



LONDONDERRY POLICE DEPARTMENT POLICIES AND PROCEDURES

POLICY NO: S-306	DATE OF ISSUE: November 1, 1997	EFFECTIVE DATE: November 1, 1997	REVISED DATE: January 10, 2016
SUBJECT: RELEASE OF CRIMINAL HISTORY RECORDS			PAGE: 1 of 3
BY AUTHORITY OF: William R. Hart Chief of Police	CALEA #	<input checked="" type="checkbox"/> NEW <input type="checkbox"/> AMENDS <input type="checkbox"/> RESCINDS POLICY #: S-306	Dated: 11/01/97

I. DISCUSSION

A. Persons or Agencies that are entitled to review or receive criminal history records are:

- i. Any Federal, State or Local Criminal Justice Agency;
- ii. Any Law Enforcement Officer is entitled to receive non-conviction criminal history record information if the request is for a lawful investigative purpose;
- iii. Any Federal, State, or Local Agency furnishing a signed release from the person involved;
- iv. Attorneys representing the subject of record;
- v. Persons representing blind or illiterate subjects;
- vi. Translators representing the subject of the record;
- vii. Guardians representing subject(s) of record;
- viii. Prospective employers furnishing a signed release form from the record names subject.

II. POLICY

A. Criminal History Record (CHRI) information shall not be released to any Federal, State, or Local Government Agency where there is:

- i. No final disposition and the case has remained inactive or no disposition has been obtained. This does not restrict release of CHRI on pending court cases
- ii. The court finds the person NOT GUILTY
- iii. The court DISMISSED the complaint
- iv. The case was NOL PROCESSED

- v. The record named subject's record has been ANNULLED by the court
- vi. The charge was AMENDED (release of information will relate only to the amended charge providing no other exceptions exist)
- vii. No formal complaint was entered for prosecution
- viii. There is a pending challenge or accuracy of an existing record (restrictions will apply only to the record being challenged)

III. PROCEDURES

A. Criminal History Record Information Release Procedures:

- i. Criminal History Record Information requests will be handled daily Monday through Friday between 8am and 4pm unless special arrangements have been granted by the Record Section Supervisor or his/her designee.
- ii. Juvenile Records defined as motor vehicle records for persons under the age of 16 years and criminal offense records for persons under the age of 18 years, shall not be released.
- iii. Juvenile Records shall be released in accordance with Juvenile Records/Information dissemination policies and procedures. Juvenile Records shall be disseminated by the Juvenile Section only.

B. Requests Made in Front Lobby:

- i. Person requesting release of his/her record. shall be given the State form so they may apply for the record from the State themselves.
- ii. Only employees of the Londonderry Police Department authorized to disseminate Criminal History Information shall be permitted to release any such records as authorized herein.

C. Requests Made By Mail:

- i. All requests for Criminal History Record Information received by mail shall be forwarded to the Records Section.
- ii. Requests for Criminal History Record Information shall be honored only if the requesting person has provided the date of birth and signed consent form from the person whose record is being released.

iii. All requesting individuals are subject to the \$ 5.00 processing fee. Government agencies will not be subject to the processing fee unless otherwise ordered.

IV. These policies and procedures replace and supersede all policies, procedures, rules, regulations, and written directives regarding RELEASE OF CRIMINAL HISTORY RECORDS.