



Approved:  
*Chief Marcia Harnden*

Subject:

# 603. Computerized Criminal History Information

Effective:  
November 2, 2017

CALEA Standards:

Page:  
1

## 603.1: PURPOSE AND SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information and persons authorized to release that information.

### 603.1.1: DEFINITIONS

**Computerized Criminal History (CCH)** - Includes records and related data as to physical description and vital statistics, fingerprints received and compiled by the Oregon State Police (OSP), Identification Services Section for purposes of identifying criminal offenders and alleged offenders, records of arrests and the nature and disposition of criminal charges, including sentencing, confinement, parole and release.

**Criminal Justice Agency** - Includes the following:

- The Governor;
- Courts of criminal jurisdiction;
- The Attorney General;
- District attorneys, city attorneys with criminal prosecutorial functions, attorney employees of the Office of Public Defense Services and non-profit public defender organizations established under contract with the Public Defense Services Commission;
- Law enforcement agencies;
- The Department of Corrections;
- The State Board of Parole and Post-Prison Supervision;
- The Department of Public Safety Standards and Training;
- The Oregon Liquor Control Commission;
- Any other state or local agency with law enforcement authority designated by order of the Governor.

**Designated Agency** - Any state, county or municipal government agency where Oregon criminal offender information is required to implement a federal or state statute, executive order or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct or for agency employment purposes, or licensing purposes, or other demonstrated and legitimate needs when designated by order of the Governor.

**603.2: POLICY**

It is the policy of the Albany Police Department to control and release computerized criminal history information in accordance with law and best practices pursuant to [ORS 181A.190 through ORS 181A.245](#).

**603.3: ACCESS TO RECORDS**

Computerized Criminal History records may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

**603.3.1: ACCESS BY CRIMINAL JUSTICE AGENCIES**

Access to OSP criminal offender information may be granted to Criminal Justice Agencies, where the information is to be used for the administration of criminal justice, Criminal Justice Agency employment, or the information is required to implement a federal or state statute, local ordinance, Executive Order, or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct, or other demonstrated and legitimate needs.

**603.3.2: CRIMINAL RECORD SECURITY OFFICER**

- a. The Police Support Service Manager is the designated Criminal Record Security Officer for the Albany Police Department.
- b. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law.
- c. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of criminal history.

**603.3.3: RELEASE OF CRIMINAL OFFENDER INFORMATION**

- a. Criminal offender information shall only be released in the following circumstances, as set out by [OAR 257-010-0025](#):
  - 1) **Release to Criminal Justice and Designated Agencies:** Oregon criminal offender information may be shared between authorized Criminal Justice and Designated Agencies only as specified in the Oregon Administrative Rules (OAR) and the Law Enforcement Data System (LEDS) Manual.
  - 2) **Release of FBI criminal offender information:** Dissemination of FBI criminal offender information to public or private agencies by Criminal Justice or Designated Agencies is prohibited by [28 USC § 534](#) and [28 CFR 20.33\(b\)](#). Inquiries for non-official purposes or the checking of records for unauthorized persons or agencies is prohibited. A person wishing to review his/her criminal history record maintained by the FBI should write to: Federal Bureau of Investigation, CJS Division, Attn: SCU, Module D2, 1000 Custer Hollow Road, Clarksburg, West Virginia, 26306. The FBI will inform the person how to obtain a copy of his/ her record and, if necessary, how to

challenge the accuracy or completeness of that record.

- 3) **Release of criminal offender information to field personnel:** Albany Police Department personnel shall not have access to criminal offender information until a fingerprint based background investigation has been completed and approved. Any radio transmission of criminal offender information should only occur when officer or citizen safety is in jeopardy. Cell phones should be used if possible. The transmission should be limited to essential details only, concealing information identifying individuals and offenses as much as possible. Plain text transmission of an entire record (summary or full) is prohibited.

- b. Requests for criminal offender information other than as authorized in this policy should be referred to the nearest Oregon State Police, Identification Services Section located at 3565 Trelstad Ave SE, Salem, OR 97317. Inquiries may also be made through the OSP webpage at [www.oregon.gov/osp](http://www.oregon.gov/osp).

#### 603.4: JUVENILE RECORDS

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to the [Temporary Custody of Juveniles: Policy 517](#) for more specific information regarding cases involving juveniles.

#### 603.5: REVIEW OF CRIMINAL OFFENDER RECORDS

- a. An individual may review his/her own Oregon criminal offender information by contacting the Oregon State Police, Identification Services Section located at 3565 Trelstad Ave SE, Salem, OR 97317 ([OAR 257-010-0035](tel:257-010-0035)).
- b. An individual may review his/her local record on file with the Department under the provisions of [ORS 192.501\(3\)](#), and after complying with all legal requirements. This department will not release information originated by any other agency ([ORS 192.410 to ORS 192.505](#)).

#### 603.6: PROTECTION OF CRIMINAL OFFENDER INFORMATION

Any Criminal Justice or Designated Agency or private entity obtaining or receiving criminal offender information shall maintain those records in secure files, available only to authorized agency employees, until they are destroyed by burning, shredding or secure and confidential recycling and shall treat those records in such a manner that the record does not become public information in any later proceeding, except through court order or as otherwise provided by law.

##### 603.6.1: COMPUTER TERMINAL SECURITY

Any computer terminal with Computerized Criminal History Information accessing capability must be physically secure and placed in a location not available to unauthorized persons. Computer terminals must be so placed that unauthorized persons may not observe the content of messages transmitted or received on such computer terminal.

**603.6.2: DESTRUCTION OF CRIMINAL OFFENDER INFORMATION**

- a. When any document providing criminal offender information has served the purpose for which it was obtained, it shall be destroyed by burning, shredding, or secure and confidential recycling.
- b. Each employee shall be responsible for destroying the criminal offender information they receive.

**603.7: TRAINING PROGRAM**

- a. All personnel authorized to process or release criminal offender information shall be required to complete a training program as prescribed by LEDS ([OAR 257-015-0050](#)).
- b. The Police Support Service Manager shall coordinate the course to provide training in the proper use, control, and dissemination of criminal offender information.

**603.8: PENALTIES FOR MISUSE OF RECORDS**

- a. Violation of federal and state regulations governing access to criminal offender information can result in the department's access to that information being terminated.
- b. Violation of these procedures can be cause for discipline up to and including termination.