

**MARIN COUNTY SHERIFF'S OFFICE
ADMINISTRATION DIVISION POLICY AND PROCEDURES MANUAL**

CHAPTER 2 PERSONNEL
ADM-02-03
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DATE
11-19-01

CRIMINAL OFFENDER RECORD INFORMATION – EMPLOYMENT / LICENSING

POLICY

It shall be the policy of the Marin County Sheriff's Office to acquire, secure, and retain Criminal Offender Record Information (CORI) for investigations, employment, licensing, and certification. It is also the policy of the Sheriff's Office to guard against the misuse of such information that may adversely affect the individual's civil rights and violate constitutional rights of privacy.

PROCEDURE

The Custodian of Records shall be responsible for the administration and management control of Criminal Offender Record Information in accordance with guidelines and regulations set forth by Sheriff, the California State Department of Justice and/or United States Department of Justice.

CORI information provided to the Marin County Sheriff's Office or any law enforcement agency is *confidential* and shall not be disseminated to any other person or agency not authorized by law. Misuse of CORI is a criminal offense and may result in criminal or civil prosecution and/or administrative action up to and including loss of access to information maintained by the Department of Justice.

CORI information shall be kept in locked, secured area(s) designated by the Sheriff or Custodian of Records. CORI obtained for Sheriff's Office employment, appointment, or security access will be maintained in the Professional Standards Section when not being used by a background investigator.

CORI information received and/or maintained on a computer shall be computer password protected. CORI requests that will be faxed will be directed to a Sheriff's Office fax machine located in a secured area away from unauthorized persons.

CORI obtained by the Sheriff's Office for the purpose of employment, licensing, or certification shall be used only for that purpose only. It may not be reproduced for secondary dissemination.

Professional Standards Section, Administration Division shall directly receive CORI from the Department of Justice for employment / appointment and "Subsequent Arrest Notification". The Section supervisor (personnel) shall be responsible for the proper security of CORI received.

CORI obtained for employment as a Deputy Sheriff, Sheriff's volunteer in a sworn position, and dispatcher will be retained in the background investigation file. CORI obtained for all other personnel applicants shall be destroyed 30 days after the employment decision has been made. Retention beyond this time must be based on documented legal authority and need.

Every person separating from the Marin County Sheriff's Office will have a "No Longer Interested Form" (BCII 8302) submitted to the Department of Justice. The Professional Standards Section supervisor (personnel) will oversee the submittal of the form.

The Professional Standards Section should maintain an audit log of CORI received and its disposition. The Professional Standards Section shall insure the suitability of personnel accessing confidential criminal history records. All personnel with access to CORI shall be fingerprinted and a fingerprint background check processed through the California Department of Justice as required by California Code of Regulations §703(d). The CAL-ID automated fingerprint information system shall be used for fingerprint submission.

All Sheriff's Office employees and volunteers having access to CORI shall have a signed copy of the Employee CORI Form which acknowledges an understanding of the laws and policies prohibiting misuse of CORI. The form will be maintained in the employee's personnel record folder.

CORI obtained for Concealed Weapons Permit licensing will be retained in that file for a period of five years from date of application (ADM-01-01).

RELATED STANDARDS:

California Constitution, Article I, Section I (Right to Privacy)
Civil Code section 1798.53 (Invasion of Privacy)
Government Code sections 6200 to 6265
Penal Code sections 502, 11075 to 11112; 11120 to 11144; 13102; 13202; 13300-13305
California Code of Regulations sections 700 to 711
Title 18, USC, Section 641, 1030, 1951, and 1952
MCSO Concealed Weapons Procedure ADM-01-01
MCSO Background Investigations Procedure ADM-02-01

AFFECTED DIVISIONS:

All

DATE OF REVISIONS:

11-19-01

By Order of:

ROBERT T. DOYLE
SHERIFF