

Roll Call Training

Topic: Automated Criminal History System- "RAPS"

DOJ requires every agency with access to ACHS (Automated Criminal History System), 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 and ID #
- Terminal operator's name and ID # (only 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.

<p>California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Cuong D. Nguyen, Director</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> Criminal Offender Record Information (CORI)</p>	<p><i>No:</i> 13-04-CJIS</p>	<p><i>Contact for information:</i> Client Services Program 227-3332</p>
	<p><i>Date:</i> 4-12-13</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