

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

RELEASE OF CRIMINAL HISTORY RECORDS
SUBJECT

DATE: August 12, 2016

NO: H-2

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

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Records Security
Release of Criminal History Records

I. POLICY

Only authorized personnel may release Criminal Offender Record Information. Criminal Offender Record Information is to be released on a "need-to-know" basis as authorized by a court, statute, or decisional law, to receive the record.

II. LAW

A. Section 11140 P.C.

1. "Record" means the master record sheet, or a copy thereof, maintained under a person's name by the Department of Justice, and commonly known as an "Arrest Record," "Criminal Record Sheet," or "Rap Sheet." "Record" does not include any other records or files of the Department of Justice.
2. "A person authorized by law to receive a record" means any person or public agency authorized by a court, statute, or decisional law to receive a record.

B. Section 11141 P.C.

1. Any employee of the Department of Justice who knowingly furnishes a record or information obtained from a record to a person who is not authorized by law to receive the record or information is guilty of a misdemeanor.

C. Section 11142 P.C.

1. Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person who is not authorized by law to receive the record or information is guilty of a misdemeanor.

D. Section 11143 P.C.

1. Any person, except those specifically referred to in Section 1070 of the Evidence Code, who, knowing he is not authorized by law to receive a record or information obtained from a record, knowingly buys, receives, or possesses the record or information is guilty of a misdemeanor.

E. Section 11144 P.C.

1. It is not a violation of this article to disseminate statistical or research information obtained from a record, provided that the identity of the subject of the record is not disclosed.
2. It is not a violation of this article to disseminate information obtained from a record for the purpose of assisting in the apprehension of a person wanted in connection with the commission of a crime.

3. It is not a violation of this article to include information obtained from a record in (1) a transcript of a record of a judicial or administrative proceeding or (2) any other public record when the inclusion of the information in the public record is authorized by a court, statute, or decisional law.

F. Section 11122 P.C.

1. Any person desiring to examine a record relating to himself shall obtain from the Chief of Police of the city of his residence, or if not a resident of a city, then from the Sheriff of his county of residence. An application form furnished by the department which shall require his fingerprints in addition to such other information as the department shall specify. The city or county, as applicable, may fix a reasonable fee for affixing the applicant's fingerprints to the form, and shall retain such fee for deposit in its treasury.

III. PROCEDURE

- A. A list of authorized personnel permitted to release criminal offender information is included in this General Order. (Refer to Section IV). Any personnel not included in Section IV SHALL NOT release information or records covered by this order.
- B. It shall be noted that having a legal right to know information contained in a criminal record does not necessarily constitute a legitimate need to know such information.
- C. Juvenile Records-nothing in these regulations is intended to alter existing court policy, which may restrict the dissemination of juvenile offender records.
- D. Any person wishing to review his/her criminal history record shall:
 1. Complete an application provided by the Department of Justice.
 2. Pay the required fee and be fingerprinted as required by Penal Code Section 11122.
 3. The person making the request must then contact the Department of Justice in Sacramento, California, who will assist him/her in reviewing that person's record.
- E. Only authorized personnel may use the computer data terminals.
- F. When criminal history information reaches the point it is no longer needed, it shall be destroyed by shredding. Criminal history information printouts received through or by computer shall not be retained beyond the period of time required to accomplish the function or purpose for which the printout was obtained.
- G. Criminal offender record information shall only be duplicated by authorized Records Section personnel and released only in accordance with Procedure Section III, C, of this General Order.
- H. All criminal offender record information in the form of a rap sheet or copies thereof, disseminated by the California Department of Justice, shall remain the property of the Department of Justice and is subject to confiscation by the Department or any peace officer when found in the possession of any unauthorized persons. (As previously stated, it is a misdemeanor to furnish, buy, receive, or possess a rap sheet when unauthorized).
- I. Personnel releasing criminal history information must attend a training session approved by the California Department of Justice.
- J. The Captain of the Technical Services Division is designated as Records Security Officer for the Stockton Police Department.

IV. PERSONNEL AUTHORIZED TO RELEASE CRIMINAL OFFENDER RECORD INFORMATION:

- A. Technical Services Division
 - 1. Division Commander
 - 2. Police Services Managers
 - 3. Records Section Supervisors
 - 4. Records Section Police Clerks

- B. Investigations Division
 - 1. Division Commander
 - 2. Section Commanders

- C. Field Operations Division
 - 1. Division Commander
 - 2. Watch Commanders

- D. Special Operations Division
 - 1. Division Commander
 - 2. Section Commanders