors.
Medical/ Dental/ Mental Health/ Substance Abuse Records	Staff Physician; Staff Dentist, Staff Psychiatrist; Director of Correctional Health & Human Services; Behavioral Health Staff; Chief, Medical Services Branch; Medical Section Staff
Inmate Financial Records	Chief, Financial Services Branch; staff of the Inmate Finance Section.
Inmate Property Records	Chief, A/B and C/D Confinement Branch; Property staff for each Confinement squad
Inmate Program Records	Chief, Services Branch; Program & Recreation Supervisors; Program Leaders for specific programs.
AIB Records	AIB Staff.

- d. Nothing in this section precludes any appropriate staff member from having access to information and records necessary to conduct official investigations, disciplinary hearings, or meetings of the Institutional Classification Committee.

H. Storage and Safeguarding of Records

- 1. Access to any area in which inmate records are stored will be restricted to authorized personnel. Inmates will not be permitted access to any areas where records are maintained or stored unless under direct supervision of a deputy.
 - a. Inmate Records (Active).
 - 1) Active booking cards will be stored in the inmates' administrative record folders that will be maintained in the Inmate Records area. Access to this area will be controlled during regular business hours by the Supervisor, Inmate Records and Transportation Section, and after normal business hours, by the on-duty Confinement Squad Commander. Inmate workers will

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 530
SUBJECT: DISSEMINATION, ACCESS, STORAGE &
SAFEGUARDING OF INFORMATION & RECORDS
PERTAINING TO INMATES**

not be allowed into the administrative area unless escorted and supervised.

- 2) Classification records will be maintained and stored in secure containers in the Classification Office. Containers and office will be locked during absence of the Classification staff.
- 3) Medical, dental, and behavioral health records are maintained through secure, electronic health record systems with access limited to designated medical, dental, and behavioral health staff.
- 4) Inmate financial records will be maintained and stored in secure containers in the Finance Office. Containers and office will be locked during the absence of the Finance Office Staff.
- 5) Inmate property records will be maintained and stored in secure containers in the inmate property room. Containers and property room will be locked during the absence of a property deputy.
- 6) Inmate program participation records will be maintained and stored in secure containers within office space assigned to the Supervisor of Inmate Programs and staff assigned to administer inmate programs. Containers and offices will be locked during the absence of the staff.

b. Inmate Records (Inactive).

- 1) Except for inmate administrative records, all other inactive inmate records will be stored in secure containers within an office or storage space which can be locked and to which access is limited to members of the Fairfax County Adult Detention Center Staff.
- 2) Inactive inmate administrative records will be stored in the Adult Detention Center Inmate Records area pending destruction. Access to this area will be controlled during regular business hours by the Supervisor, Inmate Records and Transportation Section, and after normal business hours, by the on-duty Confinement Squad Commander.
- 3) Refer to current records retention schedules for information concerning the disposition of inactive records.
- 4) Inmate workers will not be allowed into the records area unless escorted.

I. Expunging, Purging, and Sealing Records

1. Upon receipt of a court order or other directive ordering the expungement or purging of a record, the Inmate Records Administrative Assistant Supervisor will:
 - a. Collect all manual information, also any information on microfiche,

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 530
SUBJECT: DISSEMINATION, ACCESS, STORAGE &
SAFEGUARDING OF INFORMATION & RECORDS
PERTAINING TO INMATES**

Laserfiche and all computerized information subject of the court order or directive, which is on file in any section within the Adult Detention Center. A memo must be sent to the Computer Center to delete all records subject of the court order.

- b. Assemble and place the collected manual materials in an envelope.
 - c. Deliver the record to the Commander, Confinement Division. The Commander, Confinement Division will number the sealed envelope and, in a separate logbook, record the number placed on the sealed envelope, together with the name of the individual subject of the record expungement or purge. The sealed envelope will then be stored in a secure container, separate from all other Adult Detention Center records. Once sealed, the record will not be reopened except by court order.
 - d. Cause all LIDS entries concerning the subject to be eradicated.
 - e. Cause all computerized data references to the subject to be electronically erased from all terminals in the Fairfax County Adult Detention Center.
 - f. Cause any microfilm or Laserfiche references to the subject to be eradicated.
 - g. Prepare a letter for signature of the Commander, Confinement Division, notifying the Executive Director, Criminal Justice Services Commission that all records pertaining to the subject have been expunged or purged in compliance with the applicable court order or directive.
2. For additional information on the expungement and purging of records, refer to Administrative Code of Virginia [6VAC20-120-80](#).
- J. Inmate Record's Document Imaging System
1. Upon entering all pertinent information into the Agency's Jail Management System, all paperwork will be electronically filed using the Agency's Laserfiche filing system.
 - a. Booking officers will electronically scan the following documents:
 - 1) Warrants
 - 2) Commitments
 - 3) Medical Screening Form
 - 4) Detainers
 - 5) Any other paperwork necessary for inclusion in the inmate's file
 - b. When an inmate number is not located in the Laserfiche system, booking officers are to store the scanned documents in the "Booking Warrants not in File" folder. These documents will be transferred by the Inmate Records Section to the specific inmate's folder once it is created.

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 530
SUBJECT: DISSEMINATION, ACCESS, STORAGE &
SAFEGUARDING OF INFORMATION & RECORDS
PERTAINING TO INMATES**

- c. Paper copies of records that relate to the inmate's current commitment shall be maintained as part of the Inmate's Active Booking File.
2. All court related documents will be electronically filed using the Agency's Laserfiche filing system. The Inmate Records Section will electronically scan all court related documents, to include:
 - a. Court Cards
 - b. Court Orders
 - c. Booking Cards
 - d. Jail Credit Updates
 - e. Certified Time Credits
 - f. Correspondences
3. Paper copies of booking files will be destroyed in accordance with current records retention schedules for information concerning the disposition of inactive records.



**STACEY A. KINCAID
SHERIFF**

**01/22/96
DATE APPROVED**

**08/03/2020
EFFECTIVE DATE**

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