

SAN JOSE POLICE COMMUNICATIONS

Basic Dispatch Academy

RELEASE OF INFORMATION

1 Hour

LESSON PLAN

Goal: To allow dispatchers to identify a record, to be able to distinguish what is confidential information, to identify who is authorized to receive information and the penalties for misuse of computer information.

Objectives:

1. Students will be able to identify a record.
2. Students will be familiar with CAD system security including CAD generated messages and restriction of such messages.
3. Students will be familiar with confidentiality relating to automated telecommunications systems.
4. Students will be familiar with the "right to know, need to know".
5. Students will be familiar with the release of Criminal History, release of hard copies of confidential information and release of information to the public and media.
6. Students will identify the laws and penalties for misuse associated with confidential information.

Presentation:

- I. What is a record?
 - A. Hard copies or automated files relating to an individual's personal history.
- II. California Public Records Act
 - A. AKA Government Code sections 6251-6265
 - B. Details the disclosure of all records and also which records are exempt from disclosure.
- III. Criminal Offender Record Information (CORI)
 - A. Definition: 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, pre-trial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release. 11075 PC. Also includes criminal offender records

from CJIC; records from the California Department of Justice and from the United States Department of Justice.

- B. Release of CORI – 1106 PC, covers agencies to which CORI can be disseminated to. When releasing CORI, you must determine:
1. Is the requestor authorized to receive the information? (Right to Know)
 - a. For adults: check the Authorized Agency list furnished by DOJ.
 - b. For juveniles: check the court order issued by the presiding Judge of the Juvenile Court.
 1. What purpose is the CORI going to be used for? (Need to Know)
 - a. If the CORI is going to be used for criminal investigation, both state and local CORI may be released.
 - b. If the CORI is for employment, licensing or certification, only local CORI can be released.
 - c. If CORI is to be used for civil lawsuit, a court order must be issued that specifically describes the state or local CORI that shall be released.
 2. RIGHT TO KNOW, NEED TO KNOW
 - a. According to duty manual section C 2004: "Any member of the Department releasing information will establish that the person or agency requesting the information conforms to the following criteria: The requestor must have both the legitimate "right to know" and a legitimate "need to know"; both elements must be present before release of information is authorized."
- A. Release of Criminal History – DOJ/CLETS policy
1. San Jose Police Communications Manual Section A 2014
 - a. Audio response to MDCs shall not be used routinely for the transmission of summary criminal history information, except when a peace officer determines all three criteria listed exist:
 - 1) There is reasonable cause to believe the safety of the officer and/or public is at significant risk.
 - 2) There is immediate need for summary criminal history information.
 - 3) Information from other databases would not be adequate.
 - b. Must include an audit trail for the history, includes officer badge number and full case number.

B. CORI Laws

1. Penal code sections, 11142, 11143 (Misdemeanor)
 - a. State criminal history
2. Penal code sections 13303, 13304, 13305 (Misdemeanor = 13303, 13304)
 - a. Local criminal history, i.e. CJIC
3. Penal code sections 13320-13326 give the individual the right to review his summary record maintained by local agencies.
4. The FBI governs release of info from the FBI rap sheet.

C. Release of Criminal History Information

1. DOJ requires audit trail for all criminal history inquiries with identification of requestors (officers) and the dispatchers making the inquiry.
2. Must include the case number and purpose of the inquiry is a requirement.

IV. Confidentiality of Automated Systems

A. Penal code section 502

1. Any unauthorized access or misuse of information from automated files is in violation of Penal Code section 502 (Felony).

B. Hard copies of confidential information

1. Printed confidential information from automated database systems or other sources shall not be removed from the Communications Center, except by permission of the Communications supervisor or Tape Custodian.
2. Usually handled by records personnel where they can stamp the hard copy.
3. Communications personnel must shred all printed copies of confidential information.

C. Automated systems security

1. Duty manual section S 3201 and S 3202 Automated Systems Security
 - a. Information received from local, state, or federal automated systems will not be released to anyone except Department members, or those authorized by law or the Chief of Police.
 - b. Automated Criminal History information (CLETS, CJIC, SLETS, NCIC) obtained from Department terminals will not be utilized for employment, licensing, or certification purposes.

2. Release of information to the public/media
 - a. Identities of complainants, suspects, defendants, and friends or family of such persons must be protected and shall not be released to the public.
(Procedure manual section A 2016 Release of Information to the Public/Media)
3. Information on operations shall not be released to the public.
4. No Department member shall make any official public statement relating to department business without the consent of the Chief of Police.

V. Release of DMV files.

- A. Home addresses are no longer released. Name only
- B. Brought about by the Roos Bill AB 1779.
 1. Bill was introduced after TV star Rebecca Schaeffer was killed by a fan that stalked her. He obtained her address from her CDL, went to her residence and shot her.
 2. AB 1779 exempts mandatory public disclosure of specified home address records maintained by the Department of Housing and Community Development and the Department of Motor Vehicles.
 3. Makes any residence address in any department record confidential and restricts the release of any mailing address.

VI. Supplying Information – Juveniles

- A. Juvenile records have further restrictions on them than all other Department records.
 1. Reasons for this is to juvenile proceedings are governed by what is “best for the child and society”.
 2. May be released only by authorized suppliers to authorized receivers.
 - a. Same receivers as Criminal History.

VII. Supplying Information – Personal Data

- A. Duty Manual section C 2301
 1. Department members will not divulge any information concerning a Department employee over the phone to private citizens.
 2. If a request is made from a private citizen for the address or home phone number of a Department member, the person receiving the request may contact the Department member and either supply the name and number of the person making the request to them or obtain permission to release the information to the person requesting.

3. Department members may obtain another Department members address or telephone number by requesting the information in person or via the telephone after supplying proof of identification.
4. Department members will refer all inquiries regarding a former employee, including referrals for employment, to the Police Personnel Unit.

VIII. Supplying information – events

A. Policy and Procedures

1. Dispatchable Calls



IX. Policies and Procedures for Accessibility

- A. All persons hired after 7/1/75 who have access to CORI must be fingerprinted and the prints sent to DOJ.
- B. Records checks will be conducted on personnel who have access to the computer system, it's terminals, or the stored CORI.
 1. DMV DDL check
 2. DOJ fingerprint check
 3. FBI fingerprint check
- C. Background checks must be done on individuals who have an on-going access to CLETS information.
- D. Computer systems and terminals must be secure from unauthorized access, alteration, deletion or release. The computer system and terminals must be located in secure areas.

X. Liability Issues

- A. The Criminal Records Audits and Security Section conducts routine audits to ensure that criminal offender record information is used correctly.
 1. Obtains a computer printout of requests made at the agency during a specific time frame, obtains copied of the rap sheets, and verifies that the requests were made in connection with criminal investigations.
- B. If misuse is discovered:
 1. Brought to the administrator's attention.

2. DOJ requests that disciplinary action be taken and that DOJ be notified of the type of discipline.
 3. If misuse is severe enough authorized persons or agencies may lose direct access to the criminal offender record information maintained by DOJ.
- C. Individuals caught misusing the computer system can be subject to civil or criminal prosecution. Penal code sections discussed.
1. Individuals can also be subject to Departmental discipline.