



Shelburne Police Department

SUBJECT: Use of Sealed Criminal History Records

GENERAL ORDER # 26

EFFECTIVE DATE: July 6, 2026

REVIEW DATE: June 29, 2026

AMENDS/SUPERCEDES: N/A

APPROVED: /s/Joshua Flore
Chief of Police

1. **Purpose**

The purpose of this policy is to ensure consistent statewide application of law and practice regarding the access and use of sealed criminal history information for criminal justice purposes under 13 V.S.A. chapter 230, balancing the confidentiality of this information with legitimate criminal justice purposes.

2. **Definitions**

- a. “Criminal history record” means all information documenting an individual’s contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision. Examples include, but are not limited to, VCIC criminal history records, investigative reports, Valcour records, other records management systems, and court documents.
- b. “Criminal justice agencies” means all Vermont courts and other governmental agencies or subunits of governmental agencies that allocate at least 50 percent of the agency’s annual appropriation to criminal justice purposes.
- c. “Criminal justice purposes” means the investigation, apprehension, detention, adjudication, or correction of persons suspected, charged, or convicted of criminal offenses. “Criminal justice purposes” also includes criminal identification activities; the collection, storage, and dissemination of criminal history records; and screening for criminal justice employment.
- d. “Law enforcement agency” means the Department of Public Safety, a municipal police department, a sheriff’s department, the Attorney General’s Office, a State’s Attorney’s Office, or certified law enforcement officers of the Department of Motor Vehicles, Agency of Natural Resources, or Department of Liquor and Lottery.
- e. “Law enforcement officer” shall have the same meaning as 20 VSA § 2351a.
- f. “Sealed Record” is a record that has been ordered sealed by a court.

3. Scope

- a. Every law enforcement officer certified by the Vermont Criminal Justice Council shall follow this policy within the State of Vermont.

4. Policy

- a. It is the policy of the Shelburne Police Department to comply with the requirements of 20 V.S.A. § 2372 regarding the handling, access, and disclosure of sealed criminal history records. Upon receipt of a court order sealing a record, the agency shall bar viewing of the sealed offense by unauthorized individuals and remove sealed records from any publicly accessible place maintained by the agency.
- b. It is the policy of the Shelburne Police Department that access to or disclosure of sealed records is permitted only for legitimate criminal justice purposes, including internal employment review or investigation, or as otherwise authorized by law. The agency shall maintain records of access or use of sealed information for each instance in which a sealed record is accessed or used. The use of sealed records in a criminal prosecution shall be disclosed to the attorney prosecuting the case.

5. Procedure

- a. Sealed Criminal History Records
 - i. Upon receipt of a sealing order issued by the court, the Shelburne Police Department shall:
 - 1. Bar unauthorized individuals from viewing the sealed offense in any database that the Shelburne Police Department maintains, or remove information pertaining to the sealed records from any publicly accessible database that the Shelburne Police Department maintains.
 - 2. Clearly label the sealed record “SEALED” to identify it as sealed. This label should be prominently displayed so that any officer viewing the file is immediately alerted that the record is sealed.
 - 3. All employees of the Shelburne Police Department shall respond to any inquiry from any member of the public regarding a sealed record by stating: “NO CRIMINAL RECORD EXISTS.”
- b. Access to Sealed Records by Law Enforcement
 - i. Officers of the Shelburne Police Department may access sealed records under the following circumstances:
 - 1. For criminal justice purposes.

2. The Shelburne Police Department may inspect and receive copies of the sealed criminal history records of any applicant who applies to the agency to be an employee of the agency, whether a sworn law enforcement officer or a civilian employee, or a current employee, for the purpose of an internal investigation.

c. Disclosure of Sealed Records by Law Enforcement

- i. Officers of the Shelburne Police Department may disclose sealed records under the following circumstances:
- ii. Officers of the Shelburne Police Department may disclose a sealed criminal history record to another non-criminal justice agency or person pursuant to a court order issued after the agency, the State's Attorney for the agency's jurisdiction, or the Attorney General files a petition and a supporting affidavit.
- iii. Officers of the Shelburne Police Department may disclose a sealed criminal history record to another criminal justice agency for criminal justice purposes without the need for a court order. The requesting agency should follow established procedures to request sealed records.
 1. Any record disclosed in such a manner should contain the following notice to the recipient: "SEALED - KNOWINGLY ACCESSING OR DISCLOSING THIS RECORD WITHOUT AUTHORIZATION IS A CIVIL VIOLATION SUBJECT TO A PENALTY OF NOT MORE THAN \$1,000.00."
- iv. Officers of the Shelburne Police Department may disclose a sealed criminal history record to the person whose criminal history records have been sealed and/or that person's attorney.
 1. Any record disclosed in such a manner should contain the following notice to the recipient: "SEALED - KNOWINGLY ACCESSING OR DISCLOSING THIS RECORD WITHOUT AUTHORIZATION IS A CIVIL VIOLATION SUBJECT TO A PENALTY OF NOT MORE THAN \$1,000.00."
 2. When there is a question about whether disclosure of a sealed record is authorized, officers are encouraged to contact their State's Attorney or the Office of the Attorney General to seek advice on whether to disclose.

d. Record-Keeping System for Sealed Record Use

- i. The Shelburne Police Department shall maintain a secure database that records each time a sealed record is accessed or used. This database must comply with applicable State and federal law.