

Roll Call Training

Topic: *Automated Criminal History System- "RAPS" & Interstate Identification Index (III)*

AUTOMATED CRIMINAL HISTORY SYSTEM (ACHS) - "RAPS"

DOJ requires every agency with access to ACHS, which is commonly referred to as "RAPS", to complete a route field for audit trail purposes.

Officer, Reason, Case #, Type Inv

This is a **mandatory** field and must contain the following:

- Requestor's name or ID #
- Terminal operator's name or ID # (if different from requestor)
- Specific reason for request. The most effective audit trail includes one of the following:
 1. Case #
 2. Citation #
 3. Booking #
 4. Incident #
 5. CDC Inmate #

When a case number is not available or assigned, DOJ recommends listing supplemental information. Examples of acceptable reasons are listed below:

Associate	Gang Card	Realignment
AB-109	OAA- Outside Agency Assist	Search Warrant
CI- Confidential Informant	Officer Safety	Surveillance
Defense Witness	RO- Registered Owner	Victim
EP- Emergency Placement	RP- Reporting Party	WeTIP
FI- Field Interview	Predicate	Witness

Generic terms such as: Narc, Patrol, PIO, Gangs, MAIT, Inquiry, Investigation, etc. are **not** acceptable for use as an inquiry reason. Route Field data must provide DOJ and our agency with sufficient information to locate documentation to justify "need to know". The subject of the rap sheet must be identifiable in the case.

In addition, if you run an individual for *Predicates* or *Possible Predicates*, they **must** relate to a case. You **must** create a supplemental on these cases stating in the narrative that this individual was run as a Predicate, however was not used due to lack of information, did not meet criteria, etc. When you enter the individual in ARS, list them as "Other" since they are not a witness, suspect, IP, etc. Add their name and info and process as you would any other case.

INTERSTATE IDENTIFICATION INDEX (III)

When using III, the subject's FBI number or SID number must be used. The purpose code and attention fields are mandatory for III inquiries. The attention field is the III "route field" and should contain the requestor's name or ID # and the case number.

Attn:

California Department of Justice
CALIFORNIA JUSTICE
INFORMATION SERVICES DIVISION
Cuong D. Nguyen, Director



INFORMATION BULLETIN

<i>Subject:</i> Interstate Identification Index (III)	<i>No.</i> 13-06-CJIS	<i>Contact for Information:</i> Client Services Program (916) 227-3332
	<i>Date:</i> 5/17/13	

This Information Bulletin supersedes Information Bulletin 11-07-BCIA

To: Interstate Identification Index Users

The purpose of this bulletin is to remind agencies of the policies regarding the National Crime Information Center's (NCIC) Interstate Identification Index (III) "attention" field (ATN) and "purpose" field (PUR).

III USE FIELD

Criminal History Record Information (CHRI) from the III and the NCIC may only be used for an authorized purpose, consistent with the intent in which the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) system was accessed. Dissemination of information to another agency is authorized if: (a) the other agency is an authorized recipient of such information and is being serviced by the accessing agency; or (b) the other agency is performing personnel and appointment functions for criminal justice employment applicants (*CJIS Security Policy*, 7/13/12, Version 5.1, 4.2 Use and Dissemination of CHRI and NCIC restricted files Information, and NCIC non-restricted files information 8.2 Proper Access To, Use access, and Dissemination of FBI's CJIS System Information, 8.2.1 Proper Access To and Use of CHRI).

The NCIC policy is based on the authority of Title 28, United States Code, Section 534, which provides that the exchange of records shall be for the official use of authorized officials of the federal government, states, cities, and penal and other institutions.

NCIC/III ATN FIELD

As stated in the NCIC Operating Manual, the ATN field must indicate to whose attention the response shall be forwarded. This field must contain a minimum of three to a maximum of 30 alpha, numeric, and/or special characters. When using rank and/or initials, do not use periods.

PURPOSE CODES

The Privacy Act of 1974 requires that the FBI's CJIS Division maintain an audit trail for each disclosure of a criminal history record and the recipient of that record. Therefore, all III query history (QH) and query record (QR) transactions must include the purpose for which the CHRI is to be used.

NCIC/III PUR FIELD

The PUR field is a one-character alphabetic field used for III inquiries and record messages. It is mandatory for QH and QR transactions. The only codes permitted when making an III inquiry, via the California Law Enforcement Telecommunications System (CLETS), are:

Purpose Code A - Administrative

Used by authorized participating state agencies to retrieve records for internal review. Purpose Code A responses

cannot be disseminated for any other purpose. A QR for Purpose Code A allows a state to review CHRI, wants, and sex offender registry notifications that are in the III for that state.

Purpose Code C - Criminal Justice

Used for official duties in connection with the administration of criminal justice. The following examples clarify authorized uses of Purpose Code C in situations that are not part of a criminal justice investigation, but are duties of the agency where a criminal record check is necessary to accomplish the agency's mission. These examples are not all encompassing. (*Note: This is not allowable when conducting California inquiries.*)

1. Authorized uses of Purpose Code C in relation to the security of the criminal justice facility include:
 - A. Vendors or contractors at the criminal justice agency who are *not* involved with the actual administration of criminal justice at the criminal justice agency, e.g., carpet cleaners, individuals responsible for maintaining vending machines, janitors, and cooks.
 - B. Volunteers at a criminal justice agency who are *not* involved with the actual administration of criminal justice at the criminal justice agency, e.g., participants in community ride-along programs and volunteers at a confinement facility who are providing social or community services rather than rehabilitative services.
 - C. Confinement facility visitors.
 - D. Inmates of a confinement facility.
 - E. Inmate mail (a prisoner's list of names and addresses of those wishing to correspond with the prisoner). The III may be used when there is reason to believe that criminal activity is occurring or has occurred.
 - F. Participants of law enforcement-sponsored firearms training classes held at a public firing range who handle firearms, and individuals attending firearms training events held at law enforcement facilities.
2. Purpose Code C is used by government social service agencies with child protection responsibilities and the National Center for Missing and Exploited Children to access FBI CHRI under Section 151 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248).

Purpose Code D - Domestic Violence and Stalking

Used when the III transaction is for officials of civil or criminal courts in domestic violence or stalking cases. Civil courts may be issued Originating Agency Identifiers (ORIs) containing a D in the ninth position, at the discretion of the Department of Justice and the FBI's CJIS Division. ORIs ending in a D are limited to QH and QR transactions for Purpose Code D.

Purpose Code F - Weapons-Related Background Checks

Used by criminal justice agencies for the purposes of: (a) issuing firearms-related permits and explosives permits pursuant to California law, regulation, or local ordinance; (b) returning firearms to their lawful owners; and (c) enforcing federal and state laws prohibiting certain persons with criminal records from possessing firearms in circumstances in which firearms have been pawned. (*Note: The California Department of Justice Bureau of Firearms is the FBI NICS point of contact and the only California agency authorized by state law to conduct background checks for firearms and explosives.*)

Purpose Code H - Housing

Used when the III inquiry is made under the authority of the Housing Opportunity Extension Act of 1996. The use of this purpose code is limited to QH transactions and the CHRI obtained can only be disseminated to authorized California public housing agencies. The FBI's CJIS Division may assign public housing agencies ORIs containing the letter Q in the ninth position for use by authorized agencies.

Purpose Code J - Criminal Justice Employment

Used when the III transaction involves employment with a criminal justice agency or the screening of employees of other agencies in which the criminal justice agency is required to have management control. Such screening may include the use of III on friends, relatives, and associates of the employee or applicant, unless restricted or prohibited by California statute, common law, or local ordinance. Criminal justice employment (Purpose Code J) has been separated from other criminal justice purposes (Purpose Code C) due to varying requirements of some state agencies participating in the III.

Purpose Code J is used for initial background checks of agency personnel as well as the following:

- A. Noncriminal justice agencies that are involved with the administration of criminal justice on behalf of the criminal justice agency.
- B. Vendors or contractors who are involved with the administration of criminal justice for the criminal justice agency, e.g., personnel involved with maintenance of computer systems, upgrading records systems, data entry clerks, etc.
- C. Volunteers at the criminal justice agency who are involved with the administration of criminal justice for the criminal justice agency, e.g., volunteer dispatchers, volunteer data entry clerks, volunteers at a confinement facility who are providing inmate rehabilitation, etc.

Purpose Code X - Exigent Procedures

Used when a QH is made during an emergency situation when the health and safety of a specified group may be endangered. Following a QH, a QR may be used to review the individual's record. All requests for background checks for exigent purposes must be accompanied by fingerprints.

The FBI authorizes the access to III via Purpose Code X "to check for criminal history in limited situations when emergent circumstances exist that do not reasonably allow for immediate fingerprinting." Once authorized by the FBI, the DOJ will be notified and subsequently notify law enforcement of the availability of Purpose Code X and its intended purpose. Please note: At this point, California is not authorized to utilize this purpose code (i.e., the code cannot be used to access III for emergency placement with a relative or for reunification purposes).

MESSAGE TYPE **PURPOSE CODE ALLOWED**

QH C, D, F, H, or J

QR C, D, F, or J

CONTACT INFORMATION

If you have questions regarding the policies pertaining to the NCIC's III "attention" field (ATN) and "purpose" field (PUR) or NCIC audits or training, please call the DOJ Client Services Program at (916) 227-3332 or e-mail at dojcsp@doj.ca.gov.

Sincerely,

CUONG D. NGUYEN, Director
California Justice Information Services Division

For KAMALA D. HARRIS
 Attorney General

<p>California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Cuong D. Nguyen, Director</p> 	<p>INFORMATION BULLETIN</p>	
<p><i>Subject:</i> Criminal Offender Record Information (CORI)</p>	<p><i>No:</i> 13-04-CJIS</p> <p><i>Date:</i> 4-12-13</p>	<p><i>Contact for information:</i> Client Services Program 227-3332</p>

This Information Bulletin supersedes Information Bulletin 07-01-BCIA

TO: California Department of Justice (DOJ) Automated Criminal History System (ACHS) Users

This bulletin advises agencies of the regulations placed on the user and dissemination of DOJ's CORI and to remind agencies of the policies regarding the ACHS "route to" field (RTE).

ACHS ACCESS

Section 11075 of the Penal Code (PC) defines CORI as "records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release." State and local summary criminal history information is considered CORI.

Section 11105 of the PC identifies who has access to DOJ CORI and under what circumstances it may be released. Access is based upon the "right to know" and the "need to know." The "right to know" is defined as "authorized access to such records by statute" and the "need to know" is defined as "the information is required for the performance of official duties or functions."

Title 11, sections 703 (d) and 707 (b) of the California Code of Regulations (CCR) require agencies to conduct record clearances on all personnel hired after July 1, 1975, who have access to CORI. Record checks require the submission of fingerprints to the DOJ for processing. The clearances must be obtained for anyone who may have access to CORI, including non-criminal justice personnel having physical access to the computer systems, terminals or stored CORI. Visitors, such as tour groups, are not required to undergo a record check; however, they must be escorted at all times.

ACHS RESTRICTIONS

Unless specifically authorized by statute, agencies with access to ACHS via the California Law Enforcement Telecommunications System (CLETS) are prohibited from making inquiries into ACHS for employment, licensing or certification purposes. This restriction is based on the court's decision in *Central Valley v. Younger*.

Effective June 1, 2006, the DOJ Command Center no longer processes name based criminal history inquiries from agencies screening applicants for peace officer positions. Please see DOJ Information Bulletin 06-09 BCIA.

The following are statutory exceptions to the prohibition of using the CLETS to conduct criminal record clearances:

Education Code section 45125.5

A school district or county office of education may request a local law enforcement agency to conduct an automated records check of a prospective non-certified employee to ascertain whether the applicant has a criminal record. For purposes of this section, "prospective non-certified employee" includes only those applicants whom the requestor intends to hire at the time the automated records check is requested. **Note: While statutory authority exists for these entities to request criminal history information on the above applicants, the Michelle Montoya School Safety Act (Chapter 588, Statutes of 1997) requires all non-certified employees to undergo fingerprint based criminal history clearances before employees can begin work.**

Education Code section 35021.1

A school district or county office of education may request that a local law enforcement agency conduct an automated records check of a prospective non-teaching volunteer aid in order to ascertain whether the volunteer has been convicted of any sex offenses as defined in Education Code section 44010.

Penal Code section 11105.03

Local law enforcement agencies are authorized to provide state criminal history information obtained via CLETS, at the request of local housing authorities, for the purpose of screening prospective residents and prospective and current housing authority staff.

UNAUTHORIZED ACCESS AND MISUSE OF ACHS AND CORI

The unauthorized access and misuse of ACHS and CORI violates state statutes and may adversely affect an individual's civil rights. Sections 11140 through 11144 of the PC prescribe penalties for misuse of state summary criminal history information, while PC sections 13301 through 13304 prescribe penalties for misuse of local summary criminal history information. Sections 6200 and 6201 of the Government Code prescribe the penalties for the misuse of various government records, which include CORI. Section 502 of the PC prescribes the penalties relating to computer crimes.

"ROUTE TO" FIELD (RTE)

The mandatory RTE must be completed for all ACHS inquiries. This field contains up to 30 characters and must indicate the following: the name, initials or ID number (#) of the requestor; the

operator's name, initials or ID # (if different from the requestor); and the specific reason for the request, i.e., case #, file #, Department of Corrections and Rehabilitation (CDCR) #, inmate #, etc. The reason for the inquiry is to ensure that an agency has provided sufficient information to justify the "need to know" criteria. Generic terms, such as "Investigation" or "Inquiry" are unacceptable for use as an inquiry reason.

ACHS AUDIT TRAIL

Title 11, section 707 (c) of the CCR requires each authorized agency to maintain, and make available for inspection, an audit trail for a period of three years from the date of release of CORI from an automated system. The audit trail must provide an agency with sufficient information to substantiate the "need to know." An agency may choose to maintain the audit trail by utilizing the RTE in the ACHS inquiry format, provided the RTE contains the mandatory data. In addition, the "CLETS Policies, Practices, and Procedures (PPPs)" require that agency direct interface message switching computers record all transactions to and from CLETS in their entirety on an automated log or journal, and have the capability to search and print all journals for a three year period (PPP 1.7.1 A).

ACHS THIRD PARTY RELEASE

Section 11078 of the PC requires each agency, holding or receiving CORI in a computerized system, to maintain a listing (audit trail) of the agencies to which it has released or communicated CORI. Also, pursuant to section 707 (c) of the CCR, this audit trail must be maintained for a period of three years and must include any routine releases.

ACHS TEST/TRAINING RECORDS

Active records shall not be used to test a system or to train employees. The "need to know" for access to CORI cannot be justified for test or training purposes. ACHS records which can be used for testing and/or training purposes are identified in DOJ Information Bulletin 97-12 BCIA.

DESTRUCTION

Title 11, section 708 (a) of the CCR requires the destruction of CORI in such a manner that the identity of the subject can no longer be ascertained. When CORI is destroyed outside the authorized agency (e.g., vendor hired to handle confidential destruction), a person designated by the agency shall witness the destruction. The DOJ recommends that agencies destroy CORI when the business need has been fulfilled.

Pursuant to Section 708 (c) of the CCR, printouts of CORI obtained through system development, test or maintenance shall be destroyed at the completion of the function or purpose for which the printout was obtained. DOJ Information Bulletin 02-17 BCII which states "retention of CORI is permissible if the agency has a legitimate business need for the information and there are no statutory requirements to destroy such information" is still valid. However, the DOJ recommends that agencies destroy CORI when the business need has been fulfilled.

CONTACT INFORMATION

If you have questions regarding the statutes or regulations placed on the use and dissemination of CORI, the policies regarding the ACHS "route to" field (RTE), or complaints concerning unauthorized access and misuse of CORI please contact the Client Services Program at (916) 277-3332 or dojcsp@doj.ca.gov.

If you have questions about CLETS Training or CORI audits, please send an e-mail to Client Services Program (CSP) at DOJCSP@doj.ca.gov or call CSP at (916) 227-3332.

Sincerely,

CUONG D. NGUYEN, Director
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For KAMALA D. HARRIS
Attorney General