



Effective: 07/19/1999
Last Revised: 09/15/2019

**CSU FULLERTON POLICE DEPARTMENT
GENERAL ORDER NUMBER 7-7**

RELEASE OF POLICE RECORDS

SUBJECT: Release of Criminal Offender Record Information (CORI) and Department of Motor Vehicle (DMV) records.

PURPOSE: The purpose of the order is to establish Departmental policy on the dissemination of CORI and DMV records.

POLICY: The Department is committed to ensuring personal privacy by controlling the release of criminal history and DMV records and preventing the improper use of this information. The Records Supervisor of this Department is the designated Records Security Officer.

PROCEDURE:

- I. The authority for establishing Department mandates on the security and release of criminal offender records is found in Title II, Chapter 1, California Administrative Code. Other authorities include Penal Code Section 11105, which specifies who has access to criminal history information and Penal Code Section 11140-11144 which establishes penalties for the misuse of “records.” California Vehicle Code 1808.21(a) regulates the release of Department of Motor Vehicle (DMV) records and 1808.45 describes the penalties for misuse of DMV records or information. [CALEA 82.1.1c]
- II. Department personnel will refer to the following definitions regarding the release of police records [CALEA 82.1.1c]:
 - A. “Criminal Justice Agency” – Any person or component thereof which performs a criminal justice activity as its principal function.
 - B. “Authorized Person or Agency” – Any person or agency authorized by court order, statute, or decisional law to receive CORI.
 - C. “Criminal Offender Record Information” – Records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and summaries of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation and release.
 - D. “Right to Know” – entitled and authorized to obtain CORI.
 - E. “Need to Know” – CORI is essential to complete official duties.

- F. “Records Check” – Means obtaining the most recent rap sheet from the California Department of Justice.
- G. “Records Security Officer” – Means the employee of the Department who is given the authority and responsibility to enforce record security regulations.

III. Department Policy and Procedures to Receive Police Records.

- A. Department employees in possession of criminal history records shall be responsible for the physical security of documents. Under no circumstances shall an employee disclose the contents of any criminal history record to any person, except as provided in this order. [CALEA 82.2.4]
- B. Authorized release of CORI is indicated only when both the right-to-know and need-to-know have been substantiated.
 - 1. Right-To-Know basis and criteria:
 - a. Criminal offender record information will be released only to persons or agencies authorized by court order, statute, or decisional law to receive such information.
 - b. One of the criteria for release shall be “Agencies Authorized to Receive California Department of Justice Rap Sheets.”
 - 2. Need-To-Know basis and criteria:
 - a. Need-to-know is defined as the necessity to obtain CORI in order to execute official responsibilities. If the data is needed for official purposes such as a criminal investigation, arrest, booking, child endangerment or officer safety.
 - b. Need-to-know is established when the requester certifies verbally or in writing to an official the need for the information.

EXCEPTION: DOJ “rap” sheets that are requested for employment, licensing or certification purposes will be referred to:

Department of Justice
Division of Law Enforcement
4949 Broadway
Sacramento, CA 95820

IV. Security, Review, and Audit Trail Requirements of Criminal Offender Records Information in CLETS. [CALEA 82.1.7]

- A. All criminal offender record information computerized or hard copy will be stored in a secure area. Access to this will be restricted to personnel authorized to release CORI.

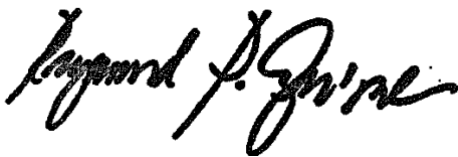
1. The computer terminal equipment for accessing CORI is located in the Communications Center and in the Investigations office. All hard copy criminal history records are scanned, sent electronically to North Justice Center District Attorney's office for defendant court appearance then shredded. The Department has 24-hour personnel coverage to prevent unauthorized access to these areas. See General Order 7-1, Section II.
 2. Inquiries for the criminal history information of an individual are restricted to authorized full access DOJ trained operators, in accordance with the methods outlined in CLETS policies, practices and procedures.
 3. A "Release of Criminal History Information" log will be maintained on every release of CORI record. The log will contain the date of dissemination, the name of the agency, and where possible the name of the person to whom the information was given, the extent of the information given, and how it was transmitted.
 3. Records personnel will not release CORI or DMV records to the public until this has been sanctioned by the Chief of Police, Command Staff or the Records Security Officer.
 4. The Records Unit of the Department shall retain Release of Criminal History log entries for a period of not less than three years.
- B. Local criminal offender record information shall be reproduced or photocopied only within the physical facility of the Department by persons authorized to perform such reproduction.
- EXCEPTION:** The court may make such reproductions relating to the needs of the District Attorney or the court, providing that a log is maintained indicating the reason why the reproductions are made.
- C. All copies of police reports will be stamped with "Police Report Do Not Copy" and the Department Release stamp which includes the date, and the agency or individual to whom the copy was released and the signature of the person releasing the information.
 - D. California Department of Justice rap sheet shall be reviewed in accordance with Penal Code Section 11120-11127.
 - E. The review of local records shall be in accordance with Penal Code Sections 13320-13325.
 - F. When there is no longer a need for criminal offender record information, Records personnel will be responsible for destroying the documents by shredding or burning, to the point that any reconstruction of the record is impossible.

- G. The Records Supervisor shall comply with any reasonable request made by a representative of the Department of Justice relative to any security and privacy audit of this Department.
- V. Penalties for the “Misuse” of CORI or DMV Records.
- A. Pursuant to CAC Section 702 Title II, Chapter I, authorized persons or agencies that violate the regulations regarding the security of CORI may lose access to CORI from the DOJ. California Penal Code Sections 11140-11141 state it is a misdemeanor to furnish, buy, receive or possess DOJ rap sheets without authorization by a court, statute, or decisional law. Employees who disregard Department policy concerning dissemination of CORI are subject to Department discipline.
- B. California Vehicle Code Section 1808.21 specifies that any residence address is confidential and will not be disclosed to any person except the courts, law enforcement agencies or other government agency.
- C. It is a misdemeanor to release DMV records or information for any purpose other than law enforcement queries, per Section 1808.45. Any employees who are responsible for the misuse of these records are subject to Department discipline. Violations may also result in criminal and/or civil action.

REVIEWED BY:

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APPROVED:



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