

ALAMEDA COUNTY SHERIFF'S OFFICE WARRANTS, RECORDS AND CRIME ANALYSIS POLICY & PROCEDURES	NUMBER: 2.10	PAGE: 1 of 4
	RELATED ORDERS: CALEA 82.1.1 c,d	
	ISSUED DATE: 01/01/99 REVIEW DATE: 12/10/12 REVISION DATE: 12/10/12	
CHAPTER: Operations	SUBJECT: Release of Criminal Offender Record Information	

- I. **PURPOSE:** To establish a Unit policy on the dissemination of criminal offender record information (CORI) including CRIMS photographs.
- II. **POLICY:** It is the policy of the Records Section to control the release of criminal history records and to prevent the improper use of criminal history information.

The Record Unit Commander is the designated Criminal Records Security Manager. This order is supplemental to General Order 6.09 entitled "Security and Privacy of Criminal Justice Database."

III. DEFINITIONS AND AUTHORITY:

- A. **CRIMINAL JUSTICE AGENCY:** A public agency or component thereof which performs a criminal justice activity as its principal function.
- B. **AUTHORIZED PERSON or AGENCY:** Any person or agency authorized by court order, statute, or decisional law to receive criminal offender record information.
- C. **CRIMINAL JUSTICE INFORMATION:** Records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and summaries of arrests, pre-trial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release. This includes "CORPUS" automated information, fingerprints, and mug photos.
- D. **RIGHT TO KNOW:** The right to obtain criminal offender record information pursuant to order, statute, or decisional law.
- E. **NEED TO KNOW:** The necessity to obtain criminal offender record information in order to execute official responsibilities.

- F. RECORD CHECK: Obtaining the most recent "rap" sheet from the California Department of Justice.
- G. RECORDS SECURITY MANAGER: The employee of the Department given the authority and responsibility to enforce record security regulations.
- H. AUTHORITY: The authority for establishing local Crime Offender Records Security regulation is found in Title II, Chapter 1, California Administrative Code. Other authorities include Penal Code 11105, Penal Code 11140-11144, Penal Code 11120-11127, and 13300 Penal Code Restrictions on CORI Release.

IV. PROCEDURE:

A. RESPONSIBILITY OF RECORDS EMPLOYEES:

1. Employees of the Records Unit who are in possession of criminal history records shall be responsible for the physical security of documents. Under no circumstances shall an employee disclose the contents of any criminal history record to any person except as provided in the Order. CORI information shall not be utilized for personal information or gain.
2. Releasing record information to an unauthorized person or agency is a crime pursuant to Sections 502 and/or 13303 of the Penal Code. Employees should pay particular attention to Section 502 which also prohibits the use of CORI information for personal use.
3. Employees of the Records Unit shall not disseminate copies of State Department of Justice "rap" sheets to other persons or agencies outside the Alameda County Sheriff's *Office*. Only local "rap" sheet information may be released.

- a. Authorized persons or agencies requesting copies of Department of Justice "rap" sheets from this Unit shall be referred to:

California Department of Justice
Bureau of Criminal Identification and Information
Applicant and Public Services Section
P.O. Box 903417
Sacramento, CA 94203-4170
(916) 227-3822

- b. Authorized persons or agencies outside the Sheriff's *Office* requesting copies of Department of Justice "rap" sheets from this Unit shall be referred to:

California Department of justice
Bureau of Criminal Identification and Information
P.O. Box 903417
Sacramento, Ca. 94203-4170
(916) 227-3849

4. The Records Unit Commander and shift supervisor shall maintain a current list of authorized agencies and persons who may have access to, or may receive copies of local criminal history records.
5. All employees of the Records Unit, and all authorized persons or agencies who are eligible to receive copies of arrest records, are required to complete an entry on the "Criminal Offender Records Information (CORI) Log" pursuant to General Order 6.09. No records will be provided by Records personnel until this entry is completed.
6. Release criteria: Criminal offender record information may be released only when the "right to know" and "need to know" has been established.
 - a. Right to know:
 - (1) Criminal offender record information will be released only to persons or agencies authorized by court order, statute, or decisional law to receive such information.
 - (2) One of the criteria for release shall be "Agencies Authorized to receive California Department of Justice 'rap' sheets."
 - b. Need to know:
 - (1) Basis: Need to know is based on the necessity to obtain criminal offender record information in order execute official responsibilities.
 - (2) Criteria: Need to know is established when the requester certifies verbally or in writing to an official need for the information.

B. RELEASE OF LOCAL CORI INFORMATION FOR LICENSING OR EMPLOYMENT:

1. Pursuant to 432.7 (g)(1) of the labor Code- "No Peace Officer or employee of a law enforcement agency with access to criminal offender information maintained by a local law enforcement criminal justice agency shall knowingly disclose, with intent to affect a person's employment, any information contained therein pertaining to an arrest or detention or

proceeding that did not result in a conviction..."

2. Also 432.7(a) of the Labor Code - "No employer whether public agency or private individual or corporation shall ask an applicant for employment to disclose, through any written form or verbally, information concerning an arrest or detention that did not result in a conviction..."
3. Based on case law (Central Valley Chap. 7th Step Foundation v. Younger, (1979) and the sections of the Labor Code, it is the policy of this department that a request for criminal information which may be used for licensing or employment other than peace officer shall be given conviction information only.

C. CORI SECURITY AND RECORDS DESTRUCTION:

1. All criminal offender record information shall be stored in a secure area and access to files will be restricted to personnel authorized to release criminal offender record information.

Unauthorized persons shall not be allowed to view computer screen "CORI" information.

2. Employees who are no longer in need of criminal offender record information shall be responsible for destroying the documents.

Employees shall utilize the barrels provided for record destruction for discarding criminal history paper and photos.

3. Unit personnel shall comply with any reasonable request made by a representative of the Department of Justice relative to any security and privacy audit of this Unit.