

NUMBER:	2.4
SUBJECT:	RELEASE OF CRIMINAL OFFENDER RECORD INFORMATION (CORI)
CATEGORY:	BOOKING
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RELATED SECTIONS:	RELEASE OF ARREST/CRIME REPORTS, RELEASE OF PUBLIC RECORDS INFORMATION(1.8), SUBPOENAS (1.6)
IN COMPLIANCE WITH:	PENAL CODE SECTIONS 11105 AND 13300, GOVERNMENT CODE 6250-6270

POLICY:

It is the policy of the Sheriff's Records & ID Division to control the release and dissemination of summary criminal history records in order to prevent the improper disclosure of criminal history information.

This policy is intended to provide guidance on processing requests for Criminal Offender Record Information (CORI)--otherwise known as summary criminal history information. This policy is not intended to address requests made, either through the California Public Record Act or by subpoena, or for the reports associated with an individual incident.

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RESPONSIBILITY OF RECORDS & ID DIVISION STAFF:

- A. Records & ID Division staff who are in possession of criminal history records shall be responsible for the physical security of these records. Employees shall not disclose the contents of any criminal history record to any person except as provided by in this order. Information shall not be released for use other than in the official performance of duties.
- B. Releasing criminal history information to an unauthorized person or agency is a crime pursuant to Penal Code Sections 502 and 13303.
- C. All requests for individual copies of crime and arrest reports will be forwarded to the Cases Section which will be governed by Government Code 6254(f) and Records & ID Division Policy & Procedure titled "Release of Arrest/Crime Reports."
- D. All requests for information under the California Public Records Act (CPRA or PRA) or the Freedom of Information Act (FOIA) will be governed by Government Code 6250-6270 and Records & ID Division Policy & Procedure titled "Release of Public Records Information."
- E. All requests for criminal information that are submitted via Subpoena will be governed by Records & ID Division Policy & Procedure titled "Release of Information via Subpoena" and pertinent portions of the Penal Code, Evidence Code, and Code of Civil Procedures.

PUBLIC RECORDS INFORMATION VERSUS CORI:

- A. Public Records Act - The California Public Records Act mandates that certain public records be made available for inspection and release to the public. This includes many documents that are maintained by government entities including law enforcement agencies. However, the Act includes many exemptions and limitations regarding the release of criminal records. Listed below is a brief summary that lists criminal related information that is releasable under the terms of the act:
 - 1. Government Code 6254 (f) exempts "Records of complaints" (i.e., arrest/crime reports) from release to the public except that law enforcement agencies **shall** disclose specific information (e.g., names of involved persons, location of incident, etc.) to anyone who suffers bodily injury, property damage, or loss as a result of the incident.
 - 2. Government Code 6254 (f)(1) states that law enforcement agencies **shall** release certain limited information (i.e., name, physical description, charges, etc.) concerning their arrestees.
 - 3. Government Code 6254 (f)(2) states that law enforcement agencies **shall** release certain information (e.g., time, substance, and location of occurrence, etc.) concerning all complaints or requests for assistance received by the agency.

4. Government Code 6254 (f)(3) states that the current address of arrestees and certain victims can be released for specific types of requests (i.e., for scholarly, journalistic, etc. purposes).

Note. The information above is releasable except to the extent that disclosure would endanger the safety of a person involved in an investigation or the successful completion of an investigation.

- B. CORI - The release of Criminal Offender Record Information (CORI) is strictly controlled by state statute and multiple court decisions. Listed below is a brief summary that highlights some of the key points that apply to CORI:

1. Penal Code 13102 defines Criminal Offender Record Information (CORI) as *“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, pre-trial 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 an arrest, detention, or other initiation of criminal proceedings or of any consequent proceedings related thereto.”*
2. In *County of Los Angeles v. Superior Court (Kusar)*, 18 Cal. App. 4th 588 (1993), the courts determined that the provisions in the Public Records Act (Government Code 6254 (f)(1-3)) that authorize the release of criminal information applies only to information that is *“contemporaneous”* (i.e., originating, existing, or happening during the same period of time).

Although, the court did not attempt to define the point at which arrest information converts from *“contemporaneous”* information to criminal history, they made it clear that once the record is classified as CORI it is then shielded from public release. In other words, although certain arrest and crime information is releasable at the time of an incident, at some point this information moves from the open regulations that apply to most public records to the much more restrictive requirements that protect summary criminal history information.

The cutoff point that is used to determine whether arrest information is treated as public information or CORI varies between California law enforcement agencies. For the San Diego County Sheriff's Department, our standard for releasing arrestee information has traditionally been based on whether the subject has been released from our custody or not. However, we will also release information concerning arrests (but not detention only) that occurred within 30 days of the booked date regardless of whether the subject has been released from custody (30 days will be calculated from the date of arrest).

3. Penal Code 13300 and the Department of Justice's "California Criminal Offender Record Information Authorized Agencies List" will be used as primary sources for determining whether CORI is releasable. However, note that copies of individual

reports are not covered under the definition of CORI. The fact that a listed agency is entitled to CORI does not necessarily mean that the agency can also obtain a copy of physical documents that are maintained in the jail jacket.

4. With the exception of requests submitted by law enforcement agencies, requests for copies of records that are maintained in the jail jacket will generally require a subpoena or court order.

DISSEMINATION OF CORI – GENERAL INFORMATION:

- A. Employees shall not disseminate copies of State Department of Justice “rap” sheets to other persons or agencies outside the San Diego County Sheriff’s Department. Only local criminal history information may be released. Authorized persons or agencies requesting copies of state “rap” sheets shall be referred to:

California Department of Justice
Bureau of Criminal Identification and Information
ATTN: Record Review Unit
PO Box 903417
Sacramento, CA 94203-4170

Telephone: (916) 227-3835 Web-site: <https://oag.ca.gov/fingerprints>

- B. All employees shall complete an entry in the CORI electronic tracking log prior to releasing any criminal history information. No CORI information will be provided until this entry has been completed.
- C. Release criteria: Criminal offender record information may be released only when BOTH the “right to know” and “need to know” have been established.

1. Right to know:

- a. CORI will be released only to persons or agencies authorized by court order, statute, or decisional law to receive such information.
- b. Primary reference sources for determining the “right to know” include the Department of Justice’s “California Criminal Offender Record Information Authorized Agencies List” and Penal Code 13300.
- c. However, references governing the release of information are also contained in various other statutes including the Government Code, Welfare and Institutions Code, Evidence Code, Health and Safety Code, Education Code, Labor Code, Financial Code, Business and Professions Code, Civil Code, Code of Regulations, Public Resources Code, and the Vehicle Code.

2. Need to know:

- a. Basis – The “need to know” is based on the necessity to obtain criminal offender record information in order to execute official responsibilities.
- b. Criteria – The “need to know” is established when the requestor certifies that a specific official need exists for the information (i.e., needed for criminal investigation, etc.).

D. Within the Records & ID Division, the Booking Section shall have primary responsibility for the release of criminal history information. The section shall maintain:

1. A hard copy of the Department of Justice’s “California Criminal Offender Record Information Authorized Agencies List.” Note also that an electronic copy is available at the CLEW (California Law Enforcement Web) web-site.
2. A copy of the latest version of the California Penal Code handbook. Note also that all California Codes can be found on-line at the following web-site:
<https://leginfo.legislature.ca.gov/faces/codes.xhtml>
3. A binder that contains a copy of any special instructions or pertinent documents concerning the release of information to include copies of: Memorandum of Agreements between the Sheriff’s Department and other agencies; Department of Justice Information Bulletins; and Department/County regulations and policies.

PROCESSING CORI REQUESTS:

- A. Requests may originate from multiple sources including telephone, fax, mail, interoffice mail, teletype, e-mail, and in person at the front counter. Although the same general procedures will apply regardless of how the request is received, where real differences exist, they will be noted in the instructions that follow.
- B. Generally, requests for CORI must be accompanied by a Records Service Request Form (SO-110) (see sample – page 27). However, requests will also be accepted if submitted on other forms that contain all information needed to process the request.
- C. Screen requests to ensure that the form is filled out completely, and that the request is for information that we actually possess. In cases where the request is missing needed information; attempt to contact the customer to request the information (preferably by telephone or e-mail if possible). If unable to contact the customer or if unable to obtain the missing information, prepare a rejection letter (see Booking Desk Reference 2.4) that notes the applicable discrepancy.
- D. Ensure that the appropriate fee has been submitted for requests that require payment. No fee will be charged to law enforcement and other government agencies. The standard fee

of \$14.00 per request will be paid by non-government agencies including non-profit organizations and members of the public. The fee will be paid regardless of whether criminal history is found or not. Employees do not have the discretion of waiving fees for "hardship" cases unless the customer is able to present official documentation that shows that he/she has been certified by the County as an indigent.

- E. Sort requests by type to separate requests that are strictly for criminal history from those for case copies and public records requests. Route requests to the appropriate section that handles the type of record that is being requested (i.e., arrest/crime report requests to Cases Section, warrant/TRO requests to Warrants Section, etc.).
- F. Requests for records that are maintained by multiple Records & ID Division sections will be processed initially by the section that first receives the request. After completing their portion of the request, the packet will then be forwarded to the next section using a Division routing slip. Once completed, the final packet will be prepared for final delivery to the customer by which ever section last received the packet.
- G. For requests that involve multiple Sheriff's Divisions (i.e., Medical, Personnel, etc.), staff shall process the portion of the request that pertains to the Records & ID Division. A copy of the request shall be immediately sent to the other Division(s). This fact will be annotated on our copy of the request.
- H. Care should be taken to ensure that customers are not needlessly getting bounced back and forth between units, and are not getting the "run around" with their requests. When appropriate, staff may have to use discretion in helping to resolve these endless loops and "Catch 22" situations.

For example, although information concerning inmates is available via the Sheriff's internet site, or at the detention facility that houses the inmate, Records & ID Division staff should still provide basic arrestee information to customers who either reach us by telephone or visit our front counter. On the other hand, if we don't have access to the information or records that are being sought (i.e., medical records, 911 tapes, etc.), then staff should do their best to provide correct contact information (location, phone #, etc.) to the customer, when possible.

- I. Sections that receive a large volume of requests should further sort their requests by agency type or purpose in order to separate law enforcement requests from other types such as those from the subject, or from other government agencies.
- J. Generally, requests should be processed in a "first in, first out" manner unless a valid reason exists for expediting a particular request. The Division goal is to process all requests within three (3) business days of receipt. However, in no case should requests be processed in more than ten (10) calendar days unless extenuating circumstances exist that are beyond our control (i.e., we are waiting for the customer to submit missing information).

- K. When processing requests, staff shall verify the “right to know” and the “need to know” on each request. The “right to know” will be determined by verifying that the requestor is entitled to receive the information. Penal Code 13300 and the DOJ’s CORI Authorized Agencies Listing are primary sources for checking this information. However, if the requestor cites another local, state, or federal regulation, staff should attempt to verify whether the cited reference indeed authorizes the access or not. Questions concerning this should be referred up the chain of command.

The “need to know” shall be verified as a part of the processing procedure as well. Many times this will be apparent in the body of the request (e.g., request may plainly state that the purpose is for a peace officer job application, or for a subject who wants to verify their criminal history). However, if the reason for the request is absent or vague (i.e., agency states that it is needed for an investigation, but does not provide the specific case #), then staff will attempt to contact the customer to obtain the missing information.

- L. Staff will also ensure that a signed authorization form has been submitted with requests that ask for criminal history information on a subject. This will typically involve requests where the subject has discretion in granting their permission or not (i.e., job related, license applications, etc.). However, requests that involve official law enforcement investigations and similar official uses will not require a signed authorization form from the subject.
- M. Staff will use the instructions that are contained in the body of this P&P to determine the specific computer screens (e.g., RI01, SR31, etc.) that will be run for each category of CORI request (i.e., peace officer versus government agency, etc.). These instructions also dictate whether to release all available criminal history information or whether to screen for specific charges such as those that ended in conviction. Criminal history release flow charts (see samples – pages 28-36) are also available to help guide staff through the procedures related to providing criminal history for various purposes (i.e., law enforcement related request versus employment, etc.).
- N. Based on what is found during the computer search, staff will prepare either a “No Record” letter (see Booking Desk Reference 2.4) or a “Criminal History” letter (see Booking Desk Reference 2.4).
- O. All employees shall complete an entry in the CORI electronic tracking log (located at: <V:\Records\Electronic Logs\CORI Log 2015.mdb>) prior to releasing any criminal history information.
- P. Staff will prepare the request for delivery or pick-up in the manner requested by the customer (i.e., mail, fax, pick-up box, etc.).
- Q. Staff will file the original request form, a copy of their reply letter and all additional documentation (i.e., Mugshots, JIMS History, fingerprints, etc.) in the designated filing area.

RELEASE OF CORI - FOR EMPLOYMENT*, LICENSING, OR CERTIFICATION PURPOSES:

***Note.** This section does not apply to peace officer employment applications. However, it does apply to applications for “professional” positions within law enforcement agencies. This section also does not apply to applications received from federal agencies requesting information in accordance with the Security Clearance Information Act (SCIA).

- A. Pursuant to 432.7(g)(1) of the California Labor Code, “*No Peace Officer or employee of a law enforcement agency with access to criminal offender information maintained by a local law enforcement criminal justice agency shall knowingly disclose, with intent to affect a person’s employment, any information contained therein pertaining to an arrest or detention or proceeding that did not result in a conviction....*”
- B. In *Central Valley Chapter of the 7th Step Foundation, Inc. v. Younger*, (1979), a lawsuit was brought against the California Attorney General. The plaintiffs in the case alleged that the Department of Justice violated their right of privacy by routinely releasing information pertaining to arrests and detentions that did not result in conviction. The Court agreed that the release of such information violated the right to privacy under the California Constitution. The Department of Justice later disseminated information bulletins to all California law enforcement agencies announcing that this decision applied to the release of both state and local CORI.
- C. Based on the above provisions, it is the policy of this Division that a request for criminal information which may be used for employment (excluding peace officer screening and SCIA related applications), licensing or certification purposes shall be given conviction information only. Information will not be released for charges that did not result in conviction or in cases where the final disposition cannot be determined. The exception to this is that information concerning arrests that occurred within 30 days of the request will be provided along with a statement that no final disposition is available.
- D. Requests for service will generally be submitted on a Records Service Request Form (SO-110). However, requests submitted on other approved forms will also be acceptable if it contains all information needed to process the request.
- E. Requests must include a copy of a signed authorization letter from the subject.
- F. The following screens will be run for requests that are for employment (excluding peace officer screening and SCIA related applications), licensing, or certification purposes:
 - 1. RI01 (Records Name Inquiry) / RI02 (Index Summary Display)
 - 2. RI05 (Records Number Index), if RI01 / RI02 does not produce a hit
 - 3. SR31 (Criminal History Summary/Detail), if criminal history is found

4. **DA09 (Defendant Name Display)**

G. If no criminal history information is found, a "No Record" letter will be prepared (or if provided, the agency's form will be completed or stamped "No Record Found") and sent to the requestor. The service request form (and/or a copy of the agency's form) will be filed in the designated filing location.

Note: If only a DA screen is found, include a contact list with the court case # and agency name/phone number.

H. If criminal history information is found, staff will:

1. Screen the entries and summarize the information for charges that resulted in conviction, and arrests that occurred within 30 days of the request.
2. If disposition is not readily available, staff will run appropriate DA screens in order to determine disposition.
3. Prepare a "Criminal History" letter (or if provided, the agency's form will be completed) that includes only the conviction charges with disposition information, along with any arrests (but not detentions) that occurred within 30 days of the request.
4. Complete the CORI electronic tracking log.
5. Mail, fax, e-mail, or place letter in pick-up basket, as appropriate, after filing service request form (and/or a copy of the agency's form).

RELEASE OF CORI – FOR PEACE OFFICER EMPLOYMENT PURPOSES:

- A. Pursuant to 432.7(b) of the Labor Code, *"nothing in this section shall prohibit the disclosure of the information authorized for release under Sections 13203 and 13300 of the Penal Code, to a government agency employing a peace officer. However, the employer shall not determine any condition of employment other than paid administrative leave based solely on an arrest report. The information contained in an arrest report may be used as the starting point for an independent, internal investigation of a peace officer...."*
- B. Pursuant to 432.7(e) of the Labor Code, *"persons seeking employment or persons already employed as peace officers or persons seeking employment for positions in the Department of Justice or other criminal justice agencies as defined in Section 13101 of the Penal Code are not covered by this section."*
- C. Based on the above provisions, it is the policy of this Division that a request for criminal information which may be used for peace officer screening shall be given:

1. If the arrest resulted in Conviction, provide all available local criminal history information as long as disposition information is available on the charge.
 2. If there was No Conviction, provide local criminal information for arrests and detentions that occurred within the past five (5) years as long as disposition is available on the charge.
 3. Information will not be released in cases where the final disposition cannot be determined with the exception of arrests that occurred within 30 days of the request.
- D. Requests for service will generally be submitted on a Records Service Request Form (SO-110). However, requests submitted on other approved forms will also be accepted if it contains all information needed to process the request.
- E. All requests must include a copy of a signed authorization letter from the subject.
- F. The following screens will be run for requests that are for peace officer screening:
1. RI01 (Records Name Inquiry) / RI02 (Index Summary Display)
 2. RI05 (Records Number Index), if RI01 / RI02 does not produce a hit
 3. SR31 (Criminal History Summary/Detail), if criminal history is found
 4. DA09 (Defendant Name Display),
 5. MA09 (Want/Warrant Name Display), if information on warrants is requested
 6. COPLINK (ARJIS), if information concerning FI's contacts, case #'s, etc. is requested
 7. MC21/MC22, if information concerning Traffic is requested.
- G. If no criminal history information is found, a "No Record" letter will be prepared (or if provided, the agency's form will be completed or stamped "No Record Found") and sent to the requestor. The service request form (and/or a copy of the agency's form) will be filed in the designated file location.
- Note: If only a DA screen is found, include a contact list with the court case # and agency name/phone number.
- H. If criminal history information is found, staff will:
1. Screen the entries and summarize the information for charges that resulted in conviction.

2. Screen the entries and summarize the information for charges that did not result in conviction, but occurred within the past five (5) years.
3. Screen the entries and summarize the information for arrests that occurred within 30 days of the request.
4. If disposition is not readily available, employees will run appropriate DA screens in order to determine disposition.
5. Prepare a "Criminal History" letter (or if provided, the agency's form will be completed) that includes the summarized information gathered in steps 1 thru 3 above.
6. Complete the CORI electronic tracking log.
7. Mail, fax, or place letter in pick-up basket, as appropriate, after filing service request form (and/or a copy of the agency's form).

RELEASE OF CORI – FOR LAW ENFORCEMENT (NON EMPLOYMENT)

PURPOSES:

- A. Pursuant to Penal Code Sections 11105(b)(2) and 13300(b)(2), agencies **shall** disseminate criminal history information to certain California peace officers when the information is needed to perform official duties.
- B. The Department of Justice's "California Criminal Offender Record Information Authorized Agencies List" and Penal Code Section 13101 (which provides a definition of "criminal justice agencies") shall be referred to in determining agencies that will be considered as law enforcement agencies for the purpose of this section of the P&P.
- C. Agencies must still demonstrate a "need to know" by citing an official basis for needing the information. This should be as specific as possible (i.e., specific case #, case type, etc.) versus a generic term such as "investigation."
 1. Staff will contact the requesting agency for additional information for requests that contain incomplete information.
 2. Staff will reject the request in cases where the "need to know" cannot be determined or verified. The returned rejection letter should state that criminal history will not be provided until/unless the agency can show proper justification.
- D. It is the policy of this Division that law enforcement agencies that request criminal information for official purposes (i.e., investigation, etc.) will receive all available local criminal history information along with disposition.

- E. Requests for service will generally be submitted on a Records Service Request Form (SO-110). However, requests submitted on other approved forms will also be accepted as long as it contains all information needed to process the request.
- F. The following screens will be run for law enforcement requests:
1. RI01 (Records Name Inquiry) / RI02 (Index Summary Display)
 2. RI05 (Records Number Index), if RI01 / RI02 does not produce a hit
 3. SR31 (Criminal History Summary/Detail), if criminal history is found
 4. DA09 (Defendant Name Display),
 5. MA09 (Want/Warrant Name Display), if information concerning warrants is requested
 6. COPLINK (ARJIS), if information concerning case#, crime reports, etc. is requested
- G. If no criminal history information is found, a "No Record" letter will be prepared (or if provided, the agency's form will be completed or stamped "No Record Found") and sent to the requestor. The service request form (and/or a copy of the agency's form) will be filed in the designated filing location.

Note: If only a DA screen is found, include a contact list with the court case # and agency name/phone number.

- H. If criminal history information is found, staff will:
1. Screen the entries and summarize the information for charges that resulted in both conviction and non-conviction.
 2. If disposition is not readily available, employees will run appropriate DA screens in order to determine disposition.
 3. Prepare a "Criminal History" letter (or if provided, the agency's form will be completed) that includes the summarized information gathered in steps 1 and 2 above.
 4. Complete the CORI electronic tracking log.
 5. Mail, fax, or place letter in pick-up basket, as appropriate, after filing service request form (and/or a copy of the agency's form).

RELEASE OF CORI – FOR SECURITY CLEARANCE INFORMATION ACT (SCIA) PURPOSES:

- A. The release of CORI to federal agencies (and their contractors) requesting information under the Security Clearance Information Act (SCIA) is governed by Section 9101 of Title 5, United States Code; United States of America versus the State of California and Attorney General Edmund G. Brown Jr. decision of November 7, 2007; and California DOJ Administrative message (Regarding OPM Contractors and Court Decision) dated January 20, 2008.
- B. Pursuant to the above regulations, law enforcement agencies must provide complete criminal history information in response to SCIA covered requests from federal agencies including the Office of Personnel Management (OPM) and their contractors. This includes not only conviction information, but also arrests that have been subsequently reclassified as something other than an arrest under California law (i.e., detention only, diversion programs, expunged charges, etc.). Note that they are also entitled to copies of arrest / incident reports.
- C. The following six (6) federal agencies are covered by the SCIA:
 - 1. The Department of Defense (DOD) [This includes the Armed Forces]
 - 2. The Department of State (DOS)
 - 3. The Department of Transportation (DOT)
 - 4. The Office of Personnel Management (OPM) [This includes their Contractors]
 - 5. The Central Intelligence Agency (CIA)
 - 6. The Federal Bureau of Investigation (FBI)
- D. The list of eligible purposes for which we must provide service to these agencies includes:
 - 1. Access to classified information
 - 2. Assignment to or retention in sensitive national security duties
 - 3. Acceptance or retention in the armed forces (i.e., recruiting and reenlistment)
 - 4. Appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the Government or performing a Government contract.

**Note that agencies are also authorized to receive criminal history information when conducting criminal investigations.

- E. Requests for service will generally be submitted on a Records Service Request Form (SO-110). However, requests submitted on other approved forms such as the DD-369 for military recruiters will also be accepted as long as it contains all information needed to process the request.
- F. Agencies that are covered by the SCIA are not required to attach a copy of a signed authorization form (from the subject) to their request forms. Note that they are required to obtain a signature from the person they are conducting the background check on; however, they are not required to provide proof of this to our office.
- G. The following special procedures will apply to Contractors who are employed by SCIA agencies:
 - 1. The contractor will initially provide a copy of the contract or a letter from the covered agency showing that the contractor is authorized to receive criminal history information on behalf of the agency.
 - 2. A copy of the contract or letter will be maintained in our binder.
 - 3. Once the contractor has given us the necessary document(s), they will not be required to provide a new letter until their contract expires.
 - 4. Criminal history information may be given directly to these contractors (as opposed to other private contractors).
- H. The following screens will be run for SCIA requests:
 - 1. RI01 (Records Name Inquiry) / RI02 (Index Summary Display)
 - 2. RI05 (Records Number Index), if RI01 / RI02 does not produce a hit
 - 3. SR31 (Criminal History Summary/Detail), if criminal history is found
 - 4. DA09 (Defendant Name Display),
 - 5. MA09 (Want/Warrant Name Display), if information concerning warrants is requested
 - 6. COPLINK (ARJIS), if information concerning case#, crime reports, etc. is requested
 - 7. MC21/MC22 – if Traffic information is requested.

- I. If no criminal history information is found, a "No Record" letter will be prepared (or if provided, the agency's form will be completed or stamped "No Record Found") and sent to the requestor. The service request form (or a copy of the agency's form) will be filed in the designated filing location.

Note: If only a DA screen is found, include a contact list with the court case # and agency name/phone number.

- J. If criminal history information is found, staff will:
 1. Prepare a "Criminal History" letter (or if provided, the agency's form will be completed) that includes the summarized information.
 2. Complete the CORI electronic tracking log.
 3. Mail, fax, or place letter in pick-up basket, as appropriate, after filing service request form (and/or a copy of the agency's form).

RELEASE OF CORI – FOR OTHER GOVERNMENT/OFFICIAL PURPOSES:

- A. The Department of Justice's "California Criminal Offender Record Information Authorized Agencies List" and Penal Code 13300 shall be referred to in determining other government agencies that are authorized to receive criminal history information.
- B. Requests from agencies that are not listed in the above publications or that do not cite another statute or law that authorizes access to criminal history information will be rejected, as they have not demonstrated the "right to know." The returned rejection letter should state that the agency is not on the authorized agencies list and should be directed to contact the Department of Justice or to provide us with the specific statute that authorizes them to receive criminal history information.
- C. Agencies must still demonstrate a "need to know" by citing an official basis for needing the information. This should be as specific as possible (i.e., specific case #, case type, etc.) versus a generic term such as "investigation."
 1. Staff will contact the requesting agency for additional information for requests that contain incomplete information.
 2. Staff will reject the request in cases where the "need to know" cannot be determined or verified. The returned rejection letter should state that criminal history will not be provided until/unless the agency can show proper justification.
- D. Note that Penal Code 13300 provides several limitations that affect what information may be released to specific agencies. For example, criminal history information may be

released to Cities and Counties only if their City Counsel or Board of Supervisor has specifically approved the release. Other agencies can receive information only for specific cited purposes (i.e., a public defender or attorney of record can receive information “*when representing a person in proceedings upon a petition for a certificate of rehabilitation and pardon*” or “*when representing a person in a criminal case and when authorized by statutory or decisional law.*”).

- E. It is the policy of this Division that a request for criminal information from agencies that are able to demonstrate the “need to know” and “right to know” for the purposes covered in this section shall be given:
1. If the request involves an official investigation, provide all available local criminal history information along with the disposition.
 2. If the request involves an agency that has limitations placed on what information it can receive, provide information in accordance with the provisions of the appropriate statute that applies. For instance, if a County Board of Supervisors approves a resolution that states that their departments may receive only conviction information for felony and sex related crimes, then that is the only information that we would screen for and provide.
- F. Requests for service will generally be submitted on a Records Service Request Form (SO-110). However, requests submitted on other approved forms will also be accepted as long as it contains all information needed to process the request.
- G. The following screens will be run for government agency (excluding law enforcement) requests:
1. RI01 (Records Name Inquiry) / RI02 (Index Summary Display)
 2. RI05 (Records Number Index), if RI01 / RI02 does not produce a hit
 3. SR31 (Criminal History Summary/Detail), if criminal history is found
 4. DA09 (Defendant Name Display),
- H. If no criminal history information is found, a “No Record” letter will be prepared (or if provided, the agency’s form will be completed or stamped "No Record Found") and sent to the requestor. The service request form (and/or a copy of the agency’s form) will be filed in the designated filing location.
- Note: If only a DA screen is found, include a contact list with the court case # and agency name/phone number.
- I. If criminal history information is found, staff will:

1. Screen the entries and summarize the information for charges that resulted in both conviction and non-conviction, if for an official investigation, or provide in accordance with the governing board's directive if for a City/County agency, etc.
2. If disposition is not readily available, employees will run appropriate DA screens in order to determine disposition.
3. Prepare a "Criminal History" letter (or if provided, the agency's form will be completed) that includes the summarized information gathered in steps 1 and 2 above.
4. Complete the CORI electronic tracking log.
5. Mail, fax, or place letter in pick-up basket, as appropriate, after filing service request form (and/or a copy of the agency's form).

RELEASE OF CORI – FOR SUBJECT (OR THEIR REPRESENTATIVE):

- A. Pursuant to 13300 (b)(11) of the Penal Code, local law enforcement agencies shall furnish local summary criminal history information to the "*subject of the local summary criminal history information.*"
- B. Pursuant to 13300 (c)(8) of the Penal Code, local law enforcement agencies may furnish local summary criminal history information to "*any individual who is the subject of the record requested when needed in conjunction with an application to enter the United States or any foreign nation.*"
- C. Pursuant to 13323 of the Penal Code, "*When an application is received by the agency, the agency shall upon verification of the applicant's identity determine whether a record pertaining to the applicant is maintained. If such record is maintained, the agency shall at its discretion either inform the applicant by mail of the existence of the record and specify a time when the record may be examined at a suitable facility of the agency or shall mail the subject a copy of the record.*"
- D. Pursuant to 13326 of the Penal Code, "*No person shall require an employee or prospective employee to obtain a copy of a record or notification that a record exists as provided in Section 13323. A violation of this section is a misdemeanor.*"
- E. Based on the above provisions, it is the policy of this Division that a request for criminal information from the subject of the criminal history shall be given as follows:
 1. Provide all available local criminal history information including charges that resulted in conviction and non-conviction.
 2. Information will be released whether disposition information is available or not.

- F. A \$14.00 fee must be submitted by the subject for all requests for criminal history.
- G. A photocopy of a government issued photo ID card (i.e., Driver's License, Military ID, Passport, etc.) must be submitted by the subject for all requests for criminal history. For a detailed listing of acceptable forms of identification, see the instructions provided on pages 24-26.
- H. Information will be released to the representative (lawyer, family member, etc.) of a subject only if the following conditions are met:
1. For a legal representative such as the subject's lawyer or law firm, either a signed authorization form from the subject, or an official, signed letter from the attorney or law firm attesting to the fact that they have been retained to represent the subject. (Personal identification is not needed).
 2. For a personal representative such as a family member or friend, a signed authorization form from the subject must be submitted. Additionally, a photocopy of both the subject's and the representative's photo ID card must accompany the request.
 3. For a formal representative such as a government or business representative, a signed authorization form from the subject must be submitted. For these requests, we shall also screen for an indication of the representative's official capacity (i.e., submitted on official letterhead paper, etc.). (Note: a signed authorization form from the subject is not required when the agency is conducting an official sanctioned investigation against the subject.
 4. Note that criminal information will not be released when it is obvious that the representative is an employer / potential employer who is requesting the information in violation of Penal Code 13326.
- I. Requests for service will generally be submitted on a Records Service Request Form (SO-110). However, requests submitted on other forms or in letter format will also be accepted as long as it contains all information needed to process the request.
- J. The following screens will be run for requests that are for the subject:
1. RI01 (Records Name Inquiry) / RI02 (Index Summary Display)
 2. RI05 (Records Number Index), if RI01 / RI02 does not produce a hit
 3. SR31 (Criminal History Summary/Detail), if criminal history is found
 4. DA09 (Defendant Name Display),

5. **MA09 (Want/Warrant Name Display)**, used to determine whether an active warrant is out on subject.

K. If an active felony warrant or bookable misdemeanor warrant is found, prepare a letter advising subject that CORI will not be released until the warrant has been cleared. If no warrant is found or if a non-bookable misdemeanor warrant is found, proceed with the steps below.

L. If no criminal history information is found, a "No Record" letter will be prepared and returned to the requestor. The service request form will be filed in the designated filing location.

M. If criminal history information is found, staff will:

1. Screen the entries and summarize the information for charges that resulted in both conviction and non-conviction.
2. If disposition is not readily available, employees will run appropriate DA screens in order to determine disposition.
3. Prepare a "Criminal History" letter that includes the summarized information gathered in steps 1 and 2 above.
4. Complete the CORI electronic tracking log.
5. Mail, fax, or place letter in pick-up basket, as appropriate, after filing service request form and copy of Record Letter.

RELEASE OF CORI – FOR BAIL AGENT OR BAIL BOND LICENSEE:

A. Pursuant to 11105.6 of the Penal Code, "*Upon the request of a licensed bail agent or bail bond licensee...a local law enforcement agency may furnish*":

1. *Individual's known aliases*
2. *Booking photograph*
3. *Information identifying whether the individual has been convicted of any violent felony, which Penal Code 667.5(c) defines as follows:*
 - *Murder or voluntary manslaughter*
 - *Mayhem*
 - *Rape, as defined in PC 261(a)(2), 261(a)(6), 262(a)(1), or 262(a)(4)*
 - *Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.*

- *Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.*
 - *Lewd acts on a child under the age of 14 as defined in PC 288*
 - *Any felony punishable by death or imprisonment in the state prison for life*
 - *Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved....or any felony in which the defendant uses a firearm which has been charged and proved...*
 - *Any robbery*
 - *Arson, in violation of PC 451(a) or (b)*
 - *The offense defined in PC 289(a) where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.*
 - *Attempted murder*
 - *A violation of PC 12308, 12309, or 12310*
 - *Kidnapping*
 - *Assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of PC 220*
 - *Continuous sexual abuse of a child, in violation of PC 288.5*
 - *Carjacking, as defined in PC 215(a)*
 - *A violation of PC 264.1*
 - *Extortion as defined in PC 518, which would constitute a felony violation of PC 186.22*
 - *Threats to victims or witnesses, as defined in PC 136.1, which would constitute a felony violation of PC 186.22*
 - *Any burglary of the 1st degree, as defined in PC 460(a), wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary*
 - *Any violation of PC 12022.53*
 - *A violation of PC 11418 (b) or (c)*
4. *An unaltered copy of the booking and property record, excluding any medical information. Note. For pre-JIMS arrests, a copy of the booking and property record will be provided. If after JIMS, then the "History of Inmate" screen will be printed showing only the information for the related booking.*

B. The above information can be released to the agent or licensee if all of the following circumstances exist:

1. The information is from the record of a person for whom a bench warrant has been issued, or for whom a bail forfeiture has been ordered.
2. The person described above is a client of the agent or licensee.
3. The agent or licensee pays to the law enforcement agency a fee equal to the cost of providing the information. (Current fee is \$14.00)

4. Any information obtained pursuant to this section is confidential and the recipient bail agent or bail bond licensee shall not disclose its contents, other than for the purpose for which it was acquired. A violation of this subdivision is a misdemeanor.
- C. All requests for service will be submitted on Records Service Request Form (SO-110).
- D. All requests will be screened to verify that:
1. A bench warrant or bail forfeiture (see sample – page 33) has been issued on the subject.
 2. The agent or licensee presents paperwork verifying that the subject is their client.
- E. The following screens will be run for requests from bail agents or bail bond licensees:
1. RI01 (Records Name Inquiry) / RI02 (Index Summary Display)
 2. RI05 (Records Number Index), if RI01 / RI02 does not produce a hit
 3. SR31 (Criminal History Summary/Update), if criminal history is found
 4. DA09 (Defendant Name Display),
 5. MA09 (Want/Warrant Name Display) - to verify whether a bench warrant or bail forfeiture has been issued
- F. After running the criminal history, staff will:
1. Screen the entries and summarize the information for previous history that included convictions for “violent” felonies as described in Section A-3.
 2. If disposition is not readily available, employees will run appropriate DA screens in order to determine disposition.
 3. Prepare a “Criminal History” letter that includes only “violent” felonies that ended in conviction, and the current charges that the subject bailed out on.
 4. From the Mug Shot System, print out a copy of the booking mug shot pertaining to the related booking number. Print out the JIMS information sheet under “View Current Charges” for the related booking number only, this will show information such as SMK’s, AKA’s, and booking charges.
 5. Complete the CORI electronic tracking log.

6. Mail, fax, or place letter in pick-up basket, as appropriate, after filing service request form and all copies.

RELEASE OF CORI – FOR PRIVATE CONTRACTORS (EXCEPT OPM OR SCIA COVERED CONTRACTORS):

- A. In accordance with guidelines that have been established by the California Department of Justice, criminal history information will not be provided directly to private contractors acting as agents for other agencies. However, note that this provision does not apply to contractors that are employed by federal agencies (OPM, DOD, etc.) requesting information in accordance with the Security Clearance Information Act (SCIA).
- B. Despite the provision above, it is possible to process requests on behalf of a private contractor if the criminal history information will be mailed directly to an authorized agency who has retained the private contractor's services, and if the following conditions are met:
 1. The agency that employs the private contractor is authorized to receive criminal history information in their own right. This can be verified by referring to Penal Code 13300 or the Department of Justice's "California Criminal Offender Record Information Authorized Agencies List."
 2. The private contractor has submitted a copy of the contract that establishes the relationship between the authorized agency and the contractor. As an alternate method, a letter may be submitted directly from the authorized agency stating that the private contractor is authorized to submit requests on their behalf. A copy of the contract or letter will be kept on file within a designated Booking Section binder.
 3. The request package that is submitted by the private contractor contains all documents (i.e., completed request form, signed authorization form from subject, etc.) that would be required from the authorized agency if they were submitting the request themselves.
 4. The return mailing address that is provided by the private contractor is the official mailing address for the authorized agency that they represent. This address should be verified when the private contractor initially brings in documentation that establishes their relationship with the authorized agency. If the address is not listed on the documentation, then staff should contact the agency directly to verify the mailing address. The address should thereafter be filed in the same binder with the copy of the contract.
- C. If all of the above provisions are met, then the private contractor's requests will be processed in accordance with the same instructions that would apply if the authorized agency had submitted the requests themselves (i.e., provide only conviction info for non

peace officer employment, etc.). Staff should refer to the appropriate section in this P&P for help in processing these requests.

CORI SECURITY AND RECORDS DESTRUCTION:

- A. All criminal offender record information shall be stored in secure designated areas of the Division. Criminal history information will not be placed in desk drawers, lockers, or other personal storage areas.
- B. Access to files will be restricted to personnel authorized to release criminal offender record information.
- C. Unauthorized persons shall not be allowed to view criminal history information contained on hard copies of records or located on computer screens.
- D. Employees who are no longer in need of criminal offender record information shall be responsible for destroying duplicate copies of criminal history documents by placing the document in the appropriate shred bins. In no case, will criminal history related information be placed in regular trash cans or bins.
- E. Original criminal history records will be maintained and purged in accordance with the Division's formal retention policy.

ACCEPTABLE FORMS OF PERSONAL IDENTIFICATION

- A. **Primary Identification** - Members of the public will have to positively identify themselves before we can provide them with certain services (criminal history checks, crime report copy requests, etc.). The preferred form of identification will be a government issued photo ID card. All identification must be current and valid (however, we will accept if card has expired within one year of the expiration date). The list of acceptable cards include the following:
 - 1. State Issued Driver's License
 - 2. State Issued Identification Card (if the state's identification card standards are the same as for the driver's license)
 - 3. Federal Issued Government Identification Card
 - 4. US Military Identification
 - 5. US Passport

6. Foreign Passport Stamped "Processed for I-551", or Accompanied by Valid I-94 Form
7. US Immigration Issued Identification (Border Crossing Cards, Resident Alien Cards, etc.)
8. Certificate of Naturalization (Form N-550) (issued after 10/25/10 by the U.S. Citizenship and Immigration Services)
9. Matricula Consular Card (issued after 04/22/02 by the Consul General of Mexico)

B. **Secondary Identification** - If the subject does not possess a government issued photo ID card, he/she may present one of the items from the "Secondary Identification List" **IF** he/she also presents at least two (2) separate items from the "Supporting Documents List" below. For example, if a birth certificate is accompanied by a voter registration card and a pay stub, it would be acceptable. However, if the birth certificate was accompanied by two monthly mortgage statements, that would not be enough (i.e., the person would still need to provide an additional item from the "Supporting Documents List").

Secondary Identification List*

1. State Issued Birth Certificate
2. Government Issued Marriage Certificate
3. Social Security Card

*Note that these items will not serve as valid ID unless also accompanied by at least two (2) separate items from the "Supporting Documents List" below.

Supporting Documents List**

1. Utility Bill (must show name and address)
2. Voter Registration Card
3. Vehicle Registration Card/Title
4. Paycheck Stub
5. Public Assistance Card
6. Cancelled Check or Bank Statement
7. Mortgage Documents

**Note that each of these items must show the subject's name

- C. If the subject presents an identification card that has expired over one year ago, he/she would either have to take steps to renew the card, or present two items from the "Supporting Documents List" above before receiving service. Note that any discrepancies in the name that the subject presents and that which is listed on the ID must be reconciled with appropriate documentation (marriage certificate, court order for name change/gender change/adoption/divorce, etc.).



**San Diego County
SHERIFF'S DEPARTMENT**

RECORDS SERVICE REQUEST FORM
PO Box 939062, San Diego, CA 92193-9062

California Penal Code sections 13300 through 13326 authorize the release of local summary criminal history information to the subject of the criminal history, and to other authorized persons and agencies under specified conditions. Local summary criminal history refers only to those arrests compiled by the San Diego County Sheriff. Government Code 6254(f) provides a list of authorized persons who are authorized to receive information from law enforcement police records. Applicable fees, if any, will be paid before any information is released.

**THE FOLLOWING INFORMATION IS NECESSARY TO PROCESS YOUR REQUEST
(PLEASE PRINT)**

REQUESTOR'S IDENTIFYING INFORMATION	
REQUESTOR'S NAME:	AGENCY:
ADDRESS:	
TELEPHONE #:	FAX #:
DRIVERS LICENSE OR ID#:	EXPIRATION DATE:
REASON FOR REQUEST:	
REQUESTOR'S CLASSIFICATION (CHECK ONE)	
SUBJECT: <input type="checkbox"/>	LEGAL REP. OF SUBJECT/VICTIM: <input type="checkbox"/>
VICTIM: <input type="checkbox"/>	PARTY INVOLVED IN ACCIDENT: <input type="checkbox"/>
WITNESS: <input type="checkbox"/>	OWNER OF DAMAGED PROPERTY: <input type="checkbox"/>
INSURANCE COMPANY: <input type="checkbox"/>	BAIL BONDSMAN: <input type="checkbox"/>
LAW ENFORCEMENT AGENCY: <input type="checkbox"/>	GOV'T AGENCY: <input type="checkbox"/>
OTHER: <input type="checkbox"/>	
SUBJECT/CASE INFORMATION (*May write "Same" if the subject and requestor are the same person)	
SUBJECT NAME*:	ALIAS/MAIDEN NAME:
DOB/AGE:	SSN#:
MALE: <input type="checkbox"/> FEMALE: <input type="checkbox"/>	DRIVERS LICENSE#:
BOOKING #:	CASE #:
ARRESTING AGENCY:	OCCURRENCE DATE:
SERVICE OPTIONS (CHECK THE BOX THAT APPLIES)	
LOCAL CRIMINAL HISTORY REQUEST <input type="checkbox"/>	CASE COPY REQUEST <input type="checkbox"/>
IN CUSTODY LETTER <input type="checkbox"/> OTHER <input type="checkbox"/>	REPO RECEIPT <input type="checkbox"/>
DELIVERY OPTIONS (CHECK THE BOX THAT APPLIES) (NOTE THAT REQUESTS WILL NORMALLY BE PROCESSED WITHIN 10 CALENDAR DAYS)	
PICK UP: <input type="checkbox"/>	MAIL TO ABOVE ADDRESS: <input type="checkbox"/>
SEND TO ABOVE FAX#: <input type="checkbox"/>	SEND TO:

I DECLARE UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT:

SIGNATURE OF REQUESTOR _____ DATE _____

SHERIFF'S DEPARTMENT PERSONNEL USE ONLY	
FEE COLLECTED:	CHECK: <input type="checkbox"/> CASH: <input type="checkbox"/> MO: <input type="checkbox"/> DEBIT: <input type="checkbox"/> CREDIT: <input type="checkbox"/>
INFO RELEASED: NONE: <input type="checkbox"/> CRIMINAL HISTORY: <input type="checkbox"/> ARREST RPT: <input type="checkbox"/> CRIME RPT: <input type="checkbox"/> VEHICLE RPT: <input type="checkbox"/> TRAFFIC ACCIDENT RPT: <input type="checkbox"/> OTHER: <input type="checkbox"/>	CREDIT CARD #: _____ EXP DATE: ____/____ Security Code# _____ PHONE TRANSACTION: YES <input type="checkbox"/> NO <input type="checkbox"/>
RECEIVED BY INITIALS/ARJIS #:	COMMENT:
COMPLETED BY (NAME/ARJIS #/UNIT):	DATE COMPLETED:

SO-110 (Rev. 05/15)

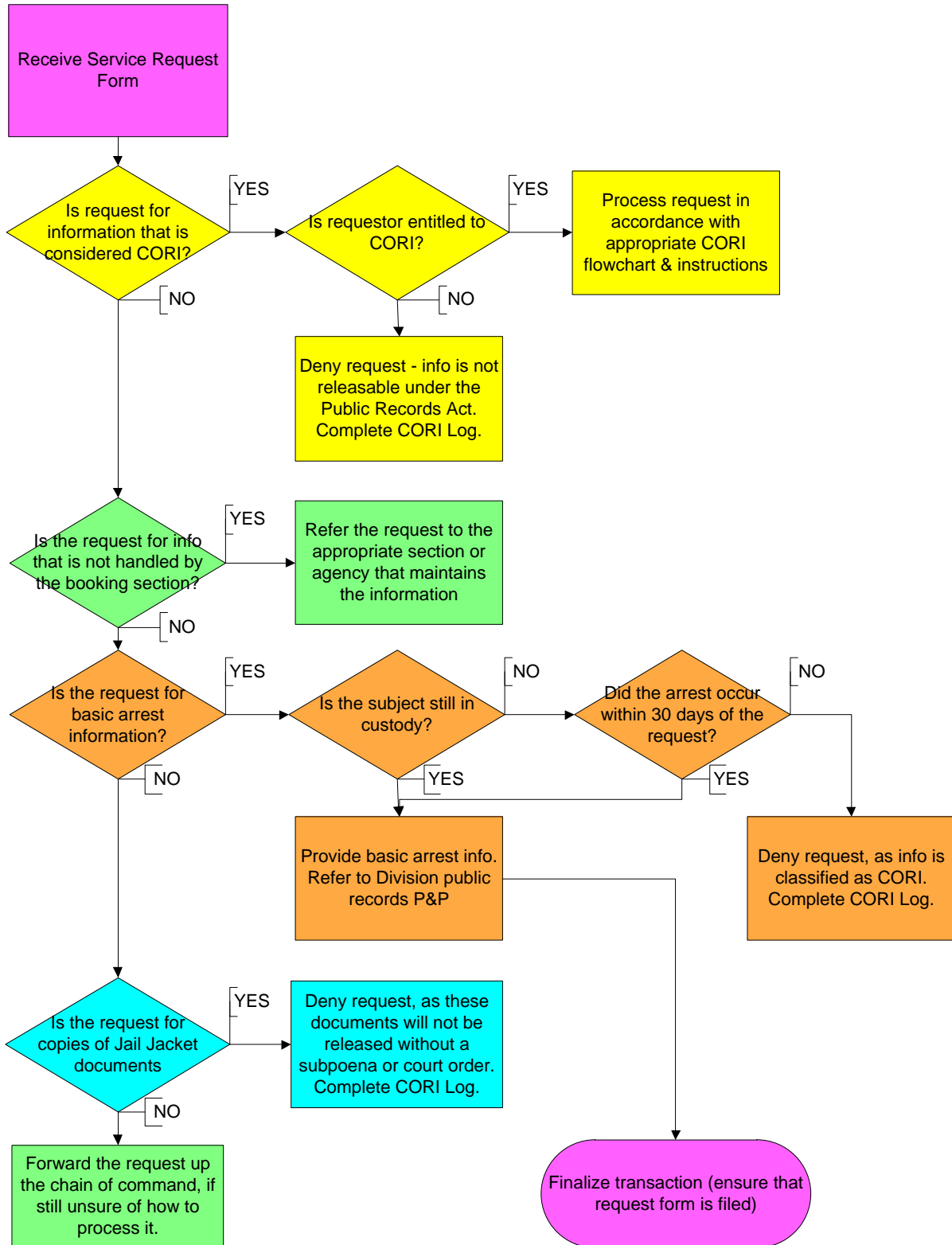
MS-041

SAMPLE – SERVICE REQUEST FORM

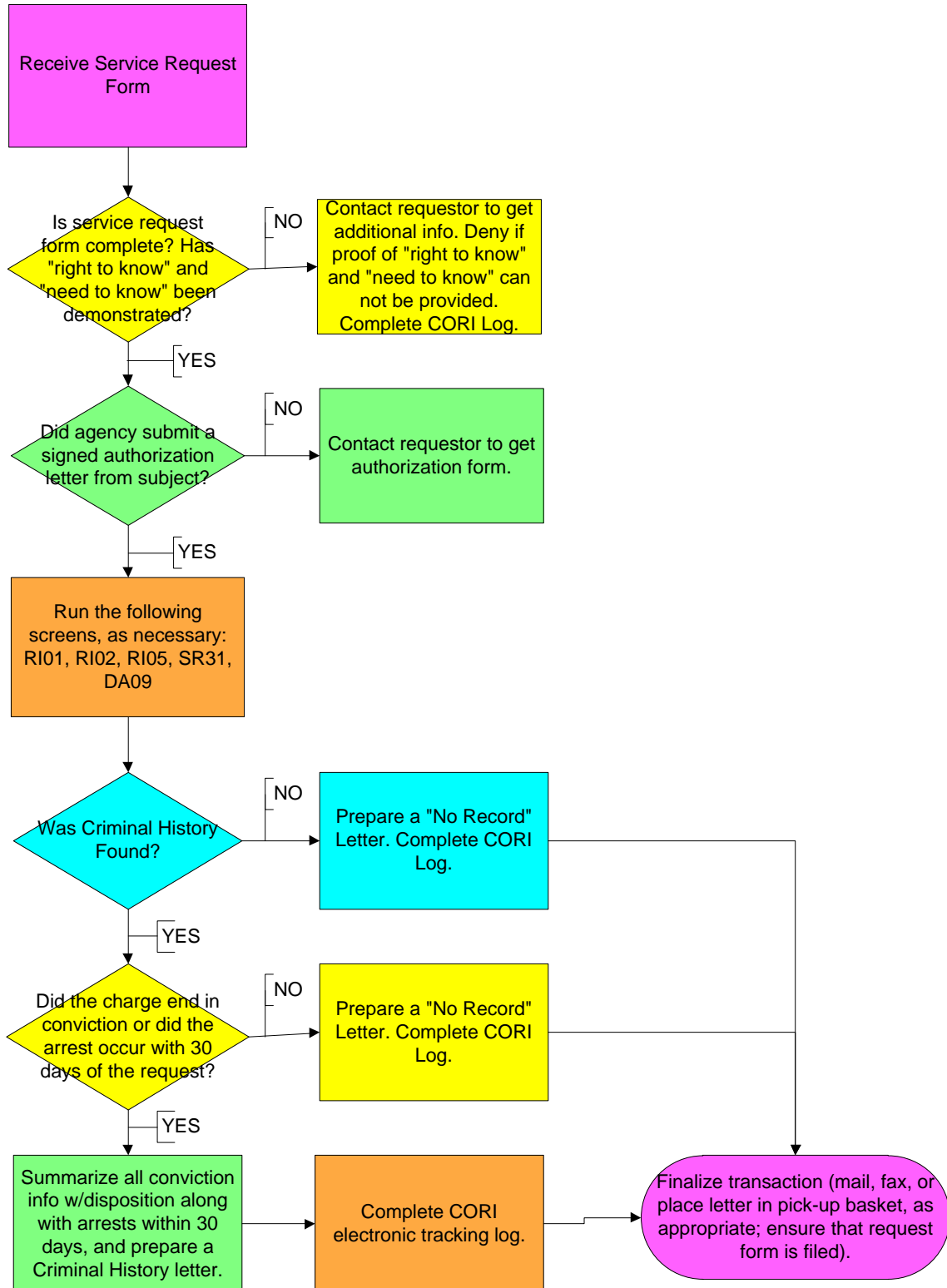
#1 - Master Criminal History Flow Chart



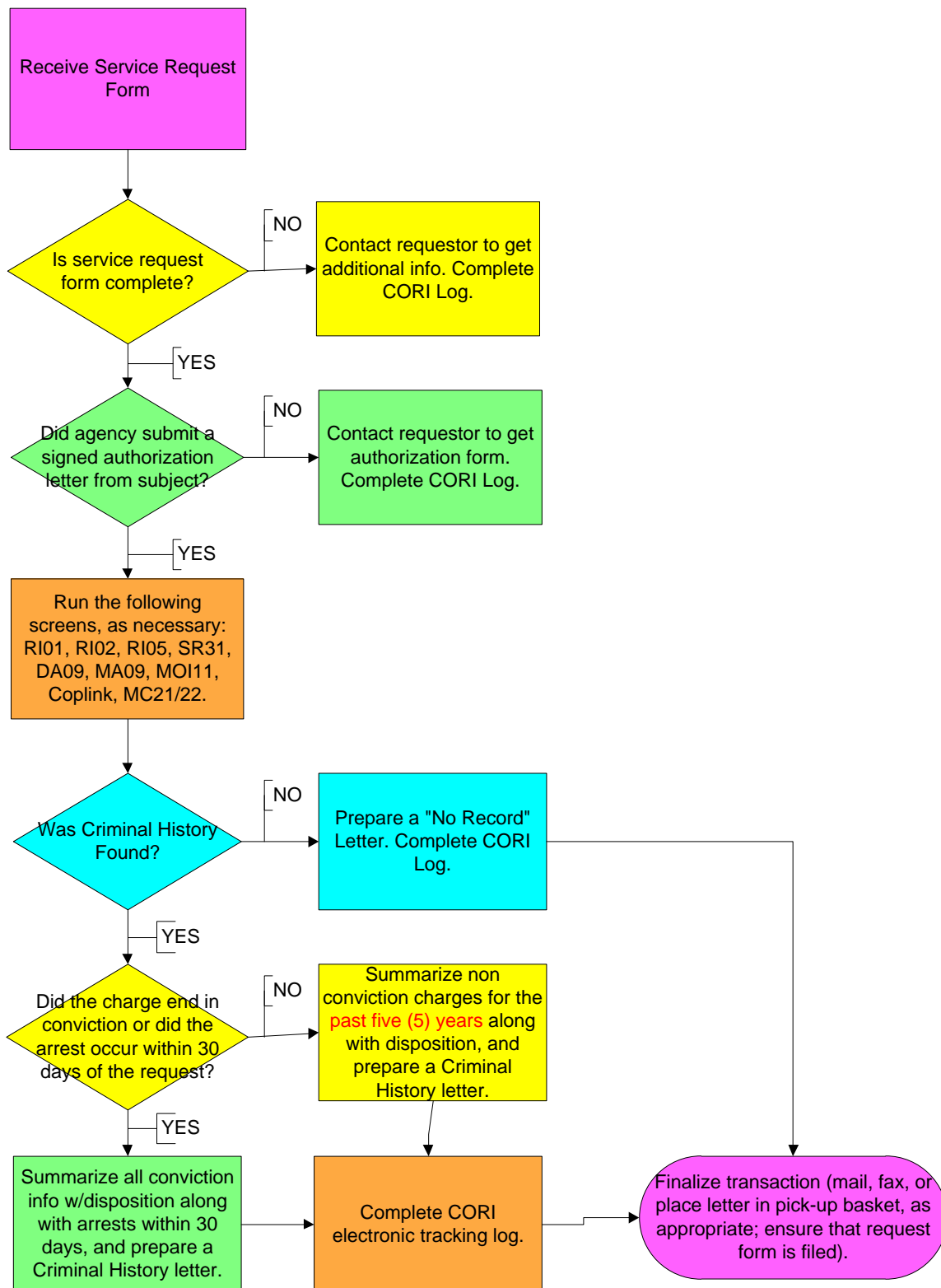
#2 - Public Records Act (PRA) - Flow Chart



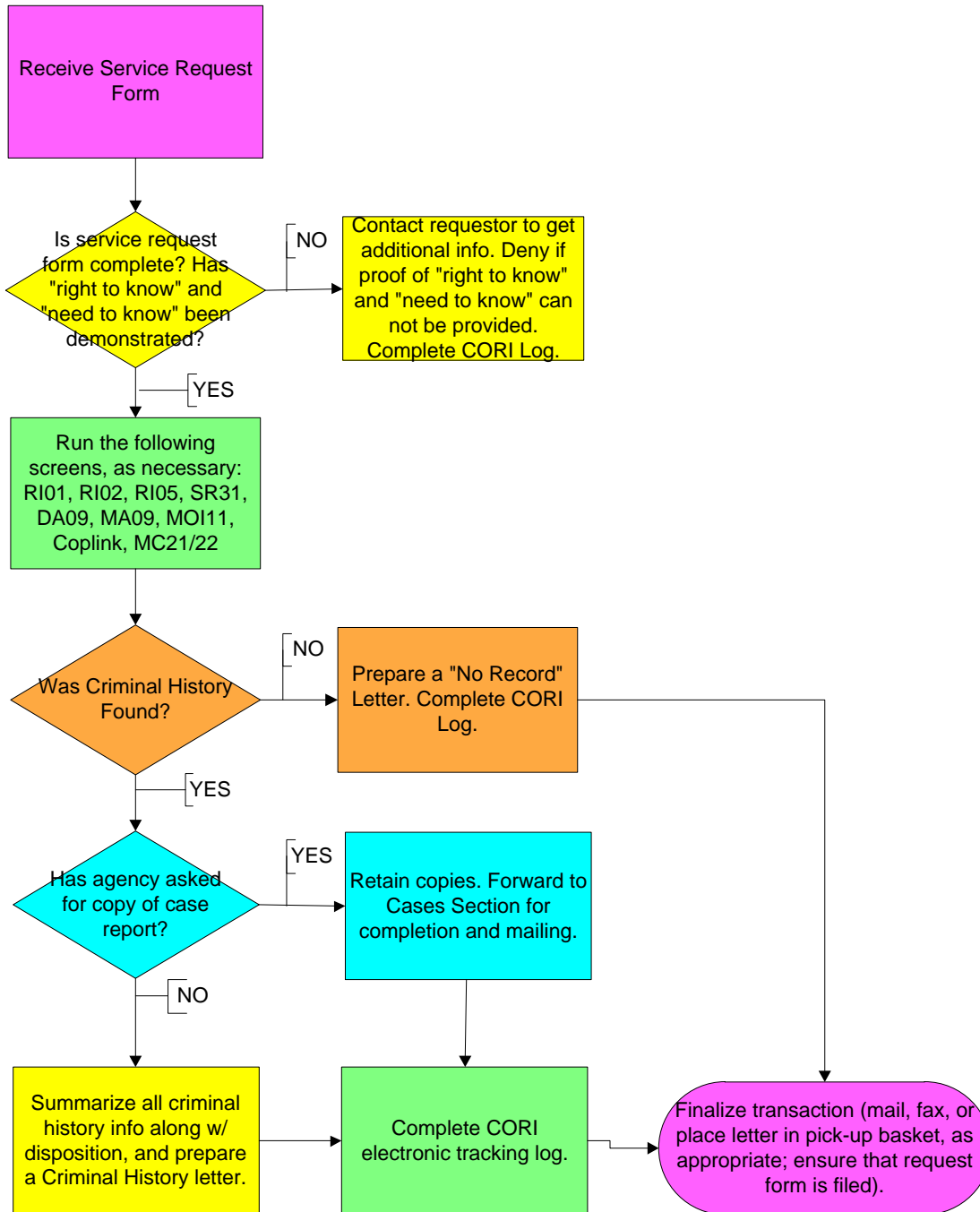
#3 - Employment (excluding peace officer), Licensing, or Certification Purposes - Flow Chart



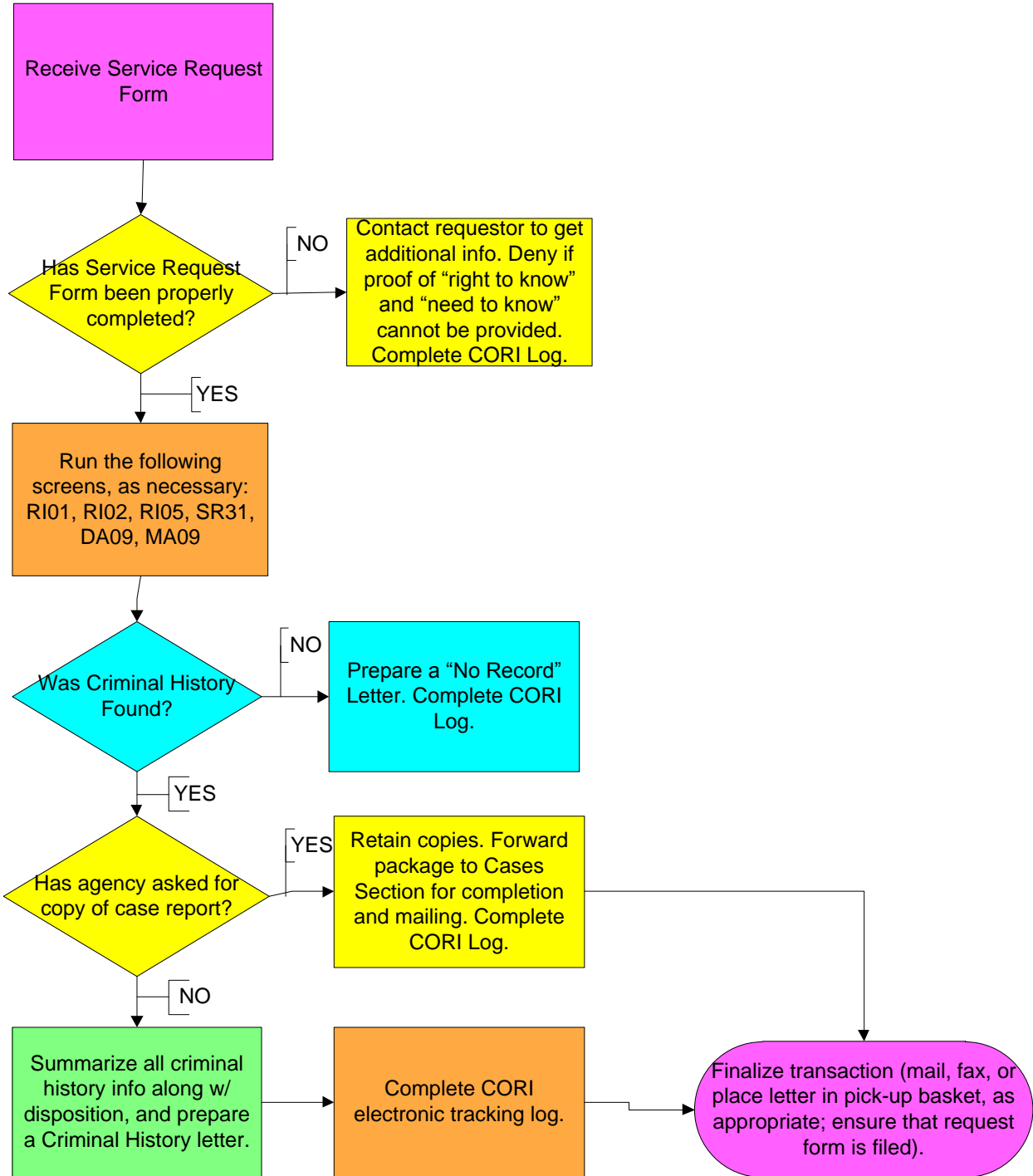
#4 - Peace Officer Employment - Flow Chart



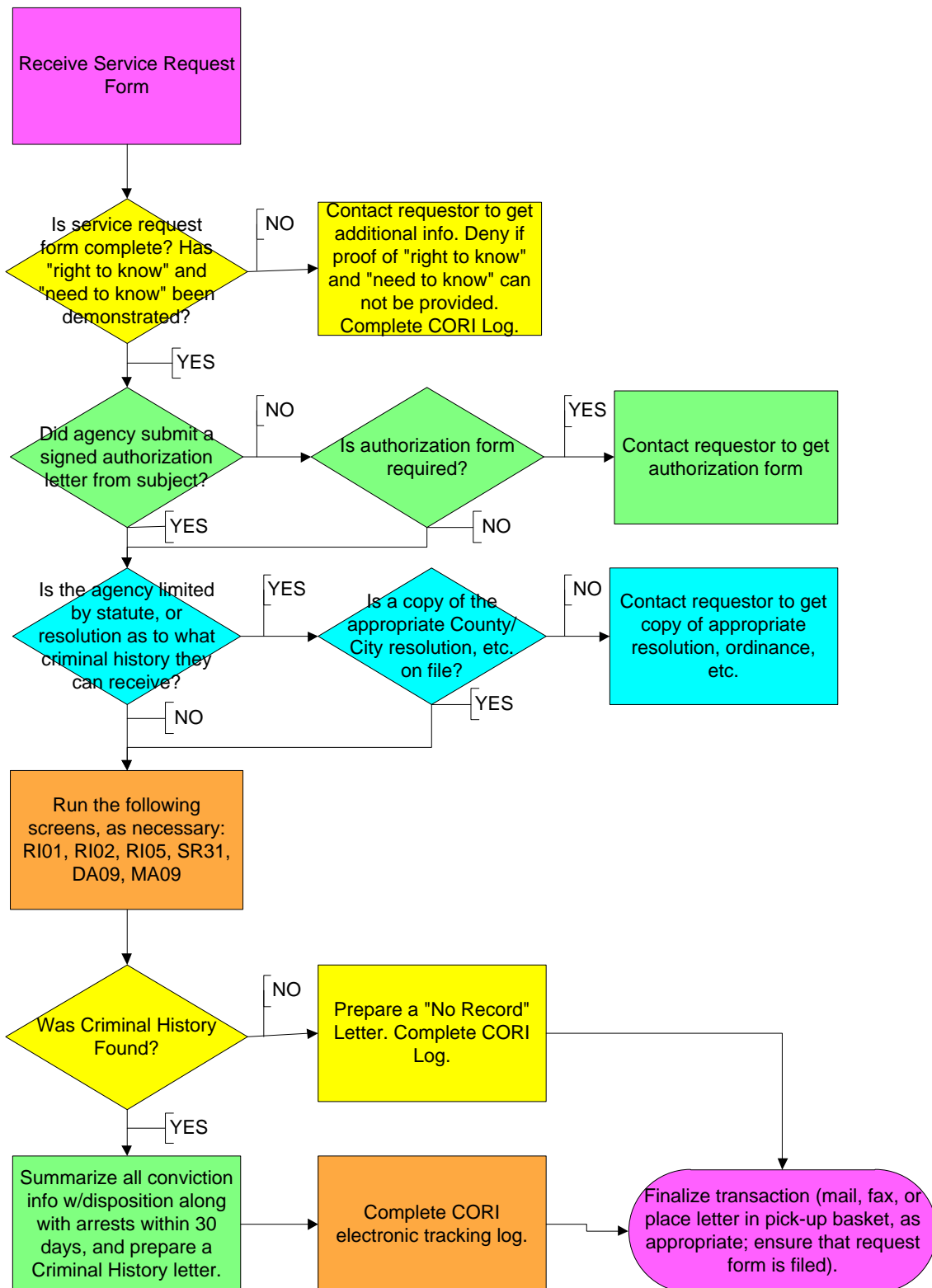
#5 - Law Enforcement (non employment) Official Purposes - Flow Chart



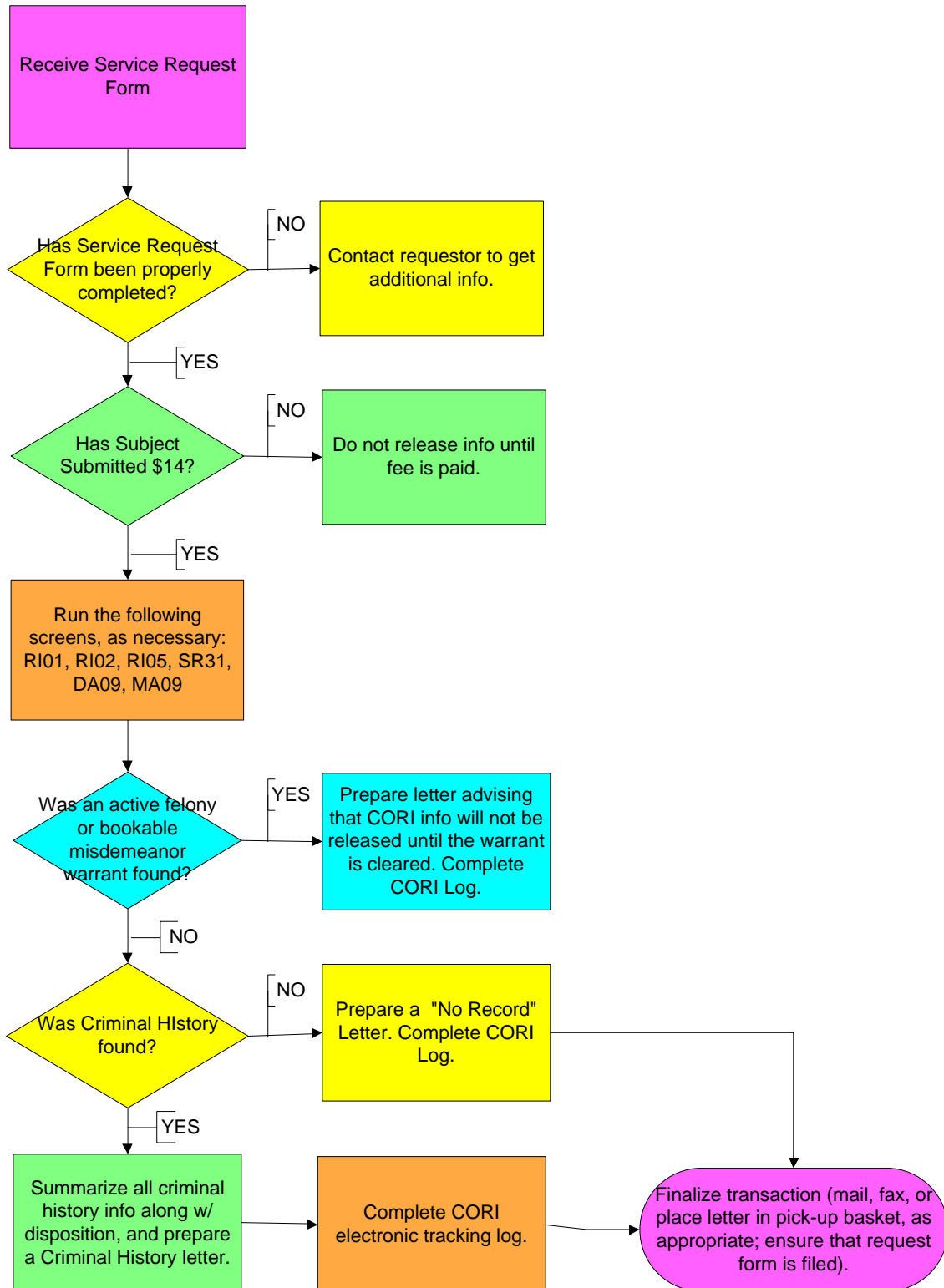
#6 – Security Clearance Information Act (SCIA) Purposes - Flow Chart



#7 - Other Government/Official Purposes – Flow Chart



#8 - Request from Subject - Flow Chart



#9 - Bail Bond / Bail Bond Licensee - Flow Chart

