San Diego County Sheriff

Training Bulletin

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Computer and Records Access

Right to Know vs. Need to Know

This training bulletin addresses the policies, procedures, and statutes applicable to all Sheriff's Department local and network computer systems.

Computer system users may not "snoop" in case folders or databases to satisfy their curiosity, or the curiosity of a friend, relative or employee. Some individuals have conducted records checks, searched case reports, and reviewed related documents merely because of the person involved, or the publicity of an event. This is not allowed.

P&P section 7.6 - Use of CLETS/NCIC/ARJIS and Local Information:
No employee of this Department (sworn or professional staff or volunteer) shall use any computerized informational source for anything other than the performance of official duties. This applies but is not limited to, all computerized Departmental Systems, CLETS/NCIC (SDLaw/eSUN), ARJIS, CAD, Local Systems, JIMS, and NetRMS.

P&P section 6.24 defines "Right to Know" and "Need to Know":
"Right to Know" means the right to obtain criminal offender record information pursuant to court order, statute, or decisional law.

"Need to Know" means the necessity to obtain criminal offender record information, or any computerized information, in order to execute official responsibilities. "Official responsibilities" are those sanctioned by the Sheriff's Department pursuant to a criminal or administrative investigation.

While a person may have the right to access confidential information, he/she may not have the need to know the information unless it is for an official sheriff investigation which he/she is handling or assisting. The determination whether someone has an official duty or responsibility to view reports, records, data, images, etc. is based on the right to know and the need to know.

If you are not involved in an investigation in an official capacity, you should not be the person accessing computerized data or reports. You should not access databases or records for the sole purpose of reviewing the information.

Right to Know vs. Need to Know

Scenarios:

Your academy mate asks you to conduct a computer/records check on an individual currently in the Sheriff's Department custody. Your immediate questions should be: "Is this for a legitimate Law Enforcement purpose" and "What is the case number or event number of your investigation?" Your academy mate is curious as to the charges for which someone (a friend or relative maybe) was arrested. In this scenario, you and your academy mate lack the Right to Know. If you access the information without a reason to know, you are in violation of the P&P, and you could be subject to an IA investigation and/or disciplinary action.

A narcotics detective calls you, informs you that he is currently on "rolling surveillance" and needs the vehicle and registered owner information for a license plate number. The detective says he needs the information quickly to conduct his investigation. In this scenario, the detective provided an apparent legitimate reason that he needs to know the information. You can justify your actions in running the search and providing the information to the detective. In the event you are later questioned in a criminal or administrative investigation, you can explain your actions.

Use good judgment!

Penal code section 502 provides detailed restrictions on accessing data information systems or misusing the information, and provides punishment for violating this section. There are penalties for improper use of data information systems.

References:
1. Department Policy & Procedures 2.36
2. Department Policy & Procedures 2.37
3. Department Policy & Procedures 6.24
4. Department Policy & Procedures 7.6
5. Penal Code section 502
6. Penal Code section 11075
7. Penal Code sections 11140-11144
8. Government Code sections 15153, 15163 and 15165

This training bulletin was created by the San Diego County Sheriff's NetRMS Team and updated by Internal Affairs. 2/17