

SANTA CLARA POLICE DEPARTMENT

DATABASE ACCESS POLICY

ISSUED FEBRUARY 2008

54.3.1 Purpose

The purpose of this general order is to establish procedures for the accessing of criminal justice databases by employees of the Police Department. Department employees shall obtain and use criminal history and other confidential computerized information only for official police department business. All employees and volunteers are required to complete an employee/volunteer statement form for Criminal Justice databases. There is a copy of this form at the end of this G.O. Any employee who violates this policy or causes it to be violated will be subject to disciplinary action and may also be subject to criminal prosecution.

54.3.2 Use of CLETS

The California Department of Justice is responsible for the California Law Enforcement Telecommunications System (CLETS). This computerized system provides criminal history information and communications with state, federal and international law enforcement agencies.

- All information accessed through CLETS is strictly confidential and is to be used for law enforcement purposes only. Only personnel who have a legal right to know and need to know are authorized to access this information.
- The provisions of the CLETS User's Agreement govern the use of the system. The Police Department is required to name a Criminal Records Security Officer per this agreement. The Santa Clara Police Department's Records Manager fulfills this role for our Department. The Criminal Records Security Officer shall ensure that all CLETS access equipment is installed and maintained as required by the agreement.
- The use of the CLETS system is also governed by applicable provisions of Criminal Law, including Penal Code Sections 182.1, 502, 11140-11143, and 13301-13304 and Vehicle Code section 1808.45 (see G.O. [54.2.8](#)). The use of CLETS for other than authorized law enforcement purposes can be prosecuted criminally if the conduct violates provisions of the law.
- All employees of the Police Department shall use the CLETS system in compliance with the applicable law and agreements. Employees of the Police Department shall obtain and use information from the CLETS system only for official business of the Police Department.

54.3.3 Use of DMV Information

It is the responsibility of all authorized users of Department of Motor Vehicles (DMV) record information to adhere to strict information security policies in recognition of the

harm and injury that could result if such information was improperly disclosed or lost. Access of DMV information will only be done for law enforcement purposes and when necessary to accomplish the responsibilities of an employee's job. Access or use of this information may not be for personal reasons and is based upon "need to know" and "right to know." All employees and volunteers are required to sign the Employee/Volunteer Statement Form, which covers the use/misuse of Criminal Justice databases. Any employee who violates this policy will be subject to disciplinary action and may also be subject to criminal prosecution..

54.3.4 Security of Criminal Justice History Information

Criminal Offender Record Information (CORI), also known as criminal history information, is not public information, and is subject to provisions of sections 11075 – 11081 of the California Penal Code. This information includes arrest summaries, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation and release.

- Criminal offender record information is maintained in the Police Department in various forms. In addition to CLETS, information is also maintained in the Santa Clara County Criminal Justice Information Control (CJIC) system.
- Access to criminal offender record information is restricted by law to those who have both the right to know and need to know. Employees with access to criminal offender record information shall comply with all applicable law and agreements regarding confidentiality of the information obtained. Employees of the Police Department shall obtain and use criminal offender record information only for official business of the Department. Employees of the Police Department shall document use and disclosure of all criminal history information as provided in the law and agreements regarding confidentiality of the information obtained.
- Only personnel specifically designated by the Chief of Police are authorized to release or photocopy criminal offender record information. No other personnel shall release criminal offender information except as specifically authorized in a direct or written order and then only to persons who are authorized to receive such information.
- The District Attorney's Office will be provided with criminal offender record information at the time criminal charges are requested based on a criminal investigation conducted by the Police Department.
- Police Department employees authorized to release or photocopy criminal offender record information shall determine whether the person receiving the information has a right to know and a need to know, except when the information is pursuant to a court order, or other legal process. The fact that the person making the request is a peace officer does not relieve the employee of his or her responsibility to maintain confidentiality of the information.
- No employee shall destroy criminal offender record information except in compliance with the procedures specified in the CLETS User's Agreement and the applicable provisions of law and agreement.

54.3.5 Online Background Information

Online applications such as, but not limited to, ENTERSECT.NET, or any other personal identification database, are only to be accessed and used for official law enforcement purposes. Misuse of this information by any department employee or volunteer will result in disciplinary action.

54.3.6 Information Release / Records Confidentiality

It shall be the duty of all Department employees to safeguard confidential information. Information of a confidential nature shall not be released, except when such disclosure is authorized by law.

Any information accessible only to personnel of the Department as a result of their employment shall be considered confidential unless otherwise defined (See also G.O. [26.3.1](#)).

54.3.7 Penalties

California Penal Code Sections 11140-11144 state it is a misdemeanor to furnish, buy, receive or possess Department of Justice state summary criminal history information without authorization by a court, statute, or decisional law. Employees who disregard department policy regarding dissemination of Criminal Offender Record Information (CORI) may be subject to disciplinary action.

It is a misdemeanor to release Department of Motor Vehicles records and information to any person for a purpose other than law enforcement related queries, per Section 1808.45 of the Vehicle Code. Any employee who is responsible for the misuse of Department of Motor Vehicle record information is subject to disciplinary action. Violations of this law may also result in criminal and/or civil action.

Penal code Section 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released. Penal Code Section 11141-11143 and 13302-13304 prescribe penalties for misuse of criminal history information. Government Code Section 6200 prescribes the felony penalties for misuse of public record and CLETS information. Penal Code Sections 11142 and 13303 state:

“Any person authorized by law to receive a record or information obtained from a record who knowingly furnished the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.”

Any employee/volunteer who is responsible for CLETS misuse is subject to immediate dismissal from employment. Violations of the law may result in criminal and/or civil action.

DATABASE FORM

EMPLOYEE/VOLUNTEER STATEMENT FORM
USE OF CLETS CRIMINAL JUSTICE INFORMATION
AND DEPARTMENT OF MOTOR VEHICLES RECORD INFORMATION

As an employee/volunteer of **SANTA CLARA POLICE DEPARTMENT** , you may have access to confidential criminal records, Department of Motor Vehicle records, or other criminal justice information, much of which is controlled by statute. All access to California Law Enforcement Telecommunications System (CLETS) related information is based on the need to know and the right to know. Misuse of such information may adversely affect an individual's civil rights, and violates the law and/or CLETS policy.

Penal Code Section 502 prescribes the penalties relating to computer crimes. Penal Code Sections 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released. Penal Code Sections 11141-11143 and 13302-13304 prescribe penalties for misuse of criminal history information. Government Code Section 6200 prescribes the felony penalties for misuse of public record and CLETS information. California Vehicle Code Section 1808.45 prescribes the penalties relating to misuse of Department of Motor Vehicle record information. Penal Code Sections 11142 and 13303 state:

Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.

Any person/volunteer who is responsible for CLETS misuse is subject to immediate dismissal from employment. Violations of the law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF ALL CLETS ACCESSIBLE INFORMATION.

Signature: _____

Print name: _____

Date: _____