

**POWAY UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE**

Originator: Assoc. Superintendent, PSS

Issue No: 2

Date: 7/29/91

Page: 1 of 3

Reference: Penal Code 11075

ARTICLE: 4.0 PERSONNEL SUPPORT SERVICES

4.1 GENERAL PERSONNEL PRACTICES

**4.103 RELEASE OF CRIMINAL OFFENDER
RECORD INFORMATION**

SECTION 4.103.1 Procedure for Release of Criminal Offender Record Information

Criminal Offender Record Information, as defined in Penal Code Section 11075, means records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release. Such information shall be restricted to that which is recorded as the result of any arrest, detection, or other initiation of criminal proceedings or of any consequent proceedings related thereto.

The two keys to Criminal Offender Record Information are that it is made up of information collected as the result of an arrest, and that the information is stored in summary format. This includes:

1. California Department of Justice rap sheets.
2. Criminal history information received from California Department of Justice via teletype.
3. Department of Justice computerized criminal history system printouts.
4. Information maintained in the Department of Justice alpha index.

Individual arrest, incident, and crime reports are covered by the Public Records Act (Government Code Sections 6250-6260) and are not considered to be Criminal Offender Record Information.

Right-to-Know

The right-to-know is the legal authority, granted by statute or court order, for a person or agency to have access to Criminal Offender Record Information. Those persons or agencies with a right-to-know are set out in Penal Code Section 11105 and listed in the Department of Justice Authorized Agencies List.

Prior to the release of any Criminal Offender Record Information, the person releasing the information must determine the subject's right-to-know. The requester must identify himself/herself and his/her agency. If the agency is not known to be authorized, the Department of Justice list shall be consulted. Before any restricted information is furnished in response to a phone request, the person releasing the information should recognize the requester and know that he/she is authorized to receive such information. If the requester is not known personally to the person releasing the information, he/she should call back to the requester's agency using the published phone number.

Need-to-Know

The need-to-know is the official purpose for which the information may be requested and used. The need-to-know for the various requesters is covered in the Department of Justice Authorized Agencies List under the certification of compelling need found in each section.

SECTION 4.103.1 Procedure for Release of Criminal Offender Record Information

Prior to the release of any Criminal Offender Record Information, the person releasing the information must determine the subject's need-to-know. The person releasing the information must ask the requester why the information is needed. The California Department of Justice Authorized Agencies List should be consulted in cases where there is a question regarding need-to-know.

NO CRIMINAL OFFENDER RECORD INFORMATION MAY BE RELEASED UNLESS THERE IS BOTH A RIGHT-TO-KNOW AND A NEED-TO-KNOW.

Personnel Designated to Release Criminal Offender Record Information

Criminal Offender Record Information may be released only by the Record Security Officer or designee.

Audit Trail Requirements

A record shall be maintained of each release of state summary Criminal Offender Record Information and shall contain the date of dissemination, the name of the agency, the name of the person to whom the information was given, the extent of the information given, and how it was transmitted.

The Criminal Records Security Officer shall comply with any reasonable request made by a representative of the Department of Justice relative to any security and privacy audit of this agency.

Juvenile Records

Juvenile records are not to be released except to the Juvenile Court, Probation Department, or other law enforcement agencies, except under an order from the Juvenile Court.

Protection From Unauthorized Persons

Criminal Offender Record Information will be stored in a secure area, and only persons authorized by the Criminal Records Security Officer may access Criminal Offender Record Information maintained by this Department.

Destruction

Criminal Offender Record Information shall be destroyed by shredding (burning, tearing, etc.). All Criminal Offender Record Information will be destroyed in such a way that the subject's name can no longer be identified.

Criminal Offender Record Information will be destroyed under the supervision of an authorized person.

Reproduction

Criminal Offender Record Information may only be reproduced by or under the direction of personnel authorized by the Criminal Records Security Officer.

Training

All members of the Department with access to Criminal Offender Record Information are required to read and understand this procedure.

SECTION 4.103.1 Procedure for Release of Criminal Offender Record Information

The Criminal Records Security Officer shall, if possible, attend a Department of Justice session in the proper use and control of Criminal Offender Record Information. If this is not possible, he/she will familiarize himself/herself with the various laws and rules regarding record security.

All personnel designated to release Criminal Offender Record Information will be trained in the proper use and control of Criminal Offender Record Information.

Penalties

Misuse of California Department of Justice rap sheet information is a misdemeanor.

Violation of this order or the statutes and regulations regarding record security may result in suspension, dismissal, and/or prosecution.