

Criminal History Record Information (CHRI)

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Clay County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the public records information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Clay County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

804.2 POLICY

Members of the Clay County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.3 RESPONSIBILITIES

The Sheriff shall select a member of the Office to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Missouri Department of Revenue records and the Missouri Uniform Law Enforcement System (MULES).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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804.3.1 AUDITS RELATED TO CRIMINAL HISTORY RECORDS

The member assigned by the Sheriff to coordinate the use of protected information shall ensure that this office maintains dissemination logs related to criminal history record information (CHRI) necessary for auditing purposes (11 CSR 30-4.090(4)).

804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Clay County Sheriff's Office policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (§ 43.532, RSMo).

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution (§ 43.532, RSMo).

804.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Administrative Captain for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Center to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other office members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.5.1 MEMBER ACCESS

Employees/CCIS members may access or otherwise obtain records or information from MULES and sheriff's office files only in accordance with their official duties. An employee/CCIS member may not access information received through MULES until a background investigation has been completed and approved and until he/she has completed all required training.

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CHRI obtained through MULES, NCIC or REJIS shall be used solely for the purpose for which it was obtained (§ 43.532, RSMo). Personnel may not use CHRI information in any unauthorized manner, for any unauthorized purpose, or disclose CHRI to any person who is not entitled to the information.

Unauthorized accessing or release of information may subject the employee/CCIS member to criminal prosecution (§ 43.532, RSMo). Employees/CCIS members violating this policy may also be subject to administrative action pursuant to the Personnel Complaints Policy.

804.5.2 RELEASE OF INFORMATION

Only persons listed below are authorized to release information received through MULES, NCIC, or REJIS including CHRI. Each authorized person releasing such information is responsible for ensuring that each request appears legitimate and that the requester is an authorized recipient.

- (a) MULES Terminal Agency Coordinator
- (b) Administrative Assistant - Reports Unit
- (c) Full-time employees of the Records Center
- (d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Mules Terminal Agency Coordinator.

804.5.3 AUTHORIZED RECIPIENTS

Information received through MULES, REJIS, or NCIC may be released to authorized recipients for criminal justice purposes (11 CSR 30-4.090). All law enforcement personnel with proper identification are authorized recipients, if they are acting in the scope of their official duties.

In addition, non-criminal justice agencies may be entitled to limited CHRI for legitimate employment, licensing or authorized investigative purposes (11 CSR 30-4.090(3))

804.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the Office to oversee the security of protected information.

The responsibilities of this position include, but are not limited to (11 CSR 30-4.090(5)):

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities.

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804.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

804.6.2 DESTRUCTION OF RECORDS

When any document received through MULES, including CHRI, has served the purpose for which it was obtained and is eligible for destruction, it should be disposed of via a permanent destruction method, in compliance with the organization's records retention schedule. At no time shall documents merely be placed in a trash receptacle.

Each employee shall be responsible for properly destroying CHRI documents he/she receives.

804.7 REVIEW OF AND CHALLENGE TO CHRI

Upon written request and with proper proof of identification, an individual may review his/her own CHRI on file with the Office. However, an individual is not entitled to data contained in intelligence, investigatory or other related files (§ 43.532, RSMo; 11 CSR 30-4.090(6)). If an individual seeks to review records not held by the Office, the individual should be directed to the applicable agency.

Any person also has the right to challenge the accuracy and completeness of records pertaining to him/herself and to request that said records be corrected (11 CSR 30-4.090(6)). Any such requests shall be forwarded to the Administrative Captain.

804.7.1 REQUESTS TO CORRECT RECORDS

Upon receipt of a request to correct a record, the Administrative Captain will evaluate the request as follows (11 CSR 30-4.090(6)):

- (a) The Administrative Captain will review the request for correction and make a determination of whether to grant or refuse the request, in whole or in part.
- (b) In the event that the Administrative Captain requires time to evaluate the merit of the request for correction, the Administrative Captain shall notify the requestor and provide the requestor with a reasonable timeframe in which a response will be provided.
- (c) If the Administrative Captain determines that a correction is warranted, the Administrative Captain will notify the requestor, ensure the change is made in the records of the Clay County Sheriff's Office and forward corrected copies to other applicable agencies.
- (d) If the Administrative Captain refuses to make the requested correction, the Administrative Captain should promptly provide the requestor with a written statement of the grounds for the refusal and information as to how the requestor may proceed with an administrative appeal with the Missouri Department of Public Safety.

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- (e) Upon request, the Administrative Captain shall give the requestor the names of all non-criminal justice agencies to whom the data has been disseminated.

804.7.2 CHALLENGE TO RECORDS

Any person has the right to challenge the accuracy and completeness of records pertaining to him/herself and to request that said records be corrected (11 CSR 30-4.090(6)). Any such requests shall be forwarded to the Administrative Division Commander.

Upon receipt of a request to correct a record, the Administrative Division Commander or their designee will evaluate the request as follows (11 CSR 30-4.090(5)):

- (a) Review the request for correction and make a determination of whether to grant or refuse the request, in whole or in part.
- (b) In the event that the Administrative Division Commander or their designee requires time to evaluate the merit of the request for correction, the Administrative Division Commander shall notify the requestor and provide the requestor with a reasonable timeframe in which a response will be provided.
- (c) If it is determined that a correction is warranted, the Administrative Division Commander or their designee will notify the requestor, ensure the change is made in the records of the Clay County Sheriff's Office and forward corrected copies to other applicable agencies, including:
 - 1. All criminal justice recipients.
 - 2. Two copies to the MSHP.
- (d) If the Administrative Division Commander refuses to make the requested correction, the Administrative Division Commander should promptly provide the requestor with a written statement of the grounds for the refusal and information as to how the requestor may proceed with an administrative appeal with the Missouri Department of Public Safety.
- (e) Upon request, the Administrative Division Commander shall give the requestor the names of all non-criminal justice agencies to whom the data has been disseminated.

804.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination (11 CSR 30-4.090(5)).

804.9 DISCIPLINE/ENFORCEMENT

Any employee/member found to have violated this policy may be subject to disciplinary action, up to and including termination of employment as well as any civil or criminal penalties as outlined in Missouri Statute: 576.050.

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