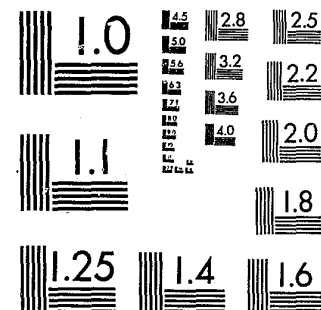


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STATE OF OKLAHOMA
PRIVACY AND SECURITY PLAN

FINAL REPORT
C 154

June 1976

Prepared for
OKLAHOMA CRIME COMMISSION

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EXECUTIVE SUMMARY

PURPOSE OF THE PRIVACY AND SECURITY PLAN

In 1973, by amendment to the Omnibus Crime Control and Safe Streets Act of 1968, the U. S. Congress enacted Section 524b (42 USC 3771b) which establishes certain ground rules for the collection, storage, and dissemination of criminal history record information maintained in manual and automated systems. On May 20, 1975, after holding hearings on the subject across the country, the U. S. Department of Justice, through the Law Enforcement Assistance Administration, published in the Federal Register Regulations implementing Section 524b. The Regulations became effective one month after publication on June 19, 1975.

The new regulations spell out a broad set of standards applying to all criminal justice information systems (federal, state, and local) which store criminal history record data and which have received the assistance of LEAA funds since July 1, 1973. As required by these Federal Regulations, Oklahoma herein submits its plan to provide those operational procedures necessary to ensure compliance with the Federal Regulations by December 31, 1977.

On July 8, 1975, Governor Boren designated the Oklahoma Crime Commission to prepare the Privacy and Security Plan. This document specifies the extent to which the State of Oklahoma is presently in compliance with the regulations and describes the steps the State will take to conform to all regulatory requirements by December 31, 1977.

It should be noted that the intent of the Department of Justice Regulation is to protect the privacy of individuals and ensure the security of criminal history record information from inappropriate access and use. In order to do this, the regulations require each state to develop the procedural means and regulations required by their own environment. Thus, this state plan will endeavor to effectively extend the Federal Regulations

to agencies and individuals throughout the State of Oklahoma, to provide a meaningful and attainable level of privacy and security of criminal history record information.

In developing this plan, it has become apparent that the current dynamic environment in which the outlined procedures will function may affect the exact description of a detailed system. The plan therefore proposes a system structured and defined to: (1) provide the most effective and complete compliance with the regulations, and (2) present the most probable organizational and procedural developments to be created over the next two years. Only through continual study and design effort will the eventual system emerge. It is fully understood that what is herein presented is a plan for action which may be modified as the elements of the desired compliance develop.

SUMMARY OF THE PLAN'S COMPONENTS

Central State Repository

The plan proposes that legislation be enacted which will create a repository of criminal history record information in the Oklahoma Bureau of Investigation. Where currently a record of arrest is maintained through fingerprint cards, it is proposed that all subsequent final dispositions for each major criminal justice process (prosecutorial, judicial, corrections, parole and probation) be appended.

This criminal history record information will be automated in such a manner to make proper knowledge of criminal histories available to criminal justice agencies throughout the state. Integration of the Oklahoma Bureau of Investigation information with the Oklahoma Law Enforcement Telecommunications System of the Department of Public Safety will provide prompt and reliable criminal information to such agencies and will further enhance cooperation and mutual sharing of concepts and information between agencies. This system will be developed to adequately meet the workload generated by the Federal Regulation requiring that the central state repository be queried prior to the dissemination of any criminal history record information by a criminal justice agency to any other agency or individual.

Disposition Reporting

In order to provide the central state repository with the required dispositions, a system will be developed with standardized procedures and forms to ensure that such dispositions are reported efficiently and correctly. This system will also ensure that correct dispositions are received within ninety days of their occurrence by integrating an automated monitoring function in the system design.

Dissemination Limitation

Legislation and regulations are proposed to limit the dissemination of non-conviction criminal history record information to only those agencies and individuals permitted access as required by the Federal Regulations as follows:

- (a) "To criminal justice agencies for purposes of the administration of criminal justice and criminal justice agency employment."
- (b) "To individuals and agencies for any purpose authorized by statute, ordinance, or executive order; or court rule, decision, or order; as construed by appropriate state or local officials or agencies."
- (c) "To individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement. The agreement shall specifically authorize access to data, limit the use of data to purposes for which given, ensure the security and confidentiality of data consistent with these regulations, and provide sanctions for violation thereof."
- (d) "To individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. The agreement shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, ensure the confidentiality and security of the data consistent with these regulations and with Section 524a of the Act and any regulations implementing Section 524a, and provide sanctions for the violation thereof."

These dissemination limitations do not apply to conviction data.

Further, where more than one year has elapsed from the date of arrest and no disposition of the charge has been recorded and no active prosecution is pending, criminal history record information will be restricted from dissemination to non-criminal justice agencies. Also, for purposes of licensing or employment checks, the confirmation of the existence or non-existence of criminal history record information will be considered dissemination and will be limited to authorized agencies or individuals only.

Regulatory Control

In order to provide adequate security for a criminal history record information system, the Federal Regulations require that a number of security procedures, many of which deal specifically with repositories, be instituted. Therefore the plan proposes that under authority of state law the Oklahoma Crime Commission will promulgate and enforce regulations to ensure the security of such information systems. Specific controls will be established by the Oklahoma Bureau of Investigation and the Department of Public Safety to safeguard the central state repository from any improper or unauthorized access to criminal history record information.

Regulations will be further disseminated to all agencies having access to or acting as repositories for criminal history record information. The development of contractual agreements with all agencies receiving such information and the application of stringent penalties for misuse is proposed.

Legislation will be sought to create an auditing capability in the Oklahoma Crime Commission and the Oklahoma Supreme Court Administrator's Office. Audits of randomly selected agencies will be performed on an annual basis to ensure agency compliance with Federal and State privacy and security regulations. Guidance and training of local and state agencies in the implementation and execution of privacy and security procedures will be provided by the audit team.

Access and Review

The Federal Regulations require that procedures be implemented by March 16, 1976 to allow an individual to access and review any criminal history record information concerning him and to challenge its correctness. Legislation will be sought giving the Oklahoma Crime Commission authority to issue regulations regarding such access and review. Procedures for access and review have been developed by the Oklahoma Crime Commission and reviewed by various criminal justice agencies. The procedures will be promulgated throughout the state by the above date.

Certification

The Federal Regulations require certification of the intent to conform to the regulations by the agency designated as the central state repository. All other agencies which have received funding from the Department of Justice Law Enforcement Assistance Administration for collection, storage or dissemination of criminal history record information since July 1, 1973 are also required to submit certifications.

The purpose of the certifications is to describe the current level of compliance with the Federal Regulations and further to briefly describe the plan of each agency to comply fully by December 31, 1977.

The certification statements will be completed and submitted as Attachments to this plan.

OVERALL IMPACT

From the brief descriptions presented above, it is readily seen that implementation of the Privacy and Security Plan will have considerable impact on a number of criminal justice agencies. Some of this impact can be described at this time, while additional effects can be described fully only after preliminary evaluation has been completed.

Among the immediate impacts are the effort necessary for the development of legislation and regulations providing authority and direction to create and

enforce a system of disposition reporting, criminal history record storage and dissemination. These elements of the plan should be developed through the efforts of the Oklahoma Crime Commission, coordinating the needs and resources of all the various criminal justice interests. Additional staff support (two persons) to direct the project and prepare the legislation and regulations will be required.

Another area where the need of additional support is presently discernible is that of audit and training staff. It is anticipated that the Evaluation Committee of the Oklahoma Crime Commission will share this function with personnel from the Supreme Court Administrator's Office. One additional person will be required in each of these departments to provide this support.

An area which is largely undefined at this point is data processing. This plan proposes that a study be undertaken immediately to evaluate the most cost-effective alternative for an automated central state repository. The study should address the workload requirements for data processing equipment, software and support personnel, merger possibilities with existing systems, and resultant manpower requirements for the Department of Public Safety, Oklahoma State Bureau of Investigation, Department of Corrections, and Supreme Court Administration. These results will be coordinated with other ongoing considerations regarding consolidation of Oklahoma's data processing systems.

As the design for the disposition reporting system is developed and merged with current plans to automate court and corrections information (as well as local law enforcement plans) additional manpower requirements may emerge in these areas. However, it is anticipated that these ongoing design efforts will minimize this impact through careful planning and the utilization of integrated data processing files.

Chapter 1

INTRODUCTION

AUTHORIZATION FOR THE PRIVACY AND SECURITY PLAN

In 1973, by amendment to the Omnibus Crime Control and Safe Streets Act of 1968, the U. S. Congress enacted Section 524b (42 USC 3771b) which establishes certain ground rules for the collection, storage, and dissemination of criminal history record information maintained in manual and automated systems which receive financial support under Title I of the amended Act. On May 20, 1975, after holding hearings on the subject across the country, the U. S. Department of Justice, through the Law Enforcement Assistance Administration, published Regulations implementing Section 524b in the Federal Register. The Regulations became effective one month after publication on June 19, 1975, and may be found in Part 20 of Chapter I of Title 28 in the Code of Federal Regulations.

In brief, the new Regulations spell out a broad set of standards applying to all criminal justice information agencies (federal, state, and local) which store criminal history record data and which have received the assistance of LEAA funds since July 1, 1973. These agencies are expected to fully comply with the Regulations by December 31, 1977.

As required by these Federal Regulations, Oklahoma herein submits its plan to provide those operational procedures necessary to ensure compliance with the Federal Regulations throughout the State.

AUTHORIZATION OF STATE PLANNING AGENCY

On July 8, 1975, Governor Boren designated the Oklahoma Crime Commission to prepare the Privacy and Security Plan. This document specifies the extent to which the State of Oklahoma is presently in compliance with the regulations and describes the steps the State will take to conform to all regulatory requirements by December 31, 1977.

The Oklahoma Crime Commission has determined those agencies having received LEAA funding since July 1, 1973 for purposes relating to the collection, storage or dissemination of criminal history record information. These agencies were informed of their need to meet the requirements of the regulations, and were given specific instructions regarding certification. Certification for these agencies was submitted as a separate document prior to March 16, 1976.

BACKGROUND

The following information is provided to describe the organization of the criminal justice functions in the State of Oklahoma. For purposes of this document, the definitions of words and phrases such as "criminal justice agency" and "criminal history record information" will be those provided in the Federal Regulations.

There are five major elements of criminal justice in Oklahoma:

Enforcement Agencies. Law enforcement in Oklahoma is primarily the responsibility of local governments, both municipal and county. There is no State police agency, as such, but several State agencies assist local law enforcement agencies. These agencies include the State Bureau of Investigation, the Highway Patrol in the Department of Public Safety, and State University campus police.

Courts. The Oklahoma court system consists of the Supreme Court, Court of Appeals, and Court of Criminal Appeals (courts of appellate jurisdiction); district courts (courts of general jurisdiction; and municipal courts (courts of limited and special jurisdiction).

The Supreme Court has general administrative control over all courts and appoints an administrative director of the courts to assist the Chief Justice in his administrative duties.

Prosecution and Legal Services Agencies. The State Attorney General is elected to advise the agencies and officers of the State in legal matters and to represent the State in litigation. A major part of the workload in the Attorney General's office consists of handling criminal appeals that arise from convictions obtained in district courts. District Attorneys are elected in each judicial district to prosecute all criminal cases arising out of violations of State statutes.

Correctional Agencies and Institutions. The Division of Institutions within the Department of Corrections supervises the State's adult correctional institutions. These include the State Penitentiary, the State Reformatory, training centers, and community centers, which provide work-release, study-release, and drug treatment.

Probation and Parole Agencies. The Division of Probation and Parole within the Department of Corrections is responsible for the supervision of adults on probation and parole as well as for presentence investigations for the courts.

At the State level, there are two agencies whose purpose and function are most closely related to the implementation of this privacy and security plan and the concept of a central state repository. They are the Department of Public Safety and the Oklahoma State Bureau of Investigation. The Oklahoma Crime Commission is responsible for statewide plan development, and for overall administrative control of privacy and security.

Oklahoma Crime Commission

The Oklahoma Crime Commission was created to carry out the purposes of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351) as amended. The Commission was vested with the power and responsibility of the State Planning Agency as authorized and required by said act. Further, it is the responsibility of the Commission:

- To develop plans for the prevention, detection and control of crime in the administration of the criminal process. In developing these plans, the Commission may conduct studies, survey resources and identify needs for research and development in this field.
- To encourage coordination, planning and research by law enforcement and criminal justice agencies throughout the state and to act as a clearing house for the dissemination of information on proposed, existing and completed research and development projects.
- To develop plans for the dissemination of information on proposed, existing and completed research and development projects.
- To advise the Governor, Legislature, and the various state departments and local jurisdictions charged with responsibility in the criminal process.

The Commission consists of forty (40) members appointed by the Governor and representing the various disciplines that make up the criminal justice system. Serving as members are the Attorney General, representatives from police departments and sheriff's departments, judges, district attorneys, State officials whose departments maintain an interest in law enforcement, elected officials, and representatives of the general public. The Commission members serve on one or more of the four standing committees; Police, Corrections, Courts, and Juvenile Delinquency. An Executive Committee exists and is composed of the Chairman of each of the four standing committees, the Commission Chairman, Vice Chairman, and the Executive Director (as an ex-officio member).

Commission members are assisted by a full-time professional staff headed by an Executive Director who is appointed by the Governor. The staff, like the Commission it serves, includes professionals with experience in various areas of the criminal justice system. The staff provides planning, research, evaluation, data analysis, and administrative support for the committees of the Commission and administers the programs and projects approved and funded by the Commission.

As indicated above, the Oklahoma Crime Commission was designated the responsible organization to develop the Privacy and Security Plan.

Department of Public Safety (DPS)

The Department of Public Safety, in addition to providing highway traffic, driver and motor vehicle registration, and law enforcement services throughout the State, also operates and maintains an on-line real-time computer system and a statewide law enforcement data communication network. The Oklahoma Law Enforcement Telecommunications System Division was created within the Department of Public Safety for this purpose. The Division utilizes and distributes information on criminals and the commission of crimes and provides user agencies with a data communications switching network to facilitate the exchange of law enforcement data throughout the State.

The Division is further responsible for the coordination of user agencies with the National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications System (NLETS).

The Division has developed a use and dissemination agreement for all user agencies of the system and requires such agreements with all agencies that have terminal access to the system.

The Department of Public Safety, as described herein, has no statutory responsibility, however, to provide information systems for criminal identification or history dissemination for the State.

Oklahoma State Bureau of Investigation (OSBI)

The Oklahoma State Bureau of Investigation has the statutory responsibility to:

"procure and file for record, photographs, descriptions, fingerprints, measurements, and other pertinent information relating to all persons who have been or may be hereafter convicted of a felony within the State and of all well-known and habitual criminals, and it shall be the duty of the person or persons in charge of any State institution to furnish such data upon the request of the Director of the Bureau. The State Bureau of Investigation shall cooperate with and assist the sheriffs, chiefs of police and other law enforcement officers of the State in the establishment of a complete system of criminal identification..." (OS 74§157)

A system is being implemented to provide an automated index to the OSBI criminal identification files through the Oklahoma Law Enforcement Telecommunications System. This index, or criminal profile system, will provide pointers to the identification file and will contain arrest data, thus constituting a basic criminal history record file as defined by the Federal Regulations (Sec. 20.3b). It will be accessible to the terminal users of the data processing system operated by the Department of Public Safety.

POTENTIAL IMPACT

At present, the Oklahoma Crime Commission, Department of Public Safety and the State Bureau of Investigation all report separately to the Governor of the State of Oklahoma.

Another major impact to any development of a computerized criminal history system is the current emphasis being placed on consolidation within the State government of all computer services. An existing act (OS 74§118[12]), as stated, would exclude the Oklahoma Commission for Criminal Telecommunication and Law Enforcement System (OCCTLES) from inclusion in the State plan for consolidation. OCCTLES was disbanded by law in 1975 (OS 47§2-124) and the data processing function transferred to the Department of Public Safety. While the data processing function is currently provided by the Department of Public Safety, it is unclear at this time whether or not it will be incorporated in the consolidation plans.

Thus, the organizational status of the Oklahoma State criminal justice agencies is seen as dynamic and will be subject to redefinition. The Oklahoma Crime Commission is responsible for the development of this plan's legislation. The Oklahoma State Bureau of Investigation will continue to be responsible for the procedural and functional requirements for completion of the plan by December 1977.

LEGISLATIVE IMPACT

There is, at present, minimal legislation relating to privacy and security of criminal history record information in the State of Oklahoma. There is no legislation expressly dealing with the privacy and security of criminal history record information, nor is there any direction for any existing agencies to issue regulations or otherwise assure the privacy and security of such criminal history record information.

Thus, a major effort that the State of Oklahoma will undertake to ensure conformity with the requirements of the Federal Regulations will be the development of legislation authorizing the Oklahoma Crime Commission to

provide for compliance with the requirements. The Governor's Legislative Council has been enlisted to begin the preparation of comprehensive privacy and security legislation which will serve the interests and concerns of the people of Oklahoma as well as meet the requirements of the Federal Regulations.

Similarly, the Oklahoma State Bureau of Investigation will develop regulations and policies for implementing this legislation utilizing a committee structure representing the total Oklahoma criminal justice community.

CONCLUSIONS

A major conclusion which can be drawn from the information presented thus far is that the procedures and operations of criminal justice agencies in the State of Oklahoma presently do not comply with the Federal Regulations. Further, compliance by these agencies will require considerable effort, dramatic change in procedure in several instances, and, generally, an extensive organizational effort by the State to provide and coordinate the collection and dissemination of information.

In order to provide this needed coordination, the State of Oklahoma proposes to take several steps:

1. Create, by legislation, the authority to issue comprehensive privacy and security regulations, and monitor agency compliance with such regulations.
2. Create, by legislation, a State system of disposition gathering for criminal history maintenance.
3. Create a system for dissemination and control of criminal history information for legitimate and verified purposes.
4. Provide, by legislation, support for the above processes through the development of sanctions and penalties.

It is clear that the impact of the Federal Regulations require legislation for effective implementation. Such legislation will be sought by the current administration. In lieu of such legislation, the State of Oklahoma

proposes and will further seek alternative procedures and increased coordination between agencies to meet the compliance requirements.

The following plan outlines the direction that the State of Oklahoma intends to pursue to comply with the Federal Privacy and Security Regulations. An initial chapter describes the proposed repository the State will develop. Remaining chapters address the topical areas outlined in the Federal Regulations.

Chapter 2

CENTRAL STATE REPOSITORY CONCEPT

The Oklahoma State Bureau of Investigation (OSBI) will be designated as the central state repository for collection, storage, and dissemination of criminal history record information. OSBI was created by law (OS 74§152) within the Executive Department and Office of the Governor of the State of Oklahoma. Among other duties and responsibilities, it is required to maintain fingerprint and other files of pertinent information relating to felony and habitual criminals. OSBI is further required to "cooperate with and assist the sheriffs, chiefs of police, and other law enforcement officers of the State in the establishment of a complete system of criminal identification..." (OS 74§157). Further, the law requires persons in charge of State agencies to furnish data for this purpose upon request of the Director of the Bureau.

The law currently requires law enforcement agencies throughout the State to provide fingerprint cards upon arrest of an individual on charges of any felony offense, suspected fugitives from justice, and persons charged with any of numerous other serious crimes. There is no specific requirement regarding the reporting of dispositions from courts or the Department of Corrections, which would include pardon, parole, and probation functions. There is also no requirement for reporting the occurrence of arrest or subsequent disposition information within any specified time span.

The Oklahoma Law Enforcement Telecommunications Systems Division (OLETS) was created in the Department of Public Safety to "operate and maintain an on-line, real-time computer system and a statewide law enforcement data communication network. The Division shall utilize and distribute information on vehicle registration, driver records, criminals, and the commission of crimes." (OS 47§2-124)

Thus, it is appropriate that OSBI provide the criminal history record information files to serve the criminal justice agencies throughout the State.

Access to the information contained therein will be through the use of the OLETS as a communications facility.

At present, OSBI is developing a criminal history profile system which will serve as an automated index to the OSBI manual criminal histories. The file will provide arrest information for access via OLETS by the 90 terminals currently on-line. The file will be expanded to maintain all dispositions related to such arrests.

Procedures were developed by DPS for the security of the data processing center and terminal operations. Instructions regarding the system function, privacy and security regulations, secondary dissemination restrictions, and sanction will be promulgated to all users by DPS as required by the Federal Regulations and State legislation to be proposed. Legislative action will be pursued in the first quarter of 1977 which will authorize OSBI to function as a central state repository, giving that agency authority to require disposition reporting within ninety (90) days following occurrence, by law enforcement, prosecutorial, judicial, and corrections elements of the criminal justice system. Further, the agency will be responsible, given such legislation, for ensuring the privacy and security of criminal history record information files, and developing effective monitoring and auditing controls for the system.

Chapter 3

COMPLETENESS AND TIMELINESS OF CRIMINAL HISTORY RECORD DATA

Section 524b of the Safe Streets Acts of 1973 requires that automated criminal history record information be kept current and that disposition data be included with arrest data to the maximum extent feasible. The Federal Regulations define these standards by requiring that with respect to arrests occurring after June 19, 1975, "to the maximum extent feasible" dispositions must be reported to the central state repository within ninety (90) days of the time when they occur. Dispositions must also be reported as quickly as possible to any other facility which disseminates criminal history records. As a further measure to ensure that only the most complete data is disseminated, the Federal Regulations require that, except in cases where "time is of the essence" and the requisite response cannot be obtained with sufficient speed, disseminates must query the central state repository with regard to open or new arrests prior to disseminating criminal history data outside the agency.

As the Instructions¹ indicate (p. 6) Sec. 524b of the Crime Control Act of 1973 was intended to ensure that criminal history records, whose collection, storage, or dissemination was funded in whole or in part by LEAA funds, be complete and accurate wherever they are stored. As local criminal justice agencies in Oklahoma store and disseminate criminal history record information, it is clear that the Federal Regulations require that they include all dispositions available--at least all which occur within the jurisdiction for which they are directly responsible--and that they must develop and implement procedures to comply with the query before dissemination rule to ensure transmittal of current information.

¹Revised Privacy and Security Planning Instructions, published April 1976 by LEAA.

Where such local repositories of criminal history data remain in operation beyond December 31, 1977, OSBI will issue regulations by October 1977 requiring that disposition data be obtained directly from the central state repository rather than from a local recording agency. OCC has already advised most major criminal justice agencies at both the State and local levels of the existence of the Federal Regulations and of their implications for all users. In addition, OSBI will prepare model operational procedures to assist local users in developing their own internal regulations in compliance with the Federal standards pertaining to completeness and query before dissemination. These model procedures will be available by February of 1977.

This chapter of the Plan describes the disposition reporting procedures currently in effect in Oklahoma to post criminal history data with OSBI; it also reports on modifications to the current system which will enable Oklahoma to fully comply with the ninety (90) day rule by or before December 31, 1977. Procedures which will enable local agencies to comply with the requirement for query before dissemination are also described.

CURRENT DISPOSITION REPORTING

The following is a summary description of disposition reporting procedures now in effect:

Police

When an arrest is made for a felony, or for any of a number of other specified reasons, the offender's fingerprints are taken in triplicate. One copy of these prints is sent to the Oklahoma State Bureau of Investigation and one to the Federal Bureau of Investigation. The remaining copy is filed by the arresting agency.

The OSBI, upon receipt of the fingerprint card, will classify the prints and search their files for an identification of the individual. Failing this, an ID number is assigned to the individual. The arresting agency is notified by mail of the ID number for the defendant. It is estimated that the OSBI receives 90 percent of the fingerprint cards at this time.

Prosecution

This function is jointly shared by County Prosecutors and the office of the Attorney General for certain cases. The Attorney General functions as the Chief Law Officer of the State and, in addition to other functions, provides the following relevant services:

- Appears for the State in all actions or proceedings, civil or criminal, in the Supreme Court, Criminal Court of Appeals, District and other state trial courts, and any of the Federal Courts.
- Appears, as required by statute, and prosecutes or defends, before any court, board or commission, any cause or proceeding in which the State is an interested party.

Neither the prosecution nor the Attorney General's Office provide disposition data regarding case filings to OSBI at present.

Courts

Disposition information from the courts is reported to the Office of the Court Administrator for statistical and management information purposes. While at present this information is not utilized to update arrest records, an automated court information system is currently being designed which will ultimately interface with the OSBI files for disposition reporting. The Court Information System will be designed to capture all final disposition information as defined by the Federal Regulations. A real-time interface is planned, with the Department of Public Safety data processing system, to transfer the required information to the OSBI system for update of the automated files.

Corrections

The Department of Corrections includes the parole and probation functions in the State of Oklahoma. While fingerprint checks are made at the time of admission to the state correctional facilities, no consistent procedure for disposition reporting of inmate releases, or for either the parole or probation functions, has been developed.

The Department of Corrections is in a dynamic state and is in the process of increasing its use of data processing services. It is anticipated that a comprehensive inmate tracking system will be developed which will include a positive identification function, and a disposition data gathering and reporting function. This system is being developed in coordination with the Oklahoma Crime Commission. The ability to report dispositions to the OSBI for updating of files will be a necessary design function.

Summary

The State of Oklahoma is aware that current disposition reporting procedures fail to meet the criteria defined in the Federal Regulations. Disposition reporting currently is incomplete, failing to capture data elements from several functions, and failing to capture all the occurrences in other areas. Further, there is no time criteria established for the disposition reporting which does exist.

PROPOSED DISPOSITION REPORTING SYSTEM

The need to develop regulations and procedures for disposition reporting is apparent. The Oklahoma Crime Commission will seek legislation to ensure timely disposition reporting within a maximum of ninety (90) days from occurrence. The proposed legislation will set forth the responsibilities of all agencies with regard to disposition reporting and will clarify sanctions for failure to comply.

Procedures will be developed and implemented "to the maximum extent feasible" to ensure timely and accurate disposition reporting to all repositories. The timeliness of disposition reporting will be verified by the auditing procedures discussed in Chapter 6. The Oklahoma Crime Commission proposes to submit legislation to the Governor's Office in the fall of 1976.

Regulations will be developed which will define the mechanisms and procedures to be utilized for data capture and the time frame for disposition reporting. These regulations will be developed by the Oklahoma State Bureau of Investigation by October 1977.

System interface requirements will be cooperatively developed by OSBI, the Department of Corrections, the Office of the Court Administrator, Department of Public Safety, and all major law enforcement agencies in order to facilitate the development and interfacing of data processing systems and to ensure the development of an effective identification and tracking system.

The Oklahoma Crime Commission, Supreme Court Administrator's Office and the Oklahoma State Bureau of Investigation will prepare a study and develop a system design for a judicial disposition reporting system which will satisfy the requirements of the Federal Regulations. This study will cooperatively develop procedures capturing all appropriate dispositions, provide for positive identification and tracking requirements, and meet or exceed the ninety (90) day reporting criteria.

The disposition reporting system, utilizing OSBI as a central repository facility will be implemented by December 31, 1977. The Oklahoma Crime Commission will have administrative control for coordinating the design and implementation of the system.

PROPOSED INTERIM ACTIONS TO PROVIDE COMPLETENESS AND TIMELINESS

The Oklahoma State Bureau of Investigation will request the development of disposition reporting procedures by the prosecutor's offices, the Office of the Attorney General, the courts, and the Department of Corrections. Development of disposition forms and procedures for their use will be requested in coordination with the Oklahoma State Bureau of Investigation.

The Oklahoma State Bureau of Investigation will coordinate the development of procedures for disposition reporting in order to concurrently develop an effective tracking system. The object of this tracking system will be to ensure the linkage of disposition information from a variety of criminal justice agencies to the appropriate set of fingerprints taken at the time of arrest.

The need to provide disposition data promptly will be impressed upon all criminal justice agencies, and a criteria of ninety (90) days following

occurrence of the disposition event will be set. Agencies failing to meet this criteria will be assisted by personnel from the Oklahoma Crime Commission or Court Administrator's Office in assessing the problems or delays and in identifying possible solutions.

QUERY BEFORE DISSEMINATION

As a further guarantee that decisions about individuals who have previously been arrested are based on current information, the Federal Regulations require that the central state repository establish procedures to permit inquiry of its files prior to dissemination of criminal history record information. They further require that inquiries "shall be made prior to any dissemination except...where time is of the essence and the repository is technically incapable of responding" with sufficient speed.

Inquiries pursuant to this requirement would normally be made by supplying the record subject's name and/or Oklahoma Identification number to OSBI through the telecommunications system to search against its files. OSBI is currently developing a capability to perform automated in-house searches of this nature. The Department of Public Safety has established linkages to remote users through the OLETS network which allows the rapid, real-time response needed to implement the query before dissemination rule to certain agencies.

In order to make the Query Before Dissemination function effective, a complete and effective disposition reporting system is required. Until the disposition reporting system is complete, OSBI will implement a procedure requiring users of the system to query appropriate local criminal justice agencies when incomplete criminal history records are indicated by the central repository files.

When the prior query capability is operational, all users will be obligated to query the central repository whenever dissemination is intended and, judging by the circumstances, it is possible that new information pertaining to the defendant could have arrived at OSBI. Thus, if during the course of a police investigation, agency A asks agency B whether B has any criminal

history data on X (the subject of the investigation) and B responds affirmatively, B must inquire of the central repository--unless the criminal history record was received in the last 24 hours--to ascertain whether there has been any further activity before disseminating to A. In post-arrest situations, query will be required whenever an agency disseminates a criminal history which has been in its possession longer than 48 hours. The foregoing standards will be enforced by means of the Department of Public Safety Use and Dissemination agreement.

Before implementing the dissemination inquiry capability, OSBI and the Department of Public Safety will promulgate appropriate procedures to ensure the protection of both the privacy and security of the data base and records file. These procedures will include rules regarding terminal logs, validation of users and terminals, physical security of remote terminals and limitations on dissemination. Software configurations will be developed by DPS to increase protection against unauthorized use. These include passwords, matrices for authorization by terminal ID, or personal ID, as well as a system audit capability to detect suspicious or inappropriate activity on the system.

It is anticipated that the regulations, procedures and agreements will be prepared and implemented by October 1977.

Chapter 4

LIMITS ON DISSEMINATION

GENERAL LIMITS

In Section 20.21(b) and 20.21(c), the Federal Regulations provide for the limitation of dissemination of non-conviction criminal history record information and for the general policies to be utilized in disseminating such information. In this context, dissemination means transmission of criminal history record information to individuals and agencies other than the criminal justice agency which maintains the criminal history record information. For employment or licensing checks, dissemination includes confirmation of the existence or non-existence of a criminal history record.

There are currently no laws in the State of Oklahoma which provide for the privacy or confidentiality of criminal history record information. Written procedures have been established within several of the local and state agencies for disseminating such information, generally in regard to non-criminal justice agencies.

Further, there was some concern regarding the State statutory requirement for certain types of records, including those of the courts, to be held open to public review. However, the revised Federal Regulations allow court records of public judicial proceedings whether accessed on a chronological basis or on an alphabetical basis to be open to public review.

The Oklahoma Crime Commission will pursue legislation during the 1977 session to ensure that dissemination of information is limited as outlined in the Federal Regulations Section 20.21(b) as follows:

- "To criminal justice agencies for purposes of the administration of criminal justice and criminal justice agency employment."
- "To individuals and agencies for any purpose authorized by statute, ordinance, or executive order; or court rules, decision, or order, as construed by appropriate State or local officials or agencies."

- "To individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement. The agreement shall specifically authorize access to data, limit the use of data to purposes for which given, ensure the security and confidentiality of the data consistent with these regulations, and provide sanctions for violation thereof."

- "To individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. The agreement shall specifically authorize access to data, limit the use of data to research evaluative, or statistical purposes, ensure the confidentiality and security of the data consistent with these regulations and with Section 524a of the Act and any regulations implementing Section 524a, and provide sanctions for the violation thereof."

These dissemination limitations do not apply to conviction data.

The Regulations distinguish between conviction and non-conviction information insofar as dissemination is concerned. Conviction information is "currently made available without limitation in many jurisdictions." (Under the Federal Regulations, conviction data and pending charges could continue to be disseminated routinely. No statute, ordinance, executive order, or court rule is necessary in order to authorize dissemination of conviction data. However, nothing in the Federal Regulations shall be construed to negate a State law limiting such dissemination.) The Oklahoma Crime Commission will also pursue specific legislation during the 1977 session to limit dissemination of conviction data where applicable, and deemed appropriate by the State of Oklahoma.

By December 1976, the Oklahoma Crime Commission intends to complete a comprehensive analysis of the extent to which criminal history record information is currently disseminated to non-criminal justice agencies within each of the above categories. It will be OCC's policy to clearly define specific agencies and uses of criminal history record information in regulations to be issued by October 1977 in order to provide effective guidelines for criminal justice agencies.

Concurrently, OCC will conduct another study to identify Federal agencies which currently access the state and local agency data bases for pre-employment purposes. The authority of each agency to so access will be carefully reviewed and regulations developed to define Oklahoma policy regarding Federal access to criminal history record information consistent with the Federal Regulations.

The requirements of Section 20.21(c) will be met as follows:

VALIDATION OF RIGHT OF ACCESS

OSBI will develop and maintain a list of all agencies which have been cleared for access to criminal history record information. This list will be provided to all repositories on an interim basis and will eventually be utilized by the central state repository to validate authorization to access.

Before any dissemination takes place, all disseminating agencies will be instructed to ensure that the potential recipient agency is an agency permitted to receive such information under the Regulations. Personnel designated to disseminate information will be instructed to consult the list if they are uncertain whether or not a particular request should be serviced. If a potential criminal history record recipient claims to be authorized to receive such information pursuant to a statute, ordinance, executive order, or court rule, decision, or order, the disseminating agency will review the text of such authority prior to dissemination.

If the disseminating agency is not certain that the requestor has proper authority for dissemination, it will refuse to release the information and will be instructed to refer the request to OSBI for eventual consideration by counsel. Criminal justice agencies may accept written or oral representations from requesting agencies or individuals that their authority to receive non-conviction criminal history record information has been received and approved by the central state repository or by another criminal justice agency.

Verification for individuals receiving their own criminal history record information will be made on the basis of fingerprints or identification by recognition.

SPECIFIC GUIDANCE TO PERSONNEL

It is recognized that all personnel who are responsible for accessing and maintaining sensitive files are in a position to either purposely or accidentally disclose confidential information. The data processing center which services the Oklahoma State Bureau of Investigation currently has a personnel clearance system in effect. Written procedures will be completed and approved by the Public Safety Commission by December 1976. In addition, adequate instructions will be provided to ensure that sensitive data, both automated and manual, is handled properly. Specifically, instructions will be included to prohibit confirmation of the existence or non-existence of criminal history record information for employment or licensing purposes, except as provided for under Federal Regulations 20.21(c)(2).

EXPIRATION OF AVAILABILITY OF CRIMINAL HISTORY RECORD INFORMATION

After December 31, 1977, criminal history record information concerning the arrest of an individual will not be disseminated to a non-criminal justice agency except under Section 20.21(b)(2), (3), or (4) of the Federal Regulations. Also, the only limits on dissemination imposed relate to "non-conviction data" as defined in Section 20.3(k). This will include information disclosing (1) the police have elected not to refer the matter to prosecution, (2) a prosecutor has elected not to commence proceedings, (3) proceedings have been indefinitely postponed, (4) all dismissals, (5) all acquittals, and (6) arrest records without disposition if a year has elapsed and no conviction has resulted and no prosecution is pending.

To cover this requirement the Oklahoma State Bureau of Investigation in conjunction with the Department of Public Safety data processing facility will establish a delinquent disposition monitoring system to include dates of dispositions in on-line data files, and restrict dissemination of delinquent disposition information as discussed in Chapter 5 of this plan, Audits and Quality Control.

Agencies using computer terminals and authorized to receive such information will be noted by flags on the record notifying them that certain segments of the criminal history record are subject to restricted dissemination. This procedure will ensure that terminal operations at remote sites will not release restricted information to unauthorized sources.

For manual systems, OSBI will instruct all agencies disseminating criminal history record information to implement a visual screening technique to appropriately identify record entries subject to the restrictions on dissemination. These visual screening techniques will include specific guidance to clerical personnel retrieving and disseminating criminal history record information by providing checking procedures to be followed prior to record dissemination. The screening techniques will also include procedures for update of the manual file to reflect data subject to restricted dissemination for future inquiries on that particular criminal history record. Instructions regarding these manual system procedures will be disseminated by OSBI to all criminal justice agencies, both state and local by December 1976.

Regulations will be issued in October 1977 by the OSBI to all agencies to which the central state repository disseminates criminal history record information forbidding the dissemination of open arrests over one year to non-criminal justice agencies unless prosecution is pending.

OSBI will provide procedures by February 1977 for all criminal justice agencies to which criminal history records are disseminated detailing restrictions on internal agency use, validation of statutory authority of non-criminal justice agencies, and security procedures. These instructions will fully explain the restrictions imposed on dissemination of open arrests more than one year old and will provide specific guidance to clerical personnel receiving and disseminating criminal histories on both manual and automated systems.

AGREEMENTS

The Regulations require the State to ensure that after December 31, 1977, dissemination of non-conviction data has been limited, whether directly or through an intermediary only to criminal justice agencies and specified

categories of legally authorized non-criminal justice agencies and individuals. User agreements between disseminating and receiving agencies will be designed and utilized to fulfill this requirement.

Restrictions on permissible use of criminal history records supplied to non-criminal justice agencies will be incorporated in the terms of the standard DPS Use and Dissemination agreements generally by means of language indicating that use is restricted to the purposes for which the record was supplied. Sanctions for violation of the agreement will also be provided in the Use and Dissemination agreement. A Use and Dissemination agreement will be signed by all accessors whether access is temporary or for long-term agency involvement.

Sanctions will include cancellation of services if the receiving agency violates the requirements relating to dissemination, internal use and physical security. The agreement will also stipulate that the receiving agency may be subject to sanctions, levied by the State, for violating the regulations. Legislation will be proposed which would levy a \$10,000 fine, per incident, on violators of the State or Federal Regulations.

Once an agreement has been signed between a disseminating agency and a receiving agency, the agreement will be binding for all future disseminations of non-conviction criminal history information. These agreements will be in the form of a standard contract prepared by the State for use by all agencies subject to the regulations. Each agency will designate a responsible person to have authority to sign such agreements.

The Oklahoma Crime Commission will also pursue legislation during the 1977 legislative session to require Non-Disclosure and Secondary Dissemination Agreements, with the appropriate sanctions, to be signed by non-criminal justice agencies and individuals to whom non-conviction criminal history record information is disseminated.

Whenever a criminal justice agency subject to the regulations receives a request for a record, it will, before dissemination, determine that the

requesting agency or individual is (1) an eligible recipient and (2) aware of and subject to the limits on use and dissemination imposed by the Regulations. The non-criminal justice recipients will be made aware through the Non-Disclosure and Secondary Dissemination Agreement that they are subject to the provisions of Section 20.21(c)(1) prohibiting secondary disseminations and restricting the use of non-conviction criminal history records to the specific purposes for which they were made available.

By July 1977, all recipients will be required to sign an agreement to enforce appropriate measures and to ensure the security and confidentiality of criminal history records. The agreement will also contain an acknowledgment by the recipient agency or individual that the record(s) are subject to limits on use and secondary dissemination and that violation of these limits will result in the imposition by the State of penalties and sanctions.

The agreements will also include, but not be limited to the following:

- Name of agency disseminating data
- Name of agency or individual receiving data
- Specific reason for dissemination of data
- Specifications or restrictions for internal agency use and secondary dissemination
- Instruction for adequate security procedures consistent with the regulations
- A statement that the agency or individual is cognizant of the regulations and agreeable to abide by them where applicable.

As provided for in the Federal Regulations, certifications have been obtained from certain criminal justice agencies which are subject to the Regulations. Therefore, it will not be required that each criminal justice agency obtain a certification or execute a user agreement with every individual to whom it disseminates information, if each such agency or individual submitted a certification to the Oklahoma Crime Commission or signed a user agreement with another criminal justice agency. Criminal justice agencies may also accept oral representations that requesting agencies, either in or out of the state have submitted certifications or have signed user agreements incorporating the limits and requirements of the Federal Regulations.

In summary, in order to receive criminal history records, agencies and individuals will be determined to be both eligible under Section 20.21(b) and subject to the Regulations by virtue of a certification, or a user agreement.

SANCTIONS

As indicated above, legislation will be sought in the 1977 session providing sanction authority and mechanisms for all violations of the Federal Regulations as well as the proposed State Regulations. The proposed State Regulations will include discussion of sanctions, the responsible agency for levying such sanction, and conditions under which sanctions will be levied.

Agreement that agencies may be subject to such sanctions will be included in user agreements of criminal and non-criminal justice agencies and individuals.

In lieu of such legislation, OCC proposes that the following sanctions will be immediately imposed for violators of the Federal Regulations:

1. The Department of Public Safety and the Oklahoma Bureau of Investigation will prohibit both manual and computerized access to non-conviction criminal history record information by those agencies not in compliance.
2. The Oklahoma Crime Commission will cut off LEAA funding to any receiving agency not in compliance.

DISSEMINATION OF JUVENILE RECORDS

The Oklahoma State Bureau of Investigation policy requires separate record files for juvenile offenders, and disseminates only to criminal justice agencies. Access to the files by the juvenile himself when accompanied by a parent or guardian is permitted. Policies set and maintained by other agencies throughout the State vary widely.

Oklahoma law (OS 10§1203) prohibits the dissemination of records of proceedings relating to the adjudication of juveniles to all non-criminal justice agencies. Thus, the current statutes meet and exceed the requirements of the Federal Regulations.

ACCESS BY THE MILITARY

Section 504 of Title 10 of the United States Code provides that no person convicted of a felony may enlist in the armed forces except with special permission. Since implementation of this statute requires armed forces recruiters to review only conviction records, the statute does not provide adequate authority for the dissemination of non-conviction data. Section 20.21(b)(2) of the Federal Regulations states that "dissemination of non-conviction data has been limited, whether directly or through an intermediary only to: (2) Individuals and agencies for any purpose authorized by statute, ordinance, or executive order; or court rule, decision, or order, as construed by appropriate State or local officials or agencies." This is not addressed in laws governing the State of Oklahoma. Therefore, the Oklahoma Crime Commission will pursue legislation or executive order during the 1977 session to provide for release of such non-conviction criminal history record information to military service recruiters only under the following condition:

- Military service recruiters and agents for government units conducting employment background investigations must furnish a notarized release, signed by the person whose record is being checked. The release will be retained by the Oklahoma State Bureau of Investigation.

Section 20.21(d) which specifically refers to juvenile records, prohibits dissemination of juvenile records to non-criminal justice agencies. Since Section 504 of Title 10 of the United States Code does not contain any reference to juvenile records, it does not fulfill this requirement and may not be relied upon as authority for allowing military recruiters to access juvenile records. In the absence of an Oklahoma statute or federal executive order conferring such authority, juvenile records may not be accessed by military recruiters.

Chapter 5

AUDITS AND QUALITY CONTROL

Sections 20.21(a) and 20.21(e) of the Federal Regulations require two different types of audits: (1) systematic audit, and (2) annual audit. The systematic audit is provided as a quality control mechanism to guarantee the completeness and accuracy of criminal history record information stored in repositories. The annual audit will examine the extent to which both State and local criminal justice agencies are complying with all regulatory requirements. The annual audit will be provided for a representative sample of State and local criminal justice agencies selected on a random basis ensuring every agency will be audited.

Field staff and liaison personnel will play a key role in the audit process; collecting and analyzing information, discussing problems, and developing procedures and regulations with the various State and local agencies. The responsibility for these activities will be shared between the Oklahoma Crime Commission and the Oklahoma State Supreme Court. In order to perform these functions adequately, additional personnel will be required.

This section of the Plan details the conduct of the Oklahoma Crime Commission's systematic audits of the proposed central repository's internal procedures and the Crime Commission/Supreme Court's cooperative audits of all users. Local criminal history repositories, such as the Oklahoma Supreme Court or Tulsa Police Department, will describe their compliance with the requirements of systematic audits in their certifications statements.

Authorization to issue and enforce regulations to this effect will be sought in the legislative session of 1977.

SYSTEMATIC AUDIT

A systematic audit process is the combination of systems and procedures employed to ensure record completeness and verify accuracy. The systematic

audit procedures to be utilized in the State of Oklahoma by the central state repository as well as by other State and local repositories will be designed and developed as an effort of the Evaluation Committee of the Oklahoma Crime Commission. This agency will audit and monitor the automated and manual segments of state criminal history record information repositories in order to:

- Check all incoming data for completeness
- Locate delinquent dispositions
- Check offense codes and sentencing for appropriateness
- Audit correctness and sequence of disposition
- Check all designated, required information for entry
- Monitor appropriateness of terminal requests
- Notify management of inappropriate errors or request activity
- Prevent non-criminal justice dissemination where appropriate
- Provide an audit trail which will permit tracking of individual data elements back to the source documents.

The Evaluation Committee will act as liaison between the Crime Commission and other user agencies and will verify the status of delinquent dispositions, collect information on system functions and use and monitor local operations to ensure adherence to the Federal Regulations. The procedures for the systematic audit function will be designed and implemented by December 31, 1977.

Edit and Verification

At present when arrest fingerprints arrive at the Oklahoma State Bureau of Investigation, they are subjected to a complete manual quality check which includes all necessary coding, editing and transcription. When essential elements are missing or deemed to be incorrect, the contributor will be contacted by telephone or mail, and the errors or omissions rectified. This procedure will be extended to include all subsequent dispositions as well. Accuracy checks during the edit and verification process will provide controls and inspections on the input to the system to ensure integrity. In both manual and automated system, the audit will ensure that all record

entries are verified and appropriately edited prior to entry, and that source documents are properly interpreted. Audit procedures will include random inspection of the records and comparison with source documents to determine if data handling procedures are being correctly followed.

Delinquent Disposition Reporting

Inherent in the procedures dealing with completeness and accuracy checks will be a delinquent disposition monitoring system. The delinquent disposition monitoring system will be based on expected arrival dates for final dispositions which reflect anticipated processing periods for each criminal offense.

Batch processing of automated files will be utilized to detect delinquent dispositions for manual procedures. If a disposition is not received by the estimated due date, the appropriate reporting agency will be automatically notified and requested to investigate and follow related audit trails to obtain the disposition information.

A program will be written to permit the flagging of all teleprocessing output by an automated repository which contains potentially delinquent dispositions or (in the case of dissemination to a non-criminal justice agency) which may be subject to restrictions on further dissemination by reason of the "one year" rule. Criminal history records containing open arrests more than one year old would be automatically withheld from non-criminal justice agencies unless release is authorized under the exceptions to Section 20.21 (c)(1) of the Federal Regulations. The manual systems procedures will be accomplished by utilizing screening techniques to flag delinquent dispositions and make notations on the limits on dissemination.

Audit Trails

The Oklahoma Crime Commission Evaluation Committee will make provisions in the audit procedures to provide a clear and specific audit trail to ensure a maximum level of system accuracy. The audit trail is required for tracing specific data elements back to the source document and will encompass all agencies participating in the criminal history record information system.

The audit trail will additionally reflect specific individuals who have made entries on source documents or input formats supporting the system. It is understood that this requirement is necessary to prevent violation of the Regulations by agencies and/or individuals.

Dissemination Logs

All Oklahoma criminal justice agencies disseminating criminal history record information will be required by OCC to maintain complete records of transactions in order to provide accountability for the collection, storage and dissemination of criminal history data. The logging procedure and dissemination logs will support the audit process and provide a means for criminal justice agencies to notify other criminal justice agencies and/or individuals both inside and outside the state known to have received erroneous or inaccurate information.

Statutory authorization to promulgate such procedures will be sought in the legislative session of 1977 and the procedures for the annual audits will be issued by October 1977.

The logs will be maintained as required from one audit period to another and will indicate, at a minimum, the agency or individual to whom the information was released, the date of the release, the individual to whom the information relates and the items of criminal history record information released. The logs will also contain the unique numeric identification supplied by the Oklahoma State Bureau of Investigation to provide positive identification links between the criminal history record information which is disseminated and the record from which the criminal history record information was extracted.

Agencies known to have received criminal history record information containing inaccurate data will be furnished corrected data via on-line terminal or by mail. Corrections to records will be provided in hard copy form and a record kept of the agencies to which corrections were sent and the date the notifications were released.

These procedures will be developed in proposed legislation to be submitted to the Oklahoma legislature in the 1977 session.

ANNUAL AUDIT

In order to comply with the requirements of Section 20.21(e) of the Regulations, the Oklahoma Crime Commission Evaluation Committee and the Oklahoma State Supreme Court will design and implement procedures that will ensure annual audits of a representative sample of State and local criminal justice agencies are conducted to verify that appropriate records are maintained.

An annual audit of each criminal justice agency in the State would be cost prohibitive, therefore a random sampling technique will be utilized. The technique will ensure that each criminal justice agency is audited periodically and that a statistically significant examination of the accuracy and completeness of data maintained in the central state repository is accomplished. It will also ensure that other provisions of the Regulations are being upheld.

The specific sampling approach to be used in conducting annual audits of criminal justice agencies will be as follows:

State Level Criminal Justice Agencies -- audited every three years.

Courts -- audited every three years. The State Court Administrator will have the responsibility for annual audits of the courts.

Local Law Enforcement Agencies Over 10,000 Population -- audited every five years.

Local Law Enforcement Agencies Under 10,000 Population -- audited every seven years.

Once an agency has been audited during the required time span, its name will be dropped from the list for the required period of years for annual audits.

The Oklahoma Crime Commission Evaluation Committee will be responsible for all annual audits with the exception of the courts which will be conducted by the Office of the Court Administrator. The annual audit procedures will also include provisions for examination of specific records at the central state repository level. The records will be traced through an internal update procedure back through field processing to the source document.

All users of criminal history record information will agree to hold themselves open to such audits and to maintain such documents as are determined necessary to facilitate adequate auditing by signing a Use and Dissemination Agreement. At a minimum, all user agencies that contribute data to the central state repository must maintain source documents from which such contributions were derived, plus full and complete dissemination logs.

The annual audits will be performed utilizing at least the three following basic procedures:

1. Procedure Audit

This audit will examine the extent to which procedures have been implemented to ensure compliance with the Federal Regulations. The audit will cover procedures which relate to:

- Completeness of records and disposition reporting
- Accuracy of records
- Dissemination practices (query, limitation, tracking)
- Security (hardware, software, personnel, physical)
- Individuals' right of access
- Disposition reporting delays.

Methods used in conducting this audit will include but not be limited to:

- Review of written procedures and manuals
- Personnel interviews to evaluate understanding and practice
- Observation of the site and operations.

2. Records Audit

This audit will evaluate the completeness and accuracy of the central state repository files as measured against records of original entry.

It will be conducted by evaluating a randomly selected sample of source documents at local agencies to determine:

- The percentage of entry of arrests or dispositions into the central state repository and/or local files.

- The accuracy of data entry to provide the error rate for critical field data.

- The percentage of delinquent dispositions entered.

All evaluations will be based on statistically significant samples of original entry records.

3. Audit of Activity Logs

This audit will evaluate the effectiveness of the systems' tracking mechanisms. Records to be examined include dissemination logs, record corrections logs, and physical and terminal access logs. Besides inspection of logs, the audit teams will:

- Review logging procedures
- Interview personnel handling records or processing records corrections
- Observe each system's daily operations.

AUDIT SANCTIONS

The Oklahoma Crime Commission Evaluation Committee and the Oklahoma State Supreme Court audit teams will utilize the information developed through the annual and systematic audits to evaluate compliance with the Federal Regulations. When an agency is found to be in error, the audit teams will immediately provide technical assistance and guidance in an effort to correct inappropriate procedures. As will be indicated in both the Use and Dissemination and Non-Disclosure Agreements to be designed, the central state repository will be responsible to suspend its services to any user agency, whether Federally funded or not, which violates any Federal or State law or regulation respecting the processing of criminal history records.

Through the Governor's Office, the Crime Commission will seek legislation in 1977 providing penalties to individuals and agencies, both criminal justice and non-criminal justice, for the violation of laws or regulations pertaining to the use, storage, collection, and dissemination of criminal history record information.

Chapter 6

SECURITY

Section 20.21(f) of the Federal Regulations, dated 19 March 1976, addresses security requirements covering several areas in both manual and automated criminal history record information systems. The State of Oklahoma recognizes its responsibility to control criminal history record information systems accessibility by maintaining strict control of system operations. This includes security of criminal history record information systems against natural and human forces which could damage, destroy, tamper with or compromise the data. It also includes the control of and accountability for the central state repository as well as all other data processing systems subject to the Regulations.

A major flaw in Oklahoma's current security system stems from the fact that no procedures for user security have yet been issued by the State. A number of user agencies are interfaced to the DPS system through OLETS which also has an NCIC interface for CCH. Therefore, many users are required to comply with NCIC's standards for remote terminal security. However, for additional protection, OSBI will issue procedures for user security covering such subjects as:

- physical security of terminal areas
- sign-on and sign-off procedures
- terminal logs for tracking disseminations
- query before dissemination procedures
- limitations on dissemination
- secure disposal requirements
- restrictions on maintenance of criminal history records
- personnel clearance and selection.

User agencies, including those interfaced through the OLETS system, will be bound to these requirements through the Use and Dissemination Agreement.

The State of Oklahoma will further ensure that all repositories of criminal history record information are properly administered and controlled by a criminal justice agency and operate in compliance with the Federal Regulations by December 31, 1977. Regulations governing the security requirements of repositories will be developed and promulgated by the Oklahoma Crime Commission by October 1977. Sanctions for violators of the regulations will be included and applied as required.

As described in a previous section of the plan, studies are underway to determine the most effective and expedient method of reorganizing the State's requirements for data processing including criminal justice services. Presently, the function of a central state repository is provided by a combination of DPS and OSBI. DPS provides data processing facilities including a telecommunications system and OSBI collects and maintains criminal history profile information.

This section will address itself to the procedures and regulations to be effected at the state agencies which are currently providing or will eventually provide a statewide criminal history record information system.

HARDWARE AND SOFTWARE SECURITY MEASURES

The Federal Regulations require that where computerized data processing is employed, effective and technologically advanced software and hardware designs must be instituted to prevent unauthorized access to such information. There are no current laws, statutes or executive orders addressing data processing safeguards and requirements; however, the Department of Public Safety has developed effective controls and procedures for securing computer and teleprocessing facilities against improper or unauthorized use. Teleprocessing security is based on four basic measures which help to prevent unauthorized access for on-line data entry and retrieval. These measures are: (1) the teleprocessing system is made available to any specific terminal only during specified and required working hours, (2) terminals are located in areas where the terminal operator can be observed and controlled, (3) a password sign-on procedure is required to gain access to the teleprocessing system, and (4) terminals have access only to authorized data files.

Technical security features of the computer hardware and software also protect the system from compromises. These capabilities include protection through terminal identification and verification of authorized access by specific individuals to specific data files.

The Governor of the State of Oklahoma will propose legislation in the first quarter of 1977 giving the Department of Public Safety statutory responsibility for management control of access to the state criminal history record information system facilities, systems operating environments, and system documentation conforming with security standards provided by such legislation.

Terminal and Operator Identification

Currently, users at remote locations are allowed to access the Department of Public Safety computer system via telecommunications facilities and terminal devices. Identification codes are currently utilized for each terminal as a precondition for access to the files. Terminal users are also identified through the use of an entered ID code. Within each agency, terminal use is limited to an identified group of individuals. In the future, when additional criminal justice systems are implemented, batch jobs not submitted at a terminal will also carry the identification code required for access via job cards.

These limitations are covered under the Oklahoma Law Enforcement Telecommunications System's Interstate and Intrastate Exchange of Computerized Law Enforcement Information Agreement and the associated Terminal Rules and Regulations (Exhibits 1 and 2). The user agreement is required of all agencies with terminal access to the system.

Current system software includes the capability of designating terminal functions to specified terminals (by terminal ID). Thus, terminals can be restricted to inquiry only, update only, etc. This restriction is extended to the use and access of specified files so that, for example, certain terminals can access the wanted persons file directly but cannot access the criminal

Exhibit 1

OKLAHOMA LAW ENFORCEMENT TELECOMMUNICATION SYSTEMS

STATE OF OKLAHOMA

Interstate & Intrastate Exchange of Computerized Law Enforcement Information Agreement

The Oklahoma Law Enforcement Telecommunication Systems, hereinafter referred to as First Party, agrees to furnish computerized law enforcement information to _____, hereinafter referred to as Second Party, a law enforcement agency serving as a remote terminal agency for First Party such information as is available through the First Party subject to the following provisions:

1. Second Party agrees to abide by all rules, policies, and procedures now in effect and those hereinafter approved by First Party, the National Crime Information Center, hereinafter referred to as NCIC, and the National Law Enforcement Telecommunications Systems, hereinafter referred to as NLETS.
2. First Party reserves the right to immediately suspend furnishing law enforcement information to Second Party when either the security or dissemination requirements of First Party, NCIC, or NLETS are violated. First Party may reinstate the furnishing of law enforcement information when said violation(s) have been corrected.
3. Either Party may terminate service upon 30 days written notice.
4. Second Party agrees to indemnify and save harmless First Party and its employees from and against any and all claims, demands, actions, suits, and proceedings by others; against all liability to others, including but not limited to any liability for damages by reason of or arising out of any false arrest or imprisonment or any cause of action whatsoever, and against any loss, cost expense, and damage resulting therefrom, arising out of or involving any negligence on the part of Second Party or its agents in the use of said remote terminal.

The Agreement shall become effective on _____.

OKLAHOMA LAW ENFORCEMENT
TELECOMMUNICATION SYSTEMS,
STATE OF OKLAHOMA
FIRST PARTY

SECOND PARTY

Agency _____

By _____

Exhibit 2

1.A.6 TERMINAL RULES AND REGULATIONS

- (1) **Security and Privacy of Files.** All information received and/or transmitted on the Oklahoma Law Enforcement Telecommunication Systems (OLETS) including the National Law Enforcement Telecommunication Systems (NLETS) and the National Crime Information Center System (NCIC) is documented information. Disclosure of any information obtained from the systems listed above shall be only to federal, state, county, or city law enforcement agencies.

- (2) **Hours of Operation.** Agencies with terminal devices on the system are required to have a certified terminal operator on duty 24 hours a day, 7 days a week.

- (3) **Operator Training.** A sufficient number of trained personnel to fully utilize the capabilities of the terminal is mandatory. Uncertified personnel shall not be used to operate the terminal.

In order for a terminal agency to qualify an employee as a certified terminal operator, the employee must have attended a minimum of 16 hours training conducted by OLETS.

Only persons who have completed a minimum 16-hour training course and been certified as a terminal operator may use any terminal. If an employee of a terminal agency has not been employed for more than six (6) months, he may use the terminal if a certified operator is present in the same office.

- (4) **NCIC Rules and Regulations.** All procedures, formats, and criteria as set forth in the NCIC Operating Manual and any other regulations imposed upon OLETS by NCIC shall be followed in every detail by user agencies.

- (5) **NLETS Rules and Regulations.** All procedures, formats, and criteria as set forth in the OLETS Operations Guide on NLETS and any other regulations imposed upon OLETS by NLETS must be followed in every detail by user agencies.

- (6) **Terminal Security.** The terminal shall be physically located in the agency in such a manner that information received over the system will not be in view of non-law enforcement personnel.

- (7) **Relocating Terminal Equipment.** Agencies may not move or relocate terminal equipment without prior approval of OLETS. Requests for relocating terminal equipment must be made to the Director of OLETS at least 30 days before the move, or as far in advance as possible. All requests shall be in writing from the agency head.

- (8) **Terminal Service Area.** Each terminal agency shall relay input and output information for all other law enforcement agencies assigned to it by OLETS.

- (9) **Sanction for Non-Compliance.** Any agency which fails to comply with any and/or all of the above rules and regulations shall be subject to suspension of service and/or the removal of the terminal equipment.

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history profile files. These controls will be extended to all interfaces with criminal history record files, limiting access to qualified criminal justice agencies.

The above mentioned security requirements are inherent in the applications program for terminal access provided by the Department of Public Safety. The computer is programmed to log automatically the identity of all users and the date of their access. This information is maintained for twelve months.

Data Storage

Current and future systems processing criminal history record information will provide software to establish the proper authorizations in order to control entry, inquiry and update to data storage. This authorization applies to all files to which a user can have access and qualifies each user for the various functions to be performed. The security programs will be designed in such a way that they cannot be compromised, modified, destroyed, accessed, changed, purged or overlaid in any fashion except by a designated criminal justice agency employee. Should new techniques become apparent for bypassing the security facilities, the programs will be modified within the existing hardware constraints to prevent such events.

Data will be stored in a file classification system according to the sensitivity of the data. Confidential criminal justice records that are maintained on-line in a time-shared, remote access computer system will be password protected or have some form of coding that at minimum prevents any accidental disclosure. Passwords, in addition to a personal terminal identification number, will serve for authentication of a user's identity and will be used to verify the authorization of a user to access a file. Passwords will be subject to change as often as required or requested by the user.

The more sensitive the data, the more complex will be the coding for transmission purposes. System hardware and software will contain procedural controls to ensure that all on-line data inquiries and machine generated

reports will contain only the information which each user is authorized to obtain. The system software will also provide a method to erase and clear the storage area where data was held.

Duplicate computer files are currently generated as a countermeasure for unauthorized destruction of original files. Computer tapes and/or disk packs are secured in a safe storage area. The computer files are backed up once per week and are secured in the same manner as the original files.

Data Entry

The OSBI, as the central state repository, will have the statutory responsibility and authority to require that specific data elements which fail to satisfy the requirements and standards of accuracy or completeness are excluded or deleted from individual record information. Where data is submitted to the user agency data entry center on reporting forms, the responsible data entry centers will establish procedures in conjunction with OSBI and the Department of Public Safety for destroying these forms or storing them in a secure environment after data is entered into the computer.

File Protect Software

OSBI regulations will require that edit programs be developed by the appropriate criminal justice agency for all future criminal justice information systems to audit criminal history record transactions at time of entry. The central state repository will, through existing user agreements, have the authority to immediately disconnect any remote terminal whenever repeated errors indicate that tampering is taking place.

All application programs are written, installed and stored by the designated criminal justice agency systems management and technical personnel. Records of these programs are stored under maximum security conditions and no other persons, including staff or repair personnel, are permitted to know these programs. The concept underlying this standard is that all sensitive application programs will be prepared by a limited number of authorized criminal justice agency personnel, and activities related to these programs will be performed by these personnel only. A designated criminal justice agency

employee will be responsible to specify and install classified programs to detect and store for classified output all unauthorized attempts to penetrate any criminal history record information system, program or file.

As new criminal justice information systems come on-line, specific instructions for terminal use will be provided by a terminal operator training program currently in effect in the Department of Public Safety.

PHYSICAL SECURITY

The Oklahoma Department of Public Safety, acting as the agency providing communications interface for the central state repository, has adopted security procedures which limit physical access to information files. These current physical security procedures include keys, badges, passwords, access restrictions, sign-in logs, and similar controls. Other physical procedures for protection of information and facilities from environmental hazards include fire extinguishers; emergency automatic power sources for power failures; liaison with public safety officials; raised floors; fire resistant walls, ceilings and floors; air conditioning; and a locked vault for backup of all files.

Access to the computer room and file storage area are guarded by locked doors and access permission is issued only to authorized personnel. The control of access to the computer room is administered by the responsible shift supervisor and is kept in force on all shifts. Visitors must seek permission before gaining access to the computer room and a log book is maintained for both entry and exit. All persons having access to the rooms where hardware is kept, including the locations of remote terminals, are properly identified and "need to be present."

Some of the future plans being considered by the Department of Public Safety Data Processing include:

- Movement of the computer room to a central part of the current facility to eliminate perimeter wall exposure
- Protection against water and smoke

- Fire detection and warning devices
- Identification badges for all personnel.

The Department of Public Safety is currently rewriting the Operations Manual which includes Security and will define the procedures to provide full security for criminal history record information in conformance with the Federal Regulations.

Operational Control

OCC regulations will ensure that standardized operations logs will be kept and be subject to supervisory review at all automated repositories. Logs will provide operations management personnel with the major source of information about equipment downtime and recurring problems for the purpose of error analysis. Procedures will cover the submission, running, and return of programs and data. Procedures will also cover the interaction of operations personnel with personnel involved in certain maintenance aspects of the computer. Operations procedures will cover the disposal of computer output and punched cards.

Recovery and Backup

In the area of hardware recovery, compatible computers have been designated within the state to provide essential daily processing in the event of any severe computer malfunction or damage. In the case of the central state repository, this will necessitate the transfer of data files to another designated and compatible computer system.

In the area of software recovery, backup copies are maintained in a secure location for all systems and crucial applications software and key data files. Also, a current set of the more critical data files is maintained together with a copy of computer programs and related documentation in a locked vault within the computer room.

MANAGEMENT CONTROL AND PERSONNEL SELECTION

Management Control

Section 20.20(f) requires that a "...criminal justice agency will screen and have the right to reject for employment, based on good cause, all personnel to be authorized to have direct access to criminal history record information." This is clearly understood and currently in effect in Oklahoma as the Department of Public Safety has the responsibility for policy governing the operation of the Central Criminal Justice Data Processing Service. Policy for the operation of the data center has been developed and is currently under review by the Public Safety Commission. This policy-setting responsibility will include authority to:

- Set priorities for user access in multi-user systems.
- Establish response time goals and priorities for service as a function of the particular application.
- Determine individual or agency eligibility for direct access.
- Apply sanctions for misuse of the system.
- Inspect and approve security measures.
- Establish priorities for applications to be developed.
- Select or determine the content (data elements) to be entered into the system.
- Require the adoption of procedures, methods of operation, system characteristics needed to comply with all other provisions of security required by the Federal Regulations.

Prior to December 31, 1977, the Department of Public Safety plans to institute procedures for agencies where computer processing is not utilized, to assure that an individual or agency authorized direct access to criminal history record information is responsible for:

- The physical security of criminal history record information under its control or in its custody.
- The protection of such information from unauthorized access, disclosure, or dissemination.

These procedures will be instituted in all local, county, and state law enforcement departments where manual criminal history record information is stored. These procedures will also provide that direct access to criminal history record information shall be available only to authorized officers or employees of a criminal justice agency and, as necessary, other authorized personnel essential to the proper operation of the criminal history record information system, be it manual or automated.

The Crime Commission Advisory Board has ultimate responsibility to inspect operations and review procedures. It provides the mechanism for causing action to change an unsatisfactory operation of the Central Criminal Justice Data Processing Services. This authority will apply to both manual and automated systems.

Personnel Selection

All personnel having physical access to the manual or computerized criminal histories of the Central Criminal Justice Data Processing Services are employed by the Department of Public Safety or OSBI. These employees are screened prior to employment by means of background checks, fingerprint search and/or polygraphs. The existence of a criminal history record on an employee/applicant results in automatic disqualification for employment. Each such applicant's background is examined individually and thorough and lengthy interviews are held.

Section 20.21(f)(B) requires that "A criminal justice agency will: Have the right to initiate or cause to be initiated administrative action leading to the transfer or removal of personnel authorized to have direct access to such information where such personnel violate the provisions of these regulations or other security requirements established for the collection, storage, or dissemination of criminal history record information." This is in effect in the State of Oklahoma where the Department of Public Safety has the power to exclude individuals from working in all physical spaces where data is being handled. This power includes veto over personnel assignment and personnel selection. It also applies to secretaries, guards, maintenance personnel and computer operators, as well as individuals whose

duties clearly require direct access. These procedures do not conflict with any State Civil Service practices already in existence.

The use of non-criminal justice personnel will be allowable under the Regulations, Section 20.21(b)(3), for purposes of systems development, including programming and data conversion, but only to the extent "required for the administration of criminal justice." This access will be granted by means of existing user agreements. Individuals are subject to the sanctions for breach of security procedures. When such personnel are utilized, they will be under the direction of, and performing duties for, the benefit of the central state repository. Such individuals utilized for this purpose will be considered equivalent to employees, and the same level of personnel clearance will be obtained as would be sought for full-time employees of the central state repository in similar situations.

Specific training procedures have been developed by DPS for all personnel directly associated with maintenance and dissemination of criminal history record information. Additions to existing manuals and procedures will be implemented by DPS to brief all personnel regarding the Federal Regulations.

Chapter 7

ACCESS AND REVIEW

INFORMATION SUBJECT TO REVIEW

Criminal history record information shall be understood to be confined to that generally contained in rap sheets. That is to say, such information shall be confined to a recording of personal identifying facts and of the results of an arrested individual's movement through the various formal stages of the criminal justice process. Intelligence data and informal or subjective comments regarding an individual's behavior or attitudes shall not be understood to be criminal history record information.

Oklahoma has no statute or regulations which provide an individual with rights to access and review. Therefore, legislation will be proposed giving the Oklahoma State Bureau of Investigation responsibility to develop and issue regulations meeting the federal requirements. Such regulations will be promulgated to all criminal justice agencies in the State of Oklahoma and will be applicable to all criminal history record information maintained by such agencies.

In order to prepare criminal justice agencies to meet this requirement by 16 March 1976, the Oklahoma Crime Commission developed draft regulations for review by all agencies subject to the Federal Regulations. These draft regulations were made available for review by all agencies in the State on 1 January 1976 and the Oklahoma Crime Commission promulgated final procedures for access and review on 16 March 1976.

All criminal case records maintained by the Oklahoma court system are considered public records and are open to public examination. Procedures have been formalized for challenge, review or correction of such information. The Oklahoma Supreme Court developed procedures similar to those detailed herein to provide conformance to the Federal Regulations by 16 March 1976 and promulgated them to the Oklahoma courts.

The following rules will apply to manual and computerized criminal history record information:

1. Individual record information entered in a person's file shall be relevant to the purpose for which the file was created.
2. Misdemeanor, drunk and traffic records, where the case did not result in imprisonment or probation supervision, need not be presented for review.
3. Each criminal justice agency maintaining records in an "in-process" criminal history file must ensure that the most current record is used or obtained. Entries which are not current or accurate should be eliminated from the system.
4. Information need not necessarily be presented to an individual on the form on which it is collected or maintained, but may be copied from such forms for display purposes. For example, an arrest form need not be provided for review, but the CHRI information about arrests may be copied from it and presented for review.

POINT OF REVIEW

The Oklahoma State Bureau of Investigation proposes to issue regulations requiring that an individual shall have the right to access and review his records without undue burden to either the criminal justice agency or the individual. Each criminal justice agency in this state with custody or control of criminal history record information shall make available the facilities and personnel necessary to permit such reviews.

- Such reviews shall occur only within the facilities of a criminal justice agency and only under the supervision and in the presence of a designated employee or agent of a criminal justice agency. The files and records made available to the individual shall not be removed from the premises of the criminal justice agency.
- Such reviews may, at the discretion of each criminal justice agency, be limited to ordinary daylight business hours.
- The Oklahoma State Bureau of Investigation (OSBI) operating as the central state repository for criminal history record information shall designate specific criminal justice agencies in each county throughout the state for purposes of access and review. The OSBI will promulgate and make public

such locations, hours, fees, forms, and all other procedures for the access and review of central state repository records. It is anticipated that county sheriffs will be designated to provide access and review functions for the central state repository.

VERIFICATION

The Oklahoma State Bureau of Investigation proposes to issue regulations to provide satisfactory identification of individuals for purpose of access and review. Fingerprinting will be considered the most effective and recommended means of such identification. However, where an individual is well known or recognized through personal familiarity by criminal justice agency personnel, such recognition, attested to by a signature, will suffice. This procedure can be exercised at each agency's discretion. The following rules will apply to verification procedures:

1. Access and reviews shall be permitted only after proper verification that the requesting individual is the subject of the criminal history record information which he seeks to review. Each criminal justice agency shall require personal recognition or fingerprinting for this purpose.
2. Upon presentation of a sworn authorization from the individual involved, together with proof of identity, an individual's attorney may be permitted to examine the criminal history record information relating to the individual.

PROCEDURE FOR REVIEW AND CHALLENGE

A challenge is a written contention by an individual that his record is inaccurate or incomplete. A challenge should be upheld on the basis of either inaccuracy (erroneous or inappropriate information) or incompleteness (absent or inappropriate dispositions) and updated or corrected promptly. The following regulations are proposed by the Oklahoma Crime Commission:

1. A record of each review shall be maintained by each criminal justice agency by the completion and preservation of OSBI Form No. L (see Appendix A). Each such form shall be completed and signed by the supervisory employee or agent present at the review. The reviewing individual shall be asked, but may not be required, to verify by his signature the criminal history record information he has reviewed.

The form shall include a recording of the name of the reviewing individual, the date of the review, and whether or not any exception was taken to the accuracy or completeness of contents of the information reviewed.

2. The reviewing individual may make a written summary or notes in his own handwriting of the information reviewed, and may take with him such copies.
3. Obtaining a Copy. An individual may obtain a copy of his criminal history records information when necessary for the purpose of challenge or corrections. Such copies shall be made reasonably available at a fee of no more than \$3.00.
4. Each reviewing individual shall be informed of his rights of challenge under this regulation. Each such individual shall be informed that he may submit written exceptions to the information's contents, completeness or accuracy to the criminal justice agency with custody or control of the information. Should the individual elect to submit such exceptions, he shall be furnished OSBI Form No. 2 (see Appendix B). The individual shall record any such exceptions on the form. The form shall include an affirmation, signed by the individual or his legal representative, that the exceptions are made in good faith and to the best of the individual's knowledge are believed true. One copy of the form shall be forwarded to the review officer of the criminal justice agency in question. An officer shall be designated for that purpose in each criminal justice agency. A second copy of the form shall be forwarded to the Oklahoma State Bureau of Investigation.
5. The criminal justice agency shall in each case cause to be conducted an audit of the individual's criminal history record information appropriate to determine the accuracy of the exceptions. The individual shall be informed in writing of the results of the audit. OSBI Form No. 3 (see Appendix C) may be used for this purpose.
6. Should the audit disclose inaccuracies or omissions in the information, the criminal justice agency shall cause appropriate alterations or additions to be made to the information and shall cause written notice of such alterations or additions to be sent to the OSBI, the individual involved, and any other criminal justice agencies in this or any other jurisdiction to which that criminal history record information has previously been disseminated. Such notice will be made within twenty (20) days of submission of exceptions by the individual.

ADMINISTRATIVE APPEAL

The Oklahoma Crime Commission proposes to request legislation providing that any person who believes criminal history record information which refers to him is inaccurate, incomplete, or misleading may request the criminal justice agency which maintains that information to purge, modify, or supplement it. Should the agency decline so to act, or should the individual believe the agency's decision to be otherwise unsatisfactory, the individual may appeal for review by the Appeal Committee of the Oklahoma State Bureau of Investigation. The following procedures will be followed for such appeal:

1. Appeals to the Appeal Committee shall be made in writing. Each request shall include a concise statement of the alleged deficiencies of the criminal history record information, shall state the date, the agency or location where the review was made, the result of any review by the criminal justice agency, and shall append a sworn verification of the facts alleged in the request signed by the individual or his attorney.
2. Upon receipt of each such request, the Appeal Committee shall ask any criminal justice agency which has previously reviewed the criminal history record information to provide the Appeal Committee a written summary of the review of its findings.
3. The Appeal Committee shall, upon the basis of the request and/or the summary and any other statements or documents provided by the individual or by the criminal agency, determine whether there is prima facie evidence that the criminal history record information is inaccurate, misleading, or incomplete. Should the Appeal Committee find that there is no such evidence, the request shall be denied and written notice of this decision will be sent to the individual and the criminal justice agency. Should the Appeal Committee find that there is such evidence to uphold the request, written notice shall be sent to the individual and to the criminal justice agency, noting the extent of changes to be made.
4. The Appeal Committee may require the individual or any criminal justice agency within the state to file written statements, arguments or documentary materials. It may impose such time requirements for these purposes as it deems appropriate.

5. The Appeal Committee shall issue written findings and conclusions, in which any relief to which it believes the individual is entitled shall be fully and specifically described. Such findings or conclusions shall be provided within reasonable time limits, not to exceed two (2) months, from the receipt by the Committee of the written request for appeal.
6. Where the final disposition of a request includes an order that criminal history record information be purged, modified, or supplemented, that order shall be promptly communicated by the Appeal Committee of the OSBI. This Committee shall in each such case promptly transmit the terms of the order to all the criminal justice agencies within the state, to the individual involved, and to all other criminal justice individuals or agencies, whether or not located within this state, to which the criminal history record information has previously been communicated in the past year. The individuals and agencies to which such information has previously been communicated shall be determined by examination of the dissemination logs required to be maintained for such purposes.
7. Records challenged under the provisions of these regulations shall be deemed to be accurate, complete, and valid until otherwise ordered by the Committee.
8. A list will be provided upon request by the individual of all non-criminal justice individuals and agencies to whom the erroneous criminal history record information was disseminated in the past year. Dissemination logs will also be developed and maintained for this purpose.

PUBLIC NOTICE OF ACCESS AND REVIEW RIGHTS

The Oklahoma State Bureau of Investigation will cause to be made public the required information regarding access and review of criminal history record information, including places where such records can be accessed and type of information available. Public notice shall be made using news media and other forms of public information media available to the Governor's Office Public Information Division.

APPENDIX A

REVIEW OF CRIMINAL HISTORY RECORD INFORMATION

OSBI Form No. 1

REVIEW OF CRIMINAL HISTORY RECORD INFORMATION

Date _____

1. Name and location of agency: _____

2. Name of supervisory employee: _____
3. Name of reviewing individual: _____
4. Records reviewed: _____

Name of individual to
whom records relate: _____

Identification number: _____

5. Did the reviewing individual express any challenge to the accuracy or
completeness of the information reviewed? Yes _____ No _____

If yes, to what portions of the information? _____

6. Verification. Note: Completion of this item is voluntary.

I have reviewed the records described above and have found no errors or
omissions therein.

Signature of reviewing individual

Date of verification: _____

7. Note: Each reviewing individual shall be informed of his rights of
challenge under these regulations.

EXCEPTIONS TAKEN TO CRIMINAL HISTORY RECORD INFORMATION

1. Name of individual submitting exceptions: _____

2. Name of agency: _____

3. Records to which exceptions taken: _____

Name of individual to
whom records relate: _____

Identification number: _____

4. Summary of exceptions and reasons therefor: _____

5. Verification:

I affirm that I have taken the above-described exceptions, that those exceptions are taken in good faith, and that they are to the best of my knowledge true.

Signature of Individual

Date of verification: _____

APPENDIX B

EXCEPTIONS TAKEN TO CRIMINAL HISTORY RECORD INFORMATION

APPENDIX C

NOTICE OF RESULTS OF AUDIT OF
CRIMINAL HISTORY RECORD INFORMATION

OSBI Form No. 3

NOTICE OF RESULTS OF AUDIT OF
CRIMINAL HISTORY RECORD INFORMATION

To: _____

Pursuant to exceptions taken on _____, 19____, by _____

to criminal history record information within the custody or under the control
of _____,

an audit of the information has been conducted and, in accordance with the
results of that audit, the exceptions have been _____.

The following actions have been taken, or now are in progress, to implement
the audit's findings:

(Name of criminal justice agency
conducting the audit)

Dated: _____