

Cobb County Police Department

Policy 3.19

CRIMINAL HISTORY RECORDS

<b>Effective Date:</b> May 1, 2016
<b>Rescinds:</b> Policy 3.09 “Criminal History Records” (January 9, 2011)
<b>Related Orders:</b> Code of Conduct
<b>Issued By:</b> Chief J.R. Houser <span style="float: right;"><b>Page 1 of 4</b></span>
The words “he, his, him,” which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.

The purpose of this policy is to provide guidelines for the release of Criminal History (CHRI), Driver’s History, or Vehicle Registration information as required by Federal and State regulations and laws. Copies of the CJIS Network Policy Manual will be kept by each precinct/unit of the Department in a conspicuous location and accessible to all personnel. This policy applies to all sworn and non-sworn personnel.

**I. RECORD DESCRIPTION AND STORAGE**

Criminal History Record Information (CHRI), Driver’s License Registration and History (DH), and Vehicle Registration records are retrieved electronically by the Department. Other records pertinent to the arrest, book-in, and detention of individuals are maintained by the Cobb County Sheriff’s Department.

**II. METHODS OF CRIMINAL HISTORY RECORD INFORMATION (CHRI) DISSEMINATION TO OTHER CRIMINAL JUSTICE AGENCIES:**

**A.** Records will not be released or made available to any individual not authorized to receive or access information.

**B. Authorized Methods**

1. Face to Face
2. Mail

**C. Unauthorized Method**

Radio (only code warnings may be given)

**D. Inquiries**

1. All public inquiries concerning the release of Criminal History Record Information should be directed to the Central Records Unit.

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2. Police officers shall only access Purpose Codes C (Administration Criminal), F (Records Checks on Persons Pawning Firearms), or H (Public Housing). All required information must be entered in order to access the requested information.
  - a. The attention (ATN) field must contain both the name of the actual requestor (of the information) as well as the full name of the terminal operator.
  - b. In the agency reference number (ARN) field, there must be a Cobb PD case number, IA case number, or MCS/OCA case number. This number must be complete with five or more digits.

Examples:

#### **IQ Criminal History Search**

ORI \_\_\_\_\_ DRI \_\_\_\_\_ CTL  
PUR C ATN Ofc. Smith/Jane Doe or Jane Doe/Jane Doe  
ARN: COBB PD 03012345 or IA0301234 or N030123  
Name Record, Paul Unique  
DOB 19540710 Sex M Race W SS# (optional)

#### **FQ Full Criminal History**

ORI \_\_\_\_\_ DRI \_\_\_\_\_ CTL  
PUR C ATN Ofc. Smith/Jane Doe or Jane Doe/Jane Doe  
SID \_\_\_\_\_ FBI \_\_\_\_\_ \*FPS

\*Canada Only

### III. HOT FILES RECORDS

Hot files records are defined as records of wanted persons, missing persons, unidentified deceased persons, stolen vehicles (including parts, license plates, boat trailers), stolen guns, stolen articles, stolen boats, and stolen securities.

- A. By order of the FBI CJIS Security Policy the commercial sale and dissemination of these files is prohibited to include:
  1. The advertising of services providing “hot file data for dollars”; and
  2. Commercial requests for bulk hot files data.
- B. The access and dissemination of hot file data is limited only to authorized criminal justice requests for authorized criminal justice purposes. Requests for hot file checks only, not associated with a criminal history record check, are prohibited for non-criminal justice purposes.

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- C. If hot file information is received in conjunction with a non-criminal justice employment criminal history record check, employees can only confirm that the person may be wanted and will refer the requestor to the law enforcement agency that entered the wanted person information.

#### **IV. METHODS OF DRIVER'S LICENSE REGISTRATION AND HISTORY (DH) DISSEMINATION:**

The Police Department shall not release Driver's License Registration and History (DH) information to individuals outside this Department. Information obtained is for Departmental investigative use only. Public inquiries should be directed to the Georgia State Patrol Driver's License Bureau.

#### **V. MOTOR VEHICLE REGISTRATION (MVR) RECORDS**

Motor vehicle registration records maintained under Code section 40-2-130(c) are exempted from the provisions of any law of this State requiring that such records be open for public inspection. All inquiries for such information should be directed to the Cobb County Tag Office except for the following:

- A. Law enforcement officer, prosecutors, or court officials for official law enforcement investigations.
- B. Individual or authorized agent of an individual involved in a traffic crash, including passenger or pedestrian, with proof of offense or involvement.
- C. Wrecker operators and impound lot owners for the purpose of inventory and storage clearance.

#### **VI. RECORD DESTRUCTION**

All computer printouts containing CHRI/DH information will be destroyed by shredding. Upon case completion, the CHRI/DH information will be removed from the case file and destroyed prior to the storage of record(s) off-site.

#### **VII. OTHER RECORDS**

Records maintained or originated by this agency covered under this policy include information collected on individuals consisting of identifiable descriptions and notations of arrests, detention indictments, accusations, or other formal criminal charges, and any dispositions arising there from. These records are maintained for investigative purposes only and will not be made available to any non-Departmental personnel without the approval of the unit's immediate supervisor. These records may include:

- Fingerprint cards.
- Final dispositions of charges.
- State, local, or FBI criminal information (RAP sheets).

**VIII. AUTHORIZED ACCESS TO GCIC/NCIC**

- A.** All Departmental personnel must pass the GCIC Basic Certification Course in order to perform any GCIC/NCIC inquiries. All personnel who receive CHRI must attend a Security and Integrity Class and tested every two years. Information about Basic Certification requirements are available through the Department Terminal Agency Coordinator (TAC). Employees who have not received the required training and access authorization must seek assistance from a Police Records Technician in Central Records or Precincts in order to obtain CHRI.
- B.** GCIC/NCIC files will normally be accessed through County owned computers. Should an employee have the need to access GCIC/NCIC files from a computer other than a County owned computer, the employee will promptly notify his supervisor detailing the reason for remote access.

**IX. AWARENESS STATEMENT**

All sworn and non-sworn personnel must sign a prescribed Awareness Statement and these statements will be maintained in the employee's training record.

Legal Authority and References:

- Federal Rules and Regulations, Title 28, Part 20
- Georgia Code, OCGA, Section 35-3-30 through 35-3-40, As Amended
- Georgia Crime Information Center (GCIC) Council Rules
- U S Public Law 99-169 (5 USC 9101), As Amended
- Georgia Code, OCGA, Section 16-9-90 through 16-9-94, As Amended.