

**MARIN COUNTY SHERIFF'S OFFICE
GENERAL ORDER MANUAL**

**CHAPTER 1 – ADMINISTRATION
GO 01-05
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**DATE
5/12/99
REV. 8/15/00**

COMPUTER SYSTEM INFORMATION SECURITY

POLICY

Use of law enforcement computer system is restricted to valid law enforcement purposes only. Any information retrieved from a law enforcement computer by Sheriff's Department's personnel is considered the property of the Sheriff and may not be used for personal use whatsoever. Unauthorized or personal use of law enforcement computer data base information may result in disciplinary action, civil liability or criminal prosecution.

PROCEDURE

MARIN COUNTY CRIMINAL JUSTICE INFORMATION SYSTEM

The Marin Criminal Justice Information System (MCCJIS) contains data contributed by all agencies in the criminal justice system, including law enforcement, Crime Reports, County Jail booking and inmate management, District Attorney, Superior Court and the Probation Department.

All information in MC CJIS is protected by various state and federal statutes. The information in the system belongs to the contributing agency and is available to other authorized agencies for legitimate criminal justice purposes only.

CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM

A policy statement from the California Attorney General (#MC90-09-BJIS) addresses the potential consequences for misusing CLETS and/or information received from any state computer system. Depending on the specific situation, "misuse" may constitute a violation of Section 502 of the Penal Code, punishable as a felony or misdemeanor. The following represents examples of misuse encountered by the Attorney General:

- Accessing state computer records for personal use (query of your own driver's license or vehicle registration for personal use.)
- Accessing state computer records for a private investigator, private security officer or other non-peace officer.

DEPARTMENT OF MOTOR VEHICLES

Vehicle Code Section 1808.47 constrains the use of residence address information provided by DMV for use by courts, law enforcement or other government entity. Subsequent release of residence information is only authorized in the course and conduct of official business.

CRIMINAL HISTORY INFORMATION

Criminal history information is protected by state law. Right-to-know and need-to-know rules describe who has legal access to the information, and under what circumstance it may be accessed. Employment as a peace officer gives an individual a "right-to-know" the information; however, inquiries into the Criminal History System must be based on legitimate law enforcement purposes (e.g., criminal investigation.)

REQUEST/DOCUMENTATION

- DOJ requires an "audit trail" be maintained by agencies querying the Criminal History System. The trail must include date of the request, name of requester, the transcript, crime type or case number, and the name of the person who queried the system.
- Each division of the Sheriff's Office with access to the Criminal History System shall maintain appropriate documentation of queries into the system.

TRANSMISSION OF CRIMINAL HISTORY VIA RADIO

- The Attorney General has published guidelines (#MC-90-08-BJIS) which state that broadcasting criminal history information via any communications device is a violation of CLETS policy. This policy specifically precludes voice broadcast via traditional radio communications and the digital broadcast of information to mobile data terminals (computer aided dispatch systems.)

Exceptions: When a peace officer determines that all three of the criteria listed below have been met, it is permissible to broadcast criminal history information.

- There is reasonable cause to believe the safety of the officer and/or the public is at significant risk.
- There is an immediate need for criminal history information.
- Information from other data bases, such as Wanted Persons or Stolen Vehicles, would not be adequate.

Procedure: the dispatcher must edit information not pertinent to the current event, and, while broadcasting the data, must provide enough "breaks" in the transmission so as to not interfere with emergency radio communications.

Examples of permissible exceptions to the policy are a hostage situation or an armed subject.

Examples of situations, which do not justify transmission of summary criminal history information, are routine traffic enforcement or routine investigation.

Problem Resolution: Any question as to the propriety of a request to broadcast criminal history information shall be addressed to the Communications Center shift supervisor and the Sheriff's Department's Watch Commander for resolution.

RELATED STANDARDS:

California Attorney General Policy Statement #MC-90-09-BJIS

California Attorney General Policy Statement #MC-90-08-BJIS

California Vehicle Code Section 1808.47

California Penal Code Section 502

AFFECTED DIVISIONS:

All

DATE OF REVISIONS:

May 12, 1999

By Order of:

ROBERT T. DOYLE
SHERIFF