

1.6 SYSTEM RULES

System rules are designed to provide the most efficient operating system consistent with the needs of law enforcement. Adherence to the rules will ensure client agencies the maximum effectiveness of the CLETS. Violations of the CLETS or the NCIC rules will result in an investigation and appropriate disciplinary action as determined by the CA DOJ in consultation with the CAC.

1.6.1 Database Policies and Regulations

All users shall abide by all policies and regulations pertaining to the information from the CLETS. Procedures and message formats contained in user manuals must be followed exactly.

- A. Users must confirm the validity of the positive response on the record by contacting the entering agency prior to taking enforcement actions based solely on that record.
- B. Periodic driver license checks may be conducted on the CLETS subscribing agency employees where driving is a requirement of their job.
- C. Details of state summary criminal history information may be received by an agency-approved wireless device, provided all wireless access security requirements are met (see PPP section 1.6.9).
- D. Pursuant to the California Code of Regulations, Title 11, Division 1, Chapter 7, Article 1, section 707(c), every agency is required to keep a record of each release of criminal offender record information for a minimum of three years from the date of release. Detailed information regarding retention of information can be found in this code section.
- E. The CA DOJ Automated Criminal History System Prohibitions:
 1. In reference to U.S. Code, Title 18, Section 922(G)(9), terminals are prohibited from accessing the CA DOJ Automated Criminal History System to enforce the provisions of Title 18 USC section 922(G)(9) which effects a lifetime firearms or ammunition prohibition for anyone convicted of a misdemeanor crime for domestic violence.
 2. Terminals are not authorized to access the CA DOJ Automated Criminal History System through the 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 (PC) section 830, et al; or for remotely accessing a record for review and/or challenge by the subject of a record.

Exceptions:

- a. Pursuant to Education Code sections 45125.5 and 35021.1, a law enforcement agency may agree to provide a school district or county office of education specific state summary criminal history information from the CLETS on a prospective non-certificated employee or non-teaching volunteer aide. If the law enforcement agency agrees to provide the state summary criminal history information, the results shall be returned to the requesting district or county office of education within 72 hours of the written request. The law enforcement agency may charge a fee to the requesting agency not to exceed the actual expense to the law enforcement agency. For purposes of this section only, a school police department may not act as its own law enforcement agency.
- ~~b. Pursuant to Vehicle Code section 2431, the California Highway Patrol (CHP) may utilize the CLETS to conduct a preliminary criminal offender record information search on applicants for tow truck drivers and employers.~~
- eb. Pursuant to PC section 11105.03, a law enforcement agency is authorized to furnish specific state summary criminal history information from the CLETS to a regional, county, city or other local public housing authority for screening prospective participants as well as potential and current staff. The only state summary criminal history information that can be released must be related to adult convictions for specific felonies or a domestic violence offense. Information released to the local public housing authority shall also be released to parole or probation officers at the same time, if applicable. For purposes of this section only, a housing authority police department may not act as its own law enforcement agency unless approved on an individual basis by the CA DOJ.
- dc. Pursuant to the Code of Civil Procedures section 1279.5(e), the courts shall use the CLETS to determine whether an applicant for a name change is under the jurisdiction of the Department of Corrections and Rehabilitation or is required to register as a sex offender pursuant to PC section 290. If a court is not equipped with the CLETS, the clerk of the court shall contact an appropriate local law enforcement agency

that shall determine whether the applicant is under the jurisdiction of the Department of Corrections and Rehabilitation or is required to register as a sex offender pursuant to PC section 290.

- ed. Pursuant to PC section 11105.6, a law enforcement agency may access state summary criminal history information from the CLETS to notify bail agents if a fugitive has been convicted of a violent felony.
- fe. Pursuant to Welfare and Institutions Code section 16504.5, county child welfare agency personnel conducting an investigation for the purposes described in this code section are entitled to state summary criminal history information from the CLETS by an appropriate governmental agency. Law enforcement personnel shall cooperate with the requests for the information and shall provide the information to the requesting entity in a timely manner.

F. DOJ Automated Criminal History System allowances:

1. Staff of any law enforcement or correctional/detention facility may process online criminal offender record information inquiries on any visitor to such facility.
2. A preliminary criminal offender record information search may be performed on any person prior to the approval as a "ride-along" with a law enforcement officer, provided that person is not an employee of the law enforcement agency.
3. In reference to California Penal Code Section 13202, access to the DOJ Automated Criminal History System is allowed for law enforcement statistical or research purposes only upon approval by the CA DOJ.

1.7.3 System Upgrade

An upgrade consists of any installation, replacement or planned enhancement that has a direct impact on the CLETS by a directly or indirectly connected host server of a CLETS subscribing agency.

- A. The subscribing agency shall forward a completed upgrade application to the County Control Agency/Direct Interface System Host for review and recommendation (see PPP sections 1.4.3 and 1.4.4). The County Control Agency/Direct Interface System Host shall send the application along with comments to the CA DOJ.
- B. **An *electronic*, one-page, *no longer than legal size, color* network configuration diagram is required with all upgrade applications and must include the following: *subscribing agency's entire network that accesses the CLETS and all other networks and users connected to the network. The diagram shall identify the following, if applicable:***
- agency name, county, and date
 - ~~how the system interfaces with the CLETS~~
 - ~~number, speed and types of data lines~~
 - ~~communications equipment vendor (including all hardware/software vendors)~~
 - ~~number and vendor name of fixed and mobile terminals and how they connect to host server~~
 - ~~remote vendor access, if applicable~~
 - ***the path of all CLETS traffic, both fixed and mobile, from the subscribing agency to the CA DOJ;***
 - ***all systems (e.g., Records Management System, CAD, MSC, etc.);***
 - ***each individual network (e.g., City, County, etc.);***
 - ***trusted and untrusted networks (indicate encryption, firewall & the controlling agency);***
 - ***public network segments used to transport the CLETS traffic***
 - ***Internet access that exists within the network (indicate firewall and the controlling agency);***
 - ***wireless access (e.g., satellite, microwave, wi-fi, cellular, etc.);***
 - ***all points of encryption and decryption;***
 - ***encryption levels and algorithms;***
 - ***remote and dial-up access and by whom it will be accessed (e.g., employee, vendor, etc.)***
- C. An upgrade application submitted by a County Control Agency must include an MSC/Users Costs and Requirements form (see **Exhibit H**).

The County Control Agency must certify that each of the CLETS subscribing agencies behind their interface is informed of all costs and/or requirements, if any, associated with the upgraded system (e.g., costs using a specified formula and listing cost ranges, specific equipment, county database access and cost, etc.) This information should be advanced to all affected agencies approximately 18 months prior to production for budgeting and planning purposes.