

Plumas County Probation Department

Probation Manual

CHIEF'S PREFACE

As a probation officer, you have a unique assignment and responsibility. First and foremost you are a peace officer. You are deputized by the authority of the California Penal Code and by me as the Chief Probation Officer for the County of Plumas. As a peace officer, you are held to a higher standard. Upon swearing in, you take an oath to support, defend, and bear true faith and allegiance to both the constitution of the United States and the constitution of the State of California. You wear a badge that represents not only Plumas County Probation but all law enforcement officers. My expectation is that you represent Plumas County and all law enforcement with honor and integrity.

This policy manual is designed to provide guidance and direction to members of the Plumas County Probation Department. It should be used with sound reason, judgment, and discretion in our efforts to provide the highest quality service to the community we serve.

Keevin Allred, Chief Probation Officer

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MISSION STATEMENT

The Plumas County Probation Department is committed to protecting the community and minimizing the impact of crimes by providing high-quality professional services to the courts, offenders, and victims.

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Chapter 1 - Probation Role and Authority

Probation Authority

100.1 PURPOSE AND SCOPE

This policy is to identify the authority of Plumas County Probation Department officers.

100.2 POLICY

It is the policy of this department for all officers to exercise their authority fairly and objectively.

This department recognizes the power of officers to use discretion in the exercise of the authority granted to them. Officers are encouraged to use sound discretion in the exercise of their duties.

This department does not tolerate abuse of authority.

100.3 OFFICER AUTHORITY

Officers are authorized to supervise clients as provided in this manual, applicable court orders, and state law (Penal Code § 1202.8; Penal Code § 1203.71).

100.4 ARREST AND OTHER POWERS

Officers authorized by the Chief Probation Officer may exercise peace officer powers at any place in the state while engaged in the performance of official duties. The authority extends only to (Penal Code § 830.5; Penal Code § 1203.71; Penal Code § 3455):

- (a) Conditions of any person being supervised by this department who is on parole, probation, mandatory supervision, or post-release community supervision.
- (b) The escape of an incarcerated person or ward from a state or local institution.
- (c) The transportation of persons on parole, probation, mandatory supervision, or post-release community supervision.
- (d) Violations of any penal provisions of law discovered while performing the usual or authorized duties of employment.
- (e) Rendering mutual aid to any other law enforcement agency.

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and California constitutions.

100.6 ISSUED DATE

- 05/05/2021

100.6.1 REVISED DATE(S)

- 01/09/2023

Chief Probation Officer

101.1 PURPOSE AND SCOPE

Chief Probation Officers employed within the State of California are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Probation Officer of the Plumas County Probation Department, who is required to exercise the powers and duties of the office as prescribed by state law (Government Code § 27771).

101.2 POLICY

It is the policy of the Plumas County Probation Department that the Chief Probation Officer meets the minimum standards for exercising the authority granted by law.

101.3 CHIEF PROBATION OFFICER REQUIREMENTS

The Chief Probation Officer of this Department shall be appointed and retained pursuant to the provisions of Government Code § 27770(a).

101.4 ISSUED DATE

- 05/05/2021

101.4.1 ISSUED DATE(S)

Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

102.2 POLICY

It is the policy of the Plumas County Probation Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All department members shall take and subscribe to the oaths or affirmations applicable to their positions as determined by the Chief Probation Officer (Cal. Const. Art. 20, § 3). Subsequently, department members shall be provided a badge.

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed in accordance with the established records retention schedule.

102.5 ISSUED DATE

- 05/05/2021

102.5.1 ISSUED DATE(S)

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Plumas County Probation Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules, and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders, and regulations that conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders, and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Plumas County Probation Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials, or department members. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training, or discipline. The Plumas County Probation Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Chief Probation Officer shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state, and local laws. The Chief Probation Officer or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

PCPD - The Plumas County Probation Department.

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Department - The Plumas County Probation Department.

Employee - Any person employed by the Department.

Manual - The Plumas County Probation Department Policy Manual.

May - Indicates a permissive, discretionary, or conditional action.

Member - Any person employed or appointed by the Plumas County Probation Department, including:

- Full- and part-time employees
- Volunteers

Officer - Those employees of the Plumas County Probation Department who engage in the supervision of clients.

On-duty - A member's status during the period when actually engaged in the performance of assigned duties.

Order - A written or verbal instruction issued by a superior.

POST - The Commission on Peace Officer Standards and Training.

Rank - The title of the classification held by any officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

STC - Standards and Training for Corrections.

Supervisor - A person in a position of authority that may include directing the work of other members, the authority to adjust grievances, and responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other members. The supervisory exercise of authority may not be merely routine or clerical in nature, but requires the use of independent judgment. For the purposes of this policy and the duties noted above, the only positions within the department having authority are the Chief Probation Officer and the Supervising Probation Officer.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief Probation Officer or the authorized designee.

Each member shall acknowledge that the member has been provided access to and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

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103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief Probation Officer will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that the member has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Supervisor will ensure that members under the Supervisor's command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Supervisors, who will consider the recommendations and forward them to the command staff as appropriate.

103.8 ISSUED DATE

- 05/05/2021

103.8.1 REVISED DATE(S)

Code of Ethics

104.1 CODE OF ETHICS

Plumas County Probation Department subscribes to the following Code of Ethics, which are derived from the American Probation and Parole Association (APPA).

- (a) I will render professional service to the justice system and the community at large in effecting the social adjustment of the offender.
- (b) I will uphold the law with dignity, displaying an awareness of my responsibility to offenders while recognizing the right of the public to be safeguarded from criminal activity.
- (c) I will strive to be objective in the performance of my duties, recognizing the inalienable right of all persons, appreciating the inherent worth of the individual, and respecting those confidences which can be reposed in me.
- (d) I will conduct my personal life with decorum, neither accepting nor granting favors in connection with my office.
- (e) I will cooperate with my co-workers and related agencies and will continually strive to improve my professional competence through the seeking and sharing of knowledge and understanding.
- (f) I will distinguish clearly, in public, between my statements and actions as an individual and as a representative of my profession.
- (g) I will encourage policy, procedures and personnel practices, which will enable others to conduct themselves in accordance with the values, goals and objectives of the Plumas County Probation Agency.
- (h) I recognize my office as a symbol of public faith and I accept it as a public trust to be held as long as I am true to the ethics of the Plumas County Probation Agency.
- (i) I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession.

104.2 ISSUED DATE

- 05/05/2021

104.2.1 REVISED DATE(S)

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Department and defines general responsibilities of department members.

200.2 POLICY

The Plumas County Probation Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control, and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

See [attachment: Plumas County Probation Org Chart 20200819.pdf](#)

See [County Job Descriptions](#).

200.3 DIVISIONS

The Chief Probation Officer is responsible for administering and managing the Plumas County Probation Department. There are three divisions in the Department:

- Adult Division
- Juvenile Division
- Administrative Division

200.3.1 ADULT DIVISION

The Adult Division is commanded by the Supervising Probation Officer, whose primary responsibility is to provide general management, direction, and control for the Adult Division. The Adult Division consists of officers and probation assistants.

200.3.2 JUVENILE DIVISION

The Juvenile Division is commanded by the Supervising Probation Officer, whose primary responsibility is to provide general management, direction, and control for the Juvenile Division. The Juvenile Division consists of officers tasked with the field supervision of juveniles and probation assistants.

200.3.3 ADMINISTRATIVE DIVISION

The Administrative Division is commanded by the Department Fiscal Officer, whose primary responsibility is to provide general management, direction, and control for the Administrative Division. The Administrative Division consists of technical and administrative services.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Chief Probation Officer exercises command over all members of the Plumas County Probation Department. During planned absences, the Chief Probation Officer designates the Supervising

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Organizational Structure and Responsibility

Probation Officer to serve as the acting Chief Probation Officer. Except when designated as above, the order of command authority in the absence or unavailability of the Chief Probation Officer is the next most senior sworn position.

200.5 ISSUED DATE

- 05/05/2021

200.5.1 REVISED DATE(S)

Departmental Directives

201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing Departmental Directives.

201.2 POLICY

Departmental Directives will be used to modify policies of the Plumas County Probation Department when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Department. Applicable memorandums of understanding and other alternatives should be considered before a Departmental Directive is issued.

201.3 PROTOCOL

Departmental Directives will be incorporated into the Policy Manual, as required, upon approval. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded if incorporated into the manual.

The Chief Probation Officer or the authorized designee shall ensure that all Departmental Directives are disseminated appropriately. Departmental Directives should be numbered consecutively and incorporate the year of issue. All members will be notified when a Departmental Directive is rescinded or has been formally adopted into the Policy Manual.

201.4 RESPONSIBILITIES

201.4.1 SUPERVISORS

Supervisors shall periodically review Departmental Directives to determine whether they should be formally incorporated into the Policy Manual and, as appropriate, will recommend necessary modifications to the Chief Probation Officer.

201.4.2 CHIEF PROBATION OFFICER

Only the Chief Probation Officer or the authorized designee may approve and issue Departmental Directives.

201.5 ACCEPTANCE OF DIRECTIVES

All members shall be provided access to the Departmental Directives. Each member shall acknowledge that the member has been provided access to and has had the opportunity to review the Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

201.6 ISSUED DATE

- 04/17/2023

201.6.1 REVISED DATE(S)

Emergency Plan

202.1 PURPOSE AND SCOPE

This policy clarifies the role of the Plumas County Probation Department and responsibilities of its members pertaining to large-scale emergencies and the State of California Emergency Plan.

202.2 POLICY

The Plumas County Probation Department will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

The County Emergency Plan complies with the State of California's Emergency Services Act (Government Code § 8550 et seq.). This plan provides guidance for County emergency operations within and outside its borders as may be required.

202.2.1 PLUMAS COUNTY PROBATION DEPARTMENT CODE/ORDINANCES

An emergency management organization has been established by the County by ordinance. This ordinance has been approved by the County Disaster Council (Government Code § 8610).

202.3 ACTIVATING THE EMERGENCY PLAN

The Emergency Plan can be activated in a number of ways. For the Plumas County Probation Department, the Chief Probation Officer or the Disaster Service officer may activate the Emergency Plan in response to a major emergency.

Upon activation of the plan, the Chief Probation Officer or the authorized designee should contact the State Office of Emergency Services and/or the Plumas County Office of Emergency Services to assist with mutual aid response from local, state, and federal law enforcement agencies.

202.3.1 RECALL OF PERSONNEL

In the event that the Emergency Plan is activated, all employees of the Plumas County Probation Department are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief Probation Officer or the highest-ranking on-duty supervisor.

Failure to promptly respond to an order to report for duty may result in discipline.

202.4 LOCATION OF THE EMERGENCY PLAN

Copies of the Emergency Plan are available in the Supervisor's office and also in the "Reference and Resource Library". All supervisors should familiarize themselves with the Emergency Plan and the roles members will play when the plan is implemented. The Chief Probation Officer should ensure that department members are familiar with the roles they will play when the plan is implemented.

202.5 EMERGENCY PLAN REVIEW

The Chief Probation Officer or the authorized designee shall review the Emergency Plan at least once every two years with County Risk Management as well as the Office of Emergency Services

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(OES), and ensure the plan conforms to any revisions made by the National Incident Management System (NIMS). The Chief Probation Officer or the authorized designee should appropriately address any needed revisions.

202.6 TRAINING

The Department should provide annual training on the Emergency Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Plan and personnel responsibilities when the plan is implemented. Training should incorporate a full or partial exercise, tabletop exercise, or management-level discussion.

202.7 ISSUED DATE

202.7.1 REVISED DATE(S)

Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department.

204.2 POLICY

Plumas County Probation Department members shall use email in a professional manner in accordance with this policy and current law (e.g., California Public Records Act).

204.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

204.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration, or practices of the Department.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. In the event that a member has questions about sending a particular email communication, the member should seek prior approval from a supervisor in the member's chain of command.

It is a violation of this policy to transmit a message under another member's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Members are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of a member's email, name, or password. Members who believe a password has become known to another person shall change the password immediately.

204.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the California Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Chief Probation Officer, or the authorized designee, shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy. The Chief Probation Officer shall have sole authority for requesting email recovery.

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Electronic Mail

204.6 ISSUED DATE

- 04/17/2023

204.6.1 REVISED DATE(S)

Administrative Communications

205.1 PURPOSE AND SCOPE

This policy sets forth the manner in which the Department communicates significant changes to its membership, such as promotions, transfers, hiring and appointment of new members and separations; individual and group awards and commendations; or other changes in status. This policy also provides guidelines for the professional handling of electronic and non-electronic administrative communications from the Department.

205.2 POLICY

The Plumas County Probation Department will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature, and disclaimer guidelines as applicable.

205.3 MEMORANDUMS

Memorandums may be issued periodically by the Chief Probation Officer or the authorized designee to announce and document all promotions, transfers, hiring and appointment of new members, separations; individual and group awards and commendations; or other changes in status.

205.4 CORRESPONDENCE

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on department letterhead. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal purposes.

Electronic correspondence shall contain the sender's department-approved signature and electronic communications disclaimer language.

205.5 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief Probation Officer or the authorized designee.

205.6 OTHER COMMUNICATIONS

Departmental Directives and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief Probation Officer or the authorized designee (see the Departmental Directives Policy).

205.7 ISSUED DATE

- 04/17/2023

205.7.1 REVISED DATE(S)

Supervision Staffing Levels

206.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that proper supervision is available to meet the needs of the Department and members.

206.2 POLICY

The Plumas County Probation Department will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Department. The needs of its members should be balanced with the needs of the Department for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Department.

206.3 MINIMUM SUPERVISION STAFFING LEVELS

Minimum staffing levels should be established by the Supervisors for each division. The supervision staffing levels should support proper supervision, span of control, compliance with any collective bargaining agreement or memorandum of understanding, and activity levels to meet the needs of members and the goals of the Department.

206.3.1 TEMPORARY SUPERVISORS

To accommodate training and other unforeseen circumstances, another qualified member may be used as a temporary supervisor in place of a regularly assigned supervisor.

206.4 ISSUED DATE

- 04/17/2023

206.4.1 REVISED DATE(S)

Chapter 3 - General Operations

Handcuffing and Restraints

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

This policy does not address the handcuffing and restraint of juveniles appearing in court or those already detained in, or committed to, a local secure juvenile facility, camp, ranch, or forestry camp.

303.2 POLICY

The Plumas County Probation Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

303.3 USE OF RESTRAINTS

Only members who have successfully completed Plumas County Probation Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime or violation leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing in the front to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

303.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion on the detainee.

303.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure herself or others, or damage property.

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Handcuffing and Restraints

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

303.3.3 RESTRAINT OF JUVENILES

A juvenile younger than 14 years of age should not be restrained unless the juvenile is suspected of a dangerous felony or when the officer reasonably suspects that the juvenile may resist, attempt escape, self-injure, injure the officer, or damage property.

See Procedures Manual on In-Custody and Transport Policies and Procedures for further information.

[In-Custody and Transport Policies and Procedures](#) as adopted on June 2, 2020.

303.3.4 NOTIFICATIONS

Whenever an officer transports a person in restraints other than handcuffs, the officer shall inform the detention facility staff upon arrival at the facility that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the detention facility.

303.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department unless required by law, other policy, or facility regulations. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

303.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

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Handcuffing and Restraints

Spit hoods may be placed upon a person in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations when the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after use.

303.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons, and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, but while permitting adequate movement, comfort, and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

303.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from the person's own actions (e.g., hitting head against the interior of the agency vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at the windows of the vehicle).

303.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

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- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be laid face-down for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain prone in a face-down position.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

303.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report. The officer should include, as appropriate:

- (a) How handcuffs were applied (e.g., double locked and gapped).
- (b) The amount of time the person was restrained.
- (c) How the person was transported and the position of the person during transport.
- (d) Observations of the person's behavior and any signs of physiological problems.
- (e) Any known or suspected drug use or other medical problems.
- (f) Any complaint regarding restraints being too tight and how the complaint was resolved.

303.9 TRAINING

Subject to available resources, the designated Training Manager should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

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- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

303.10 ISSUE DATE

- 05/05/2021

303.10.1 REVISED DATE(S)

Control Devices

305.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

This policy does not address the application of a control device on a juvenile who has already been detained.

305.2 POLICY

In order to control individuals who are violent or who demonstrate the intent to be violent, the Chief Probation Officer may authorize officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

305.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief Probation Officer or the authorized designee.

Only those members who have been authorized by the Chief Probation Officer and who have successfully completed department-approved training on this policy and the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain, or arrest a person who is violent or who demonstrates the intent to be violent and using the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

305.4 RESPONSIBILITIES

305.4.1 SUPERVISOR RESPONSIBILITIES

The Supervisor or authorized designee shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated, or expended control devices are properly disposed of, repaired, or replaced.

Every control device will be periodically inspected by the Supervisor or authorized designee or the designated instructor for a particular control device. The inspection shall be documented.

305.4.2 USER RESPONSIBILITIES

All normal maintenance, charging, or cleaning shall remain the responsibility of personnel using the devices.

Any damaged, inoperative, outdated, or expended control devices, along with documentation explaining the cause of the damage, shall be returned to the Supervising Probation Officer for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

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305.5 OLEORESIN CAPSICUM GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray may be considered for use to bring under control an individual engaging in, or about to engage in, violent behavior. OC spray should not be used against individuals who do not reasonably appear to present a risk to the safety of department members or the public.

305.5.1 TREATMENT FOR EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those who complain of further severe effects shall be examined by appropriate medical personnel.

305.6 POST-APPLICATION NOTICE

Whenever OC has been introduced into a residence, building interior, vehicle, or other enclosed area, the owners or available occupants should be provided with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

305.7 TRAINING FOR CONTROL DEVICES

The Supervising Probation Officer shall ensure that those members who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the member's training file.
- (c) Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.
- (d) All training shall include dissemination of updated policies referencing the use of control devices and Use of Force to all members participating in such training. All participating members will execute a written acknowledgment of receipt.

305.8 REPORTING USE OF CONTROL DEVICES

Any application of a control device shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

305.9 ISSUE DATE

- 05/05/2021

305.9.1 REVISED DATE(S)

Search and Seizure

306.1 PURPOSE AND SCOPE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Plumas County Probation Department personnel to consider when dealing with search and seizure issues.

306.2 POLICY

It is the policy of the Plumas County Probation Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards, and prosecutorial considerations regarding specific search and seizure situations.

306.3 SEARCHES GENERALLY

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule that permit a warrantless search.

Examples of probation supervision activities that are exceptions to the general warrant requirement include but are not limited to searches pursuant to:

- Authorization under the terms or conditions of a person's release or supervision.
- Valid consent.
- Incident to a lawful arrest.
- Lawful vehicle searches under certain circumstances.
- Exigent circumstances.

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and the member's familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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306.4 SEARCH PROTOCOL

Although conditions will vary, and officer safety and other exigencies must be considered in every search situation, these guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations, or access codes when a search of locked property is anticipated.
- (e) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.
- (f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, these guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing, or clothing that could not reasonably conceal a weapon.

306.5 DOCUMENTATION

Officers are responsible for documenting any search and ensuring that any required reports are sufficient, including, at a minimum, documentation of:

- Reason for the search.
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys).
- What, if any, injuries or damage occurred.
- All steps taken to secure property.
- The results of the search, including a description of any property or contraband seized.
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer.

Supervisors shall review documentation of the event in the case management system to ensure the reports are accurate, that actions are properly documented, and that current legal requirements and department policy have been met.

306.6 ISSUE DATE

- 05/05/2021

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Search and Seizure

306.6.1 REVISED DATE(S)

Mandatory Reporting

307.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for notification to the appropriate social services entities and local law enforcement in the case of encountered, reported, or suspected abuse.

This policy also addresses documentation specific to the discovery of abuse.

307.2 POLICY

It is the policy of the Plumas County Probation Department to ensure documentation and notification to the proper entity, as may be required by law, in the case of encountered, reported, or suspected abuse.

307.3 CHILD ABUSE

307.3.1 NOTIFICATION

Members of this department who are mandated reporters of child abuse pursuant to Penal Code § 11165.7 shall notify law enforcement or the County Welfare Office when the member has knowledge of or observes a child who the member knows or reasonably suspects has been the victim of child abuse or neglect (Penal Code § 11165.9; Penal Code § 11166).

When the Plumas County Probation Department receives a report of abuse or neglect, notification shall be made to the law enforcement agency having jurisdiction and the County Welfare Office. The District Attorney's office shall also be notified in all instances of known or suspected child abuse or neglect reported to the Plumas County Probation Department (Penal Code § 11166).

- (a) A report of general neglect by a person who has the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision, and where there is no physical injury to the child, shall be reported to the County Welfare Office pursuant to Penal Code § 11165.2, but should also be reported to the District Attorney.
- (b) A report of a positive toxicology screen at the time of the delivery of an infant, unless there is an indication of maternal substance abuse, shall be reported to the County Welfare Office pursuant to Penal Code § 11165.13.

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code § 11166.1; Penal Code § 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); willful harm or injury to a child or endangering the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of employment as a peace officer.

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307.3.2 NOTIFICATION PROCEDURE

Notification should occur as follows (Penal Code § 11166):

- (a) When the member is making an initial notification:
 - 1. Notification shall be made immediately, or as soon as practicable, by telephone.
 - 2. A written follow-up mandated report shall be forwarded by fax or electronic transmission within 36 hours of receiving the information concerning the incident. See [California Department of Justice Child Abuse Report for Mandated Child Abuse Reporters](#).
- (b) When the Plumas County Probation Department is making notification:
 - 1. Notification shall be made immediately, or as soon as practicable, by telephone, fax, or electronic transmission.
 - 2. A written report shall be forwarded by fax or electronic transmission within 36 hours of receiving the information concerning the incident.
 - 3. For cases involving the commercial sexual exploitation of a child who is receiving child welfare services, notification shall be made within 24 hours to a law enforcement agency that has jurisdiction over a case.
 - 4. For cases involving a child who is receiving child welfare services who is reasonably believed to be the victim of commercial sexual exploitation and is missing or has been abducted, notification shall be made to the appropriate law enforcement authority within 24 hours for entry into NCIC and to the National Center for Missing and Exploited Children.

307.3.3 EMERGENCY REMOVAL

An officer may take temporary custody of a minor without a warrant when the officer reasonably believes that the minor (Welfare and Institutions Code § 300; Welfare and Institutions Code § 305):

- (a) Is in immediate need of medical care.
- (b) Is in immediate danger of physical or sexual abuse.
- (c) Is in a physical environment that poses an immediate threat to the minor's health or safety.
- (d) Is left unattended, posing an immediate threat to the minor's health or safety.
 - 1. Officers shall attempt to contact the parent or guardian to take custody of the unattended child.
 - 2. If contact with the parent or guardian of the unattended minor cannot be made, the County Welfare Office shall be contacted to assume custody of the minor.
- (e) Is in the hospital and release to the parent poses an immediate threat to the minor's health or safety.
- (f) Is a dependent of the juvenile court and the officer reasonably believes that the juvenile has violated an order of the court.
- (g) Has left any placement ordered by the juvenile court.

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- (h) Requires medical or other care after having been found suffering from injury or sickness in a public place.

307.4 ELDER AND ADULT DEPENDENT ABUSE

307.4.1 NOTIFICATION

Members of this department who are mandated reporters of elder or dependent adult abuse pursuant to Welfare and Institutions Code § 15630 shall notify the county adult protective services agency when the member reasonably suspects, has observed, or has knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the individual has experienced abuse.

For purposes of notification, a dependent adult is an individual between 18 and 64 years of age who has physical or mental limitations that restrict the ability to carry out normal activities or to protect the individual's rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Welfare and Institutions Code § 15610.23). An elder adult is an individual residing in this state who is age 65 or older (Welfare and Institutions Code § 15610.27).

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse, or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30).

Because additional notifications may also be required, depending on where the alleged abuse occurred, the supervisor is responsible for ensuring that proper notifications are made to the District Attorney's Office and any other regulatory agency that may be applicable (e.g., care facility, hospital) (Welfare and Institutions Code § 15630).

307.4.2 NOTIFICATION PROCEDURE

Notification should occur as follows (Welfare and Institutions Code § 15630):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax, or electronic transmission. See [Suspected Dependent/Elder Abuse Report form](#).
- (b) A written report shall be forwarded within two working days.

307.5 DOCUMENTATION

In all encountered, reported, or suspected cases of abuse, officers should, after making the notifications above, document the notification and the circumstances surrounding discovery of the abuse.

307.6 CONFIDENTIALITY OF REPORTS

Information related to incidents of abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code § 11167.5; Welfare and Institutions Code § 15633).

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307.7 ISSUE DATE

- 05/05/2021

307.7.1 REVISED DATE(S)

Victim and Witness Assistance

308.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that members address victim- and witness-related issues appropriately.

308.2 POLICY

The Plumas County Probation Department recognizes the difficulties faced by victims and witnesses of crime. The members of the Plumas County Probation Department will treat victims with compassion and provide them the services required by law.

308.3 RESPONSIBILITIES

Member responsibilities include the following:

- (a) Members preparing a pre-sentence/social study investigation are expected to include available information regarding the impact of the offense on the victim and the victim's family and any sentencing/disposition recommendations from the victim as required by California Constitution Article I § 28.
- (b) Officers who supervise a client requesting a transfer to another county shall provide written notice of the date, time, and place set for hearing on the motion to the victim, if a victim exists (Cal. Rules of Court, Rule 4.530).
- (c) Members should follow county protocol as applicable regarding notice to witnesses who were threatened by the offender following the offender's arrest and each victim or next of kin of the victim of a violent offense of their right to request and receive a release notification (Penal Code § 679.03).
- (d) Officers should provide victims, or the parents or guardians of the victim if the victim is a minor, or the next of kin of the victim if the victim has died written material containing their rights pursuant to Penal Code § 1191.1 and Penal Code § 1191.2.
- (e) Members will notify a victim of domestic violence or abuse, or a victim of stalking of the offender's current community of residence or proposed community of residence when the offender is being placed on or being released on probation when the victim has requested notification and provided the department with a current address for notification (Penal Code § 679.06).

308.4 VICTIM SAFETY

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct the person to the proper written department material or available victim resources.

Officers should report all known allegations of victim intimidation to the appropriate local law enforcement agency and prosecutor as soon as practicable.

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Victim and Witness Assistance

308.5 VICTIM INFORMATION

Written victim information materials should include:

- (a) Shelters and other community resources for victims, including domestic violence and sexual assault victims.
- (b) An advisement that a person who was arrested may be released on bond, probation, or other forms of release and that the victim should not rely upon such status or supervision as a guarantee of safety.
- (c) A clear explanation of relevant court orders and how they can be obtained.
- (d) Information regarding available compensation for qualifying victims of crime.
- (e) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an adult offender's custody status and to register for automatic notification when a person is released from jail.
- (f) Notice regarding U visa and T visa application processes.
- (g) Resources available for victims of identity theft.
- (h) Victims' rights provided in Penal Code § 1191.1 and Penal Code § 1191.2, including:
 - 1. Their right to attend all sentencing or disposition proceedings.
 - 2. Adequate notice of all sentencing or disposition proceedings.
 - 3. Information concerning the victim's right to civil recovery against the offender.
 - 4. The requirement that the court order restitution for the victim.
 - 5. The victim's right to receive a copy of the restitution order from the court and to enforce the restitution order as a civil judgment.
 - 6. The victim's responsibility to furnish the probation department, district attorney, and court with information relevant to any losses.
 - 7. The victim's opportunity to be compensated from the Restitution Fund if eligible. This information shall be in the form of written material prepared by the Judicial Council in consultation with the California Victim Compensation Board, shall include the relevant sections of the Penal Code, and shall be provided to each victim for whom the probation officer has a current mailing address.

308.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that the witness's identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should report all known allegations of witness intimidation to the appropriate local law enforcement agency and prosecutor as soon as practicable.

308.7 ISSUED DATE

- 04/17/2023

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308.7.1 REVISED DATE(S)

Report Preparation

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Department who complete reports as a part of their duties.

311.2 POLICY

It is the policy of the Plumas County Probation Department that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

311.3 EXPEDITIOUS REPORTING

Incomplete reports, unorganized reports, or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority necessary under exceptional circumstances.

311.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. Members are responsible for completing and submitting all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved; all pertinent information seen, heard, or assimilated by any other sense; and any actions taken. Members shall not suppress, conceal, or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

311.4.1 HANDWRITTEN OR TYPED REPORTS

County, state, and federal agency forms may be block printed unless the requirement for typing is apparent. Supervisors may require block printing or typing of reports of any nature for department consistency.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting member will be required by the reviewing supervisor to promptly make corrections and resubmit the report.

In general, the narrative portion of reports where an arrest is made or when there is a long narrative should be typed or dictated. Members who dictate reports shall use appropriate grammar, as the content is not the responsibility of the typist.

Members who generate reports on computers are subject to all requirements of this policy.

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311.4.2 NOTATION OF INFORMATION RECEIVED FROM THIRD PARTIES

When information included in a report was received from a third party that is not an identified law enforcement, probation, parole, or corrections agency, the member authoring the report should state which specific information was obtained from a third party and whether it was independently confirmed by a member from the Department.

311.5 ADULT REQUIRED REPORTING

In all of the following situations, members shall complete reports using the appropriate department-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if the member deems it necessary or as directed by a supervisor or the court.

311.5.1 REPORTS TO THE COURT

As appropriate and necessary, officers or authorized designee should prepare and file with the court the following reports:

- (a) A pretrial diversion report, if requested by the court, as to the suitability of a person for pretrial diversion (Penal Code § 1000.1(5)(b)).
- (b) A presentence report for adult clients upon referral of a felony conviction from the court (Penal Code § 1203).
 - 1. The report should include a recommendation of whether the client should be granted probation and recommended conditions of probation, if granted (Penal Code § 1203).
 - 2. The report should be consistent with the requirements of Penal Code 1203(a) and Court Rule 4.411.5 (Penal Code §1203).
- (c) A conduct and worktime credit estimate to be filed with the court at the time of sentencing (Penal Code § 1191.3).
 - 1. The estimate shall also be provided to the victim.
- (d) A domestic violence report if a client has been granted probation for a violation of the domestic violence code (Penal Code § 1203.097(b)).
 - 1. The report should include recommendations of an appropriate batterer's program for the client.

311.5.2 CRIMINAL ACTIVITY AND VIOLATION CONDUCT

When a member becomes aware of any activity where a crime or violation of probation or supervised release has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in an incident or arrest report includes:

- (a) All arrests.
- (b) All felony crimes.
- (c) Non-felony criminal incidents involving threats or stalking behavior.

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- (d) Situations covered by the Use of Force Policy.
- (e) All misdemeanor crimes where the victim desires a report.
- (f) All violations of probation or supervised release.

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method.

311.5.3 NON-CRIMINAL ACTIVITY AND NON-VIOLATION CONDUCT

Non-criminal activity to be documented includes:

- (a) Any found property or found evidence.
- (b) All protective custody and welfare detentions.
- (c) Any time a person is reported missing, regardless of jurisdiction.
- (d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (e) Suspicious incidents that may place the public or others at risk.
- (f) Any use of force by members of this department against any person (see the Use of Force Policy).
- (g) Any firearm discharge (see the Firearms Policy).
- (h) Any time a member points a firearm at any person.
- (i) Any traffic accidents, involving department vehicles or members involved in County business, above the minimum reporting level (see the Vehicle Use, Safety, and Maintenance Policy).
- (j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

311.5.4 MISCELLANEOUS INJURIES

Any injury reported to this department shall require an incident report when:

- (a) The injury is the result of drug overdose.
- (b) There is an attempted suicide.
- (c) The injury is major or serious and potentially fatal.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to document the event.
- (e) The injury is to a person in a member's custody or care.

311.6 JUVENILE REPORTING

Officers may be required to complete reports relating to juvenile clients in any of the following scenarios. Officers should complete reports consistent with the appropriate department forms and reporting methods, unless otherwise approved by a supervisor or the court. The reports referenced herein are not intended to be all-inclusive.

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311.6.1 SOCIAL STUDY REPORT

Officers shall prepare and file with the court a social study, prepared pursuant to the requirements of Welfare and Institutions Code § 706.5, as follows (Welfare and Institutions Code § 727.4):

- (a) At least 10 days before a permanency hearing held pursuant to Welfare and Institutions Code § 727.3.
- (b) At least 10 days before a placement review hearing held pursuant to Welfare and Institutions Code § 727.2.
- (c) After any hearing during which the court has ordered a minor into the supervision of the officer for placement (Welfare and Institutions Code § 727).

311.6.2 ADDITIONAL REPORTS

Officers should also:

- (a) Prepare and file periodic reports and special reports, as appropriate, with the Department of Youth and Community Restoration pursuant to the requirements of, and on forms provided by, the Department of Youth and Community Restoration (Welfare and Institutions Code § 284).
- (b) Make periodic reports to the Attorney General pursuant to the requirements of the Attorney General (Welfare and Institutions Code § 285).
- (c) Prepare and file with the court written reports and recommendations as requested by the court with regard to custody, status, or welfare of a minor. Reports shall be prepared consistent with the requirements of Welfare and Institutions Code § 281.

311.7 COUNTY PERSONNEL OR PROPERTY

Incidents involving County personnel or property shall require a report when:

- (a) An injury occurs as the result of an act of a County employee or on County property.
- (b) There is damage to County property or equipment.

311.8 REVIEW AND CORRECTIONS

Supervisors or the authorized designee shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor or the authorized designee should offer corrections and require resubmission for further review.

The corrected report should be returned to the supervisor or the authorized designee for approval as soon as practicable. It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

311.8.1 CHANGES AND ALTERATIONS

Reports that have been approved by a supervisor or the authorized designee and submitted to the Legal Services Assistant and/or Administrative Assistant for filing and distribution shall not be modified or altered except by way of a supplemental report.

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Reviewed reports not yet submitted to the Legal Services Assistant and/or Administrative Assistant may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor or the authorized designee.

311.9 ISSUED DATE

- 03/22/2022

311.9.1 REVISED DATE(S)

Media Relations

312.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media.

312.2 POLICY

It is the policy of the Plumas County Probation Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect inter- or intra-agency investigations will not be released.

312.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief Probation Officer. In situations not warranting immediate notice to the Chief Probation Officer and in situations where the Chief Probation Officer has given prior approval, designated supervisors and the designated Public Information Officer (PIO), if applicable, may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

312.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by probation personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief Probation Officer.

Any exceptions to the above should only be considered for the furtherance of legitimate probation purposes. Prior to approving any exception, the Chief Probation Officer will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

312.5 MEDIA REQUESTS

Any media request for information or access to department members shall be referred to the Chief Probation Officer, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the Chief Probation Officer
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

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- (c) Under no circumstance should any member of this department make any comment to the media regarding any probation incident not involving this department without prior approval of the Chief Probation Officer. Under these circumstances the member should direct the media to the agency handling the incident.

312.6 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the Chief Probation Officer to ensure that confidential or restricted information is not inappropriately released to the media. When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

312.6.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the Chief Probation Officer.

Requests should be reviewed and fulfilled by the Custodian of Records or, if unavailable, the Chief Probation Officer or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws (e.g., California Public Records Act).

312.7 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects or clients with warrants. This information may also be released through the department website or other electronic data sources.

312.8 ISSUED DATE

- 03/22/2022

312.8.1 REVISED DATE(S)

Outside Agency Assistance

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or assistance from a law enforcement agency.

313.2 POLICY

It is the policy of the Plumas County Probation Department to respond to requests for mutual aid or assistance by law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

313.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from a law enforcement agency should be routed to the Chief Probation Officer or Supervisor's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

Mutual aid or assistance may be provided by this department when a law enforcement agency requests assistance. The Chief Probation Officer or the Supervisor may authorize an appropriate number of available officers to assist. Officers rendering assistance shall comply with applicable laws and the policies of this department.

Only officers who have been approved by the Chief Probation Officer or Supervisor to respond to requests for mutual aid or assistance are authorized to participate in any response. Officers who respond to a request for assistance shall notify a supervisor or the Chief Probation Officer of their activity as soon as practicable.

313.3.1 EMERGENCY ASSISTANCE

Officers should not respond to any emergency calls except as authorized in this policy. If an officer believes that an emergency response is required in any other situation, the officer should immediately request a response by local law enforcement.

Officers should only respond to a request for assistance as an emergency response when dispatched and when authorized by this agency to operate an emergency vehicle under emergency circumstances. Officers responding should notify a supervisor as soon as reasonably practicable. Officers responding to an emergency request for assistance from a law enforcement agency shall proceed immediately as appropriate and shall operate the emergency vehicle lighting and siren as required by law (Vehicle Code § 21055; Vehicle Code § 21056).

Officers not responding to a request for assistance as an emergency response or not trained in emergency vehicle lighting usage shall observe all traffic laws and proceed without the use of emergency lights and siren. Officers responding to a request for assistance as an emergency response in a vehicle that is not equipped with lights and siren should observe all traffic laws.

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313.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from an outside agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

313.5 REPORTING REQUIREMENTS

Incidents of outside assistance shall be documented in a general case report or as directed by the Supervisor.

313.6 SHARED EQUIPMENT AND SUPPLIES

A plan should be prepared by the Supervisor or the authorized designee regarding equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies.

The plan should include:

- (a) An itemization of the equipment.
- (b) The conditions relative to sharing.
- (c) The training requirements for:
 - 1. The use of the equipment and supplies.
 - 2. The members trained in the use of the equipment and supplies.
- (d) Any other requirements for use of the equipment and supplies.

Copies of the plan should be provided to the Supervisor to ensure use of the equipment and supplies complies with the sharing agreements.

The Training Manager should see that appropriate members have received the required training on the plan.

313.7 ISSUED DATE

- 04/17/2023

313.7.1 REVISED DATE(S)

Major Incident Notification

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Plumas County Probation Department in determining when, how, and to whom notification of major incidents should be made.

314.2 POLICY

The Plumas County Probation Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed. Additional information regarding media inquiries is addressed in the Media Relations policy.

314.3 CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief Probation Officer, the affected Supervisor, and the appropriate County administrators. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notification)
- Homicides, suspicious deaths, or other deaths related to probation activity
- Crimes or other behavior by clients of unusual violence, or circumstances that may include hostages, barricaded persons, home invasions, armed robbery, or sexual assaults involving clients
- In-custody deaths or in-custody serious injuries related to clients
- Traffic accidents with fatalities or severe injuries involving department members or clients
- Significant injury to or death of a member of the Department, whether on- or off-duty
- Arrest of a member of the Department
- Equipment failures, utility failures, and incidents that may affect staffing or pose a threat to basic probation services
- Any other incident that has attracted or is likely to attract significant media attention

314.4 SUPERVISOR RESPONSIBILITIES

The Supervisor is responsible for making the appropriate notifications. The Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification and shall attempt to make the notifications as soon as practicable.

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314.4.1 CHIEF PROBATION OFFICER NOTIFICATION

In the event an incident occurs as identified in the Criteria for Notification section above, the Chief Probation Officer shall be notified along with the affected Supervisor and the supervisor of the affected division.

314.4.2 MEDIA RELATIONS

The Chief Probation Officer or the authorized designee should assign the Public Information Officer or an officer to respond to requests for information if it appears the media may have a significant interest in the incident.

314.5 ISSUED DATE

- 04/17/2023

314.5.1 REVISED DATE(S)

Limited English Proficiency Services

315.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

315.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficiency (LEP) individual - Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking, understanding) but still exhibit LEP for other purposes (e.g., reading, writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Plumas County Probation Department or other government agency designated by the Department, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

315.2 POLICY

It is the policy of the Plumas County Probation Department to reasonably ensure that LEP individuals have meaningful access to probation services, programs, and activities while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights, or programs based on national origin or any other protected interest or right.

315.3 LEP COORDINATOR

The Chief Probation Officer shall delegate certain responsibilities to an LEP coordinator. The coordinator shall be appointed by, and directly responsible to, the Administrative Supervisor or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

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- (a) Coordinating and implementing all aspects of the Plumas County Probation Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Supervisor. The list should include information regarding:
 - 1. Languages spoken.
 - 2. Contact information.
 - 3. Availability.
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and data from community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by this department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing the department's efforts in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs, and activities.

315.4 FOUR-FACTOR ANALYSIS

Because there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of this department or a particular geographic area.

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- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs, or services.
- (c) The nature and importance of the contact, program, information, or service provided.
- (d) The cost of providing LEP assistance and the resources available.

315.5 TYPES OF LEP ASSISTANCE AVAILABLE

Plumas County Probation Department members should never refuse service to an LEP individual requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will use all reasonably available tools when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include but are not limited to the assistance methods described in this policy.

315.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

315.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals representative of the community being served.

315.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members who provide LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence, or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other County departments who have been identified by the Department as having the requisite skills and competence may be requested.

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315.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the County of Plumas that demonstrates their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

315.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other County departments or other government agencies.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

315.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted above), and have been approved by the Department to communicate with LEP individuals.

When qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called on when

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appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

315.10 CONTACT AND REPORTING

Although all probation contacts, services, and individual rights are important, this department will use the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services used and whether the individual elected to use services provided by the Department or some other identified source.

315.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Plumas County Probation Department will take reasonable steps to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

315.12 FIELD SUPERVISION

Field supervision will generally include such contacts as home, school, or work visits and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and use the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information, and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

315.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for revocation of probation or supervised release, or arrest, or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the

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interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Nothing in this policy should be construed to prevent officer(s) from taking appropriate enforcement action.

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card. In the event that the suspect is determined to be illiterate and/or a translated *Miranda* warning card is unavailable, then officer(s) shall not ask incriminating questions until translation services can be provided.

An LEP individual's bilingual friends, family members, children, neighbors, or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

315.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal case. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter. To ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

315.15 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during a complaint investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

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315.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional probation duties. This department may continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

315.17 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided and will retain a copy in each member's training file in accordance with the established records retention schedule.

315.17.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they may be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

315.18 ISSUED DATE

- 03/22/2022

315.18.1 REVISED DATE(S)

Communications with Persons with Disabilities

316.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

316.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include but are not limited to using gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

316.2 POLICY

It is the policy of the Plumas County Probation Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to probation services, programs, and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights, or programs based upon disabilities.

316.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief Probation Officer shall delegate certain responsibilities to an ADA coordinator or the authorized designee (28 CFR 35.107). The representatives shall be appointed by and directly responsible to the Chief Probation Officer or the authorized designee.

The responsibilities of the representative include but are not limited to:

- (a) Working with the County ADA coordinator regarding the Plumas County Probation Department's efforts to ensure equal access to services, programs, and activities.
- (b) Developing reports or new procedures or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs, and activities.

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- (d) Ensuring that a list of qualified interpreter services is maintained and available to each member of the department. The list should include information regarding:
 - 1. Contact information.
 - 2. Availability.
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas indicating that auxiliary aids are available free of charge to individuals with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs, and activities.

See attachment: [NOTICE UNDER THE AMERICANS.pdf](#)

See attachment: [Plumas County Probation Department ADA Grievance.pdf](#)

316.4 FACTORS TO CONSIDER

Because the nature of any probation contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs, and activities. These factors may include but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. That an individual appears to be nodding in agreement does not always mean the individual completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the probation contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

316.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various probation encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

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In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the involved communication.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, is hard of hearing, or has impaired speech must be handcuffed while in the custody of the Plumas County Probation Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

316.6 TYPES OF ASSISTANCE AVAILABLE

Plumas County Probation Department members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall it require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to disabled individuals through a variety of services.

Disabled individuals may choose to accept department-provided auxiliary aids or services, or they may choose to provide their own.

Department-provided auxiliary aids or services may include but are not limited to the assistance methods described in this policy.

316.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form (e.g., a personnel complaint form) or provide forms with enlarged print.

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316.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to probation matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide an interpreter (28 CFR 35.160).

316.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking, attorney contacts), members must also provide those who are deaf, are hard of hearing, or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

316.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with

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the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

316.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect/client/person on supervised release).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

316.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

316.13 FIELD SUPERVISION

Field supervision will generally include such contacts as home, work, or school visits, street contacts, community encounters, and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity, and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information, and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally

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request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

316.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, is hard of hearing, or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device, or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

316.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, are hard of hearing, or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided by a qualified interpreter or by providing a written *Miranda* warning card to suspects who are deaf or hard of hearing.

To ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

316.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

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When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, are hard of hearing, have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information should be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

316.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the ADA coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this department.

316.17 TRAINING

To ensure that all members who may have contact with disabled individuals are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms, and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Manager shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, are hard of hearing, have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all training provided and will retain a copy in each member's training file in accordance with the established records retention schedule.

316.17.1 TTY OR TDD TRAINING

Training should be mandatory for all members who have contact with probationers who are deaf, are hard of hearing, or have impaired speech. Refresher training should occur every six months. Such training and information should include:

- (a) ASL syntax and accepted abbreviations.

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- (b) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls and using proper syntax, abbreviations, and protocol when responding to TTY or TDD calls.
- (c) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

316.18 ISSUE DATE

- 04/17/2023

316.18.1 REVISED DATE(S)

Child and Dependent Adult Safety

318.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult abuse investigation. These are covered in the Mandatory Reporting Policy.

318.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Plumas County Probation Department will endeavor to create a strong, cooperative relationship with local, state, and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

318.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases, this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the client has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider asking witnesses, neighbors, friends, and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian, or caregiver in the presence of a child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that appropriate care will be provided.

318.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

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Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases, the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use the person's cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence that it would not be in the dependent person's best interest (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends who the person knows and trusts because familiarity with surroundings and consideration for comfort, emotional state, and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian, or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Adult Protective Services, if appropriate.
- (e) Notify the field supervisor or Supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

318.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make telephone calls to arrange for the care of any child or dependent adult.

If an arrestee is unable to arrange for the care of any child or dependent adult through this process, or circumstances prevent them from making such arrangements (e.g., their behavior prevents reasonable accommodations for making necessary calls), a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county, or state services agency.

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318.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where, and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether the person reasonably appears able to engage in self-care
 - 5. Disposition or placement information if the person is unable to engage in self-care

318.3.4 SUPPORT AND COUNSELING REFERRAL

If the handling officers believe the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate, or a crisis response telephone number, they should provide appropriate referral information.

318.3.5 SELF-SURRENDER

If an officer allows a client to self-surrender, the officer should, where practicable, allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate.

318.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service agency to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the Probation facility, transported in a marked law enforcement vehicle, or taken into formal protective custody.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

318.5 TRAINING

The Training Manager is responsible for ensuring that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian, or caregiver is arrested.

318.6 ISSUED DATE

- 03/22/2022

318.6.1 REVISED DATE(S)

Service Animals

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

319.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks to benefit an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

319.2 POLICY

It is the policy of the Plumas County Probation Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

319.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.

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- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

319.4 MEMBER RESPONSIBILITIES

Service animals assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Plumas County Probation Department affords to all members of the public (28 CFR 35.136).

319.4.1 INQUIRY

If it is apparent or if a member knows that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about the disability nor should the person be asked to provide any license, certification, or identification card for the service animal.

319.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

319.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services that are reasonably available to an individual with a disability, with or without a service animal.

319.5 ISSUED DATE

- 04/17/2023

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319.5.1 REVISED DATE(S)

Community Relations

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Suspicious Activity Reporting Policy.

321.2 POLICY

It is the policy of the Plumas County Probation Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making available relevant policy and operations information to the community in a transparent manner.

321.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships.
- (b) Become reasonably familiar with the schools, businesses, community treatment programs, service providers, and faith-based organizations in their supervision areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic field contacts to facilitate interaction with community members. Officers carrying out field contacts should notify an appropriate supervisor or authorized designee of their status (i.e., on field supervision) and location before beginning and upon completion of field supervision.

321.4 COMMUNITY RELATIONS COORDINATOR

The Chief Probation Officer or the authorized designee should designate a member of the Department to serve as the community relations coordinator. The coordinator should report directly to the Chief Probation Officer or authorized designee and is responsible for:

- (a) Obtaining department-approved training related to coordinator responsibilities.
- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations.
- (c) Working with community groups, department members, and other community resources to:

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1. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (d) Working with the Supervising Probation Officer to develop field activities that allow officers the time to participate in community engagement activities.
- (e) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (f) Attending Board of Supervisor and other community meetings to obtain information on community relations needs.
- (g) Informing the Chief Probation Officer and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

321.5 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The Chief Probation Officer or the authorized designee should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Probation-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.

321.6 INFORMATION SHARING

The Chief Probation Officer or the authorized designee should develop methods and procedures for the convenient sharing of information (e.g., significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed to inform and engage community members continuously.

321.7 PROBATION DEPARTMENT OPERATIONS EDUCATION

The Chief Probation Officer or the authorized designee should develop methods to educate community members on general probation department operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to schools and community organizations.
- (d) Department ride-alongs (see the Ride-Alongs Policy).

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- (e) Student internships at the Department.

Instructional information should include direction on how community members should interact with probation officers during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

321.8 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, should not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member is younger than 18.

Community members are subject to a criminal history check as determined by the Chief Probation Officer before approval for participation in certain activities, such as student internships.

321.9 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, clients, or case numbers. The community relations coordinator should identify information that may increase transparency regarding department operations.

321.10 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial, and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Probation supervision and problem-solving principles.
- (e) Probation actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

321.11 ISSUED DATE

- 04/17/2023

321.11.1 REVISED DATE(S)

Chapter 4 - Intake, Orientation, and Supervision

Initial Intake to Probation Services

400.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Plumas County Probation Department's initial intake.

400.2 POLICY

The Plumas County Probation Department will engage in an initial process in an effort to facilitate fair and appropriate supervision of clients.

400.3 ADULT INTAKE TO SUPERVISION

The Chief Probation Officer or the authorized designee should develop and maintain a standard intake program with appropriate forms and checklists to assist officers in their supervision of assigned clients.

The intake program should include but is not limited to:

- (a) Performing an intake interview or interviews:
 - 1. The intake interview should be completed within 72 hours, or earlier if required by a court order, after the client's release from custody or initial report to the Plumas County Probation Department.
- (b) Documenting relevant information about the client, such as:
 - 1. Personal information including name, address, and contact information
 - 2. Current employment and relevant employment history
 - 3. Family information
 - 4. Criminal history
 - 5. Any substance abuse, mental health, and treatment information
 - 6. Potential safety issues for officers and staff (e.g., weapons, dangerous animals within the home, family members who may present a threat)
- (c) Completing any appropriate and/or mandated risk and needs assessment(s) and scheduling appropriate review with the client as set forth in the Risk and Needs Assessments Policy.
- (d) Providing the client with an overview of what to expect while being supervised and any of the following as applicable:
 - 1. An orientation handbook or other applicable orientation materials
 - 2. A copy of court-ordered conditions of supervision
 - 3. Applicable resources regarding any court-ordered programs, community referrals, or other resources pertaining to the conditions of probation
 - 4. Explanations of any financial obligations (e.g., court-ordered restitution, fines, fees)

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5. Applicable registration requirements (e.g., gang (Penal Code § 186.31), arson (Penal Code § 457.1), sex offenders (Penal Code § 290.017; Penal Code § 290.85))
6. Documenting client receipt of orientation and other materials

400.4 JUVENILE INTAKE TO SERVICES

400.4.1 JUVENILE INTAKE OFFICERS

The Chief Probation Officer should designate officers to act as juvenile intake officers. These officers should be trained in established juvenile intake procedures and should serve as first-line staff for juvenile intake to services.

400.4.2 OUT-OF-CUSTODY JUVENILE INTAKE

The Chief Probation Officer or the authorized designee should develop and maintain a standard intake program with appropriate forms and checklists to assist juvenile intake officers with the intake for services of juveniles who are currently out of custody.

The intake program should include but is not limited to:

- (a) Performing an intake interview, including an interview with the juvenile and parent/s to determine next steps
- (b) Documenting relevant information about the juvenile including but not limited to:
 1. Verifying personal information including name, address, and contact information
 2. Current employment and relevant employment history, if applicable
 3. Family information, including siblings and parental custody situation
 4. Delinquent history information
 5. Child welfare history, including any allegations of abuse or neglect and outcomes of these allegations
 6. School information, including grades and attendance
 7. Any substance abuse, mental health, and treatment information
 8. Potential safety issues for officers and staff (e.g., weapons, dangerous animals within the home, family members who may present a threat)
 9. Completing any appropriate and/or mandated risk and needs assessment(s) as set forth in the Risk and Needs Assessments Policy
 10. Documenting the juvenile's receipt of orientation and other materials
 11. Any other information that is deemed necessary to ensure an understanding of each juvenile's individual needs
- (c) Providing the juvenile with any of the following as applicable:
 1. An orientation handbook or other applicable orientation materials
 2. Applicable resources, including community referrals

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3. Explanations of any financial obligations, such as a victim's request for restitution

400.4.3 IN-CUSTODY JUVENILE INTAKE

The Chief Probation Officer or the authorized designee should develop and maintain a standard intake procedure with appropriate forms and checklists to assist juvenile intake officers with the intake for services of juveniles who are currently in custody.

This intake procedure should include intake procedures for juveniles who are out of custody, along with investigation, and release or placement procedures (Welfare and Institutions Code § 628; Welfare and Institutions Code § 727; Welfare and Institutions Code § 727.05).

In addition to considering the intake program as described in Out-of-Custody Juvenile Intake, officers assessing the status of a juvenile who has been booked into custody should:

- (a) Review booking information.
- (b) Review pertinent reports from law enforcement.
- (c) Consider custodial status and whether custody is appropriate, including whether the juvenile is a dependent minor.
- (d) Consider whether filing with the prosecuting attorney is appropriate.
- (e) Inquire as to the status of a minor as an Indian child within the meaning of Welfare and Institutions Code § 224.3 and provide notice as required by Welfare and Institution Code § 224.2.

400.5 ISSUED DATE

- 03/22/2022

400.5.1 REVISED DATE(S)

Compliance Monitoring

403.1 PURPOSE AND SCOPE

This policy provides guidelines for monitoring clients.

This policy applies to all officers within the Plumas County Probation Department who monitor clients.

Drug and/or alcohol testing, search and seizure issues, and task force operations are addressed in the Drug and Alcohol Testing, Search and Seizure, and Task Force policies, respectively.

403.1.1 DEFINITIONS

Definitions related to this policy include:

Monitoring - Compliance monitoring includes observation and/or surveillance of clients through available means, including visual, audio, or digital. Monitoring includes but is not limited to conducting field observation, home contacts, office contacts, employment contacts, route checks, telephone checks, field contacts to referral services and programs, location monitoring, social media reviews, or any other type of visual or digital tracking of clients.

403.2 POLICY

It is the policy of this department to fairly and objectively monitor clients in accordance with federal and state law, as well as department policies and procedures.

403.3 MONITORING PLAN

Officers should establish a monitoring plan for each client. The monitoring plan should identify types and frequency of monitoring. Officers should limit monitoring to that which is reasonably necessary to accomplish the intended verification or corroboration.

Officers should consider the following when establishing the monitoring plan:

- (a) The terms of the court order
- (b) The case management plan
- (c) Required or recommended referrals to community-based resources and services
- (d) The results of any risk assessment, including the likelihood of the client to reoffend
- (e) The purpose of the surveillance (e.g., address or employment verification, unauthorized travel check, curfew check, suspected criminal associations)

Officers should not implement any specific form of monitoring or surveillance that is not authorized by the client's supervision, court, judicial officer, or releasing authority order, state law, and department procedure. Officers should obtain supervisor approval if modification of the court, judicial officer, or releasing authority order or a warrant reasonably appears necessary.

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403.3.1 ADULT SEX OFFENDER REQUIREMENTS

The monitoring plan for adult clients assessed with the State Authorized Risk Assessment Tool for Sex Offenders who have a risk level of high shall include continued electronic monitoring, unless the client's court, judicial officer, or releasing authority order specifically provides that such monitoring is not needed, and intensive, specialized probation supervision that includes frequent reporting to the assigned officer (Penal Code § 1202.8; Penal Code § 1203f).

403.3.2 ADULT HOME DETENTION REQUIREMENTS

The monitoring plan for adult clients in a home detention program shall be consistent with any requirements of the home detention program and Penal Code § 1203.016 or Penal Code § 1203.017, as applicable.

403.3.3 ADULT POST-RELEASE COMMUNITY SUPERVISION ACT

The monitoring plan for persons subject to post-release community supervision should be developed in accordance with this policy and any review process established by the County (Penal Code § 3454).

403.4 GUIDELINES FOR MONITORING

When circumstances permit, officers should:

- (a) Obtain approval from a supervisor before conducting any monitoring of clients that is not provided for in the monitoring plan.
- (b) Have at least two officers present when conducting home contacts, work contacts, curfew checks, or any other type of monitoring occurring in the community.
- (c) Obtain prior approval from a supervisor for any monitoring of clients that requires more than two vehicles.

Officers should not conduct surveillance without the prior approval of a supervisor or with the intent to harass, intimidate, or embarrass.

403.5 OFFICER RESPONSIBILITIES

Officers should document all monitoring conducted and observations made as a result.

An officer who is unable to adhere to a monitoring plan of an assigned client should notify a supervisor as soon as reasonably practicable and should request additional resources or an appropriate adjustment to the monitoring plan.

Changes to a monitoring plan require supervisor approval. Officers should seek supervisory approval for any changes to the monitoring plan, including adjustments based on changes to the case management plan, information learned from on-going monitoring, and alleged or observed client behavior.

403.6 SUPERVISOR RESPONSIBILITIES

The Chief Probation Officer or the authorized designee is responsible for:

- (a) Reviewing and approving the monitoring plan developed for each client.

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- (b) Reallocating resources and/or approving modifications to monitoring plans as appropriate.
 - 1. If available resources are insufficient to meet statutory or court-ordered monitoring duties, the Chief Probation Officer shall provide written notice to the presiding judge of the superior court and the appropriate local government as provided in Penal Code § 1203.74.
- (c) Identifying approved monitoring techniques and establishing and maintaining procedures for the use of the techniques. Procedures should include:
 - 1. Identification of when the use of a technique is required or prohibited.
 - 2. Any required safety measures.
 - 3. When a warrant or modification to a court order may be required.
- (d) Identifying approved technology, such as digital or video recorders, Global Positioning System (GPS) devices, voice verification/call verification systems, and radio frequency technology. Procedures for approved technology should include:
 - 1. Access control.
 - 2. Oversight.
 - 3. Compliance verification.
 - 4. System audits.

403.7 TECHNOLOGY SYSTEMS

Officers should only use technological tools that have been approved by the department and for which they have received training.

Officers should test the technology before using in the field. If the tool malfunctions in the field, a supervisor should be notified and the malfunction documented.

When investigating a possible violation of conditions, an officer should document any reasonably discovered information that may corroborate or dispute evidence obtained using the technology, including any malfunctions.

403.7.1 ADULT ELECTRONIC MONITORING

If used to monitor adult clients, electronic monitoring shall be implemented in accordance with Penal Code § 1210.7 et seq. The Chief Probation Officer shall develop written guidelines to identify clients who will be subject to continuous electronic monitoring (Penal Code § 1210.12).

Electronic monitoring may include the use of a GPS with the minimum time intervals between transmission established based on an evaluation of the available department resources, the criminal history of the client, and the safety of the victim of the client (Penal Code § 1210.10).

Any device used for continuous electronic monitoring shall (Penal Code § 1210.8):

- (a) Be designed to be worn by a person.

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- (b) Emit a signal as a person is moving or stationary that can be received and tracked across large urban or rural areas, inside or outside of structures, vehicles, or other objects to the greatest degree possible given limitations, size, and cost.
- (c) Function 24 hours a day.
- (d) Be resistant to unintentional or willful damage.

Electronic monitoring devices shall not be used to record or listen to any conversation, except for a conversation between the client and the officer used solely for voice identification (Penal Code § 1210.11).

403.7.2 JUVENILE ELECTRONIC MONITORING

If used to monitor juvenile clients, the monitoring should be conducted pursuant to the provisions outlined above for adult electronic monitoring.

403.8 SOCIAL MEDIA MONITORING

Using social media or any other internet source to access information for the purpose of monitoring clients shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members for purposes consistent with the case management plan. Social media monitoring should not be conducted unless it has been incorporated in the monitoring plan of the client or otherwise approved by a supervisor.

Members monitoring social media of clients should use only department-approved equipment while on-duty unless they are specifically authorized to do otherwise by a supervisor. If a member encounters information relevant to the monitoring of clients while off-duty or while using the member's own equipment, the member should note the dates, times, and locations related to the information and report the discovery to a supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release Policy).

403.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate monitoring purposes consistent with the monitoring plan for the client.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias, or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the client's case file.

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Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the client's case file.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the client's case file.

Any information collected in furtherance of compliance monitoring through an internet source should be documented in the client's case file. Documentation should include the source of information, the dates and times that the information was gathered, and screenshots if available.

403.9 ACCESS RESTRICTIONS

Recordings or other evidence created or received while conducting monitoring should be processed as provided in the Property Policy.

403.10 TRAINING

The department should provide periodic training to officers on this policy and related procedures. Training, subject to available resources, should include:

- (a) Use of approved methods of monitoring.
- (b) How and when to use approved technology for monitoring.
- (c) Constitutional issues that may arise during monitoring, including any warrant or court order requirements and privacy issues.
- (d) When coordination with local law enforcement or other agencies is appropriate.

403.11 ISSUED DATE

- 04/17/2023

403.11.1 REVISED DATE(S)

Drug and Alcohol Testing

404.1 PURPOSE AND SCOPE

This purpose of this policy is to establish guidelines regarding drug and alcohol testing of clients under department supervision.

404.1.1 DEFINITIONS

Definitions related to this policy include:

Adulterated specimen - A specimen containing a substance that is not a normal constituent or containing an endogenous substance at a concentration that is not a normal physiological concentration.

Diluted specimen - A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Specimen - Urine or other body fluid or substance used for analysis.

404.2 POLICY

It is the policy of the Plumas County Probation Department to conduct drug and alcohol testing of clients to determine compliance with any conditions of supervision concerning drug and alcohol use, and when pursuant to other judicial order.

404.3 RESPONSIBILITIES

The Chief Probation Officer or the authorized designee should develop and maintain procedures for the administration of drug and alcohol tests, including but not limited to:

- (a) Criteria for identifying clients subject to random, scheduled, and for cause testing. The criteria should include consideration of:
 - 1. Conditions of supervision.
 - 2. Client factors such as history, current use, and behavior.
 - 3. Drug and alcohol assessments.
 - 4. Risk and needs assessments.
 - 5. Officer observations.
 - 6. Third-party information, where confirmed if necessary.
- (b) Types of unauthorized substances tested.
- (c) Specimen collection and testing procedures, including:
 - 1. Identification of approved testing locations.
 - 2. Approved testing methods.
 - 3. Compliance with the department's exposure control plan and any applicable occupational safety requirements (see the Communicable Diseases policy).

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4. Supervision of the client being tested during the collection of a urine specimen by officers or probation assistants of the same sex as the client being tested, or of the same sex with which the client identifies.
 5. Use of approved testing equipment or devices.
 6. Collection of all specimens in an area free of agents or adulterants to avoid cross contamination or dilution of specimens.
 7. Security procedures to prevent tampering with a specimen.
 8. Establishment of methods to verify that the person appearing for testing is the client subject to testing.
 9. Establishment of processes, including time frames, for a client to submit a specimen once a specimen has been requested.
- (d) Procedures for documenting the handling of specimens from the point of collection to disposal (chain of custody).

404.3.1 THIRD-PARTY TESTING

The Chief Probation Officer or the authorized designee should work with community-based service providers (e.g., drug and/or alcohol treatment facilities) to develop procedures for notifying the supervising officer when a client submits a positive, adulterated, or diluted specimen, or refuses to submit a specimen to the community provider. Those procedures should include but not be limited to:

- (a) The time frame in which the provider must notify the supervising officer (e.g., immediately for high-risk offenders).
- (b) The type of communication required (e.g., email, phone).
- (c) The immediate action taken by the provider in response to the specimen, if any.
- (d) Preservation and documentation of the specimen and test results, confirmation testing, or other actions on the part of the provider; and chain of custody for the specimen and results, including any materials used in the collection and analysis of the specimen.

The Chief Probation Officer should establish any other required minimum data elements that are to be included in drug treatment progress reports from the community-based service providers.

404.3.2 NOTIFICATIONS

The supervising officer shall notify the drug treatment facility of a court order requiring drug testing within seven days of receiving the order (Penal Code § 1210.1). A copy of the client's treatment progress reports, received from the drug treatment facility, should be provided to the court every 90 days, or as the court directs (Penal Code § 1210.1).

404.4 COLLECTION AND TESTING GENERALLY

Members who have been trained in department procedures for collecting specimens may collect specimens consistent with the client's case management plan, a court order, the random screening protocol, or as otherwise specified in department procedure.

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404.4.1 RESPONSIVE ACTION

When a client admits to the use of an unauthorized substance, refuses to submit a specimen when required, tests positive for an unauthorized substance, or provides an adulterated or diluted specimen, the supervising officer upon notification by a probation assistant, another law enforcement officer, or other authorized individual, if applicable, should consider whether:

- (a) Confirmation testing is appropriate.
- (b) The failure or refusal may be a violation of the conditions of supervision and take further action pursuant to the Violations Policy.
- (c) With supervisor approval, modification to the conditions of supervision, including referral for further assessment to determine the need for outpatient or inpatient drug treatment services, would be appropriate and proceed pursuant to the Modification of Conditions of Supervision Policy.
- (d) A reassessment would be appropriate as provided in the Risk and Needs Assessments Policy.
- (e) Officers may choose to handle a violation of conditions of supervision in an informal manner, in consideration of each person's individual needs, as long as the action complies with court mandates.

If a client tests positive, admits use, or refuses to provide a sample and the officer reasonably suspects the client arrived at the testing location or intends to leave the testing location by operation of a motor vehicle while impaired, the officer should contact California Highway Patrol or another law enforcement agency, when appropriate, and proceed according to the Violations Policy. Officers should be cognizant of the fact that a presumptive positive test and/or admission does not necessarily constitute impairment.

404.4.2 CONFIRMATION TESTS

Supervising officers and probation assistants should perform testing of a client despite an admission of use.

When a specimen tests positive or is adulterated or diluted, regardless of any admission of use, reasonable efforts should be made to confirm whether the result occurred during the use of an authorized or prescribed medication or is the result of the use of a prohibited substance. This may include:

- (a) Administration of additional on-site screening.
- (b) Verification of medical prescriptions or medical marijuana identification card if use is approved by the court or conditions of the client's supervision.
- (c) Submission of an appropriate specimen, following the established chain of custody, to an approved toxicology laboratory for confirmation testing.

404.5 TRAINING

Officers and probation assistantssould receive training on this policy and related procedures.

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404.6 ISSUED DATE

- 04/17/2023

404.6.1 REVISED DATE(S)

Modification of Conditions of Supervision

405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for the modification of conditions of supervision.

405.2 POLICY

It is the policy of this department that officers will communicate with the courts and the client to modify conditions of supervision.

405.3 APPROVALS

Officers should not modify conditions of supervision without court approval unless the court has expressly delegated the authority to do so to the officer or Plumas County Probation Department.

If court approval is not required and the modification would decrease the intensity of supervision, officers should obtain supervisor approval prior to the modification.

405.4 MODIFICATIONS

When an officer determines modification of a client's conditions of supervision may be appropriate, the officer should within a reasonable time:

- Identify the proposed modification and document the reason(s) for the proposed modification.
- Notify the client of the proposed modification and ask whether the client will agree to the modification.
- If the client is a minor, proceed with the Modification Hearing subsection (even if the client agrees to the modification).

An agreement by the client to the modification should be in writing and witnessed by a supervisor and a third-party officer or staff member.

405.4.1 MODIFICATION WITHOUT HEARING

If the client agrees to the modification and the court has expressly authorized modifications without a hearing, the officer should (Penal Code §1203.2; Penal Code § 3455):

- (a) Obtain a written waiver of the hearing from the client.
- (b) Submit to the court a copy of the modification along with the rationale for the modification and the client's agreement and waiver of hearing.

Prior to submission of court documents, the officer shall notify the client of the right to an attorney, and if indigent, the right to a court-appointed attorney (Penal Code § 1203.2). If a client waives the right to an attorney, the officer should obtain a signature from the individual on the written waiver. If the client consults with an attorney and thereafter agrees to the modification and waiver of personal appearance at the hearing, the officer should obtain a signature from the attorney as to the agreement (Penal Code § 1203.2; Penal Code § 3455).

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405.4.2 MODIFICATION HEARING

If the client does not waive a court hearing or a hearing is required under the circumstances, the officer should:

- (a) Arrange to have a court date set.
- (b) Prepare or assist in preparing any documents required by the court (Penal Code § 1203.2; Penal Code § 3455; Welfare and Institutions Code § 778).
- (c) Notify the client of the hearing date.
 - 1. Notice should be in writing signed by the client and the method of notice, or reason why notice was not given, should be documented.
 - 2. Officers filing a petition to juvenile court to modify or set aside a condition of probation should serve a copy of the petition on the District Attorney, the minor's attorney of record, or, if there is no counsel of record, to minor and the parents or guardians (Welfare and Institutions Code § 778; Welfare and Institutions Code § 776).

405.5 CASE MANAGEMENT PLAN

Officers should review any resulting modifications with the client.

The case management plan should be modified as appropriate. See the Supervision of Clients Policy.

405.6 DOCUMENTATION

Documents associated with modifications of conditions of supervision, including any waivers and approvals, should be filed in the client's case file and retained in accordance with the Records Maintenance and Release Policy.

405.7 ISSUED DATE

- 04/17/2023

405.7.1 REVISED DATE(S)

Subpoenas and Court Appearances

407.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Plumas County Probation Department to cover any related work absences and keep the Department informed about relevant legal matters.

407.2 POLICY

Plumas County Probation Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

407.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the officer's supervisor or other authorized department agent (Government Code § 68097.1; Penal Code § 1328).

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328):

- (a) The supervisor or authorized individual will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and the supervisor or authorized individual is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines it is not possible to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328).

407.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify, or provides information on behalf or at the request of any party other than the County Counsel or the prosecutor shall notify the member's immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of their official capacity, is a party.
- (b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of their official capacity, is a party.

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- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of their association with the Plumas County Probation Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Plumas County Probation Department.

The supervisor will then notify the Chief Probation Officer and the appropriate prosecuting attorney as may be indicated by the case. The Chief Probation Officer should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

407.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement or memorandum of understanding.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

407.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

407.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

407.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes location during the day, the member shall notify the designated department member of how the member can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

407.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.

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- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

407.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court. The member should also contact the prosecuting attorney regarding testimony and evidence that might be needed in court.

407.6.2 EVIDENCE

When a member is directed by a subpoena to appear in court with evidence or the prosecuting attorney requests evidence that is available to the member, that member should:

- (a) Notify the Property and Evidence Section promptly after receiving the subpoena that the specified evidence is needed for court, and verify that the evidence is readily available.
- (b) Verify whether the evidence will be analyzed by the time of the court appearance, if applicable, and advise the prosecutor of any delay.
- (c) Check with the prosecuting attorney on a timely basis if in doubt about what items or materials to bring to court.
- (d) Notify the prosecuting attorney on a timely basis in the event that evidence has been lost, stolen, or misplaced, or if previously undisclosed information about the evidence has become available.
- (e) Comply with provisions of the Property Policy regarding checking out the evidence and transferring custody of the evidence to the prosecutor or the court, whichever is appropriate.

407.7 OVERTIME APPEARANCES

When a member appears in court on off-duty time, the member will be compensated in accordance with the current collective bargaining agreement or memorandum of understanding.

407.8 ISSUED DATE

- 04/17/2023

407.8.1 REVISED DATE(S)

Interstate Transfer of Supervision

408.1 PURPOSE AND SCOPE

The purpose of this policy is to guide the processing of cases related to the Interstate Compact for Adult Offender Supervision (ICAOS) and ensure the Plumas County Probation Department's compliance with ICAOS.

408.1.1 DEFINITIONS

Compact Administrator - The individual in each compacting state responsible for the administration and management of the state's supervision and transfer of offenders, subject to the terms of ICAOS, the rules adopted by the Interstate Commission for Adult Offender Supervision, and policies adopted by the State Council.

Interstate Compact for Adult Offender Supervision (ICAOS) - A reciprocal agreement among the 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands for the controlled movement and transfer of probation supervision authority across state lines.

Interstate Compact Offender Tracking System (ICOTS) - A web-based system that facilitates the transfer of supervision for clients from one state to another. ICOTS includes mechanisms for notifications of departures, arrivals, progress, violations, and case closures.

408.2 POLICY

It is the policy of the Plumas County Probation Department to use ICOTS when planning for and organizing the movement and supervision of clients across state lines. All interstate transfer of supervision activities should comply with the uniform framework of ICAOS.

408.3 REQUEST FOR TRANSFER OF SUPERVISION BY A CLIENT

When a client requests a transfer of supervision to another state, the officer should:

- Discuss the client's request with the client, including the client's reasoning and the client's supervision plan for compliance in the potential receiving state.
- Review the client's supervision plan to ensure it meets criteria for transfer as specified in ICAOS rules, including any special criteria where applicable (e.g., mandatory transfer, sex offender transfer, emergency transfer).
- Review the client's supervision status, including the client's current compliance status with any past or present conditions of supervision.

408.4 TRANSFER, RETAKE, AND CLOSURE OF ICAOS CASES

The Plumas County Probation Department should follow the rules set forth by the Interstate Commission for Adult Offender Supervision and the State Council and should cooperate with the state Compact Administrator.

The Plumas County Probation Department should utilize ICOTS as necessary, including for notifications of departures, arrivals, progress, violations, and case closures. The Plumas County Probation Department may notify local enforcement of modifications in the client's case status.

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408.5 RECEIPT OF TRANSFERRED PROBATIONERS

Transferred clients received by the Plumas County Probation Department should be given an orientation consistent with the Initial Intake to Probation Services and Orientation Policy.

408.6 TRAINING

The Plumas County Probation Department should provide training to officers involved in ICAOS cases.

408.7 ISSUED DATE

- 04/17/2023

408.7.1 REVISED DATE(S)

Interstate Transfer of Supervision of Juveniles

409.1 PURPOSE AND SCOPE

The purpose of this policy is to guide processing of Compact cases and ensure the Plumas County Probation Department's compliance with the Interstate Compact for Juveniles (ICJ).

409.1.1 DEFINITIONS

Compact Administrator - The individual in each compacting state responsible for the administration and management of the state's supervision and transfer of offenders, subject to the terms of the ICJ, the rules adopted by the Interstate Commission for Juveniles, and policies adopted by California's ICJ office.

Interstate Compact for Juveniles (ICJ) - A reciprocal agreement among the 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands for the controlled movement and transfer of probation supervision authority across state lines for juveniles (4 USC § 112).

Uniform Nationwide Interstate Tracking for Youth (UNITY) - A web-based system for tracking interstate juvenile movement.

409.2 POLICY

It is the policy of the Plumas County Probation Department to use UNITY when planning for and organizing the movement and supervision of clients across state lines. All interstate transfer of supervision activities will comply with the uniform framework of ICJ.

409.3 REQUEST FOR TRANSFER OF SUPERVISION BY A CLIENT

When a request for transfer of supervision to another state is made, the officer should:

- Confirm an appropriate legal guardian exists, or is anticipated to exist, in the receiving state.
- Discuss the request with the client and legal guardian(s), including the reasoning and the plan for compliance in the potential receiving state.
- Review the plan to ensure it meets criteria for transfer as specified in ICJ rules, including any special criteria where applicable (e.g., mandatory transfer, juvenile sex offender transfer, expedited transfer).
- Review the client's supervision status, including the client's current compliance status with any past or present conditions of supervision.
- Complete and submit applicable forms required by ICJ rules. See the following link to [ICJ rules](#).

409.4 TRANSFER, RETAKE, AND CLOSURE OF ICJ CASES

The Plumas County Probation Department should follow the ICJ rules, and will cooperate with the state Compact Administrator.

The Plumas County Probation Department should utilize UNITY as necessary, including for notifications of departures, arrivals, progress, violations, and case closures.

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Interstate Transfer of Supervision of Juveniles

409.5 RECEIPT OF TRANSFERRED CLIENTS

Transferred clients received by the Plumas County Probation Department should be given an orientation consistent with the Initial Intake to Probation Services Policy.

409.6 TRAINING

The Plumas County Probation Department should provide training to officers involved in ICJ cases.

409.7 ISSUED DATE

- 04/17/2023

409.7.1 REVISED DATE(S)

Prison Rape Elimination Act

411.1 PURPOSE AND SCOPE

This policy provides guidance for compliance with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse and sexual harassment in Plumas County Probation Department facilities (28 CFR 115.5 et seq.).

411.1.1 DEFINITIONS

Definitions related to this policy include:

Confined individual - A resident of a community confinement facility, or a detainee in a lockup, owned or operated by the Plumas County Probation Department (28 CFR 115.5).

Sexual abuse - Any of the following acts if the confined individual does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- (b) Contact between the mouth and the penis, vulva, or anus
- (c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- (d) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a member of the Department or a contractor, with or without consent of the confined individual, as follows:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the department member or contractor has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the department member or contractor has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the member or contractor has the intent to abuse, arouse, or gratify sexual desire
- Any attempt, threat, or request by the department member or contractor to engage in the activities described above

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- Any display by the department member's or contractor's uncovered genitalia, buttocks, or breast in the presence of a confined individual
- Voyeurism by the department member or contractor

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one confined individual that are directed toward another; repeated verbal comments or gestures of a sexual nature to a confined individual by a member of the Department or contractor, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

411.2 POLICY

The Plumas County Probation Department has zero tolerance with regard to sexual abuse and sexual harassment in its facilities. This department will take appropriate affirmative measures to protect all confined individuals from sexual abuse and harassment, or retaliation against any person who reports sexual abuse or sexual harassment, or who cooperates with a sexual abuse or sexual harassment investigation, and will promptly, thoroughly, and objectively investigate all allegations of sexual abuse and sexual harassment (28 CFR 115.111; 28 CFR 115.211).

411.3 PREA COORDINATOR

The Chief Probation Officer shall delegate certain responsibilities to a PREA coordinator. The coordinator shall be an upper-level manager. The coordinator must have sufficient time and authority to develop, implement, and oversee department efforts to comply with PREA standards (28 CFR 115.111; 28 CFR 115.211).

The responsibilities of the PREA coordinator shall include developing and maintaining standards and procedures to comply with the PREA Rule.

411.3.1 CONTRACTS WITH OUTSIDE AGENCIES

The PREA coordinator shall ensure that any contract for the confinement or detention of confined individuals includes the requirement to adopt and comply with applicable provisions in PREA and the implementing regulations, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.287 (28 CFR 115.212).

The PREA coordinator shall implement agreements and/or memorandums of understanding for any outside investigation agencies responsible for sexual abuse investigations that include compliance with the appropriate protocol, appropriately trained investigators, evidence collection practices, forensic medical examination requirements, and an agreement to keep the Plumas County Probation Department apprised of the progress of sexual abuse investigations (28 CFR 115.221; 28 CFR 115.271).

411.4 PERSONNEL ISSUES

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411.4.1 DISQUALIFICATION DECISIONS

Every person who may have confined individual contact as a member or contractor shall, prior to service, undergo a thorough background investigation to verify personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Plumas County Probation Department.

The Plumas County Probation Department shall not hire, promote, assign, or transfer any member or contractor to a position that may allow contact with confined individuals if the member has (28 CFR 115.117; 28 CFR 115.217):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 USC § 1997.
- (b) Been convicted of engaging in or attempting to engage in sexual activity that was facilitated by force, or overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) of this subsection.

The department shall ask all candidates who may have contact with confined individuals to disclose any applicable misconduct during written applications or interviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

411.4.2 PREA DISCLOSURE

Members have a continuing affirmative duty to notify the Chief Probation Officer in writing if they have (28 CFR 115.117; 28 CFR 115.217):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 USC § 1997.
- (b) Been convicted for an offense involving engaging in or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been the subject of any civil or administrative adjudication finding that the member engaged in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

The department shall ask all employees who may have contact with confined individuals to disclose any applicable misconduct during written evaluations or reviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

411.4.3 PRESERVATION OF ABILITY TO PROTECT PROBATIONERS

The Department shall not enter into or renew any memorandum of understanding, collective bargaining agreement, or other agreement that limits the department's ability to remove alleged

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staff sexual abusers from contact with any client pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted (28 CFR 115.266).

411.5 ISSUED DATE

- 04/17/2023

411.5.1 REVISED DATE(S)

Bias-Based Supervision

412.1 PURPOSE AND SCOPE

This policy provides guidance to Plumas County Probation Department members that affirms the County's commitment to supervision that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in probation activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, and partnerships).

412.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based supervision - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing supervision services or enforcement of court orders.

412.2 POLICY

The Plumas County Probation Department is committed to providing supervision services to the community with due regard for the racial, cultural, or other differences of those served. It is the policy of this department to provide probation services and to enforce the law and conditions set by the court equally, fairly, objectively, and without discrimination toward any individual or group.

412.3 BIAS-BASED SUPERVISION PROHIBITED

Bias-based supervision is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely, and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns, or specific schemes.

412.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based supervision to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member. Members shall follow Federal and State laws and the County of Plumas policies related to discrimination and harassment.

412.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

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To the extent that written documentation would otherwise be completed (e.g., arrest report), the involved officer should include those facts giving rise to the contact.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

412.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the County Personnel Rules and applicable labor union MOU.

- (a) Supervisors should discuss any issues with the involved officer and the officer's supervisor in a timely manner.
 - 1. Supervisors should document these discussions in the prescribed manner.
- (b) If applicable, Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings and any other available resource used to document contact between officers, clients, and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based supervision should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors shall take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based supervision.

412.6 ADMINISTRATION

The Chief Probation Officer or the authorized designee should review the efforts of the Department to provide fair and objective supervision. Complaints, including public concerns, should be reviewed by the Chief Probation Officer to identify any changes in training or operations necessary to improve service.

412.7 TRAINING

Training on fair and objective supervision and review of this policy should be conducted as directed by the Training Manager.

412.8 ISSUED DATE

- 04/17/2023

412.8.1 REVISED DATE(S)

Chapter 5 - Field and Special Operations

Crime Scene Integrity and Investigation

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the discovery of a crime or crime scene by department members and any corresponding investigation of a crime.

This policy is intended to address criminal investigations of new crimes or crime scenes, not specific violations of an offender's terms of probation. See the Violations Policy.

500.2 POLICY

It is the policy of this department to secure the safety of the public and the preservation of crime scenes, when reasonably practicable, until relieved by the agency having primary investigative jurisdiction. It is also the policy of this department to cooperate with the agency having primary investigative jurisdiction of newly discovered crimes as set forth in this policy.

500.3 INITIAL CONSIDERATIONS

Officers who become aware of a crime or crime scene, including one that may involve clients under the supervision of the Department, shall contact the agency having primary investigative jurisdiction as soon as practicable.

If the crime involves a client under supervision by the Department, the officer should coordinate investigative responsibilities and share relevant information with the responding agency having primary investigative jurisdiction.

An officer who reasonably believes that an individual present during the commission of a crime or at a crime scene is under probation supervision by another officer or other department should take reasonable steps to notify the individual's supervising officer or the associated department to coordinate any necessary investigative responsibilities.

500.3.1 RESPONSE

Officers who encounter or who are first to arrive at a crime scene should:

- (a) Contact agency having primary investigative jurisdiction.
- (b) Contact Dispatch and request additional assistance and resources (e.g., emergency medical services, fire), if appropriate.
- (c) Notify a supervisor.
- (d) When reasonably practicable, provide for the general safety of those within the immediate area by mitigating, reducing, or eliminating threats or dangers.
- (e) Evacuate the location safely as required or appropriate.
- (f) Identify potential witnesses.
- (g) Secure scene and deny entry to all persons until the arrival of the agency having primary investigative jurisdiction, except for EMS.

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500.4 ARRESTS

An officer at the location of a crime or crime scene should not initiate an arrest unless the officer has a reasonable belief that an immediate arrest is appropriate and warranted to prevent imminent harm to others and only if legally permitted under the circumstances. Additional guidance regarding officer arrest authority under California law is provided in the Probation Authority Policy. Officers should be cognizant of relevant Miranda issues referencing crime investigations.

Circumstances involving domestic violence or the crime of possession of medical marijuana may require exceptional handling under California law.

500.4.1 ARRESTS AND INVESTIGATIONS INVOLVING DOMESTIC VIOLENCE

Absent extenuating circumstances involving an imminent threat of death or bodily injury to the officer or another person, officers who have probable cause to believe that an offense involving domestic violence has occurred within their presence should request response by the agency having primary investigative jurisdiction.

This should be considered even if the officer has arrest authority under California law. However, if the officer is authorized or required to take enforcement action, the officer shall take steps to reasonably ensure that appropriate action is taken, including an arrest when there is probable cause to do so in accordance with Penal Code § 830.5 (a)(4). In such case, any decision not to arrest shall be made by the officer's supervisor.

500.4.2 ARRESTS AND INVESTIGATIONS INVOLVING THE USE OF MEDICAL MARIJUANA

Officers shall not arrest a cardholder or designated primary caregiver in possession of an identification card solely for the crime of possession, transportation, delivery, or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

- (a) The information contained in the card is false or falsified.
- (b) The card has been obtained or used by means of fraud.
- (c) The person possesses marijuana, but not for personal medical purposes.

Officers should refer to the Violations Policy when a client alleges possession or use of marijuana for medicinal purposes and the client's terms of supervision do not allow for medicinal use or possession.

500.5 EVIDENCE

Officers shall not conduct searches beyond the scope of their authority, or when they reasonably suspect that a search would jeopardize crime scene investigation integrity. Evidence discovered at a crime scene and that pertains to an officer's investigation of a probation violation should be documented. but the collection and preservation of such evidenceshall be done by the agency having primary investigative jurisdiction.

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Officers who discover evidence that does not relate to a probation violation should defer to the agency having primary investigative jurisdiction for collection.

500.6 REPORTS

Reports should include adequate investigative information and reference to all evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in a related criminal case, as well as information that may adversely affect the credibility of a witness. If an officer learns of potentially incriminating or exculpatory information any time after submission of a report, the officer should prepare and submit a supplemental report documenting such information as soon as practicable.

Officers should proceed with the Violations Policy when the investigation involves a violation of probation conditions.

500.6.1 DISCLOSURE OF REPORTS

Upon completion, reports, including any supplemental reports, should be transmitted to the prosecutor's office and to any other agency to whom the original report was sent (e.g., local law enforcement agency). Release should be approved by a supervisor prior to disclosure.

Disclosure of protected information in this context may be subject to the Records Maintenance and Release and Protected Information policies. See the Violations Policy, regarding information disclosure as part of a probation violation hearing.

500.7 RECORDS

Reports created in relation to a crime or crime scene investigation should be retained in accordance with the Records Maintenance and Release Policy.

500.8 ISSUED DATE

- 03/22/2022

500.8.1 REVISED DATE(S)

Immigration Violations

508.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Plumas County Probation Department relating to immigration and interacting with federal immigration officials.

508.1.1 DEFINITIONS

The following definition applies to this policy (Government Code § 7284.4):

Immigration enforcement – Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

508.2 POLICY

It is the policy of the Plumas County Probation Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

508.3 VICTIMS AND WITNESSES

To encourage cooperation, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of the Plumas County Probation Department will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

508.4 IMMIGRATION STATUS AND DETENTIONS

Immigration status may be reported to the court as required. Any reasonably discovered change in the immigration status of any client or any discrepancy in the record about the person's immigration status should be documented and reported to the court.

No individual should be detained solely for the purpose of waiting for information from immigration officials (Government Code § 7284.6).

508.4.1 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

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508.4.2 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Additionally, members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

508.4.3 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or disclose noncriminal history information maintained by the Department of Motor Vehicles for immigration enforcement (Vehicle Code § 1808.48).

508.5 FEDERAL REQUEST FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to the Chief Probation Officer. The Chief Probation Officer is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

508.6 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

508.7 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the appropriate prosecutor or the appropriate law enforcement agency.

508.8 TRAINING

The Training Manager should ensure officers receive immigration training on this policy. Training should include prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

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508.9 ISSUED DATE

- 03/22/2022

508.9.1 REVISED DATE(S)

- 01/09/2023

Field Training

509.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation; facilitate the transition from the training setting to the actual performance of general duties; and introduce the policies, procedures, and operations of the Plumas County Probation Department. The policy addresses the administration of field training and the selection, supervision, training, and responsibilities of the Field Training Officer (FTO).

509.2 POLICY

It is the policy of the Plumas County Probation Department that all newly hired or appointed officer trainees will participate in field training that is staffed and supervised by trained and qualified Designees within their first year of employment or six months of field work assignment, as applicable.

509.3 FIELD TRAINING

The Department should establish minimum standards for field training, which should be of sufficient duration to prepare officer trainees for probation duties. The field training is designed to prepare trainees for a probation supervision assignment and ensure they acquire the skills needed to operate in a safe, productive, and professional manner, in accordance with the general duties of this department.

To the extent practicable, field training should include procedures for:

- (a) Issuing training materials to each trainee at the beginning of each trainee's field training.
- (b) Daily, weekly, and monthly evaluation and documentation of the trainee's performance as determined by the supervising probation officer.
- (c) A multiphase structure that includes:
 - 1. A formal evaluation progress report completed by the FTOs involved with the trainee and submitted to the Supervising Probation Officer and designee.
 - 2. Assignment of the trainee to a variety of shifts and supervision tasks.
 - 3. Assignment of the trainee to a rotation of FTOs, when available, to provide for an objective evaluation of the trainee's performance.
- (d) The trainee's confidential evaluation of the assigned FTOs and the field training process.
- (e) Retention of all field training documentation in the officer trainee's training file, including:
 - 1. All performance evaluations.
 - 2. A certificate of completion certifying that the trainee has successfully completed the required number of field training hours.

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509.4 FTO COORDINATION AND GUIDELINES

The Chief Probation Officer shall delegate certain responsibilities to designees.

The responsibilities of the coordinator/supervising probation officer include but are not limited to:

- (a) Assigning trainees to FTOs.
- (b) Conducting FTO meetings.
- (c) Maintaining and ensuring FTO and trainee performance evaluations are completed.
- (d) Maintaining, updating, and issuing department training materials to each FTO and trainee.
- (e) Developing ongoing training for FTOs.
- (f) Mentoring and supervising individual FTO performance.
- (g) Monitoring the overall performance of field training.
- (h) Keeping the Chief Probation Officer informed through monthly evaluation reports about the trainees' progress.
- (i) Maintaining a liaison with designee from other probation agencies.
- (j) Maintaining a liaison with probation CORE staff on recruit officer performance during CORE attendance.
- (k) Performing other activities as may be directed by the Chief Probation Officer.

509.5 FTO SELECTION, TRAINING, AND RESPONSIBILITIES

509.5.1 SELECTION PROCESS

The selection of an FTO will be at the discretion of the Chief Probation Officer or the authorized designee. Selection should be based on the officer's:

- (a) Desire to be an FTO.
- (b) Experience, which should include a minimum of two years of field supervision.,
- (c) Demonstrated ability as a positive role model.
- (d) Evaluation by supervisor.
- (e) Possession of, or ability to obtain, approved certification.

An FTO must remain in good standing and may be relieved from FTO duties due to discipline, inappropriate conduct, or poor performance.

509.5.2 TRAINING

An officer selected as an FTO shall successfully complete the department-approved training prior to being assigned as an FTO.

All FTOs should complete an update course approved by this department at least every three years while assigned to the position of FTO.

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509.5.3 TRAINING MATERIALS

The FTO shall receive training materials outlining the requirements, expectations, and objectives of the FTO position. FTOs should refer to their training materials or the designee regarding specific questions related to FTO or field training.

509.5.4 RESPONSIBILITIES

The responsibilities of the FTO include but are not limited to:

- (a) Issuing trainee field training materials to the assigned trainee in accordance with the Training Policy.
 - 1. The FTO should ensure that the trainee has the opportunity to become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.
 - 2. The FTO shall sign off on all completed topics contained in the training materials, noting the methods of learning and evaluating the performance of the assigned trainee.
- (b) Completing and reviewing weekly performance evaluations with the trainee as directed by the supervising probation officer.
- (c) Completing a detailed weekly performance evaluation of the assigned trainee at the end of each week as directed by the supervising probation officer
- (d) Completing a monthly evaluation report of the assigned trainee at the end of each month.
- (e) Providing the supervisor with a verbal synopsis of the trainee's activities at the end of each day or during any unusual occurrence needing guidance or clarification.

509.6 ISSUE DATE

- 03/22/2022

509.6.1 REVISED DATE(S)

Public Recording of Probation Officer Activity

510.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record probation officer actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

510.2 POLICY

The Plumas County Probation Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully by local law enforcement having jurisdiction.

Officers should exercise restraint and should not resort to seeking highly discretionary arrests for offenses such as interference, failure to comply, or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

510.3 RECORDING PROBATION OFFICER ACTIVITY

Members of the public who wish to record probation officer activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with probation officer activity. Examples of interference include but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a client or other individual.
- (c) The individual may not present an undue safety risk to self, to the officer, or to others.

510.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone's recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing individuals to clear the area, an officer could advise individuals they may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with probation officer activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

510.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practicable, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure, or other actions are constitutional and consistent with this policy and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

510.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property Policy.

510.7 ISSUED DATE

- 04/17/2023

510.7.1 REVISED DATE(S)

Medical Aid and Response

511.1 PURPOSE AND SCOPE

This policy recognizes that members may encounter persons in need of medical aid and establishes an appropriate response to such situations.

511.2 POLICY

It is the policy of the Plumas County Probation Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

511.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex, and age, if known.
 - 4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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511.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

511.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

Upon request, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, the officer should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

511.5.1 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

511.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices, and Conducted Energy Device policies.

511.7 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

511.7.1 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

511.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the member and (Civil Code § 1714.22; 22 CCR 100019):

- (a) When trained and tested to demonstrate competence following initial instruction.
- (b) When authorized by the medical director of the Local Emergency Management Service Agency.

511.8.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Manager.

Any member who administers an opioid overdose medication should request response by EMS as soon as possible.

511.8.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Manager will ensure that all applicable state reporting requirements are met.

511.8.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Manager should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication.

Training should be coordinated with the local health department and comply with applicable standards.

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511.9 ISSUED DATE

- 04/17/2023

511.9.1 REVISED DATE(S)

Suspicious Activity Reporting

512.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

512.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

512.2 POLICY

The Plumas County Probation Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain, and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

512.3 RESPONSIBILITIES

The Chief Probation Officer should appoint authorized designees to manage SAR activities. Authorized designees should include supervisors responsible for department participation in criminal intelligence systems as outlined in the Protected Information Policy.

The responsibilities of the members include but are not limited to:

- (a) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative, or complicated.

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- (b) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (c) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (d) Coordinating investigative follow-up, if appropriate.
- (e) Coordinating with local law enforcement, any other appropriate agency, or fusion center.
- (f) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage community members to report suspicious activity and outlines what they should look for and how they should report it (e.g., website).

512.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR, or incident report, and include information about the involved parties and the circumstances of the incident. If during any investigation an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR, or incident report, and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross-reference. A SAR should be processed as any other incident report.

Members should be careful not to interfere with any law enforcement agency investigation and should report new crimes/suspicious activity to the law enforcement agency having primary investigative jurisdiction. as soon as practicable.

512.5 HANDLING INFORMATION

The involved members will forward copies of SARs, in a timely manner, to:

- The Chief Probation Officer or authorized designee.
- Any supervising officer.
- Local law enforcement.
- Other authorized designees.

512.6 ISSUED DATE

- 04/17/2023

512.6.1 REVISED DATE(S)

Chapter 6 - Equipment

Department-Owned and Personal Property

600.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another person or entity, or department-owned property is damaged or lost.

600.2 POLICY

The Plumas County Probation Department will ensure that members are issued appropriate property and equipment necessary for the member's job function. The Department will take steps to minimize the cost associated with maintaining department property, including personal property authorized for use in the member's duties.

600.3 DEPARTMENT-ISSUED PROPERTY

The Chief Probation Officer or the authorized designee should document all property and equipment issued by the Department in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

600.3.1 MEMBER RESPONSIBILITIES

Members shall be responsible for the safekeeping, serviceable condition, proper care, proper use, and replacement of department property that has been assigned or entrusted to them.

- (a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.
- (c) Except when otherwise directed by a Supervisor or when exigent circumstances exist, department-issued property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department-issued property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without prior approval.
- (e) Members should obtain a Supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

600.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief Probation Officer or appropriate Supervisor. The member should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

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The Department will not replace or repair items that are not reasonably required as part of work.

600.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

A member requesting reimbursement for damage to, or loss of, personal property must submit the request in writing to the member's immediate Supervisor. The Supervisor may require a separate written report.

Upon review by the Supervisor and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief Probation Officer, who will then forward the claim to the County department responsible for issuing payments.

600.5 SUPERVISOR RESPONSIBILITIES

The Supervisor receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the appropriate Supervisor. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

Cases where the Supervisor has reason to believe that misconduct or negligence was involved in the loss, damage, or unserviceable condition of property should be handled in accordance with the Standards of Conduct and Personnel Complaints policies.

600.6 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY

A member who intentionally or unintentionally damages or causes to be damaged the real or personal property of another person or entity while performing any probation function shall promptly report the damage through the chain of command.

600.6.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the Plumas County Probation Department or of another person while performing their duties within the jurisdiction of this department. The department member present or the member responsible for the property is responsible to report the damage as follows:

- (a) A verbal report shall be made to the member's immediate Supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the Supervisor.

600.7 ISSUED DATE

- 04/17/2023

600.7.1 REVISED DATE(S)

Personal Communication Devices

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

601.2 POLICY

The Plumas County Probation Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under the California Public Records Act (CPRA) (Government Code § 7920.000 et seq.).

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

601.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities (see the Information Technology Use Policy for additional guidance).

601.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed, or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with the California Electronic Communications Privacy Act (Penal Code § 1546; Penal Code § 1546.1).

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601.4 DEPARTMENT/AGENCY-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief Probation Officer or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief Probation Officer or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

601.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of department communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy regarding any department business-related communication.
 - 1. Members may use personally owned PCDs on-duty for routine administrative work (e.g. client or case information) as authorized by the Chief Probation Officer.
- (e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief Probation Officer or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, CPRA retention and release obligations, and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, or other public records created or received on a member's personally owned PCD should be transferred to the Plumas County Probation Department and deleted from the member's PCD or

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associated storage applications as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from a supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

601.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of personal PCDs to authorized break times, unless an emergency exists. Members should not discuss case information over personal PCDs.
- (b) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (c) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recorded media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief Probation Officer or the authorized designee, may result in discipline.
- (d) Members will not access social networking sites for any purpose that is not official department business.
- (e) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

601.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

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1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief Probation Officer or the authorized designee.

601.8 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while using PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

601.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature (Vehicle Code § 23123; Vehicle Code § 23123.5).

601.10 ISSUED DATE

- 04/17/2023

601.10.1 REVISED DATE(S)

Personal Protective Equipment

603.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well as the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Disposable particulate mask - A class of disposable respirators approved by the Food and Drug Administration (FDA) and the National Institute for Occupational Safety and Health (NIOSH) as suitable for use where fluid or particulate resistance is a priority. Examples are N95 and N100 masks.

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

603.2 POLICY

The Plumas County Probation Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

603.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

603.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training, if applicable.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

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603.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training or during situations in which eye protection may be warranted (e.g., cleaning areas where bloodborne pathogens were spilled, urine sample collections with clients). Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Supervisor or the authorized designee shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

603.6 RESPIRATORY PROTECTION

The Chief Probation Officer or the authorized designee is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA), and state PPE standards and guidelines.

603.6.1 RESPIRATORY PROTECTION USE

Disposable particulate masks should only be used to protect the member from particulate contaminants and are not suitable in an oxygen-deficient atmosphere or where an unsafe level of gases or fumes exists. See also the Communicable Diseases Policy.

Designated members may be issued respiratory PPE based on the member's assignment (e.g., narcotics task force).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

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Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

- (a) The member's face and respirator facepiece need to be washed to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, a change in breathing resistance, or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge, or canister.

603.6.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators, or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke, or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles, or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance, or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

603.6.3 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery, or any other condition that may affect the fit of the facepiece seal).

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All respirator fit testing shall be conducted in negative-pressure mode.

603.6.4 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

603.7 RECORDS

The Training Manager is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respiratory medical evaluation questionnaires and any subsequent physical examination.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the Department records retention schedule and 8 CCR 5144.

603.8 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

603.9 ISSUED DATE

- 04/17/2023

603.9.1 REVISED DATE(S)

Body Armor

604.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

604.2 POLICY

It is the policy of the Plumas County Probation Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

604.3 ISSUANCE

The Supervisor or the authorized designee shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued when an officer begins service at the Plumas County Probation Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

The Chief Probation Officer may authorize issuing body armor to uniformed, non-sworn members whose jobs may make wearing of body armor advisable.

604.3.1 USE

Generally, the required use of body armor is subject to the following:

- (a) Members shall only wear department-approved body armor.
- (b) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action, including but not limited to when they are participating in field supervision activities.
- (c) Members shall wear body armor when working in uniform or taking part in department range training.
- (d) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.
- (e) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
 - 1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.

604.3.2 INSPECTION

Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

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Annual inspections of body armor should be conducted by a person trained to perform the inspection for fit, cleanliness, and signs of damage, abuse, and wear.

604.3.3 CARE AND MAINTENANCE

The required care and maintenance of body armor is subject to the following:

- (a) Members are responsible for inspecting their body armor for signs of damage, wear, and cleanliness at the start of each shift.
 - 1. Unserviceable body armor shall be reported to the supervisor.
- (b) Members are responsible for the proper storage of their body armor.
 - 1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.
- (c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.
 - 1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
 - 2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.
- (d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised.

604.4 ISSUED DATE

- 04/17/2023

604.4.1 REVISED DATE(S)

Chapter 8 - Personnel

Performance Evaluations

802.1 PURPOSE AND SCOPE

This policy provides guidelines for the Plumas County Probation Department performance evaluation system.

802.2 POLICY

The Plumas County Probation Department shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The Department evaluates employees in a nondiscriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

802.3 TYPES OF EVALUATIONS

The Department shall use the following types of evaluations:

Regular - An evaluation completed at regular intervals by the employee's immediate supervisor. Employees who have been promoted should be evaluated as established by the Human Resources Department or, minimally, on the anniversary of the last promotion.

When an employee transfers to a different assignment in the middle of an evaluation period, and fewer than six months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

Special - An evaluation that may be completed at any time the supervisor and Supervisor or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

802.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds standards - Performance is better than demonstrated by a competent employee. It is performance superior to what is required, but is not of such nature to warrant a rating of outstanding.

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Performance Evaluations

Meets standards - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

Needs improvement - Performance is less than the standards required of the position. A needs improvement rating shall be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is inadequate or undesirable performance that cannot be allowed to continue.

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses, and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with supervisor comments.

802.3.2 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures, and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review the employee's performance and the status of the PIP at least monthly.

802.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance, and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based on documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days' written notice prior to the end of the evaluation period.

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

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Performance Evaluations

802.5 EVALUATION FREQUENCY

Supervisors shall ensure that all employees they supervise are evaluated at least once every year on the anniversary of the employee's date of appointment or hire.

Those employees who are required to successfully complete a probationary period should be evaluated monthly.

802.6 EVALUATION INTERVIEW

When the supervisor has completed the employee's evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions, and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

802.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the supervisor shall provide access to and require the employee to read the County harassment and discrimination policies. The supervisor shall give the employee a form to be completed and returned that acknowledges the following:

- (a) The employee understands the harassment and discrimination policies.
- (b) The employee has had all questions regarding the policies sufficiently addressed.
- (c) The employee knows how to report alleged harassment and discrimination policy violations.
- (d) Whether the employee has been the subject of, or witness to, any unreported conduct that may violate the discrimination or harassment policies.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow-up action is taken.

802.7 APPEAL

An employee who disagrees with the evaluation may provide a formal written response that will be attached to the evaluation, or may request an appeal.

To request an appeal, the employee shall forward a written memorandum within three days to the evaluating supervisor's Supervisor or the authorized designee. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

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Performance Evaluations

802.8 CHAIN OF REVIEW

The signed performance evaluation and any employee attachment should be forwarded to the evaluating supervisor's Supervisor or the authorized designee. The Supervisor or the authorized designee shall review the evaluation for fairness, impartiality, uniformity, and consistency, and shall consider any written response or appeal made by the employee.

The Supervisor or the authorized designee should evaluate the supervisor on the quality of ratings given.

802.9 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to an appeal shall be maintained by the Department in accordance with the Personnel Records Policy.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee and also forwarded to the County Human Resources Department.

802.10 ISSUED DATE

- 03/22/2022

802.10.1 REVISED DATE(S)

Special Assignments and Promotions

803.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Plumas County Probation Department.

803.2 POLICY

The Plumas County Probation Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors, candidate skills, and qualifications. Assignments and promotions are made by the Chief Probation Officer with input from line supervisors.

803.3 SPECIAL ASSIGNMENT POSITIONS

Including but limited to the following positions are considered special assignments and not promotions:

- (a) Inter-agency task force
- (b) Field Training Officer

803.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) DPO II or above
- (b) When applicable, possession of or ability to obtain any certification required by the California Board of State and Community Corrections (BSCC) or Standards and Training for Corrections (STC)
- (c) Exceptional skills, experience, or abilities related to the special assignment

803.3.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- (a) Presents a professional, neat appearance
- (b) Maintains a physical condition that aids in performance
- (c) Expressed an interest in the assignment
- (d) Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership skills (e.g., ability to guide others, composure, fairness, values, motivation, decision quality, trust, honesty, team development, courage,

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Special Assignments and Promotions

continuous learning, clear oral communication, resilience, decisiveness, accountability, strategic thinking)

6. Initiative
7. Adaptability and flexibility
8. Ability to conform to department goals and objectives in a positive manner

803.3.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief Probation Officer to include:

- (a) Supervisor interview - The Supervisor will schedule interviews with each candidate.
 1. The Supervisor will submit recommendations to the Chief Probation Officer.
- (b) Assignment by the Chief Probation Officer.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief Probation Officer.

803.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the County Human Resources Department. Refer to the Job Descriptions in the Organization Structure and Responsibility Policy for further information.

803.5 ISSUED DATE

- 03/22/2022

803.5.1 REVISED DATE(S)

Reporting of Arrests, Convictions, and Court Orders

806.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Plumas County Probation Department.

This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

806.2 POLICY

The Plumas County Probation Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Plumas County Probation Department.

806.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and California law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members and retired officers with identification cards issued by the department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

806.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this Department may be inherently in conflict with their duties and the public trust, and shall be reported as provided in this policy.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job (e.g., driver's license suspension or revocation).

Outstanding warrants and felony convictions also place restrictions on the ability of an officer to possess a firearm or remain a peace officer (Government Code § 1029; Penal Code § 29805).

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Reporting of Arrests, Convictions, and Court Orders

806.5 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Chief Probation Officer) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending, or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Chief Probation Officer) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires a suspension.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member's own time and at the member's own expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

806.6 ISSUED DATE

- 03/22/2022

806.6.1 REVISED DATE(S)

Seat Belts

812.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

812.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213 and Vehicle Code § 27360.

812.2 POLICY

It is the policy of the Plumas County Probation Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

812.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seatbelt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

812.4 TRANSPORTING CHILDREN

Child passengers younger than 8 years old shall be transported using an approved child restraint system in compliance with Vehicle Code § 27360.

Rear-seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

812.5 TRANSPORTING PERSONS IN CUSTODY

Persons in custody should be in a seated position and secured in the rear seat of any department vehicle with a transport restraint system or, when a transport restraint system is not available, by seat belts provided by the vehicle manufacturer. The transport restraint system is not intended

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Seat Belts

to be a substitute for handcuffs or other appendage restraints. See the Transporting Persons in Custody Policy.

Persons in custody in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

812.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle safety belts shall not be modified, removed, deactivated, or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief Probation Officer.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

812.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

812.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

812.9 ISSUED DATE

- 03/22/2022

812.9.1 REVISED DATE(S)

Payroll Records

817.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

817.2 POLICY

The Plumas County Probation Department maintains accurate time cards and submits completed signed time cards to the Auditor's Department according to the posted pay schedule.

817.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records (time cards) for the payment of wages according to Plumas County Personnel Rules, Rule 6.

Supervisors are responsible for approving the payroll records for those under their direction.

817.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled bi-weekly basis as outlined in the payroll schedule, generally on the same day or date each period, with certain exceptions such as holidays. Payroll records (time cards) shall be completed and submitted to the immediate Supervisor who submits it to the Administrative Assistant for internal department tracking. The Administrative Assistant processes the time cards and ensures completed time cards are submitted to the Auditor's Department according to payroll schedule time lines.

817.5 RECORDS

The County Auditor shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

817.6 ISSUED DATE

- 03/22/2022

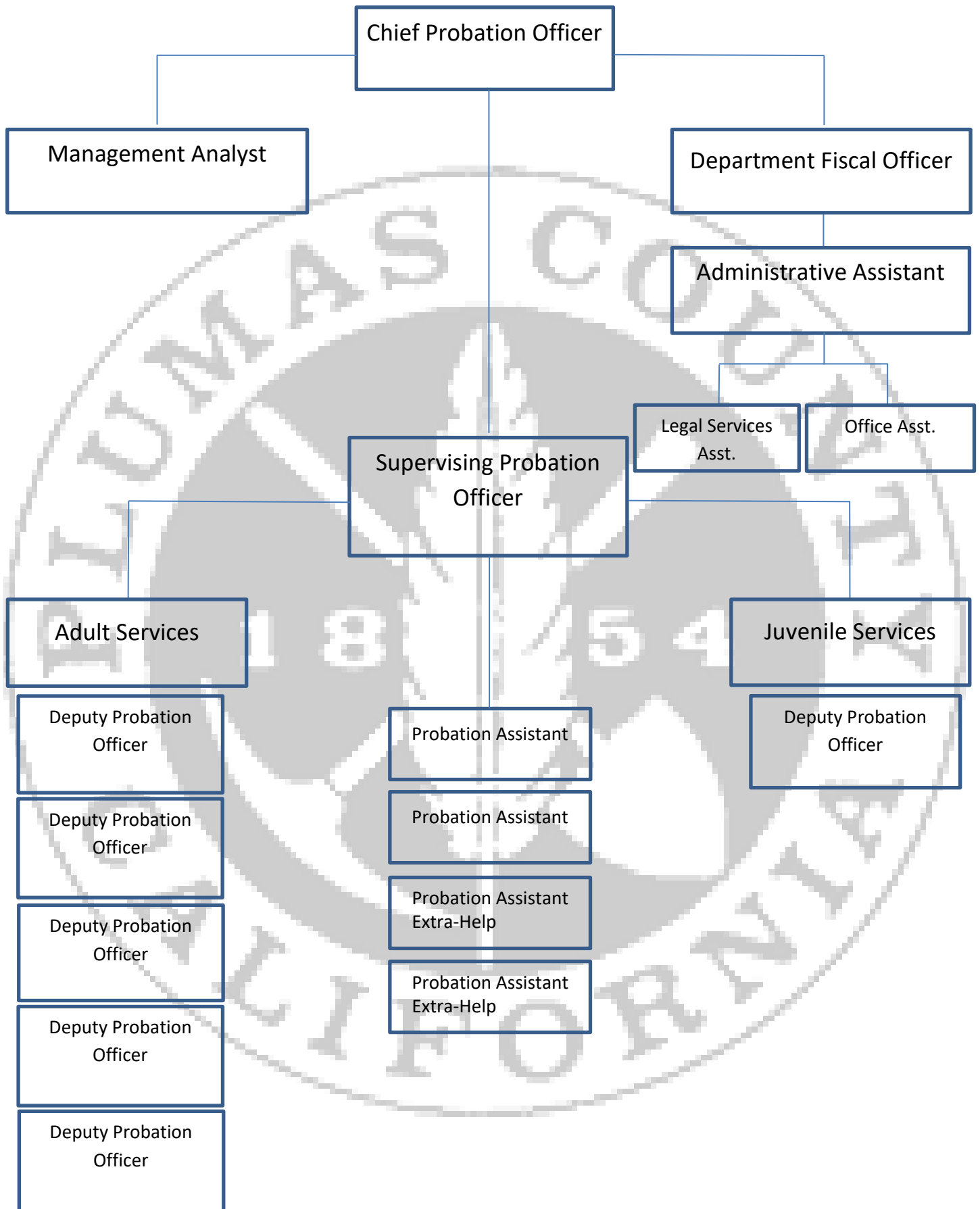
817.6.1 REVISED DATE(S)

Plumas County Probation Department Probation Manual

Probation Manual

Attachments

Plumas County Probation Org Chart 20200819.pdf



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CALIFORNIA DEPARTMENT OF JUSTICE

CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

REFERENCE GUIDE



April 2019

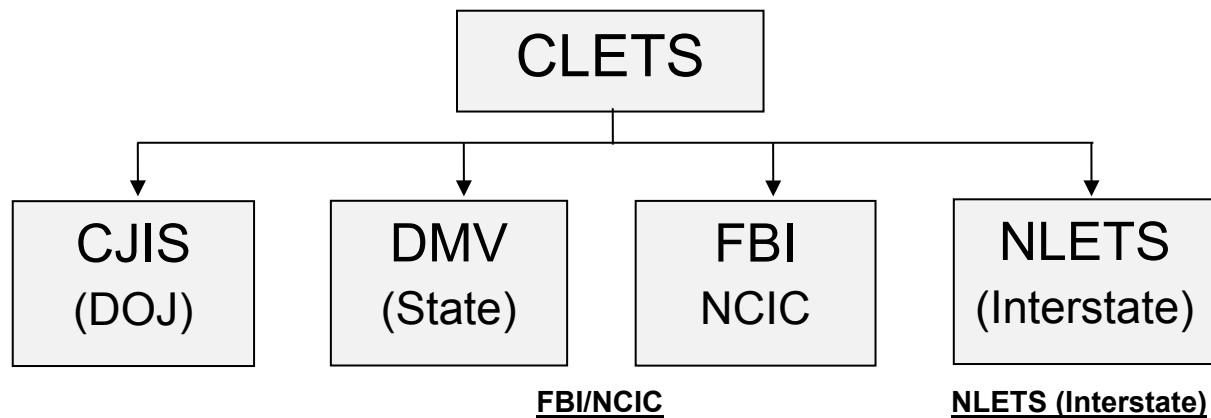
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For information on obtaining additional copies, visit the California
Department of Justice (DOJ) California Law Enforcement Website (CLEW) and select Client
Services at <http://clew.doj.ca.gov>

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CJIS (DOJ)

Armed & Prohibited Persons – System
 Automated Archive System
 Automated Boat System
 Automated Criminal History - System
 Automated Firearms System
 Automated Property System
 CA Restraining & Protective - Order System
 CA Sex & Arson Registry
 Criminal History System
 Manual Criminal History
 Mental Health Firearm - Prohibition System
 Name and Number Inquiry
 Missing & Unidentified Persons - System
 Stolen Vehicle System
 Supervised Release File
 Wanted Person File

DMV (State)

Driver License/Identification - Card
 International Registration Plan
 Occupational Licensing
 Parking/Toll Violation
 Vehicle/Vessel Registration File

Article File
 Boat File
 Foreign Fugitive File*
 Gang File*
 Gun File
 Identity Theft File*
 Image File
 Immigration Violator File
 Interstate Identification - Index*
 Known or Appropriately - Suspected Terrorist File*
 License Plate File
 Missing Persons File
 National Sex Offender - Registry
 NICS Denied Transaction – File*
 ORI File
 Protection Order File
 Protective Interest File*
 Securities File*
 Supervised Release File
 Unidentified Persons File
 Vehicle File
 Vehicle/Boat Parts File
 Wanted Person File
 Wanted Persons File

NLETS (Interstate)

Administrative Messages
 Canadian Police Information - Centre
 Commercial Vehicle – Information*
 Concealed Weapons - Information*
 Criminal History
 Driver's License/Driver History
 FAA Aircraft Registration*
 Hazardous Material File*
 Help Files*
 Fixed Format Hit Confirmation
 INTERPOL*
 Law Enforcement Support – Center*
 National Center for Missing and - Exploited Children*
 National Insurance Crime Bureau
 ORION File*
 Parole/Probation/Corrections*
 Sex Offender Registration*
 Vehicle/Boat/Snowmobile - Registration
 Wildlife Violation File

CLETS can be accessed through:

Message Switching Computer
 CAD/LAN/WAN – Interfaces
 LEAWEB – Direct Connect

*Non-Corollary Files and Systems

****NOTE****

Oregon LEDS is no longer available via the CLETS. Inquires intended for LEDS will need to be performed through the International Justice and Public Safety Network using the National Law Enforcement Telecommunications System (NLETS).

OFFICE OF THE ATTORNEY GENERAL

MISSION STATEMENT

It is our duty to serve our state and work honorably every day to fulfill California's promise. The Attorney General and Department of Justice employees provide leadership, information and education in partnership with state and local governments and the people of California to:

1. Enforce and apply all of our laws fairly and impartially.
2. Ensure justice, safety and liberty for everyone.
3. Encourage economic prosperity, equal opportunity and tolerance.
4. Safeguard California's human, natural and financial resources for this and future generations.

INTRODUCTION

The California Department of Justice (DOJ) Client Services Program (CSP), assembled the CLETS Reference Guide to meet the mandated Federal Bureau of Investigation (FBI), National Crime Information Center (NCIC), and DOJ training requirements. The FBI/NCIC require training be developed to ensure that all personnel (e.g. Terminal Operators, Peace Officers, Investigators, Clerical, and Agency Management/Supervisors), sworn and non-sworn, are trained in the operations, policies, and procedures of each file that is accessed or updated. These mandates are documented in the California Law Enforcement Telecommunications System (CLETS) Policies, Practices, and Procedures (PPP).

The material in this manual provides the required minimum levels of training for Law Enforcement Agency (LEA) employees who have access or input to the California Justice Information System (CJIS) or the NCIC files as accessed through CLETS. Training shall be provided only by DOJ certified staff, or a certified CLETS/NCIC trainer that has completed a DOJ CLETS Training for Trainers course.

This reference guide, in conjunction with the CLETS Training for Trainers course, will provide a comprehensive training resource package for LEA trainers. Upon completion, all trainers will have the resources to train their agency's personnel.

DOJ CLETS & CORI Field Representatives are available to assist in formulating training plans and monitoring training sessions. Questions about this publication or training requirements should be directed to DOJ/CSP. CSP can be reached by telephone at (916) 210-3168 or by email at DOJCSP@doj.ca.gov.

TRAINING REQUIREMENTS (CLETS PPPs)

CLETS Policy Practices and Procedures rev 2019

1.8 TRAINING

1.8.1 System Training

Agencies with host systems are responsible for training their local users on how to access the MSC and the use of pre-formatted screens.

1.8.2 Database Training

Training in message formats for access to information in the CA DOJ criminal justice databases, the NCIC, the Nlets, and the Department of Motor Vehicles (DMV) is the responsibility of the CA DOJ. Training will be accomplished according to the following:

- A. All city, county, state and federal agencies that use information from the CLETS must participate in the CA DOJ's training programs to ensure all personnel are trained in the operation, policies and regulations of each file that is accessed or updated. Training must include the requirement that CLETS information shall only be obtained in the course of official business. The person receiving this information must have a "right to know" and "need to know;" and trained in the possible sanctions and/or criminal/civil liabilities if the information is misused. Training shall be provided only by the CA DOJ's training staff or another certified CLETS/NCIC trainer.

Specifically, the training requirements are as follows:

1. Initially (within six months of employment or assignment), train, functionally test and affirm the proficiency of all terminal (equipment) operators (full access/less than full access) to ensure compliance with the CLETS/NCIC policies and regulations. This is accomplished by completing the required training and the appropriate CLETS/NCIC Telecommunications Proficiency Examination published by the CA DOJ, or a facsimile thereof. An agency wishing to make additions or modifications to the Proficiency Examination must receive prior approval from the CA DOJ.
2. Biennially provide functional retesting and reaffirm the proficiency of all terminal (equipment) operators (full access/less than full access) to ensure compliance with the CLETS/NCIC policies and regulations. This is accomplished by the completion of the appropriate CLETS/NCIC Telecommunications Proficiency Examination published by the CA DOJ, or a facsimile thereof. An agency wishing to make additions or modifications to the Proficiency Examination must receive prior approval from the CA DOJ.

1. Maintain records of all training, testing and proficiency affirmation. Training records, written or electronic, shall identify the employee's CLETS category of Full Access operator, Less Than Full Access operator, Practitioner or Administrator. The records must record the date of initial CLETS training and, for operators, the date(s) the initial and subsequent biennial Telecommunications Proficiency Examination were completed, recording a passing score of 70 percent or better or a pass/fail notation. The Examinations may be discarded or returned to the operator upon entry of the required information in the appropriate log. An individual's CLETS training record may be deleted one year after separating from the agency.
2. Initially (within six months of employment or assignment), all sworn/non-sworn practitioner personnel must receive basic training in the CLETS/NCIC policies, liability issues and regulations. Practitioner is defined as any person who has ongoing access to information from the CLETS and is not a CLETS operator.
3. Make available appropriate training on the CLETS/NCIC system for criminal justice practitioners other than sworn personnel.
4. All sworn law enforcement personnel and other practitioners should be provided with continuing access to information concerning the CLETS/NCIC systems, using methods such as roll call and in-service training.
5. Provide peer-level training on the CLETS/NCIC system use, regulations, policies, audits, sanctions and related civil liability for criminal justice administrators and upper-level managers. Training is accomplished by reviewing and signing for the NCIC "Areas of Liability for the Criminal Justice Information System Administrator" packet.
 - B. To ensure compliance with this training mandate, the CA DOJ is responsible for monitoring the ongoing training provided to law enforcement personnel. On-site visits, including classroom observation and review of training records, may be conducted by the CA DOJ staff.

1.8.3 Security Awareness Training

Security and awareness training shall be required for all personnel who have direct or indirect access to CLETS systems and shall meet the requirements specified the FBI CSP § 5.2.

TRAINING REQUIREMENTS (FBI CJIS Security Policy)

FBI CJIS Security Policy – rev v5-7 20180816

5.2 Policy Area 2: Security Awareness Training

Basic security awareness training shall be required within six months of initial assignment, and biennially thereafter, for all personnel who have access to CJI to include all personnel who have unescorted access to a physically secure location. The CSO/SIB Chief may accept the documentation of the completion of security awareness training from another agency. Accepting such documentation from another agency means that the accepting agency assumes the risk that the training may not meet a particular requirement or process required by federal, state, or local laws.

5.2.1 Awareness Topics

A significant number of topics can be mentioned and briefly discussed in any awareness session or campaign. To help further the development and implementation of individual agency security awareness training programs the following baseline guidance is provided.

5.2.1.1 Level One Security Awareness Training

At a minimum, the following topics shall be addressed as baseline security awareness training for all personnel who have unescorted access to a physically secure location:

1. Individual responsibilities and expected behavior with regard to being in the vicinity of CJI usage and/or terminals.
2. Implications of noncompliance.
3. Incident response (Identify points of contact and individual actions).
4. Visitor control and physical access to spaces—discuss applicable physical security policy and procedures, e.g., challenge strangers, report unusual activity, etc.

5.2.1.2 Level Two Security Awareness Training

In addition to 5.2.1.1 above, the following topics, at a minimum, shall be addressed as baseline security awareness training for all authorized personnel with access to CJI:

1. Media protection.
2. Protect information subject to confidentiality concerns — hardcopy through destruction.
3. Proper handling and marking of CJI.
4. Threats, vulnerabilities, and risks associated with handling of CJI.
5. Social engineering.
6. Dissemination and destruction.

5.2.1.3 Level Three Security Awareness Training

In addition to 5.2.1.1 and 5.2.1.2 above, the following topics, at a minimum, shall be addressed as baseline security awareness training for all authorized personnel with both physical and logical access to CJI:

1. Rules that describe responsibilities and expected behavior with regard to information system usage.
1. Password usage and management—including creation, frequency of changes, and protection.
2. Protection from viruses, worms, Trojan horses, and other malicious code.
3. Unknown e-mail/attachments.
4. Web usage—allowed versus prohibited; monitoring of user activity.
5. Spam.
6. Physical Security—increases in risks to systems and data.
7. Handheld device security issues—address both physical and wireless security issues.
8. Use of encryption and the transmission of sensitive/confidential information over the Internet—address agency policy, procedures, and technical contact for assistance.
9. Laptop security—address both physical and information security issues.
10. Personally owned equipment and software—state whether allowed or not (e.g., copyrights).
11. Access control issues—address least privilege and separation of duties.
12. Individual accountability—explain what this means in the agency.
13. Use of acknowledgement statements—passwords, access to systems and data, personal use and gain.
14. Desktop security—discuss use of screensavers, restricting visitors' view of information on screen (mitigating "shoulder surfing"), battery backup devices, allowed access to systems.
15. Protect information subject to confidentiality concerns—in systems, archived, on backup media, and until destroyed.
16. Threats, vulnerabilities, and risks associated with accessing CJIS Service systems and services.

5.2.1.4 Level Four Security Awareness Training

In addition to 5.2.1.1, 5.2.1.2, and 5.1.2.3 above, the following topics at a minimum shall be addressed as baseline security awareness training for all Information Technology personnel (system administrators, security administrators, network administrators, etc.):

1. Protection from viruses, worms, Trojan horses, and other malicious code—scanning, updating definitions.
2. Data backup and storage—centralized or decentralized approach.
3. Timely application of system patches—part of configuration management.
4. Access control measures.
5. Network infrastructure protection measures.

5.2.2 Security Training Records

Records of individual basic security awareness training and specific information system security training shall be documented, kept current, and maintained by the CSO/SIB Chief/Compact Officer. Maintenance of training records can be delegated to the local level.

CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS) NATIONAL CRIME INFORMATION CENTER (NCIC) - CLETS/NCIC SYSTEM TRAINING REQUIREMENTS

(Per CLETS PPP Section 1.8 [06/2018] and FBI CJIS Security Policy Section [CSP] 5.2 [v5.7 08/16/2018])

FULL ACCESS (FA) (UPDATE AND INQUIRY) OPERATORS – Level 3		
<u>WHO:</u>	<u>TRAINING:</u>	<u>BIENNIAL RECERTIFICATION:</u>
ANY operator who has a User ID and Password and makes inquiries into any system containing Criminal Justice Information (CJI) and/or performs update functions.	Within six (6) months of appointment or assignment: <ol style="list-style-type: none"> 1. Initial CLETS/NCIC training by a CLETS certified trainer 2. Completion of a current Full Access (FA) Operator Proficiency Exam 3. CLETS/NCIC Security Awareness (SA) training meeting the requirements specified in FBI CSP section 5.2.1.3 or 5.2.1.4 	Every two (2) years: <ol style="list-style-type: none"> 1. Completion of a current Full Access (FA) Operator Proficiency Exam 2. CLETS/NCIC Security Awareness (SA) training meeting the requirements specified in FBI CSP section 5.2.1.3 or 5.2.1.4 <p>The operator needs to have timely access to DOJ Information Bulletins, Agency Incident Response Plan, CLETS/NCIC Manuals, and updates.</p>
LESS THAN FULL (LTF) ACCESS (INQUIRY) OPERATORS – Level 3		
<u>WHO:</u>	<u>TRAINING:</u>	<u>BIENNIAL RECERTIFICATION:</u>
ANY operator who has a User ID and Password and only makes inquiries into any system containing CJI.	Within six (6) months of appointment or assignment: <ol style="list-style-type: none"> 1. Initial CLETS/NCIC training by a CLETS certified trainer 2. Completion of a current Less Than Full (LTF) Access Operator Proficiency Exam 3. CLETS/NCIC Security Awareness (SA) training meeting the requirements specified in FBI CSP section 5.2.1.3 or 5.2.1.4 	Every two (2) years: <ol style="list-style-type: none"> 1. Completion of current Less Than Full (LTF) Access Operator Proficiency Exam 2. CLETS/NCIC Security Awareness (SA) training meeting the requirements specified in FBI CSP section 5.2.1.3 or 5.2.1.4 <p>The operator needs to have timely access to DOJ Information Bulletins, Agency Incident Response Plan, CLETS/NCIC Manuals, and updates.</p>
PRACTITIONER TRAINING – Level 2		
<u>WHO:</u>	<u>TRAINING:</u>	<u>BIENNIAL RECERTIFICATION:</u>
ANY person who has ongoing access to CJI, (filing, clerical, etc.) but does NOT have an ID or Password for ANY system containing CJI.	Within six (6) months of initial assignment: <ol style="list-style-type: none"> 1. CLETS/NCIC Security Awareness (SA) training meeting the requirements specified in FBI CSP section 5.2.1.2 or 5.2.1.3 or 5.2.1.4 	Every two (2) years: <ol style="list-style-type: none"> 1. CLETS/NCIC Security Awareness (SA) training meeting the requirements specified in FBI CSP section 5.2.1.2 or 5.2.1.3 or 5.2.1.4 <p>This person needs to have timely access to DOJ Information Bulletins, Agency Incident Response Plan, and CLETS/NCIC updates.</p>
SECURITY AWARENESS (SA) TRAINING ONLY – Level 1		
<u>WHO:</u>	<u>TRAINING:</u>	<u>BIENNIAL RECERTIFICATION:</u>
ANY person who has unescorted access to a secure area (janitors), but NOT authorized to use/view CJI.	Within six (6) months of initial assignment: <ol style="list-style-type: none"> 1. CLETS/NCIC Security Awareness (SA) training meeting the requirements specified in FBI CSP section 5.2.1.1 	Every two (2) years: <ol style="list-style-type: none"> C. CLETS/NCIC Security Awareness (SA) training meeting the requirements specified in FBI CSP section 5.2.1.1 <p>This person needs to have timely access to DOJ Information Bulletins, Agency Incident Response Plan, and CLETS/NCIC updates.</p>

NOTE: Agency head and upper-level managers need to complete the appropriate access level training as indicated in the chart on page 1 of this document. Additionally, review and sign for the NCIC "Areas of Liability for the Criminal Justice Information System Administrator" packet.

Initial training can only be provided by a CLETS subscribing agency's certified CLETS/NCIC trainer and must meet all the CLETS/NCIC training requirements per PPP section 1.8.2. The agency shall maintain training records on all personnel having access to CLETS/NCIC information.

Initial Training AND Biennial Recertification Training records must reflect the name, CLETS access level, date of training and dates of Proficiency Exams (with score or pass notation).

Every agency should have an agency specific Incident Response Plan (IRP). The agency IRP should be provided during initial training and biennial recertification.

NexTEST Less Than Full and Full Access exams include Security Awareness (SA) questions so a separate exam for SA is not required. The SA training module is still required to complete.

IT personnel must complete Level 4 training.

All training outlined on page 1 are minimum requirements per policy, agencies may test at higher levels if they choose to.

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ACCESS TO INFORMATION SYSTEMS

The method by which agencies access available information systems is governed by the geographical area or county in which they are located. Some utilize Message Switching Computers (MSC), Computer-Aided Dispatch (CAD) systems, and the Law Enforcement Agency Web (LEAWEB) which directly connect to CLETS. Many of these systems have wireless Mobile Digital Terminals/Computers (MDT/MDCs) which allow officers in the field to inquire directly into the CJIS databases from their patrol units. Regardless of equipment, agencies within California can access state and federal systems located in other states via the California DOJ CLETS.

The FBI maintains the NCIC, which is the federal counterpart of CJIS. The NCIC is available for inquiries and updates from a CLETS terminal. Many of the NCIC files are corollaries of CJIS and are actually accessed after passing through CJIS.

The DOJ has created a more convenient way to inquire into the Automated Firearms System (AFS), Automated Property System (APS), Wanted Persons System (WPS), California Restraining & Protective Order System (CARPOS), Supervised Release File (SRF) and Missing and Unidentified Persons System (MUPS). "Super Message Keys" have been developed, enabling staff to inquire into these databases via a single inquiry.

The basic name inquiry is used with one of the following message keys:

FORMAT

IE

GPW.ORI.NAM/nam.SEX/sex.DOB/dob or AGE/age

(Message key GPW will inquire into APS, AFS, WPS, CARPOS, SRF)

FORMAT

IE

PW.ORI.NAM/nam.SEX/sex.DOB/dob or AGE/age

(Message key PW will inquire into APS, WPS, CARPOS, SRF)

FORMAT

IE

GW.ORI.NAM/nam.SEX/sex.DOB/dob or AGE/age

(Message key GW will inquire into AFS, WPS, CARPOS, SRF)

FORMAT

IE

GP.ORI.NAM/nam.DOB/dob or AGE/age

(Message key GP will inquire into APS, AFS. SEX is invalid.)

FORMAT

IE

QVC.ORI.NAM/nam.SEX/sex.DOB/dob or AGE/age

(Message key QVC will inquire into WPS, CARPOS, SRF)

FORMAT

IE

WRM.ORI.NAM/nam.SEX/sex.DOB/dob or AGE/age

(Message key WRM will inquire into MUPS, WPS, CARPOS, SRF. SEX must be M or F for MUPS.)

The DOJ manages a high speed MSC and provides communication of data circuits to one point in each county. Many counties have developed and maintain MSC's with data circuits to terminals located within the county.

Within the DOJ, the CLETS Administration Section (CAS) provides technical assistance regarding local interface and maintains and publishes the CLETS Policies, Practices, and Procedures (PPPs). The CAS phone number is (916) 210-4240, and CLETS mnemonic is "YME0." For after hours and weekends contact the DOJ Command Center at (916) 227-3244 or the Computer Operations Unit at (916) 227-3138.

LAWS, POLICIES, AND RAMIFICATIONS

The use of any CLETS provided information for other than official business may be a violation of Penal Code Sections 502, 11105, 11140-11143, 13301-13304 and California Vehicle Code Section 1808.45-47.

The use of CLETS for other than official law enforcement purposes may result with the employing agency seeking dismissal and/or prosecution of the employee.

A. CLETS Security

In order to maintain the integrity of CLETS and to ensure the security of information received and transmitted by use of the system, the following policies shall be adhered to:

- Reasonable measures shall be taken to locate equipment in a secure area to provide protection from vandalism or sabotage and to preclude access or view by anyone other than authorized personnel.

- Details of summary criminal history may be received by an agency-approved wireless device, provided all wireless access security requirements are met. Handheld devices used to receive information from the CLETS are permitted if all DOJ requirements are met. Remote access to information from the CLETS using communications media (including the Internet) is allowed when a minimum set of requirements are met. (FBI CJIS Security Policy 5.5).
- CLETS provided information may be faxed from one secure location to another secure location. It is the responsibility of the agency/person sending the fax to ensure that the person receiving the information is authorized to receive said information and that it is being faxed to a secure location.
- Personnel authorized terminal access to CLETS may be sworn or non-sworn law enforcement personnel, sworn or non-sworn criminal justice personnel, volunteers, and private vendor technical or maintenance personnel who have been subjected to a security clearance to include the following checks (PPPs Section 1.9.2 B):
 - DOJ fingerprint check.
 - FBI fingerprint check.
 - The DOJ criminal justice databases may be accessed for background investigation of law enforcement and criminal justice employees with the exception of the Automated Criminal History (ACHS) and Mental Health Firearms Prohibition Systems (MHFPS).
- All persons, including non-criminal justice personnel, volunteer personnel, and private vendor technical or maintenance personnel with ongoing physical access to CLETS equipment, CLETS provided information, or to Criminal Offender Record Information (CORI) are required to undergo a background and fingerprint-based CORI search, and complete Security Awareness Training. When CLETS access is available without CORI, all persons, including non-criminal justice and private vendor technical or maintenance personnel accessing areas on an ongoing basis where a CLETS terminal or CLETS information is located are required to undergo a background and fingerprint-based CORI search, and complete Security Awareness Training.
 - Persons without ongoing access or visitors to a computer center where the computer center has CORI access are not required to undergo a background check if they are escorted at all times.
 - The final responsibility for maintaining the confidentiality of criminal justice information rests with the individual agency head or administrator.

- Personnel shall not operate CLETS equipment or access CORI until a background and fingerprint-based search is completed and approved by the agency head.
 - If the background/fingerprint check reveals a felony conviction of any kind, CLETS access shall not be granted.
 - If it is revealed that the person appears to be a fugitive or has an arrest history without conviction for a felony, the criminal justice head or his/her designee will review the matter and decide if CLETS access is appropriate.
 - Following approval of the completed investigation, a memorandum or other notation should be placed either in the employee's personnel file or in another pertinent file indicating that authorization has been granted.

When a person with access to CLETS is no longer employed or no longer accessing CLETS on behalf of the LEA, the agency is responsible for removing all related passwords, security authorizations, tokens, etc., from the system.

B. Database Regulations

All users shall abide by all regulations pertaining to the data obtained from databases accessed through CLETS.

- It is required that each employee/volunteer sign a CLETS Employee/Volunteer Statement form prior to operating or having access to CLETS terminals, equipment, or information. It is recommended that this form be signed on a biennial basis.
- Periodic driver license checks through the California Department of Motor Vehicles (CA DMV) may be conducted on CLETS subscribing agency employees where driving is a requirement of their job.
- Per California Vehicle Code Section 1808.45, the willful, unauthorized disclosure of information from any department record to any person, or the use of any false representation to obtain information from a department record or any use of information obtained from any department record for a purpose other than the one stated in the request or the sale or other distribution of the information to a person or organization for purposes not disclosed in the request is a misdemeanor, punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the county jail not exceeding one year, or both fine and imprisonment.

DOJ ACHS Prohibitions:

- In reference to U.S. Code, Title 18, Section 922(g)(9), users are prohibited from accessing the DOJ ACHS to enforce provisions affecting a lifetime firearms or ammunition prohibition for anyone convicted of a “misdemeanor crime for domestic violence.”
- Users are not authorized to access automated CORI through CLETS for licensing, certification, or employment purposes. This includes a pre-employment background investigation for a sworn peace officer, law enforcement employee, or accessing a record for review or challenge by the subject of the record.

Exceptions:

- Per Education Code Sections 45125.5 and 35021.1, a LEA may agree to provide a school district or county office of education an automated records check of a prospective non-certified employee or non-teaching volunteer aide. For the purpose of this section only, a school police department may not act as its own LEA.
- Penal Code Section 11105.03 allows a LEA to furnish specific summary criminal history information to a regional, county, city, or other local public housing authority for screening prospective participants as well as potential and current staff.
- Per the Code of Civil Procedures Section 1279.5(e), the courts shall use CLETS to determine whether or not an applicant for a name change is under the jurisdiction of the Department of Corrections or is required to register as a sex offender pursuant to Penal Code Section 290.
- Per Penal Code Section 11105.6, a LEA may access state summary criminal history information via the CLETS to notify bail agents if a fugitive has been convicted of a violent felony.
- Pursuant to the Welfare and Institutions Code Section 16504.5, county child welfare agency personnel conducting an assessment for the emergency placement of a child are entitled to state summary criminal history information obtained through CLETS by an appropriate governmental agency.
- CLETS may be accessed to conduct background investigations of candidates for appointment as private, non-professional guardians, or conservators.

DOJ ACHS allowances:

- A preliminary record check may be performed on any person prior to their approval as a “ride-along” or “sit-along” with the LEA, provided that the individual is not an employee of the LEA.

- An inquiry on any visitor for the purpose of facility security, “ride-along” or “sit-along” for officer safety purposes, shall not be an authorization to circumvent the prohibition of accessing CLETS for licensing, certification or employment purposes. Such misuse could result in the termination of the CLETS service.
- Staff of any law enforcement or correctional/detention facility may process on-line criminal history inquiries on any visitor to such facility.
- In reference to Penal Code Section 13202, access to the DOJ ACHS is allowed for law enforcement statistical or research purposes only upon approval by the DOJ.
- Test records are available for each database. Refer to the CJIS Manual, CA DMV Manual for CLETS and the NCIC Operating Manual for test records. Active records shall not be used to test a system or train employees.

C. Criminal Offender Record Information (CORI)

The term CORI is defined in Penal Code Section 11075 as: (a) 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, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release; (b) 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.

The DOJ maintains summary criminal history in both manual and automated formats. The summary criminal history records are commonly referred to as “rap sheets.” Data submitted on fingerprints, Live Scan, and disposition of arrest and citation forms create the entries on the rap sheet. Agencies are mandated by state law to submit fingerprint cards on almost all arrests and a disposition form which shows the outcome of that arrest (Penal Code Sections 13150 and 13151). Release of California rap sheets, or information taken from the rap sheets, is governed by Penal Code Section 11105.

Local LEAs maintain their own summary criminal history. The release of local summary criminal history information is governed by Penal Code Section 13300. Release of data from the FBI rap sheets is governed by the FBI. When releasing state or local CORI, an agency must first determine if the person or agency is authorized to receive CORI (right-to-know) and the reason the CORI is being requested is valid (need-to-know). The agency can then determine what information can be released. For example, if a background investigator for a LEA requests information on a peace officer applicant, you could not give him a state rap sheet, but you could give him your local CORI. Even though the LEA is an authorized agency, its “need-to-know” would not allow your agency to furnish the state rap sheet.

Penal Code Sections 11120-11127 allow the subject of a record to obtain a copy of his/her state criminal history in order to ensure the accuracy of the record and to refute any erroneous information contained in the record. The procedures for requesting a record review can be found on the Attorney General's website. The subject must submit fingerprints and a processing fee. If the subject is indigent, the fee will be waived. The DOJ will then mail a copy of the record to the subject. If it is determined that an error exists on the record, the correction will be made within 30 days, and the department will notify everyone who received the incorrect record within the past 90 days of the correction. The applicant will be informed that the notification has been made.

Penal Code Sections 13320-13326 give the subject the right to review his/her local summary record that is maintained by local agencies. If it is determined that an error exists in the local record, it must be corrected within 60 days. The agency must notify all criminal justice agencies which were furnished the incorrect record from an automated system for the past 2 years of the correction to the record. The agency must also furnish a list of all noncriminal justice agencies who received the incorrect data stored in their automated system during the past 2 years.

The subject can also obtain a copy of the FBI record by contacting the FBI at (202) 324-3000.

Other laws related to CORI include:

11076 PC	Dissemination to authorized agencies
11077 PC	Attorney General duties
11078 PC	Listing of agencies to which information is released or communicated
11079 PC	Investigations, cooperation by agencies
11080 PC	Right of access of information authorized by other provisions of law
11080.5 PC	Federal parolees residing or domiciled in city or county request for information by chief of police or sheriff
11081 PC	No access to information unless otherwise authorized by law
11105 PC	State summary criminal history information
11105.1 PC	State summary criminal history information; persons entitled to receive
11142 PC	Authorized person furnishing record or information to unauthorized person; misdemeanor
11143 PC	Unauthorized person receiving record or information; misdemeanor
13300 PC	Furnishing to authorized persons
13301 PC	"Record" and "authorized person" defined
13302 PC	Furnishing to unauthorized person by employee of local agency
13303 PC	Furnishing to unauthorized person by authorized person
13304 PC	Receipt, purchase or possession by unauthorized person
13326 PC	Request of employee to obtain record or notification of existence of record; prohibition; violations; penalty
6200 GC	Theft, destruction, falsification, or removal by officer custodian
6201 GC	Theft, destruction, falsification, or removal by person other than officer custodian

D. Release of CLETS Information

The release of CLETS provided information from a CLETS subscribing agency is authorized on a right-to-know, need-to-know basis and under the following conditions:

- A statute, ordinance or regulation must exist which authorizes the governmental agency to perform a specific function which necessitates access to DOJ/CLETS provided information.
- All persons having access to DOJ/CLETS information must complete the required background check (PPPs & FBI CJIS Security).
- All persons having access to DOJ/CLETS information must be trained in the operation, policies, and procedures of each file that may be accessed or updated. Training shall be provided only by a certified CLETS/NCIC trainer and must meet all CLETS training requirements (PPPs Section 1.8.2).
- An agency wishing to provide CLETS delivered information to a non-CLETS subscribing agency must complete a "Release of Information from the CLETS" form.
 - All subsequent requests for information by an agency with a current "Release of Information from the CLETS" form on file will be covered.

- The “Release of Information from the CLETS” form shall be updated when the head of the agency changes, or immediately upon request from the DOJ.
- A copy of this “Release of Information from the CLETS” form shall be submitted to the DOJ to review for compliance and retention in the participant’s file.
- California Vehicle Code Sections 20008-20012 deal with the release of information from accident reports.
- Government Code Sections 6251-6255 govern the release of information from individual crime or arrest reports.
- The presiding judge of the juvenile court in each county dictates who can receive the names and addresses of juveniles named in reports. This order varies from county to county. It is commonly called a TNG Order.
 - If an agency is not certain a report containing a juvenile’s name can be released, it should contact the presiding judge of the juvenile court.
 - If an agency is not certain it should furnish a copy of an arrest or crime report involving an adult, the agency should contact its city attorney or county counsel. The DOJ cannot advise an agency on the release of information from local reports.
- When CORI is destroyed, it must be destroyed in a manner that the subject’s identity is no longer legible. Cross-cut shredding, pulverization and burning are acceptable forms of destruction.
- An audit trail must be maintained for three years when CORI is furnished to another agency. The audit trail must contain the name of the person who received the information, the agency, date, what information was given, and how the information was transmitted. When agencies release information over the telephone they should call back the agency at the public number listed for that agency. There have been many instances of unauthorized persons claiming to be employed by a criminal justice agency.
- An audit trail must be maintained on each release of CORI from the automated system. The audit trail must be available for inspection for not less than three years. The audit trail must contain the date of release, the requesting terminal identifier, the receiving terminal identifier and what information was given. All data systems providing CLETS information must have a computer program which logs this information.
- The DOJ conducts routine audits to ensure that CORI is used correctly. It obtains a computer printout of requests made at the agency during a specific time frame, obtains copies of the rap sheets, and verifies that the requests were made in connection with criminal investigations.
 - If misuse is discovered, it is brought to the administrator’s attention. The DOJ requests that disciplinary action be taken and that the DOJ be notified of the type of discipline. If the misuse is severe in nature, authorized persons or agencies may lose direct access to the criminal offender information maintained by the DOJ.
 - The DOJ also handles complaints from private citizens regarding the misuse of the subject’s record.

E. Liability Issues

- Local department policies and procedures.
- Personal punitive damages paid by sworn or non-sworn employee (or department).
- Disciplinary issues at department level.
- Possible prosecution under Penal Code Section 502, 11140–11143 and 13301–13304, California Vehicle Code Section 1808.45-47 or others.

For further information, consult the following:

- CLETS Policies, Practices, Procedures
- CLETS Subscriber Agreement
- DOJ Client Services Program (916) 210-3168
- DOJ CLETS Administration Section (916) 210-4240
- CLEW for specific Field Representative contact information

GENERAL PROCEDURES

A. Relationship of CJIS and NCIC

At the time of entry, you may elect to enter a record into CJIS only or into both CJIS and NCIC (all entries into MUPS are automatically forwarded to NCIC). In order for a record to be accepted by NCIC it must meet NCIC entry criteria as stated in the NCIC manual. Otherwise, depending on the CJIS system, the record will either be rejected by NCIC or not forwarded from CJIS. Your agency may subsequently remove a record from NCIC but retain it in CJIS by a simple modification (not applicable to MUPS entries). To change a record from CJIS only retention to CJIS and NCIC, the record must be removed from CJIS and re-entered into CJIS and NCIC. An exception is a WPS record which only needs to be modified for NCIC entry.

With the exception of the Securities File, Gang File and Known or Appropriately Suspected Terrorist File, and the Identity Theft File, CLETS terminals cannot enter NCIC only records.

The CJIS record maintenance criteria prevail in the systems for which there are corollary NCIC files. You cannot use NCIC features which are not available in the CJIS systems. Generally, CJIS offers a much wider range of record types and more precise inquiry search parameters in its systems than NCIC does in its files. Consequently, you may receive more positive and possible matches to CJIS inquiries than to NCIC inquiries. Since the technologies of the two systems and the contributors differ there may be different results to an inquiry made of both systems.

B. Record Verification

The primary responsibility for the maintenance of CJIS records belongs to the users of the system. To control the quality and accuracy of record information, all record entry data must be verified by a second party. This should include assuring that the available cross-checks [CA DMV, Dealer's Record of Sale (DROS), etc.] were made and that data in the CJIS record matches the data in the Master Case Record (MCR). This can be accomplished either through a sight verification process by other entry personnel, supervisory personnel, or review of the record by the case officer.

C. Record Maintenance

All records contributed to CJIS must be backed by a MCR (e.g., crime report or warrant). The MCR must contain complete information and be available at all times. MCRs stored electronically are acceptable if the records are readily accessible for hit confirmation and validation. Whenever information is received which would change the data in or status of the CJIS record, including optional data, you must update the CJIS record as soon as possible. Some of the transactions which affect CJIS records and remedial actions are:

- New data is added to the MCR – MODIFY the CJIS record to include the new data.
- Data in the CJIS record is incorrect and correct data is available – MODIFY the CJIS record to correct the data in a particular data field.
- Data in the CJIS record is inaccurate and the correct data is unavailable – if the data is in an optional data field, MODIFY the record to delete the data. If the data is in a mandatory field, CANCEL the CJIS record.

Note: In the Missing Persons System (MPS) and the Unidentified Persons System (UPS), data in some mandatory fields [e.g., Hair (HAI), EYE, etc.] can also be modified.

- The reliability of the MCR is in doubt – CANCEL the CJIS record.
- The property of record is recovered – CLEAR or CANCEL the CJIS record (depending on the system).
- The subject of a record is apprehended, located or identified – CANCEL the WPS, MPS or UPS record.
- The MCR is unavailable – CANCEL the CJIS record.
- The restraining order has been terminated by the court – CANCEL the CARPOS record.

Note: After entering a record or making a subsequent transaction against a record, the computer will send an automatic transaction acknowledgment to your computer. Always check the acknowledgment message to ensure that the information was entered, modified, etc., correctly. If not, make corrections and resend.

D. Record Validation

The FBI/NCIC and the DOJ/CJIS require that automated records in selected files be validated periodically by their contributors. The purpose of validation is to determine, through comparison with originating source documents that each record in the CJIS/NCIC file is accurate, complete, and represents an active case. Validation procedures for all CJIS/NCIC record entries are as follows:

- Validate and certify all records in all files included in the validation list
- The records which are no longer current must be removed from CJIS/NCIC and all records remaining in the system must be valid and accurate
- Assure all records contain all available information

Other than the Article File, all files with records entered into the NCIC require some level of validation. Vehicle and Boat records are validated 60-90 days after entry, and the other files have their records validated annually, based on month of entry. Validation is accomplished by reviewing the original entry and current supporting documents, and by recent consultation with any appropriate complainant, victim, prosecutor, court, motor vehicle registry file or other appropriate source or individual. In the event the originating agency is unsuccessful in its attempts to contact the victim, complainant, etc., the entering authority must make a determination based on the best information and knowledge available whether or not to retain the original entry in the file.

E. Hit Confirmation

A computer match on a person or property is not probable cause for arrest or confiscation in and of itself. "CONFIRMATION" is necessary.

Case law provides that since source reports for automated file records are maintained at the contributing agency, it is essential that all automated file "hits" which match the person or property in an inquiry be confirmed with the record contributor prior to an arrest or confiscation under normal circumstances.

Confirming a hit means to contact the agency that entered the record to:

- Ensure that the person or property inquired upon is identical to the person or property identified in the record.
- Ensure that the warrant, missing person report, protection order, or theft report is still outstanding.
- Obtain a decision on the following: the extradition of a wanted person when applicable; information regarding the return of the missing person to the appropriate authorities; information regarding the return of stolen property to its rightful owner; or information regarding the terms, conditions, and service of a protection order.

- Determine if the entering agency wants the record to be located when the missing person was identified by partial body parts.

Note: The source documents used for hit confirmation may be electronic if the local agency has implemented the controls required by the Control Terminal Agency for electronic documents supporting NCIC records.

The agency employee may be held negligent if a concerted effort is not made to carefully determine the facts.

When a file inquiry results in a positive match (hit) and it appears that the person or property of record is the same as the person or property of inquiry, the inquirer must contact the originating agency of the record for confirmation. Names, physical descriptions, and property description are not unique, do not take any further police action based on a “hit” until it is confirmed that the person or property is the same as that of an active record.

The request for verification of a record is called a “Hit Confirmation” and must use the “YQ” format. The actual confirmation as to the validity of a record from the record owner is called a “Hit Confirmation Response” and must use the “YR” format. YQ/YRs are a form of CLETS/NLETS Administrative Messages (AM). An AM of confirmation without using the YQ/YR format does not fulfill the criteria for hit confirmations through CLETS or NLETS.

The DOJ strongly recommends that all YQ requests and YR responses be done via teletype or fax to ensure an audit trail. Telephone confirmations, unless recorded, do not provide an audit trail and may be inadmissible in a liability case. Telephone confirmations should be followed up by a teletype or fax.

Refer to the DOJ CJIS Manual, Section 2.3.4, for YQ/YR formats.

The contributing agency of the record must be available at all times to confirm the hit. This means:

- Twenty-four (24) hours a day, seven (7) days a week, coverage by the contributing agency; or
- Arrangements with another agency to cover the contributor’s terminal to include the ability to confirm a hit by consulting the contributing agency’s MCR.

The following procedures are in force for responding to hit confirmation requests within California:

- When you receive a hit confirmation request on a California record you must make a substantive response within ten (10) minutes for an URGENT request, and within one hour for a ROUTINE request.

- If you are requesting a hit confirmation and you do not receive a response on the California record within the designated time, send a second request and include terminal mnemonic DOJ0 as a destination. If your second request again fails to receive a substantive response within the designated time, send a third request including DOJ0.

The following procedures are in force for responding to hit confirmations via NLETS:

- When you receive a hit confirmation request through NLETS you must respond according to the priority established by the requester (URGENT – respond within ten minutes or ROUTINE – within one hour).
- If you are requesting hit confirmation and you do not receive a response within your established priority, send a second request. Your second response will automatically be forwarded to the control terminal agency holding the record. A third request will be automatically forwarded again to the control terminal agency and in addition to NCIC.
- The state control terminal officer of the state holding the record will institute appropriate action to ensure proper response and compliance with system standards. Failure on the part of any control terminal to ensure compliance will be brought to the attention of the California Control Terminal Officer or, if applicable, to the NCIC Advisory Policy Board.
- The NLETS YQ and YR formats vary slightly in that NLETS (out-of-state) recognizes message senders and receivers by the ORI number, while CLETS (in-state) recognizes message senders and receivers by the terminal Mnemonic (MNE).

A substantive response is:

- **Hit confirmed** - The subject/item of inquiry is probably the same as the subject/item of the active record.
- **Hit denial** - The subject/item of inquiry is probably not the same as the subject/item of the active record.
- A notice of the time necessary to confirm or deny the hit confirmation request – defined as a reasonable time, but no longer than two hours.

Failure to respond to a hit confirmation request may result in the cancellation of the unconfirmed record by the DOJ. Repeated failure to respond to hit confirmation requests may result in curtailment of CJIS or NCIC service. If an agency takes further action against a person without having received hit confirmation, the action may be incorrect. Under certain circumstances, failure to confirm a hit could have legal liabilities.

F. Locate Responsibility

When an inquiry to CJIS results in a match (hit) and the hit confirmation is positive and the inquirer has probable cause to believe they are the same, the inquiring agency must place a LOCATE on the CJIS record. This is the only reason for placing a LOCATE. The LOCATE signifies that property has been recovered or a wanted person apprehended. Failure to enter a locate transaction could have legal liabilities.

G. Recovered Property and Wanted Person Apprehension Definitions

When a LOCATE is placed on a CJIS record, the contributor of the record must promptly clear or cancel the record. Although some users consider property unrecovered until it is returned to the originating agency, this is insufficient reason to retain a CJIS record. Although some users consider a person still wanted until he is held to answer in the contributor's jurisdiction, this does not qualify the record for CJIS retention. The correct placement of a LOCATE on a CJIS record discharges DOJ's responsibility to include the record in CJIS. If a record is in LOCATE status, DOJ may clear or cancel the record without the permission of the contributor.

COMMAND CENTER

Contact info: Telephone (916) 227-3244
Fax (916) 456-0351 (recommended after 6:00 P.M.)

The Command Center is a unit which provides criminal record information to law enforcement and criminal justice agencies twenty-four (24) hours a day, seven (7) days a week. Specifically, they provide the Manual Record and the manual portion of the Hybrid Criminal History Record. The Command Center also provides information and assistance regarding all DOJ programs and CJIS databases during off hours and weekends. The unit also handles calls regarding the California Identity Theft Registry.

CAL-PHOTO PROGRAM

Contact info: (916) 210-3169 or calphoto@doj.ca.gov

Cal-Photo provides a quick and easy means of visual identification of subjects of interest to public LEAs in California. Cal-Photo provides access to mug shot images maintained by California's LEAs, as well as a connection to the photographs and personal descriptor data maintained by the California DMV. The Cal-Photo network and application are maintained by the California DOJ, Cal-Photo Program and the Hawkins Data Center (HDC). Cal-Photo is accessed from a personal computer web browser in a secure Intranet Web environment. Cal-Photo images conform to National Institute of Standards and Technology (NIST) standards. Cal-Photo utilizes the secure DOJ communications network and adheres to the CLETS PPPs.

Access is on a “need to know, right to know” basis, and may only be performed as part of an official law enforcement investigation. Users of Cal-Photo must have DOJ connectivity.

Cal-Photo was recently upgraded to a new application that integrates Cal-Photo, Open Image Management System (OIMS) and Image Warehouse (IW) images. The new system, Image Vault, provides a new look and enhanced functionality.

Each county, city, and federal agency wishing access must submit an application and be approved for access by both the DOJ and the CA DMV. The DOJ will provide training and/or training materials to the agency Administrator(s) on the use and administration of Cal-Photo. It will be the responsibility of the Administrator(s) to provide training to the users in their jurisdictions.

The DOJ Command Center provides Cal-Photo information and thumb print if available, during non-business hours.

The “Cal-Photo User’s Guide” is available on the Cal-Photo application by clicking on the “Help” button. Cal-Photo information is also available on the CLEW website.

ADMINISTRATIVE / ALL POINTS BULLETIN (APB) MESSAGES

A. California Law Enforcement Telecommunications System (CLETS)

i. ADMINISTRATIVE MESSAGES (AM) DOJ Teletype Unit (916) 227-3275

CLETS allows the transmission of free form administrative messages to other agencies within California using their four character mnemonic. Every CLETS terminal (static) or group (pooled) of CLETS terminals, whether fixed or mobile, must have their own unique mnemonic. Administrative messages may be sent to agencies outside California, via CLETS, using the agencies nine character Originating Agency Identifier (ORI). The ORI identifies the agency, whereas the MNE identifies a CLETS device within the agency.

All CLETS messages are **CONFIDENTIAL AND FOR OFFICIAL USE ONLY**. Messages should be as brief and concise as possible.

Messages acceptable for transmission over CLETS include:

- Information regarding the circumstances surrounding the death of an officer killed in the line of duty, also known as a Blue Alert.

Examples of messages **not** acceptable for transmission over CLETS are:

- Personal notices such as social functions, retirement announcements, pistol meets, and holiday cheer messages.
- Profane or obscene language for any purpose including that contained within the description of a crime.
- Excessive listing or detailed description of stolen property except that identifiable by serial numbers or unique markings.
- Subpoenas relative to civil proceedings, or any subpoenas which could be delivered in a timely manner by other means. All subpoenas transmitted via CLETS must be processed in accordance with Penal Code Sections 1328b and 1328c.

ii. ALL POINTS BULLETIN (APB) MESSAGES

APBs are administrative messages that are distributed to all LEAs in California, as well as selected criminal justice agencies. Any CLETS terminal with administrative message capability may send and receive APBs. LEAs are able to send messages as needed, and will receive all messages directed to them. Criminal justice agencies are allowed to select the types of messages they receive.

Due to the sheer number of LEAs receiving APBs and the nature of the content, senders must use discretion and direct a message only to the most appropriate group code(s). Group codes include all California LEAs, all Police Departments, Sheriff's Departments and California Highway Patrol offices, as well as groups specific to counties and regions and type of crime.

Highway	Geographic	Crime Specific
US 50	Northern Coast	Narcotics
I5/SR99	Southern Area	Gangs
US101/SR1	Central Coast	Sexual Assault
US395	Sacramento	Robbery/Burglary
I80	Mid-East Border	Kidnap/Missing/Unidentified Persons
	Northern Inland	Vehicle Theft
	San Joaquin	Homicide
	Bay Area	Arson
	Los Angeles	

APBs use the CLETS administrative message format and route from one (1) to six (6) group codes at a time. APB codes and terminal mnemonics may be used as a destination simultaneously when deemed appropriate by the CLETS user, depending on county message switching computer requirements and restrictions. The sending of APBs is performed in both "E" (emergency) and "N" (normal) formats. APBs may also be distributed outside of California to a single state, a group of states, or nationwide via NLETS.

Note: If an agency is unable to perform an APB, DOJ can assist.

APBs can include:

- Major identifiable property items. Serialized items should always be entered into the APS.
- Crimes against persons, such as murder, rape, robbery, kidnapping, etc., when the suspect's Modus Operandi (MO) or vehicles can be described sufficiently.
- Missing persons or Be on the Lookout (BOLO) warnings involving life or death situations, emergencies or suspected foul play.
- Death and funeral notices of sworn personnel and executive officials on active status killed in the line of duty.
- Acts of nature, including storm warnings, floods, earthquakes and other warnings affecting public safety or law enforcement capabilities.
- Training, seminar and law enforcement related meeting announcements.
- Officer safety situations – including “armed and dangerous.”

APBs should not include:

- Lengthy lists of miscellaneous unidentifiable items, petty theft items, etc.
- Runaway juveniles, under eighteen years of age (not to be confused with Missing Persons).
- Misdemeanor offenses.
- Reply Only If Record (ROIR).
- Traffic warrants.
- “Failure to Provide” warrants (Penal Code Section 270).
- Miscellaneous notices, such as retirements, social functions, holiday cheer, labor/management issues, etc.
- Recruitment of personnel, test announcements, job openings.

For further information on CLETS messages, consult the CLETS Operating Manual.

B. National Law Enforcement Telecommunication System (NLETS)

i. ADMINISTRATIVE MESSAGES/ALL POINTS BULLETINS

An agency may transmit administrative messages (free form) to agencies located in another state. Regional Broadcasts or APB messages are also available. Administrative Messages may be sent to as many as five agencies/addressees simultaneously. Address the message to either a nine (9) character ORI, two (2) character state code, two-character regional code or a combination thereof. The APB destination code enables the transmission of a single message to every state and federal Control Service Agencies (CSA).

The NLETS Administrative Message Policy states:

Messages may not be secondarily disseminated to non-criminal justice agencies without first obtaining specific approval from the originator. The AM message key is not to be used for initial hit confirmation, or responses.

- Restrictions Adopted for Regional Broadcast content:
- No social announcements (i.e., holiday messages or retirements)
- No recruitment of personnel
- No message in which the complainant is interested only in recovery of property
- No attempts to locate vehicle (breach of trust) without warrant
- No message supporting or in opposition to political issues or announcements of meetings relative to such issues
- No messages supportive or in opposition to labor management issues or announcements related to such issues
- No messages supportive or in opposition of legislative bills
- No messages relating to requests for information concerning salary, uniforms, personnel, or related items that can be routinely obtained by correspondence or means other than NLETS
- No advertisement or sale of equipment
- No requests for criminal history record information. IQ, FQ, and AQ formats must be used for this purpose
- No Reply Only If Wanted (ROIWS)
- No solicitation of funds
- No training messages that include the name of the company that is providing the training unless the company is not-for-profit and is providing a direct service to law enforcement

Restrictions Adopted for APBs:

- No social announcements (i.e., holiday messages or retirements)
- No seminar, training class or convention announcements. Training and seminar announcements may be sent via regional broadcast codes to a state in geographic proximity of the sender.
- No recruitment of personnel
- No attempts to locate vehicle (breach of trust) without warrant
- No excessively long messages
- No messages supportive or in opposition to political issues or announcements of meetings relative to such issues
- No messages supportive or in opposition to labor management issues or announcements related to such issues
- No messages supportive or in opposition of legislative bills
- No messages relating to requests for information concerning salary, uniforms, personnel, or related items that can be routinely obtained by correspondence or means other than NLETS
- No advertisement or sale of equipment

- No message regarding wanted subjects of vehicles if they can be entered into NCIC
- No Reply Only If Records (ROIRS)
- No Reply Only If Wanted (ROIWS)
- No runaways
- No missing persons
- No solicitation of funds

B. CANADIAN POLICE INFORMATION CENTRE (See Administrative Message)

CPIC is a system operated by the Canadian Police Information Centre under the stewardship of [National Police Services](#), on behalf of the Canadian law enforcement community.

CPIC provides information about crimes and criminals. It is the only national information-sharing system that links criminal justice and law enforcement partners across Canada and internationally.

The CPIC website is managed by the RCMP on behalf of the Canadian law enforcement community. <http://www.cpic-cipc.ca/index-eng.htm>

CRIMINAL HISTORY

A. Criminal Justice Information System (CJIS)

i. CRIMINAL HISTORY SYSTEM (CHS) Contact info: (916) 210-5155

The CHS is comprised of the Name and Number Inquiry, the ACHS, and the Manual Criminal History System. Criminal history information is provided to criminal justice agencies on a “right-to-know” and a “need-to-know” basis for the performance of their official duties.

Terminals are not authorized to access automated California CORI through CLETS for licensing, certification or employment purposes, including pre-employment background investigations for sworn peace officers and/or law enforcement employees as specified in Penal Code Section 830 et, al; or remotely accessing a record for review and/or challenge by the subject of the record.

In addition, Penal Code Section 11142 states, “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.”

Historically, information in the criminal history files has been based solely on the fingerprint cards provided by the arresting or booking agency. However, the DOJ began providing non-fingerprint based information obtained from disposition documents. Refer to DOJ Information Bulletin 97-13-BCII or the Criminal History Inquiry Manual for detailed information regarding changes to the ACHS.

The current DOJ policy retains all records except those that have been sealed or contain specified marijuana charges until the subject reaches the age of 100. Records of subjects convicted of registrable sex offenses per Penal Code Section 290 are retained for the lifetime of the registrant. All entries on the rap sheet must meet the purge criteria before the record can be destroyed.

Name and Number Inquiry (NNI)

Formerly known as Master Name Index (MNI)

The NNI is an automated on-line file that contains the personal description of all subjects with criminal and/or applicant records on file with the DOJ. It also provides California Identification and Information/State Identification (CII/SID) and Disposition Record (DSP) numbers. Hits or matches made resulting from inquiries on the NNI system cannot be considered positive identification. Positive identification can only be made by fingerprint verification. Multiple hits can be received for one inquiry. Each hit represents a different subject record.

Inquiries into the NNI

As in any Automated System, there is always the possibility of a mismatch between fingerprint identification and a NNI record due to human error, identity theft, etc. Inquiries into the NNI may be searched through the Query History Alpha (QHA) using the subject's NAM, SEX, and DOB **or** AGE.

- An alpha Name (NAM) inquiry will cause the last name to be searched by the sound-a-like system (Soundex), and the first name to be searched using the diminutive tables (GREG, GREGG, GREGORY).
- Initials for the first and middle names should be used when the initial inquiry is unsuccessful, or if the spelling of the name is questionable or unique, such as Chayse or Karyn.
- The use of sex code X (Unknown) is recommended for all name inquiries as it searches both M (Male) and F (Female) sections of the NNI file simultaneously.

An inquiry can also be made through a Query History Numeric (QHN) using the FBI Number, Social Security Number (SOC), Operator License Number (OLN) or Identification Card Number (IDN), or the California Department of Corrections and Rehabilitation (CDCR) or Division of Juvenile Justice (DJJ) [previously known as the California Youth Authority (CYA)] Institution Number (INN).

Optional search fields for both QHA and QHN are the personal descriptors such as Race (RAC), Height (HGT), and EYE and Hair (HAI) color.

The Route To (RTE) data field is required when you access the NNI. CLETS Operator, Requestor's name (if different from Operator), unit or division, and official purpose (e.g. case number, warrant number, and offense) must be entered in this field. This information is stored and is available for audit purposes.

Note: RTE is limited to 30 characters.

Inquiry responses from the NNI

The NNI will return up to twelve possible matches in response to a NAM inquiry.

Each possible match will be identified with a record (CII/SID or DSP) number and Personal Data Record (PDR), e.g., name, date of birth (DOB), sex, race, height, eye and hair color.

Matches may include any of the following four types of records:

- **Automated** – An “A” precedes the record (CII/SID) number and identifies a record that has been completely automated and is maintained in the ACHS.
- **Manual** – An “M” precedes the record (CII/SID) number and identifies a record that is completely maintained manually. (“M” numbers from 90000000 to 98999999 are single, applicant-only records which are further identified by the acronym APP (Applicant) in the Type (TYP) column.
- **Hybrid** – An “H” precedes the record (CII/SID) number and identifies a manual record that has been partially automated. The manual portion of the record is maintained manually, and the automated portion is maintained in the ACHS.
- **Disposition (DSP)** – The DSP number consists of a nine digit numeric only without an alpha prefix (i.e., 999000116) and identifies a record that is:
 - Based solely on information obtained from a disposition document
 - Not substantiated by fingerprint
 - A single entry
 - Automated and is maintained in the ACHS
 - Identified by the acronym DSP in the TYP column

Note: There may be one or more DSPs, Automated, Hybrid or Manual records for an individual. For questions related to dispositions, contact the Criminal Offender Record Program (CORP).

During a DOB search, the NNI is searched plus or minus three years from the DOB. For AGE, the search is the current year plus or minus three years.

Numeric inquiries (FBI, SOC, OLN or INN) will receive up to twelve exact matches in the response. The response will contain the numeric identifier used in the inquiry and the PDR for each subject whose record contains the numeric identifiers searched.

The PDR consists of the subject's record (CII/SID) number, DOBs, SOC, INN, FBI, physical description, name(s), alias(es), moniker(s), miscellaneous numbers [e.g. OLN, PP (Passport), etc.], and occupation(s).

ii. AUTOMATED CRIMINAL HISTORY SYSTEMS (ACHS)

The ACHS is a centralized automated system designed to provide authorized criminal justice agencies with criminal history record (rap sheet) information. It contains first offense records after 1973.

The three types of records that are available on-line through the ACHS are; **Automated** (record [CII/SID] number with an "A" prefix), **Disposition** (nine digit numeric only DSP number without an alpha prefix), and the automated portion of a Hybrid record ([CII/SID] number with an "H" prefix).

Inquiries into the ACHS

Inquiries into the ACHS may only be made using the subject's record (CII/SID or DSP) number. The DSP number must be preceded by the mnemonic DSP followed by a slash (/) (i.e., DSP/999000116).

Inquiry Responses from the ACHS

The types of inquiry responses that are available from the ACHS are PDR, Last Cycle, On-Line Transcript, and Mailed Transcript. All responses contain the subject's PDR.

An inquiry response on a DSP will contain a single entry and a warning or notice that states, "THE ENTRIES PROVIDED BELOW ARE BASED UPON AN ARREST OR COURT DISPOSITION REPORT. THE SUBJECT OF THE ENTRY HAS BEEN IDENTIFIED WITH THIS RECORD BASED UPON SOFT CRITERIA CONSISTING OF A NAME OR NUMBER MATCH. POSITIVE IDENTIFICATION HAS NOT BEEN MADE BECAUSE FINGERPRINTS WERE NOT RECEIVED FOR THE ENTRIES. USE OF THIS INFORMATION IS THE RECEIVERS RESPONSIBILITY."

- **Personal Data Record (QHP)** - This response provides the subject's personal description for both automated and manual CII and DSP.
- **Last Cycle Response (QHC)** - As the name implies, the response contains the last or latest available criminal entry on the record. This allows an agency to determine the subject's most recent involvement with the criminal justice community.

- **On-Line Transcript Response (QHY)** - The on-line rap sheet contains the subject's complete and entire reported criminal/applicant activity within the State of California.
- **Mailed Transcript Response (QHT)** - This response contains the same information as the On-Line Transcript, but is mailed to the authorized agency. The request is made from the agency's CLETS terminal using the agency's "CHS Requestor Code," and a copy of the automated transcript is usually mailed within 24 hours.

III. MANUAL CRIMINAL HISTORY SYSTEM

Contact info: (916) 227-3244

The manual portion of a Hybrid record can be obtained through the DOJ's Command Center by telephone, teletype or mail. (Refer to the Criminal History Inquiry Manual.)

The Manual Criminal History System is comprised of criminal and applicant files that have not been automated. These files can be obtained through the DOJ's Command Center by telephone, teletype, or mail. It generally contains records prior to 1973.

Telephone Inquiry

A telephone request for a manual record should be limited to agencies that do not have a CLETS terminal and/or for urgent situations. The purpose, subject's record (CII/SID) number, name, sex, date of birth, physical descriptors, and all available miscellaneous numbers will be requested by the Command Center's Criminal Identification Specialist.

The Specialist will call back in approximately twenty minutes for "extremely urgent" (Priority 1) requests, and approximately two hours for less urgent "immediate response" (Priority 2) requests. The Specialist will have the entire record available to answer all questions.

Teletype Inquiry

MNE is "DOJ0"

Requests for records which do not require an immediate response by telephone can be made via your CLETS terminal. REQUEST ONLY ONE SUBJECT PER TELETYPE. The response will usually be returned within four hours of receipt of the teletype request on a Priority 3. Use the AM format with the mnemonic "DOJ0" as the addressee. The request must include the subject's record (CII/SID) number, name, sex, date of birth, and purpose. The purpose of the request should identify the type of criminal investigation being conducted (arson, burglary, homicide, etc.). Always include the requestor's name and, if available, the case number.

A Priority 4 is assigned to phone, teletype, or fax requests that request a mailed response be sent within twenty-four hours. Such phone requests are limited to agencies without CLETS terminals.

The two types of records that are available from the Manual Criminal History System are **Manual** (record [CII/SID] number with an "M" prefix), and the manual portion of a **Hybrid** [record (CII) number with an "H" prefix].

The automated portion of a **Hybrid** record is available on-line through the ACHS. (Refer to the Criminal History Inquiry Manual).

If there are more than six arrests on the criminal record, the agency will receive a summary record of any felony convictions or arrests similar to the type of investigation indicated on the request, plus the last arrest on file. In addition, a copy of the complete transcript will be sent in the mail. The requestor's name, agency, address, and telephone number must be at the end of the teletype request.

Mail Inquiry (Priority 5)

All requests for record checks of a routine nature should be sent by mail to:

Department of Justice
Command Center
P.O. Box 903417
Sacramento, CA 94203-4170

The subject's record (CII/SID) number, name, sex, date of birth, and purpose, plus the requestor's full name and address must be included. The average response time is fifteen working days.

For further information on access to criminal history records, consult the Criminal History Inquiry Manual or, for interpreting responses from the criminal history system, consult the Criminal History Users Guide. Manuals are available on the CLEW, <http://clew.doj.ca.gov>.

IV. AUTOMATED ARCHIVE SYSTEM (AAS)

Contact info: (916) 210-4038 or AAS.AAS@doj.ca.gov

The AAS is an electronic file of imaged documents normally found in an Applicant or Criminal DOJ physical folder file. The images include Live Scan submitted documents, electronically submitted dispositions and other associated criminal history and miscellaneous documents. These documents include sex and arson offender registration forms, which have been electronically processed and stored.

The AAS offers the ability to electronically retrieve Fingerprint and Palm Print Cards transmitted and/or processed electronically through the CAL-ID Automated Fingerprint Identification System and stored as images.

The DOJ merged its internal Document Image File with the AAS. Combining the systems added millions of images of archived fingerprint cards and miscellaneous documents available in the AAS. A name and date of birth search enhancement was added supplementing the existing query archive fields. For instructions, refer to the AAS Basic User Guide and the Supervisor User Guide on CLEW.

B. NATIONAL LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (NLETS)

i. CRIMINAL HISTORY

The NLETS Criminal History Record Information formats can be used to retrieve criminal history records that are not presently available through NCIC's Interstate Identification Index (III). It should never be used as a substitute for the Triple I system. NLETS may be used for a secondary inquiry should the anticipated information not be included in a specific state's file.

Criminal record inquiries to out-of-state agencies can be sent using the subject's last name, first name, middle name or initial, sex, date of birth, and miscellaneous numbers (FBI, SOC, SID). When race is included, use the NCIC race codes:

- A - Asian or Pacific Islander
- B - Black
- I - American Indian or Alaskan Native
- U - Unknown
- W - White

Name inquiries may be sent to up to five addressees using the two-character state codes.

Refer to the NLETS Operating Manual for specific formats.

C. CANADIAN POLICE INFORMATION CENTRE (CPIC)
(See Criminal History File)

CPIC is a system operated by the Canadian Police Information Centre under the stewardship of [National Police Services](#), on behalf of the Canadian law enforcement community.

CPIC provides information about crimes and criminals. It is the only national information-sharing system that links criminal justice and law enforcement partners across Canada and internationally.

The CPIC website is managed by the RCMP on behalf of the Canadian law enforcement community. <http://www.cpic-cipc.ca/index-eng.htm>

AUTOMATED FIREARMS SYSTEM (AFS)

A. Criminal Justice Information System (CJIS)

- i. AUTOMATED FIREARMS SYSTEM (AFS)
AFS Contact info: (916) 227-7527 or <http://oag.ca.gov/firearms>
Bureau of Firearms Email Address: bofafsunit@doj.ca.gov

The AFS is a file of records entered by LEAs pertaining to the status of law enforcement weapons (stolen, lost, found), as well as records of weapons associated with the names of persons, such as firearm ownership, assault weapon registration, or pawn. The records are maintained in two segments, historical and law enforcement. The historical segment contains firearm records linked to a specific individual, whereas the law enforcement segment is generally not linked to any specific person, but to an event.

Kinds of Weapons in the AFS (listed by code and type):

Code	Type	Code	Type
A	Cannon	P	Pistol
B	Submachine Gun	R	Rifle
C	Rifle/Shotgun Combination	S	Shotgun
G	Grenade	V	Silencer
K	Rocket	Z	All others - Weapons or firearms that cannot be properly described by any other type listed, i.e., taser
M	Machine Gun		
O	Mortar		

Note: Prior to 2014, long guns were not maintained in AFS unless entered as lost, stolen, found, under observation, retained for official use, or as a firearm ownership record.

The AFS Law Enforcement Record Types and Retention Periods:

Records Types	Code	Retention Periods
Evidence	E	Indefinite
Found	F	Indefinite
Institutional Registration	I	Indefinite
Lost	K	Indefinite
Law Enforcement Agency Transfer	LT	Indefinite
Stolen	S	Indefinite
Under Observation	U	Indefinite
Retained for Official Use	V	Indefinite
Destroyed	X	Indefinite
Crime Gun	Y	Indefinite
Safekeeping	Z	Indefinite

AFS Historical Record Types and Retention Periods:

Records Types	Code	Retention Periods
Assault Weapon Registration*	A	Indefinite
Buy (sold to a firearms dealership)	B	Indefinite
Consignment	C	Indefinite
Dealer's Record of Sale (DROS)	D	Indefinite
No Longer Owned*	G	Indefinite
Law Enforcement Gun Release (LEGR) App *	GR	30 days
Serial Number Assigned	H	Indefinite
Intra-familial Firearms Transaction*	IF	Indefinite
Serial Number Restored	J	Indefinite
Carry a Concealed Weapon (CCW) License*	L	90 Days after expiration
Pawn Redemption	M	Indefinite
Curio and Relic (C & R)*	N	Indefinite
C & R Collector in State Long Gun*	NL	Indefinite
Voluntary Registration (Pre-01/31/05)	O	Indefinite
Pawn	P	Indefinite
Operation of Law *	Q	Indefinite
Firearm Ownership*	R	Indefinite
Sold at Auction	T	Indefinite
New Resident Report*	W	Indefinite

* Entered by DOJ

For definitions of the record types refer to the CJIS AFS manual, "Document Codes and Definitions" section.

Inquiries into the AFS

Inquiries into the AFS may be made using the subject's name and date of birth or age, the weapon serial number, the FCN, or OCA. A sound alike system is used for name inquiries, and only the Historical segment of the AFS files will be searched. Name only inquiries will not return any NCIC records. Serial Number (SER) inquiries can access the Law Enforcement segment of the AFS, or both the Law Enforcement and Historical segments. Only SER inquiries are forwarded to the NCIC.

Inquiry Responses from the AFS

If no matches are made on your AFS inquiry, you will receive a no record in AFS response. If your inquiry has been forwarded to the NCIC, the response will say so, and you should receive an NCIC response soon after.

The AFS will provide a result of up to twelve matching records. If more than twelve (12) records exist, the AFS result will indicate "MORE THAN 12 HITS ON AFS FILE, REFINE SEARCH CRITERIA OR SUBMIT QGM." Care should be taken when reviewing a response to ensure that the category of the file is understood, i.e., stolen record as opposed to a DROS record, which is a record of the firearm purchase. Contact the AFS Unit to request additional records when there are more than 12 records available.

FULL ACCESS

Penal Code Section 11108, requires every LEA to enter all serialized or uniquely inscribed property reported as stolen, lost, found, recovered, held for safekeeping, or under observation into the appropriate DOJ automated database. Penal Code Section 11108.3 requires LEAs to enter recovered firearms that are illegally possessed or have been used or suspected of having been used in a crime. Also, in order to assist in the investigation of a crime, the arrest and prosecution of criminals, and the recovery of lost, stolen, or found property, the Attorney General shall keep and properly file copies of all CCW licenses, DROS of firearms, and reports of stolen, lost, found, pledged or pawned firearms, pursuant to Penal Code Section 11106.

All records entered in AFS must be based on a Master Case Record (MCR) maintained by your agency. The MCR must be available at all times so that any hit on an AFS record can be promptly confirmed. If any changes are made in the MCR, you must modify the AFS record accordingly.

Stolen, lost, and found firearm records may be entered into both the AFS and the NCIC Gun File. By entering a "2" in the Entry Level Field, (ENT/2), the record will be placed in both the AFS File and the NCIC Gun File. Entry level 2 (ENT/2) records should be reserved only for firearms that have been stolen, lost, or found.

DROS and Firearm Ownership (Voluntary Registration) records prior to 1980 are stored "off-line." If record information contained off-line is needed, contact the AFS Unit and a special search will be conducted.

Entry Transactions

Use an Entry Transaction to place a record or Crime Gun in AFS. It is important to note, there are mandatory and optional fields for entry. However, input as much information as possible, or pack the record. Each entry generates a search for matching records. If the record you are entering in AFS matches one already in file by the SER, MAK, Caliber (CAL), and TYP fields, AFS will provide a response "MATCHES IN AFS" and will display the record(s) matching your entry. The purpose of the "MATCHES IN AFS" response is to alert and assist agencies in clearing cases and to maintain the integrity of AFS by avoiding duplicate records.

If a duplicate record is found matching in ORI, SER, MAK, CAL, TYP, Document Code (DOC), and OCA your entry will be rejected by both the AFS file and the NCIC Gun file. The reject response from AFS is "DUPLICATE IN AFS FILE;" the reject response from NCIC is "REJ ON FILE."

- All available information from your MCR should be entered. Descriptive information can be entered in the MIS field to further identify the firearm (e.g., six (six) shot, top break, or special engraving, etc.).
- The Model Field (MOD) is a mandatory field for all Law Enforcement Records and optional for Historical Records.
- When your entry transaction has been accepted by the AFS, the computer will send an entry acknowledgment to your terminal. The acknowledgment contains the FCN assigned to the record you entered and other record information. You will need the FCN of the AFS record for all subsequent updates.
- When an agency places a stolen, lost, or under observation record in the AFS which matches a pawn, buy, or consignment record already on file, the response received from the AFS is "MATCHES IN AFS PAWN/BUY/CONSIGNMENT." Conversely, when a pawn, buy, or consignment entry matches a stolen, lost, or under observation record already on file, the response is "MATCHES IN AFS STOLEN/LOST/UNDER OBSERVATION."

Burglary details should be alerted when these responses are received, since they can be of great assistance in recovering a stolen or lost firearm. The success of this feature depends on pawn and buy records being entered quickly into AFS by all agencies.

Modify Transactions

Use Modify Transactions to add, delete, or correct information in one or more data fields of an existing AFS record.

- Only the contributor of the original AFS record or DOJ can modify an existing record. You cannot modify a record entered by another agency.
- Once a LOCATE transaction is placed on a record, the original record contents cannot be modified.
- The FCN and DCD fields cannot be modified.
- For Crime Gun Records, the ORI, ENT, and SER, DOD fields cannot be modified.
- If the record is in the NCIC Gun File (ENT/2), the OCA and XRF fields cannot be modified.
- ENT/2 records can be modified to an ENT/1; but an ENT/1 record cannot be modified to an ENT/2.
- Any modification of information in the MIS field supersedes the original contents. Be sure to re-enter the original contents you wish to retain.

CANCEL Transactions

Use a Cancel Transaction to remove an entire record from AFS and a Clear Transaction to remove an AFS and NCIC record. Only the contributor of the original AFS record or DOJ can cancel a record. Cancel a record when:

- The MCR is lost, misplaced, unavailable for hit confirmation, or cannot be substantiated.
- A record was entered in error.
- The firearm in the AFS record is recovered or its status has changed.
- Records that meet your agency's "purge criteria" can be "batched" for cancellation, contact AFS for assistance.

Occasionally, an agency's record is in NCIC but not in AFS. If this happens, use the NCIC format to cancel the record.

LOCATE Transactions

Use a LOCATE transaction when your agency has recovered a firearm and has received a positive hit confirmation. You cannot place a LOCATE on a record entered by your agency. The record must be canceled.

Do not place a LOCATE on a record until a positive confirmation is received from the entering agency.

Improperly placed LOCATE messages could jeopardize the safety of officers in the field or cause legal repercussions for your agency.

Failure to place a LOCATE could delay or prevent the return of a firearm to its owner because the record shows it as stolen rather than located.

Care should be exercised to ensure the inquiry was made on the serial number and not the model number.

A "Notice of Locate" will be sent to the originating agency that entered the stolen record as well as to the locating agency. The ORI should review the acknowledgment and resolve any problems.

When an out-of-state agency places a LOCATE on a California agency's ENT/2 record, the LOCATE is not placed on the AFS record. The California agency must cancel their AFS record. The NCIC record will automatically cancel 10 days after the Date of Locate (DOL).

If a firearm was recovered which was stolen in another state, and the record is in the NCIC Gun File but not AFS, use the AFS LOCATE format.

ii. MENTAL HEALTH FIREARMS PROHIBITION SYSTEM (MHFPS)

Contact info: (916) 227-7550 or <http://oag.ca.gov/firearms>

The MHFPS is an inquiry-only database available via CLETS. The database contains mental health firearms eligibility information on persons prohibited from owning or possessing firearms. These prohibitions may have resulted from the following:

- Voluntary or involuntary commitment to a mental health facility
- Report on any person who communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim(s) (BOF form 4074)
- Superior Court judgment concerning mental competency

Agencies currently authorized to receive criminal history information may access the MHFPS via CLETS only when conducting a criminal investigation which involves the acquisition, carrying, or possession of firearms (e.g., to determine a subject's eligibility to control, possess or receive firearms prior to releasing a confiscated weapon).

Access and use of information in the MHFPS is restricted by the Welfare and Institutions Code Sections 8100 through 8105. As with all CJIS databases, routine audits will be conducted by DOJ triennially to ensure that the MHFPS is being properly used as authorized by law.

Inquiries into the MHFPS

Inquiries into the MHFPS may be made using the subject's NAME, and DOB or AGE. The RTE field is mandatory but the RAC and HGT are optional data elements.

A response will provide a listing of possible matches along with the subject's MHFPS record number. A record number inquiry may be used to directly access a MHFPS record.

Usually this inquiry will be initiated subsequent to performing a name inquiry. A number inquiry may be used to search the MHFPS files for a possible hit on a record using an individual's SOC, California Driver's License or OLN, or FBI number.

Inquiry Responses from the MHFPS

The specific mental health firearms prohibition will not be reflected in the response your agency receives. The response will provide only the person's name, personal description and available identifying numbers such as a driver license, social security, DMV issued California Identification Number, military identification or other miscellaneous numbers. It will also include a message that the person may be subject to a mental health firearms prohibition pursuant to the Welfare and Institutions Code Sections 8100 and 8103. If an agency needs the specific reason a person is prohibited, this information may be obtained from DOJ.

iii. ARMED PROHIBITED PERSONS SYSTEM (APPS)

Contact info: (916) 227-3944 or appsunitdoj@doj.ca.gov

The APPS houses information on persons who purchased/acquired a firearm(s), handgun(s), or registered an assault weapon(s) and subsequently became prohibited from owning or possessing such weapon(s) under state/federal law. The APPS is a preemptive crime-fighting tool for criminal justice agencies statewide. Use of the system will enable identification of, and proper response to, unlawfully armed individuals. Peace officers in the field can use the data to disarm dangerous criminals and others prohibited from owning/possessing firearms. Courts and district attorneys may use data to facilitate informed decisions necessary to disarm subjects during hearings relative to protective orders, parole/probation and/or sentencing proceedings.

Inquiries into the APPS

Agencies with access to the SRF are granted automatic access to the APPS. The SRF has been modified to provide an optional data field code allowing a search to include the APPS. Direct access is also allowed using the Query Personal Data Record (QYP), Query ID Number (QYN) and Query Gun Serial Number (QYG) message keys.

Direct access is obtained with the subject's name and date of birth or age, gun serial number, or an identification number. The identification number is either a DMV driver license or DMV ID number, or a military ID number. APPS does not allow inquiries by CII, FBI or PP numbers. The identification number query also requires a contact name and contact phone number of the requestor.

Inquiry Responses from the APPS

A QYP response provides possible matches, indicating the subject's IDN. A QYG response provides exact matches, indicating the subject's IDN. Only a QYN with the IDN (DMV or military number) will provide the full record response identifying the prohibited person and all weapons listed in the APPS associated with that person. A disclaimer is included stating the response identifies only handguns and assault weapons purchased by or registered to the subject, and does not include long guns or other firearms possibly possessed by the subject.

B. NATIONAL CRIME INFORMATION CENTER (NCIC)

GUN FILE

The NCIC Gun File stores records for stolen, lost, recovered, and felony firearms. Records include:

- Serially numbered weapons that are stolen provided a theft report has been made.
- Lost or missing weapons provided the entering agency has supporting documentation.
- Recovered (abandoned, seized, or found) weapons for which no stolen report is on file, whether or not ownership data are available. A recovered gun should be entered only after an inquiry reveals there is no stolen record on file. In the event another agency files a subsequent theft report and makes an NCIC Gun File entry, the agency holding the theft report will receive the recovered gun record and should, in turn, contact the recovering agency.
- Weapons believed to have been used in the commission of a felony provided this fact is documented in the case file and the location of the weapon is unknown.

While the entering agency is in possession of the recovered weapon, the record remains in the NCIC data base. When the entering agency no longer has custody of the recovered gun, that agency must cancel the found entry.

The NCIC felony gun entry allows the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to complete a gun trace to identify the firearm dealer and first purchaser of the firearm, which may lead to the perpetrator of a crime.

Inquiries can be made using the serial number, or serial number and make, model, and/or caliber. Inquiries into this file can also be made by using the CJIS AFS if a serial number is used.

C. OREGON LAW ENFORCEMENT DATA SYSTEM (LEDS)

Oregon LEDS is no longer available via the CLETS. Inquires intended for LEDS will need to be performed through the International Justice and Public Safety Network using the National Law Enforcement Telecommunications System (NLETS).

D. CANADIAN POLICE INFORMATION CENTRE (CPIC)

(See Person File Prohibited and Refused/Gun File)

CPIC is a system operated by the Canadian Police Information Centre under the stewardship of [National Police Services](#), on behalf of the Canadian law enforcement community.

CPIC provides information about crimes and criminals. It is the only national information-sharing system that links criminal justice and law enforcement partners across Canada and internationally.

The CPIC website is managed by the RCMP on behalf of the Canadian law enforcement community. <http://www.cpic-cipc.ca/index-eng.htm>

MISSING AND UNIDENTIFIED PERSONS SYSTEMS (MUPS)

A. CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS)

i. MISSING PERSONS SYSTEM (MPS)

Main Phone Line: (916) 210-3119 or missing.persons@doj.ca.gov

Fax: (916) 227-3270

Missing Children Clearinghouse: (800) 222-FIND

The MPS is the statewide repository for all of the active missing person reports agencies are mandated to accept. All entries into MPS are automatically forwarded to NCIC. The database contains records of both missing juveniles and adults. There is no waiting period for accepting a missing persons report.

Agencies should enter as much information into MPS as they have available. This is called “packing the record”. For example, the missing person record may also contain suspect and vehicle information. A record entered with the required vehicle data elements as a supplemental transaction is forwarded to the Stolen Vehicle System (SVS), and is available when law enforcement inquires into the SVS with a vehicle search.

Photographs and dental/skeletal X-rays of missing persons are to be sent to DOJ Missing and Unidentified Person Section (MUPS). The information is used for assisting in locating the missing person or for unidentified person identification analysis. Missing Persons records are retained until the missing person has either returned or been located.

The MPS and Unidentified Person System (UPS) are cross searched by MUPS analysts for possible matches. The list below indicates the similarities between the two systems:

- Missing/Unidentified Person
- Missing/Unidentified Identifier
- Missing Person Suspect
- Missing Person Vehicle
- Missing/Unidentified Dentals (update capabilities restricted to DOJ only)

The DOJ has several mechanisms to assist agencies in disseminating information about a missing person case. For example, photographs of missing persons are placed on the California Attorney General’s website. The DOJ MUPS distributes posters and quarterly bulletins of missing persons to thousands of locations throughout California and the nation.

Additionally, a CLETS Administrative Message (AM) broadcast to group code 4500 is used to send child abduction alerts statewide. The AM can be initiated in addition to an Amber Alert, and should be sent whether or not the abduction meets the Amber Alert criteria. The MUPS also maintains a 24-hour hotline (800-222-FIND) for receiving information on missing persons.

DNA samples may also be submitted to the DOJ Missing Person DNA Program (MPDP). If a DNA sample has been submitted and processed at the MPDP statewide lab, then the CLETS full inquiry response for the missing person will include those details. If your agency has questions about submitting DNA samples or needs collection kits, please contact MPDP at DNAmismissingpersons@doj.ca.gov.

The DOJ developed a reference chart depicting the materials that agencies must collect on missing persons, and the timeframes for submission. This chart, along with many other helpful reference materials, is available on the CLEW website. CLEW has forms, frequently asked questions, and copies of training materials for MPS. This information can be accessed through CLEW.

Inquiries into MUPS may be made using the subject's name and sex, physical descriptors, FCN, agency case number, driver's license number, Vehicle License Number (VLN), vehicle description, dental data, and/or body parts status. Only a FCN inquiry will generate a full response.

The MPS/UPS can be bypassed and agencies can inquire directly into NCIC using the appropriate formats.

When inquiring on physical descriptors, use AGE, SEX, RAC and HGT. The inquiry is forwarded to NCIC if WGT, HAI and EYE information are included and the MPS or UPS possible matches are less than twelve.

A Missing Person response may contain suspect information and vehicle information. If the Missing Person record has the appropriate vehicle data entered, a Missing Person Vehicle response will be available from the Stolen Vehicle System when inquiring on a vehicle license plate.

FULL ACCESS

Missing Person Report Types:

Code	Report Type
A	Voluntary Missing Adult - Missing adult age 18+ who has left on his/her own free will
C	Catastrophe - Missing person is a victim of a disaster (i.e. boating accident, plane crash, earthquake, flood, fire)
D	Dependent Adult - Missing adult age 18+ who has physical or mental limitations which restrict his/her ability to carry out normal activities
L	Lost - Missing person who has strayed away and whose whereabouts are unknown
P	Parent/Family Abduction - Missing juvenile taken by a parent or non-parent family member
R	Runaway - Missing juvenile is reported as a runaway
S	Stranger Abduction - Missing person taken by a stranger includes cases of a known abductor who is not a family member
U	Unknown - When circumstances surrounding the missing person's disappearance are unknown
X	Suspicious Circumstances – Missing under circumstances that may indicate foul play

Entry Transactions

When a Missing Person record is entered into MPS, it must be assigned one of the following types:

- Stranger Abduction
- Parental/Family Abduction
- Runaway
- Suspicious Circumstances
- Catastrophe
- Lost
- Unknown
- Dependent Adult
- Voluntary Missing Adult

Agencies should enter the date that the missing person was last seen or heard from, not the date that the missing person report was received or entered into MPS.

The Enter Missing Person (EMP) message key is used to enter a missing person base record. This message key may be used only once per record.

The Enter Additional Missing Person (EMID) message key is used to enter additional missing person identifying characteristics. The mandatory data fields include the FCN and NAM, which must be entered **exactly** as they appear in the base record.

The Enter Suspect Information (EMS) message key is used to enter suspect information and is supplemental to the base record. This message can be used three times per FCN to add three separate suspects to any one record. No suspect information is passed on to NCIC.

The Enter Missing Vehicle (EMV) message key is used to enter vehicle information and is supplemental to the base record. This message can be used three times per FCN to add three separate vehicles to any one record. The entire license group, plus vehicle make, model, style, year, and VIN are required for the message to be forwarded to SVS and NCIC.

Missing Person Suspect and Vehicle data is entered using a separate supplemental transaction, and additionally may be placed in the MIS field.

Agencies are required to send dental records (x-rays and treatment notes) to the DOJ. Only the DOJ can enter dental records into MPS.

The Report Category, an optional field, is used to indicate special conditions, such as the issuance of an Amber Alert (CAT/K). This record will then be forwarded to the FBI and National Center for Missing and Exploited Children.

When making a MPS entry, the computer searches the file for possible multiple entries. When the search discloses MPS records contributed by other agencies with certain identical personal identifiers, the computer will make a record association. Up to 12 associations will be returned with the Entry Acknowledgment. Contact the contributor(s) to get more information and to determine if the subject is the same.

Modify Transactions

Modification of a record is restricted to the agency that entered the record and DOJ. Modification is used to add, delete, or correct data in a base record, as well as the suspect and vehicle supplemental.

- Mandatory data fields can be modified, but not deleted.
- On each modify transaction, up to nine different data fields may be modified; however, no single field can be mentioned more than once.

- Only one set of data can be added, changed, or deleted from multiple frequency fields at one time.

After a record has been modified, a new search of all unidentified person records will automatically be conducted in the MPS and the NCIC.

Once a LOCATE transaction is placed on a record the original record contents cannot be modified.

Any addition or correction of the information in a free form text field supersedes the original contents of the field. Enter the information and any of the original contents you want retained.

Cancel Transactions

Use a cancel transaction to delete an entire record or a block of information (e.g., all information associated with suspect #3 or all information associated with vehicle #1 is a block of information) in MPS. Only the contributor of an original MPS record and the DOJ can cancel all or part of a record.

You should use a Cancel Transaction to remove the entire record when:

- The agency finding the missing person is the agency that entered the record.
- The agency that entered the record is officially advised that the missing person has been located and the record has not already been purged by a LOCATE message placed by the locating agency.
- The reporting party withdraws the missing person report.

Cancellation of a record is restricted to the agency that entered the record.

You should not cancel a record simply because the missing juvenile has reached the age of emancipation or because a record is old. Please see the NCIC Guidelines on validation for more detail or contact the DOJ MUPS staff if you have any questions.

LOCATE Transactions

Any agency that finds a person entered in MPS or NCIC Missing Person File, other than the entering agency, should place a LOCATE on the missing person record. When an agency receives a record or multiple records in response to an inquiry, the inquiring agency must contact the originating agency of each record possibly identical with the person in question to confirm the hit.

The originating agency has the responsibility to immediately advise the locating agency concerning disposition of the individual.

When your LOCATE transaction is accepted in MPS, the computer will return a LOCATE acknowledgment to your terminal as well as sending a “Notice of Locate” message to the contributor of record. Be sure to check the acknowledgment for accuracy when you receive it.

If an out-of-state agency places a LOCATE message on a California Missing Person NCIC entry, it will cancel only the NCIC entry. When the California agency receives the LOCATE message, it is the responsibility of that MPS record holder to cancel their MPS entry.

ii. UNIDENTIFIED PERSONS SYSTEM (UPS)

Contact info: (916) 210-3119 or missing.persons@doj.ca.gov

The UPS is the statewide database of living and deceased unidentified persons, which also contains body parts from California. All entries are automatically forwarded to NCIC.

A law enforcement agency investigating the death of an unidentified person shall report the death to the DOJ no later than ten days after the date the body or human remains were discovered. Additionally, the DOJ serves as the statewide repository for dental records on unknown deceased persons. This information is used to assist in the identification of the unidentified person. Records in the UPS contain the following types of data: physical descriptors, fingerprints, dental charts, date body found, etc. If partial remains are found and identified as that of a missing person, agencies should not cancel the missing person record. Modify the record’s MIS field with this information, thereby allowing the record to remain active should additional body parts be found for future matches.

The MUPS staff works closely with local law enforcement agencies, coroner’s offices, and forensic dentists to assist with unidentified person cases. Helpful resource information is available on the CLEW including; forms, frequently asked questions, and copies of training materials for UPS. From the CLEW homepage at <http://clew.doj.ca.gov> , click on the “Investigative Services” link to access this information.

Entry Transactions

Person Report Types:

- **Unidentified Deceased** - Any unidentified deceased person
- **Unidentified Living Person** - A person of any age who is living and unable to ascertain his/her identity (e.g., amnesia victim, infant, etc.)
- **Unidentified Catastrophe Victim** – Any unidentified victim from a catastrophe (e.g. plane crash, earthquake, flood, fire, etc.)

When LEAs electronically transmit reports to the UPS, the system will automatically forward that information on to NCIC.

- The Unidentified Person (EUP) message key is used to enter an unidentified person. This message key can be used only once per record.
- The Unidentified Identifier (EUID) message key is used to enter additional unidentified person characteristics. This message can be used only once per record. The FCN and OCA, mandatory fields, must be entered **exactly** as they appear in the base record.
- Following entry of an unidentified deceased or catastrophe victim record, an inquiry should be made to retrieve a copy of the record. This copy should be forwarded to the medical examiner's or coroner's office that completed the data collection forms.
- An agency is required to verify and update the NCIC unidentified person record with any additional information within 60 days of entry.

Modify Transactions

Modification of a record is restricted to the agency that entered the record and the DOJ. A modification message is used to add, delete, or change data.

After a record has been modified, a new search of the missing person file records will automatically be conducted.

After modification, a new copy of the record should be retrieved and forwarded to the medical examiner or coroner.

Cancel Transactions

Cancellation of a record is restricted to the agency that entered the record. A cancellation message will cause the entire record, including supplemental and dental information, to be removed from the file. A reason code is required to cancel an unidentified record from UPS.

B. NATIONAL LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (NLETS)

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN (NCMEC)

Contact info: 1 (800) THE-LOST (843-5678) or www.missingkids.com

For technical assistance law enforcement officers may contact:

National Center for Missing and Exploited Children (ORI – VA007019W)
699 Prince Street
Alexandria, VA 22314

The National Center for Missing and Exploited Children serves as a clearinghouse of information about missing and exploited children.

NCMEC provides technical assistance to law enforcement and parents, and offers training programs to the law enforcement community.

In addition, the National Center for Missing and Exploited Children maintains a 24-hour toll-free telephone line to those who have information that could lead to the location or recovery of a missing child.

C. NATIONAL CRIME INFORMATION CENTER (NCIC)

MISSING PERSON FILE (MPF)

The MPF is a locator-type file that is used by state and local criminal justice agencies to assist in the location of missing persons. The NCIC Missing Person File contains records for persons meeting any of the following criteria:

- **Disabled** - A person of any age who is missing and under proven physical/mental disability, or is senile, thereby subjecting themselves or others to personal and immediate danger.
- **Endangered** - A person of any age who is missing under circumstances indicating that their physical safety may be in danger.
- **Involuntary** - A person of any age who is missing under circumstances indicating that the disappearance may not have been voluntary (abduction or kidnapping).
- **Catastrophe Victim** - A person of any age who is missing after a catastrophe.
- **Juvenile** - A person (child) who is missing and not declared emancipated as defined by the laws of his/her state of residence and does not meet any of the entry criteria above.
- **Other** - A person not meeting the criteria for entry in any other category who is missing and for whom there is a reasonable concern for his/her safety or a person who is under age 21 and declared emancipated by the laws of his/her state of residence.

In accordance with Title 42, United States Code Section 5779(a), agencies are required to enter records into the NCIC Missing Person File for missing individuals under the age of 21.

The entering agency is responsible for the accuracy, completeness, and current status of the record. Only the entering agency can update information in the record. If the record is still active after 60 days, the entering agency must validate the record. This should include a review of whether additional information, which was missing from the original entry into MPF, has become available and should be added to the MPF record. Again, this will help ensure the record is “packed” and increase the likelihood of a positive hit or aid in the identification of the missing person.

A Missing Person record is retained indefinitely or until action is taken by the originating agency to cancel or clear the record or until a LOCATE is placed against the record.

An inquiry of the NCIC Missing Person File may be made by NAM, SEX and at least one of the following: DOB, FBI, Miscellaneous Number (MNU), SOC, OLN, LIC, VIN or OCA, or by LIC or NIC. Inquiries into this file can also be made using the CJIS Missing or Wanted Persons System if NAM, SEX and DOB (or other numeric identifiers) are used.

UNIDENTIFIED PERSON FILE (UPF)

The intent of this file is to assist investigators in the identification of unidentified found bodies, body parts, and of unidentified living persons, such as amnesia victims, infants, etc. The type of descriptive data that are included in an unidentified person record are not unique or uncommon and include blood type, estimated year of birth, approximate height and weight, jewelry worn by the deceased, and dental characteristics.

An inquiry of the NCIC Unidentified Persons File may be made using AGE, SEX, RAC, HGT, WGT, EYE and HAI, or by the Body Parts Status Field, the OCA, or the NIC. The AGE plus or minus one year will be searched, height plus or minus three inches, and weight plus or minus ten pounds. Inquiries into this file can also be made using the CJIS Unidentified Persons System if weight, hair and eye color are added.

The two systems, MPF and UPF, are cross searched daily by NCIC for possible matches, and any possible hits (\$M) are forwarded to the originating agency of each record to analyze. A "MATCH" on a record is not a positive identification. The agency on the record must be contacted to eliminate or make a positive identification. However, if the code NOA (Notify ORI of ALL Hits) appears in a response contact the ORI of the record and furnish details concerning the inquiry.

Up to twelve possible matches may be returned on a name inquiry. Responses can also include up to 12 associated records for each record in the response. The inquiry is automatically forwarded to NCIC if NAM, SEX and DOB are used and there are less than 12 hits from MPF/UPF. The search range for DOB is plus or minus one year, and for AGE is plus or minus three years. The NCIC DOB is an exact match.

NCIC will respond with up to 20 NCIC numbers of likely matches to a non-unique identifier inquiry.

- When making an MPS entry, the computer searches the file for possible multiple entries. When the search discloses MPS records contributed by other agencies with certain identical personal identifiers the computer will make a record association.

Up to 12 associations will be returned with the Entry Acknowledgment. Contact the contributor(s) to get more information and to determine if the subject is the same.

D. CANADIAN POLICE INFORMATION CENTRE (CPIC)
(See Persons File – Missing)

CPIC is a system operated by the Canadian Police Information Centre under the stewardship of [National Police Services](#), on behalf of the Canadian law enforcement community.

CPIC provides information about crimes and criminals. It is the only national information-sharing system that links criminal justice and law enforcement partners across Canada and internationally.

The CPIC website is managed by the RCMP on behalf of the Canadian law enforcement community. <http://www.cpic-cipc.ca/index-eng.htm>

CALIFORNIA RESTRAINING AND PROTECTIVE ORDERS

A. CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS)

CALIFORNIA RESTRAINING & PROTECTIVE ORDER SYSTEM (CARPOS)

Contact info: (916) 210-3196 or restraining.orders@doj.ca.gov

The restraining/protective order information available via your CLETS terminal is maintained by the CARPOS. The CARPOS is a statewide database designed to store information identifying persons named in restraining /protective orders and to retrieve the details, additional protected persons and the terms and conditions of the restraining and protective orders. The orders are entered into the CARPOS by LEAs and several superior courts. The CARPOS is also accessed by the DOJ's Firearms Purchaser Clearance Section to process Dealer's Record of Sale (DROS) documents for firearms clearance. Subjects of restraining/protective orders are prohibited from possessing, owning, purchasing, or receiving firearms or ammunition.

The CARPOS programmatically forwards specified restraining/protective order information to the National Crime Information Center Protection Order File (POF). Records that meet the NCIC criteria for entry and have been served are forwarded to the POF.

The CARPOS allows violations to be added to the existing restraining order record in the CARPOS. The violation message is designed to allow law enforcement and criminal justice agencies the capability to enter reported violations into any active record in the CARPOS. Both the restraining order information and violations are accessible through a unique inquiry format.

This inquiry format will return both the restraining order record and the most recent fifteen violations associated with that record.

Types of Restraining Orders

- Emergency Protective Orders
- Temporary Domestic Violence Orders
- Order After Hearing Domestic Violence
- Temporary Civil Harassment Orders
- Civil Harassment Orders
- Juvenile Orders
- Temporary School Violence Orders
- Workplace Violence Orders
- Temporary School Violence Orders
- School Violence Orders
- Temporary Elder or Dependent Adult Abuse Orders
- Elder or Dependent Adult Abuse Orders
- Out-of-State Domestic Violence Orders (registered with the court)
- Emergency Gun Violence Restraining Orders
- Temporary Gun Violence Restraining Orders
- Gun Violence Restraining Order After Hearing

Inquiries into the CARPOS

There are several inquiry transactions available to search the active, suspended, and historical CARPOS records. An inquiry transaction can be made directly into the CARPOS using certain message keys and data fields in order to narrow or broaden search results, including a geographic search by county, region or statewide. Both the restrained and the protected person(s) can be searched. One of the most common inquiry transactions is using an individual's name, sex, and DOB. Using a DOB is not mandatory for the inquiry but will narrow the search results. Additional descriptor fields are available for inquiry purposes and will narrow search results. Inquiries may also be done using the FCN and the OCA. The OCA query responds with records only from the inquiring ORI.

An inquiry into the WPS or SRF will also search and return a response from the CARPOS. If a name inquiry is made into WPS or SRF and the DOB is included in the inquiry, WPS/SRF will forward the inquiry to NCIC. The NCIC's person files will automatically be searched and will include searches of the FBI's Wanted Persons and the POF. Agencies may also inquire directly into the NCIC POF using unique message keys.

For details on inquiries of restraining order record information, refer to the CJIS Manual, or contact the DOJ's CARPOS Unit.

Inquiry Responses from the CARPOS

The computer will return up to 10 matching records in response to a CARPOS inquiry. Depending on the initial inquiry key, the responses will be either complete or abbreviated records. Responses can include Caution and Medical Conditions.

If no match is made on your CARPOS inquiry, you will receive a negative response. Name searches are conducted using the sound alike system for the last name, and diminutive tables for the first name. The diminutive tables provide for a positive response if a common variation of the first name is used in the inquiry. If the subject's first name of your inquiry is misspelled by only one letter, and that misspelled name is not contained within the diminutive table, you will receive a "NO RESTRAINING ORDER" response. Therefore, a precautionary second inquiry should be made, using the last name and only the initial of the first name.

When an inquiry is made using the DOB, and there is no exact match, the CARPOS computer will search that date plus or minus three years. This results in a six-year search of the DOB field. Using AGE, the computer will search that year plus or minus three years, for a seven-year range.

For details on responses received on restraining order record information, refer to the CJIS Manual, or contact the DOJ's CARPOS Unit.

Proof of Service

When a law enforcement officer encounters the subject of an un-served restraining/protective order, he/she shall advise the restrained person of the terms and conditions of the order. When verbally informing the restrained person, the officer will also provide the name of the issuing court where a copy of the order can be obtained. Only a law enforcement officer can verbally serve a restraining/protective order. Not all orders can be verbally served.

FULL ACCESS

California Family Code Section 6380 requires the entry of certain types of restraining/protective orders into the CARPOS. All records entered into the CARPOS must be based on a Master Case Record (MCR) maintained by your agency and backed up by a copy of the restraining/protective order. These records must be available at all times for confirmation purposes. If any changes are made to the MCR, you must change the CARPOS accordingly.

There have been new types of restraining orders added to CARPOS. See below:

<u>Type of Mandatory Order</u>	<u>Retention Period</u>
Emergency Protective Order (CLETS-EPO) (Domestic Violence, Child Abuse, Elder or Dependent Adult Abuse, or Stalking). Judicial Council of California form EPO-001.	For entry into the CARPOS, cannot be over 30 days from date of issuance.
Temporary Restraining Order & Notice of Hearing (CLETS-TRO) (Domestic Violence Prevention) Judicial Council of California form DV-110.	Until date of hearing. Cannot use nonexp as expiration date. Must use calendar date.
Restraining Order After Hearing (CLETS-OAH) (Order of Protection) (Domestic Violence Prevention) Judicial Council of California form DV-130	Until date of expiration on court order. If no date of expiration, three years from date of issuance.
Restraining Order - Juvenile (CLETS-JUV) Judicial Council of California form JV-250	<u>Temporary orders</u> : until date of hearing. <u>Orders after hearing</u> : until date of expiration on court order. If no date of expiration, three years from date of hearing.

Restraining/Protective Orders Mandated for Entry	<u>Retention Period</u>
Order to Show Cause & Temporary Restraining Order (CLETS-TWH) (Workplace Violence) Judicial Council of California form WV-110	Until date of hearing. Cannot use nonexp as expiration date. Must use calendar date.
Order After Hearing on Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (CLETS-WHO) (Workplace Violence) Judicial Council of California form WV-130	Until date of expiration on court order. If no date of expiration, three years from date of issuance.
Criminal Protective Order - Domestic Violence (CLETS- CPO) (Penal Code 136.2, 136.2(i)(1), 273.5(j), 646.9(k) & 1203.097(a)(2)) Judicial Council of California form CR-160	Until date of expiration on court order. If no date of expiration, three years from date of issuance.
Criminal Protective Order - Other than Domestic Violence (CLETS-CPO) (Penal Code 136.2, 136.2(i)(1) & 646.9(k)) Judicial Council of California form CR-161	Until date of expiration on court order. If no date of expiration, three years from date of issuance.
Order to Surrender Firearms in Domestic Violence Case (CLETS-CPO) (Penal Code 136.2 (a)(7)(B)) Judicial Council of California form CR-162	Until date of expiration on court order. If no date of expiration, three years from date of issuance.
Notice of Hearing & Temporary Restraining Order (CLETS-TCH) (Civil Harassment) Judicial Council of California form CH-110	Until date of hearing. Cannot use nonexp as expiration date. Must use a calendar date.
Restraining Order After Hearing to Stop Harassment (CLETS-CHO) (Civil Harassment) Judicial Council of California form CH-130	Until date of expiration on court order. If no date of expiration, three years from date of issuance.
Register Out-of-State Restraining Order (CLETS-OOS) (Domestic Violence Prevention) Judicial Council of California form DV-600	Until date of expiration on the out of state court order.
Notice of Hearing & Temporary Restraining Order (CLETS-TEA or TEF) (Elder or Dependent Adult Abuse Protection) Judicial Council of California form EA-110	Until date of hearing. Cannot use nonexp as expiration date. Must use a calendar date.

The orders listed above are mandated by law to be entered into the CARPOS. If you receive an order on one of the Judicial Council forms with firearm provision crossed off or the word “NON-CLETS” has been added to the form, you will still enter the order into the CARPOS and send a copy of the order to the CARPOS Unit.

Gun Violence Restraining Orders

Effective January 1, 2016 Assembly Bill 1014 authorizes a court to issue a gun violence restraining order if a law enforcement officer asserts and a judicial officer finds that there is reasonable cause to believe that the subject of the petition poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm and that the order is necessary to prevent personal injury to himself, herself, or another, as specified.

In response, the California Restraining and Protective Order System (CARPOS) have added a new entry message key (EGVO) to allow for the entry of Gun Violence Restraining Orders.

There are other types of restraining/protective orders issued by the court that are not mandated by law for entry into the CARPOS. Listed below are the optional order types and their retention periods:

Type of Optional Orders	Retention Period
Other Criminal Protective Orders	Until date of expiration on court order; if no date of expiration, three years from issuance date
Other Domestic Violence Orders	
Other Protective Order/Injunction	

Note: Court rulings may be submitted to law enforcement agencies on many forms, by themselves, in conjunction with other orders, or as an extension and/or modification to existing orders. If you have any questions concerning the entry of information submitted to your agency, call the CARPOS Unit for assistance.

Entry Transactions

Use an entry transaction to place a record into the CARPOS. Duplicate records are not allowed.

- Inquire into the CARPOS to determine if the order is already in the system. If so, do not complete a second entry. Only one entry is necessary.
- Orders can be entered into the CARPOS whether served or un-served.
- Enter all available information from your restraining order.

If the defendant was present in court, no additional proof of service is required. It is not necessary, nor recommended, to add any additional service information to the record.

In most cases, if the defendant was not present in court, the restraining order must be personally served on the defendant before proof of service information can be entered into the CARPOS. In some cases, the court may allow the order to be served by US mail. In either case, you must have a Proof of Service form completed by the serving party.

When your entry transaction is accepted by the CARPOS, the computer will send an entry acknowledgment to your terminal. The acknowledgment contains the complete record, including the assigned FCN. If the records do not agree, correct the information in the CARPOS record.

When an entry is sent to the NCIC POF from the CARPOS, NCIC will return a unique NIC for the record. The NIC number will become a part of the corresponding CARPOS record.

Modify Transactions

Use a Modify Transaction (MRO) to add, delete, or correct the information in one or more data fields of an existing CARPOS record.

- Only the contributor of an original CARPOS record or the DOJ can use the MRO transaction to modify the original record. An agency cannot modify a record entered by another agency.
- Mandatory data fields can be corrected, but not deleted.
- The name used in identifying the record to be modified must be spelled and spaced exactly the same as the record on file in CARPOS.
- The required fields in the modify transaction are the message key (MRO), the FCN of the record being modified, and the subject's name (NAM), and at least one Data Field Code (DFC) to be modified.

If the modification of any data field would cause a duplicate record to be created, the modify transaction will be rejected.

When the modification transaction is complete, check the Modify Acknowledgment for accuracy.

Proof of Service Transactions

You must immediately place service information on an un-served CARPOS record when:

- The restrained person was personally served and your agency has the Proof of Service form.
- A law enforcement officer verbally served the restrained person.
- The restraining/protective order was mailed and your agency has the Proof of Service form.

Use the Serve Restraining Order (SRO) transaction to enter proof of service information on another agency's record.

- Only an agency other than the original entering agency can use the SRO transaction. If you are the original entering agency and you need to add proof of service information to your record, use the MRO.
- The name used in adding proof of service to the record must be spelled and spaced exactly the same as the record on file.
- Both the agency entering the proof of service and the original entering agency will receive acknowledgment of the proof of service.

If proof of service information is erroneously placed on a record using the SRO message key, the entire proof of service must be deleted. Only the agency that entered the proof of service or the DOJ may delete the service information.

Cancel Transactions

Use a Cancel Transaction (XRO) to delete an entire record from the CARPOS. Only the contributor of an original CARPOS record and DOJ can cancel a record.

You should use a Cancel Transaction when:

- The order has been terminated by the court.
- The order was entered in error.
- The subject of the order is deceased.

The name used in identifying the record to be canceled must have the exact spelling and spacing as shown in the record on file. Compare the Cancel Acknowledgment for accuracy. Once a record has reached the suspense or history file, it cannot be canceled with an XRO transaction.

Violation Message

CARPOS allows any agency with CLETS inquiry access to add reported violations of restraining/protective orders to an existing record in the CARPOS. When an agency takes a report on a violation of a restraining order, the information can easily be entered into the existing restraining order record in the CARPOS by entering pertinent information from the report via CLETS. All violation messages become a permanent part of the CARPOS record. Only the DOJ is allowed to cancel a violation message. A maximum of ninety-nine violations can be added to a record.

By entering a violation message, an agency establishes a history of reported violations that are accessible to any law enforcement or criminal justice agency that may be: conducting an investigation, building a stalking case, pursuing possible prosecution, or seeking a sentence enhancement on the subject of the restraining/protective order.

The violation entry transaction acceptance response will include a Violation Message Number (VMN). This number must be entered on all subsequent modifications of the violation message. Use a modify transaction to add, delete, or correct the information to one or more data fields of a violation message.

If an agency, other than the originator of the violation message, wishes to add a comment on a violation message, an agency may do so by using the CVM message key. Only one additional comment is allowed on each violation message.

Note: If your agency originally entered the violation message and you want to add new or modify existing information, use the modify format MVM message key.

Both restraining order records and violations are accessible through a unique inquiry format, the QRR1 inquiry.

Suspense and History File

All Restraining/Protective Orders that have reached their date of expiration will be placed in a suspense file, where only the entering agency or the DOJ can reactivate the record. Once a record expires or is canceled, it is put into the CARPOS suspense file for thirty days, before moving to the history file where they cannot be modified.

After a record has been in suspense for thirty days, the record is deemed a history record and will be stored in the CARPOS history file for five years. A history file record cannot be modified or canceled. Five years after the date of expiration or cancellation, the record will be purged from the CARPOS.

CARPOS history records are accessible via CLETS through a unique inquiry format, the QRRH inquiry. This format will return both historical and suspended records and up to 15 violations associated with those records.

B. NATIONAL CRIME INFORMATION CENTER (NCIC)

PROTECTION ORDER FILE (POF)

The POF contains court orders that are issued to prevent acts of domestic violence against a person or to prevent a person from stalking, intimidating, or harassing another person. Orders are issued by both civil and criminal state courts. Each record in the POF **must** be supported by a protection order. The types of protection orders issued and the information contained in them vary from state to state.

Inquiries to the NCIC POF can be done by NAM and DOB (SEX and RAC optional); by NCIC number; or by NAM and one or more of FBI, MNU, SOC, OLN, LIC, VIN; or by NAM and OCA; or NAM and protection order number. The message key QPO will restrict the search to the POF and will retrieve records which are active, expired, or cleared.

C. OREGON LAW ENFORCEMENT DATA SYSTEM (LEDS)

Oregon LEDS is no longer available via the CLETS. Inquires intended for LEDS will need to be performed through the International Justice and Public Safety Network using the National Law Enforcement Telecommunications System (NLETS).

SECURITIES FILE

A. NATIONAL CRIME INFORMATION CENTER (NCIC)

SECURITIES FILE

The NCIC Securities File contains serially numbered identifiable securities that have been stolen, embezzled, counterfeited, or used for ransom or bait money, and for which a theft report has been made.

For NCIC purposes, a security is:

- Currency (Federal Reserve Notes, Silver Certificates, U.S. Notes, Canadian Notes, etc.)
- Postal and other types of money orders
- Traveler's checks
- Warehouse receipts
- Saving certificates
- Interest coupons on stocks and bonds
- Those documents or certificates which are generally considered to be evidence of debt (Treasury-issued bills, bonds, and notes; municipal and corporate bonds; debentures; other non-personal notes); or ownership of property (common or preferred stock)
- Documents which represent subscription rights (stock warrants, stock rights)
- Other types traded in securities exchanges in the United States except for commodities futures

Items which do not meet the criteria for entry in the Securities File are as follows:

- Personal notes
- Cashier's checks
- Bank drafts
- Bank officer's checks
- Certified checks
- Personal checks
- Company checks

- U.S. Treasury checks and other types of government checks (state and local)
- Lost or stolen credit cards
- Gold or silver coins, ingots, and medals
- Gift certificates
- Savings and checking account passbooks

Serialized food coupons (stamps and books), ingots, lottery tickets, and medals do not qualify as securities for NCIC 2000 purposes, but may be entered in the NCIC 2000 Article File.

An inquiry of the NCIC Securities File is made by using the type of security, serial number, and denomination. The issuer should be included for securities other than U.S. Treasury issues and currency. When all of this information is not available, an inquiry may be made by SOC, owner, owner and type/OCA, or the NCIC number.

Agencies must directly access NCIC to query or update files. There is no matching automated file with the California DOJ.

FULL ACCESS

A Name of Validator (VLN) may be added to a securities record to indicate that the record has met the criteria for validation. When the VLN is entered, the current date in the record will be stored as the Date Last Validated (VLD). If the user attempts to delete or modify the VLN to all blanks, the message will be to identify the individual responsible for the validation of record, e.g., name, user ID, employee etc.

Record Types and Retention:

Type of Record	Retention
Unrecovered, Stolen, Embezzled, or Counterfeited Securities	Current year plus four years
Traveler's Checks and Money Orders	Current year plus two years
Ransom	Unlimited

Entry Transactions

Securities which have been stolen, embezzled, or counterfeited may be entered into the file if a theft report has been made.

- Only the agency holding the theft report and having primary jurisdiction over the place of actual theft may make the entry.
- The agency entering the record must account for all fields in the "Securities File – Record Format." Significant information not called for in a specific data field should be placed in the MIS field.

- Consecutively serialized securities may be entered in the same record. No more than one hundred consecutive serial numbers are allowed. The sequence of two serial numbers containing an equal number of characters, not exceeding eighteen, should be separated by a hyphen, e.g., 5387621-5387692.

For training and administrative purposes, agencies may enter test records into NCIC. The test record must contain the letters "TEST" as the first four characters of OCA Field, the words "TEST RECORD" in the MIS Field, and only fictitious names and numbers.

Modify Transactions

Modification of a record is restricted to the agency that entered the record. Modification is used to add, delete, or change data. A securities record cannot be modified if it is in LOCATE status. The record to be modified must be identified by NCIC and OCA, or SER and OCA, in that order, preceded by the proper Message Field Code (MFC).

Cancel Transactions

Cancellation of a record is restricted to the agency that entered the record. A cancellation message key is used when it is determined that the record is invalid.

A record to be canceled must be identified by NIC and OCA, or SER and OCA, in that order, preceded by the proper MFC. Date of Cancellation (DOC) must be current date or current date minus one. When a record is cancelled, the user is expected to enter the Reason for Property Record Removal (RPP). The RPP field is entered directly after the DOC field.

A single security or more than one security may be cancelled in a consecutively serialized group record. For cancellation transactions, the RPP value will be either "CASE DROP" or "NOT STOLEN." Group cancellation is extensive and possesses many variables; you should refer to the NCIC Operating Manual for specific guidelines.

LOCATE Transactions

Any agency that recovers a security which is indexed in the Securities File, except the agency that entered the record, must place a LOCATE on that record. Ten days after a record is located it is retired. Records to be located must be identified by NCIC and OCA, or SER and OCA, in that order, preceded by the proper MFC.

- Following the two record identifiers, date of recovery and recovering agency's case number are entered next, in that order, and without field coded. The date of recovery, which cannot be prior to the date of theft, must be entered or the LOCATE message will be rejected.
- When an agency places a LOCATE against another agency's record, the LOCATE will automatically notify the entering agency of the placement of LOCATE with a \$.L. administrative message.

Clear Transactions

Clearance of a record is restricted to the agency that entered the record. A clear message is entered when:

- The agency recovering the security is the agency that entered the record.
- The agency that entered the record is officially advised that the security has been recovered by another agency.

The record to be cleared must be identified by NIC and OCA, or SER and OCA, in that order, preceded by the proper MFC. If the agency that entered the record recovers the security, the date of clear cannot be prior to the date of theft. It must be entered following the two record identifiers.

C. CANADIAN POLICE INFORMATION CENTRE (See Securities File)

CPIC is a system operated by the Canadian Police Information Centre under the stewardship of [National Police Services](#), on behalf of the Canadian law enforcement community.

CPIC provides information about crimes and criminals. It is the only national information-sharing system that links criminal justice and law enforcement partners across Canada and internationally.

The CPIC website is managed by the RCMP on behalf of the Canadian law enforcement community. <http://www.cpic-cipc.ca/index-eng.htm>

SEX AND ARSON OFFENDERS

A. CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS)

CALIFORNIA SEX AND ARSON REGISTRY (CSAR)

For registration- related questions, please contact:
(916) 210-3113 or casex-reg@doj.ca.gov

For the CSAR Help Desk (technical questions/accounts/training), please contact:
(916) 210-3118 or vcic.csar@doj.ca.gov.

The CSAR is a database that stores registration information on California's sex and arson registrants. Law enforcement agencies (LEAs) are able to inquire, enter, and update sex and arson registration information directly into the CSAR database using the CSAR Web application or the LiveScan Registration Type of Transaction (REG TOT). LEAs are no longer able to perform entry/update functions via CLETS. LEAs may only query sex and arson records via CLETS.

In California, registration is generally a lifetime requirement for convicted sex registrants per Penal Code Section 290, and Penal Code Section 457.1 for arson registrants. To support NCIC record validation requirements, supporting documents (e.g. registration documents and forms) should be kept in a MCR in either digital or hard copy. The DOJ, District Attorney's offices, and the courts are required to retain records on sex offenders for 75 years after disposition of the case for both misdemeanor and felony offenders (Penal Code Section 290.08; Government Code Section 68152). Although there is no law requiring registering agencies to maintain sex offender files for a set period of time, DOJ recommends registering agencies to retain files for 75 years. For example, the registering LEA may be called upon to produce registration document(s) for court purposes and to testify to its content.

All registering LEAs with access to the DOJ secure network may contribute information to a registrant's CSAR record via the web application and/or the LiveScan REG TOT. A registrant should have one record in the CSAR database and the information contributed by LEAs is required to be entered and/or updated accurately within three (3) working days.

Manual Criminal History records and the ACHS are no longer updated with the registrant's address information. Only the initial requirement to register will be on ACHS and manual rap sheets in the form of a registration cycle. If a registration cycle appears on an ACHS record, it will contain the caveat. "FOR CURRENT REGISTRANT ADDRESS INFORMATION INQUIRE INTO THE CALIFORNIA SEX AND ARSON REGISTRY (CSAR)."

Information on file:

- Personal Information
- Name (including aliases and monikers)
- Physical characteristics of registrants
- DOB
- Scars, marks, tattoos
- Occupation
- Operator's license number
- Miscellaneous identification numbers
- Offenses for which the offender was convicted and is required to register.
- Registrant's registration history including:
 - Current registration date(s)
 - Address(es) (including historical registered and other associated addresses)
 - Vehicle(s) registered to or driven by the registrant.

Inquiries into the CSAR via CLETS

Inquiries are made via CLETS using the QSA message key for either a full or summary response. An inquiry using the FCN or CII will produce a full response. An inquiry using the NAM/SEX, CDCR, DJJ, SOC, LIC or OLN will produce a summary response.

Inquiry Response from the CSAR via CLETS

A summary response includes: name, physical description fields, alias(es), current registered address, date of registration and annual update, agency contact information, numeric identifier fields, photo information, OLN, vehicle information, contact message(s), special notations, and miscellaneous.

A full response is returned by FCN and CII number inquiry and includes all information from a summary response plus occupation, up to ten addresses, all Penal Codes requiring registration, all scars, marks, and tattoos.

If more than ten hits are confirmed on any CLETS inquiry into the CSAR, the ten responses will be returned with a message "More than 10 Matches – contact DOJ Sex/Arson Registration Unit (916) 227-3289 or 916-210-3113.

Responses received may include one of the following:

- "MAY BE REQUIRED TO REGISTER" – CSAR has not been updated with a registration event.
- "MAY NOT BE IN COMPLIANCE WITH ANNUAL REG UPDATE" – Sex registrant has not complied with the annual update requirement. Has not updated his/her registration within five working days of birthday.
- "MAY NOT BE IN COMPLIANCE WITH TRANSIENT REG UPDATE" – Sex registrant has not complied with the transient registration requirement. Has not updated his/her registration within 30 days.
- "DOJ FP CARD NOT REQUIRED" – DOJ has received a 10 print registration fingerprint card (BCII-5 card).
- "DOJ FP CARD REQUIRED" – DOJ has not received a 10 print registration fingerprint card (BCII-5 card).
- "MAY BE INCARCERATED" – The controlling registration event in the CSAR is an Incarceration Event. Registrant may be in custody in a California custody facility.
- "MAY BE OUT OF STATE" – The controlling registration event in the CSAR is a Change of Address- Out of State. Registrant last reported in CSAR as out of state.
- "MAY BE DEPORTED" – The controlling registration event in the CSAR is a Deported Event. Registrant last reported as being deported.
- "WHEREABOUTS UNKNOWN" – The controlling registration event in the CSAR is an Absconded Event. The last registering agency reported the registrant's whereabouts as unknown.

Services Available from the California's Sex Offender Registry (SOR)

Requests for the following may be directed to the SOR by telephone, teletype, in person, or in writing:

Jurisdictional listings of registrants by ORI Number

Assistance in providing statistical data from registration information for purposes of training, reporting, legislation, etc.

Certification of Notification 8047 and 8049 registration documents for trial purposes

FULL ACCESS

Sex Registrants

In California, sex offender registrants have a lifetime requirement to register, unless otherwise stated by the courts. They are required to register:

- Annually, within five working days of their birthday
- Within five working days of moving into, within, or out of a jurisdiction
- When obtaining an additional residence address
- After incarceration or custody commitment that lasted 30 or more days
- When residing, enrolling, or gaining employment at an institute of higher learning
- If the registrant is or becomes transient, he/she is required to register no less than every 30 days
- If the registrant has been designated a Sexually Violent Predator (SVP), he/she is required to register no less than every 90 days.

Arson Registrants

In California, arson registrants have a lifetime requirement to register if the conviction occurred on or after November 30, 1994. They must register within fourteen days of moving into or within a jurisdiction. Additionally, the registrant must, within ten days, inform the LEA in writing where he or she was previously registered of their new address.

Agency Protocols

When an individual comes into a LEA to register, whether it is to register for the first time, change their address, comply with their annual, transient, SVP, or campus registration requirement, the LEA should always:

- Inquire into the CSAR database to identify if a record already exists. It is imperative that a registrant only have one record in the CSAR. Only after a complete search produces a “NO RECORD” should a new registration record be created.
- Update the CSAR with the registration information then mail a completed BCII-5 (registration fingerprint card) to the California Sex Offender Registry formerly known as the Sex Offender Tracking Program, if a registration record is identified in the CSAR and the record indicates “DOJ FP CARD REQUIRED.” If the response indicates, “DOJ FP CARD NOT REQUIRED,” update the CSAR with the registration information and keep the registration documentation in your agency files. Documentation must be retained, either digital or hard copy, as supporting information in the agency’s MCR for the registrant for NCIC validation purposes. Additionally, a recommended best practice is to retain the record for 75 years.

The Open Image Management System (OIMS) was developed in 2000 by the DOJ as a web-based image database. OIMS allows users of the California Sex and Arson Registry (CSAR) to upload sex and arson images to an existing CSAR record. Please contact your CSAR administrator to set up your OIMS account.

- Open your web browser (Mozilla Firefox or Internet Explorer 6 or higher) and go to the OIMS log-in page: <https://oims.ext.doj.ca.gov>
- Log into OIMS using the user name and password provided by your agency’s OIMS supervisor (CSAR Administrator). You may change your password at any time while logged on. If you forget your password, contact your OIMS supervisor to reset it.
- Under “Select and Image Upload Type,” select Sex/Arson Reg Image to CSAR to upload the image and click SELECT.
- Type in your search criteria, the criteria must include either a CII number or FCN. Once you have entered your search criteria click SUBMIT.
- Click on the desired FCN or name displayed, and click the BROWSE button to open.
- Navigate to the folder and file where the image you wish to upload is stored. Double click on the image file name.

- After the image is selected, click on the UPLOAD button.
- Verify the image has been matched to the correct record, and then fill out the applicable data fields.
- When finished, click the ACCEPT button.
- Review the confirmation page to ensure accuracy and change or edit the photo if needed.
- If you need assistance the “DOJ TECH SUPPORT” button will allow you to email questions directly to the CSAR Help Desk.

Please be advised, all images for sex and arson offenders should be uploaded using the OIMS system, the DOJ does not accept photo submissions for offenders sent via email or U.S. mail. If you have any questions concerning the submission of photos, please contact the California Sex Offender Registry directly at (916) 227-3289 or (916) 210-3113.

It is the registering LEA's responsibility to enter/update CSAR with registration information.

Entry Transactions

The following are required:

- Registering LEAs are responsible to enter/update the CSAR with registration information within three (3) working days of receiving the information.
- Agency personnel are responsible to enter all information provided on registration documents and all other information available to the LEA from other sources into the CSAR.
- If a registrant is deceased, send the information to the CSAR using the SS-8102 and any other supporting documentation as required. Cal-DOJ Registry staff will make the necessary changes to the registrant's CSAR record.
- All records contributed into CSAR must be based on a MCR maintained by the registering LEA.

The MCR must be available at all times for auditing purposes or so that questions concerning the record can be addressed.

Registering LEAs may be called upon to produce the official registration document for court purposes and to testify as to its content.

Only the DOJ can terminate a record. Terminated records remain in the CSAR and may be reactivated if there is a new subsequent duty to register.

Record Corrections

If information is entered into a CSAR record in error, LEAs have the ability to make corrections via the CSAR Web Application. If for some reason the LEA is unable to make the change via the CSAR Web Application, they may call the Registry at (916) 210-3113.

B. NATIONAL CRIME INFORMATION CENTER (NCIC)

NATIONAL SEX OFFENDER REGISTRY (NSOR)

All NSOR records are based on documented registration or criminal history information and can only be disseminated in accordance with Title 28, U.S. Code, Section 534, or other federal statutes. Information in the NSOR should not be disclosed to the public. Publicly available information is accessible on the individual jurisdictions' website or by searching the Dru Sjodin National Sex Offender Public Website at www.nsopw.gov. The NSOR can be used to enhance the jurisdiction's process to locate noncompliant offenders.

California and other states are contributing records to the Convicted Sexual Offender Registry File. Although the CSAR remains the best database for law enforcement inquiries regarding registered sex offenders in California, LEAs can utilize the NSOR database to inquire on sex offenders registered in other states.

A QXS inquiry of the NSOR can be made by name and one or more following numeric identifiers: DOB (YYMMDD), FBI, MNU, SOC, OLN, LIC, VIN, REG, and/or BHN with each data element preceded by the proper MFC. Additionally, inquiries may be made using ZIP only, preceded by the proper MFC.

STOLEN PROPERTY

A. CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS)

AUTOMATED PROPERTY SYSTEMS (APS)

Contact info: (916) 210-3214 or bciaaps@doj.ca.gov

APS is a pointer system consisting of records entered by law enforcement agencies. APS contains records of serialized or uniquely inscribed property that is stolen, lost, found, held as evidence, under observation or pawned and bought.

Property Types in the APS (listed by category code):

Code	Type	Code	Type
A	Non-Serialized Jewelry (Pawn/Buy entry only)	M	Musical Instruments
B	Bicycles	N	Non-Serialized Property (Pawn/Buy entries only; no jewelry; must have a valid article code)
C	Camera & Photography Equipment/Accessories	O	Office Equipment
D	Data Processing Equipment	P	Personal Accessories (includes jewelry other than CAT "A")
E	Equipment, Measuring Devices, Tools	Q	Items of Identification, Public Safety, Homeland Security, or Critical Infrastructure
F	Furniture and Furnishings	R	Radio/Electronic Equipment/Audio/TVs
G	Games & Gambling Apparatus	S	Sports, Exercise, & Recreational Equipment
H	Household Equipment/Appliances & Housewares	T	Toxic Chemicals – Non Public Safety
I	Identification Items – Non Public Safety	U	Credit Cards or Checks/Gift Certificates
		V	Viewing Equipment
J	Special Documents (food stamps, tickets, license tab, etc.)	W	Well Drilling Equipment
K	Keepsakes & Collectibles (coins, ingots/bullion, paintings)	Y	Other (DOJ use only)
L	Livestock	Z	Public Safety, Homeland Security, or Critical Infrastructure Items or Equipment (includes toxic, hazardous chemicals)

Inquiries into the APS

Inquiries into the APS may be made using the FCN, or a SER or OAN and either the TYP or BRA. The NCIC will not be searched unless the inquiry contains the SER or OAN, and the TYP data fields.

Users can also inquire into the APS by subject's name on serialized and non-serialized pawn/buy transactions. Name searches can be conducted by a specific county or jurisdiction using City/County Codes (CCC). DOB searches plus or minus one year. AGE searches plus or minus three years.

Inquiry Responses from the APS

If no matches are made on your APS inquiry, you will receive a negative response. If your inquiry has been forwarded to NCIC, the response will say so and you should receive an NCIC response soon after.

Up to twelve possible matching records may be returned to your terminal. Hit responses, on other than name inquiries, will exactly match the inquiry data fields used. A search on SER/12345 will also match on OAN/12345, and vice versa. It is not necessary to make two separate inquiries.

Some articles may be placed at the entering agency's discretion, in one category or another. A negative response may require changing the TYP data field and completing another inquiry transaction.

A mail option format is available to receive records of a "MORE THAN 12 HITS" response. A QAM inquiry will generate a printout at a DOJ terminal, which is then mailed to the requesting ORI to the attention of the person and unit identified in the mandatory REF field.

FULL ACCESS

Penal Code Section 11108 requires every LEA to enter all serialized and/or uniquely inscribed property reported as stolen, lost, found, recovered, held for safekeeping, or under observation into the appropriate DOJ automated database. The APS also contains property that has been pawned/bought or held as evidence.

The timely entry of all reports of pawn or buy transactions into APS is vital to the system's built-in tracking and stolen property recovery capabilities. Additionally, these entries will facilitate the monitoring of individuals whose activities are of interest to LEAs.

All records entered in APS must be based on a MCR maintained by your agency. The MCR must be available at all times to confirm hits on APS records. If any changes are made to the MCR, you must update the APS record accordingly.

When entering a stolen property record into APS, you may enter the record into the NCIC Article File at the same time by placing a "2" in the Entry Level Field. Note that NCIC will not accept property records which are reported as lost, found, evidence, under observation, pawn or buy. These record types must be entered in APS as an Entry Level "1" (ENT/1).

Records for stolen articles bearing a unique serial number and/or an owner applied number can be entered in the NCIC Article File if a theft report has been made and the individual property items are valued at \$500 or more, or are multiple (group) property items totaling \$5,000 or more in one theft. Office equipment, television sets and bicycles may be entered regardless of value. Credit cards, bank drafts, Automated Teller Machine (ATM) cards, and checks, including cashier, certified, company, government (local, state, and federal), bank officer, personal, and U.S. Treasury, are not to be entered in the NCIC 2000 Article File or any other NCIC 2000 file. Additionally, any item of property may be entered at the discretion of the reporting agency if:

- The circumstances of the theft indicate that there is a probability of interstate movement, or
- The seriousness of the crime indicates that such entry should be made for investigative purposes.

APS Record Types and Retentions

Code(s)	Type of Record	Maximum Retention
S, L, F, E, O	Stolen, Lost, Found, Evidence, or Under Observation Credit Card	Six months
S, L, E	Stolen, Lost, Evidence	Three years
S	Stolen Toxic Chemicals	Indefinitely, or until cancelled, cleared or located.
O, F	Under Observation, Found	One year
P, B	Pawn or Buy Property	Six months

Note: Safekeeping records can be entered as FOUND and noted as such in the miscellaneous field.

Entry Transactions

Use an Entry Transaction to place a record into APS. Each entry you make generates a search for matching records. If, in the entry process, a duplicate record is found, your entry will be rejected and an appropriate response will be sent to your terminal.

- All available information from your MCR should be entered.
- If an OAN or SER exceeds 20 characters, enter the last 20 characters in the OAN or SER fields, and then enter the full OAN or SER in the MIS Field. OAN now accepts all alpha/numeric characters, except NONE or UNKNOWN.
- Identical items of property which are consecutively serialized may be entered into APS as group records. A maximum of one hundred records may be entered.
- Items or merchandise purchased with a stolen credit card or credit card number are treated as “stolen” and should be entered into the Automated Property System.
- When your Entry Transaction is accepted by APS, the computer will send an acknowledgment to your terminal containing the new FCN. You will need the FCN for all subsequent updates. Compare the acknowledgment information to your MCR and make any needed corrections to the APS record. File the acknowledgment with your MCR.

Note: You will not get an entry acknowledgment from NCIC. To confirm that your record was forwarded to NCIC correctly, you should inquire by SER or OAN once your entry was acknowledged by APS.

Serialized and non-serialized property reported to LEAs by pawnshops and secondhand stores as Pawned, Bought, Traded, or Consigned, can be entered into APS (enter bought, traded or consigned property as a BUY). The DOJ does **not** enter pawn or buy reports for LEAs. The responsibility for timely entry resides with the agency that has jurisdiction over the store that reported the transaction.

Note: Entering stolen articles via crime reports will pay investigative dividends when Pawn/Buy entries are matched to stolen record in APS and reports of these matches are delivered to your terminal.

Consult the Article/Brand/Category (ABC) User’s Guide to verify the proper codes for entry.

Likewise, if you have been provided the APS/NCIC codes for property items and cannot determine what the codes represent, use the APS Table Inquiry transaction. By entering the codes, you will receive the full name of the item.

Occasionally, property having the same serial number will be entered by different agencies. This is most noticeable with bicycles. When this is brought to DOJ's attention, the ORI is notified to remove the entries and a serial number block is placed into APS to prevent any future entry of records with that non-unique serial number. When an agency attempts to enter a record with a non-unique serial number that has been blocked, it will receive the error code response of "406 INVALID SER BLOCK."

When multiple items of property that have the same OCA and DOT are reported stolen, lost, or under observation, they may be associated with one another by placing the FCN of the base record in the XRF Field. No more than nineteen records can be associated with the base record.

When an agency places a STOLEN or LOST record entry in APS which matches a Pawn, Buy, or Under Observation record entry already on file, they will receive the message response "POSSIBLY MATCHES PAWN/BUY/UNDER OBSERVATION ON APS." The reverse is also true, when a Pawn, Buy or Under Observation record entry matches a Stolen or Lost record already on file, the response will be "POSSIBLY MATCHES STOLEN/LOST ON APS."

These responses will be accompanied by a complete printout of the matching record. When you receive this response you should alert the investigative officer to the possibility of a stolen property item having been pawned or sold to a pawnshop or secondhand store. Proper use of this capability will enhance recovery of stolen property, but only if your agency regularly enters its reports of pawned or bought property.

Non-serialized Pawn/Buy entries will not match against stolen entries. However, this should not prevent your agency from making the entries. The information can be valuable to agencies tracking suspects who frequently pawn or sell stolen property.

Modify Transactions

Use a Modify Transaction to add, delete, or correct the information in one or more data fields of an existing APS record.

- Only the contributor of an existing APS record or DOJ can modify an existing record. You cannot modify a record entered by another agency.
- Once a LOCATE Transaction is placed on a record, the original record cannot be modified.
- The MKE, ORI, FCN, and Document Code (DCD) fields cannot be modified.
- ENT can be modified from ENT/2 to ENT/1 but not from ENT/1 to ENT/2. The entry must be cancelled and then re-entered as an ENT/2.
- Any modification of information in the MIS field supersedes original contents. Be sure to re-enter the original contents you wish to retain.

Cancel Transactions

Use a Cancel Transaction to remove an entire record from APS and NCIC. Only the contributor of an original APS record or DOJ can cancel a record. Cancel a record when:

- The MCR documenting an APS record is lost, misplaced, or unavailable for hit confirmation.
- The original report, which is the basis for an APS record, cannot be substantiated.
- An item of property was entered in error.

When your CANCEL transaction is accepted by APS, CLETS will send a cancel acknowledgment to your terminal. There is nothing to tell you that NCIC has been cancelled. Verify the cancellation from NCIC by making a SER or OAN inquiry.

LOCATE Transactions

Use a LOCATE Transaction when your agency has recovered an item of stolen/lost property and received a positive hit confirmation. A LOCATE cannot be placed on a record entered by your agency. The record must be cleared.

Do **not** place a LOCATE on a record until a positive confirmation is received from the entering agency.

Do **not** confuse a "HIT" on APS with positive identification. Many property items could have similar identifying numbers. Exercising caution will help to avoid placing a LOCATE on an item with a duplicate number.

An improperly placed LOCATE could cause stolen property not to be recovered and it could jeopardize officer safety. This could result in legal problems for your agency.

Failure to place a LOCATE could delay the return of a property to its rightful owner because the property record is still in stolen status rather than LOCATE status. This could also result in legal problems for your agency.

If an item of property was recovered which was stolen in another state, and it is in the NCIC Article File but not in APS, use the APS LOCATE format.

When an out-of-state agency places a LOCATE on a California record in NCIC's Article File, the LOCATE will not transfer to the CJIS APS file. The contributing agency will receive a \$.L message from NCIC. After confirming the LOCATE as valid, the contributing agency should then clear their record in APS.

Clear Transactions

Use a CLEAR transaction to remove an entire record from APS and NCIC when you have recovered property entered by your agency, or when officially advised that the stolen/lost property has been recovered by another agency and proper confirmation was done. Only the contributor of the original APS record, or DOJ, can clear the record. There are separate clear formats for single and group records, refer to your CJIS Manual for formats.

When your CLEAR transaction is accepted by APS, CLETS will send a clear acknowledgment to your terminal. There is nothing to tell you that NCIC has been cleared. Verify that the clear has been accepted by NCIC by making a SER, OAN or NIC number inquiry.

D. NATIONAL CRIME INFORMATION CENTER (NCIC)

ARTICLE FILE

The Article File is used to store information concerning stolen property not meeting the entry criteria for any of the other NCIC property files (e.g., Gun File and Vehicle File). Property can be entered in the Article File if a theft report has been made.

Records are categorized as:

- Bicycles
- Camera equipment
- Data processing equipment
- Measuring devices and tools
- Furniture and furnishings
- Games and gambling apparatus
- Household appliances and housewares
- Identification items (including credentials, badges, licenses, passports)
- Special documents (including food stamps, commuter tickets, property titles)
- Keepsakes and collectibles
- Livestock
- Musical instruments
- Office equipment
- Personal accessories (including clothing, jewelry with identifying markings, riot gear)
- Radio, TV, and sound entertainment devices
- Sports and exercise equipment
- Toxic chemicals
- Viewing equipment (including goggles, scopes, eyeglasses)
- Well drilling equipment

Items not to be entered in the NCIC 2000 Article File or any other NCIC 2000 file:

- Stolen or lost credit cards
- bank drafts
- ATM cards
- Checks (including cashier, certified, company, government, bank officer, personal, and US Treasury)

Note: For US issued currency, bank notes, etc., refer to the Securities File Section.

Inquire into the Article File using TYP and SER or OAN, or by the NIC. Inquiries into this file can be done using the CJIS APS if the same data elements are used.

If the hit response contains more than 20 hit responses the following will be included to indicate a file is being created with up to an additional 100 hit responses. "ADDITIONAL HITS AVAILABLE, FILE NOTIFICATION TO FOLLOW" A \$.B. administrative message will then be sent to the ORI to identify the file name to be requested to retrieve the additional hit responses via the File Transfer (FT) transaction.

To ensure uniformity and eliminate confusion in the coding of items, the California DOJ maintains the ABC User's Guide. This document contains an up-to-date listing of article categories, article names, brand names and the CJIS/NCIC codes used to define the entry. The ABC User's Guide is available on CLEW.

C. OREGON LAW ENFORCEMENT DATA SYSTEM (LEDS)

Oregon LEDS is no longer available via the CLETS. Inquires intended for LEDS will need to be performed through the International Justice and Public Safety Network using the National Law Enforcement Telecommunications System (NLETS).

D. CANADIAN POLICE INFORMATION CENTRE (CPIC) (See Article File)

CPIC is a system operated by the Canadian Police Information Centre under the stewardship of [National Police Services](#), on behalf of the Canadian law enforcement community.

CPIC provides information about crimes and criminals. It is the only national information-sharing system that links criminal justice and law enforcement partners across Canada and internationally.

The CPIC website is managed by the RCMP on behalf of the Canadian law enforcement community. <http://www.cpic-cipc.ca/index-eng.htm>

SUPERVISED RELEASE FILE

A. CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS)

SUPERVISED RELEASE FILE (SRF)

Contact info: (916) 210-3211 or vcic.srf@doj.ca.gov

The SRF provides law enforcement with a brief, tactical view of subjects on active parole or probation, on conditional release monitored by the State Department of Mental Health or its successor, the State Department of State Hospitals, or classified as career criminals per Penal Code Section 13853. The response from the SRF may disclose vital information regarding individuals that have a history of involvement with the criminal justice system.

The SRF is an index of the following:

- California Department of Corrections and Rehabilitation (CDCR) Parolees*
- California Department of Mental Health Conditional Release Program (CONREP)*
- County Probationers
- Federal Probationers (two of four districts in California participate)
- Post Release Community Supervision (AB109 Realignment)
- Mandatory Supervision (AB109 Realignment)
- Career Criminals

*Mandated for entry into SRF pursuant to Penal Code Section 14216

Inquiry into the SRF

Inquiries into the SRF made with the Full Response (QVC) or Abbreviated Response (QVCK) message keys, will access SRF, WPS, and CARPOS. If the DOB or AGE field is added, CSAR will also be searched and added to the response. When at least one of the numeric identifiers (DOB, SOC, CII or OLN) is used in addition to the name and sex, an inquiry will also be forwarded to NCIC.

Inquiries can also be made directly against a specific SRF record type, without searching the WPS, CARPOS, CSAR and NCIC. Use message keys QCA for CDCR Parole, QPR for County Probation, QRC for Post Release Community Supervision, QSV for Mandatory Supervision, QMH for DMH CONREP, QFR for Federal Probation, and QCR for Career Criminals.

The QVC inquiry has an option to search the APPS. Query, using QVC message key, including name, sex, DOB or age, and enter code “Y” (yes) or “N” (no) in the APP/Data Field.

Inquiry Responses from the SRF

With message keys QVC and QVCK, all responses include the WPS, CARPOS, SRF and CSAR responses followed by the NCIC response if sufficient identifying data was provided in the inquiry. If the APPS option was used positive responses will provide personal data for prohibited persons only. The SRF provides names and aliases, physical and numeric identifiers, city and/or county of residence, supervising agency details including contact officer and phone number, and any advisory information the supervising agency deems appropriate. The number of prior contact messages sent for each record is also included. Up to ten records may be received in a SRF response. When more than ten possible matches are made, a new inquiry should be run providing more identifiers (DOB, OLN, SOC, CII/SID, etc.) in order to narrow down the possible matches. The response for prior contact messages (QVC1) will provide a full version of the base record, and then up to twenty of the most recent contacts, starting with the latest sent. Contact the SRF Unit for additional searches.

The three most recent contact messages will display under each SRF record, using all inquiry types. To inquire for the text of all prior contact messages associated with a specific SRF record, use the QVC1 message key and FCN of the base record.

Contact Messages

Contact Messages (LCA) provide a two-way communication link between law enforcement officers and supervising agencies. Agencies can use Contact Messages to send information regarding their encounter with a subject to the agent or agency that entered the record. Contact Messages include: date and time of encounter/contact, agency and officer who made contact, callback telephone number, status of any enforcement action taken, vehicle data, and a brief summary of the nature of the contact. When the Contact Message is transmitted through CLETS, a copy will be transmitted to the entering agency with a brief version of the base record.

Since July, 1995, all of the transmitted Contact Messages connected with each SRF record are stored in a historical file. You have the ability to obtain the 20 most recent Contact Messages associated to each record's FCN, starting with the most recent message sent. If there are more than 20 Contact Messages associated with a record, you will need to contact the SRF Unit. If a query is made for which there are no Contact Messages available, the reply will so state.

Historical Contact Messages provide a great investigative tool, and allow for the tracking of supervised individuals. Individuals may have more than one SRF record, e.g. they may be on multiple types of supervision and on active parole, etc. A separate inquiry by each record type's FCN should be made to obtain all the prior Contact Messages. Likewise, a separate Contact Message should be sent against each matching record type so that all interested agencies receive the information.

Notices of Arrest

SRF has the ability to automatically notify supervising agencies of new arrest information posted to the ACHS file of their subjects. This feature requires that the entering agency includes the subject's CII/SID number in the SRF record. The CII/SID number is an optional data element when entering a record into SRF; however, it is highly encouraged to be utilized.

FULL ACCESS

The SRF is designed as a tactical response, a brief but informative index to the supervising agency's full record. The SRF provides for a two-way communication link, called the Contact Message Link, which allows law enforcement officers to send information about an encounter with a subject to the agency that entered the record.

Record Types

- **Career Criminal (CAR)** – Law enforcement agencies have the ability to identify an individual as a career criminal pursuant to Penal Code Section 13853. This record type is designed to allow an agency to track and monitor an individual who fits the criteria of a career criminal. This record is entered into the SRF via CLETS and maintained by the entering agency.
- **County Probation (PRO)** – County probation departments can enter records of their probationers in the statewide SRF via CLETS. It is essential for officer and public safety that law enforcement is aware of a subject's current status. The supervising officer/agency benefits when law enforcement advises them of a contact. DOJ encourages all counties to enter records and will assist in formulating a plan to enter and update records.
- **CDCR Parole (CDC)** – The California Department of Corrections and Rehabilitation (CDCR) provides records of all parolees, pre-release parolees (persons to be released from an institution within the next 11-14 days), Immigration and Naturalization Service deportees (deported aliens who have been released from incarceration), and Parolees-at-Large (PAL). CDCR electronically transfers this information to the SRF on a nightly basis.
- **Federal Probation (FPR)** – Federal probationers can be entered by any of the four district offices in California of the U.S. Probation Department.

- **Department of Mental Health (DMH) Conditional Release Program (CONREP)** – CONREP records can be entered by the Department of Mental Health or its successor, the Department of State Hospitals only.
- **Post Release Community Supervision (PRC)** – Post Release Community Supervision (PRCS) offenders released from state prison, but supervised by county probation (AB109, mandated by Penal Code Section 3450).
- **Mandatory Supervision (CSV)** – Mandatory Supervision sentenced to county jail pursuant to Penal Code Section 1170(h)(5)(B) that includes a term of mandatory supervision by county probation.

Entry Transactions

- All records contributed to SRF must be based on a MCR maintained by the entering agency. Any changes to the MCR must also be reflected on the SRF record, if appropriate.
- The California DOJ SRF has the capability to enter records into the NCIC SRF (ENT/2). SRF records entered without the ENT designated will default to ENT/1, "California Only." Currently, PRC and CSV records cannot be entered as ENT/2.
- A benefit to agencies entering records into the Supervised Release File is a process called the Notice of Arrest. If the SRF record contains a CII Number for the subject, and an arrest is entered on the matching CII record in the ACHS, the SRF will send a Notice of Arrest to the entering agency. Agencies are advised to access the ACHS for further details of the arrest. Although an optional field, only records reflecting a CII Number will receive a Notice of Arrest.
- Upon entry of a record, the SRF returns an Entry Acknowledgment, which will include the entire record with the assigned FCN. Retaining the FCN is critical to future modifications or cancellations of the SRF record.

The CDCR Parole, County Probation, Federal Probation, CONREP and Career Criminal record types have mandatory Discharge (DSC) date fields. For parole and probation records, this would be the date the subject is scheduled to be released from supervision. Career criminal records should have a DSC that allows for periodic review of the record by the entering agency in order to maintain the accuracy of the record. This review should be at least every three years.

Other than CDCR Parole, the SRF will automatically purge these records based on the Discharge Date (EDS). If an individual is released from parole or probation prior to the discharge date, the record's EDS field must be modified, or the record must be cancelled. If the subject's discharge date is extended, the EDS field should be modified.

Existing CA SRF records may be modified by the owning agency to change the Entry Level designation. The CA SRF system will generate and submit the appropriate NCIC transactions.

The entering/modifying agency will receive acknowledgment of the NCIC transactions (entry, modify, or cancel/clear) resulting from these entries and modifications.

Modify Transactions

Use a Modify Transaction to add, delete, or correct the information in one or more data fields of an existing SRF record. When a Modify Transaction is accepted by the SRF, the computer will send a Modify Acknowledgment to your terminal. Check the acknowledgment to ensure that the modification was made correctly.

- Only the contributor of an original SRF record or DOJ can modify the original record. You cannot modify a record entered by another agency.
- Mandatory data fields can be corrected, but not deleted.
- The MKE, ORI, FCN and NIC fields cannot be modified.
- The ENT field can be modified from ENT/2 (NCIC and California) to ENT/1 (California only), or vice versa.
- The name used (RNM) in identifying the record to be modified must be spelled and spaced exactly the same as in the on-line record.
- When modifying the AKA, Treatment Program Group (TPG), or Alternate Address Group (AOT) field, the format will require old value and new value with the period as a position indicator (e.g., AKA/OLD.NEW). For example, to change the AKA of JOHNSTON,TOM TO JACKSON,TOM and to add a new AKA of THOMAS,JIM the format would be:

UR

MKE.FCN.NAM.AKA/JOHNSTON,TOM.JACKSON,TOM.THOMAS,JIM

Cancel Transactions

Use a CANCEL transaction to delete an entire record from the SRF. Only the contributor of an original SRF record and DOJ can cancel a record.

A Cancel Transaction should be used when:

- The subject has been discharged from supervision
- The supervised subject is deceased

When your CANCEL transaction is accepted by the SRF, the computer will send a CANCEL acknowledgment to your terminal. Check the acknowledgment to ensure that the right record was cancelled.

When an Entry Level 2 SRF record is cancelled, the owning/cancelling agency will have to indicate the reason that the record is being cancelled. This is done by including a Reason for Cancel (RFC) in the CANCEL (XVC) transaction. A RFC value of 1 indicates, "CLEAR" the record and means that the subject is no longer under supervision. A RFC value of 2 indicates, "CANCEL" the record and means that the record was entered in error (i.e., should never have been entered).

The clearing/canceling agency will receive acknowledgment of the NCIC transaction (CANCEL/CLEAR) generated and sent by the CA SRF system. A RFC value of 3 indicates, "Transfer" the record and means the record is closed, but remains visible to law enforcement in CLETS inquiries, displaying a "Transfer Pending" banner at the top of the response. When the receiving county enters a new SRF with matching type, selecting the RFC value 3, the transferring agency may optionally use the data field to indicate the County of Destination (COU).

Contact Message

After receiving information from the SRF about an individual you have inquired upon, send a Contact Message summarizing your encounter to the agency that entered the record. The Contact Message should be sent if the subject is being booked or cited, if the contact was a routine stop and no enforcement action was taken, if the subject is a suspect in an investigation whether they have been encountered or not, or if your agency is issuing a warrant for the subject and you are advising the supervising agency for information purposes only. When the Contact Message is transmitted through CLETS, a copy will be transmitted to the entering agency with a brief version of the base record.

The transmittal of the Contact Message to the originator of the SRF record is essential. Officers on the street can learn the status of the individuals they are encountering, while supervising agents and agencies interested in the activities of an individual can receive information on the nature of the contact. Parole agents have received Contact Messages indicating possible criminal activity at a time when the subject was being considered for early release. Sending Contact Messages not only supports the efforts of the agencies entering and updating records in the SRF, it benefits all California law enforcement by tracking and monitoring these individuals, and sharing this information statewide.

The criteria needed for sending the Contact Message is located at the bottom of all SRF responses. Every response reads: "SEND CONTACT MESSAGE IDENTIFYING CLETS MEN/xxx RECORD TYPE/xxx AND IDN/xxxxxxx, OR ONLY FCN/xxxxxxxxxxxxx." This may occur when the subject of the inquiry is in multiple SRF records, such as on CDCR Parole and required to register as a sex offender. SRF allows you to transmit the Contact Message to the FCN. Vehicle information should be included in the Contact Message whether the subject is the driver or a passenger in the vehicle. You can enter any or all of the following vehicle information when sending a Contact Message:

- Vehicle License Number
- State
- Year of Expiration and Plate Type
- Vehicle Year
- Make, Model and Color

When entering vehicle make, model and color you should spell out the description as the SRF does not require the use of standardized abbreviations for these data fields. The vehicle information will provide beneficial information for the person supervising the subject, for investigators reviewing the Contact Messages, and for special searches that can be conducted by the DOJ's SRF Unit. For example, a witness may only be able to identify the suspect vehicle as a brown Chevrolet pickup.

The SRF Unit can conduct an off-line search of the database (e.g., Contact Messages looking for a brown/tan/light brown pickup/sedan/coupe). Contact the SRF Unit for special searches.

The NCIC SRF does not include a Contact Message feature, as does the CA SRF. Any important information regarding contacts with out-of-state (non-California) NCIC SRF subjects should be communicated to the supervising agency telephonically by using the contact name and phone number information provided in the record.

VEHICLES

A. CALIFORNIA DEPARTMENT OF MOTOR VEHICLES (DMV)

Access to DMV files through CLETS is governed by the CLETS PPPs. Information supplied to LEAs (Law Enforcement Agency) from DMV records is intended strictly for the purpose of enforcing the law.

California Vehicle Code Section 1808.47 states, "Any person who has access to confidential or restricted information from the DMV shall establish procedures to protect the confidentiality of those records."

i. DRIVER LICENSE/IDENTIFICATION CARD

The Driver License/Identification Card (DL/ID) database maintains automated records of all California licensed drivers, unlicensed drivers with an index (X) number, and those persons who have been issued a California ID. DL and ID records are initially established from information extracted from an application. X number records are established by information forwarded from law enforcement and courts, and driver safety contact and does not match an existing DMV record. An X number record is created using the reported name, address, and birth date. This record is given a unique number beginning with the letter X. The X signifies that no known California DL or ID card matched the reported information. There is no photograph, thumb-print, or physical description on file for an X number record because an application was not submitted to DMV. An X number is also assigned in cases involving possible fraud where a duplicate DL or ID has been issued and the true identity of the individual has not been determined.

The DL file is composed of:

- **Basic record** – Items such as DL number or index number, individual's birth date, name, AKAs and addresses.
- **Identifying information** – Physical description, known addresses, and AKAs.
- **Endorsements and certificates** – Type of endorsement or certificate, issue date, expiration date, applications other than original or renewal, type of application, issue date, and office of issue.
- **License issuance information** – The year of license expiration, application information, and the mailing date of new identification cards.
- **Status of driving privilege** – Description of the legal actions taken against the driver and reinstatement requirements, and information on the special conditions surrounding the license (revocation, cancellation, refusal and restrictions) and ID card information.
- **Abstract of conviction** – Violation date, conviction date, statute and section violated, docket number, court, court action, final court disposition, and vehicle license number.
- **Failure to Appear (FTA)** – Information in which subject failed to appear before the court and failure to pay (FTP) information.
- **Records of subject's accidents** – Dates, locations, vehicle license (whether cited), accident report number, and financial responsibility case number.

DL Inquiry

To obtain information from this system, you must provide the DL number or the driver's name (last name, first name, and optional middle initial). When using the DL or ID number, the number must be entered in an eight position format. If the DL or ID is less than eight characters, enter a zero between the alpha prefix and the first numeric character.

For name inquiries, the last name is matched by the Soundex system, but the first name must be spelled exactly as it appears on the driver license. Include the DOB or age, and if there is no exact match, the computer will search plus or minus five (5) years of the date entered. The city of residence is helpful in the inquiry, and the first three (3) numerics of the person's street address can be used to narrow the search.

If you receive more than five (5) responses, contact the DMV DL Law Enforcement Unit at (916) 657-7590 (DMV Request Code).

Request for copy of photo and application

A request for a copy of a person's DL photo or application should contain the driver license number, name, sex, DOB, agency DMV requestor code, and agency name and address. This request can be sent over your CLETS terminal to mnemonic "DDL0" using the Administrative Message format (Also see section on Cal-Photo, Section G).

ii. VEHICLE/VESSEL REGISTRATION

DMV maintains an ongoing record of vehicle and vessel ownership. This record includes all vehicles and vessels registered, or with planned non-operational status. Records initially established from original registrations are updated by renewals, changes of address, and transfers. Parking, toll violation information, owner responsibility citations, and delinquent property taxes on vessels can temporarily become part of these records.

The Vehicle/Vessel Registration File is composed of:

- The license plate number or the vessel's California Registration (CF) number.
- Vehicle Identification Number (VIN).
- Description of the vehicle or vessel.
- Name and address of the registered owner, lessee, lessor, and if present, the legal owner.
- The status of the record.
- Owner-as-of-information (prior, pending, and current owner information to determine owner of vehicle "as-of" a specified date and time).

Vehicle/Vessel Registration Inquiry

To obtain information from this system, you must provide the license plate number or VIN. Also allowed are Personal Name (last name, first name) and Company Name (first 35 characters of name) from the Automated Name Index File.

Electronic Insurance Information

All insurance companies issuing private passenger automobile liability policies in California are required to electronically report policy information to the DMV insurance database. DMV will use this information to display a status indicator on vehicle registration printouts. The information will appear below the Date and Time fields, and will follow a "DOJ STOP" notice if present. The flags will indicate if the insurance information is on file, unknown, unavailable or pending.

DOJ STOP, Restraint, and Referral

When a stolen or felony vehicle or stolen VIN plate entry is accepted by DOJ Stolen Vehicle System (SVS), or when a stolen boat or stolen boat part entry is accepted by DOJ Automated Boat System (ABS), the corresponding DMV Vehicle/Vessel Registration record is flagged. This flag is intended to prevent the registration of stolen vehicles and boats.

- **STOP** – If the SVS stolen vehicle record is entered with a VIN, California license number **or** the ABS stolen boat record is entered by BHN and a CF number, and in both instances the information matches the information on the DMV Master file, the DMV record is flagged with a STOP.
- **Restraint** – A restraint is placed on the DMV record when the stolen vehicle, vessel record, VIN, or plate is entered into the SVS or ABS:
 - By a VIN or BHN only (includes stolen VIN plate or BHN record entered as parts)
 - By a VIN or BHN and respective out-of-state license plate or vessel registration number
 - When a new vehicle/vessel is entered which has not been registered at DMV
 - When the license plate number does not match the DMV Master file for the VIN, or the CF does not match the BHN of the CA DMV Master file record – either because the VIN/BHN are invalid or because the DMV numbers are bad
 - **Referral** – If the vehicle is a felony vehicle, or a stolen vehicle with caution code Armed and Dangerous, the CA DMV record is flagged with a DOJ Referral.

When you encounter one of the above responses, check SVS or ABS to determine if the record is still outstanding. The SVS or ABS may have more timely information about the status of a vehicle or boat than CA DMV. If you encounter a STOP, Restraint, or Referral on a record regarding a vehicle or boat which you know has been recovered, contact the Stolen Vehicle Unit (SVU) at (916) 227-3686.

iii. PARKING/TOLL EVASION CITATION

Per CVC sections 4770-4771 and 40220(a), when a parking or toll violation(s) becomes delinquent, the issuing agency may send the violation(s) to CA DMV to be placed on the vehicle registration record and collected with the registration fees. Once a parking or toll violation hold has been placed on the registration record, DMV will refuse registration renewal for that vehicle until all violations are paid in full, or proof of payment and/or clearance from the issuing agency is received.

If there are five (5) or more unpaid parking violations issued to a vehicle, CVC section 22651(i)(1) allows LEAs to impound the vehicle and CVC section 22651.7(a) allows for immobilization/booting of the vehicle.

Note: The above CVC sections do not apply to rented vehicles or toll violation holds.

The Parking/Toll Violation File information returned:

- A brief description of the vehicle
- The registered owner's name and address

- A listing of parking/toll violations applied to the vehicle. A maximum of 75 violations for each vehicle record will be furnished

Parking/Toll Violation Inquiry:

- Inquiries may be made using the license plate number or VIN

iv. OCCUPATIONAL LICENSING

CA DMV is responsible for maintaining a complete record of every person or business that holds an Occupational License (OL). OL record information is established from application forms.

OL File

- **Firm File** - Contains the organizations licensed by the DMV to do certain types of business in California. These files contain the firm license records filed by a unique number assignment. A firm may be a dealer, remanufacturer, driving school, vessel agent, lessor retailer, distributor, dismantler, transporter, manufacturer, registration services, or all terrain vehicle (ATV) safety training organization.
- **Individual File** - Contains the names of people licensed by the department either as separate entities or connected with the organizations stored in the Firm File. These files hold the individual license records filed by a unique number assignment or by the individual's name. An individual may be a driving Instructor, driving operator, vehicle verifier, representative, salesperson, or ATV safety instructor.

OL Inquiry

Inquiries may be made using the Firm or Individual Record Identifier number (five to eight characters - if less than eight spaces, fill through the eighth position). If unknown, the individual name or the dealer company name may be queried (up to thirty characters). The salesperson name or the dealer company name must be keyed exactly as they appear on the OL database or the system will generate a "NO RECORD" response.

v. INTERNATIONAL REGISTRATION PLAN

The DMV maintains an automated record of companies that register fleets of commercial vehicles under the International Registration Plan (IRP) program. It is a licensing and reciprocity agreement between forty-seven jurisdictions that sets forth the procedures for registration and operation of vehicles traveling in two or more jurisdictions.

These vehicles travel interstate and pay a proportionate amount of fees based on the percentage of miles operated in each jurisdiction. Carriers may base in or outside California. Vehicles operated on an intrastate-only basis do not qualify for IRP registration. The base state collects all fees and issues registration indicia for all IRP jurisdictions in which the fleet operates.

The IRP requires the fleet owner to establish a “Base Jurisdiction” when registering vehicles. A base jurisdiction can be any jurisdiction provided it is:

- Where the registrant has an established place of business
- Where mileage is accrued by the fleet, and
- Where operational records of the fleet are maintained or can be made available

Owner/operator applicants declaring California as the base state must reside at and report a California address. Carriers and owner operators based in this state have California IRP registration. Carriers outside of California obtain IRP registration through their home-base state and are plated by that state.

B. CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS)

STOLEN VEHICLE SYSTEM (SVS)

Contact info: (916) 210-3215 or stolenvehicles@doj.ca.gov

The SVS is a DOJ file containing records of stolen, impounded, lost, pawned, repossessed, stored, and felony vehicles; stolen, found and evidence vehicle parts; and vehicle plates that are stolen, lost, found, evidence, and felony. Both serialized or uniquely inscribed vehicles and vehicle parts are included in SVS files. Other computerized resources for vehicle information include the DMV and NCIC Vehicle File. If you want to obtain owner information about a vehicle, use the DMV files.

The SVS also has an offline historical data base containing cancelled or cleared transactions of stolen and felony vehicle records, vehicle part records, stolen boat records and boat part records. Records in the historical data base are stored offline for ten years. Search requests of this data base may be done through the stolen vehicle unit.

Types of Vehicles in the SVS:

- Aircraft (except model aircraft)
 - All Terrain Vehicles
 - Amphibious Vehicles
 - Assembled Vehicles
 - Automobiles
 - Commercial Trucks
 - Construction Equipment

- Dune Buggy
- Drones over .55 lbs (as of September 2016)
- Electric Utility Carts
- Farm Equipment
- Go Carts
- Go Peds
- Golf Carts
- Light Duty Trucks
- Mobile Homes
- Mopeds
- Motorcycles
- Motor Homes
- Motorized Ride on Toys
- Motorized Wheelchairs
- Motor Scooters
- Personal Trucks
- Shipping Containers
- Snowmobiles
- Trailers

Vehicle Parts in the SVS are any serialized or uniquely inscribed component part of a vehicle, except radios and stereo equipment which are located in the Automated Property System.

Inquiries into the SVS

Inquiries into the SVS may be made using the VIN, License Plate Number (LIC), Engine Number (ENG), Serial Number (SER), Owner Applied Number (OAN), or the File Control Number (FCN) of the SVS record. VIN inquiries are forwarded to the NCIC unless a match is made in the SVS. ENG, SER, or OAN inquiries without a VIN are interpreted as VIN inquiries by the NCIC. When making an inquiry on an out-of-state license, it is necessary to use the License Plate State Field (LIS).

Inquiries on vehicle parts should contain the Brand (BRA) and Category (CAT) codes in addition to the SER or OAN in order to avoid multiple matches.

Inquiry Responses from the SVS

If no matches are made on your inquiry, you will receive a negative response. If your inquiry has been forwarded to NCIC, the response will say so, and you should receive a NCIC response soon after.

When your inquiry matches an SVS record a positive response is returned to your terminal. Up to eight matching records may be returned. If your inquiry matches the base record or an associate record of a group record, your response will include the entire group record.

When there is no exact match a NEAR MISS response may be provided. No police action should be taken based solely on a Near Miss response. When receiving a Near Miss response, make FCN inquiries on the Near Miss records. The chances are high that the Near Miss records are not the same vehicle, part, or license plate that the inquiry was based upon.

Positive matches may include Caution Codes, which have been entered to indicate special handling of the vehicle or its occupants. Caution Codes include, but are not limited to: Armed and Dangerous, Hold for Latent Prints, Detain All Occupants, etc. You may also receive a response requesting to Notify Originating Agency (NOA).

FULL ACCESS

Penal Code Section 11108 and California Vehicle Code Section 10500 require all serialized and uniquely inscribed vehicles which are reported to peace officers as stolen, lost, found, recovered, taken, held for safekeeping, or under observation, and licenses plates which are stolen, lost or recovered, to be entered into SVS. Additionally, serialized or uniquely inscribed vehicle parts must be entered in SVS or the APS. If SVS does not have a code for a particular part, check APS. If APS does not have a code, contact the Stolen Vehicle Unit for assistance.

You are required to enter a stolen vehicle record into SVS even if the vehicle is recovered before the entry is made. In such a case, enter the stolen vehicle record and immediately remove it (clear the record).

The SVS also offers other record types; stored, pawned, impounded, and repossessed vehicles. You should enter these types of records to avoid the later entry of an erroneous (unfounded) stolen vehicle record.

All records entered to SVS must be based on a MCR maintained by your agency. The MCR must be available at all times so hits on the SVS record can be confirmed. If any changes are made in the MCR, you must modify the SVS record to agree with it.

NCIC Entry

When you enter a stolen vehicle, felony vehicle, vehicle part, or license plate record in SVS, the record may be entered into the NCIC Vehicle File at the same time. Information on a felony vehicle (a vehicle used in the commission of a crime) or a vehicle subject to seizure based on a federally-issued court order may be entered in file using MKE/EF. Felony license plate records are not forwarded to NCIC. If you omit the Entry Level Code (ENT) field, the record is automatically forwarded to NCIC. If you use the ENT, the record is restricted to SVS. The only records that you are required to submit to NCIC are out-of-state records dealing with stolen vehicles, felony vehicles, and license plates which have a LIS other than California. The entry of stolen vehicles and felony vehicles into NCIC may increase the chances of recovering the vehicle, and at the same time provide a level of safety for the inquiring officer. NCIC now accepts expired license plates on stolen vehicle records

SVS Record Types and Retention Periods

Record Types	Maximum SVS Retention
Stolen Vehicle/Part	Balance of year entered, plus four years
Stolen or Lost License Plate(s)	Balance of year entered, plus four years
Found/Evidence Vehicle Part/Plate	Six months
Pawned Vehicle	Six months
Felony Vehicle/Plate	90 days
Missing Person Vehicle	Entry generated from Missing Person System, retained for the duration of the MPS record
Stored Vehicle	30 days
Impounded Vehicle (Stored Vehicle with police hold)	60 days (with Caution Code "Z", balance of year, plus 4 years)
Lost Vehicle	30 days
Repossessed Vehicle	30 days
Cleared/Recovered Vehicle	30 days
Located Vehicle	30 days

Note: When you attempt to enter a record with a Date of Theft (DOT) which is older than the purge date of the SVS record type, the entry will be rejected.

The NCIC allows fewer record types than SVS. Stolen vehicle records which do not have a VIN are retained for only 90 days in NCIC. Also, NCIC does not distinguish between vehicle part and boat part records. Both types of records are retained under "Stolen Part."

Entry Transactions

Use an entry transaction to place a record into SVS. Each entry made generates a search for matching records. If a duplicate record is found, the entry will be rejected. If the entry matches a cleared vehicle the cleared vehicle entry will be purged and the entry accepted.

- All stolen vehicle records must be based on a theft or crime report.
- All available information from your MCR should be entered.
- A vehicle entry must have a LIC group, VIN, ENG, OAN, or any combination of these data fields.

Check the DMV Registration File to verify or obtain a VIN. The National Insurance Crime Bureau (NICB) has several products and software programs available for free to law enforcement agencies. Please note that there may be a nominal charge for some of the products. For more information, or for information on the "VINAssist" database, contact the NICB Help Desk at (708) 430-5697, extension 4400.

- A vehicle part entry must have a SER and/or OAN.
- Embezzled vehicles may be entered as stolen if an arrest warrant has been issued for the suspected embezzler. Entry of a non-returned leased or rented vehicle does not require an arrest warrant.

Caution codes are to be entered to indicate special handling of the vehicle or to relay vital information for officer safety. Examples of caution codes are:

- Armed and Dangerous
- Caution: Detain all occupants
- Caution: Hostage/Kidnapping involved
- Other plate still on vehicle
- Hold for Latent Prints
- Car jacking
- Explosives in vehicle
- Weapons in vehicle
- Hazardous materials in vehicle

For a full list of caution codes, refer to CJIS Manual – SVS Section

When vehicles and/or vehicle parts and/or boat and/or boat parts are stolen at the same time and are reported in the same theft or crime report, enter them as a group record. The first record of the group record is the base record and must be a stolen vehicle or vessel - not a part. No more than two vehicles and/or boats and one associate license plate, or seven vehicle parts and/or boat parts may be included in a group record.

If a group record is entered and the base record is recovered and canceled, or the base record is canceled (XV), **the remaining associate records will be cancelled**. Any outstanding associate records should be re-entered as a stolen.

Enter the stolen or lost license plates if both plates are missing or if only one plate is missing and:

- You are certain that the other plate is not being used; or
- You use Caution Code (OTHER PLATE STILL ON VEHICLE); or
- If the vehicle was issued only one license plate, such as a motorcycle or trailer

Records using Caution Code – Other Plate Still on Vehicle (CAU-L) will not be forwarded to NCIC. If a vehicle is recovered without its license plate(s), you must clear the SVS record, and then enter the stolen license plate(s) record.

Enter a vehicle as a felony vehicle only if it is known to have been used in the commission of a felony, or is subject to seizure based upon a court order (warrant). You must enter the crime (literal translation as opposed to statute number) and if available, a brief description of the suspect(s) in the Miscellaneous (MIS) field.

Entries of vehicles associated with a missing person must be made through the MPS and will be computer generated in SVS. Vehicles associated with a wanted person should be entered through the WPS.

The California Vehicle Code Section 22853 requires all vehicles stored at the direction of a criminal justice agency must immediately be entered into SVS as stored vehicles if the owner cannot be notified. Use the Reference (REF) field to indicate the place of storage.

A pawned vehicle entry should be made when a pawnbroker, in compliance with California Financial Code Section 21208, reports a vehicle which they have taken in pawn.

When your entry transaction is accepted by SVS, the computer will send an entry acknowledgment to your terminal. Verify the accuracy of the information.

Modify Transactions

Use a modify transaction to add, delete, or correct the information in one or more data fields of an existing SVS record.

- Only the contributor of an original SVS record or the DOJ can modify the original record.
- Once a LOCATE or a clear transaction is placed on a record, the original record contents cannot be modified, except by DOJ.
- The Message Key (MKE), ORI, FCN, Associate Record Identifier (AID), and Cross Reference (XRF) fields cannot be modified.
- A key field (LIC, VIN, ENG, OAN, or SER) cannot be deleted if it is the only key field in the record. Only one key field can be modified in a single Modify Transaction.
- If the LIC is deleted, the computer also deletes the LIS, License Plate Year of Expiration (LIY), and License Plate Type (LIT) fields.
- Any modification of information in the MIS field supersedes the original contents. Be sure to re-enter the original information you wish to retain. However, do not delete the MIS field.

Cancel Transactions

Use a cancel transaction to delete an entire record from SVS. Only the contributor of an original SVS record or DOJ can cancel a record. When a base record is cancelled, SVS automatically cancels any associate records. A located record cannot be cancelled before it has been cleared. Each XV on a stolen vehicle requires a reason for the record to be cancelled. Use the cancel transactions when:

- The MCR of an SVS record is lost, misplaced, or otherwise unavailable for hit confirmation.
- The original report which is the basis for an SVS record is dubious or unfounded.
- A record was originally entered with the wrong entry MKE (e.g., a stolen vehicle entered as stored, rather than stolen). Cancel the original record and re-enter it with the right MKE.
- A felony vehicle record is located.
- The outstanding stolen parts of a RECOVERED (cleared) vehicle have the same serial number as the vehicle's VIN.

Note: If the agency recovers their own stolen vehicle, it will be identified as a RECOVERED (cleared).

CLEAR (Recovered) Transactions

Use a CLEAR (recovered) transaction to remove a record from active status when the vehicle, vehicle part, or license plate has been recovered. When you clear a stolen vehicle record or felony vehicle record, it will remain in SVS for thirty days in clear status. When you clear any other type of record, (e.g., stolen part or plate) the computer purges the record.

Note: If an agency locates another agency's vehicle, the reporting agency will perform a CLEAR (recovered).

When your agency is notified that another agency has recovered (located) a vehicle for which you have an SVS record, the victim must be notified about the location and condition of the vehicle. Notification must be made **immediately** by telephone. If telephone contact is unsuccessful, then notification is required within twenty-four hours by mail, excluding weekends and holidays per California Vehicle Code Section 10500. The victim may be the person who reported the theft, the registered owner, legal owner, insurer who has paid off the vehicle claim, or a person who owns but has never registered the vehicle in DMV.

To avoid problems, check your MCR and DMV to determine the identity of the victim.

A record entered by your agency which is in the LOCATE or active status can only be cleared by your agency or DOJ.

If a vehicle is recovered without its license plates, the SVS record must be cleared before entering the stolen license plates.

If a record is in LOCATE status for 30 days, the computer will automatically clear it. When this occurs, the computer sends a NOTICE OF CLEAR message to the agency which entered the record.

When you receive a NOTICE OF CLEAR, compare it with your agency's MCR. If the vehicle is still an outstanding STOLEN, you should cancel it and re-enter the record. Stolen vehicle part or license plate records are canceled when cleared.

LOCATE Transactions

Use a LOCATE transaction when your agency has recovered a vehicle, part, or plate, listed in an SVS record. You cannot place a LOCATE on a record entered by your own agency. You must clear the record.

Do not place a LOCATE on a record until a positive confirmation is received from the entering agency.

- An improperly placed LOCATE could cause a stolen vehicle not to be recovered, and it could jeopardize officer safety. This could result in legal liability for your agency.
- Failure to place a LOCATE could result in the unnecessary delay of an innocent person because a vehicle record is still in STOLEN status rather than in LOCATE status. This could also result in legal problems for your agency.

If the locating agency orders a vehicle stored, the agency must notify the registered and legal owners of the location and condition of the vehicle pursuant to California Vehicle Code Section 22852. Also, the locating agency must immediately notify the ORI of the location and condition of the vehicle pursuant to California Vehicle Code Section 10500.

If the LOCATE information is incorrect, contact the locating agency to resolve the problem. Only the locating agency can correct the LOCATE transaction.

If a LOCATE is erroneously placed, the LOCATE entry must be deleted entirely. On an ENT/2 record, the LOCATE will **not** be removed from the NCIC record. The NCIC record must be canceled and re-entered by the originating agency. If the ORI is unable to directly cancel the NCIC record, contact the DOJ Stolen Vehicle Unit.

A Status Code (STA) is mandatory in all LOCATE and CLEAR (recovered) transactions for stolen vehicle/vehicle part/license plate/felony entries. The STA refers to the condition of a recovered item and if a suspect is in custody.

If your agency locates a vehicle, part or plate not in CJIS but in NCIC only, use the NCIC locate format.

Vehicles Located in Mexico – Do not place a LOCATE

The Texas Department of Public Safety's Border Auto Theft Information Center (BATIC) located in El Paso, Texas serves as a liaison between Mexican and US police authorities for locating and recovering stolen vehicles. For assistance with vehicles located in Mexico contact the BATIC at (800) 503-2877 or at ORI/TXDPS689I.

BATIC will inquire on a vehicle that is located in Mexico. A hit confirmation teletype is sent to the entering agency to determine if the vehicle is the same and whether it is still an active case. The message also states that a LOCATE WILL NOT BE PLACED on the record at this time, with the instruction ***DO NOT REMOVE FROM NCIC ***. The vehicle is not in the possession of US authorities, and removal from NCIC may interfere with the return of the vehicle via the treaty process.

The "remarks" section of the hit confirmation message will vary in details and information within the body of the text. Read the text thoroughly.

\$.8. Records

When California registered vehicles/plates are entered into the NCIC Vehicle/License Plate, Wanted Person, and Missing Person Files by other states, the NCIC computer sends a \$.8. message to DOJ. If the vehicle or license plate is stolen, a felony vehicle or vehicle associated with a Wanted Person, DOJ enters a record in SVS. All \$.8. generated records have the ORI/CA0349457 and the ORI literal "DOJ STOLEN VEHICLE UNIT". The actual ORI of the record will be included in the record's MIS field. In order to confirm a hit on a \$.8. generated record, you must contact the ORI listed in the MIS field.

If the victim of a vehicle theft in another state reports to your agency that his California registered vehicle was stolen, do not make an SVS entry. If the vehicle record was entered in NCIC, DOJ will enter it in SVS based on the \$.8. notice.

When you make an inquiry and it matches a \$.8. generated record, SVS will forward the inquiry to NCIC. The responses from NCIC should be the same as the SVS response. If there is no hit in NCIC, disregard the SVS \$.8. response. The NCIC Vehicle File may have more timely information about the vehicle than SVS does.

DOJ STOP, Restraint, and Stop Referral – DMV

When a stolen or felony vehicle entry is accepted by the DOJ Stolen Vehicle System, the corresponding DMV Vehicle Registration record is flagged. This flag is intended to prevent the registration of stolen or felony vehicles. If the SVS stolen vehicle record is entered with a VIN and a CA license number which matches the DMV file, the DMV record is flagged with a DOJ Stop. If the SVS stolen vehicle record is entered with a VIN only; or VIN and out-of-state license plate; or with VIN and CA plate and either the VIN is invalid or DMV has bad VIN info in their file; or when a new vehicle is not yet registered at DMV; or when a vehicle part is entered on a VIN plate, then a DOJ Restraint is placed on the DMV record. If the vehicle is a felony vehicle, or a stolen with caution code Armed and Dangerous, the DMV record is flagged with a DOJ Stop Referral. More specific information on criteria can be found in the CJIS manual on CLEW.

When you encounter one of the above responses, check the SVS to determine if it is still an outstanding stolen or felony vehicle. The SVS may have more timely information about the vehicle's status than DMV does. If you encounter a STOP, Restraint, or Stop Referral on a vehicle which you know to be recovered, or you get a "no-hit" response from SVS, contact the Stolen Vehicle Unit.

AUTOMATED BOAT SYSTEMS (ABS)

Contact info: (916) 227-3686 / 916-210-3215 or stolenvehicles@doj.ca.gov

The ABS is a file of records of boats (vessels) that are stolen, lost, repossessed, stored, and pawned, and boat parts that are stolen. Other computerized resources for boat information include the DMV and NCIC Boat File. If you want to obtain owner information about a boat, use the DMV files.

Kinds of Vessels in the ABS:

- Airboats (wind boats)
- Commercial (passenger, ferry, barge, tug boat, trawler, etc.)
- Cruiser (cabin, day, sports, etc.)
- Houseboat
- Hovercraft

- Hydrofoil
- Jet Ski
- Runabout (day, sports, utility, etc.)
- Sailboat (Catamaran, Trimaran, Cutter, Ketch, Schooner, etc.)
- Utility
- Yacht (an inboard cruiser longer than 50 feet, used mainly for pleasure)
- All other (rowboat, canoe, kayak, scull, raft lifeboat, etc.)

Boat parts are any serialized or uniquely inscribed component part of a boat.

Inquiries into the ABS

Inquiries into the ABS may be made using the Registration Number (REG), BHN, ENG, SER, OAN, Coast Guard Document Number (CGD), or the FCN. REG or BHN inquiries are forwarded to the NCIC. ENG, SER, or OAN inquiries are forwarded to the NCIC as a BHN.

Inquiries into boat parts should contain the BRA and CAT codes, in addition to the SER or OAN, in order to avoid multiple matches. The REG inquiry format cannot be used for boats parts.

Inquiry Responses from the ABS

ABS uses a hierarchy search of key data fields in vessel part inquiries. If no matches are made on your ABS inquiry, you will receive a negative response. If your inquiry has been forwarded to the NCIC, the response will say so, and you should receive an NCIC response soon after.

When your inquiry matches an ABS record, a positive response is returned to your terminal. Up to eight possible matching full records may be returned. If an inquiry matches either a base record or the associate record of a group record, all records in the group will be returned. Be sure to check the response for RECOVERY and LOCATE information.

When there is no exact match a NEAR MISS response may be provided. No police action should be taken based solely on a NEAR MISS response. When receiving a NEAR MISS response, make FCN inquiries on the Near Miss records. The chances are high that the Near Miss records are not the same boat or boat part that the inquiry was based upon.

You may receive vehicle or vehicle part records in response to an ENG or SER inquiry. Review the responses carefully. Positive matches may include Caution Codes, which have been entered to indicate special handling of the boat or its occupants.

FULL ACCESS

The California Vehicle Code Section 10551 requires every peace officer to immediately report to the DOJ, ABS any reliable report the peace officer receives regarding stolen or recovered boats. Stolen boat parts may also be entered into the ABS.

You are required to enter a stolen boat into ABS even if it is recovered before the ABS entry has been made. In such a case, enter the stolen boat record and immediately clear it.

The ABS also offers other record types for stored, lost, pawned and repossessed boats. You should enter these types of records to avoid the later entry of erroneous stolen boat records.

Embezzled vessels may be entered as stolen if an arrest warrant has been issued for the suspected embezzler.

All records submitted to ABS must be based on a MCR maintained by your agency. The MCR must be available at all times in order that hits on the ABS record can be confirmed.

If any changes are made in the MCR, you must change the ABS record to agree with it.

NCIC Entry

The NCIC Boat File will only accept records of stolen boats and certain stolen boat parts. Other types of boat and boat part records are restricted to ABS. When you enter a stolen boat or part record into ABS, the record may be entered into NCIC at the same time. If you omit the ENT, the stolen boat/part record is automatically forwarded to NCIC. If you use the ENT, the record is restricted to ABS. The only records which you are required to submit to NCIC are stolen boats/parts which have a registration state other than California. However, you should enter stolen boat records into NCIC to increase the chances of recovering the boat.

ABS Record Types and Retention Periods

There are various types of boat records used in ABS. Different types of records have different retention periods. When you try to enter a record with a Date of Transaction (DOT) which is older than the purge date of the ABS record type, the entry will be rejected.

Type of Record	Maximum ABS Retention
Stolen Boat/Part	Balance of year entered plus four years
Stored/Impounded Boat	30 days
Pawn Boat	Six months
Reported Lost Boat	30 days
Repossessed Boat	30 days
Cleared Boat	30 days
Located Boat	30 days

Entry Transactions

Use an entry transaction to place a record into ABS. Each entry you make generates a search for matching records. If a duplicate record is found, your entry will be rejected. An exception to this will be if a recovered boat record is in ABS for the same boat you are entering. The cleared record will be purged and the record you are entering will be accepted.

- All available information from your MCR should be entered. All stolen vessel records must be based on a theft or crime report.
- A boat entry must have a REG group, BHN, or OAN, or any combination of these data fields. A vessel part entry must have a SER and/or OAN.
- Check the DMV Registration File to determine the accuracy of a BHN, if available. (DMV uses the code VIN).
- Caution codes should be entered to indicate special handling of the vessel or to relay vital information for officer safety. Examples of caution codes include Armed and Dangerous and Hold for Latent Prints.
- When boat and/or boat parts and/or vehicle and/or vehicle parts are stolen at the same time and are reported in the same theft or crime report, enter them as a group record. All records must have the same ORI, DOT and Originating Agency Case Number (OCA).
 - The base record must be a stolen vehicle or vessel - not a part. The chain for the group record is the XRF field. Each associate record of the group must have the base record's FCN in the XRF field.
 - No more than three boats and/or vehicles, one associate license plate, and seven stolen boat and/or vehicle parts may be included in a group record.
- All boats stored at the direction of a criminal justice agency should be entered into the ABS as stored.
- If a vessel is reported lost, enter it as a lost boat. Lost boats are vessels which may have been lost or sunk and their general whereabouts is unknown.

- When your entry transaction is accepted by ABS, the computer will send an entry acknowledgment to your terminal. The acknowledgment contains the FCN of the record and the complete ABS record. Check the acknowledgment and compare it to your MCR.

Modify Transactions

Use a modify transaction to add, delete, or correct the information in one or more data fields of an existing ABS record.

- Only the contributor of an original ABS record or the DOJ can modify the original record.
- Once a CLEAR (recovered) or LOCATE transaction is placed on a record, the original record contents cannot be modified, except by the DOJ.
- The MKE, ORI, FCN, AID, and XRF fields cannot be modified.
- Any modification of information in the MIS field supersedes original contents. Be sure to re-enter the original information you wish to retain.

Cancel Transactions

Use a cancel transaction to delete an entire record from ABS. Only the contributor of an original ABS record or the DOJ can cancel a record. When you cancel a base record, the ABS automatically cancels all of the associate records. Each Cancel Transaction on a stolen boat requires a reason code for the record to be canceled. Use the cancel transaction when:

- The MCR of an ABS record is lost, misplaced, or otherwise unavailable for hit confirmation.
- The original report which is the basis for an ABS record is dubious or unfounded.
- A record was originally entered with the wrong entry MKE (e.g., a stolen boat entered as stored, rather than stolen). Cancel the original record and re-enter it with the right MKE.
- The outstanding stolen parts of a recovered (cleared) boat have the same serial number as the BHN.

CLEAR Transactions

Use a CLEAR transaction to remove a record from ACTIVE or LOCATE status when the boat or boat part has been recovered. When you clear a stolen boat record it will remain in ABS for thirty days in CLEAR status. Boat part records will be canceled when the entry is cleared.

Only your own agency or DOJ can clear a record entered by your agency which is in locate or in active status.

When you receive a NOTICE OF CLEAR, compare it with your agency's MCR. If the boat is still outstanding, cancel the cleared boat record, then re-enter the boat record. If a boat part is still outstanding, re-enter the boat part record.

LOCATE Transactions

Use a LOCATE transaction when your agency has recovered a stolen boat or part listed in an ABS record. You cannot place a LOCATE on a record contributed by your own agency, you must clear the record.

Do not place a LOCATE on a record until a positive confirmation is received from the entering agency.

- The locating agency must immediately notify the originating agency of the location and condition of the boat. If the locating agency orders a vessel stored, the agency must notify the registered and legal owners of the location and condition of the vessel.
- An improperly placed LOCATE could cause a stolen boat not to be recovered and it could jeopardize officer safety. This could result in legal liability for your agency.
- Failure to place a LOCATE could result in the unnecessary delay of an innocent person because a record is still in stolen status when it should be in locate status. This could also result in legal problems for your agency.
- If a LOCATE is erroneously placed on a record, the LOCATE entry must be deleted entirely. Only the locating agency or DOJ can delete the LOCATE. Effective April 2011, when a Locate is deleted in ABS or SVS and the record is ENT/2, the NCIC record is programmatically canceled and re-entered, and the new NCIC NIC number is programmatically placed in the ABS/SVS record.

A STA is mandatory in all LOCATE and CLEAR transactions. The status code refers to the condition of a recovered boat or part and if a suspect is in custody.

Locates will not be placed on vessels located in Mexico. BATIC, located in El Paso, Texas, will assist with the confirmation and recovery of these vessels. Refer to the CJIS manual ABS section for more information.

If your agency locates a boat not in CJIS but is in NCIC, use the NCIC LOCATE format.

DOJ STOP and Restraint – DMV

When a stolen boat entry is accepted by ABS, the corresponding DMV Vessel Registration record is flagged. This is intended to prevent the registration of stolen boats. If the ABS stolen boat record is entered with a BHN and CF that match the DMV master file, the DMV record is flagged with a STOP. If the ABS Stolen Boat Record is entered with a BHN only; or BHN and out-of-state vessel registration number; or with BHN and CF and either the BHN is invalid or DMV has bad BHN information in their file; or when a new vessel is not yet registered at DMV; or when a vessel part is entered on a BHN, then a Restraint is placed on the DMV record.

When you encounter one of the above responses, check ABS to determine if the boat is still an outstanding stolen record. The ABS may have more timely information about the boat status than DMV does. If you encounter a Stop or Restraint on a boat which you know to be recovered, contact the Stolen Vehicle Unit.

C. NATIONAL LAW ENFORCEMENT TELECOMMUNICATION SYSTEM (NLETS)

VEHICLE/BOAT/SNOWMOBILE REGISTRATION

Registration information obtained via the NLETS system may be used only for criminal justice purposes. Up to five two-character state codes are permitted per inquiry. Vehicle Registration inquiries by VIN/LIC may be sent to up to five regional codes.

- To send a Boat Registration Query (BQ), a user must enter the Boat Registration (or Document) Number (REG), Boat Hull Number (BHN), or Name (NAM) and Date of Birth (DOB).
- To send a Snowmobile Registration Query (SQ), a user must enter the Snowmobile Registration Number (REG), Snowmobile VIN (VIN), or Name (NAM) and Date of Birth (DOB) (optional).
- To send a Vehicle Registration Query (RQ/RQG) by number, a user must enter the License Plate (LIC), License Year (LIY), and License Type (LIT), or VIN, Vehicle Make (VIM) (optional), and Vehicle Manufacture Year (VYR) (optional).
- To send a Vehicle Registration Query (RNQ) by name, a user must enter the Name (NAM), Date of Birth (DOB) (optional), and Age (AGE) (optional).
-

D. National Insurance Crime Bureau (NICB)

The National Insurance Crime Bureau (NICB), formerly NATB, is a crime prevention organization assisting law enforcement in the prevention, detection, and prosecution of the financial crimes of theft, fraud, and arson relating to personal property.

The NICB maintains an international index including manufacturer's shipping and assembly, vehicles imported and exported, thefts, impounds and salvaged. To track a motor vehicle's complete life cycle from assembly to dismantling, the database is designed to include vehicle liability, physical damage, and related homeowner claims. The NICB files include data on passenger vehicles, multipurpose vehicles, trucks, trailers, motorcycles, snowmobiles, construction and farm equipment, boats, and uniquely identifiable parts.

The NICB has several products and software programs available for free to law enforcement agencies. Please note that there may be a nominal charge for some of the products. For more information on the "VINAssist" database, contact the NICB Help Desk at (708) 430-5697, extension 4400.

The NICB provides automated access to twelve different files as listed below:

- Impound File
- Pre-Inspection File
- Export File
- Vehicle Claim File
- Manufacturer's Shipping File
- Rental File
- Salvage File
- Theft File
- International Index File
- Theft (recovery) File
- Auction File
- NCIC/CPIC Canceled File

Any LEA may request data from NICB. For more information, contact:

ORI: ILNICBC00
1111 E. Touhy Ave., Suite 400
Des Plaines, IL 60018
Phone: (847) 544-7000
Fax: (847) 544-7104

DRIVER'S LICENSE (DQ)/DRIVER'S HISTORY(KQ)

Up to five (5) two-character state or regional codes are permitted per DQ inquiry. Only a single two-character state code destination is allowed per KQ inquiry.

- To send a Driver's License Query (DQ), enter the License Number (OLN), or Name/Date of Birth/Sex.

E. National Crime Information Center (NCIC)

VEHICLE FILE

The NCIC Vehicle File contains information of vehicles, including aircraft and trailers, under the following conditions:

- Stolen vehicles for which a theft report has been filed. The entering agency must maintain the entry in an up-to-date status. In most cases, the agency holding the theft report should enter the record.

- Vehicles that were loaned, rented, or leased that have not been returned and for which a theft report or complaint has been filed, will result in the issuance of a warrant charging embezzlement, theft, etc.
- Felony vehicles (used in the commission of a felony) providing the whereabouts of the vehicle is unknown.
- Vehicles subject to seizure based on federally issued court orders.

Stolen vehicle part records that are entered in the NCIC Vehicle File for the following items:

- VIN plate
- Certificate of origin/title
- Engine
- Transmission
- Backhoe
- Rear axle
- Numerous other major parts

Inquiries can be made using the VIN, LIC and LIS, SER or OAN and VMA or by the NCIC number. The SER and OAN are interpreted by NCIC as the VIN and disregard the LIS and only search the LIC for felony vehicle searches. Inquiries into this file can also be made by using the CJIS Stolen Vehicle System if VIN is used.

LICENSE PLATE FILE

This file consists of records for standard passenger automobile plates and special plates that have a theft report on file. Entries are usually limited to instances where all plates are reported stolen. If one plate of the pair is reported stolen, a record entry is permitted provided that the owner will not use the remaining plate. When an agency enters, modifies, locates, removes a record for a license plate, or any record with license plate data that is registered in another state, the NCIC computer will notify the state of registry.

To determine if a license plate is stolen inquire into the Vehicle File. Inquiries can be made using the LIC, VIN (SER or OAN) or NCIC Number (NIC). The LIS is not required but will limit the scope of the search. Inquiries into this file can also be made by using the CJIS Stolen Vehicle System if the LIS is included.

BOAT FILE

For entry into the Boat File, the boat must be an unrecovered stolen boat that has a REG, document number, permanently attached BHN, or OAN.

The boat must be loaned, rented, or leased with a theft report or a filed complaint that results in the issuance of a warrant charging embezzlement, theft, etc. Supplemental information such as home port, hull shape, model name, and/or the boat name may also be added to a stolen boat record.

Inquiries can be made using the REG or BHN, VIN, LIC or OAN. Inquiries into this file can also be made using the CJIS Automated Boat System if the REG and BHN are used.

VEHICLE/BOAT PART FILE

A part is defined as any serially-numbered component which has been stolen from a vehicle/boat. A stolen vehicle/boat part may be entered if a theft report has been made. Inquiries can be made using the NIC or VIN fields. The VIN field contains the OAN or SER information. An inquiry of this type will search the VIN, SER, and OAN fields of all Vehicle/Boat Part File records and the VIN field of all person records. Additional information on inquiries can be found in the Vehicle File.

F. OREGON LAW ENFORCEMENT DATA SYSTEM (LEDS)

Oregon LEDS is no longer available via the CLETS. Inquires intended for LEDS will need to be performed through the International Justice and Public Safety Network using the National Law Enforcement Telecommunications System (NLETS).

G. CANADIAN POLICE INFORMATION CENTRE (CPIC)

(See Stolen Vehicle File/Vehicle Registration File/Drivers License File/Boat File)

CPIC is a system operated by the Canadian Police Information Centre under the stewardship of [National Police Services](#), on behalf of the Canadian law enforcement community.

CPIC provides information about crimes and criminals. It is the only national information-sharing system that links criminal justice and law enforcement partners across Canada and internationally.

The CPIC website is managed by the RCMP on behalf of the Canadian law enforcement community. <http://www.cpic-cipc.ca/index-eng.htm>

WANTED AND VIOLENT PERSONS

A. CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS)

WANTED PERSONS SYSTEM (WPS)

Contact info: (916) 210-3213 or wantedpersons@doj.ca.gov

The WPS is a pointer system which pertains to felony, misdemeanor, and protective custody warrants maintained by state, local, and federal criminal justice agencies in California. A match made on a WPS record does not, by itself, provide sufficient grounds to arrest a person. "CONFIRMATION" is necessary.

Inquiry into the WPS will automatically access CARPOS. WPS inquiries with name (NAM) and date of birth (DOB) or other numeric identifier will automatically be forwarded to the NCIC Wanted Persons File.

Types of Warrants in the WPS

Temporary warrants, placed into the WPS prior to the actual issuance of the warrant. These warrants are purged after 48-72 hours if not modified to a permanent status (ENT/1 or ENT/2).

Ramey misdemeanor or felony warrants which are considered permanent warrants. These warrants can be entered into WPS only using ENT/3 or ENT/4 and including the RMY/Y flag or forwarded to NCIC when entered as ENT/1 or ENT/2 and "RAMEY WARRANT" is included within the MIS field (instead of using the RMY/Y flag as it is not recognized by NCIC).

Misdemeanor or felony warrants on a subject which an agency is willing to transport back to its jurisdiction from anywhere within California. All felony warrants meeting NCIC criteria that are entered into WPS as ENT/1 will programmatically transfer to NCIC and the entry level will change to ENT/2.

Serious misdemeanor or felony warrants on a subject which an agency has transport limitations within California. Transportation limitations must be noted in the MIS field. These records are also forwarded to NCIC (ENT/2).

Felony warrants on a subject who an agency is initially unwilling to transport back to its jurisdiction at the time of entry but, depending upon the distance involved when the subject is stopped, may reconsider and provide transportation from nearby jurisdictions or counties (ENT/3).

To accommodate non-transportable misdemeanor warrants into WPS, the ENT/4 will only accept misdemeanor warrants.

Protective Custody warrants issued for the protection of minor(s) and Juvenile Dependency warrants issued for the guardian(s)/caretaker(s) and placed into WPS. These warrants are only entered into WPS and purged when the last associated minor reaches age 18 (ENT/1 Only).

Inquiries into the WPS

Inquiries into the WPS may be made using the subject's NAM, SEX, DOB or AGE, CII/SID, FBI, SOC, or OLN. For name only searches NAM and SEX are required for WPS. NAM and a numeric identifier (DOB, SOC, etc.) are required for NCIC.

Message keys are available to request full (QW) or abbreviated (QWA) responses to your inquiries.

The WPS makes it possible for an agency to inquire on their own warrant records. This can be accomplished by using the FCN, OCA and the Warrant Number (WNO). Only warrant records for your agency will be returned when using these three numbers.

Inquiry Responses from the WPS

If no match is made on your WPS inquiry, you will receive a negative response. If your inquiry has been forwarded to NCIC, you should receive a response.

Name searches are conducted using the sound alike (Soundex) system for the last name, and a diminutive table for the first name (e.g., CHARLES, CARLOS, CHARLEY, CHARLIE, CHAS, CHUCK, CHUCKIE are in the same table). The diminutive table provides a positive response if a common variation of the first name is used in the inquiry. If the subject's first name of your inquiry is off by only one letter, and that name is not contained within the diminutive table, you will receive a "NO WANT" response. A precautionary second inquiry should be made using the last name and only the initial of the first name.

When a WPS inquiry is made using NAM, SEX and DOB, and there is no exact match, the WPS database will search that date plus or minus one year (two-year range). AGE will search that year plus or minus three years (seven-year range). NCIC will respond on an exact match of the month and day, and plus or minus one year on the year of birth.

The WPS may return up to ten possible matching records in response to an inquiry. These ten records will be full, complete responses. The response may also include up to 10 associated records for each record in the response. The associated records may indicate that the subject of the record is wanted in several jurisdictions.

Positive matches may include Caution and Medical Condition codes which have been entered to indicate special handling of the subject. Caution codes include Armed and Dangerous, Violent Tendencies, Suicidal Tendencies, Escape Risk, etc.

Hit Confirmation

A computer match on a person or property is not probable cause for arrest or confiscation in and of itself. "CONFIRMATION" is necessary. Computer information does give you probable cause to detain and investigate further.

- Confirmation means checking with the originating agency and determining that the person or property is still wanted by the originating agency and is probably the same as the person or property of inquiry.

NCIC policy requires the use of NLETS YQ/YR transactions for all hit confirmation requests and responses.

FULL ACCESS

Users are not required to submit wanted person records to the DOJ. Users should not submit records to the WPS unless certain rules are followed. The DOJ reserves the right to remove any record from the WPS if it is found that these rules have been violated. The only valid purpose for the entry of a record to the WPS is for the detention and arrest of a person for whom an arrest warrant has been issued. All WPS records must be based on an arrest warrant. The WPS does allow for the entry of wanted persons in cases in which the issuance of an arrest warrant is imminent. Such records are purged within 48 to 72 hours if arrest warrant data is not added. Do not place a record in WPS if your agency does not intend to secure a warrant for the person's arrest.

If the subject of your WPS record is apprehended anywhere in California, your agency must transport the subject to your jurisdiction or in accordance with transportation limitations clearly identified within the Miscellaneous (MIS) field. Use Entry Level 1 (ENT/1) to indicate to transport your subject anywhere within the state of California. Use ENT/2 to indicate transportation restrictions and include the limitations within the Miscellaneous (MIS) field. If limitations of transportation exist, the entering agency must clearly outline limitation restrictions within the Miscellaneous (MIS) field. (e.g., TRANSPORT BAY AREA ONLY). Use ENT/3 if your agency is unwilling to transport the subject at the time of a felony warrant entry, but may reconsider transportation by nearby jurisdictions or counties. Use ENT/4 if your agency is unwilling to transport the subject at the time of a misdemeanor warrant, but may reconsider transportation by nearby jurisdictions or counties. Locating agencies are required to confirm transportation with the entering agency at the time a Hit Confirmation is performed to confirm the warrant is still active.

Based on your original entry level destination, if the subject of your WPS record is apprehended you must adhere to the following transportation rules:

- **ENT/1** – Transport back to your jurisdiction from anywhere in California.
- **ENT/2** – Transport back to your jurisdiction as applicable within California per agency's limitations noted in the MIS field and if arrested out-of-state, extradite in accordance with designated Extradition Limitation (EXL) code entered into record.
- **ENT/3** – Felony warrants on a subject who an agency is initially unwilling to transport back to its jurisdiction at the time of entry but, depending upon the distance involved when the subject is stopped, may reconsider and provide transportation from nearby jurisdictions or counties.
- **ENT/4** – Misdemeanor warrants on a subject who an agency is initially unwilling to transport back to its jurisdiction at the time of entry but, depending upon the distance involved when the subject is stopped, may reconsider and provide transportation from nearby jurisdiction of counties.

All records contributed to the WPS must be based on a Master Case Record (MCR) maintained by your agency. The MCR must be available at all times so hits on the WPS record can be confirmed. If your agency does not have provisions for confirmation coverage at all times, do not enter a WPS record. If any changes are made to the MCR, you must change the WPS record to agree with it.

When you enter a wanted person record into the WPS, you may enter the record into the NCIC Wanted Person File (WPF) at the same time. For NCIC entry, place a “2” in the Entry Level Code Field (ENT/2). The NCIC WPF is intended for persons whose warrants are for serious misdemeanors or felonies.

In order to qualify for NCIC entry, the entering agency must attempt to determine if extradition will be authorized when the individual is located in another state. Use the appropriate EXL data field code to explain extradition limitations or no limitations. Additional details regarding intrastate limitations may also be placed in the MIS Field.

Examples:

- EXTRADITE ADJACENT STATES ONLY
- EXTR WEST OF MISSISSIPPI ONLY
- NOEX (with explanation)

An agency can enter “Y” (Yes) in the NOA field, if it believes investigative leads will be provided each time the record is “HIT,” regardless of whether or not the person is being detained. If NOA/Y (Yes) is not entered, the NOA field will default to NOA/N (No).

All ENT/1 Felony warrants entered into the WPS that meet NCIC’s criteria will be programmatically forwarded to NCIC and modified to ENT/2. For WPS records forwarded to NCIC, if the entering agency does not choose an EXL at the time of entry, EXL/4 (NO EXTRADITION) will be programmatically placed in records forwarded to NCIC. The DOJ no longer places “NOEX” into the MIS field. If the entry has been made, and you receive approval for extradition, you should modify both the MIS and EXL fields.

Note: DOJ reserves the right to remove any record from WPS for violations of the above rules.

WPS Record Types and Retention:

Warrant Type	Maximum WPS Retention
Temporary	48-72 hours
Misdemeanor (<i>*Ramey Optional</i>)	3 years (Can be renewed every 3 years)
Felony (<i>*Ramey Optional</i>)	5 years (Can be renewed every 5 years)
Protective Custody	Until last associated minor reaches age 18
Juvenile Dependency	Until last associated minor reaches age 18

NCIC retains wanted person records (other than temporary warrants) indefinitely until cancelled. However, if the WPS purges a record which has reached the limits of its WPS retention period, it is automatically cancelled from the NCIC WPF. Occasionally a record will not cancel in the NCIC. When this occurs, contact the Wanted Persons Unit for assistance.

Entry Transactions

Use an entry transaction to place a record into the WPS. Each entry you make generates a search for matching records. If a duplicate record is found, your entry will be rejected.

There must be a warrant for the subject's arrest, the arrest warrant must be imminent, or a Protective Custody warrant must have been completed and signed.

- Enter all available information from your MCR warrant. If you have the information for an optional data field, use it. When more information is available to the inquirer of a WPS record, it is easier to identify or discount a subject as being a wanted person.
- Inquiries should be made into the DOJ Master Name Index and the DMV Automated Name Index files to gather complete or additional identifying data for the WPS entry.
- If the entry is a felony ENT/1, and includes WGT, HAI, OCA and DOW (except for a Temporary Want ENT/1), the entry will programmatically forward to NCIC and be changed to an ENT/2 upon acceptance. Otherwise, your entry will remain ENT/1.
- For ENT/2 records you must include the WGT, HAI and OCA, as well as DOW with ENT/2 temporary wants.
- CMC codes should be entered to indicate special handling of a person (health problems) or to relay vital information for officer safety. Examples of CMC's are Armed and Dangerous, Violent Tendencies, Explosive Expertise, Escape Risk, Sexually Violent Predator, Suicidal, Diabetic, etc.

The WPS will allow for more than one record for the same person by the same ORI. Entries will be rejected if the same case number is used or the warrant numbers are identical. The NCIC will not allow two records for the same ORI and person. However, NCIC will allow one Wanted Persons record and one MUPS record with the same ORI and person. NCIC will associate duplicate records and show the same NIC.

License plate and vehicle data will be allowed into the WPS and/or the NCIC **only** when the record is for a felony or a misdemeanor with a caution code, the location of the vehicle is unknown, and the agency reasonably believes the wanted person is operating the vehicle.

When you make a WPS entry, the computer searches the files for possible multiple entries. Sometimes the search will identify the WPS records contributed by other agencies with identical CII or FBI numbers, or NAM and DOB. Up to ten of these associations will be returned to you with your entry acknowledgment.

When your WPS entry is accepted, the computer will send an Entry Acknowledgment to your terminal. The acknowledgment contains the complete record including the assigned FCN. You will need the FCN for all subsequent updates. Review the entry acknowledgment to verify the accuracy of all information.

Modify Transactions

Use a modify transaction to add, delete, or correct information in one or more data fields of an existing WPS record.

- Only the contributor of an original WPS record or the DOJ can modify the original record.
- Once a LOCATE transaction is placed in a record, the original record contents cannot be modified, except by the DOJ for entry levels one, three, or four.
- The MKE, ORI, FCN, NIC, and CII/SID fields cannot be modified.
- Mandatory data fields can be corrected, but not deleted.
- Up to nine different data fields may be modified at one time; however, no single DFC field can be used more than once. Likewise, up to nine different sets of data can be added to multiple contents data fields at one time.
- The ENT field can be modified from a "2" (NCIC and California) to a "1," "3," or "4" (California only), or from a "1," "3" or "4" (California only), to a "2" (NCIC and California).
- Any modification of information in the MIS field supersedes original contents. Be sure to re-enter the original information you wish to retain.
- A temporary want record can be modified to a permanent want record by entering the DOW and WNO.
- When DOJ modifies a record a Notice of Modify is sent. Upon receipt, make the appropriate changes to the MCR.

CANCEL Transactions

Use a CANCEL transaction to delete an entire record from the WPS. Only the contributor of an original WPS record or the DOJ can cancel a record. Use the CANCEL transaction when:

- The warrant has been cleared by arrest, bail, or subject being in custody.
- The warrant has been recalled or purged by the court.
- A LOCATE has been placed on your WPS record and you have made arrangements for transportation or have placed a hold with the arresting agency.

- The warrant was entered in error.
- The subject of the warrant is deceased.

If a WPS record is nearing its retention period, DOJ will notify the entering agency approximately ninety days before purging. If the record is to remain active, modify the DOP field. This field can only be modified during the quarter it is purgeable.

When your cancel transaction is accepted by the WPS, the computer will send a Cancel Acknowledgment to your terminal. Make an inquiry to ensure the record was cancelled.

LOCATE Transactions

Use a LOCATE Transaction when your agency has apprehended a subject of a wanted person record. However, you cannot place a LOCATE on a record contributed by your own agency. You must cancel the record. Located WPS ENT/2 records will be programmatically cancelled from the NCIC and modified to ENT/1. Located records residing in the WPS will be cancelled within five to eleven days from the DOL.

Before placing a LOCATE on a record, make sure that the contributor of the record has confirmed that:

- The person of record is the same as the person who is the subject of the inquiry; **and**
- The warrant is still outstanding; **and**
- The wanting agency will transport the fugitive (ENT/3 and ENT/4 may be the exception)
- A LOCATE placed improperly can cause a wanted person to go unapprehended and could jeopardize the safety of the officer in the field.
- Failure to place a LOCATE could result in the unnecessary delay of a person who is no longer wanted. Department liability could result.

When a LOCATE is placed on your NCIC Wanted Person record by an out-of-state agency, NCIC will automatically cancel the record from NCIC after five days have elapsed from the DOL shown in the NCIC record. Your WPS record will not be located when an out of state agency places a LOCATE on your record in NCIC. It will also not be cancelled when NCIC automatically cancels your record from NCIC. It is the responsibility of the entering agency to cancel its record from the WPS after verifying the validity of the NCIC LOCATE.

The WPS merely points to Want, Warrant, and Fugitive files maintained by its contributors. Do not confuse a "HIT" on the WPS with a positive identification of the subject in question until confirmation is received.

When your LOCATE transaction is accepted in the WPS, the computer will return a LOCATE acknowledgment to your terminal as well as sending a "Notice of Locate" message to the contributor of the want record. Be sure to check the acknowledgment for accuracy when you receive it. If the LOCATE was entered in error or is incorrect, contact the DOJ Wanted Persons Unit. Only the DOJ can remove a LOCATE.

If your agency locates a person not in CJIS but in NCIC, use the NCIC LOCATE format.

CLEAR Transaction

Use a CLEAR Transaction to delete an entire record from the WPS. Only the contributor of the original WPS record and the DOJ can clear a record. A clear message is transmitted when:

- The agency apprehending the wanted person is the agency that entered the record, **or**
- The agency that entered the record is officially advised that the wanted person is in the custody of another agency.

The use of a CLEAR transaction results in the immediate removal of the subject record and all associated identifiers.

B. NATIONAL CRIME INFORMATION CENTER (NCIC)

WANTED PERSON FILE (WPF)

The WPF contains records on individuals for whom a felony, misdemeanor, federal or temporary felony warrant is outstanding, as well as on parole and probation violators. This file also includes records for juveniles who will be tried as adults or have been adjudged delinquent, who have absconded while on probation or parole, or who have escaped from an institution or agency vested with legal custody or supervision.

Inquiries can be made by name and one or more of the following: DOB, FBI, MNU, SOC, and/or OLN. Additionally, inquiries can be made using vehicle data, NAM and OCA, or NIC. Inquiries of the WPF can also be done using the CJIS WPS, if NAM, SEX and DOB are used. A NCIC inquiry containing Name and DOB will result in matches based on a phonetic encoding of the last name and an exact match of the DOB.

The WPF inquiries will cause an automatic cross-search to:

- Foreign Fugitive
- Missing Person
- Gang
- Known or Appropriately Suspected Terrorist

- Violent Person
- Protection Order
- Immigration Violator
- National Sex Offender Registry
- Supervised Release
- Identity Theft
- Protective Interest Files

If vehicle identifiers are included in the inquiry, the Vehicle, Boat, Vehicle/Boat Part, and License Plate Files will also be searched. If MNU, SOC, or OLN is included, the Article File personal identifier records will also be searched.

VIOLENT PERSONS FILE (VPF)

The VPF was created solely for the purpose of enhancing officer safety by providing a warning to law enforcement of individuals who may have a propensity for violence against law enforcement officers. VPF records will be provided in response to wanted person and vehicle inquiries. A VPF response will be sent to the contributor of the VPF record when there is a hit. VPF hits do not require confirmation.

An entry into the VPF should be made when at least one of the following criteria has been met:

- Offender has been convicted for assault or murder/homicide or any statute which involves violence against law enforcement such as fleeing or resisting arrest.
- Offender has been convicted of a violent offense against a person to include homicide and attempted homicide.
- Conviction for violent offense where a firearm or weapon was used.
- Based on official investigatory duties, agency believes that the individual has seriously expressed intent to commit an act of violence against a member of the criminal justice community.

Record Retention Period

VPF records have an unlimited retention period. A VPF will remain on file indefinitely or until action is taken by the entering agency.

Mandatory Fields for entry

The following fields are mandatory to cause acceptance of a VPF entry into NCIC: Header, Message key, ORI, NAM, SEX, RAC, HGT, WGT, EYE, HAI, OCA, Violent Person Criteria (VPC) and at least one of the following numeric identifiers: DOB, FBI, MNU, SOC, OLN, with LIS and LIY; LIC with LIS, LIY, and LIT; or VIN with VYR, VMA, and VST.

Modification and Cancellation

Only the contributor of a VPF may modify or cancel a record in the VPF. Use a cancellation message when it is determined that the record is invalid or the entering agency determines the subject no longer poses a threat to law enforcement officers

C. OREGON LAW ENFORCEMENT DATA SYSTEM (LEDS)

Oregon LEDS is no longer available via the CLETS. Inquires intended for LEDS will need to be performed through the International Justice and Public Safety Network using the National Law Enforcement Telecommunications System (NLETS).

E. CANADIAN POLICE INFORMATION CENTRE (CPIC) (Person File – Wanted)

CPIC is a system operated by the Canadian Police Information Centre under the stewardship of [National Police Services](#), on behalf of the Canadian law enforcement community.

CPIC provides information about crimes and criminals. It is the only national information-sharing system that links criminal justice and law enforcement partners across Canada and internationally.

The CPIC website is managed by the RCMP on behalf of the Canadian law enforcement community. <http://www.cpic-cipc.ca/index-eng.htm>

NATIONAL LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (NLETS)

Note: For the more information regarding system information, database guide, and details please consult the NLETS Wiki at <http://wiki.nlets.org/>

Contact info: (800) 528-4020 or (623) 308-3531

The mission of NLETS is to provide, within a secure environment, an international criminal justice telecommunications capability. NLETS is a sophisticated message switching system linking local, state, and federal agencies together to provide the capability to exchange criminal justice and public safety related information by means of computers, terminals, and communication lines.

NLETS is supported by a computer system located at the Department of Public Safety in Phoenix, Arizona. The system can receive, store, and forward message traffic to and from all of its user agencies. Administrative message traffic on the system includes all types of free form criminal justice related data from one point to multiple points. In addition, NLETS supports inquiry into state motor vehicle, driver license, criminal history and other state databases.

Most large federal agencies including, the U.S. Treasury Enforcement Communications System (TECS), Postal Inspection Service, Naval Investigative Service, Air Force Office of Special Investigations (OSI), Secret Service, Immigration and Custom Enforcement's Law Enforcement Support Center (LESC) and DOJ (JUST), receive service through dedicated lines. Some organizations and federal agencies receive service through an existing communication circuit to another federal or state member.

Using NLETS, access to the following is available:

- Administrative Messages*
- ORION ORI File
- Vehicle/Boat/Snowmobile Registration*
- Driver's License*
- Criminal History*
- Help Files
- Fixed Format Hit Confirmation
- Canadian Police Information Centre (CPIC)
- INTERPOL
- Hazardous Material File
- National Center for Missing and Exploited Children*
- National Insurance Crime Bureau*
- Law Enforcement Support Center
- FAA/TECS Aircraft Registration System
- Miscellaneous NLETS Systems

NATIONAL CRIME INFORMATION CENTER (NCIC)

The NCIC is a nationwide computerized system best described as an index of documented criminal justice information concerning crimes and criminals of nationwide interest. The NCIC is under the auspices of the FBI and serves all 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and Canada, as well as federal criminal justice agencies.

Agencies granted access to NCIC files can retrieve information from the following databases:

- Wanted Person File*
- Missing Persons File*
- Unidentified Person File*
- Vehicle File*
- License Plate File*
- Boat File*
- Vehicle/Boat Part File*
- Article File*
- Gun File*
- Securities File*
- Interstate Identification Index
- Foreign Fugitive File
- Protective Interest File
- Gang File
- Known or Appropriately Suspected Terrorist File
- Immigration Violator File
- Protection Order File*
- ORI File
- National Sex Offender Registry*
- Supervised Release File*
- Violent Person File*
- Identity Theft
- Image File
- NICS Denied Transaction File
- Other Transactions (Off-line Search)

A. INTERSTATE IDENTIFICATION INDEX (III)

The III is an automated system which provides for the decentralized storage and interstate exchange of criminal history record information. It functions as part of the NCIC system and presently includes the personal identification data of over thirty-one million individuals who have been arrested for serious crimes, with nearly one million new records added yearly. Each criminal history record indexed in III is supported by a criminal fingerprint submission.

The index contains records on persons arrested in the United States with the year of birth of 1956 or later; persons arrested for the first time on or after July 1, 1974, regardless of their dates of birth; and some older arrest records that have been entered for a variety of reasons. The FBI and all fifty states participate in III and will provide criminal history information directly from their files.

III Inquiries

Two basic messages are used for III inquiries. One message is used to determine if an index to a person's criminal history record is in III. This message provides the capability to search the III using a subject's personal identifiers (NAM, SEX, DOB, RAC, etc.), SID, or assigned FBI number. Another message is used to obtain the criminal history record(s) for a subject. When using this message, the subject's FBI number or SID number must be used. The purpose code and attention fields are mandatory for III inquiries.

The remote accessing of III for individual access and review is not allowed. Individuals may obtain a copy of their criminal history record maintained in the III by submitting a written request mailed directly to the FBI Criminal Justice Information Services (CJIS) Division.

Note: see <https://forms.fbi.gov/identity-history-summary-checks-review>

III Responses

A name inquiry will provide either a single or multiple III response. Based on the response, the user will determine if the record matches the person who is the subject of the inquiry. The response will include information regarding where the record is maintained (individual state files and/or the FBI) and should be used as a "table of contents." Also, this response provides additional identifiers (AKA's, dates of birth, etc.) which may not be included on the actual criminal history record received from a particular state.

The response to an inquiry for the actual record from a participating state will be received through NLETS. A record to be received from the FBI will be returned via NCIC.

If the response indicates no identifiable record exists in III, this does not preclude the possible existence of records in local state, or FBI Identification Division files that are not indexed in III. Some III participating states may have manual records not accessible through III, or may not have their complete automated records accessible. If there is reason to believe a person may have been involved with that state's law enforcement community, a follow-up inquiry through the NLETS Criminal History Record Inquiry process should be initiated. Requests to the FBI for a manual record search should be sent to ORI: DCFBIWAD2 via NLETS

B. FOREIGN FUGITIVE FILE (FFF)

There are two types of records in the FFF: Canadian records and INTERPOL records. Canadian records are entered only by the Royal Canadian Mounted Police (RCMP) and contain information on persons wanted based upon Canada-wide warrants. INTERPOL records are entered only by INTERPOL and contain information on persons wanted by authorities in other countries.

The USNCB/INTERPOL office in Washington, D.C., enters records for fugitives who are wanted in other countries for a violent crime or crimes that would be considered felonies if committed in the U.S. Otherwise known to be violent, armed, or dangerous, and who are subjects of International Red Notices. A Red Notice requests the arrest of the individual with the intent to extradite.

Generally, U.S. law enforcement officers cannot execute foreign-issued arrest warrants. However, Title 18, U.S. Code, Section 3184, states that a U.S. Extradition Warrant (Federal Arrest Warrant) may be issued for the apprehension of a foreign fugitive who is found in the U.S.

Inquiries are not made directly into the FFF. When an agency transmits a NCIC wanted person inquiry the data in the FFF will be searched in addition to all other NCIC person files, except the UPF.

A positive response advises the inquiring agency that the fugitive cannot be arrested solely upon the basis of the information provided. Responses for Canadian fugitives will instruct the agency to contact the RCMP to confirm the hit and initiate the process of obtaining a U.S. extradition warrant. Responses for another country's fugitives will instruct the agency to contact INTERPOL. Once notified, INTERPOL will notify the appropriate U.S. DOJ officials who will proceed with the application for a U.S. arrest warrant. If the subject of the inquiry match is not a U.S. citizen, the U.S. DOJ will contact the U.S. Immigration and Customs Enforcement (ICE).

C. PROTECTIVE INTEREST FILE (PIF)

The PIF has been designed to aid law enforcement agencies in their protective mission. Only law enforcement agencies with a protective mission as specified within municipal, state, or federal statutes, regulations, or other appropriate legal authority may enter and update the PIF. Frequently, the subjects are categorized as "out-of-pocket" meaning their whereabouts are unknown. Agencies will receive responses from inquiries made into the NCIC WPF.

When a NCIC user receives a hit, and the inquiring agency knows the whereabouts of the person queried, the inquiring agency should contact the contributor of the record. Law enforcement officers should not arrest or detain an individual based solely on the data furnished in the hit, but should await confirmation and instructions after conferring with the contributor of the record.

FULL ACCESS

The PIF is used to aid LEAs in their protective mission. Only LEAs with a protective mission as specified within municipal, state, federal statutes, regulations, or other appropriate legal authority may enter and update records in the PIF.

A record entered in the PIF will assist agencies in determining the suspect's location and may provide the record owner with information related to the suspect's criminal activity.

- **Record Retention** - PIF records have an unlimited retention period.
- **Validation** - For validation policy and procedures, refer to the NCIC 2000 Operating Manual Introduction Section 3.4.
- **\$.H.TTP** - A notification is sent to the contributor of the record when an inquiry/entry/modification results in a hit.

D. GANG FILE

The NCIC Gang File has been designed to provide identifying information about violent criminal gangs and members of those gangs and organizations to law enforcement personnel. This information serves to warn law enforcement officers of the potential danger posed by violent individuals and to promote the exchange of information about gangs and members to facilitate criminal investigations.

The Gang File information is based, in part, on investigative information not previously subject to independent judicial review. Therefore, strict adherence to policy on the security, use, and dissemination of Gang File information is necessary.

Gang File information is exclusively for the use of criminal justice agencies for criminal justice purposes. In no case should Gang File information be disseminated to any noncriminal justice agency.

The security measures to be accorded criminal history record information as set forth in the NCIC Security Policy should be followed with respect to the Gang File and the information contained therein.

The Gang File is composed of two major components or "capabilities," both intended to accomplish the two major goals of the file:

- Promoting the identification of groups and group members
- Facilitating the exchange of information about these groups and members

Inquiries to the Group Member Capability (GMC) are done by direct inquiry using the QGM format, and also through automatic cross-search of a WPF inquiry.

In either case, the query must include NAM and one of the following numeric identifiers: DOB/SEX/RAC; SOC; FBI; MNU; OLN; OCA; LIC/LIS; VIN/VMA. GMC inquiries can also be done by NCIC number, LIC/LIS, or VIN/VMA. Inquiries into the DOJ WPS will be forwarded to the GMC if NAM, SEX and one of the following alpha numeric identifiers DOB, SOC, OLN, or FBI is used. If other identifiers are available, such as MNU, contact the Wanted Persons Unit for inquiry assistance.

Inquires to the Group Reference Capability (GRC) are done using the QGG format for the group name or the subgroup name.

Agencies should **not** advise file subjects that they are included on terrorist watch lists. Gang File information is exclusively for the use of criminal justice agencies and shall **not** be disseminated to a noncriminal justice agency or the subject.

The Gang File is unique to NCIC. There is no matching automated file within the California DOJ.

FULL ACCESS

The Gang File consists of:

- **Group Reference Capability (GRC)** - Provides information about gangs. This capability can be accessed by an individual inquiry (QGG.OAG.GNG/.SGP or QGG.ORI.GNG/.SGP).
- **Group Member Capability (GMC)** - Provides information in a format similar to WPF records about individual members of gangs. This capability can be accessed by an individual QGM inquiry and by automatic cross-search with all files searched by a QW, QWA, QWE, QWF, QWS, or ZW inquiry (or any related transaction such as an entry which generates an inquiry).

Group Reference Capability (GRC)

Criteria for GRC Entry

The Entry-Gang (EGG) message key is used to enter a gang record. The first agency that enters a particular group/subgroup combination of a GRC record will become the primary ORI and will be responsible for all fields of the base record and supplemental record except for additional ORI/Point of Contact (POC) data entered by subsequent originating agencies. Subsequent entries for that particular group/subgroup will be permitted to allow another agency to express an interest by adding its own ORI and point of contact information. The subsequent agency **cannot** enter or modify any field in the record other than its own ORI or POC Fields. If subsequent entries contain data in the Identifying Tattoos (TTO), Identifying Hand Signals (HND), Identifying Graffiti (GTI), Identifying Dress – Gang (DRS), or MIS Fields, those data will be ignored.

Entry of GRC

For purposes of entry in the GRC, a gang must meet the following criteria:

- The group must be an ongoing organization, association, or group of three or more persons.
- The group must have a common interest and/or activity characterized by the commission of or involvement in a pattern of criminal or delinquent conduct.

Criminal or delinquent conduct includes narcotics distribution, firearms or explosives violations, murder, extortion, obstruction of justice (including witness intimidation and/or tampering), and any other violent offenses such as assault, threat, burglary, and/or carjacking.

- **Delinquent Conduct** - Includes conduct of a juvenile that would be a crime if committed by an adult.
- **Criminal Conduct** - Includes acts committed during incarceration that are often labeled disruptive and that could be punished as crimes.

Note: Tagger groups, for example, those who's only interest and/or activity is spray painting, do not meet the gang entry criteria; therefore, this type of information should not be submitted.

Modification of a GRC Record

Modification of a GRC record, other than ORI/POC data, can only be done by the primary ORI. Records to be modified must include the Group Name (GNG) and Subgroup (SGP) as they appear in the original record. Any agency with pertinent information concerning the TTO, DRS, HND, GTI, or MIS Fields should contact the primary ORI/POC to request a modification of the GRC record information when appropriate. Any ORI can modify its own ORI/POC data fields of a GRC record.

Only the FBI CJIS Division can modify the GNG and SGP Fields of any GRC record. An agency must submit written justification for the modification through their CJIS System Agency.

Cancel GRC Record

When an originating agency no longer has an interest in a GRC record or the record has been entered in error, the originating agency may cancel the record.

If the "oldest" agency (primary ORI) cancels the record, that agency's ORI and POC are removed. If there are no other agencies associated to the record, the entire record is cancelled.

If there are other agencies associated to the record, ownership of the GRC record is transferred to the next "oldest" agency which then becomes the primary ORI. Cancellation by any agency other than the primary ORI simply removes that agency's ORI and POC from the record.

Group Member Capability (GMC)

Criteria for GMC Entry

Agencies must have documentation (electronic or hard copy) on file to support a GMC entry. The criteria identified to support entry should be documented for purposes of validation and audit. Additionally, each GMC record **must** include a notation in the Criteria for Entry (ECR) Field. The following criteria must exist with respect to any individual, whether a gang or terrorist organization member, to be entered in the GMC:

- Must be a member of a gang and subgroup thereof which meets the criteria for and is entered in the GRC; and
- Has admitted membership in that gang (and subgroup) at the time of his/her arrest or incarceration; or
- Has been identified as a gang member by an authorized penal organization; or
- Meets any two of the following:
 - Has been identified by an individual of proven reliability as a gang member.
 - Has been identified by an individual of unknown reliability as a gang member and that information has been corroborated in significant respects.
 - Has been observed by members of the entering agency to frequent a known gang's area, associate with known gang members and/or affect that gang's style of dress, tattoos, hand signals, or symbols.
 - Has been arrested on more than one occasion with known gang members for offenses consistent with group activity.
 - Has admitted membership in the identified gang at any time other than arrest or incarceration.

The first and overriding criterion for entry of a GMC record is that the GNG and SGP must match a gang already entered in the GRC.

It is not necessary that an agency wishing to enter a GMC record enter or already have on file a GRC record corresponding to the group/subgroup to be entered in the GMC record. It is only necessary that some agency enter such record on file in the GRC. At any time a GRC record is cancelled, all corresponding GMC records with that group/subgroup will be purged with \$.P. Purge Notification sent to the ORIs of the records.

There is also no requirement that three or more GMC records for a group/subgroup exist to predicate either GRC or GMC records. GRC criteria require only that the group/subgroup identified be of that size.

An agency may wish to express interest and/or caution to a single member of that group/subgroup and not enter records to all members of that group/subgroup.

It is expected that record recipients will treat every Gang File record subject with appropriate caution. Entry is based on violent conduct by that identified group. To assist law enforcement officers in being adequately prepared, the term **CAUTION**, the functional equivalent of **ARMED AND DANGEROUS**, is printed at the beginning of all GMC records. Any other cautionary information not related to the potential for violence should be placed in the MIS Field (NCIC format) or the CMC Field (NCIC 2000 format).

Retention Period for GMC Records

A GMC record will remain active until it is canceled by the entering agency or until the DOP is equal to the current date. Gang File records with the DOP Field containing Non-Expiring Records (NONEXP) are retained as active records until they are canceled by the entering agency. When the DOP is reached, a \$.P. administrative message will be sent to the originating agency. The maximum retention period for a GMC record not containing DOP/NONEXP is 5 years unless entered by a corrections agency. In such case, the 5-year maximum runs from the date that the DOP Field is altered to show release of the record subject from incarceration.

A GMC record with a GNG of UNLISTED GROUP will be retired 96 hours after entry. The originating agency will not be notified.

Other exceptions to the record retention periods will occur in the event a serious error is detected in the record. Additional information on serious errors can be found in the Introduction of this manual.

Modification of a GMC Record

Modification of a record is restricted to the agency that entered the record and is used to add, delete, or change data in the base record. Use of this message is mandatory by an ORI ending in C on release of a record subject from incarceration if XXXXXXXX was originally entered in the DOP Field.

With respect to all data in the record except for name and vehicle-related information, deletion of data will cause the same data in the supplemental record to become part of the base record.

Cancel a GMC Record

Cancellation of a GMC record is restricted to the ORI that entered the record. A cancellation message is utilized when the entering agency determines that the record is invalid.

E. KNOWN OR APPROPRIATELY SUSPECTED TERRORIST FILE (KST)

When an agency transmits a NCIC wanted person inquiry, the data in the KST File will be searched in addition to all other NCIC person files (except the NICS Denied Transaction and Unidentified Person Files). KST records are also returned in response to a QGM transaction. As a part of a positive KST File response, the receiving agency is advised that the subject cannot be arrested or detained solely upon the basis of the information provided. The receiving agency is also advised to contact the Terrorist Screening Center (TSC) using the toll-free telephone number located in both the response and the caveat.

When a positive KST File response is received, the inquiring agency must not advise the individual that they may be on a terrorist watch list. The unauthorized disclosure of terrorist watch list information is prohibited. Information that an individual may be on a terrorist watch list is the property of the TSC and is a federal record provided to the inquiring agency that may not be disclosed, disseminated, or used in any proceeding without the advance authorization of the TSC.

For inquiry requirements, reference the NCIC 2000 Operating Manual.

FULL ACCESS

Based upon Homeland Security Presidential Directive-6 signed in September 2003, the TSC was established to consolidate the Federal Government's approach to terrorism screening and to provide for the appropriate and lawful use of terrorist information in the overall screening process.

Criteria for Entry

The TSC alone has the authority to enter and update a record for an individual who has been nominated as a known or appropriately suspected terrorist subject to the TSC. Documentation (electronic or hard copy) must be on file to support a known or appropriately suspected terrorist entry.

Retention Period for Records

KST File records have an unlimited retention period. A KST File record will remain on file indefinitely or until action is taken by the TSC to modify or cancel the record.

Other exceptions to the record retention periods will occur in the event a serious error is detected in the record on file.

Modification of a Record

The TSC is the only agency authorized to modify a record for an individual who is a known or appropriately suspected terrorist subject.

Cancel a Record

The TSC is the only agency authorized to cancel a record for an individual who is or was a known or appropriately suspected terrorist subject.

F. IMMIGRATION VIOLATOR FILE (IVF)

The IVF contains records on criminal aliens who have been deported for drug trafficking, firearms trafficking, or serious violent crimes and on foreign-born individuals who have violated some section of the Immigration and Nationality Act. Criminal aliens who have been deported and reenter the United States without permission or remain in the United States after being ordered removed or excluded are in violation of Title 8, U.S. Code Section 1326.

The U.S. Department of Homeland Security's ICE/LESC remains the only agency authorized to enter and maintain records in the IVF. Record hit responses will be reflective of the information indicated under each category listed below.

- **Deported Felon Category** - Contains records for previously deported felons convicted and deported for drug trafficking, firearms trafficking, or serious violent crimes.
- **Absconder Category** - Contains records for individuals with an outstanding administrative warrant of removal from the United States who have unlawfully remained in the United States.
- **National Security Entry-Exit Registration System Category** - Contains records of individuals with an outstanding administrative warrant for failure to comply with the national security registration requirements.

There is no specific message key to query the IVF, however, a wanted person inquiry will return a hit response on the IVF if a match occurs. An inquiry into the DOJ's Wanted Persons System with a numeric identifier will cause a search of all NCIC name files, including the IVF.

Responses will include a warning identifying the subject's category and advising the agency to contact the LESC at (877) 999-5372 for immediate hit confirmation and availability of ICE detainer.

G. ORI FILE

The FBI/NCIC assigns a unique nine character ORI number for every law enforcement or criminal justice agency that is serviced by the NCIC. The NCIC ORI file gives users the capability to inquire upon an ORI and receive the agency name, address, and telephone number in the response.

This will aid in hit confirmation and in sending messages. ORI data is modifiable by the ORI agency if they have terminal update capability.

H. IDENTITY THEFT FILE

The Identity Theft File serves as a means for law enforcement to flag stolen identities and identify the imposter when encountered by law enforcement. Information entered into the Identity Theft File will create a victim profile that is made readily available to law enforcement during future encounters.

Identity Theft File records must be supported by an official complaint recorded by a law enforcement agency. Documentation for the identity theft complaint must meet the following criteria before an entry can be made:

- Someone is using a means of identification of the victim (any name or number that may be used to identify a specific individual).
- The identity of the victim is being used without the victim's permission.
- The victim's identity is being used or intended to be used to commit an unlawful activity.
- The victim must sign a consent waiver prior to the information being entered into the Identity Theft File.

Note: Information on deceased persons may be entered into the file if it is deemed by the police officer that the victim's information has been stolen. No consent waiver is needed.

An inquiry of the Identity Theft File may be made by name and at least one of the following alphanumeric identifiers: DOB, FBI, MNU, and SOC. Additionally, inquiries may be made using NAM and OCA only, or by NCIC number only.

An inquiry into the DOJ's WPS with NAM, SEX and a numeric identifier will cause a search of all NCIC name files, including the Identity Theft File.

FULL ACCESS

The Identity Theft File serves as a means for law enforcement to flag stolen identities and identify the imposter when encountered by law enforcement. Information entered into the Identity Theft File will create a victim profile that is made readily available to law enforcement during future encounters.

Documentation for the identity theft complaint must meet the following criteria before an entry can be made:

- Someone is using a means of identification of the victim (any name or number that may be used to identify a specific individual)
- The identity of the victim is being used without the victim's permission
- The victim's identity is being used or intended to be used to commit an unlawful activity
- The victim must sign a consent waiver prior to the information being entered

Note: Information on deceased persons may be entered into the file if it is deemed by the police officer that the victim's information has been stolen. No consent form is required with the entry of deceased person information.

Record Retention Period

An identity theft record will remain active until the entering agency cancels it or until the DOP is equal to the current date. When the DOP is reached, a \$.P. administrative message will be sent to the originating agency. The maximum retention period for an identity theft record is 5 years.

Entry Transactions

- The entering agency must account for all fields in the Identity Theft File record format. In the original entry, all available data must be entered. Missing data obtained at a later time should be promptly added through the use of a modify message [MKE/MID (Modify-Identity Theft)].
 - For training and administrative purposes, agencies may enter test records into the NCIC by using the header TN01. The test records will not generate any notifications, nor will batch processing be performed in the test system.
 - If DOB is the only known numerical identifier, it must be a valid Gregorian date (YYYYMMDD) or the entry will be rejected.
 - All numerical identifiers except the ORI and the MNU are to be entered omitting spaces, hyphens, and symbols. A hyphen may be used in the OCA Field, and a hyphen is used to separate the first two alphabetic characters from the number itself in the MNU Field. If the MNU exceeds 15 characters, the first 15 characters should be entered in the MNU Field. The full MNU should be entered in the MIS Field.
-
- An ORI attempting to enter a record on a person it already has entered will receive a reject message. An entry on the same individual will be accepted providing the originating agencies are different. The agency making the second entry will receive the record already on file at the time the second entry is acknowledged. This notification should lead to some form of communication between the two agencies because valuable lead information might be available.

Modify Transactions

Modification of a record is restricted to the agency that entered the record. A modification message is used to add, delete, or change data in an identity theft base record. A MID message to delete information in a field of the base record will cause the same data in the supplemental record to move up to the base record.

Cancel Transactions

Cancellation of a record is restricted to the agency that entered the record. A cancellation message is used when the entering agency determines that the record is no longer valid; for example, the identity theft complaint was found to be invalid.

NCIC OTHER TRANSACTIONS (OFF-LINE SEARCH)

An off-line search is a special technique used to obtain information from the NCIC that can not be obtained from an on-line inquiry. The results may provide an investigator with valuable information. An off-line search of the NCIC transaction log will reveal whether inquiries were made on a particular individual or property item (i.e. during a traffic stop) for a specified time frame. From an off-line search of purged records, it can be determined if a property item theft was entered and subsequently removed due to its retention expiration, even though an on-line inquiry produces a "NO RECORD" response. An off-line search of active records can also be performed using descriptive information.

For example, non-unique personal descriptors such as sex, height, estimated age, and hair color can be used in searches for person records. For vehicles, make, model, style, partial license plate number, or partial VIN can be used. Gun make, article type, securities descriptors, and date of theft can also be used as parameters. Any NCIC user may request an off-line search. NCIC staff members and the investigator determine the feasibility of a search.

Requests can be initiated by telephoning the FBI CJIS Division's IOAU at (304) 625-3000, sending an NLETS message to DCFBIWAQ9, transmitting a facsimile to (304) 625-5393 or an e-mail to IOAU@LEO.gov.

In addition to this search program, State Control Terminal Agencies (CTA) also has off-line search capabilities. Agencies can contact the CTA for further details.

An off-line search may provide an investigator with information to:

- Determine if any agency made an inquiry on a particular individual or item of property.
- Determine if a record for a person or item of property was previously entered into NCIC and subsequently removed.
- Inquire on a possible Wanted Person with the subject's name only.

NCIC off-line searches use three types of NCIC information:

- Active records (also called Hot Files).
- Historical data, which includes cancelled and expired records.
- Transaction data, from the historical transaction log.

The NCIC staff will assist in determining the feasibility and/or possibility of an off-line search being generated. The requests for an off-line search should be directed to the NCIC Training Staff at (877) 324-6242, or an administrative message may be sent using DCFBIWATS as the destination ORI.

I. IMAGE FILE

Images are associated with the NCIC 2000 records to assist in identifying a person or property. Types of images that can be stored for a person are mug shot, signature, and identifying images. Identifying images can also be stored to help identify property. Articles, parts, boats, and vehicles can be associated with an identifying image. Images stored have an associated person or property record.

Using the NIC of the base record will return all images associated to that record all at once.

Hits returned from this file require confirmation.

FULL ACCESS

Images are associated with NCIC 2000 records to assist in identifying a person or property. You may store mug shots, signatures, and identifying images.

When entering an image record, the NIC of a person or property record must be entered with the image transaction. The NIC is the link between the image record and the person/property file.

- Entries of images must be associated to other reference file information.
- Image files have the same retention as the reference file data.
- Mandatory data elements for entry are: Header (HDR), MKE, ORI, NIC, Image Type (IMT), and Image (IMG). Reject notices are received if the maximum number of images of this type have already been linked to the base record.

- Modifications are limited to the agency that entered the information. Modifications may be initiated by using the Image NCIC Number (IMN) and IMT with data element identifier preceding the NIC or IMT.
- Cancellation messages are restricted to the agency that entered the record. A cancellation message is used when it is determined that the record is invalid or no longer needed. When an image record is cancelled, it is unlinked from the record it is associated.

J. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM DENIED TRANSACTION FILE (NICS NDTF)

The NICS Denied Transaction Field (NDTF) was designed to share information regarding individuals who have been determined to be prohibited persons according to the Brady Act.

The NDTF will contain records for individuals who have been denied as a result of a NICS check during the last 180 days. NDTF records are entered and canceled through an interface between NCIC and NICS.

The NDTF Inquiry (QND) will only search records in the NDTF. NDTF records are not retrievable through any other inquiry transaction, but are searched during the entry/modification of other NCIC person files (except Unidentified Person File). Inquiries may be made by NAM and DOB, MNU, and/or SOC.

CLETS REFERENCE GUIDE CONTACT INFORMATION

AGENCY	TELEPHONE NUMBER	E-MAIL ADDRESS/WEBSITE
Armed Prohibited Persons System (APPS)	916-227-3944	appsunitdoj@doj.ca.gov
Automated Archive System (AAS)	916-210-4038	AAS.AAS@doj.ca.gov
Automated Boat Systems (ABS)	916-210-3215	stolenvehicles@doj.ca.gov
Automated Firearms System (AFS)	916-210-7527	http://oag.ca.gov or bofafsunit@doj.ca.gov
Automated Property Systems (APS)	916-210-3214	bciaaps@doj.ca.gov
California Office of the Attorney General Website		http://www.oag.ca.gov/missing
California Department of Justice Client Services Program (CSP)	916-210-3168	dojcsp@doj.ca.gov
California Highway Patrol (Liaison for INTERPOL)	916-843-3240	
California Law Enforcement Website (CLEW) Support	916-210-4146	http://clew.doj.ca.gov
California Restraining & Protective Orders System (CARPOS)	916-210-3916	restraining.orders@doj.ca.gov
California Sex and Arson Registry (CSAR)	916-210-3113	casex-reg@doj.ca.gov
California Sex and Arson Registry (CSAR) Electronic Media Photographs		vcic.photo@doj.ca.gov
California Sex and Arson Registry (CSAR) Help Desk	916-210-3118	vcic.csar@doj.ca.gov
Cal-Photo	916-210-3169	calphoto.bcii@doj.ca.gov
Canadian Police Information Centre (CPIC)	613-993-7267	
Chemical Transportation Emergency Center (CHEMTREC)	800-424-9300	
CLETS Administration Section (CAS)	916-227-3677	
Computer Operations Unit	916-227-3138	
Criminal History System (CHS)	916-210-5155	
Department of Justice Client Services Program	916-210-3168	
Department of Justice Command Center	916-227-3244	
Department of Justice Teletype Unit	916-227-3275	
Driver License Law Enforcement Unit	916-657-7590	
FAA/TECS Aircraft Registration System (ACRS)		http://registry.faa.gov/aircraftinquiry
Federal Bureau of Investigations CJIS Division's Investigative and Operational Assistance Unit (IOAU)	304-625-3000	IOAU@LEO.gov

Federal Bureau of Investigations III Criminal History Requests		www.fbi.gov/hq/chusd/fprequest.htm
Federal Bureau of Investigations Record Contact	304-625-3878	
International Criminal Police Organization's (INTERPOL)	202-616-9000	
Law Enforcement Support Center (LESC) Information Line	802-872-6020	
Law Enforcement Support Center (LESC) Hit Confirmation and ICE Detainer	877-999-5372	
Manual Criminal History System	Call Command Center 916-227-3244	
Mental Health Firearms Prohibition System (MHFPS)	916-227-7550	http://oag.ca.gov/firearms
Missing Person and Unidentified Person System (MUPS)	916-210-3119	missing.person@doj.ca.gov or http://clew.doj.ca.gov
Missing Person DNA Program Information (MPDP)		DNAmismissingpersons@doj.ca.gov or http://clew.doj.ca.gov
Missing Person Unidentified Person System (MUPS) receive and disseminate information	800-222-FIND	www.oag.ca.gov/missing
National Center for Missing and Exploited Children	800-843-5678	www.missingkids.com
National Center for Missing and Exploited Children Technical Assistance or Additional Information	703-274-3900	
National Crime Information Center (NCIC) Off-Line Search	202-324-6242	
National Insurance Crime Bureau (NICB) Data Request	708-430-2430	
National Insurance Crime Bureau (NICB) Help Desk	708-430-5697 Ext 4400	
National Law Enforcement Telecommunications System (NLETS)	800-528-4020 or 623-308-3531	
National Sex Offender Registry (NSOR)		www.nsopw.gov
Stolen Vehicle System (SVS)	916-210-3215	stolenvehicles@doj.ca.gov
Supervised Release File (SRF)	916-210-3211	vcic.srf@doj.ca.gov
Texas Department of Public Safety's Border Auto Thrift Information center (BATIC)	800-503-2877	
United States National Central Bureau (USNCB)	202-616-3900	
Wanted Persons System (WPS)	916-210-3213	wantedpersons@doj.ca.gov

Acronyms and Abbreviations

AAS	Automated Archive System
ABC	Article/Brand/Category
ABS	Automated Boat Systems
ACHS	Automated Criminal History
ACRS	Aircraft Registration System
AFS	Automated Firearms System
AID	Associate Record Identifier
AKA	Also Known As
AM	Administrative Messages
AOT	Alternate Address Group
APB	All Points Bulletin
APP	Applicant
APPS	Armed Prohibited Persons System
APS	Automated Property Systems
AQ	Query by Free Test
ASF	Automated Search Facility
ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
ATM	Automated Teller Machine
ATV	All Terrain Vehicle
BATIC	The Texas Department of Public Safety's Border Auto Theft Information Center
BCIIS	California Bureau of Criminal Identification and Investigative Services
BHN	Boat Hull Number
BOF	California Bureau of Firearms
BOLO	Be On The Lookout
BRA	Brand
CAD	Computer-Aided Dispatch
CAL	Caliber
CAR	Career Criminal
CARPOS	California Restraining and Protective Order System
CAT	Category
CAT/K	Amber Alert
CAU-L	Caution Code - Other Plate still on Vehicle
CCC	City/County Codes
CCW	Carry a Concealed Weapon
CDC	CDCR Parole
CDCR	California Department of Corrections and Rehabilitation
CF	California Registration
CGD	Coast Guard Document Number
CHS	Criminal History System
CII	California Identification and Information
CJIS	California Justice Information System

CLETS	California Law Enforcement Telecommunications System
CLEW	California Law Enforcement Web
CMC	Caution and Medical Condition
CN	Country-wide broadcast for Canada
CONREP	Conditional Release Program
CORI	Criminal Offender Record Information
CORP	Criminal Offender Record Program
COU	County of Destination
CPIC	Canadian Police Information Centre
CSA	Control Service Agencies
CSAR	California Sex and Arson Registry
CSV	Mandatory Supervision
CTA	Control Terminal Agency
CVM	Add Comment to Violation Message
CYA	California Youth Authority
DCD	Document Code
DFC	Data Field Code
DID	Document Identification
DJJ	Division of Juvenile Justice
DL	Driver License
DMH	Department of Mental Health
DMV	Department of Motor Vehicles
DOB	Date of Birth
DOC	Date of Cancelation (Securities), Document Code (AFS)
DOJ	California Department of Justice
DOL	Date of Locate
DOP	Date of Purge
DOS	Date of Sighting
DOT	Date of Theft (SVS) Date of Transaction (ABS)
DOW	Date of Warrant
DQ	Drivers License Query (NLETS)
DROS	Dealer's Record of Sale
DRS	Identifying Dress
DSC	Discharge
DSP	Disposition Record
DVROS	Domestic Violence and Restraining Order System
ECR	Criteria for Entry
EDS	Entry Discharge Date
EGG	Entry - -Gang
EID	Entity Identification
EMID	Enter Additional Missing Person
EMP	Enter Missing Person
EMS	Enter Suspect Information
EMV	Enter Missing Vehicle

ENG	Engine Number
ENT	Entry Level Code
EUID	Enter Unidentified Identifier
EUP	Enter Unidentified Person
EXL	Extradition Limitation
EYE	Eye
FAA	Federal Aviation Administration
FBI	Federal Bureau of Investigation
FCN	File Control Number
FFF	Foreign Fugitive File
FP	Fingerprint
FPR	Federal Probation
FQ	Full Record Query
FT	File Transfer
FTA	Failed to Appear
GMC	Group Member Capability
GNG	Group Name
GP	Inquires into APS, AFS
GPW	Inquires into APS, AFS, WPS, CARPOS, SRF
GRC	Group Reference Capability
GTI	Identifying Graffiti
GW	Inquires into AFS, WPS, CARPOS, SRF
HAI	Hair
HDC	Hawkins Data Center
HDR	Header
HGT	Height
HIN	Hull Identification Number
HND	Identifying Hand Signals
ICE	The U.S. Department of Homeland Security's Bureau of Immigration and Customs Enforcement
ID	California Identification
IDN	California DMV Identification Number
III	Interstate Identification Index
IMG	Image
IMN	Image NCIC Number
IMT	Image Type
INN	CDCR Institution Number
INS	Immigration and Naturalization Service
INTERPOL	International Criminal Police Organization
IQ	Identity Queries
IRP	International Registration Plan
IVF	Immigration Violator File
JUST	Federal Department of Justice
KQ	Driver's History Query (NLETS)

KST	Known or Appropriately Suspected Terrorist File
LCA	Add contact message in SRF
LEA	Law Enforcement Agency
LEAWEB	California's Law Enforcement Agency Web
LEDS	Oregon Law Enforcement Data System
LEGR	Law Enforcement Gun Release App
LEO	Law Enforcement Online (Federal)
LESC	Law Enforcement Support Center
LIC	License Plate Number
LIS	License Plate State
LIT	License Plate Type
LIY	License Plate Year of Expiration
MCR	Master Case Record
MDC	Mobile Digital Computers
MDT	Mobile Digital Terminals
MFC	Message Field Code
MHFPS	Mental Health Firearms Prohibition Systems
MID	Modify (Identity Theft)
MIS	Miscellaneous
MKE	Message Key
MNE	Mnemonic
MNI	Master Name Index
MNU	Miscellaneous Number
MO	Modus Operandi
MOD	Model
MPDP	Missing Person DNA Program
MPF	Missing Person File
MPS	Missing Persons System
MRO	Modify (CARPOS)
MSC	Message Switching Computers
MUPS	Missing and Unidentified Persons Section
MVM	Modify Violation Message
NAM	Name
NCIC	National Crime Information Center
NDTF	National Instant Criminal Background Check System Denied Transaction File
NIC	NCIC Number
NICB	National Insurance Crime Bureau
NIST	National Institute of Standards and Technology
NLETS	National Law Enforcement Telecommunications System
NLIP	Notice of Longer in Possession
NNI	Name and Number Inquiry
NOA	Notifying Originating Agency
NOEX	Will Not Extradite

NONEXP	Non-expiring Records
NSOR	National Sex Offender Registry
OAN	Owner Applied Number
OCA	Originating Agency Case Number
OCN	OCR/Card Control Number
OIMS	Open Image Management System
OL	Occupational Licensing
OLN	Operators License Number
ORI	Originating Agency Identifier
OSI	Air Force Office of Special Investigations
PAL	Parolee-at-Large
PDR	Personal Data Record
PIF	Protective Interest File
POC	Point of Contact
POF	Protection Order File
POST	California Peace Officer Standards and Training
PP	Passport Number
PPP	CLETS Policies, Practices, and Procedures
PRC	Post Release Community Supervision
PRCS	Post Release Community Supervision
PRO	County Probation
PW	Inquires into APS, WPS, CARPOS, SRF
QAM	Inquiry that provides mailing options when 12 or more HITS are received
QCA	Inquiry into Parole Supervised Release File
QCR	Inquiry of Career Criminals
QFR	Inquiry into Federal Probation
QGG	Inquiry into GRC Records
QGM	Inquiry into GMC
QHA	Query History Alpha
QHC	Last Cycle Response
QHN	Query History Number
QHP	Query Personal Data Record
QHT	Mailed Transcript Response
QHY	Online Transcript Response
QMG	Query Gang File and the KST File records
QMH	Inquiry into Mental Health
QND	NDTF Inquiry
QPO	Inquiry into POF
QPR	Inquiry into County Probation Record Type
QRC	Inquiry into Post Release Community Supervision
QRR1	Inquire Restraining/Protective Order Violation Message(s)
QRRH	Inquire History/Suspense Restraining/Protective Order [includes Violation Message(s)]
QSA	Inquiry into CSAR

QSV	Inquiry into Mandatory Supervision
QVC	Full Response
QVC1	Prior Contact Message Query
QVCK	Abbreviated Response
QW	Inquiry returns possible extraditable misdemeanor records and all felony records (WPS), Query type into files relating to the GMC (Gang File)
QWA	Inquiry returns all felony and misdemeanor records (WPS), Query type into files relating to the GMC (Gang File)
QWE	Query type into files relating to the GMC (Gang File)
QWF	Query type into files relating to the GMC (Gang File)
QWS	Query type into files relating to the GMC (Gang File)
QXS	Inquiry into NSOR
QYA	Inquiry into CYA/DJJ
QYG	Query Gun Serial Number
QYN	Query ID Number
QYP	Query Personal Data Records
RAC	Race
RCMP	Royal Canadian Mounted Police
REF	Reference
REG	Registration Number
REG TOT	Registration Type of Transaction
REJ	Rejected
RFC	Reason for Cancel
RNM	Real Name
ROIR	Reply Only If Record
ROIWS	No Reply Only If Wanted
RPP	Reason for Property Record Removal
RTE	Route to Data Field
SER	Serial Number
SGP	Subgroup
SID	State Identification
SIT	Aircraft Sighted
SOC	Social Security Number
SOR	California's Sex Offender Registry
SOTP	Sex Offender Tracking Program
SRF	Supervised Release File
SRO	Serve Restraining Order
STA	Status Code
SVP	Sexually Violent Predator
SVS	Stolen Vehicle System
SVU	Stolen Vehicle Unit
TECS	U.S. Treasury Enforcement Communications System
TPG	Treatment Program Group
TSC	Terrorist Screening Center
TTO	Identifying Tattoos


TYP	Type
UN	An inquiry made using a four-digit, internationally recognized code relating hazardous materials in a vehicle
UPF	Unidentified Persons File
UPS	Unidentified Persons System
USNCB	United States National Central Bureau
VCIN	Violent Crime Information Network
VIN	Vehicle Identification Number
VLD	Validation Date
VLN	Validator Name, Vehicle License Number (MUPS)
VMA	Vehicle Make
VNM	Violation Message Number
VPC	Violent Person Criteria
VPF	Violent Persons File
VYR	Vehicle Year
WGT	Weight
WNO	Warrant Number
WPF	Wanted Persons File
WPS	Wanted Persons System
WRM	Inquires into MUPS, WPS, CARPOS, and SRF. SEX must be M or F for MUPS
X	Index Number Record (DMV)
XRF	Cross Reference Field
XRO	Cancel Transaction (CARPOS)
XV	Canceled (SVS)
XVC	Cancel Transaction (SRF)
YQ	Query into Administrative Messages
YR	Response from Administrative Messages
ZW	Query type into files relating to the GMC (Gang File)



DEPARTMENT OF JUSTICE (DOJ) INFORMATION BULLETINS (IB)

The next pages contain the following DOJ Information Bulletins:

- California Values Act's Database Guidance (IB 18-10-CJIS)
- California Law Enforcement Telecommnicaitons System (CLETS) – Requirements to Report CELTS Misuse (IB 18-07-CJIS)
- Interstate Identification Index (III) – (IB 13-06-CJIS)
- Criminal Offender Record Information (CORI) – (IB13-04-CJIS)
- CLETS/DMV/CJIS/TEST RECORDS – (IB 97-12-BCIA)

California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Joe Dominic, Chief		INFORMATION BULLETIN	
Subject: California Values Act's Database Guidance	No. 18-10 - CSJl	Contact for information: CLETS Administration Section CAS@doj.ca.gov	
	Date: 10-01-2018		

TO: ALL CHIEFS OF POLICE, SHERIFFS, and EXECUTIVES OF CALIFORNIA LAW ENFORCEMENT AGENCIES

DATABASE GUIDANCE – Senate Bill 54

This Information Bulletin (IB) provides guidance to state and local law enforcement agencies (LEAs) on best practices regarding the governance of databases regarding Senate Bill (SB) No. 54 (De León; 2017-2018 Regular Sessions) ("the Values Act") to ensure information is limited for immigration enforcement purposes to the fullest extent practicable and consistent with federal and state law. The Values Act mandates that the Attorney General, by October 1, 2018, publish "guidance, audit criteria, and training recommendations aimed at ensuring that" databases operated by state and local law enforcement agencies "are governed in a manner that limits the availability of information therein to the fullest extent practicable and consistent with federal and state law, to anyone or any entity for the purpose of immigration enforcement." LEAs are strongly encouraged to review and update their existing database governance policies consistent with this guidance.

This IB is not intended to displace any current policies that are aligned with or provide greater protections than those included herein. Nor does the lack of a particular recommendation necessarily indicate disapproval of any policy. Rather, this IB provides some foundational recommendations and should serve as a resource to enhance current policies with respect to the Values Act's goal of ensuring that databases are governed in a manner that limits the availability of information to the fullest extent practicable and consistent with federal and state law for the purpose of immigration enforcement.

GUIDING PRINCIPLES

In enacting the Values Act, the Legislature determined that "a relationship of trust between California's immigrant community and state and local agencies is central to the public safety of the people of California." (Gov. Code, § 7284.2.) The Values Act's core purpose is to ensure effective policing and to protect the safety, well-being, and constitutional rights of all the people of California, regardless of immigration status. The Values Act set the parameters under which LEAs may engage in "immigration enforcement." "Immigration enforcement," as defined by the Values Act, includes any efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, reentry to, or employment in, the United States.

The Values Act generally prohibits LEAs from using agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including providing personal information for that purpose. (Gov. Code, § 7284.6, subd. (a)(1)(D).) The Values Act, however,

permits LEAs to participate in law enforcement task forces, including sharing confidential information pursuant

to these task forces, where the primary purpose of the task force is not immigration enforcement. (Gov. Code, § 7284.6, subd. (b)(3).) And, the Values Act permits LEAs to provide immigration authorities with information about a person's criminal history accessible through the California Law Enforcement Telecommunications System (CLETS). (Gov. Code, § 7284.6, subd. (b)(2).) The specific requirements for LEAs under the Values Act are set forth more fully in IB 2018-DLE-01, and specific data reporting requirements can be referenced in IB 18-02-CJIS.

Additional principles of state and federal law should also be used to guide LEAs in developing database governance policies that limit the availability of information for purposes of immigration enforcement. Under California law, LEAs are generally prohibited from asking a person about his or her immigration status. (Gov. Code, § 7284.6, subd. (a)(1)(A).) Also, LEAs are restricted from sharing personal information about a person that is not available to the public, and that is not attached to a person's criminal history. (Gov. Code, § 7284.6, subd. (a)(1)(D), (b)(2).) Notwithstanding that prohibition, consistent with federal law, 8 U.S.C. § 1373, nothing in this IB prohibits or restricts LEAs from sending or receiving information regarding a person's immigration status or citizenship status to or from federal immigration enforcement authorities, or prohibits or restricts LEAs from maintaining information regarding a person's immigration status.¹ Federal courts have found that Section 1373 only prohibits restrictions on the sharing of immigration or citizenship status information, and not restrictions on the sharing of home and work addresses, and release dates.² Courts have also found 8 U.S.C. § 1373 to be unconstitutional under the Tenth Amendment of the U.S. Constitution, so LEAs should ask their counsel to monitor developments in the law.³

Consistent with federal and state law, this IB offers guidance on steps LEAs can take to govern the use of criminal justice information (CJI) that is non-criminal history information. Non-criminal history information contained within databases accessed through CLETS, other DOJ criminal justice information systems, as well as LEAs' individual databases should not be used for the purpose of immigration enforcement. And, any implementation of the policy recommendations in this IB should be applied to all law enforcement agencies equally, regardless of whether they are federal, state, or local law enforcement. Federal immigration authorities should not be denied access to law enforcement databases solely based on their status as a federal immigration authority, so long as they comply with the policies governing use of the databases.

GUIDANCE SURROUNDING USE OF NON-CRIMINAL HISTORY INFORMATION

All users should agree that they will not use any information for purposes of immigration enforcement, as defined in California Government Code section 7284.4, subdivision (f), with respect to an individual who does not possess a criminal history. Individuals who have a criminal history include those with a prior criminal arrest or conviction. This restriction does not impact persons with criminal records within CJI systems. Users are also not prohibited or restricted from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities information regarding a person's immigration status, maintaining such information, or exchanging such information with any other federal, state, or local government entity, pursuant to 8 U.S.C. §§ 1373 and 1644.

¹ 8 U.S.C. § 1373(a), (b).

² *United States v. California* (E.D. Cal. 2018), 314 F. Supp. 3d 1077, 1101-04; *City of Philadelphia v. Sessions* (E.D. Pa. June 6, 2018), —F.Supp.3d —, 2018 WL 2725503, at *35; *Steinle v. City and County of San Francisco* (N.D. Cal. 2017) 230 F.Supp.3d 994, 1015-1016.

³ *City of Chicago v. Sessions* (N.D. Ill. July 27, 2018) —F.Supp.3d —, 2018 WL 3608564, at *10; *Philadelphia*, 309 F.Supp.3d at 331; see also *California*, 314 F.Supp.3d at 1101 (finding Section 1373's constitutionality "highly suspect").

LEAs are encouraged to adopt the following policies surrounding the use of non-criminal history data:

1. As part of any application, memorandum of understanding, or agreement to access any law enforcement databases, LEAs should inquire regarding the purpose for which the LEA intends to use the information contained within the database. Users who state that they will be using the information for immigration enforcement purposes should be required, as a condition for accessing the database, to agree that they will only do so for those individuals with a criminal history, or for information regarding the immigration or citizenship status of any individual. Users should likewise be required to agree they will not use non-criminal history information, aside from information regarding immigration or citizenship status, for immigration enforcement purposes.
2. Database login screens should be updated to include instruction on the proper use of the information contained in the database. Sample language is provided below:

"Federal, state or local law enforcement agencies shall not use any non-criminal history information contained within this database for immigration enforcement purposes. This restriction does not pertain to any information that is regarding a person's immigration or citizenship status pursuant to 8 U.S.C. §§ 1373 and 1644."
3. Any policies governing the use of non-criminal history information should include the above-referenced language.
4. Any data sharing agreements, memorandums of understanding, and/or contracts between law enforcement agencies and vendors/service providers should be updated to reflect policies that prohibit the use of non-criminal history information for immigration enforcement purposes.
5. Limit, wherever possible, the collection of personal information of victims and witnesses of crime(s). Further, consider adopting retention periods no longer than is necessary to fulfill the purpose justifying collection of the information.
6. Agencies should survey their databases to determine which databases contain criminal history information, non-criminal history information, and/or both criminal history and non-criminal history information to assist with audits, training, and policy compliance.

TRAINING RECOMMENDATIONS FOR NON-CRIMINAL HISTORY INFORMATION

1. Initial security awareness training for new employees and ongoing biannual recertification should be updated to include questions to demonstrate knowledge of the updated governance policies regarding, limitations on the use of non-criminal history information for immigration enforcement purposes.

AUDIT CRITERIA FOR NON-CRIMINAL HISTORY INFORMATION

1. When internal database compliance audits are conducted, agencies should ensure database users are in compliance with policies that limit the use of non-criminal history information for immigration enforcement purposes.


2. Agencies should update internal policies regarding the reporting of misuse of non-criminal history information that is used for immigration enforcement purposes.

Sincerely,



JOE DOMINIC, Chief
California Justice Information Services Division

For XAVIER BECERRA
Attorney General

<div>California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Joe Dominic, Chief</div> 		INFORMATION BULLETIN	
<i>Subject:</i> California Law Enforcement Telecommunications System (CLETS) – Requirement to Report CLETS Misuse		<i>No.</i> 18-07-CJIS	<i>Contact for information:</i> CLETS Administration Section (916) 210-4240 cas@doj.ca.gov
		<i>Date:</i> 04-17-2018	

TO: ALL CALIFORNIA LAW ENFORCEMENT AGENCIES

The California Department of Justice (DOJ), in response to increasingly low submissions of misuse reporting by CLETS subscribing agencies, will be instituting changes to the reporting process to achieve 100 percent reporting of CLETS misuse. Pursuant to California Government Code section 15154 and CLETS Policies, Practices and Procedures (PPPs) section 1.10.1B, agencies that fail to report misuse annually will be subject to sanctions, up to and including, removal of CLETS service.

The DOJ considers the failure to report CLETS misuse a serious matter and will proactively enforce this requirement. CLETS PPPs section 1.10.1D prescribes that all agencies shall submit a report to the DOJ on the number of investigations performed related to the CLETS misuse, and any disciplinary action taken. Additionally, agencies are required to report whether any misuse has occurred during the reporting period. The report must be submitted by February 1 of each year, for the preceding calendar year.

Effective immediately, agencies that fail to submit the misuse report by the February 1 reporting deadline will be notified of their failure to comply and reported to the CLETS Advisory Committee (CAC) for consideration and action at the next scheduled meeting. Please note: CAC meetings are subject to the Bagley-Keene Open Meeting Act; therefore, non-reporting agencies will be posted on the California Attorney General's website and the California Law Enforcement Web (CLEW).

Misuse is defined as CLETS information that is obtained or provided outside the course of official business; a "right to know" and the "need to know" must be established. The "right to know" is defined as "authorized access to such records by statute" and the "need to know" is defined as "the information is required for the performance of official duties or functions." Other than blatant misuse, the following are examples of prohibited/unauthorized use of CLETS that include, but are not limited to:

- Querying yourself, a family member, friend, etc.;
- Providing information from the CLETS to another officer, individual, agency or company for unauthorized purposes;
- Sharing user IDs or passwords;
- Logging into CLETS and allowing others to utilize your authorized access;
- Querying the Automated Criminal History System for licensing, employment or certification purposes (e.g., Carry Concealed Weapon permits);
- Querying a firearm to determine if it is stolen prior to purchase;
- Querying the Department of Motor Vehicles to obtain unauthorized address, vehicle registration, or insurance information (e.g., querying a vehicle parked in front of your house for two days); and
- Querying high profile individuals in the media.

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CLETS – Requirement to Report CLETS Misuse
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The CLETS Misuse Investigation Reporting form (HDC 0010) is available on the CLEW website at: <https://clew.doj.ca.gov>, or you may contact the CLETS Administration Section (CAS) to obtain a copy. Agencies responsible for multiple Originating Agency Identifiers (ORIs) should only submit one form and list all respective ORIs. Forms may be e-mailed to CAS@doj.ca.gov or faxed to 916-227-0696. If you have any questions, please contact CAS at 916-210-4240.

Sincerely,

A handwritten signature in blue ink, appearing to read "JD", with a long horizontal stroke extending to the right.

JOE DOMINIC, Chief
California Justice Information Services Division

For XAVIER BECERRA
Attorney General

<p>California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Cuong D. Nguyen, Director</p>		<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> Interstate Identification Index (III)</p>	<p><i>No.</i> 13-06-CJIS</p>	<p><i>Contact for Information:</i> Client Services Program (916) 227-3332</p>	
	<p><i>Date:</i> 5/17/13</p>		

This Information Bulletin supersedes Information Bulletin 11-07-BCIA

To: Interstate Identification Index Users

The purpose of this bulletin is to remind agencies of the policies regarding the National Crime Information Center's (NCIC) Interstate Identification Index (III) "attention" field (ATN) and "purpose" field (PUR).

III USE FIELD

Criminal History Record Information (CHRI) from the III and the NCIC may only be used for an authorized purpose, consistent with the intent in which the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) system was accessed. Dissemination of information to another agency is authorized if: (a) the other agency is an authorized recipient of such information and is being serviced by the accessing agency; or (b) the other agency is performing personnel and appointment functions for criminal justice employment applicants (*CJIS Security Policy*, 7/13/12, Version 5.1, 4.2 Use and Dissemination of CHRI and NCIC restricted files Information, and NCIC non-restricted files information 8.2 Proper Access To, Use access, and Dissemination of FBI's CJIS System Information, 8.2.1 Proper Access To and Use of CHRI).

The NCIC policy is based on the authority of Title 28, United States Code, Section 534, which provides that the exchange of records shall be for the official use of authorized officials of the federal government, states, cities, and penal and other institutions.

NCIC/III ATN FIELD

As stated in the NCIC Operating Manual, the ATN field must indicate to whose attention the response shall be forwarded. This field must contain a minimum of three to a maximum of 30 alpha, numeric, and/or special characters. When using rank and/or initials, do not use periods.

PURPOSE CODES

The Privacy Act of 1974 requires that the FBI's CJIS Division maintain an audit trail for each disclosure of a criminal history record and the recipient of that record. Therefore, all III query history (QH) and query record (QR) transactions must include the purpose for which the CHRI is to be used.

NCIC/III PUR FIELD

The PUR field is a one-character alphabetic field used for III inquiries and record messages. It is mandatory for QH and QR transactions. The only codes permitted when making an III inquiry, via the California Law Enforcement Telecommunications System (CLETS), are:

Purpose Code A - Administrative

Used by authorized participating state agencies to retrieve records for internal review. Purpose Code A responses

cannot be disseminated for any other purpose. A QR for Purpose Code A allows a state to review CHRI, wants, and sex offender registry notifications that are in the III for that state.

Purpose Code C - Criminal Justice

Used for official duties in connection with the administration of criminal justice. The following examples clarify authorized uses of Purpose Code C in situations that are not part of a criminal justice investigation, but are duties of the agency where a criminal record check is necessary to accomplish the agency's mission. These examples are not all encompassing. (*Note: This is not allowable when conducting California inquiries.*)

1. Authorized uses of Purpose Code C in relation to the security of the criminal justice facility include:
 - A. Vendors or contractors at the criminal justice agency who are *not* involved with the actual administration of criminal justice at the criminal justice agency, e.g., carpet cleaners, individuals responsible for maintaining vending machines, janitors, and cooks.
 - B. Volunteers at a criminal justice agency who are *not* involved with the actual administration of criminal justice at the criminal justice agency, e.g., participants in community ride-along programs and volunteers at a confinement facility who are providing social or community services rather than rehabilitative services.
 - C. Confinement facility visitors.
 - D. Inmates of a confinement facility.
 - E. Inmate mail (a prisoner's list of names and addresses of those wishing to correspond with the prisoner). The III may be used when there is reason to believe that criminal activity is occurring or has occurred.
 - F. Participants of law enforcement-sponsored firearms training classes held at a public firing range who handle firearms, and individuals attending firearms training events held at law enforcement facilities.
2. Purpose Code C is used by government social service agencies with child protection responsibilities and the National Center for Missing and Exploited Children to access FBI CHRI under Section 151 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248).

Purpose Code D - Domestic Violence and Stalking

Used when the III transaction is for officials of civil or criminal courts in domestic violence or stalking cases. Civil courts may be issued Originating Agency Identifiers (ORIs) containing a D in the ninth position, at the discretion of the Department of Justice and the FBI's CJIS Division. ORIs ending in a D are limited to QH and QR transactions for Purpose Code D.

Purpose Code F - Weapons-Related Background Checks

Used by criminal justice agencies for the purposes of: (a) issuing firearms-related permits and explosives permits pursuant to California law, regulation, or local ordinance; (b) returning firearms to their lawful owners; and (c) enforcing federal and state laws prohibiting certain persons with criminal records from possessing firearms in circumstances in which firearms have been pawned. (*Note: The California Department of Justice Bureau of Firearms is the FBI NICS point of contact and the only California agency authorized by state law to conduct background checks for firearms and explosives.*)

Purpose Code H - Housing

Used when the III inquiry is made under the authority of the Housing Opportunity Extension Act of 1996. The use of this purpose code is limited to QH transactions and the CHRI obtained can only be disseminated to authorized California public housing agencies. The FBI's CJIS Division may assign public housing agencies ORIs containing the letter Q in the ninth position for use by authorized agencies.

Purpose Code J - Criminal Justice Employment

Used when the III transaction involves employment with a criminal justice agency or the screening of employees of other agencies in which the criminal justice agency is required to have management control. Such screening may include the use of III on friends, relatives, and associates of the employee or applicant, unless restricted or prohibited by California statute, common law, or local ordinance. Criminal justice employment (Purpose Code J) has been separated from other criminal justice purposes (Purpose Code C) due to varying requirements of some state agencies participating in the III.

Purpose Code J is used for initial background checks of agency personnel as well as the following:

- A. Noncriminal justice agencies that are involved with the administration of criminal justice on behalf of the criminal justice agency.
- B. Vendors or contractors who are involved with the administration of criminal justice for the criminal justice agency, e.g., personnel involved with maintenance of computer systems, upgrading records systems, data entry clerks, etc.
- C. Volunteers at the criminal justice agency who are involved with the administration of criminal justice for the criminal justice agency, e.g., volunteer dispatchers, volunteer data entry clerks, volunteers at a confinement facility who are providing inmate rehabilitation, etc.

Purpose Code X - Exigent Procedures

Used when a QH is made during an emergency situation when the health and safety of a specified group may be endangered. Following a QH, a QR may be used to review the individual's record. All requests for background checks for exigent purposes must be accompanied by fingerprints.

The FBI authorizes the access to III via Purpose Code X "to check for criminal history in limited situations when emergent circumstances exist that do not reasonably allow for immediate fingerprinting." Once authorized by the FBI, the DOJ will be notified and subsequently notify law enforcement of the availability of Purpose Code X and its intended purpose. Please note: At this point, California is not authorized to utilize this purpose code (i.e., the code cannot be used to access III for emergency placement with a relative or for reunification purposes).

<u>MESSAGE TYPE</u>	<u>PURPOSE CODE ALLOWED</u>
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QH	C, D, F, H, or J
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QR	C, D, F, or J
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CONTACT INFORMATION

If you have questions regarding the policies pertaining to the NCIC's III "attention" field (ATN) and "purpose" field (PUR) or NCIC audits or training, please call the DOJ Client Services Program at (916) 227-3332 or e-mail at dojcsp@doj.ca.gov.

Sincerely,

CUONG D. NGUYEN, Director
California Justice Information Services Division

For KAMALA D. HARRIS
Attorney General

California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Cuong D. Nguyen, Director		 INFORMATION BULLETIN	
Subject: Criminal Offender Record Information (CORI)	Re:	13-04-CJIS	Contact for information: Client Services Program 227-3332
	Date:	4-12-13	

This Information Bulletin supersedes Information Bulletin 07-01-BCIA

TO: California Department of Justice (DOJ) Automated Criminal History System (ACHS) Users

This bulletin advises agencies of the regulations placed on the user and dissemination of DOJ's CORI and to remind agencies of the policies regarding the ACHS "route to" field (RTE).

ACHS ACCESS

Section 11075 of the Penal Code (PC) defines 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, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release." State and local summary criminal history information is considered CORI.

Section 11105 of the PC identifies who has access to DOJ CORI and under what circumstances it may be released. Access is based upon the "right to know" and the "need to know." The "right to know" is defined as "authorized access to such records by statute" and the "need to know" is defined as "the information is required for the performance of official duties or functions."

Title 11, sections 703 (d) and 707 (b) of the California Code of Regulations (CCR) require agencies to conduct record clearances on all personnel hired after July 1, 1975, who have access to CORI. Record checks require the submission of fingerprints to the DOJ for processing. The clearances must be obtained for anyone who may have access to CORI, including non-criminal justice personnel having physical access to the computer systems, terminals or stored CORI. Visitors, such as tour groups, are not required to undergo a record check; however, they must be escorted at all times.

ACHS RESTRICTIONS

Unless specifically authorized by statute, agencies with access to ACHS via the California Law Enforcement Telecommunications System (CLETS) are prohibited from making inquiries into ACHS for employment, licensing or certification purposes. This restriction is based on the court's decision in *Central Valley v. Younger*.

Effective June 1, 2006, the DOJ Command Center no longer processes name based criminal history inquiries from agencies screening applicants for peace officer positions. Please see DOJ Information Bulletin 06-09 BCIA.

The following are statutory exceptions to the prohibition of using the CLETS to conduct criminal record clearances:

Education Code section 45125.5

A school district or county office of education may request a local law enforcement agency to conduct an automated records check of a prospective non-certified employee to ascertain whether the applicant has a criminal record. For purposes of this section, "prospective non-certified employee" includes only those applicants whom the requestor intends to hire at the time the automated records check is requested. **Note: While statutory authority exists for these entities to request criminal history information on the above applicants, the Michelle Montoya School Safety Act (Chapter 588, Statutes of 1997) requires all non-certified employees to undergo fingerprint based criminal history clearances before employees can begin work.**

Education Code section 35021.1

A school district or county office of education may request that a local law enforcement agency conduct an automated records check of a prospective non-teaching volunteer aid in order to ascertain whether the volunteer has been convicted of any sex offenses as defined in Education Code section 44010.

Penal Code section 11105.03

Local law enforcement agencies are authorized to provide state criminal history information obtained via CLETS, at the request of local housing authorities, for the purpose of screening prospective residents and prospective and current housing authority staff.

UNAUTHORIZED ACCESS AND MISUSE OF ACHS AND CORI

The unauthorized access and misuse of ACHS and CORI violates state statutes and may adversely affect an individual's civil rights. Sections 11140 through 11144 of the PC prescribe penalties for misuse of state summary criminal history information, while PC sections 13301 through 13304 prescribe penalties for misuse of local summary criminal history information. Sections 6200 and 6201 of the Government Code prescribe the penalties for the misuse of various government records, which include CORI. Section 502 of the PC prescribes the penalties relating to computer crimes.

"ROUTE TO" FIELD (RTE)

The mandatory RTE must be completed for all ACHS inquiries. This field contains up to 30 characters and must indicate the following: the name, initials or ID number (#) of the requestor; the

operator's name, initials or ID # (if different from the requestor); and the specific reason for the request, i.e., case #, file #, Department of Corrections and Rehabilitation (CDCR) #, inmate #, etc. The reason for the inquiry is to ensure that an agency has provided sufficient information to justify the "need to know" criteria. Generic terms, such as "Investigation" or "Inquiry" are unacceptable for use as an inquiry reason.

ACHS AUDIT TRAIL

Title 11, section 707 (c) of the CCR requires each authorized agency to maintain, and make available for inspection, an audit trail for a period of three years from the date of release of CORI from an automated system. The audit trail must provide an agency with sufficient information to substantiate the "need to know." An agency may choose to maintain the audit trail by utilizing the RTE in the ACHS inquiry format, provided the RTE contains the mandatory data. In addition, the "CLETS Policies, Practices, and Procedures (PPPs)" require that agency direct interface message switching computers record all transactions to and from CLETS in their entirety on an automated log or journal, and have the capability to search and print all journals for a three year period (PPP 1.7.1 A).

ACHS THIRD PARTY RELEASE

Section 11078 of the PC requires each agency, holding or receiving CORI in a computerized system, to maintain a listing (audit trail) of the agencies to which it has released or communicated CORI. Also, pursuant to section 707 (c) of the CCR, this audit trail must be maintained for a period of three years and must include any routine releases.

ACHS TEST/TRAINING RECORDS

Active records shall not be used to test a system or to train employees. The "need to know" for access to CORI cannot be justified for test or training purposes. ACHS records which can be used for testing and/or training purposes are identified in DOJ Information Bulletin 97-12 BCIA.

DESTRUCTION

Title 11, section 708 (a) of the CCR requires the destruction of CORI in such a manner that the identity of the subject can no longer be ascertained. When CORI is destroyed outside the authorized agency (e.g., vendor hired to handle confidential destruction), a person designated by the agency shall witness the destruction. The DOJ recommends that agencies destroy CORI when the business need has been fulfilled.

Pursuant to Section 708 (c) of the CCR, printouts of CORI obtained through system development, test or maintenance shall be destroyed at the completion of the function or purpose for which the printout was obtained. DOJ Information Bulletin 02-17 BCII which states "retention of CORI is permissible if the agency has a legitimate business need for the information and there are no statutory requirements to destroy such information" is still valid. However, the DOJ recommends that agencies destroy CORI when the business need has been fulfilled.

CONTACT INFORMATION


If you have questions regarding the statutes or regulations placed on the use and dissemination of CORI, the policies regarding the ACHS "route to" field (RTE), or complaints concerning unauthorized access and misuse of CORI please contact the Client Services Program at (916) 277-3332 or dojcsp@doj.ca.gov.

If you have questions about CLETS Training or CORI audits, please send an e-mail to Client Services Program (CSP) at DOJCSP@doj.ca.gov or call CSP at (916) 227-3332.

Sincerely,

CUONG D. NGUYEN, Director
California Justice Information Services Division

For KAMALA D. HARRIS
Attorney General

California Department of Justice DIVISION OF CRIMINAL JUSTICE INFORMATION SERVICES Nick L. Dedier, Director		INFORMATION BULLETIN	
<i>Subject:</i> CLETS/DMV/CJIS/TEST RECORDS	<i>No.</i> 97-12-BCIA	<i>Contact for information:</i> Automated Systems Program (916) 227-3754	
	<i>Date:</i> 4/8/97		

TO: ALL CLETS/CJIS USERS

The purpose of this Information Bulletin is to provide agencies with current information on how to access and use Permanent Test Records and the Criminal Justice Information System (CJIS) Test Message Program. The permanent test record inquiry formats listed in this Information Bulletin are for the purpose of training and demonstrating how the California Law Enforcement Telecommunications System (CLETS) operates. Test data are provided to enable local agency personnel to demonstrate and practice using the CLETS network without using actual case information relating to persons, vehicles, property, firearms, or criminal history.

All individuals who receive or transmit information via the CJIS, CLETS, the National Crime Information Center (NCIC), the National Law Enforcement Telecommunications System (NLETS) or the California Department of Motor Vehicles (DMV) should be aware that information contained in this bulletin is confidential and for authorized law enforcement purposes only.

DEPARTMENT OF MOTOR VEHICLES

Following are the inquiry formats for DMV registration and driver license test records. Additional information on inquiry formats is available in the DMV Manual for CLETS.

VEHICLE REGISTRATION FORMAT

LICENSE PLATE NUMBER IV

1ASAM123

OR

BBB123

DRIVERS LICENSE FORMATS

NUMBER

ID

OR

ID

B5A0025507

B5A0025506

NAME

IN

L1DRIVER, ANNIE C

USER FRIENDLY

ID

J1A0025507

CRIMINAL HISTORY

Inquiry formats to make a name and number search or to obtain a criminal history record from the California Automated Criminal History System (ACHS), as well as the NCIC Interstate Identification Index, are as follows:

MASTER NAME INDEX FORMATS

NAME	IH QHA.AGENCYORI.NAM/XRAY,TEST.SEX/X. DOB/050555.RTE/REQUESTER'S NAME, OPERATOR INITIAL, IF DIFFERENT THAN THE REQUESTOR, AND SPECIFIC REASON.
CA DRIVERS LICENSE	IH QHN.AGENCYORI.OLN/P0626473.RTE/ REQUESTER'S NAME, OPERATOR INITIAL, IF DIFFERENT THAN THE REQUESTOR, AND SPECIFIC REASON.
SOCIAL SECURITY NO.	IH QHN.AGENCYORI.SOC/526324963.RTE/ REQUESTER'S NAME, OPERATOR INITIAL, IF DIFFERENT THAN THE REQUESTOR, AND SPECIFIC REASON.
FBI NO.	IH QHN.AGENCYORI.FBI/9001000.RTE/ REQUESTER'S NAME, OPERATOR INITIAL, IF DIFFERENT THAN THE REQUESTOR, AND SPECIFIC REASON.

AUTOMATED CRIMINAL HISTORY SYSTEM FORMAT

CII NO.	IH QHY.AGENCYORI.99000015.REQUESTER'S NAME, OPERATOR INITIAL, IF DIFFERENT THAN THE REQUESTOR, AND SPECIFIC REASON.
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INTERSTATE IDENTIFICATION INDEX (III) FORMATS

NAME	IH R.QH.AGENCYORI.NAM/XRAY,TEST.SEX/ M.RAC/W.DOB/011954 PUR/C.ATN/AGENCY'S NAME & CASE NO
FBI NO.	IH R.QR.AGENCYORI.FBI/9001000.PUR/C.ATN/ AGENCY'S NAME & CASE NO

Refer to the Criminal History Inquiry Manual for detailed information regarding inquiry formats.

CRIMINAL JUSTICE INFORMATION SYSTEM

Following are the test record inquiry formats to obtain test records from the other CJIS data bases. These are permanent test records, and are useful for training and demonstration purposes. The Supervised Release File (SRF) is the only test record that does not use a "T" in the inquiry format. Only the Department of Justice can cancel a permanent test record, and no agency may place a locate on one.

STOLEN VEHICLES	IA TQV.AGENCYORI.LIC/SAM123
STOLEN BOAT	IA TQB.AGENCYORI.REG/CF0000AB
WANTED PERSONS	IW TQW.AGENCYORI.NAM/RECORD,CALIFORNIA TEST.SEX/M
RESTRAINING ORDER	IW TQRR.AGENCYORI.NAM/RECORD,CALIFORNIA TEST.SEX/M
STOLEN PROPERTY	IP TQAB.AGENCYORI.SER/TEST123456.CAT/R
PAWN PROPERTY	IP TQAN.AGENCYORI.NAM/RECORD,CALIFORNIA TEST.DOB/050555

STOLEN FIREARM	IG TQGB.AGENCYORI.SER/TEST123456
VOLUNTARY FIREARM REGISTRATION	IG TQGH.AGENCYORI.NAM/RECORD,CALIFORNIA TEST.DOB/050555
MISSING PERSONS	IM TQM.AGENCYORI.RECORD, CALIFORNIA TEST.F
UNIDENTIFIED PERSONS	IM TQU.AGENCYORI.FCN/1869702100266 OCA/DOJTEST 2
SUPERVISED RELEASE FILE	IR QVC.AGENCYORI.NAM/RECORD, CALIFORNIA TEST.DOB/050555.SEX/M

Agencies with update capability may also enter their own test records by using the Test Message Program. This program allows agencies to perform all data base functions without jeopardizing "live" records. The Test Message Program requires a "T" before any acceptable message key; i.e., TEWR - test entry message key for the Wanted Persons System. If the entry rules specified in the CJIS manual for each data base are not followed, test entries will receive error/reject messages. Any entered test records will be maintained in the data base for a maximum of seven days. This feature does not apply to the entry of test records through the Mobile Digital Terminal (MDT) (i.e., QWK, QGK) and Super Message Keys (i.e., GPW, PW, GP, GW).

The Test Message Program capability will allow agencies to enter, modify, inquire, locate, and cancel test records in any CJIS data base (with the exception of the ACHS and the SRF) for their own training and demonstration purposes. For additional information on the Permanent Test Record, Test Message Program refer to the CJIS Manual, Test Messages - On-Line Training sections for each data base.

Agencies without update capability or unable to use the "T" as part of the message key may still inquire into the CJIS test records permanent data base. Use any acceptable message key without the "T" designation and permanent test record subject information; i.e., QV, QW, QRR, QAB. The ability to obtain this test record message also applies to MDT Message Keys; QWK, QGK and Super Message Keys; i.e., GPW, PW, GP, GW. This inquiry feature does not apply to the Automated Boat System.

If you have any questions regarding test records via CLETS, please contact the Automated Systems Program at (916) 227-3754, or write the Department of Justice, Automated Systems Program, P.O. Box 903387, Sacramento, CA 94203-3870.

Sincerely,
DANIEL E. LUNGREN
Attorney General

A handwritten signature in black ink, appearing to read "Doug Smith", written over the printed name of Douglas A. Smith.

DOUGLAS A. SMITH, Chief
Bureau of Criminal Information
and Analysis

NOTICE UNDER THE AMERICANS.pdf



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the Plumas County Probation Department will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Plumas County Probation Department does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The Plumas County Probation Department will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Plumas County Probation Department programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Plumas County Probation Department will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Plumas County Probation Department offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activities associated with the Plumas County Probation Department, should contact the Plumas County Probation Department ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Plumas County Probation Department to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Plumas County Probation Department is not accessible to persons with disabilities should be directed to the Plumas County Probation Department ADA Coordinator. The Plumas County Probation Department will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**Plumas County Probation
Department ADA Grievance.pdf**

Plumas County Probation Department Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Plumas County Probation Department. The Plumas County Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**Plumas County Probation Department ADA Coordinator
270 County Hospital Rd., Ste.128 Quincy, CA 95971**

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA coordinator or designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Plumas County Probation Department and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the County Administrator.

Within 15 calendar days after receipt of the appeal, the County Administrator or designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the County Administrator or designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Plumas County ADA Coordinator, appeals to the County Administrator, and responses from these two offices will be retained by Plumas County for at least three years.

Security Protocol 2022.pdf



Keevin Allred
Chief Probation Officer

County of Plumas

Department of Probation

270 County Hospital Rd. #128,
Quincy, California, 95971



Phone: 530-283-6200
FAX: 530-283-6165

ATTENTION ALL CLETS TERMINAL OPERATORS

If a security breach or possible weakness is identified or suspected, operators shall log out of LEAWEb, power down the terminal immediately and alert the ACC and/or Chief. ACC or Chief shall alert county IT department as soon as possible. Use of the terminal shall be discontinued until such a time as IT has determined terminal safe and secure.

This terminal and its operators are authorized by the Chief to produce hard copy (paper) data only. No Operator shall use this terminal to produce and record digital media in any form (CD, Thumb Drive, etc.).

All hard copy data derived from this system shall be securely stored while being used and immediately placed in a secure location to await destruction when no longer needed.

Chief Probation Officer

Agency CLETS Coordinator

Plumas County Probation
Department Probation Manual
Probation Manual

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