

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

OFFENDER RECORD SECURITY

Authority:

Michelle Scray Brown, Chief Probation Officer

Purpose:

To prevent the release of probation client personal arrest information.

Definitions:

Criminal Justice Agency: A public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Person/Agency: Any person or agency authorized by court order, statute, or decisional law to receive Criminal Offender Record Information (CORI).

Right to Know: The right to obtain CORI pursuant to court order, statute, or decisional law.

Need to Know: The necessity to obtain criminal offender record information in order to execute official responsibilities.

Criminal Offender Record Information (CORI): Records and data compiled by criminal justice agencies for the purpose of identifying criminal offenders and maintaining summaries of arrests, pretrial proceedings, nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release.

California Law Enforcement Telecommunications System (CLETS): Provides vital information to Law Enforcement agencies. The systems network is an interlink of the following agencies: National Crime Information Center (NCIS), Criminal Justice Information System (CJIS), National Law Enforcement Telecommunications System (NLETS), California Department of Motor Vehicles (DMV) and Oregon's Law Enforcement Data System (LEDS).

Record Check: Obtaining the most recent CLETS report from the California Department of Justice (DOJ).

Closed Cases: Those cases that have expired or terminated as a result of normal supervised probation, Terminal Dispositions, Conditional Sentencing, terminations under PC1203.3.

Responsibilities:

I. Protection of CORI:

- A. CORI information shall be restricted to that which is recorded as the result of an arrest, detention, or other initiation of criminal proceedings or of any consequent proceedings related thereto.
- B. Probation Department employees having access to CORI and those authorized to release CORI information must provide proper security of all related information at all times.
 1. Any departmental employee taking a probation file out of the office is responsible for its security.
 2. After regular business hours:
 - a. All files must be placed in desk or file drawers.
 - b. Doors to offices or larger areas must be locked.
- C. When a probation case is closed, the file is stripped.

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1. Supervising Probation Officers (SPOs) may designate the Probation Officer (PO) or Office Assistant (OA) to remove unneeded papers from the file when it is closed.
2. Remove unnecessary papers from the file.
3. Place all records designated for disposal in department provided shredding bins.
 - a. Copies of CLETS removed as part of the stripping process will be destroyed by shredding.
 - b. CLETS shall be removed from all closed cases prior to distribution to closed files.
 - c. Cases considered temporarily inactive will not be stripped.

II. Requirements of Records on Information Released:

A. CORI/CLETS:

1. Each person designated as authorized to release CORI shall attend an in-house training session in the proper use and control of CORI.
 - a. The training session shall cover regulations promulgated by the Attorney General, Departmental regulations, and subsequent modifications of these provisions.
2. CORI shall be reproduced only within the facilities of the Probation Department and only under the supervision of an official authorized to release such information.
3. An officer's request for CORI/CLETS will be filled only upon completion of the Request for Information form in CE (Attachments A-D). The completion and signature of the authorized requestor will be deemed sufficient authority to release the information.
 - a. Associates must be entered in CE before requesting CORI/CLETS.
 - b. The Probation/Court/Juvenile Number section should contain the 6 digit court case number of the offender, as required by DOJ. DOJ does not recognize PIN or JNET #s.
 - c. Reason for Request section: select from the drop down box.
 - d. Reason for Request: Other must include a specific reason not available from the drop down box.
 - e. Save the completed form in CE.
 - f. Employees must sign the form and include their employee ID.

B. Reports to Psychiatrists/Psychologists/Doctors:

1. Court appointed doctors, psychiatrists or psychologists to examine defendants:
 - a. A copy of the probation report is forwarded to the doctor for review.
 - b. Referral documents in the probation file, signed by a supervisor, will provide the necessary audit trail.

C. Probation Reports to other Jurisdictions:

1. Copies of probation reports containing summaries of offender criminal history are sent to other jurisdictions when:
 - a. Requesting Courtesy Supervision by or transfer cases to (1203.9 PC) other counties in California.
 - b. Requesting Interstate Compact supervision to another state.
 - i. The cover letter should always show that a copy of the probation report is included and should be signed by the supervisor. This process will provide the necessary audit trail for release of CORI.

D. Other information:

1. In Person/writing:
 - a. Requestor completes and signs the Request for Information Form.
 - b. Releasing official signs the form and places it in the case file.
2. By phone/email:
 - a. Requester is identified.
 - b. Requester's right to know and need to know is verified.

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- c. Caller provides a request for information via fax or email.
- d. Copy of fax or email is placed in case file.
- e. Transaction is documented in CE.

III. Destruction of Records:

- A. Destruction of probation files takes place each year in January, after being retained for a period of five (5) years following closure of the case.
- B. Secure disposal or destruction of physical media shall minimize the risk of sensitive information compromise by unauthorized individuals.
- C. Physical media shall be destroyed by shredding or incineration.
- D. When a third party vendor is utilized for shredding services, the Department shall ensure the disposal or destruction is witnessed or carried out by authorized personnel.
- E. Destruction of probation files placed under the direction of the Administrative Services Officer.

IV. Records Security Officer:

- A. The Director of Professional Standards is designated as the Records Security Officer regarding Criminal Offender Record Information (CORI) shall be responsible for:
 - 1. The development and updating of these regulations as necessary.
 - 2. The training of personnel authorized to release CORI.
 - 3. The designation of personnel authorized to release CORI.
 - 4. The enforcement of these regulations and those promulgated by the Attorney General with applicability to this Department.
 - a. The power to impose disciplinary penalties for violation of these regulations:
 - i. It is a misdemeanor to knowingly furnish the record or information contained in CORI to any unauthorized person (P.C. 11142).
 - ii. Violations of these regulations by an employee of the Probation Department are subject to severe disciplinary action.

Guidelines:

- A. When requesting CLETS, be sure to save the completed Request for Information form in CE for the purpose of state and/or federal audits.
- B. Right to Know- Need to Know: Pre-sentence and Supplemental Reports. These reports are distributed to the Courts, District Attorney's and Public Defender's Offices as a matter of law two (2) days prior to the scheduled hearing. These agencies are entitled to the information by statute (P.C. 1203(a)).
- C. Nothing in these regulations is intended to alter existing statutory or decisional law or court policy regarding the release of juvenile offender records.

Inspections:

Refer to the Policy and Procedure Inspection Matrix.

Foundation:

California Administrative Code


California Penal Code 11105, 11140-11144, 11120-11127

Replaces:

Stripping Adult Files

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Issued by:


Michelle Scray Brown, Chief Probation Officer

4-28-17
Date

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Revised: April 28, 2017

Attachments:

Attachment A – Request for Information (Adult)

Attachment B – Request for Information-Adult Associate

Attachment C – Request for information (Juvenile)

Attachment D – Request for information-Juvenile Associate



REQUEST FOR INFORMATION

Name _____ Date _____

DOB _____ Alias _____ Race _____ Sex _____

Height _____ Weight _____ Hair _____ Eyes _____

SS No. _____ CII No. _____ FBI No. _____ DL No. _____

PIN / Case: _____

Reason for Request / Type of Investigation: <select one>

Other (Justification required): _____

Type of Information Requested: DMV CII FBI GUN All Systems Super Name Search

I HEREBY CERTIFY THAT MY REQUEST FOR THE DESIGNATED INFORMATION IS BASED ON MY OFFICIAL CAPACITY AND NOT FOR PERSONAL REASONS.

Name _____
Division/Unit _____
Telephone / Ext. _____

Signature _____



REQUEST FOR INFORMATION – ADULT ASSOCIATE

Offender:
PIN:
Referencing Case:

Associate to above Offender:

Relationship to Offender:

Name _____ Date _____
DOB: _____
Alias: _____ Race: _____ Sex: _____
SS No.: _____
CII No.: _____
FBI No.: _____
DL No.: _____

Reason for Request / Type of Investigation: <select one>

Other (Justification required): _____

Type of Information Requested: DMV CII FBI GUN All Systems Super Name Search

I HEREBY CERTIFY THAT MY REQUEST FOR THE DESIGNATED INFORMATION IS BASED ON MY OFFICIAL CAPACITY AND NOT FOR PERSONAL REASONS.

Name _____
Division/Unit _____
Telephone / Ext. _____

Signature _____



REQUEST FOR INFORMATION

Name _____ Date _____

DOB _____ Alias _____ Race _____ Sex _____

Height _____ Weight _____ Hair _____ Eyes _____

SS No. _____ CII No. _____ FBI No. _____ DL No. _____

Probation / Court / Juvenile No. _____

Reason for Request / Type of Investigation: <select one>

Other (Justification required): _____

Type of Information Requested: DMV CII FBI All Systems Super Name Search

I HEREBY CERTIFY THAT MY REQUEST FOR THE DESIGNATED INFORMATION IS BASED ON MY OFFICIAL CAPACITY AND NOT FOR PERSONAL REASONS.

Name _____
Division/Unit _____
Telephone # / Ext. / _____

Signature _____



REQUEST FOR INFORMATION – JUVENILE ASSOCIATE

Offender:

PIN:

Associate to above Offender:

Relationship to Offender:

Name _____ Date _____

DOB _____

Alias: _____ Race: _____ Sex: _____

SS No.: _____

CII No.: _____

FBI No. _____

DL No.: _____

Probation / Court / Juvenile No. _____

Reason for Request / Type of Investigation: <select one>

Other (Justification Required) : _____

Type of Information Requested: DMV CII FBI All Systems Super Name Search

I HEREBY CERTIFY THAT MY REQUEST FOR THE DESIGNATED INFORMATION IS BASED ON MY OFFICIAL CAPACITY AND NOT FOR PERSONAL REASONS.

Name _____

Division/Unit _____

Telephone / Ext. _____

Signature _____