

## **San Diego County Sheriff's Department – Procedure**

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In such an event, the shift sergeant shall submit a timely report to the station or substation commander outlining the action taken and the justification for such action. (7-9-14)

<b>6.24 LAW ENFORCEMENT DATA BASE USE AND CRIMINAL RECORD DISSEMINATION</b>
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### **Agency CLETS Coordinator**

An Agency CLETS Coordinator (ACC) is the key person chosen by the Sheriff's Department to serve as the coordinator with the Department of Justice (DOJ) on matters pertaining to the use of CLETS, NCIC, NLETS, and the DOJ criminal justice data bases.

Responsibilities include:

Management of User Accounts

Maintenance and Storage of Confidential Admonishment Forms

Maintenance and Storage of DOJ mandated agreements, including Release of Information

A "Third Party Log" must be maintained for all Criminal History Information released to an outside agency that is not a CLETS Subscribing Agency

Ensuring the Third Party Release Log for CORI with regards to information released to other agencies is completed and accurate

Ensuring compliance with mandated state and federal auditing requirements

Oversee proper distribution of policy or data base change information

Ensuring compliance with CLETS, CJIS, NCIC and NLETS policies and regulations

Ensuring CLETS terminals, equipment and messages are secure from unauthorized access

Determine need for CLETS training and coordinating the training

Maintain CLETS/NCIC training records

Dissemination of Information

Automated and paper copies of California Criminal History (CORI) released to outside agencies that are currently not a CLETS Subscribing Agency must be approved by the Agency CLETS Coordinator

Original Criminal Offender Record information maintained in paper files shall not be reproduced outside of the Records & ID Division. Only personnel designated by the ACC, or authorized by the Sheriff, shall reproduce Criminal Offender Record Information

### **Communications Division**

Details of state summary criminal history information may be received by an agency approved wireless device.

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### **Records & ID Division**

The Sheriff's Records & ID Division shall disseminate criminal offender record information to any authorized person/agency upon the verification of a "right to know" and a "need to know" in keeping with DOJ PP&P 1.5.3.

All CLETS/NCIC/DMV/LOCAL/eARJIS information obtained from any automated files shall be retrieved using an audit trail which clearly links the request for the information to a valid criminal investigation.

Any CORI information released from the files of the Sheriff's Records & ID Division (copies of booking records), shall be recorded in the Division's electronic CORI release log.

### **Definitions**

- "Criminal Justice Agency" means a public agency or component thereof which performs a criminal justice activity as its principal function.
- "Authorized Person or Agency" means any person or agency authorized by court order, statute, or case law to receive criminal offender record information.
- "Criminal Offender Record Information (CORI)" means records and data compiled by criminal justice agencies for the purposes of identifying criminal offenders and of maintaining on each offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charge, sentencing, incarceration, rehabilitation, and release. Such 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. This includes local, state and national records.
- "Right to Know" means the right to obtain criminal offender record information pursuant to court order, statute, or decisional law.
- "Need to Know" means the necessity to obtain criminal offender record information, or any computerized information, in order to execute official responsibilities.  
"Official responsibilities" are those sanctioned by the Sheriff's Department pursuant to a criminal or administrative investigation.

### **Facility Responsibilities**

It is the responsibility of each Sheriff's Facility to:

Request mandated DOJ training for all new employees

Complete the SDLaw/eSUN SDFusion Request Form (COM11) and the Confidential Admonishment Form (COM10). (Training requests and completed forms will be submitted to the ACC

Ensure that all CLETS users complete the Recertification Test and renew the Confidential Admonishment form upon request of the ACC

Disseminate training material, changes to policy and data base changes as provided by the ACC

Establish destruction procedures pursuant to CLETS PP&P of all printed documents obtained from CLETS.

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Ensure that Computer terminals that have access to CLETS are secure and cannot be viewed by the public or by any person not authorized to view CLETS information.

Provide training on the proper utilization of the "Route Field" to personnel upon request of the ACC.

Report any unauthorized inquiries through the chain of command for further investigation and discipline.

### **Automated System**

- The receipt of information from the California Law Enforcement Telecommunications System (CLETS) is restricted to law enforcement agencies pursuant to Government Code Section 15153, 15163, and 15165, and CLETS Policies and Procedures Section 1.4.7. These sections restrict the CLETS network to use for official law enforcement purposes and the official business of any public agency.
- Restricted information from this system includes DMV, CJIS, NCIC, and all other files accessed through CLETS.

### **SPOC**

The responsibility for the technical security of all automated systems shall rest with the Security Point of Contact (SPOC). The Sheriff's Department shall be furnished with regulations adopted by the Data Services Division to show that the computerized system is secure from unauthorized access, alteration, deletion or release.

### **Penalty**

- All authorized persons receiving Criminal Offender Record Information are reminded that subsequent disclosure is restricted by Sections 11140-11144 of the California Penal Code.
- Sections 11140-11144 of the California Penal Code make it a misdemeanor to release information to an unauthorized person.

### **502 PC**

- Section 502 of the California Penal Code makes it a felony to access any departmental computer files for personal use, or subsequent release to unauthorized persons.

### **Bail Bond Agencies**

Requests for information from a bail bondsperson should be referred to the Records and Identification Division of the San Diego Sheriff's Department. The information is to be used only for the apprehension of a person wanted in connection with the commission of a crime in accordance with 11105.6 of the California Penal Code.

### **Telephone Inquiries**

- As a security precaution, the proper Sheriff's Department identification code must be given

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when making telephone inquiries for computerized information.

- When the identification code word is changed by the Sheriff's Department, notification will be forwarded to all agencies that are authorized access to local record information and it is their responsibility to disseminate to their personnel.
- Within the Sheriff's Department, notification will be given to Station/Substation/Division/Unit Commanders who shall be responsible for dissemination to authorized personnel.
- Information from CLETS may be faxed from one secure location to another secure location. Both the agency faxing the information and the agency receiving the information are responsible for its security. (08-31-12)

### **6.25 LICENSING HEARING OFFICERS**

Upon denial of an application for any business, profession or occupation requiring a license or permit pursuant to Section 21.110 of the County's Uniform Licensing Procedure or the suspension or revocation of a license or permit issued pursuant to that ordinance, the Sheriff must notify the applicant or licensee of his/her right to appeal and shall provide the means and opportunity for such appeal.

An alphabetic list of the Department's lieutenants has been compiled, and the assignments will be made in the order the names appear. A form letter of notification will be sent out under the name of the Assistant Sheriff, Law Enforcement Services. Each lieutenant appointed shall serve unless he/she has been involved in either the licensing or denial, suspension or revocation of that license, or unless excused upon the request of his/her commanding officer.

The hearing shall be scheduled by the License Division and conducted in accordance with the Uniform Licensing Procedure. The assigned hearing officer will be provided with the applicable documents, ordinances and instructions on which to base his/her decision. (10-30-98)

### **6.26 FEES FOR DOCUMENTS AND SERVICES**

The following general procedures are effective regarding payment for documents or services from applicants or other parties at the Sheriff's License Division, Records & Identification Division, Property and Evidence Unit, Crime Lab and any patrol station or substation:

Payment is required in advance. Debit cards may be used for payment at select Sheriff's locations. Cash, check, or money order is required of all others.

Applicants or other parties presenting themselves in person shall pay the required fee prior to receiving the requested service.

A request for documents or services, when received by mail, shall be answered by Department approved form letter, informing the requester of the required fee.