

STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT
POLICIES & PROCEDURES

ARTICLE: D-4
SECTION: Prevention Division
DATE: 12/14/94
SUPERSEDES:
TITLE: **CRIMINAL HISTORY ACCESS**

This policy will apply to access of the California Law Enforcement Telecommunications System (CLETS), the Criminal Justice Information System (CJIS), the National Crime Information Center (NCIC), the National Law Enforcement Telecommunications System (NLETS), the Oregon Law Enforcement Data System (LEDS), the California Department of Motor Vehicles (DMV), and use of information received from any of the above. All information retrieved through any of these sources must be treated carefully, maintaining confidentiality at all times. Access to the above information will be restricted to the Fire Marshal and all full-time fire investigators with peace officer powers.

All inquiries through any of the above systems shall be logged on the criminal history log/DMV history log at the time the request is made. An example is attached and the instructions to the form are listed on the back of the form. The form shall be completely filled out.

The remainder of this policy describes the various information systems in more detail and the responsibilities of the requesting party. It comes from the CLETS class manual and its regulations must be observed by anyone using the system.

CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

In order to maintain the integrity of CLETS/NCIC and to ensure the security of information received and transmitted by users of the system, all CLETS equipment must be secure from vandalism and access by unauthorized personnel. The final responsibility for maintaining the CONFIDENTIALITY of criminal justice information rests with each individual agency head or administrator.

The CLETS network is a high-speed message switching system that has been operational for almost a quarter of a century. The CLETS network provides law enforcement and criminal justice agencies access to CJIS, NCIC, NLETS, LEDS, and DMV. In addition it provides users the ability to transmit point to point (normal administrative traffic) and All Points Bulletins (formerly Group Bulletin) to other agencies within California. All Points Bulletins are free text messages sent to agencies participating in a specific group, i.e., highway, geographic, or crime specific groups. All Points Bulletins can include major identifiable property items, crimes against persons, missing persons or "Be on the Lookout," death and funeral notices, and acts of nature.

The NLETS administrative message network works on the same principle but allows the transmission of administrative messages to all states and Canada. Similar to the CLETS' All Points Bulletins network, NLETS supports an All Points Broadcast (APB)--all states or a regional broadcast concept--that directs administrative traffic to one or more of eight regions in the United States.

CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS)

The CJIS network is a computerized file containing records that are of interest to the criminal justice community. This network is maintained by the California Department of Justice (DOJ) and is available to authorized local, state, and federal criminal justice agencies via the CLETS network.

There are nine data bases within CJIS. They include the following: Stolen Vehicle System (SVS), Automated Boat System (ABS), Wanted Persons System (WPS), Automated Criminal History System (ACHS), Automated Firearms System (AFS), Automated Property Systems (APS), Restraining Order System (ROS), Missing/Unidentified Persons System (MUPS), and the Mental Health Firearms Prohibition System (MHFPS).

Most inquiries into SVS are made with only the license plate number. When making an inquiry on an out-of-state license, it is necessary to use the license state field (LIS). Inquiries without the LIS are assumed to be California plates and not forwarded to NCIC. Inquiries made using the Vehicle Identification Number (VIN) will automatically be forwarded to NCIC.

The WPS is a pointer system that pertains to arrest warrants maintained by state, local, and federal criminal justice agencies. All WPS records must be based on an arrest warrant. If the subject of the WPS record is apprehended anywhere in California, the entering agency **MUST** transport the person back to their jurisdiction. In order to qualify for NCIC entry, your agency must agree to extradite the person from at least one state outside California. Remember, NCIC requires an exact date of birth for matches on a name inquiry.

The ROS is a pointer system that pertains to domestic violence restraining orders entered by California law enforcement agencies in accordance with a court order. The entry must be based on a domestic violence restraining order that includes the California Penal Code Section 12021(g) firearm prohibition disclaimer. There must also be proof of service before the restraining order can be placed in the system. Inquiries into ROS may be made directly or by accessing WPS.

The MHFPS contains mental health firearms eligibility information on persons prohibited from owning or possessing firearms. Mental Health Firearms Prohibition System may be accessed via CLETS, by agencies currently authorized to receive criminal history information, only when conducting a criminal investigation, which involves the acquisition, carrying, or possession of firearms.

Inquiries into such systems as APS, AFS, and ABS may be made by serial or other numeric identifier number. If the code NOAH (Notify ORI of All Hits) is in the miscellaneous field (MIS) of a record, contact the Originating Agency Identifier (ORI) of the record and furnish details concerning the inquiry.

NATIONAL CRIME INFORMATION CENTER (NCIC)

The NCIC system is a nationwide computerized information system serving all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Canada. The NCIC system stores vast amounts of criminal justice information. It can best be described as a computerized index of documented criminal justice information concerning crimes and criminals of nationwide interest.

The NCIC system maintains corollary files in all but the ROS and MHFPS. The NCIC system maintains additional files accessible through your CLETS terminal. For an example, a CJIS WPS inquiry with a date of birth and/or numeric identifier not only searches the NCIC's Wanted Persons File but will also provide information on the subject of your inquiry if he/she is located in the Missing Person, U.S. Secret Service Protective, Foreign Fugitive, and/or the Bureau of Alcohol, Tobacco and Firearms Violent Felon files. Be aware, matches are made in these NCIC files based on exact DOB and/or numeric identifier as entered by the agency of record. There is no spread variance as there is in systems maintained by CLETS and the California Department of Motor Vehicles (DMV). Similarly, a CJIS SVS inquiry with an out-of-state license plate or Vehicle Identification Number (VIN), not only searches the NCIC Stolen Vehicle File but also their License Plate File. Two additional files maintained by NCIC and accessible through the CLETS network are the Securities and Originating Agency Identifier (ORI) files.

NATIONAL LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (NLETS)

NLETS is a computerized, high-speed message switching system created for and dedicated to the criminal justice community. Its sole purpose is to provide for the interstate and/or interagency exchange of criminal justice and criminal justice-related information.

In addition to supporting an administrative message and broadcast network, NLETS also allows users the ability to retrieve information from NLETS supported systems, files or files maintained by individual states for the following: vehicle registration, drivers licenses, hazardous material (HAZMAT), aircraft tracking system (ACTS), aircraft registration system (ACRS), boat registration, snowmobile registration, ORION ORI File, INTERPOL, Canadian interface, criminal history, the National Insurance Crime Bureau (NICB), and NLETS Help Files.

OREGON LAW ENFORCEMENT DATA SYSTEMS (LEDS)

The computer interface with the Oregon LEDS allows CLETS users direct inquiry to the Oregon Vehicle Registration, Drivers License, Stolen Vehicle, Wanted Person, Gun, and Article files.

DEPARTMENT OF MOTOR VEHICLES (DMV)

California Department of Motor Vehicle (DMV) information accessed through CLETS is

confidential and is intended strictly for the purpose of enforcing the law (California Vehicle Code section 1808.47). Automated files for drivers licenses, vehicle and vessel registrations, parking citation information, occupational licensing, international registration plans, and name indexes are maintained by DMV and accessible through CLETS. In addition to securing similar information via NLETS from the other 49 states, California law enforcement agencies now have direct access to Canadian driver's license information and other databases maintained by the Canadian Police Information Centre.

RECORD MAINTENANCE RESPONSIBILITIES

The responsibility for the accuracy, timeliness, and completeness of a record residing in a CJIS/NCIC data base lies with the agency that entered the record into the system. Each record entered into CJIS and/or NCIC must be based on a master case record maintained by the entering agency. To ensure accuracy and completeness of records, all entries must be double-checked by a second party at the time of entry. The contributing agency of the computerized entry must have the master case record available at all times in order that hits (positive matches) on a record can be confirmed within the required 10 minute response time.

Both the California DOJ and the FBI require that automated records in selected files be periodically validated by their contributors. In addition to comparing each record on the validation list with its source documents and supplemental reports, the contributor must attempt to consult the appropriate

Complainant, victim, prosecutor, court, motor vehicle registry files, or other appropriate source or individual, to assure the record is still active. Records, which cannot be validated, are inaccurate or not current, must be removed from the system by the entering agency.

MISSING PERSONS

Penal Code section 14205 requires that all local police and sheriffs' departments shall accept any report on a missing person. They must also utilize the MUPS within four hours if that missing person is at risk or is a child 12 years of age or younger. An inquiry on a missing person must be made directly through CJIS to the MUPS.

CRIMINAL OFFENDER RECORD INFORMATION (CORI)

In order to access Criminal Offender Record Information (CORI) the right-to-know and a need-to-know (also known as a compelling need) must be established. The right-to-know means the right to obtain CORI pursuant to court order, statute, or decisional law. The need-to-know means the necessity to obtain CORI in order to execute official responsibilities. Examples of compelling need include, but are not limited to, when the subject is in custody or may be a suspect in a criminal investigation. Remember, even though you may be authorized to receive CORI by statute, there must be an official business need before any such request for CORI can be initiated. Use of CORI for other than official business may be a violation of Penal Code sections 502, 11105, 11140-11143, and 13301-13304. **There have been sworn and non-sworn law enforcement personnel who have been terminated and prosecuted for using CORI for other than official purposes.**

In addition to the restrictions set forth above, law enforcement agencies are not authorized to access California CORI through CLETS for licensing, employment, or certification purposes, or for remotely accessing a record for review and/or challenge by the subject of a record. Applicant fingerprint cards must be submitted for these purposes. An audit trail must be maintained when CORI is furnished to another agency. The audit trail must be available for inspection for not less than three years (707(c) California Code of Regulations).

WARNING

Remember, a computer match on a person or property is not probable cause for arrest or confiscation in and of itself. "CONFIRMATION" is necessary.

Also, heed the warning: "The use of CLETS for other than official law enforcement purposes may result in your dismissal and/or possible prosecution." Prosecution may be initiated under the following codes: California Penal Code sections 182.1, 502, 11140-11143, and 13301-13304, and California Vehicle Code section 1808.47.

RESOURCES:

- CJIS Manual
- NCIC Operating Manual
- CLETS Operating Manual
- CLETS Policies, Practices, and Procedures Manual
- California Penal Code
- California Vehicle Code
- California Code of Regulations

Written By: Michael R. Wilkinson

Date: July 17, 1996

CRIMINAL HISTORY LOG / DMV HISTORY LOG
FORM INSTRUCTIONS

- DATE: Enter the date of the inquiry.
- FILE NO: Enter the SCFPD case number, which the information is related to.
- OPERATOR & I.D.: Enter the name of the person making the request and their computer I.D. number.
- REGARDING: The suspect/responsible name and C11 number would be placed in this area. If running a plate, gun, etc., place the appropriate information.
- REASON FOR INFORMATION REQUEST: List the exact reason for the inquiry.
- HARD COPY: Indicate if a hard copy was made, and where it is filed.