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ACQUISITIONS

STATE OF OREGON

SECURITY AND PRIVACY PLAN

FOR

CRIMINAL HISTORY RECORD INFORMATION SYSTEMS

76-33-99-6023

March 9, 1976

Robert D. Houser, Administrator

Oregon Law Enforcement Council

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Justice Data Analysis Center
Oregon Law Enforcement Council
2001 Front Street N.E.
Salem, Oregon 97310

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INTRODUCTION

The states of Oregon, Hawaii, and New York have been selected as model states for development of the Criminal History Records Information Systems Security and Privacy Plan required by federal regulations.

These regulations require each state which has received LEAA funds since 1973, for the development or operation of criminal records systems, to submit Plans detailing how and when the state will implement the provisions of the regulations.

Major issues involved are: (1) completeness and accuracy of Criminal History Record Information, especially as it relates to reporting of court disposition information; (2) ability for the subject of a record to challenge and correct erroneous information maintained about him; and (3) limitation of access to criminal record information to authorized persons and agencies with a valid need to know.

Other peripheral questions such as the requirements for audit trails, annual audits, physical security provisions, etc., are in support of these primary issues.

The basic objective of the Plan is to address the issues presented by the federal regulations, indicating where Oregon is already in compliance and where we are not, and to lay the groundwork for implementing those requirements with which we do not now comply.

However, another objective, and perhaps a more important one, is to bring together in one document the essential background and environmental information necessary to assist the Governor and the Criminal Records Council in developing rules, regulations, and procedures to carry out provisions of H.B. 2047 (Chapter 548, Oregon Laws, 1975) and Executive Order 75-23.

It is not yet entirely clear from the regulations, the Plan preparation instructions, and the regional LEAA meetings just what effect, if any, the regulations will have on the operation of systems other than the state Criminal Offender Information program. Although these systems (automated or manual) may maintain some or all of the elements of data which are included in the definition of "Criminal History Record - Information," this data is maintained primarily for investigative and/or subject-in-process purposes rather than for purposes of answering questions related to identification of an individual or his official criminal record.

Of the three basic issues: (1) accuracy and completeness; (2) right to access and challenge; and (3) limitations on dissemination, only issue number one presents a major problem for these systems. That is, they are not designed or intended to maintain the complete criminal history record of an individual. For them to do so would be an unnecessary and costly duplication of efforts not in line with their primary functions.

For these reasons, and because of the advanced state of development of the statewide Criminal Offender Information program in Oregon, the Model Plan will concentrate primarily on the central repository which involves two state agencies, the Bureau of Criminal Identification in the Department of State Police, and the Oregon Law Enforcement Data System (LEDS) in the Executive Department.

SECTION I

OREGON SECURITY/PRIVACY BACKGROUND

Oregon has recognized its responsibilities for protecting individual rights to privacy and for ensuring that important information which government maintains about people is kept secure.

In August, 1974, rules were adopted under the Oregon Administrative Procedure Act, outlining responsibilities and governing the operation of the Oregon Computerized Criminal History System. To access CCH files, each criminal justice agency in the state is required to have a signed agreement with the Oregon State Police stating that they understand the rules for access and dissemination and agree to abide by them.

In June, 1975, the Oregon Legislature passed two bills addressing the criminal justice information security/privacy issue. The first, Chapter 548, Oregon Laws, 1975, restates the authority of the Oregon State Police Bureau of Criminal Identification as the State Central Repository and provides for follow-up of arrests without dispositions through the State Court Administrator's Office.

It also requires additional administrative rules governing dissemination, individual access, and purging inaccurate and incomplete information.

The second bill, House Bill 2579 was repealed on September 16, 1975, at a special session of the legislature because of a provision limiting dissemination of public records.

In order to retain many of the salutary objectives of House Bill 2579, Governor Straub, on October 24, 1975, issued Executive Order 75-23 providing Security and Privacy Policy direction for the use of criminal offender information maintained by the Oregon State Police Bureau of Criminal Identification.

Within Executive Order 75-23, provisions were made for "Governor designated Criminal Justice Agency" access to criminal offender information, research and evaluation, individual access, and the formation of a Criminal Records Council to advise and assist the Governor in Security and Privacy matters.

Copies of the CCH regulations and proposed amendments to the Oregon State Police Administrative Rules, Chapter 548, Oregon Laws, 1975, and Executive Order 75-23 are included as Appendices 1, 2, and 3 respectively.

Agencies Involved

For the compliance section of the Plan (Section II) to be meaningful, it is important that the reader have an understanding of the overall Criminal Justice Information System picture in Oregon, especially the relationships which exist between the Law Enforcement Data System and the Oregon State Police in operation of the Computerized Criminal History program.

Also important will be an understanding of the recent background and current status of security/privacy policies, legislation, and other activities. The purpose of this section is to provide necessary background and organizational information.

OREGON STATE POLICE BUREAU OF CRIMINAL IDENTIFICATION

The Oregon Department of State Police, organized in 1931, is directly responsible to the Governor (see chart, page 5) who appoints the Superintendent. The Criminal Division of the Department is directly responsible for the Department's Bureau of Criminal Identification.

The Oregon State Police Bureau of Criminal Identification has long operated a state criminal history program on a voluntary contribution basis. The Bureau was designated a State Central Repository, with mandatory arrest and disposition reporting required under Chapter 547, Oregon Laws, 1963, Section 6 (ORS 181.065).

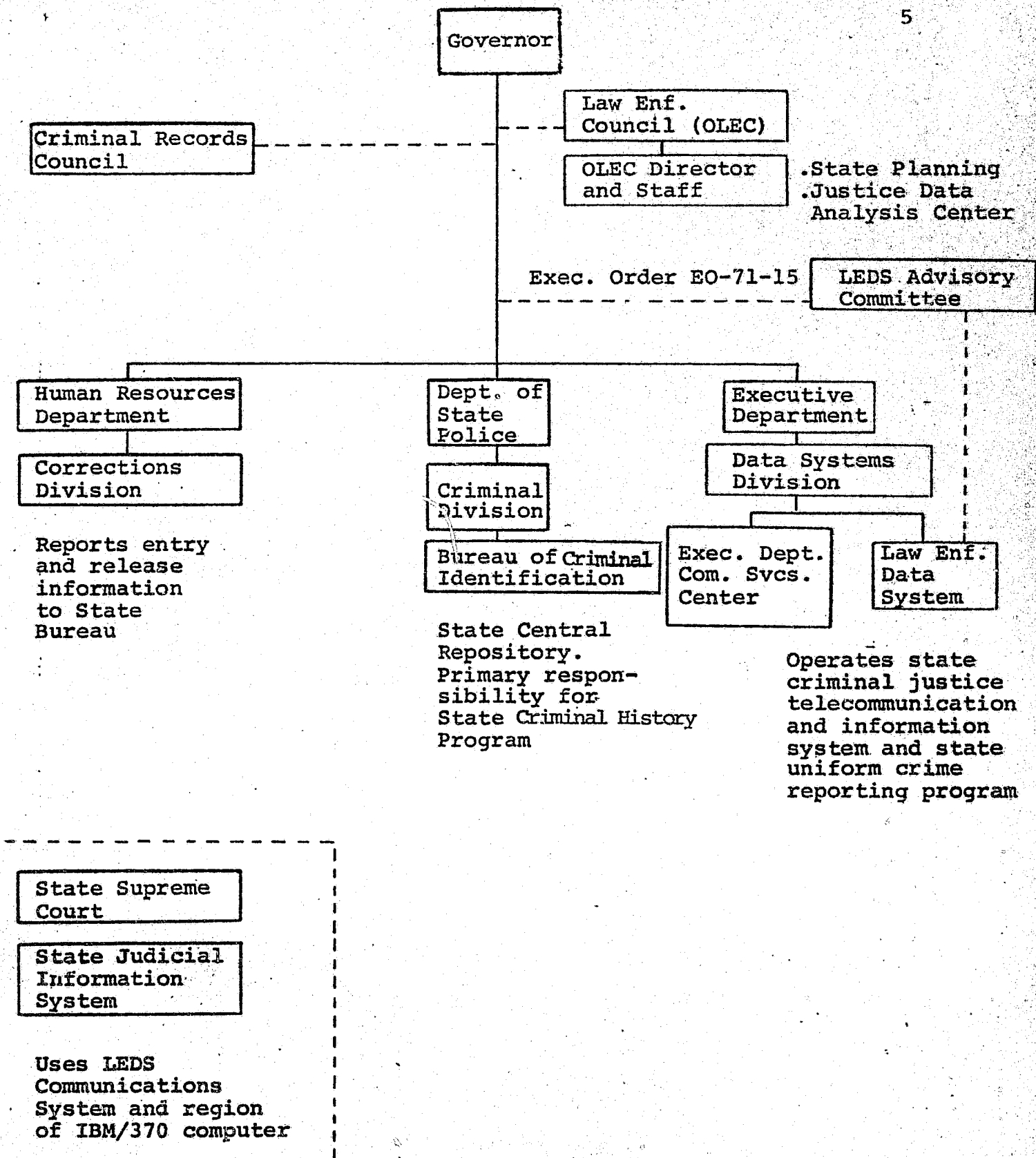
Under Executive Order 74-6, dated March 4, 1974, (see Appendix 4) the Governor of the State of Oregon directed that the Oregon State Police as the responsible agency, in the absence of statutory law, provide for accuracy and completeness of information entered into the Oregon Computerized Criminal History System, for the privacy of information therein, and for the promulgation and implementation of Administrative Rules limiting access to criminal justice agencies and regional systems by means of written agreements and providing procedures for individual access for review and challenge.

The Executive Order further directed that the Executive Department Law Enforcement Data System, as the NCIC-State Control Terminal for Oregon, be responsible for providing system development and operation, physical security of computer installation and audit and inspection of all user terminal locations.

Pursuant to the above Executive Order, and after public hearings, the Department of State Police, under the Administrative Procedure Act, (ORS 183) on June 14, 1974, adopted Sections 10-010 through and including Section 10-050, Chapter 257, Oregon Administrative Rules. (See Appendix for revised Oregon State Police rules.)

Authority, Organization, and Staffing

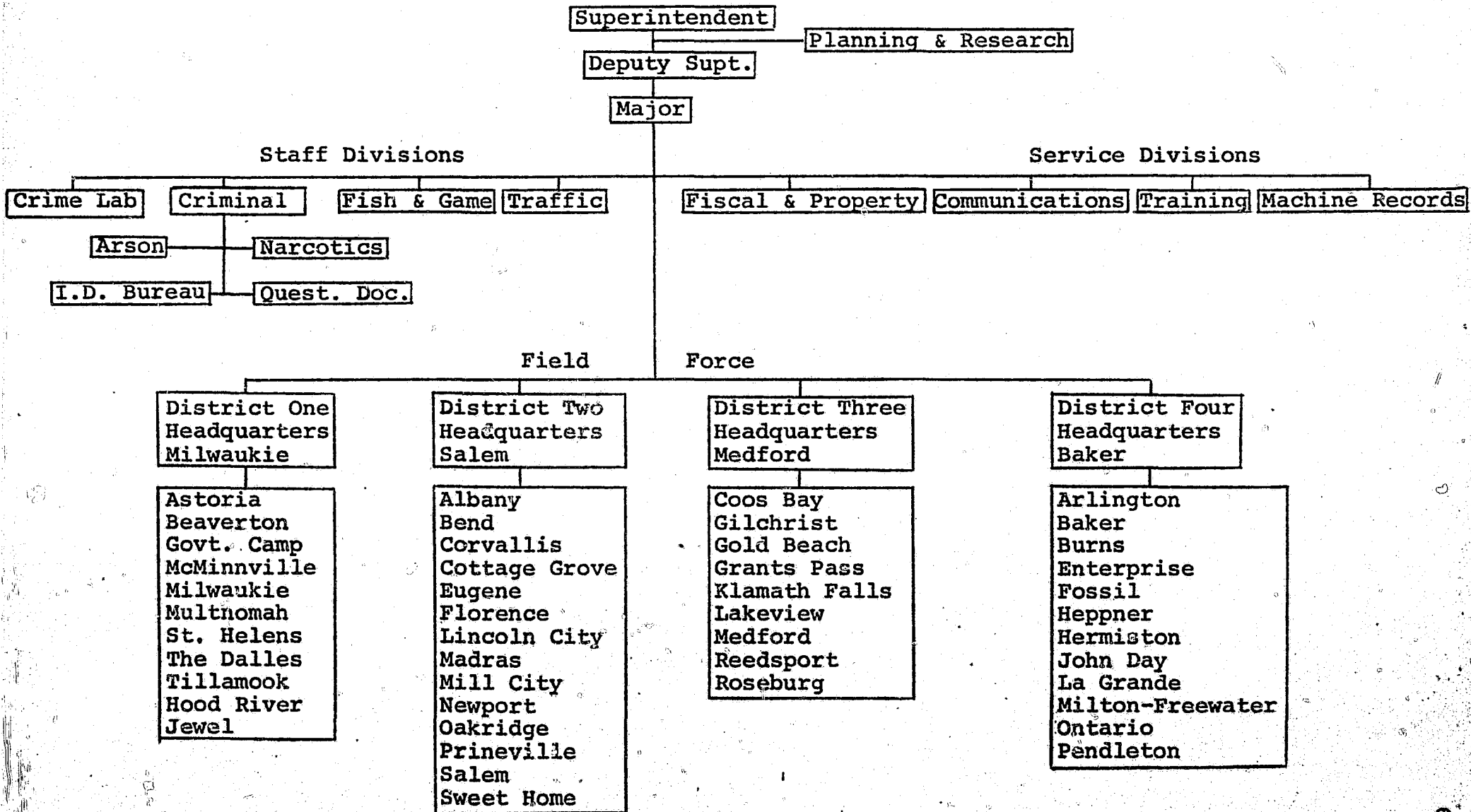
(Detailed information can be found in Section II, page 21.)



Organizational Relationships

The organizational relationships between the Oregon State Police Bureau of Identification (Central State Repository for CHRI) and other related state agencies.

OREGON STATE POLICE ORGANIZATIONAL STRUCTURE



LAW ENFORCEMENT DATA SYSTEM (LEDS)

Authority

The Law Enforcement Data System is established by statute (ORS 181.710 - Account, and ORS 181.550 - Crime Statistics), within the Data Systems Division of the Executive Department. The responsibilities of LEDS, under Executive Department Administrative Rule 02-010-02 are to:

1. Provide improved communications, criminal justice records, and information management in support of the criminal justice agencies of the state.
2. Plan, install, and operate a computer-based Law Enforcement Data System.
3. Provide efficiency and speed in handling communications between agencies.
4. Provide a central location for the collection, storage, and maintenance of files of criminal justice information, and thereby eliminate duplicate recordkeeping throughout the state.
5. Make available high-speed inquiry into data files which include wanted persons, stolen vehicles, criminal histories, etc.
6. Coordinate with Public Utility Commissioner and Motor Vehicles Division, making use of the driver's license and vehicle registration information.

7. Work with and provide staff services to LEDS Advisory Committee, which represents the users of the system, in formulating general policy and making recommendations in the operation of the system.
8. Develop and operate a state Uniform Crime Reporting Program to:
 - a. Provide information about crime to the Governor, Legislature, state and local law enforcement planners, and other agencies with responsibilities for the prevention or reduction of crime.
 - b. Provide planning and operation statistics for contributing agencies.
 - c. Satisfy national uniform crime reporting requirements.
9. Provide a level of training adequate to enable agencies to efficiently use the system.

Organization and Staffing

LEDS is organized as a section of the Data Systems Division within the State Executive Department. It is operationally responsible to the Governor through the Data Systems Division Administrator and the Director of the Executive Department, and is budgeted as a separate entity within the Department.

LEDS staff consists of 24 management, operations, and systems and programming personnel. All LEDS personnel are directly responsible to the LEDS Manager and perform only LEDS functions. All facilities and staff are housed in the Executive Department, Data Services Building in Salem, Oregon.

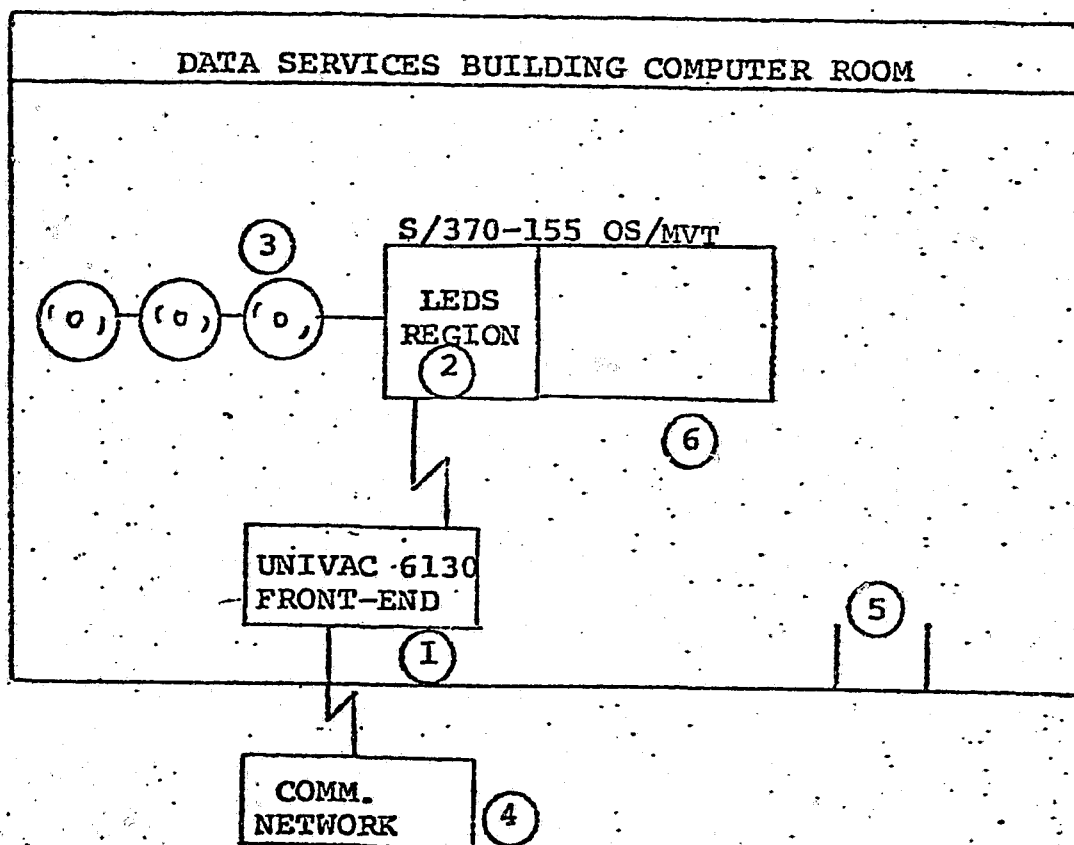
LEDS is the state control point for interfaces with NCIC and NLETS. Direct interfaces are also maintained with three regional Criminal Justice Information Systems (AIRS in Lane County, CRISS in Portland and RAIN in Salem), and the states of California and Washington, and with the Oregon Motor Vehicles Division system.

LEDS Facilities and Equipment

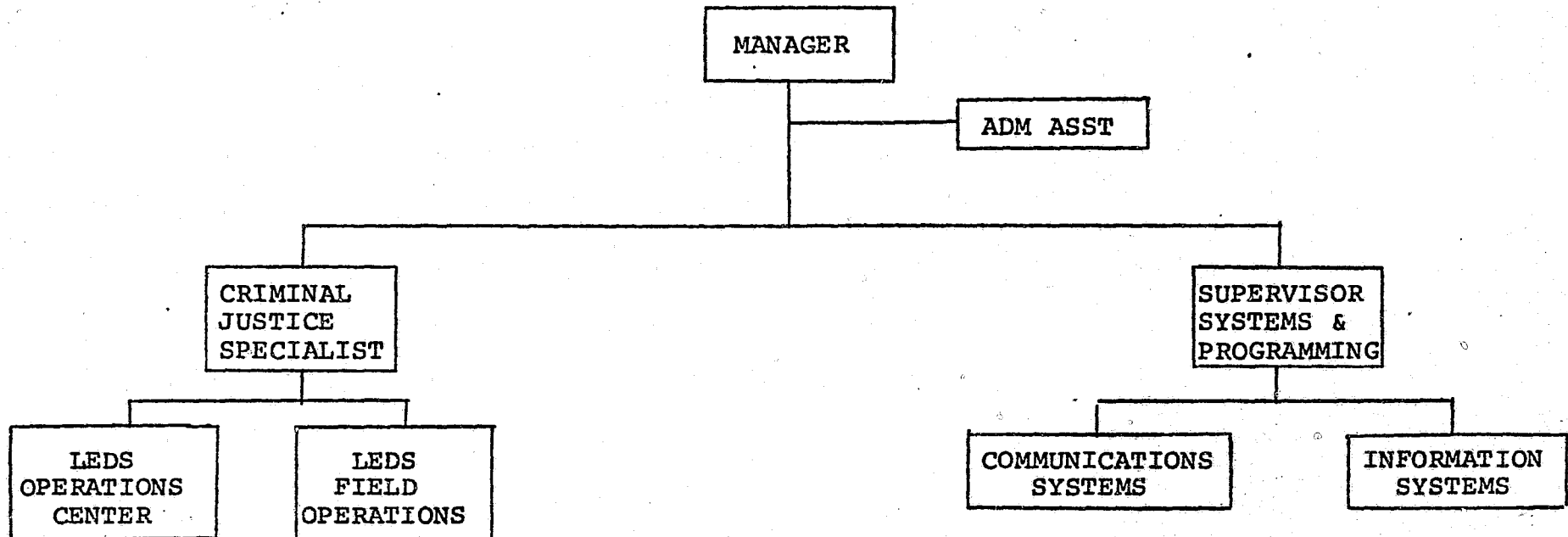
The diagram and accompanying explanation below show the physical and management relationships between the Law Enforcement Data System and the Computer Services Center within the Data Services Building.

1. LEDS Communication Computers. LEDS Operation Center manned 7 days/week, 24 hours/day. Equipment and staff under direct control of LEDS Manager. All programming done by LEDS staff.
2. LEDS dedicated region in the Executive Department computer. All programming done by LEDS staff. Task monitor and data base management system developed and used only by LEDS and SJIS staff for State Judicial Information System. Only access is via LEDS communication system.
3. Dedicated disc units and controller stores files of stolen vehicles, property, warrants, criminal histories, police training records and SJIS court records.
4. Private leased line communications network of 86A1 teletypes, Hazeltine video terminals, Dataspeed 40 terminals, and other computer interfaces.

5. Computer room is closed shop with magnetic card-key entry. LEDS Manager is responsible for building security and allocation of card-keys.
6. Operations staff reports to Manager of the Computer Services Section. Manager of Computer Services Section and LEDS Manager report to Division Administrator. All building and computer center employees are fingerprinted and cleared through LEDS Manager and Oregon State Police Bureau of Criminal Identification.



ORGANIZATION CHART
OREGON LAW ENFORCEMENT DATA SYSTEM



REGIONAL CRIMINAL JUSTICE INFORMATION SYSTEMS

There are three regional Criminal Justice Information Systems in operation in Oregon (AIRS, CRISS, and RAIN). The subsections below and the overview chart on page 18 describes briefly the current status of these systems and the environment in which they are managed and operate.

AIRS and CRISS have been in operation for several years and both operate in a shared environment. Both have received substantial amounts of LEAA funding. AIRS and CRISS now use a shared teleprocessing monitor and data base management system (TCDBMS) which was developed under a federal (HEW) grant by a consortium of Lane and Multnomah County agencies (Inter Regional Information Systems). RAIN is a dedicated system just now being implemented.

There are two critical questions which are of concern to two of the regional systems in Oregon. They are: (1) the issue of dedicated systems; and (2) the questions of whether or not regional system files (which may contain records of some of a person's arrests, and some of the dispositions of some of those arrests) constitute files of Criminal History Record Information.

It is notable that at the same time one federal agency (LEAA) was promulgating regulations requiring dedicated computers for Criminal Justice Information Systems; another federal agency (HEW) was providing funding for development of a common teleprocessing and data management package to promote the use of shared systems.

STATE JUDICIAL INFORMATION SYSTEM (SJIS)

The Oregon State Judicial Information System Project is organized within the State Court Administrator's Office of the Oregon Supreme Court. The system currently consists of an on-line automated case tracking system for the Oregon Supreme Court and the Court of Appeals and is being expanded to include district and circuit courts in 6 counties. Information will be entered into the file by Court or County Clerk personnel at the time a case is filed in court. The case and transactions which occur against it will be indexed in various ways including the name of the subject(s) of the case. Under a literal interpretation of the definition some of this information would be included within the definition of Criminal History Record Information.

However, most of this information is currently public record in Oregon. Again, this system is designed to be used as a casetracking, or subject-in-process system, not a CHRI system. In fact, it will consist logically of a system for each court that is using it.

Discussion on these issues is continuing and will result in an update to the Plan at a later time.

AREA INFORMATION RECORDS SYSTEM (AIRS)

AIRS is a computerized Criminal Justice Information System serving agencies in Lane County. The AIRS Project Director reports to the District 5 (Lane County) Law Enforcement Technical Advisory Committee (TAC). The Director and his staff are employees within the Lane County Sheriff's Office for purposes of budgeting, accounting, and personnel management.

AIRS shares the Lane County IBM S/370-155 computer system with other government agencies using a shared teleprocessing monitor and data base management system (TCDBMS).

Software techniques are used to restrict access to criminal justice files by non-criminal justice terminals or agencies. AIRS files contain many of the elements of Criminal History Record Information as defined in the regulations (arrests/charges, dispositions, etc.) but this information is used primarily for investigative use (master name index) and for maintaining records of an individual's status within the criminal justice process (jail intake system, court case tracking system). State CCH files are used to respond to criminal history record inquiries.

AIRS terminals access state and national files via a direct line between the Lane County computer and the LEDS system. Currently AIRS users may access state CCH files. Responses to inquiries to NCIC-CCH files are routed to LEDS terminals only (see diagram on page 18).

COLUMBIA REGION INFORMATION SHARING SYSTEM (CRISS)

CRISS is a regional computerized Criminal Justice Information System serving agencies in Multnomah County, Oregon, and Clark County, Washington. The CRISS Project Director reports to the CRISS Executive Board made up of representatives from the City of Portland and Multnomah County. The CRISS management and systems staff is housed in offices of the Portland Police Bureau.

CRISS applications are operated in a shared environment in the City of Portland, Multnomah County Data Processing Authority (DPA) IBM S/370-155 computer system with other city and county government agencies. The DPA uses the same tele-processing monitor and data base management system (TCDBMS) as is used in Lane County.

Software techniques are used to restrict access to criminal justice agency files by non-criminal justice terminals or agencies. The CRISS files consist of two basic systems, a "persons" subsystem and a "crime" subsystem. The persons subsystem contains the elements of CHRI in much the same way that police department alpha files have always contained this information. This file also contains indexes to criminal incident and other files which may involve a person (victims, witnesses, etc.). These files are used for local investigative and statistical use. The state CCH file is used for criminal history inquiries.

CRISS terminals access state and national criminal justice files via a direct line between the DPA computer and the LEDS system. Currently CRISS terminals may access state CCH files. Responses to inquiries to NCIC-CCH files are routed to LEDS terminals only.

REGIONAL AUTOMATED INFORMATION NETWORK (RAIN)

RAIN is a computerized criminal justice information system serving agencies in Marion, Polk, and Yamhill Counties. The RAIN Director reports directly to a seven-member Executive Committee, which is a subgroup of a 15-member Policy Board.

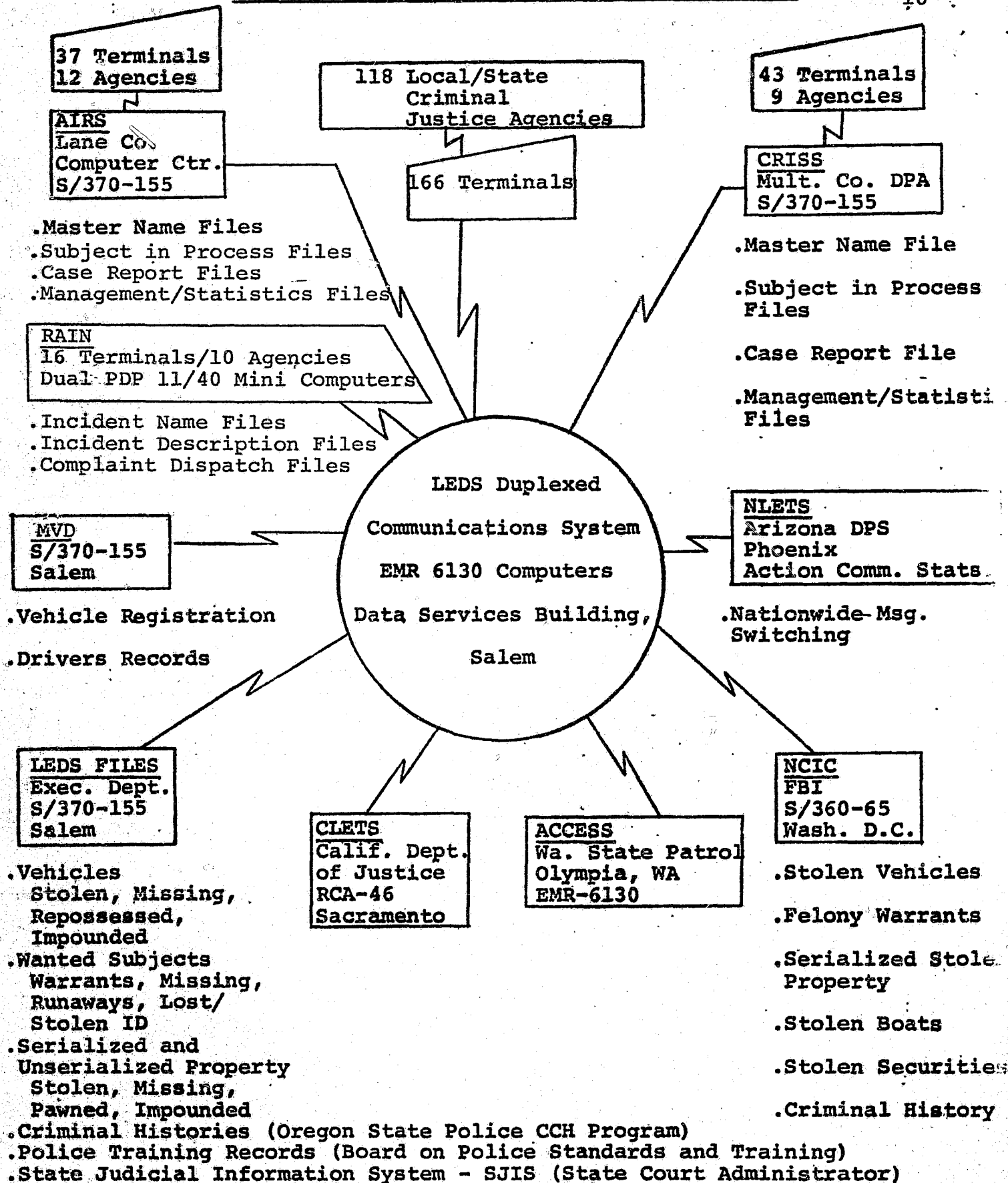
These two groups, the Director and his staff, comprise RAIN, which has been established as a consolidated criminal justice agency by inter-governmental agreement under ORS 190. The Director and his staff are employees of the City of Salem solely for fiscal purposes. Various levels of management control rest entirely with the Policy Board, the Executive Committee, and the Director.

RAIN utilizes dual PDP-11/40 Mini Computer systems, which operate teleprocessing and data base management under a software package developed in conjunction with PRC/Public Management Services, Inc.

Both physical security and software security techniques are utilized to restrict access to RAIN files to only those agencies and personnel who have been authorized on the basis of "Need to Know" and security clearance. The RAIN incident data base, including incident description files and an incident name file, contains some elements of criminal history record information as defined in the federal regulations. However, this information is not a source for building criminal history records. Its primary purpose is as an investigative device and enables rapid access for purposes of updating the information for timely delivery of service to the community, and includes many incidents which are not classified as crime. Inquiries to criminal history records are obtained by RAIN agencies via the interface to the state CCH files. RAIN has a signed agreement with the State Police and is, therefore,

subject to all the regulations pertaining to access and dissemination of criminal offender information.

The interface arrangement with LEDS permits RAIN terminals to access state and national files without having to use a separate system. Because of the technical systems design and the management control structure of RAIN, RAIN terminals are permitted to receive NCIC/CCH information.



ACRONYMS

<u>ACCESS</u>	A Central Computerized Enforcement Service System. A statewide criminal justice communications system operated by the Washington State Patrol in Olympia, Washington. LEDS-ACCESS interface provides high speed message switching capability between Oregon and Washington.
<u>AIRS</u>	Area Information Records System. Regional system serving criminal justice agencies in Lane County. Shares Lane County computer facilities with other local governmental agencies.
<u>CCH</u>	Computerized Criminal History program. Files maintained by Oregon State Police Bureau of Criminal Identification. Direct inquiry access to Oregon CCH files is limited to authorized criminal justice agencies in Oregon.
<u>CLETS</u>	California Law Enforcement Telecommunications System. A statewide criminal justice communications system operated by the California Department of Justice in Sacramento, California. LEDS-CLETS interface provides high-speed message switching capability between Oregon and California.
<u>CRISS</u>	Columbia Region Information Sharing System. A system serving criminal justice agencies in Multnomah County in Oregon, and Clark County in Washington. Shares Portland/Multnomah County Data Processing Authority (DPA) computer with other governmental agencies.
<u>MVD</u>	Oregon Motor Vehicles Division. Maintains statewide files of vehicle registration and driving records.
<u>LEDS</u>	Law Enforcement Data System. A statewide criminal justice communications and information system. Uses dedicated, duplexed EMR 6130 (Univac Series 60) computers for message switching and provides interfaces to other computer systems in and out of Oregon. Shares dedicated resources of Executive Department S/370-155 computer system as host for statewide online criminal justice information files. Provides training to all system users. Operates state Uniform Crime Reporting program.
<u>NCIC</u>	National Crime Information Center. National Crime Information system operated by the FBI in Washington, D.C.

NLETS

National Law Enforcement Telecommunications System. A nationwide law enforcement message switching system operated by the Arizona Department of Public Safety, funded on a prorata basis by all states, with recent assistance from the Law Enforcement Assistance Administration (LEAA).

RAIN

Regional Automated Information Network. A regional system serving criminal justice agencies in Marion, Polk and Yamhill Counties. It uses dedicated dual PDP 11/40 minicomputers.

SJIS

State Judicial Information System. Is an automated court records system which tracks civil and criminal cases through the District, Circuit, Court of Appeals and Supreme Courts.

SECTION TWO

EXISTING COMPLIANCE AND AGENCY RESPONSIBILITIES

The ease and rapidity of data retrieval has greatly increased the need for some meaningful controls to be placed on the dissemination of this information as well as its collection and storage. If computerized information systems containing information about individuals, both in the public and private sectors, are allowed to grow unchecked, then a citizen's right of privacy could be lost. Today, the ~~very~~ mechanism which has been charged with the protection of these rights, the criminal justice system, is in the process of change as a result of the new computerized technology.

It is obvious that there are major advantages and disadvantages for society as a result of the development of automated Criminal Justice Information Systems. Through the development of fair, well-founded controls, society can benefit from such systems while still retaining the right to individual privacy. To be most effective, such controls must eliminate problems inherent in such systems while at the same time derive the maximum benefits it has to offer. The proper forum to place such controls is the state through its legislative powers. These controls must protect the right of privacy which is fundamental to every citizen, while at the same time securing and allowing criminal justice agencies access and use of the system capabilities. In this regard,

neither segments of government not specifically authorized to operate in the area of criminal justice

should be allowed to collect, store, disseminate, receive, or use criminal justice information. However, there are exceptions to every rule, and none covering the area of computerized data banks can be "cast in concrete." Many feel that statistics and research play a vital role in planning but that these areas should not serve as a "catchall," thereby sacrificing adequate controls placed on dissemination and use of criminal justice information. Emphasis has been placed, therefore, on the primary purpose of a Criminal Justice Information System by criminal justice agencies - that of providing the basic data needed to apprehend, prosecute, and rehabilitate the criminal offender. Such systems must not be used nor misused by other agencies for indirectly related reasons.

In general, the numerous guidelines concerning computer data banks have dealt with the specific issues of protection of an individual's right to privacy by insuring the security of the information. In Oregon, two of the most recent and most comprehensive measures dealing with security and privacy of criminal justice information are Chapter 548, Oregon Laws, 1975, and Executive Order 75-23 (Appendix 2 and 3).

A. COMPLETENESS AND ACCURACY

State Central Repository - Oregon State Police Bureau of Criminal Identification

The Department of State Police Bureau of Criminal Identification was first created by legislative authority

in 1941, ORS 181.065. The Bureau is the State Central Repository for "Criminal Offender Information" which "includes records and related data, fingerprints received and compiled by the Bureau for purposes of identifying criminal offenders and alleged offenders, records of arrests and the nature and disposition of criminal charges, including sentencing, confinement and release." The Bureau also functions as the State Identification Bureau and maintains both manual records systems and the Computerized Criminal History Systems with microfiche support.

In 1975, the Oregon Legislature enacted Chapter 548 - Oregon Laws, 1975. Section 2 of the Act repealed ORS 181.065 and Section 3 was enacted in lieu thereof. Under Section 3, Chapter 548 - Oregon Laws, 1975, the Bureau of Criminal Identification shall:

- "(a) Install and maintain systems for filing and retrieving fingerprint data and supplemental information submitted by criminal justice agencies for the identification of criminal offenders as the Superintendent deems necessary;
- "(b) Employ its fingerprint record file as a basis for identifying individuals and providing criminal offender information to criminal justice agencies while acting in the performance of their official duties;
- "(c) Prepare and submit to the Governor reports and statistics based on information in its possession; and,
- "(d) Undertake such other projects as are necessary or appropriate to the speedy collection and dissemination of information relating to crimes and criminals."

Organization and Staffing

The Bureau of Criminal Identification, under the overall supervision of the Commander of the Criminal Division, is headed by a Lieutenant who has a staff of seven sworn officers and 19 classified (non-sworn) employees. Located in the Department's General Headquarters at 107 Public Service Building, Salem, the Bureau collects, maintains and provides Criminal Offender Record Information to Oregon criminal justice agencies. The Bureau also provides identification services to the agencies upon request. An organization chart is included on page 6.

Facilities and Equipment

With a base of over 818,000 fingerprint cards contributed by Oregon law enforcement agencies, the Bureau, in 1972, began the conversion of active criminal history records to a computer data base with microfilmed source documents. As of December, 1975, over 87,000 active records had been so converted.

Law Enforcement Data System

LEDS is the "State Control Terminal" for the NCIC interface to Oregon and is responsible for assuring that all policies and rules for access to the Oregon and/or NCIC-CCH systems are adhered to by Oregon user agencies. It is also responsible for providing the computer hardware and software capabilities necessary to insure the efficient processing and integrity of the information stored in the NCIC-CCH system.

LEDS is also responsible for the development and implementation of policies and procedures to safeguard the CCH information at the central computer site from accidental or malicious damage or unauthorized access or use. Periodically, each terminal location is inspected and audited to insure compliance with the published rules, policies and procedures.

CHRI Operational Procedures

Under Oregon Law (Chapter 548 - Oregon Laws, 1975, Section 1), "Criminal Offender Information" is defined to include "records and related data, fingerprints received and compiled by the Bureau for purposes of identifying criminal offenders and alleged offenders, records of arrests and the nature and disposition of criminal charges, including sentencing, confinement and release."

A crime for which criminal offender information must be reported to the Bureau of Criminal Identification is "any felony or any misdemeanor or other offense which involves criminal sexual conduct or any offense which involves the use or sale of narcotic drugs or dangerous drugs."

Excluded from the definition are arrests and court actions limited only to non-serious violations, e.g. drunkenness, vagrancy, disturbing the peace, curfew violation, loitering, traffic violations (except serious violations such as manslaughter, driving under the influence of drugs or liquor, and hit and run). Offenses committed by juvenile

offenders are also excluded unless a juvenile offender is remanded to an adult court.

Criminal justice agencies qualifying for receipt of criminal offender information from the Bureau of Criminal Identification are defined in Chapter 548 - Oregon Laws, 1975 as:

"The Governor
 Courts of Criminal Jurisdiction
 The Attorney General
 District Attorneys
 Law Enforcement Agencies
 The Corrections Division
 The State Board of Parole, and
 Any other state or local agency designated by
 the Governor."

A law enforcement agency as defined in Chapter 548-- Oregon Laws, 1975, "means county sheriffs, municipal police departments, state police, and other police officers of this and other states and law enforcement agencies of the federal government."

Section 5 of Chapter 548, Oregon Laws, 1975, requires that a law enforcement agency, immediately upon the arrest of a person for a crime shall:

- "(1) (a) Place the required fingerprints and identifying data on forms prescribed or furnished by the Bureau, photograph the arrested persons, and promptly transmit the form and photograph to the Bureau..."
- "(3) A law enforcement agency, for the purpose of identification, may record and submit to the Bureau the fingerprints of persons arrested for crimes for which criminal offender information is not required."

Section 5, subsection 1 of Chapter 548, Oregon Laws, 1975, expressly refers to the obligations of a law enforcement agency relating to reporting of dispositions of crimes for which criminal offender information is required.

Disposition Reporting System

The operational procedures used by the Bureau of Criminal Identification to insure completeness are integrated into the criminal identification procedures in order to insure positive identification (accuracy and integrity). This process is illustrated on the following charts (on pages 29 and 30). The more specific procedures which includes updating the records as the dispositions are received by the Bureau are shown on the chart on page 30. These charts illustrate the several stages of the process whereby trained staff check the information supplied to ensure the reports are complete.

Where reports are not complete, the forms are returned to the originating agency or otherwise followed up by the Bureau as part of these ongoing functions.

The procedures to ensure that the criminal history records are complete, that is, that disposition subsequent to arrest are forwarded to the Bureau, are in development. The disposition forms that are now utilized within the state are the standardized forms supplied by the FBI.

Although forms are provided and disposition reporting is statutorily required (Chapter 548 - Oregon Laws, 1975) analyses of the completeness of the record file maintained

reveals that many of these reports, for various reasons, are not received by the Bureau. Over the past few years, staff at the Bureau have made coordinated efforts to promote reporting which has included training and information sessions with many groups representing the various sectors of the criminal justice system. Statistical computer programs ran against the file indicate the percentage of completeness of records is constantly improving with time.

On-site visits with the various agencies and groups inevitably have revealed that the main reasons for lack of record completeness are due to the lack of development of administrative and operational procedures and the local agency's responsibility for completing the various forms.

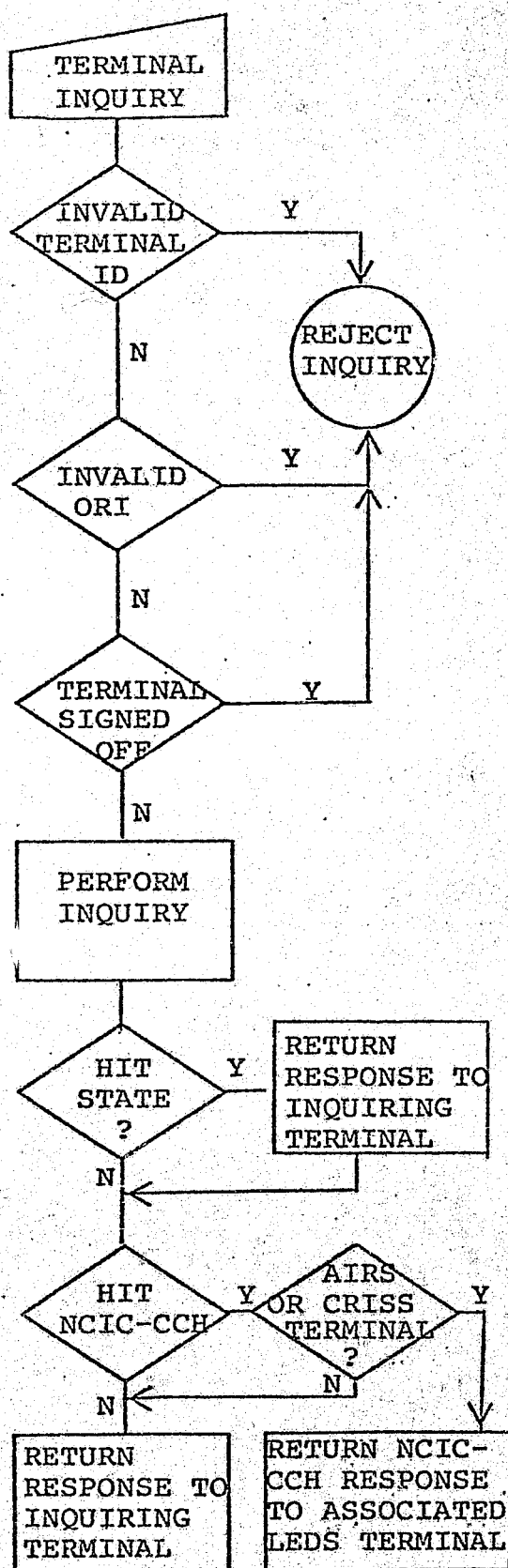
Consequently, the Bureau has developed new forms to ease the reporting burden. Printing is complete for this form which consists of a "snap-out" pre-numbered fingerprint card that is multi-level - arrest and disposition information with self-checking digit.

This new combination form will be disseminated to all Oregon law enforcement agencies for use on or about July, 1976.

Complete Disposition Reporting in 90 Days

Chapter 548, Oregon Laws, 1975, amended ORS 181.010 (Definitions) to read, "(2) 'Criminal Offender Information' (supra) includes - - - records of arrests and the nature and disposition of criminal charges including sentencing, confinement and release." "Disposition report" is defined

Inquiry Processing



.CCH inquiry from LEDS terminal or AIRS/CRISS terminal.

.Each terminal has two character ID. If terminal ID not in CCH table, inquiry is rejected.

.Each authorized agency must have signed agreement on file with Oregon State Police. Only ORI's of authorized agencies are maintained in validity table. Any valid terminal can inquire for any valid ORI.

.Terminals are to be signed off anytime not manned 24 hrs./day. Inquiry from valid terminal will be rejected if terminal is signed off.

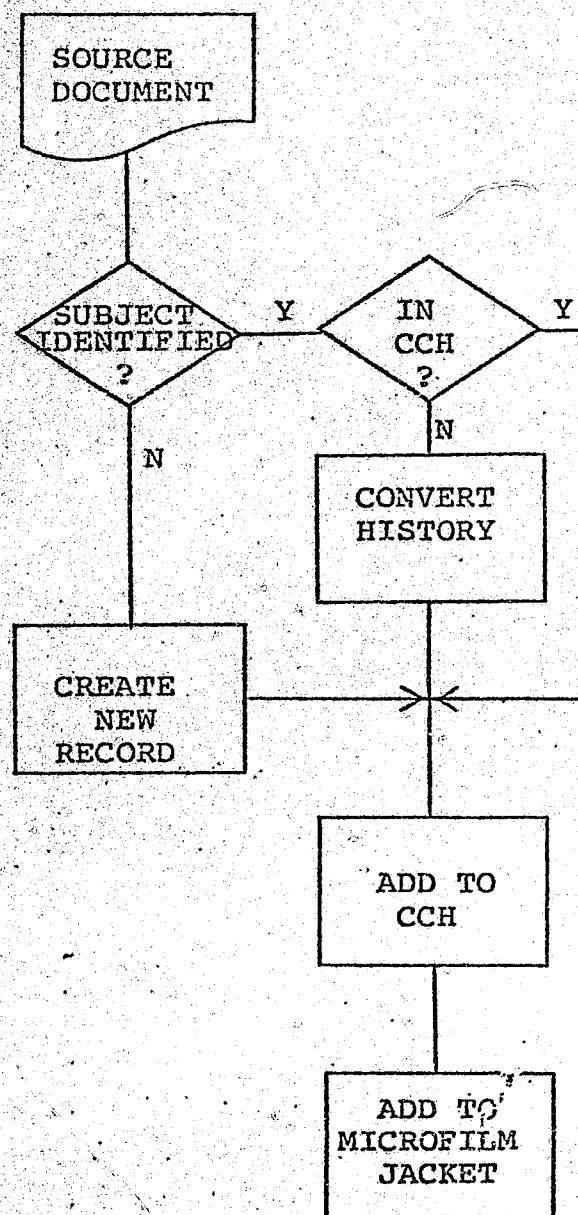
.If inquiry is valid it is processed. Both valid and invalid inquiries are logged. Both state and NCIC-CCH files are checked.

.If a record is found on the State file, it is returned to the inquiring terminal whether a LEDS terminal or regional system terminal.

.If a record is found on NCIC-CCH, the response may be returned to a LEDS or RAIN terminal only. If the inquiring terminal is an AIRS or CRISS terminal the response will be returned to a pre-defined associated LEDS terminal.

.Negative NCIC-CCH responses are returned to AIRS/CRISS terminals.

Updating Process



.Source Documents (arrest print cards, court disposition reports, corrections entry/release reports) submitted to Oregon State Police Bureau of Identification per ORS 181.065. All CCH file updating limited to 3 video terminals located in the Bureau.

.CCH inquiry made by name and other identifiers. Possible matches are pulled from master fingerprint card file. If no initial CCH match, prints are classified and checked against master print.

If not already in CCH, prior history is converted.

.If not identified, new record is created and new State ID Number with check digit assigned.

.New record or new element added to computer file. If arrest, automatic notification of update and identification of subject returned on-line to arresting agency. All updates logged onto disk, and later copied to tape.

.New microfilm jacket created or new transaction added to existing jacket. Microfilm jackets filed by State ID Number.

NOTE: Oregon currently not updating NCIC-CCH files.

as "a formal process prescribed or furnished by the Bureau, containing a description of the ultimate action taken subsequent to arrest."

However, while Chapter 548, Oregon Laws, 1975, does not contain language requiring dispositions occurring within the state to be reported within 90 days after the disposition has occurred, Section 6a does require "prompt" reporting within a "reasonable time." It is expected that the Bureau will further define these terms under Section 8 of Chapter 548, Oregon Laws, 1975. Section 8 requires the State Police to adopt rules establishing procedures providing for purging or expunging of inaccurate and incomplete arrest charge and disposition information. It is anticipated that the State Police will develop and promulgate these rules by December, 1976.

Police

Section 5 of Chapter 548, Oregon Laws, 1975, requires law enforcement agencies to immediately, upon the arrest of a person for a crime, place the required fingerprints and identifying data on a form prescribed or furnished by the Bureau, photograph the arrested person, and promptly transmit the information and photograph to the Bureau.

If the arrest is disposed of by the arresting agency, the disposition report must be completed and promptly transmitted to the Bureau. However, if the arrest is not disposed of by the agency, the disposition report will be forwarded to the court for further settlement of the matter in accordance with Section 6a.

Prosecutor and Trial Courts

Section 6a of Chapter 548, Oregon Laws, 1975, requires that "Courts shall cause the final court order or judgment of a crime for which criminal offender information is required to be reported promptly to the Bureau. The State Court Administrator, upon notice by the Bureau, shall make inquiry, as to the status of an arrest which has not been reported disposed of within a reasonable time after the date of arrest. If, from such inquiry, the State Court Administrator believes that a court, or its clerk, or its administrator, may not be making satisfactory reports of dispositions, he shall report his findings in relation thereto to the Supreme Court for its action."

Appellate Courts

Under Oregon Law (ORS 138.270), the Oregon Supreme Court and the Court of Appeals do not finally dispose of any criminal matter. The Appellate Court decision mandates the Trial Court and the final disposition is made by the Trial Court with disposition to be submitted by that court.

Probation

Oregon Law (ORS 181.530) requires that "The Superintendent of any institution of this state shall notify the Bureau prior to the release, or immediately after the escape from such institution, of any person committed to such institution for a crime for which a report is required or under civil commitment as a sexually dangerous person, ---".

Correctional Institutions

The Adult Parole and Probation Section, Corrections Division, Department of Human Resources, has adopted administrative procedures to report all releases from state institutions to the Bureau of Criminal Identification and, in addition, disposition details of all probationary sentences, including terminations, received in state courts.

Deficiencies

Oregon Law does not cover dispositions such as diversion programs, summary probation, local jail sentences or offender based transaction system dispositions. A study will be undertaken to identify the areas of dispositions not covered under Chapter 548, Oregon Laws, 1975. Upon completion of this study, appropriate rules will be developed and proposed legislation drafted by July, 1977.

Query of Central Repository Before Dissemination

Query before dissemination is not specifically required under Chapter 548, Oregon Laws, 1975. However, Executive Order 75-23 and proposed amendments to the Oregon State Police Administrative Rules require all criminal record information distributed by Oregon State Police to contain a notice in writing indicating that the record should not be relied on if it is over six months old.

Procedures have now been adopted by OSP requiring criminal justice agencies to query the central repository prior to dissemination of any Criminal History Record

Information to assure that the most up-to-date disposition data is being used. Policy is being adopted by the OSP to be included in a revised agreement form between OSP and Criminal Justice Agencies which will require appropriate inquiry of the central repository.

Accuracy and Systematic Audit

The Bureau of Criminal Identification has the responsibility for maintaining accurate and complete information as appears in OSP Administrative Rules - Section 10-020, System Responsibilities.

(1) Oregon State Police

- "(a) Maintenance and Dissemination of Criminal Offender Information. The Oregon State Police has statutory and administrative responsibility for the maintenance and dissemination of criminal offender information in Oregon.
- "(b) Accuracy and Completeness of Information. Information entered into CCH files is based on written documents submitted to the OSP by criminal justice agencies reporting their record of official action, which documents contain fingerprint or other verification as to the identity of the individual to whom the information refers.

OSP is responsible for the accuracy and completeness of information entered into the Oregon CCH system and any information subsequently transmitted for inclusion in the NCIC-CCH system.

This responsibility extends only to information contained in the documents as submitted to OSP.

- "(c) Removal of Information. Only terminals located at OSP or others designated by the Superintendent of the OSP are allowed to enter records into the CCH system or to change existing records."

The Bureau of Criminal Identification verifies the accuracy of data by comparing any CHRI with the source documents. These source documents include the original fingerprint card, corrections division information, and final disposition reports. The new state fingerprint card and disposition form will improve the accuracy.

LEDS responsibility for accuracy and validity of CHRI appears in OSP Administrative Rules - Section 10.010.

(2) Law Enforcement Data System - Executive Department

- "(a) NCIC Control Terminal Responsibility. LEDS is the 'state control terminal' for the NCIC interface to Oregon and is responsible for assuring that all policies and rules for access to the Oregon and/or NCIC-CCH systems are adhered to by Oregon user agencies.
- "(b) System Development and Operation. LEDS is responsible for providing the computer hardware and software capabilities necessary to insure the efficient processing and integrity of the information stored in the Oregon CCH System and for interfacing to the NCIC-CCH system.
- "(c) Physical Security of Computer Installation. LEDS is responsible for development and implementation of policies and procedures to safeguard the CCH information at the central computer site from accidental or malicious damage or unauthorized access or use."
- "(d) Audit and Inspection of User Agencies. LEDS is responsible for periodically auditing and inspecting each terminal location to insure compliance with the published rules, policies and procedures.

CCH terminal transaction records will be maintained at and by LEDS and will be made available to participating criminal justice agencies."

Delinquent Disposition Monitoring

It is anticipated that improvements will be made in the existing automated CHRI system. These improvements will be part of the delinquency disposition reporting system and will be implemented by OSP and LEDS by March, 1977. A program is now underway to provide the Bureau with delinquency lists. Under Oregon Administrative Rules, Chapter 257 - Section 10-020 OSP is responsible for removal of information from the Oregon CCH and the NCIC-CCH system where required by law or court order.

Notification Procedures

Realizing that existing procedures do not adequately meet the federal regulation, Oregon will review present dissemination/transaction logging procedures to provide for more readily identifying those agencies who have received any particular CHRI within the previous year. These procedures will be instituted by March, 1977. In the interim, policy will be directed toward all user agencies, requesting users to make additional inquiries whenever they want a CHRI on a specific individual rather than maintaining and using previously obtained CHRI.

IB. LIMITS ON DISSEMINATION

The present access to and use of CHRI is presently regulated by Chapter 548, Oregon Laws, 1975, and Oregon Administrative Rules, Chapter 257 - Section 10-025.

- "(1) Access to CCH information by means of terminals shall be limited to criminal justice agencies.
- "(2) A criminal justice agency shall obtain CCH information only in situations in which it is required by that agency for purposes of fulfilling its legal responsibilities. All inquiries to CCH shall be based on a valid reason to obtain the information.
- "(3) Inquiries for non-official purposes or the checking of records for persons or agencies outside the criminal justice community are prohibited."
- "(6) Any criminal justice agency obtaining CCH and/or NCIC-CCH information, either directly through that agency's terminals or through the terminal of another criminal justice agency, must have executed a written agreement with the OSP prior to such access."

Recent legislation, Chapter 548, Oregon Laws, 1975, and Executive Order 75-23 articulate more specifically the limits of access to criminal record information.

Criminal Justice Agencies

Section 1 of Chapter 548, Oregon Laws, 1975, limits the definition of "Criminal Justice Agencies" to those specifically listed: The Governor of the State of Oregon; the courts of criminal jurisdiction in the State of Oregon; the Attorney General of the State of Oregon; district attorneys; police forces, specifically the Oregon State Police; County Sheriffs, and municipal police forces and federal law enforcement agencies; the State Board of Parole; and any state or local agency designated by order of the Governor. The law permits the Governor to designate a state or local agency as a criminal justice agency.

Non-Criminal Justice Agencies

Other agencies fall within EO-75-23, Section 6, whereby "when-
ever an application for access is submitted to the Superintendent of
the Oregon State Police or his agent, that person shall submit such
application to the Criminal Records Council for its review and com-
ment, which action shall be completed within 45 days of submission
unless the Governor or the Superintendent agrees to a longer time.
Upon receipt of a recommendation from the Council, the Governor or
the Superintendent, as the case may be, may grant, either with or
without conditions, or deny access to criminal offender information."

Service Agencies

No specific agreements now exist between OSP/LEDS and repre-
sentatives from hardware and software vendors who service the auto-
mated equipment involved in LEDS. Appropriate dissemination limita-
tion and sanctions will be developed for inclusion in the agreements
which will be entered into by OSP and appropriate service compari-
sons by March, 1977.

Research and Evaluation

Special provisions are directed at agencies performing criminal
justice research and evaluation. Section 10-030, Chapter 257 of
the Oregon Administrative Rules spells out the limits on dissemina-
tion to these agencies:

(1) Criminal Justice Research Projects

"CCH information will be made available to qualified
persons for research and evaluation related to criminal
justice activity upon written application to the Criminal
Records Council, or in urgent circumstances for temporary
access, to the Superintendent of the Oregon State Police,
but authorization to utilize such information will be
conditioned upon:

- "(a) The execution of nondisclosure agreements by all participants in the program;
- "(b) When such qualified persons acknowledge a fundamental commitment to respect individual privacy interests with the identification of subjects of such information divorced as fully as possible from the data received and agree to comply with any additional requirements and conditions found necessary to assure the protection of personal privacy and system security interests;
- "(c) When a specific agreement is executed between such qualified persons and the OSP, the agreement stating the scope of the project, the permissible dissemination of information received and a prohibition against furnishing or use of such information for any purpose other than that for which it was obtained;"
- "(d) Where temporary access is authorized by the Superintendent of the OSP, he shall report the reasons for such temporary grant to the Criminal Records Council for review and comment at its next regular meeting. No temporary grant of access shall be valid for more than 30 days or after the next regularly scheduled meeting, whichever period is longer;
- "(e) OSP and LEDS will retain the right to monitor and audit any approved criminal justice research and evaluation project and to terminate access to CCH or Criminal Offender Information if a violation of this rule is detected."

An example of such an arrangement is the agreement that was signed by the Oregon Law Enforcement Council (SPA), Law Enforcement Data System and the Oregon State Police to use the information in the Computerized Criminal History file (excluding names) for a criminal justice research project. Purpose of the project is to provide the Justice Data Analysis Center (a unit within the SPA) with a data base to assist them in conducting statistical analysis

required in the evaluation of Oregon's criminal justice system and to provide federal, state and local units of government with current statistical information concerning events recorded in the operation of the Computerized Criminal History program.

Validating Agency Right to Access Procedures

The inquiry process to CCH via the automated system (LEDS) is programmed so as to reject an inquiry from an unauthorized agency or terminal (see chart on page 29). All authorized agencies qualified by law or Executive Order, have on file with the OSP a signed agreement form.

Juvenile Records

With regard to the keeping of juvenile records and reports, ORS 419.567 provides for their confidentiality as follows:

Status of Records and Reports

- "(1) The clerk of the court shall keep a record of each case, including therein the summons and other process, the petition and all other papers in the nature of pleadings, motions, orders of the court and other papers filed with the court, but excluding reports and other material relating to the child's history and prognosis. The record of the case shall be withheld from public inspection but shall be open to inspection by the child, his parent or guardian and their attorneys. The attorneys are entitled to copies of the record of the case.
- "(2) Reports and other material relating to the child's history and prognosis are privileged and, except at the request of the child, shall not be disclosed directly or indirectly to anyone other than the judge or the juvenile court, those acting under his direction, and to the attorneys

of record for the child or his parent or guardian. The attorneys are entitled to examine and obtain copies of any reports or other material relating to the child's history and prognosis. Any attorney who examines or obtains copies of such reports or materials shall be responsible for preserving their confidentiality and shall return the copies to the court upon the conclusion of his involvement in the case.

- "(3) No information appearing in the record of the case or in reports or other material relating to the child's history or prognosis may be disclosed to any person not described in subsection 2 of this section without the consent of the court, and no such information may be used in evidence in any proceeding to establish criminal or civil liability against the child, whether such proceeding occurs after the child has reached 18 years of age or otherwise, except for the following purposes:
- a. In connection with a presentence investigation after the guilt of the child has been admitted or established in a criminal court.
 - b. In connection with a proceeding in another juvenile court concerning the child or an appeal from the juvenile court.
- "(4) If the court finds that the child or parent is without financial means to purchase all or a necessary part of the transcript of the evidence or proceedings, the court shall, upon motion, order the transcript or part thereof to be furnished. The transcript or part thereof furnished under this subsection shall be paid for in the same manner as furnished transcripts are paid for in criminal cases."

ORS 419.567 applies to "each case" in which a petition is filed with the juvenile court, including cases which are dismissed and do not result in a finding that the juvenile is within the jurisdiction of the court. The statute applies to "information appearing in the record of the case or in reports or other material relating to the child's history or prognosis." (Emphasis supplied.) It shall not be disclosed except to the child, or at his request, his parent,

guardian or attorney, the judge and persons acting under his direction, except by order of the court. ORS 419.567(3).

This language implies that the prohibition on disclosure extends to information outside of the court's own records relating to the juvenile. Thus, an officer's report of investigation of a school burglary, and of his apprehension of a juvenile alleged to have committed the burglary, could be held to be subject to ORS 419.567 with its disclosure prohibited except by order of the court. The Attorney General of the State of Oregon adopted this conclusion in a letter dated December 26, 1972, to Police Chief Don L. Newell of Beaverton, advising him that juvenile arrest records should not be placed in a regional law enforcement computer system.

Further review of ORS 419.567 and particularly of subsection 1 casts some doubt on this conclusion. Under that subsection the "record of the case" includes:

"...the summons and other process, the petition and all other papers in the nature of pleadings, motions, orders of the court and other papers filed with the court..."

It excludes:

"...reports and other material relating to the child's history and prognosis..."

The balance of subsection 1 states who may have access to the "record of the case," and subsection 2 states who may have access to the "reports and other material." It

further provides that any attorney authorized to examine or obtain copies of such reports or materials, at the conclusion of his involvement in the case:

"...shall return the copies to the court..."

Thus, reading ORS 419.567 as a whole, it appears that what would ordinarily constitute a case file in a juvenile matter is divided into two parts: the "record of the case," and additional "reports and other material." The second category, to the same extent as the first, consists of material filed with the court. It is, thus, quite possible to construe ORS 419.567 so that it does not reach police reports not actually filed with the court.

It is nevertheless clear that ORS 419.567 should not be interpreted so narrowly as to protect only the records and reports filed with the court, and not the information contained in them. It would be absurd to say that a person (e.g., a caseworker) required to report to the court would be free to disclose the notes on which his report is based, or what he remembers concerning his investigation, but that no violation of ORS 419.567 has occurred so long as the physical integrity of any court records is preserved. It is the substance, not the form, the information in the records, not the pieces of paper, which the statute is intended to protect.

Much of the information necessarily contained in police reports relating to investigation of an offense by a juvenile, or to his apprehension, will also be in the

court file. Free disclosure of the police reports, even to other police agencies for law enforcement purposes, will be in direct violation of the purpose of ORS 419.567 to protect the juvenile. This is especially true if the police report on a prior offense is used in the investigation of a later offense. A strong argument could accordingly be made that ORS 419.567 does apply to these police reports.

The purpose for which a police agency would ordinarily seek information concerning a juvenile, or make use either of a regional law enforcement computer center or information obtained from the Central Bureau of Criminal Investigation, in the interest of their rehabilitation. Release of information to other parties or agencies for purposes such as pre-employment checks would as clearly frustrate the objectives of ORS 419.567, with probably less significant public benefit.

If ORS 419.567 is applicable, disclosure is prohibited except pursuant to court order. It is irrelevant that the agency seeking the information will not use the information to the detriment of the juvenile, or that the public policy underlying the statute is not applicable. The court is the agency which decides whether disclosure is appropriate in view of the interests of the juvenile and the public; it is the court which weighs the public policy factors involved.

Secondary Dissemination to Non-Criminal Justice Agencies

Under Chapter 548, Oregon Laws, 1975, and under existing rules, secondary dissemination to non-criminal justice agencies is not allowed. All non-criminal justice agencies must apply to the Governor.

Dissemination Without Disposition

Section 8 of Chapter 548, Oregon Laws, 1975, provides that the OSP shall adopt rules to establish procedures:

- "(3) Providing for purging or expunging of inaccurate and incomplete arrest, charge and disposition information."

Dissemination of CHRI without disposition is allowed between criminal justice agencies. This practice does meet the federal regulations and under Chapter 548, Oregon Laws, 1975, further rules will be developed which will adopt one or all of the following procedures:

- (1) Adopt more specific rules requiring complete disposition reporting requirements from all criminal justice agencies.
- (2) Establish a delinquency disposition reporting system with a supporting filed follow-up procedure.
- (3) These rules will be developed and promulgated by the OSP by December, 1977.

C. AUDITS AND QUALITY CONTROL

Under the OSP Administrative Rules, LEDS has the responsibility to perform audits and inspections of user agencies.

- "(d) Audit and Inspection of User Agencies. LEDS is responsible for periodically auditing and inspecting each terminal location to insure compliance with the published rules, policies, and procedures."

These rules further call for annual audits, under Oregon Administrative Rules, Chapter 257, Section 10-040, Annual Audits. At least once annually, the Governor shall cause to be conducted a random audit of the practices and

procedures of the OSP and LEDS concerning information collected and disseminated pursuant to Executive Order 74-6 and these rules to insure compliance with the requirements and restrictions set forth.

Section 10, subsection 7 of Executive Order 75-23 requires the Criminal Records Council to review procedures of the Oregon State Police and Law Enforcement Data System for periodic audits of data and practices of criminal justice agencies in compliance with rules adopted by the Oregon State Police.

As of the date of this Plan, LEDS has conducted procedural audits of 14 Oregon law enforcement agencies in 1975. All agencies were found to be in compliance with OSP Administrative Rules. The LEDS organization has a field operations unit which continually makes contact with criminal justice agencies in the field. Their duties will be expanded in 1976 to include providing technical assistance to local agencies regarding security and privacy and perform some of the routine procedural audits.

Audit Trails and Recreating Data Entry

Presently a computer log is maintained of all inquiries and responses to and from the CCH system. The information log includes the complete text of the inquiry or response, the identification of the originating terminal, the date and time. All CHRI is entered into CCH at the OSP Bureau of Criminal Identification from documents supported by fingerprints. The final court disposition on the specific case is provided on a disposition form which includes fingerprints to OSP.

Data entry criteria and edits are extensive. The minimum elements that must be included to create or update a record are:

- (a) Operator I.D. (SCR operator)
- (b) Name or ORI of agency submitting original document
- (c) Name of subject
- (d) DOB of subject
- (e) Date of arrest
- (f) Sex/race/height of subject
- (g) State I.D. number (This number incorporates a check digit and is additionally edited for duplication)
- (h) Henry Fingerprint classification
- (i) Number of microfilm reel containing photos of original documents
- (j) Numeric offense code

If an entry or update passes all system edits and requirements, a record is created and is available for immediate online access by authorized agencies. All original source documents are microfilmed at the Bureau of Criminal Identification and filed by SID number. The SID number is included in the automated record to provide quick access to backup documents if needed.

A new fingerprint card has been designed which includes a unique tracking number. The number is intended to enhance the ability to trace and audit all dispositions which follow an arrest. The pre-numbered code should be in use by July, 1976.

Procedural Audit

The procedural audit that was conducted in 1975 was the first one carried out in Oregon. A questionnaire/audit guideline was prepared and used by the inspection team. A copy is included in Appendix 5. A number of improvements will be developed and implemented by July, 1976. Using the experience gained in 1975, procedural audits will be an ongoing responsibility of the field operations unit of LEDS by December, 1976.

Records Audit

There has not been a specific effort directed toward developing and inaugurating a CHRI records audit. As described above, audit trails exist in the State Central-Repository.

A joint OSP and LEDS effort will be undertaken to establish, by March, 1977, procedures to conduct annual records and dissemination audits. Part of this process will call for a statistical (distribution by agency size, geography, etc.) selection of active CHRI records that will be monitored. At a specified time, the audit of these selected records will take place requiring verification that:

- (1) All source documents are valid, accurate, and complete. A check will be made between the records received at OSP and the original records maintained at the originating agency.
- (2) All entries are valid, accurate, and complete.

- (3) All agencies who receive the records during the audit period maintained appropriate dissemination logs that were valid, accurate, and complete.

Dissemination Logs

A log is maintained of all CCH terminal transaction records. These logs are automatically produced on all inquiries made against a CHRI record and any response transmitted. These are now filed in chronological order, and separate tapes are maintained for all CCH transactions. This procedure will accommodate a trace of the dissemination of any record to the user agency and identify the terminal and operator from which the inquiry was received. Other means of maintaining CCH terminal transaction records are being explored, and the most feasible and practicable method will be decided by March, 1976. The following year the design, program and procedure will be prepared and the system installed by March, 1977.

Local criminal justice agencies, which disseminate CHRI to other criminal justice agencies, will be made aware of the requirements for secondary dissemination logs by December, 1976. The OSP and LEDS will identify the minimum data elements necessary for the agency's dissemination logs.

Agencies during the procedure audit were assisted in this effort to assure that the logs were definitive enough to identify every agency or person who may have received CHRI plus the date, time, and purpose of the inquiry, and final disposition of the CHRI document.

Annual Audit Responsibility

Presently under Oregon Administrative Rules, Chapter 257, Section 10-020, "LEDS is responsible for periodically auditing and inspecting each terminal location accessing CCH or the FBI NCIC-CCH to insure compliance with the published rules, policies and procedures."

In addition, "...at least once annually the Governor shall cause to be conducted a random audit of the practices and procedures of the OSP and LEDS concerning information collected and disseminated." (Oregon Administrative Rules, Chapter 257, Section 10-040.)

ID. SECURITY

Security of the SCR is divided between the manual files maintained by the OSP at their headquarters and the Law Enforcement Data Systems automated files in the Executive Department's Data Processing Center. All personnel handling these records at the SCRI are employees of the State Police. The OSP records are protected to the maximum extent feasible from possible intrusion or compromise.

Executive/Statutory Designation

The responsibility for physical security of the CCH computer installation is assigned to LEDS. OSP Administrative Rules state "LEDS is responsible for development and implementation of policies and procedures to safeguard the CCH information at the central computer site from accidental or malicious damage or unauthorized access or use." These rules further identify security requirements for terminal agencies (Section 10-025).

- "(7) Security of Terminals. Any terminal with CCH accessing capability must be physically secure and placed in a location not available to unauthorized persons. Terminals must be so placed that unauthorized persons may not observe the content of messages transmitted or received on such terminal.
- "(8) Security of Criminal Offender Information Records. Any criminal justice agency obtaining Criminal Offender Information shall maintain those records in secure files until they are destroyed by burning or shredding, and shall treat those records in such a manner that the record does not become public information in any later proceeding, except through court order or as otherwise provided by law.
- "(9) Radio Transmission. Any radio transmission of Criminal Offender Information records shall be limited to essential details only, with information identifying individuals and offenses concealed insofar as possible.

Plain text transmission of an entire record is prohibited."

Prevention of Unauthorized Access

The LEDS communications system is a dedicated system operating on redundant Univac 6130 (EMR) computers. Access to CHRI is restricted to terminals or systems authorized to operate on the LEDS network. Access is software controlled in the communications system by restricting each terminal to making specific inquiries or transactions. Additional software safeguards are incorporated in the LEDS system monitor to assure that only authorized terminals and agencies access CHRI. As described earlier, the software safeguards will not accept an inquiry from an unauthorized terminal or agency. All terminals and agencies, local and regional, have been approved by OSP and LEDS

and authorized agencies are required to sign an agreement which binds the terminal agency to:

- "(1) To abide by all published rules, policies and procedures promulgated by the OSP governing the administration and operation of the Oregon Criminal Offender Record program and/or the FBI NCIC-Criminal Offender Record Program.
- "(2) That it is warranted that all personnel have, or will be so screened as to prohibit access to any criminal offender records by persons so restricted in the following Section 3.
- "(3) That no person who has been convicted of a crime which could have resulted in a sentence to a federal or state penitentiary will be allowed to operate a terminal or otherwise have access to criminal offender record information, and that requests for extraordinary circumstance exceptions to this requirement will be promptly submitted, in writing, to the Superintendent of the OSP."

The procedures followed by LEDS are as follows:

- (1) Identifier (ORI) of requesting agency is checked for authorization prior to permitting access.
- (2) Terminal making inquiry is checked for authorization.
- (3) Inquiry by name will not produce a record. The minimum data that will actually produce a record is name and State Identification Number.
- (4) Sign on, sign off (coded procedures) are required for any authorized terminal that is not staffed at all times by authorized personnel.

LEDS presently is interfaced with and transmits CHRI through three Regional Information Systems (AIRS, CRISS and RAIN). Refer to previous section for a description of these systems. All criminal justice agencies serviced by these

regional systems must have agency agreements on file with OSP. Since both CRISS and AIRS operate on local shared computer configurations, their handling of CHRI is allowed to act only as a transparent switch without any logging or recording of CHRI data. These systems are monitored by LEDS technical staff.

Dedicated Hardware

The LEDS hardware configuration, as shown in Section 1, indicates that all LEDS terminals, lines, communication processors and storage areas (discs) are dedicated to criminal justice purposes. The LEDS software monitor provides access to LEDS and CHRI online files operating in a dedicated region of the Executive Department's IBM 370-155 computer. This monitor was written and is maintained exclusively by LEDS personnel.

A negotiated priority agreement policy has been achieved between LEDS and the Data Systems Division of the Executive Department related to the various LEDS programs. In essence, this agreement provides that LEDS programs will have top priority handling for the initial 40 percent of the CPU usage and second priority thereafter for CPU usage.

Criminal Justice Agency Authority

As shown in the organization chart in Section 1, LEDS is a separate and distinct entity. In addition, ORS 181.710 establishes a separate LEDS account in the General Fund of the State Treasury. The LEDS Manager has full authority over the operation of the LEDS equipment, facilities and

staff. Aiding the Leds Manager is a Leds Advisory Committee comprised of representatives from law enforcement and criminal justice user agencies. The Leds Manager makes and enforces all operational policies affecting Leds including the use and operations of the Data Systems Division computer when it is performing Leds functions.

Personnel Control

As indicated above, all personnel operating in the Bureau of Criminal Identification are OSP personnel and subject to the OSP selection, training, and supervision policies and procedures. As indicated earlier, OSP Administrative Rules prohibit any person who has been convicted of a crime which could have resulted in a sentence to a federal or state penitentiary from operating a terminal accessing CCH information (CHRI) unless under extraordinary circumstances the Superintendent of the State Police grants an exception.

The Leds Manager has full authority over the selection of the Leds staff (i.e. operational, systems analyst, and programmers, field training and clerical personnel). In addition, Data Systems Division personnel, who work in the computer room (CPU) are required to have security clearance from the Leds Manager.

Non-disclosure agreements are not required now from authorized criminal justice agencies, although criminal justice agencies have their employees read and sign a CHRI non-disclosure agreement. This requirement will be further

developed and promulgated through the revised agency CCH agreement by December, 1977.

Administrative Responsibility and Security Procedures

The security procedures of OSP Bureau of Criminal Identification requires limitation of access to the CHRI to authorized personnel only. Necessary physical precautionary measures have been instituted by OSP to prevent unauthorized access to the maximum extent feasible.

The LEDS Manager has responsibility for physical security of the Data System Division facility. Access to the computer room and LEDS equipment area is controlled by an identification key card system. No person is allowed to be present in the computer facility without an identification badge. Service representatives may be issued temporary key card badges. Other visitors are issued non-key card badges and must be accompanied by a person who is authorized for full security clearance.

During non-business hours the computer facility is locked and access limited to employees. Theft and sabotage prevention is incorporated to the maximum extent feasible in the above procedures.

Fire, Flood, and Other Natural Disasters

All normal precautions for fire protection are taken. The facility is protected by automatic smoke detection and sprinkler systems. Fire extinguishers are located throughout the building and key employees trained in their use. Municipal fire protection is located two blocks

from the facility with direct access via a one-way street. (The computer facility is located on the upper level of the building.) The building is not located in a flood area, however, other natural disasters cannot be readily anticipated.

To further protect the CCH, LEDS operating procedures provide for off-site storage of backup files and computer programs. In addition, the computer facility has an emergency power supply which is under the control and operation of LEDS.

Employee Training Program

LEDS employees are provided training in building security procedures and in policies and rules relating to the confidentiality of CHRI. An orientation on building security procedures is provided to all of the computer facility employees by LEDS.

The field training unit of LEDS will provide technical assistance and appropriate training orientation to local criminal justice agencies so that they (local agencies) can instruct their employees on CHRI security and privacy policy and procedures. This training effort will be undertaken by LEDS during this year on a limited basis but then be instituted on a more regular basis starting in January of 1977.

The OSP provides an orientation program on confidentiality of records, particularly CHRI, to all employees.

E. ACCESS AND REVIEW

Existing OSP Administrative Rules are as follows:

Access by Individuals for Purpose of Review
and/or Challenge - Rule 10-035

- "(1) Any individual desiring to review information concerning himself maintained by the OSP Criminal Offender Record System, or who believes that the information as maintained is inaccurate, incomplete or maintained in violation of any state or federal statute or act, shall be entitled to review such information and obtain a copy thereof for the purpose of challenge or correction. The OSP shall not charge an individual for a reasonable request to provide him with a copy of Criminal Offender information which refers to him.
- "(2) Verification of such individual's identity may only be effected through submission, in writing, of name, date of birth, and a set of rolled ink fingerprints to the Oregon State Police. The request for review may be made at the General Headquarters of the Oregon State Police, Salem, Oreogn, or through any Oregon Criminal Justice Agency. The OSP may prescribe reasonable hours and places of inspection.
- If the request is made at other than the General Headquarters of the Oregon State Police and, after positive identification by the OSP of the fingerprints submitted, copy of the record, along with the fingerprints submitted for that purpose, will be forwarded to the criminal justice agency to whom the request was made.
- "(3) Upon receipt of such record that agency shall furnish same to the individual named in the record and at the same time return to that individual the fingerprints for positive identification.
- "(4) All data included in the Criminal Offender Information record is obtained from contributing criminal justice agencies.

If after review of the information concerning himself as maintained in such record, the individual believes that it is incomplete or incorrect in any respect and wishes changes, corrections or updating of the alleged deficiency, he must make application directly to the contributor of the questioned information, requesting the appropriate agency to correct it in accordance with its respective administrative rules and procedures. Upon receipt of an official communication directly from the agency which contributed the original information, the OSP will make any changes necessary in accordance with the information supplied by the agency.

- "(5) Any individual whose record is not removed, modified, or corrected as he may request, following refusal by the agency originally contributing such information, may proceed under the provisions of Rules 30.00 to 30.80 of the Attorney General's Model Rules of Practice and Procedures under the Administrative Procedure Act, relating to contested cases and judicial review.

After conclusion of such procedure or review, any information found to be inaccurate, incomplete, or improperly maintained, shall be removed from the individual's record and the originating agency so notified with copy of the record as corrected being furnished to the challenging individual.

- "(6) Any criminal justice agency receiving a record after such notice of contested case has been filed and prior to final determination, shall be notified by the OSP that the record is being challenged.

Oregon Administrative Rules, Chapter 257, Section 10-045, Violation of Rules, state: "Willful violation of published rules relating to Criminal Offender Information record by any authorized agency or employee may result in immediate termination of such agency's right to receive such information from the Oregon System and/or the NCIC-CCH system.

"Reinstatement will be effected only upon demonstration by the agency that the cause of such violation has been corrected. Final determination as to the reinstatement of any agency so terminated will be the responsibility of the OSP."

Oregon Administrative Rules, Chapter 257, Section 10-050, Rights of Appeal, state: "A criminal justice agency or employee desiring to appeal any action, order, or administrative ruling by the OSP or LEDS may proceed under the provision of Rules 30.00 to 30.80 of the Attorney General's Model Rules for Practice and Procedures under the Administrative Procedure act relating to contested cases."

Regarding these above rules, it should be noted that no limitations are established for time of day that such challenges can be made, nor is there a fee for a copy of the record.

The state does provide procedures for judicial appeal of any action, order, administrative ruling, under the Administrative Procedure Act, and provides for an administrative appeal as required under the federal regulations.

Under existing OSP rules, procedures for maintaining lists of dissemination to non-criminal justice agencies in the event of a correction have not been developed because, as stated in the rules, "inquiries for non-official purposes or the checking of records for persons or agencies outside the criminal justice community are prohibited."

Since the promulgation of the rules, it has been recognized that certain non-criminal justice agencies may have a valid need to access, therefore, provisions were added to Chapter 548, Oregon Laws, 1975, directing OSP to adopt rules "limiting access to information to criminal justice agencies and other state and local agencies when the information is required to perform a duty or function expressly required by statute."

SECTION III

CERTIFICATION STATEMENTS

Completeness and accuracy issues are being addressed in Chapter 548, Oregon Laws, 1975 and Executive Order 75-23. Also the State Judicial Information System (SJIS) is providing disposition reporting from the appellate level and will provide to CRISS and RAIN by January, 1977, disposition from the trial court level. The responsibility and authority for timely and accurate reporting of court and correctional cases is complex, but will be addressed further in the 1977 legislature.

U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE WASHINGTON, D. C. 20531		INFORMATION STATEMENT (28 CFR 20.1 - 20.38)		INSTRUCTIONS <i>Please provide the following information, complete the attached certification form and return all parts to the address at the left.</i>	
NAME/ADDRESS OF SUBMITTING AGENCY Oregon State Police 107 Public Service Bldg. Salem, OR 97310		APPLICABLE STATE Oregon		DATE PREPARED 3/8/76	
		CONTACT NAME Lt. Peter J. Meaney		TEL. NO. (Give Area Code) (503) 378-3720	

1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system.

YES ☒ NO ☐

2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection; storage or dissemination of information?

YES ☒ NO ☐

3. Indicate the type of agency:

☐ PROSECUTION ☐ PUBLIC DEFENDER ☒ POLICE
☐ COURTS ☐ CORRECTIONS

4. Indicate the type of system:

☐ SUBJECT IN PROCESS ☒ CRIMINAL HISTORY

5. Is the system automated?

☐ YES ☐ NO ☒ PARTIAL

6. Does the system(s) exchange information with other systems? ☐ YES ☐ NO
 If "Yes," specify which other systems:

☒ REGIONAL ☐ CENTRAL STATE REPOSITORY ☒ NCIC ☒ OTHER(specify) Other State Systems

7. Indicate population of primary geographic jurisdiction being served:

State of Oregon

2,266,000

8. Indicate approximate number of subjects included system:

☐ 0-5,000 ☐ 5,000-25,000 ☐ 25,000-100,000
☒ 100,000-500,000 ☐ MORE THAN 500,000

9. Name of authorized agency official

Robert R. Fisher

10. Title

Superintendent

11. Agency name and address

Oregon State Police
107 Public Service Building
Salem, OR 97310

12. Tel. No. (give Area Code)

(503) 378-3720

13. Signature of authorized official

Robert R. Fisher

UNITED STATES DEPARTMENT OF JUSTICE
Law Enforcement Assistance Administration
National Criminal Justice Information and
Statistics Service
Washington, D.C. 20531

CERTIFICATION FOR A
CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY

Oregon State Police
107 Public Service Bldg.
Salem, OR 97310

APPLICABLE STATE

Oregon

DATE PREPARED

March 1, 1976

CONTACT NAME

Lt. Peter J. Meaney

TELEPHONE NO. (Give area code)

(503) 378-3720

INSTRUCTIONS: Complete the following as appropriate.

OPERATIONAL PROCEDURES

Completeness and Accuracy

Central State Repository:

Statutory/Executive Authority

Facilities and Staff

Complete Disposition Reporting in 90 days from:

Police

Prosecutor

Trial Courts

Appellate Courts

Probation

Correctional Institutions

Parole

Query Before Dissemination:

Notices/Agreements-Criminal Justice

Systematic Audit:

Delinquent Disposition Monitoring

Accuracy Verification

Notice of Errors

Limits on Dissemination

Contractual Agreements/Notices and Sanctions

In Effect for:

Criminal Justice Agencies

Non-Criminal Justice Agencies Granted Access

by Law or Executive Order

Service Agencies Under Contract

Research Organizations

Varying Agency Right of Access Restrictions On

Juvenile Record Dissemination

Continuation of Record Existence

Secondary Dissemination by Non-Federal

Justice Agencies

Dissemination Without Disposition

Audits and Quality Control

Audit Trail:

Recreating Data Entry

Primary Dissemination Logs

Secondary Dissemination Logs

Annual Audit

CHECK MARKS

DATES

NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
Yes				
Yes				
No		X		12/76
No		X		12/76
No		X		12/76
No		X		12/76
No		X		12/76
No		X		6/77
No		X		3/76
Yes				
No	X	X		3/77
Yes	X	X		
No	X	X		3/77
Yes				
Yes				
No		X		
Yes				
Yes				
Yes				
No		X		12/77
Yes				
No	X	X		3/77
No				12/76
No	X	X		3/77

OPERATIONAL PROCEDURES

*Security

Executive/Statutory Designation of Responsible

Criminal Justice Agency

Prevention of Unauthorized Access:

Hardware Design

Software Design

Dedicated Hardware:

Terminals

Communications Control

Processor

Storage Devices

Criminal Justice Agency Authority:

Computer Operations Policy

Access to Work Areas

Selection and Supervision of Personnel

Assignment of Administrative Responsibility:

Physical Security

Unauthorized Access

Physical Protection Against:

Access to Equipment

Theft, Sabotage

Fire, Flood, Other Natural Disaster

Employee Training Program

Individual Right of Access

Rules for Access

Point of Review and Mechanism

Challenge by Individual

Administrative Review

Administrative Appeal

Correction/Notification of Error

NOW IMPLEMENTED	CHECK MARKS			DATES
	REASONS FOR NON-IMPLEMENTATION			
	COST	TECHNICAL	LACK OF AUTHORITY	ESTIMATED IMPLEMENTATION DATE
Yes (Administrative Rules)				
Yes				
Yes				
Yes				
Yes				
No	X	X	X	
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
No				1/77
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				

CERTIFICATION

I certify that to the maximum extent feasible, action has been taken to comply with the procedures set forth in the Privacy and Security Plan of the State.

SIGNATURE (Head of State Agency designated to be responsible for these regulations)

REMARKS

*NOTE: Section on "Security" not required to be completed.

MAR 5 1976

65

APPROVED: OMB NO. 43-R0576

U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE WASHINGTON, D. C. 20531		INFORMATION STATEMENT (28 CFR 20.1 - 20.38)	INSTRUCTIONS Please provide the following information, complete the attached certification form and return all parts to the address at the left.
NAME/ADDRESS OF SUBMITTING AGENCY Lane County Criminal Justice Data Systems (AIRS) Lane County Courthouse Eugene, Oregon 97401		APPLICABLE STATE OREGON	DATE PREPARED March 1, 1976
		CONTACT NAME Thomas J. Sawyer	TEL. NO. (Give Area Code) (503) 697-4370
<p>1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system.</p> <p>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p>			
<p>2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection; storage or dissemination of information?</p> <p>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p>			
<p>3. Indicate the type of agency:</p> <p><input checked="" type="checkbox"/> PROSECUTION <input type="checkbox"/> PUBLIC DEFENDER <input checked="" type="checkbox"/> POLICE <input checked="" type="checkbox"/> COURTS <input checked="" type="checkbox"/> CORRECTIONS</p>			
<p>4. Indicate the type of system:</p> <p><input checked="" type="checkbox"/> SUBJECT IN PROCESS <input checked="" type="checkbox"/> CRIMINAL HISTORY</p>		<p>5. Is the system automated?</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> PARTIAL</p>	
<p>6. Does the system(s) exchange information with other systems? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If "Yes," specify which other systems:</p> <p><input type="checkbox"/> REGIONAL <input type="checkbox"/> CENTRAL STATE REPOSITORY <input type="checkbox"/> NCIC <input checked="" type="checkbox"/> OTHER(specify) <u>LEDS (OUCR)</u></p>			
<p>7. Indicate population of primary geographic jurisdiction being served:</p> <p><u>247,000</u></p>		<p>8. Indicate approximate number of subjects included system:</p> <p><input type="checkbox"/> 0-5,000 <input type="checkbox"/> 5,000-25,000 <input type="checkbox"/> 25,000-100,000 <input checked="" type="checkbox"/> 100,000-500,000 <input type="checkbox"/> MORE THAN 500,000</p>	
<p>9. Name of authorized agency official</p> <p>Thomas J. Sawyer</p>		<p>10. Title</p> <p>CJDS Manager</p>	
<p>11. Agency name and address</p> <p>Lane County Sheriffs Office Lane County Courthouse Eugene, Oregon 97401</p>		<p>12. Tel. No. (Give Area Code)</p> <p>(503) 687-4370</p>	
		<p>13. Signature of authorized official</p> <p><i>Thomas J. Sawyer</i></p>	

APPROVED
OMB NO. 43-R0576

UNITED STATES DEPARTMENT OF JUSTICE
Law Enforcement Assistance Administration
National Criminal Justice Information and
Statistics Service
Washington, D.C. 20531

CERTIFICATION FOR
AGENCY SYSTEMS OTHER THAN
THE CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY

Lane County Criminal Justice Data Systems
Lane County Courthouse
Eugene, Oregon 97401
(AIRS)

APPLICABLE STATE

OREGON

DATE PREPARED

March 1, 1976

CONTACT NAME

Thomas J. Sawyer

TELEPHONE NO. (Give area code)

(503) 687-4370

TYPE OF AGENCY

☒ POLICE☒ PROSECUTOR☒ COURT☒ PROBATION☒ CORRECTIONAL
INSTITUTION☐ PAROLE

INSTRUCTIONS: Complete the following, as appropriate.

OPERATIONAL PROCEDURES

Completeness and Accuracy

Complete Disposition Reporting from:

Police

Prosecutor

Trial Courts

Appellate Courts

Probation

Correctional Institutions

Parole

Partial

Systematic Audit:

Delinquent Disposition Monitoring

Accuracy Verification

Limits on Dissemination

Contractual Agreements, Notices and Sanctions
in Effect for:

Criminal Justice Agencies

Non-Criminal Justice Agencies Granted Access
by Law or Executive Order

Service Agencies Under Contract

Research Organizations

Validating Agency Right of Access Restrictions On:

Juvenile Record Dissemination

Confirmation of Record Existence

Secondary Dissemination by Non-Criminal
Justice Agencies

Dissemination Without Disposition

Audits and Quality Control

Audit Trail:

Recreating Data Entry

Primary Dissemination Logs

Secondary Dissemination Logs

CHECK MARKS			DATES
NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION		ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL LACK OF AUTHORITY	
X			
X		X	1-77
X		X	1-77
		X	1-77
X			
			X 1-77
		X	1-77
		X	1-77
X			
X			
X			
X			
X		X	
X			
			X N/A
		X	
X			
X			
		X	N/A

OPERATIONAL PROCEDURES

* Security

Executive/Statutory Designation of Responsible
Criminal Justice Agency

Prevention of Unauthorized Access:

Hardware Design

Software Design

Dedicated Hardware:

Terminals

Communications Control

Processor

Storage Devices

Criminal Justice Agency Authority:

Computer Operations Policy

Access to Work Areas

Selection and Supervision of Personnel

Assignment of Administrative Responsibility:

Physical Security

Unauthorized Access

Physical Protection Against:

Access to Equipment

Theft, Sabotage

Fire, Flood, Other Natural Disaster

Employee Training Program

Individual Right of Access

Rules for Access

Point of Review and Mechanism

Challenge by Individual

Administrative Review

Administrative Appeal

Correction/Notification of Error

NOW IMPLEMENTED	CHECK MARKS			DATES
	REASONS FOR NON-IMPLEMENTATION			
	COST	TECHNICAL	LACK OF AUTHORITY	ESTIMATED IMPLEMENTATION DATE
X				
X				
X				
X				
	X			
X				
X				
			X	
			X	
			X	
			X	
			X	
			X	
			X	
			X	
			X	
			X	
X				
X				
X				
X				
X				
X				
X				
			X	

REMARKS

*NOTE: Section on "Security" not required to be completed.

APPROVED: OMB NO. 43-R0575

U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE WASHINGTON, D. C. 20531		INFORMATION STATEMENT (28 CFR 20.1 - 20.38)		INSTRUCTIONS Please provide the following information, complete the attached certification form, and return all parts to the address on the left.	
NAME/ADDRESS OF SUBMITTING AGENCY Columbia Region Information Sharing System 209 SW Oak St. Portland, Oregon 97204		APPLICABLE STATE Oregon		DATE PREPARED March 3, 1976	
		CONTACT NAME John Maddocks		TEL. NO. (Give Area Code) 503-248-3238	

1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system.

YES ☒ NO ☐

2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?

YES ☒ NO ☐

3. Indicate the type of agency:

☐ PROSECUTION ☐ PUBLIC DEFENDER ☐ POLICE
☐ COURTS ☐ CORRECTIONS ☒ Information Processing

4. Indicate the type of system:

☒ SUBJECT IN PROCESS ☒ CRIMINAL HISTORY

5. Is the system automated?

☒ YES ☐ NO ☐ PARTIAL

6. Does the system(s) exchange information with other systems? ☒ YES ☐ NO

If "Yes," specify which other systems:

☐ REGIONAL ☒ CENTRAL STATE REPOSITORY ☐ NCIC ☐ OTHER(specify) _____

7. Indicate population of primary geographic jurisdiction being served:

500,000

8. Indicate approximate number of subjects included system:

☐ 0-5,000 ☐ 5,000-25,000 ☒ 25,000-100,000
☐ 100,000-500,000 ☐ MORE THAN 500,000

9. Name of authorized agency official

John Maddocks

10. Title

Director

11. Agency name and address

As above

12. Tel. No. (give Area Code)

503-248-3238

13. Signature of authorized official

John Maddocks

OPERATIONAL PROCEDURES

* Security

Executive/Statutory Designation of Responsible

Criminal Justice Agency

Prevention of Unauthorized Access:

Hardware Design

Software Design

Dedicated Hardware:

Terminals

Communications Control

Processor

Storage Devices

Criminal Justice Agency Authority:

Computer Operations Policy

Access to Work Areas

Selection and Supervision of Personnel

Assignment of Administrative Responsibility:

Physical Security

Unauthorized Access

Physical Protection Against:

Access to Equipment

Theft, Sabotage . .

Fire, Flood, Other Natural Disaster

Employee Training Program

Individual Right of Access

Rules for Access

Point of Review and Mechanism

Challenge by Individual

Administrative Review

Administrative Appeal

Correction/Notification of Error

[illegible]

REMARKS

*NOTE: Section on "Security" not required to be completed.

U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE WASHINGTON, D. C. 20531	INFORMATION STATEMENT (28 CFR 20.1 - 20.38)	INSTRUCTIONS <i>Please provide the following information, complete the attached certification form and return all parts to the address at the left.</i>
NAME/ADDRESS OF SUBMITTING AGENCY Regional Automated Information Network 690 Ferry Street S.E. Salem, OR 97301	APPLICABLE STATE Oregon	DATE PREPARED March 1, 1976
	CONTACT NAME Jeff Barnes	TEL. NO. (Give Area Code) (503) 588-6422

1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system.

YES ☒ NO ☐

2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?

YES ☒ NO ☐

3. Indicate the type of agency:

☒ PROSECUTION ☐ PUBLIC DEFENDER ☒ POLICE
☒ COURTS ☒ CORRECTIONS


4. Indicate the type of system: <input checked="" type="checkbox"/> SUBJECT IN PROCESS <input type="checkbox"/> CRIMINAL HISTORY	5. Is the system automated? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> PARTIAL
-------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------

6. Does the system(s) exchange information with other systems? ☒ YES ☐ NO
 If "Yes," specify which other systems:

☐ REGIONAL ☒ CENTRAL STATE REPOSITORY ☒ NCIC ☐ OTHER(specify) _____

7. Indicate population of primary geographic jurisdiction being served: 250,000	8. Indicate approximate number of subjects included system: <input type="checkbox"/> 0-5,000 <input type="checkbox"/> 5,000-25,000 <input type="checkbox"/> 25,000-100,000 <input type="checkbox"/> 100,000-500,000 <input type="checkbox"/> MORE THAN 500,000
------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

9. Name of authorized agency official Jeff Barnes	10. Title Director
------------------------------------------------------	-----------------------

11. Agency name and address Regional Automated Information Network 690 Ferry Street, S.E. Salem, OR 97301	12. Tel. No. (give Area Code) (503) 588-6422 13. Signature of authorized official  DIRECTOR
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APPROVED
OMB NO. 43-RO576

UNITED STATES DEPARTMENT OF JUSTICE
Law Enforcement Assistance Administration
National Criminal Justice Information and
Statistics Service
Washington, D.C. 20531

CERTIFICATION FOR
AGENCY SYSTEMS OTHER THAN
THE CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY

Regional Automated Information Network
690 Ferry Street S.E.
Salem, OR. 97301

APPLICABLE STATE

Oregon

DATE PREPARED

March 1, 1976

CONTACT NAME

Jeff Barnes, Dir.

TELEPHONE NO. (Give area code)

(503) 588-6422

TYPE OF AGENCY

☒ POLICE☒ PROSECUTOR☒ COURT☐ PROBATION☒ CORRECTIONAL
INSTITUTION☐ PAROLE

INSTRUCTIONS: Complete the following, as appropriate.

OPERATIONAL PROCEDURES

Completeness and Accuracy

Complete Disposition Reporting from:

Police

Prosecutor

Trial Courts

Appellate Courts

Probation

Correctional Institutions

Parole

Systematic Audit:

Delinquent Disposition Monitoring

Accuracy Verification

Limits on Dissemination

Contractual Agreements, Notices and Sanctions
in Effect for:

Criminal Justice Agencies

Non-Criminal Justice Agencies Granted Access
by Law or Executive Order

Service Agencies Under Contract

Research Organizations

Validating Agency Right of Access Restrictions On:

Juvenile Record Dissemination

Confirmation of Record Existence

Secondary Dissemination by Non-Criminal

Justice Agencies

Dissemination Without Disposition

Audits and Quality Control

Audit Trail:

Recreating Data Entry

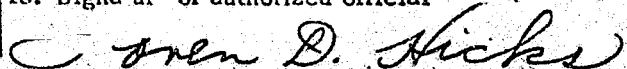
Primary Dissemination Logs

Secondary Dissemination Logs

CHECK MARKS				DATES
NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
No		X		7/76
No		X		7/76
No			X	2/77
No			X	2/77
No		X		2/77
No			X	?
No			X	?
No		X		7/76
No		X		7/76
No			X	4/76
No			X	4/76
No			X	4/76
No			X	4/76
No			X	4/76
No			X	4/76
No		X		7/76
No		X		7/76
No		X		7/76

MAR 1 1976 74

APPROVED: OMB NO. 43-R0575

U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE WASHINGTON, D. C. 20531		INFORMATION STATEMENT (28 CFR 20.1 - 20.38)		INSTRUCTIONS Please provide the following information, complete the attached certification form and return all parts to the address at the left.	
NAME/ADDRESS OF SUBMITTING AGENCY Oregon Supreme Court State Court Administrator State Judicial Information System Supreme Court Building Salem, Oregon 97310			APPLICABLE STATE OREGON		DATE PREPARED 2/27/76
			CONTACT NAME S. R. Mayhugh		TEL. NO. (Give Area Code) 503 - 378-6034
1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system. YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>					
2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>					
3. Indicate the type of agency: <input type="checkbox"/> PROSECUTION <input type="checkbox"/> PUBLIC DEFENDER <input type="checkbox"/> POLICE <input checked="" type="checkbox"/> COURTS <input type="checkbox"/> CORRECTIONS					
4. Indicate the type of system: <input type="checkbox"/> SUBJECT IN PROCESS <input type="checkbox"/> CRIMINAL HISTORY <input checked="" type="checkbox"/> Court Case Records			5. Is the system automated? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> PARTIAL		
6. Does the system(s) exchange information with other systems? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If "Yes," specify which other systems: <input checked="" type="checkbox"/> REGIONAL <input checked="" type="checkbox"/> CENTRAL STATE REPOSITORY <input type="checkbox"/> NCIC <input checked="" type="checkbox"/> OTHER (specify) <u>Originating Police Agencies</u>					
7. Indicate population of primary geographic jurisdiction being served: <u>2,100,000</u>			8. Indicate approximate number of subjects included system: <input checked="" type="checkbox"/> 0-5,000 <input type="checkbox"/> 5,000-25,000 <input type="checkbox"/> 25,000-100,000 <input type="checkbox"/> 100,000-500,000 <input type="checkbox"/> MORE THAN 500,000		
9. Name of authorized agency official Loren D. Hicks			10. Title State Court Administrator		
11. Agency name and address Oregon Supreme Court Supreme Court Building Salem, Oregon 97310			12. Tel. No. (give Area Code) 503 - 378 - 6046		
			13. Signature of authorized official 		

OPERATIONAL PROCEDURES

* Security

Executive/Statutory Designation of Responsible

Criminal Justice Agency

Prevention of Unauthorized Access:

Hardware Design

Software Design

Dedicated Hardware:

Terminals

Communications Control

Processor

Storage Devices

Criminal Justice Agency Authority:

Computer Operations Policy

Access to Work Areas

Selection and Supervision of Personnel

Assignment of Administrative Responsibility:

Physical Security

Unauthorized Access

Physical Protection Against:

Access to Equipment

Theft, Sabotage.

Fire, Flood, Other Natural Disaster

Employee Training Program

**** Individual Right of Access**

Rules for Access

Point of Review and Mechanism

Challenge by Individual

Administrative Review

Administrative Appeal

Correction/Notification of Error

[illegible]

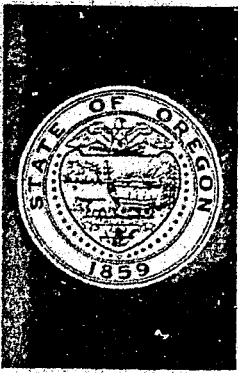
REMARKS

*NOTE: Section on "Security" not required to be completed.

****REMARKS:** Court records are always available for inspection by the defendant or his attorney and effective court procedures exist to correct errors.

APPENDIX 1

OREGON STATE POLICE
PROPOSED AMENDMENTS TO THE ADMINISTRATIVE RULES



DEPARTMENT OF STATE POLICE

PUBLIC SERVICE BUILDING

SALEM, OREGON 97310

ROBERT W. STRAUB
GOVERNOR

DEPARTMENT OF STATE POLICE

Proposed amendments to Administrative Rules - Oregon Criminal History Program, as contained in Chapter 257 Oregon Administrative Rules, adopted June 14, 1974, filed with the Secretary of State June 14, 1974 - as DSP 2, and effective 7-11-74.

NOTE: Matter underlined in an amended section is new; matter bracketed is existing rule to be omitted.

November 21, 1975

Rule 10-010 SCOPE OF SYSTEM. Oregon (Computerized) Criminal Offender Information (history) files contain information, contributed by Criminal Justice Agencies, on a person's record of arrests, the nature and disposition of criminal charges, sentencing, confinement and release, plus identifying data only relating to fingerprints of applicants submitted under Oregon Law. These files (do not contain intelligence information or other unrelated data) shall not permanently contain information about the political, religious or social views, associations or activities of any individual, group, association, corporation, business or partnership unless such information directly relates to an investigation of past or threatened criminal acts or activities and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal acts or activities.

The Oregon CCH (Program) System is a computerization of essentially the same criminal (history) offender information, and is maintained by the OSP under provisions of ORS Chapter 181, Sections 010, 065, 510, 520 and 540, as amended by Chapter 548, Oregon Laws 1975. Computerization of the manually accessed paper file is designed to provide faster access to criminal (history) offender information for Oregon Criminal Justice Agencies.

Rule 10-015 DEFINITIONS. As used in these rules:

(1) "Criminal Offender Information" means records and related data, including fingerprints, received, compiled and disseminated by the Oregon State Police for purposes of identifying criminal offenders and alleged offenders and maintained as to such persons' records of arrest, the nature and disposition of criminal charges, sentencing, confinement and release, and includes the OSP Computerized Criminal History System.

(2) "Computerized Criminal History (CCH) System" means the maintenance in online computer files of significant criminal offender information.

(3) "OSP" means the Oregon State Police and includes the OSP Bureau of Criminal Identification.

(4) "LEDS" means the Oregon Law Enforcement Data System.

(5) "Oregon CCH System" means the Oregon Computerized Criminal History System.

(6) "NCIC-CCH System" means the national computerized criminal history system maintained and operated by the FBI.

(7) "Interstate System" means the NCIC-CCH system and the network of participating states and agencies.

(8) "Criminal Justice Activity" means any activity pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including police efforts to prevent, control, or reduce crime or to apprehend criminals; activities of courts and prosecutors having criminal jurisdiction; activities of corrections, probation or parole authorities and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic or dangerous drug addiction.

(9) "Criminal Justice Agency" means (a public agency or component thereof which performs as its principal function activities related to Criminal Justice, and includes courts with criminal jurisdiction)

(a) The Governor

(b) Courts of Criminal Jurisdiction

(c) The Attorney General

(d) District Attorneys

(e) Law Enforcement Agencies

(f) The Corrections Division

(g) The State Board of Parole, and

(h) Any other state or local agency designated by order of the Governor.

(10) "State Control Terminal" means the agency within each state responsible for the NCIC interface to that state.

(11) "Law Enforcement Agency" means County Sheriffs, Municipal Police Departments, State Police, other police officers of this and other states and law enforcement agencies of the Federal Government.

(12) "Criminal Records Council" means that Council, advisory to the Governor, established under the provisions of Executive Order 75-23.

Rule 10-020 SYSTEM RESPONSIBILITIES. (1) Oregon State Police.

(a) Maintenance and Dissemination of Criminal Offender Information. The Oregon State Police has statutory and administrative responsibility for the maintenance and dissemination of criminal offender information in Oregon.

(b) Accuracy and Completeness of Information. Information entered into (CCH) Criminal Offender Information files is based on written documents submitted to the OSP by Criminal Justice Agencies reporting their record of official action, which documents contain fingerprint or other verification as to the identity of the individual to whom the information refers.

OSP is responsible for the accuracy and completeness of information entered into the Oregon (CCH) Criminal Offender Information System and any information subsequently transmitted for inclusion in the NCIC-CCH System.

CONTINUED

1 OF 2

This responsibility extends only to information contained in the documents as submitted to OSP.

(c) Removal of Information. OSP is responsible for removal of information from the Oregon (CCH) Criminal Offender Information and the NCIC-CCH System where required by law or court order. In the event the OSP discovers there has been an erroneous entry in criminal offender information records maintained by it, it shall make a reasonable effort to notify any recipient person or agency known to have received such information within a reasonable period preceding discovery of the error, of the fact of such error and of the correct information. Any such erroneous or inaccurate information shall be purged from the record and replaced by the correct information.

(d) Entry of Information. Only terminals located at OSP or others designated by the Superintendent of the OSP are allowed to enter records into the (CCH) Oregon system or to change existing records.

(e) Information to Qualified Criminal Justice Agencies. OSP is responsible for providing (CCH) Criminal Offender information to qualified Criminal Justice Agencies (via LEDS). Such information will be furnished, after proper inquiry, in either (summary) computerized form, via LEDS or (complete record) document form.

(f) Development of Operational Procedures. OSP is responsible for development of operational procedures to be followed by Criminal Justice Agencies (with terminals) having access to Oregon (and) Criminal Offender Information and NCIC-CCH files.

(g) All Criminal Offender information distributed by the OSP shall contain a notice in writing in substantially the following language:
"All persons are advised that the information contained in this report can

only be considered accurate for a period of six months from the date of this report. For accurate information, new inquiry must be made."

All agencies shall insofar as is feasible, taking into consideration the then existing capability of the OSP to respond, request and obtain a current criminal offender information record when that record is to be disseminated outside that agency.

(2) Law Enforcement Data System - Executive Department.

(a) NCIC Control Terminal Responsibility. LEDS is the "state control terminal" for the NCIC interface to Oregon and is responsible for assuring that all policies and rules for access to the Oregon (and/) or the NCIC-CCH Systems are adhered to by Oregon user agencies.

(b) System Development and Operation. LEDS is responsible for providing the computer hardware and software capabilities necessary to insure the efficient processing and integrity of the information stored in the Oregon CCH System and for interfacing to the NCIC-CCH System.

(c) Physical Security of Computer Installation. LEDS is responsible for development and implementation of policies and procedures to safeguard the CCH information at the central computer site from accidental or malicious damage or unauthorized access or use.

(d) Audit and Inspection of User Agencies. LEDS is responsible for periodically auditing and inspecting each terminal location accessing CCH or the FBI NCIC-CCH to insure compliance with the published rules, policies and procedures.

CCH terminal transaction records will be maintained at and by LEDS and will be made available to participating Criminal Justice Agencies.

Rule 10-025 ACCESS TO AND USE OF (CCH) CRIMINAL OFFENDER INFORMATION.

(1) Access to (CCH) OSP Criminal Offender information by (means of terminals) any means shall be limited to: (Criminal Justice Agencies)

(a) Criminal Justice Agencies, where the information is to be used for criminal justice purposes or criminal justice agency employment.

(b) Other state and local agencies, after application to the Criminal Records Council and upon Executive Order of the Governor, where the information is required to implement a Federal or State Statute or Executive Order that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct.

((2) A Criminal Justice Agency shall obtain CCH information only in situations in which it is required by that agency for purposes of fulfilling its legal responsibilities. All inquiries to CCH shall be based on a valid reason to obtain the information.)

(2) Access to CCH information by means of terminals shall be limited to authorized Criminal Justice Agencies using their agency identification number (ORI).

(3) Inquiries for nonofficial purposes or the checking of records for unauthorized persons or agencies outside the Criminal Justice community (are) is prohibited.

(4) (CCH) Criminal Offender information may be furnished only to authorized agency employees (of Criminal Justice Agencies) and no person who has been convicted of a crime which could have resulted in a sentence to a Federal or State Penitentiary will be allowed to operate a terminal accessing CCH information or (otherwise) have access to (CCH) Criminal Offender information.

Exceptions to this rule may be made in extraordinary circumstances upon written application to the Superintendent of the Oregon State Police setting forth such circumstances. The Superintendent of the OSP will maintain a central file where such exception authorizations shall be filed.

(5) Screening of Criminal Justice Agency and Regional Criminal Justice information system employees who have access to CCH or Criminal Offender information records is the responsibility of the employing agency.

(6) Any Criminal Justice Agency obtaining (CCH) Criminal Offender information (and/) or NCIC-CCH information, either directly through that agency's terminals, or through the terminal of another Criminal Justice Agency, must have executed a written agreement with the OSP prior to such access.

(7) Security of Terminals. Any terminal with CCH accessing capability must be physically secure and placed in a location not available to unauthorized persons. Terminals must be so placed that unauthorized persons may not observe the content of messages transmitted or received on such terminal.

(8) Security of (CCH) Criminal Offender Information Records. Any Criminal Justice Agency obtaining (CCH) Criminal Offender information shall maintain those records in secure files until they are destroyed by burning or shredding, and shall treat those records in such a manner that the record does not become public information in any later proceeding, except through court order or as otherwise provided by law.

(9) Radio Transmission. Any radio transmission of (CCH) Criminal Offender Information records shall be limited to essential details only, with information identifying individuals and offenses concealed insofar as possible.

Plain text transmission of an entire (summary or full CCH) record is prohibited.

Rule 10-030 CRIMINAL JUSTICE RESEARCH AND EVALUATION PROJECTS.

(1) (CCH) Criminal Offender information will be made available to qualified persons for research and evaluation related to criminal justice activity upon written application to the Criminal Records Council or, in exigent circumstances for temporary access to the Superintendent of the Oregon State Police but authorization to utilize such information will be (given only) conditioned upon:

((a) When the benefits from such projects may be reasonably anticipated to outweigh the potential harm to system security and individual privacy, and,)

(a) The execution of nondisclosure agreements by all participants in the program.

(b) When such qualified persons acknowledge a fundamental commitment to respect individual privacy interests with the identification of subjects of such information divorced as fully as possible from the data received, and (,) agree to comply with any additional requirements and conditions found necessary to assure the protection of personal privacy and system security interests, and,

(c) When a specific agreement is executed between such qualified persons and the OSP, the agreement stating the scope of the project, the permissible dissemination of information received and a prohibition against furnishing or use of such information for any purpose other than that for which it was obtained.

(d) Where temporary access is authorized by the Superintendent of the OSP, he shall report the reasons for such temporary grant to the

Criminal Records Council for review and comment at its next regular meeting. No temporary grant of access shall be valid for more than 30 days or after the next regularly scheduled Council meeting, whichever period is longer.

(e) OSP and LEDS will retain the right to monitor and audit any approved criminal justice research and evaluation project and to terminate access to CCH or Criminal Offender information if a violation of this rule is detected.

Rule 10-035 ACCESS BY INDIVIDUALS FOR PURPOSE OF REVIEW AND/OR CHALLENGE.

(1) Any individual desiring to review information concerning himself maintained in the (CCH) OSP Criminal Offender Record System, or who believes that the information as maintained is inaccurate, incomplete or maintained in violation of any State or Federal statute or act, shall be entitled to review such information and obtain a copy thereof for the purpose of challenge or correction. The OSP shall not charge an individual for a reasonable request to provide him with a copy of Criminal Offender information which refers to him.

(2) Verification of such individual's identity may only be effected through submission, in writing, of name, date of birth, and a set of rolled ink fingerprints to the Oregon State Police. The request for review may be made at the General Headquarters of the Oregon State Police, Salem, Oregon, or through any Oregon Criminal Justice Agency. The OSP may prescribe reasonable hours and places of inspection.

If the request is made at other than the General Headquarters of the Oregon State Police and, after positive identification by the OSP of the fingerprints submitted, copy of the (CCH) record, along with the fingerprints submitted for that purpose, will be forwarded to the Criminal Justice Agency to whom the request was made.

(3) Upon receipt of such (CCH) record that agency (must) shall furnish same to the individual named in the record and at the same time return to that individual the fingerprints submitted for positive identification.

(4) All data included in the (CCH) Criminal Offender information record is obtained from contributing Criminal Justice Agencies.

If after review of the information concerning himself as maintained in (the CCH) such record, the individual believes that it is incomplete or incorrect in any respect and wishes changes, corrections or updating of the alleged deficiency, he must make application directly to the contributor of the questioned information, requesting the appropriate agency to correct it in accordance with its respective administrative rules and procedures. Upon receipt of an official communication directly from the agency which contributed the original information, the OSP will make any changes necessary in accordance with the information supplied by the agency.

(5) Any individual whose record is not removed, modified, or corrected as he may request, following refusal by the agency originally contributing such information, may proceed under the provisions of Rules 30.00 to 30.80 of the Attorney General's Model Rules of Practice and Procedures under the Administrative Procedure Act, relating to contested cases and judicial review.

After conclusion of such procedure or review, any information found to be inaccurate, incomplete, or improperly maintained, shall be removed from the individual's record and the originating agency so notified with copy of the record as corrected being furnished to the challenging individual.

(6) Any Criminal Justice Agency receiving a (CCH) record

after such notice of contested case has been filed and prior to final determination, shall be notified by the OSP that the record is being challenged.

Rule 10-040 ANNUAL AUDITS. At least once annually, the Governor shall cause to be conducted a random audit of the practices and procedures of the OSP and LEDS concerning information collected and disseminated pursuant to Executive Orders 74-6 and 75-23 and these rules to insure compliance with the requirements and restrictions set forth.

Rule 10-045 VIOLATION OF RULES. Willful violation of published rules relating to (CCH) Criminal Offender Information record by any (Criminal Justice) authorized agency or employee may result in immediate termination of such agency's right to receive such information from the Oregon (CCH) System and/or the NCIC-CCH System.

Reinstatement will be effected only upon demonstration by the (Criminal Justice) Agency that the cause of such violation has been corrected. Final determination as to the reinstatement of any agency so terminated will be the responsibility of the OSP.

Rule 10-050 RIGHTS OF APPEAL. A Criminal Justice Agency or employee desiring to appeal any action, order, or administrative ruling by the OSP or LEDS may proceed under the provisions of Rules 30.00 to 30.80 of the Attorney General's Model Rules for Practice and Procedures under the Administrative Procedure Act relating to contested cases and judicial review.

APPENDIX 2

CHAPTER 548, OREGON LAWS, 1975

Enrolled
House Bill 2047

Sponsored by COMMITTEE ON JUDICIARY

CHAPTER..... 548

AN ACT

Relating to police records; creating new provisions; amending ORS 137.225, 181.010 and 181.540; repealing ORS 181.055, 181.510 and 181.520; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

Section 1. ORS 181.010 is amended to read:

181.010. As used in ORS 181.010 to 181.540, unless the context requires otherwise:

(1) "Bureau" means the [central bureau of criminal identification] Department of State Police Bureau of Criminal Identification.

(2) "Criminal offender information" includes records and related data, fingerprints received and compiled by the bureau for purposes of identifying criminal offenders and alleged offenders, records of arrests and the nature and disposition of criminal charges, including sentencing, confinement and release.

[(2)] (3) "Crime for which [a report] criminal offender information is required" means:

(a) [All felonies; and] Any felony;

(b) Any misdemeanor or other offense [or violation of a city ordinance any element of] which involves criminal sexual conduct [prohibited by law; and];

(c) Any [misdemeanor or other] offense [or violation of a city ordinance any of] which involves the use or sale of narcotic drugs as defined in ORS 474.010 or dangerous [drug described] drugs defined in ORS [475.100] 475.010.

[(3)] (4) "Department" means the Department of State Police established under ORS 181.020.

[(4)] (5) "Deputy Superintendent" means the Deputy Superintendent of State Police.

[(5)] (6) "Law enforcement agency" means [all] county sheriffs, municipal police departments, State Police, [and] other [peace] police officers of this and other states and law enforcement agencies of the Federal Government.

[(6)] (7) ["Oregon State Police" or] "State Police" means the members of the state police force appointed under ORS 181.250.

[(7)] (8) "Superintendent" means the Superintendent of State Police.

[(8) "State agency" means the Governor, the Mental Health Division, the Corrections Division, the Attorney General, the district attorney of any county of this state, the State Board of Education and the State Board of Higher Education.]

(9) "Criminal Justice Agency" means:

(a) The Governor,

(b) Courts of criminal jurisdiction,

- (c) The Attorney General,
- (d) District attorneys,
- (e) Law enforcement agencies,
- (f) The Corrections Division,
- (g) The State Board of Parole, and
- (h) Any other state or local agency designated by order of the Governor.

(10) "Disposition report" means a form or process prescribed or furnished by the bureau, containing a description of the ultimate action taken subsequent to an arrest.

SECTION 2. ORS 181.065 is repealed and section 3 of this Act is enacted in lieu thereof.

SECTION 3. (1) There is established in the department a bureau of criminal identification which shall be operated by the department.

(2) The bureau shall:

(a) Install and maintain systems for filing and retrieving fingerprint data and supplemental information submitted by criminal justice agencies for the identification of criminal offenders as the superintendent deems necessary;

(b) Employ its fingerprint record file as a basis for identifying individuals and providing criminal offender information to criminal justice agencies while acting in the performance of their official duties;

(c) Prepare and submit to the Governor reports and statistics based on information in its possession; and

(d) Undertake such other projects as are necessary or appropriate to the speedy collection and dissemination of information relating to crimes and criminals.

SECTION 4. ORS 181.510 is repealed and section 5 of this Act is enacted in lieu thereof.

SECTION 5. (1) A law enforcement agency immediately upon the arrest of a person for a crime shall:

(a) Place the required fingerprints and identifying data on forms prescribed or furnished by the bureau, photograph the arrested person, and promptly transmit the form and photograph to the bureau.

(b) If the arrest is disposed of by the arresting agency, cause the disposition report to be completed and promptly transmitted to the bureau.

(c) If the arrest is not disposed of by the agency, cause the disposition report to be forwarded to the court that will dispose of the charge for action by the court in accordance with section 6a of this 1975 Act.

(2) A law enforcement agency may record, in addition to fingerprints, the palm prints, sole prints, toe prints, or other personal identifiers when, in the discretion of the agency, it is necessary to effect identification of the persons or to the investigation of the crime charged.

(3) A law enforcement agency, for the purpose of identification, may record and submit to the bureau the fingerprints of persons arrested for crimes for which criminal offender information is not required.

(4) The prosecuting attorney shall submit to the court a disposition report for submission by the court to the bureau in accordance with section 6a of this 1975 Act.

SECTION 6. ORS 181.520 is repealed and section 6a of this Act is enacted in lieu thereof.

SECTION 6a. Courts shall cause the final court order or judgment of a crime for which criminal offender information is required to be reported promptly to the bureau. The State Court Administrator, upon notice by the bureau, shall make inquiry as to the status of an arrest which has not been reported disposed of within a reasonable time after the date of arrest.

If from such inquiry the State Court Administrator believes that a court, or its clerk or administrator, may not be making satisfactory reports of dispositions he shall report his findings in relation thereto to the Supreme Court for its action.

Section 7. ORS 181.540 is amended to read:

181.540. Notwithstanding the provisions of ORS 192.410 to 192.500 relating to [confidentiality and accessibility for public inspection of] public records[,] the fingerprints, photographs, records and reports compiled [under the provisions of ORS 181.510 to 181.530] under this 1975 Act are confidential and exempt from [are not accessible for] public inspection except: [as provided in subsection (2) of ORS 181.065, or as ordered by a court.]

(1) As ordered by a court; or

(2) As provided in rules adopted by the department under ORS 183.310 to 183.500 to govern access to and use of computerized criminal offender information including access by an individual for review or challenge of his own records.

SECTION 8. The department shall adopt rules under ORS 183.310 to 183.500 establishing procedures:

(1) Limiting access to information to criminal justice and other state and local agencies when the information is required to perform a duty or function expressly required by statute;

(2) For individual inspection and challenge of criminal record information relating to himself; and

(3) Providing for purging or expunging of inaccurate and incomplete arrest, charge and disposition information.

SECTION 9. Section 8 of this Act is added to and made a part of ORS chapter 181.

Section 10. ORS 137.225 is amended to read:

137.225. (1) Every defendant convicted of a Class C felony, or the crime of possession of the narcotic drug marijuana when that crime was punishable as a felony only, or a crime punishable as either a felony or a misdemeanor in the discretion of the court, or a misdemeanor, including a violation of a municipal ordinance for which a jail sentence may be imposed, or a violation as described by ORS 167.207 [or], 167.217 or 167.222, at any time after the lapse of three years from the date of pronouncement of judgment, if he has fully complied with and performed the sentence of the court, and is not under charge of commission of any crime, may move the court wherein such conviction was entered for an entry of an order setting aside such conviction. A copy of the motion and a full set of the defendant's fingerprints shall be served upon the office of the prosecuting attorney who prosecuted the crime or violation and opportunity be given to contest the motion. The fingerprint card with the notation "motion for setting aside conviction" shall be forwarded to the bureau. Information resulting from the fingerprint search along with the fingerprint card shall be returned to the prosecuting attorney. Upon hearing the motion the court may require the filing of such affidavits and may require the taking of such proofs as it deems proper. If the court determines that the circumstances and behavior of the applicant from the date of conviction to the date of the hearing on the motion warrant setting aside the conviction, it shall enter an appropriate order which shall state the original arrest charge and the conviction charge if different from the original, date of charge, submitting agency and disposition. The order shall further state that positive identification has been established by the bureau and further identified as to state bureau number or submitting agency number. Upon the entry of such an order, the applicant for purposes of the law shall be deemed not to have

been previously convicted and the court shall issue an order sealing the record of conviction and other official records in the case, including the records of arrest resulting in the criminal proceeding. The clerk of the court shall forward a certified copy of the order to such agencies as directed by the court. A certified copy must be sent to the Corrections Division when the person has been in the custody of the Corrections Division. Upon entry of such an order, such conviction, arrest or other proceeding shall be deemed not to have occurred, and the applicant may answer accordingly any questions relating to their occurrence.

(2) The provisions of subsection (1) of this section do not apply to:

- (a) A state or municipal traffic offense; or
- (b) A person convicted of more than one offense, excluding motor vehicle violations, whether the second or additional convictions occurred in the same action in which the conviction as to which relief is sought occurred or in another action; or

(c) A person who previously had a conviction set aside pursuant to this section.

(3) The provisions of subsection (1) of this section apply to convictions which occurred before, as well as those which occurred after, September 9, 1971.

(4) For purposes of any civil action in which truth is an element of a cause of action or affirmative defense, the provisions of this section providing that the conviction, arrest or other proceeding be deemed not to have occurred shall not apply and a party may apply to the court for an order requiring disclosure of the official records in the case as may be necessary in the interest of justice.

SECTION 11. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on July 1, 1975.

Approved by the Governor June 30, 1975.

Filed in the office of Secretary of State July 1, 1975.

APPENDIX 3

EXECUTIVE ORDER 75-23



OFFICE OF THE GOVERNOR

FILED

OCT 24 1975

CLAY MYERS
SECRETARY OF STATE

DEC 16 1975

RECEIVED

OCT 24 1975

CLAY MYERS
SECRETARY OF STATE

EXECUTIVE ORDER NO. EO-75-23

18751 IN THE MATTER OF SECURITY AND PRIVACY POLICY DIRECTION
FOR THE USE OF CRIMINAL OFFENDER INFORMATION MAINTAINED
BY THE OREGON STATE POLICE BUREAU OF CRIMINAL IDENTIFICATION.

The above matter came on before the Governor
on the 24th day of October, 1975; and

It appearing to the Governor that Chapter 786,
Oregon Laws 1975 (Enrolled HB 2579) was repealed on
September 16, 1975; and

It appearing to the Governor that the aforesaid
Chapter 786 related to criminal justice information
systems and provided certain rights and limitations
relating thereto; and

It appearing to the Governor that many of the
provisions of the aforesaid Chapter 786 are desirable
and necessary to secure the right of privacy; and

It appearing to the Governor that many of the
salutary objectives of the aforesaid Chapter 786 can
be attained by the direction of the Governor, as Chief
Executive of the State of Oregon, to the Superintendent
of the Oregon State Police in that the Department of
State Police Bureau of Criminal Identification is the
central repository of all significant criminal offender
information in Oregon; and

It appearing to the Governor that it is necessary
to provide for a trial policy which will assist the
Interim Committee on Judiciary in their deliberations
towards proposed legislation for the Fifty-Ninth Legislative
Assembly; and

It appearing to the Governor that it is necessary to
establish a system of control of criminal offender information
to fulfill Oregon's responsibility for a state plan and
implementation process pursuant to Sections 501 and 524(b)
of the Omnibus Crime Control and Safe Streets Act of 1968,
as amended by the Crime Control Act of 1973, and the Governor
being fully advised in the premises; it is, therefore

ORDERED AND DIRECTED that the compilation, maintenance and dissemination of criminal offender information (as that term is defined by ORS 181.010(2) as amended by Chapter 548, Oregon Laws 1975) shall be governed by the provisions of this Executive Order, which shall be effective only with regard to state, as opposed to regional or local, agencies; and it is further

ORDERED AND DIRECTED that the Oregon State Police and, where necessary, the Executive Department, shall do the following in implementing ORS Chapter 181, as amended by Chapter 548, Oregon Laws 1975:

Section 1. Criminal Offender Information shall be available only to the following:

- a. Criminal Justice Agencies, as defined in Section 1(9)(a) to (g) of §1 of Chapter 548, Oregon Laws 1975;
- b. A Governor-designated "Criminal Justice Agency" as provided in Section 1(9)(h) of §1 of Chapter 548, Oregon Laws 1975;
- c. Those persons or agencies granted access to such information pursuant to Sections 7 and 8 of Chapter 548, Oregon Laws 1975.

Section 2. The Oregon State Police shall not permanently maintain within its criminal offender information systems, information about the political, religious or social views, associations or activities of any individual, group, association, corporation, business or partnership unless such information directly relates to an investigation of past or threatened criminal acts or activities and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal acts or activities.

Section 3. Those persons or agencies undertaking research and evaluation on the effective date of this Executive Order not governed by Sections 4 and 5 of this Executive Order shall re-apply for access, following the procedure set forth in Section 4(2) of this Executive Order.

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Section 4. (1) All agencies designated by the Governor, as provided in subsection (b) of Section 1 of this order, shall conform to the conditions of such designation and shall be deemed designated only after following the procedures set forth in Section 6 of this Executive Order.

(2) All agencies designated by the Governor, pursuant to subsection (b) of Section 1 of this Executive Order, prior to the effective date of this Executive Order shall, within 60 days, apply to the Criminal Records Council for redesignation consideration. Such application for redesignation shall set forth the statutory or other reference upon which that agency's need for criminal offender information is based. The Council shall advise the Governor as to whether redesignation should be granted, and, if so, under what conditions, if any. If no redesignation be granted within 90 days after the effective date of this Executive Order, designation by the Governor shall be deemed to have lapsed.

Section 5. (1) Those persons or agencies granted access to criminal offender information pursuant to subsection (c) of Section 1 of this Executive Order shall make application to the Criminal Records Council pursuant to Section 6 of this Executive Order.

(2) Those persons heretofore granted access pursuant to subsection (c) of Section 1 of this Executive Order shall re-apply for access, following the procedure set forth in Section 4(2) of this Executive Order, as appropriate.

Section 6. (1) Whenever the Governor designates a "Criminal Justice Agency" pursuant to subsection (b) of Section 1 of this Executive Order or whenever an application for access is submitted to the Superintendent of the Oregon State Police or his agent, that person shall submit such application to the Criminal Records Council for its review and comment, which action shall be completed within 45 days of submission unless the Governor or the Superintendent agrees to a longer time. Upon receipt of a recommendation from the Council, the Governor or the Superintendent, as the case may be, may grant, either with or without conditions, or deny access to criminal offender information.

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(2) When the Council recommends access to criminal offender information pursuant to subsection (1) of this section, it shall:

(a) Make a specific finding of the duty and function requiring the access and a determination that the access should be granted and used exclusively for the performance of the duty and function upon which the access is based; and

(b) Recommend such conditions as may be necessary to protect the system security and individual privacy.

(3) Under departmental rules of the Oregon State Police and subsection (c) of Section 1 of this Executive Order, authorization of access to other persons or agencies by the Superintendent may be either:

(a) Access to information relating to a specific identifiable individual on a single occasion; or

(b) A general grant of access. General grants shall be for a specified period of time, not to exceed two years, and shall be required to be renewed within specified periods.

In addition to other specifications and requirements, the authorization under subsection (1) of this section shall provide for the execution of nondisclosure agreements and audits and shall specify the character of the information the Oregon State Police may provide.

(4) When the Superintendent of the Oregon State Police authorizes access to criminal offender information for research purposes pursuant to this section, the authorization shall be conditioned upon:

(a) The execution of nondisclosure agreements by all participants in the research program; and

(b) Such additional requirements and conditions, including such statements as he may find necessary to assure the protection of privacy and security interests.

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Section 7. The Superintendent of the Oregon State Police may authorize temporary access to criminal offender information for criminal justice research or evaluation projects in exigent circumstances. In such cases, the Superintendent shall set forth the reasons for such temporary grant and report the same to the Council. Such projects shall be presented to the Council in accordance with Sections 5 and 6 of this Executive Order at its next regular meeting for its recommendations. No temporary grant of access shall be valid for more than 30 days or after the next regularly scheduled council meeting, whichever is longer.

Section 8. All criminal offender information distributed by the Oregon State Police shall contain a notice in writing in substantially the following language:

"All persons are advised that the information contained in this report can only be considered accurate for a period of six months from the date of this report. For accurate information, new inquiry must be made."

Section 9. (1) Each individual shall have the right to inspect the criminal offender information maintained by the Oregon State Police concerning himself. If an individual believes such information to be inaccurate or incomplete, he may request the appropriate agencies to correct it in accordance with their respective administrative rules and procedures. Requests for correction and notification to the Oregon State Police shall be in writing.

(2) The Oregon State Police may prescribe reasonable hours and places of inspection and may impose such additional restrictions, including fingerprinting, as are reasonably necessary both to assure the record's security and to verify the identities of those who seek to inspect them.

(3) The Oregon State Police shall not charge an individual for reasonable requests to provide him with a copy of criminal offender information which refers to him.

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Section 10. The Criminal Records Council, created under Section 11 of this Executive Order, shall do the following in the exercise of its advisory functions:

1. Review, at the pleasure of the Governor, any proposed amendments to this Executive Order and all other executive orders relating to criminal offender information collected, processed, maintained, preserved or disseminated by the Oregon State Police;
2. Review all proposed rules of the Oregon State Police adopted pursuant to Sections 7 and 8 of Chapter 548, Oregon Laws 1975;
3. Monitor the implementation of this Executive Order and any amendment thereto;
4. Review procedures of the Oregon State Police and the Law Enforcement Data System for the physical security, completeness and accuracy of information contained in its information systems;
5. Coordinate, in cooperation with the Oregon State Police and the Law Enforcement Data System, a continuing education program for the proper use and control of criminal offender information;
6. Review procedures of the Oregon State Police for criminal record verification;
7. Review procedures of the Oregon State Police and Law Enforcement Data System for periodic audits of data and practices of criminal justice agencies in compliance with rules adopted by the Oregon State Police;
8. Review procedures of Oregon State Police and Law Enforcement Data System to limit access to criminal offender information;
9. Make such reports to the Governor on its activities and recommendations, as requested by him;

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10. Review and advise the state law enforcement planning agency and the Oregon State Police in the development and implementation of Oregon's Security and Privacy Plan, pursuant to Sections 501 and 524(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973.

Section 11. (1) There is hereby established the Criminal Record Council. The Governor shall appoint to the Council nine members. No more than four members of the Council shall be officials, officers or employees of criminal justice agencies listed in subsection (a) of Section 1 of this Executive Order.

(2) In appointing members to the Criminal Record Council the Governor shall attempt as far as possible to provide representation from the general public, the news media, state and local government and criminal justice agencies.

(3) The term of office of each member is four years. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment, but no person shall be eligible to serve more than two consecutive terms. In case of a vacancy for any cause, the Governor shall appoint a person to fill the office for the unexpired term.

(4) The Criminal Record Council shall advise and assist the Governor in performing the duties imposed by Section 10 of this Executive Order.

(5) Notwithstanding the term of office specified in subsection (1) of this Executive Order, of the members first appointed to the Council:

(a) Three shall serve for terms ending June 30, 1977. They are:

Ken Johnson, Salem
Gene Daugherty, Salem
Martin Sells, St. Helens

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(b) Three shall serve for terms ending June 30, 1978. They are:

Don Newell, Beaverton
Roger Wallingford, Portland
Gary Conkling, Astoria

(c) Three shall serve for terms ending June 30, 1979. They are:


Freddye Petett, Portland
Dave Smedema, Corvallis
Roz Slovic, Eugene

Section 12. In the event the Oregon State Police discovers there has been an erroneous entry in criminal offender information records maintained by it, it shall make reasonable efforts to notify any recipient person or agency known to have received such information within a reasonable period preceding discovery of the error, of the fact of such error and of the correct information.


Section 13. The Oregon State Police shall promulgate and adopt administrative rules under Chapter 183, Oregon Revised Statutes, to assure compliance with the objectives of this Executive Order in providing the best possible security and accuracy of criminal offender information.

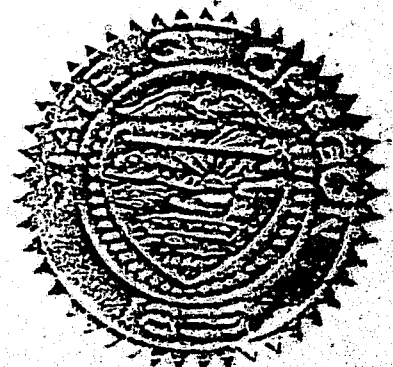
Section 14. The provisions of this Executive Order shall be in full force and effect as of January 1, 1976.

IN TESTIMONY WHEREOF, I have
hereunto set my hand and caused
the Seal of the State of Oregon
to be hereunto affixed this
24th day of October, 1975.


Governor

ATTEST:


Secretary of State



APPENDIX 4

EXECUTIVE ORDER 74-6



FEB 5 1976

EXECUTIVE ORDER NO. EO - 74 - 6

SECURITY AND PRIVACY OF OREGON COMPUTERIZED CRIMINAL HISTORY SYSTEM

Development of the Oregon Computerized Criminal History System and participation in the national system (NCIC-CCH) were authorized to respond to needs of criminal justice agencies for fast access to criminal offender records.

Oregon Computerized Criminal History files contain information on a person's record of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation and release, plus identifying data relating only to fingerprints of applicants submitted under Oregon law. These files do not contain intelligence information or other unrelated data.

The potential of this system to improve the criminal justice process is great, but increased speed and availability of information through computer terminals increases a potential for abuse or misuse of an individual's criminal history record.

Development of the Oregon Computerized Criminal History System is near completion and ready for implementation, without statutory law providing necessary security of the system or privacy of the information therein.

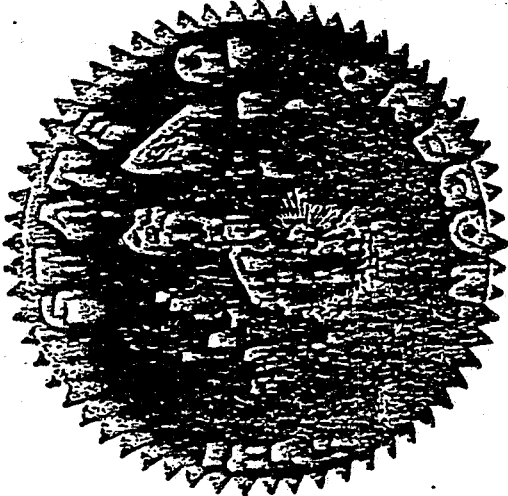
IT IS ORDERED AND DIRECTED that the Oregon State Police shall, through promulgation and implementation of rules pursuant to ORS chapter 183:

1. Be responsible for accuracy and completeness of information entered into the Oregon Computerized Criminal History System and any information subsequently transmitted for inclusion in the national system (NCIC-CCH).
2. Develop procedures to assure that access is limited to criminal justice agencies, on a basis only of official need.
3. Prescribe and require written agreements by all such agencies and regional systems to assure compliance with this executive order.
4. Implement procedures to assure each individual's right to review and challenge information in the system about himself.

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IT IS FURTHER ORDERED AND DIRECTED, under rules promulgated by the Oregon State Police pursuant to ORS chapter 183, that the Executive Department, Law Enforcement Data System, acting as the NCIC state control terminal for Oregon, be responsible for providing system development and operation, physical security of computer installation, and audit and inspection of all user terminal locations.

IT IS FURTHER ORDERED AND DIRECTED that all Oregon Criminal Justice agencies participating in, or utilizing data from, the Oregon CCH program take immediate steps under rules promulgated by the Oregon State Police pursuant to ORS chapter 183, to insure that all required information contained therein is kept as complete, accurate and current as is possible.



IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to be affixed the great seal of the State of Oregon. Done at Salem, Oregon, this 4th day of March, 1974.

Tom McCall
Governor

By the Governor:

Clay Meyer
Secretary of State

APPENDIX 5

CRIMINAL JUSTICE AGENCY CCH AUDIT

AGENCY _____ ORI _____ DATE _____

Agency staff member(s) participating _____

CCH audit conducted by LEADS staff member(s) _____

Does your agency have a terminal with CCH access capabilities?

Yes _____ No _____

If answer is no, go to questions 2, 3, 4 (a and b), 5, 6, 8 (a and b), 9, 13 and 14. If yes, complete entire questionnaire.

Terminal location(s) _____

1. Is access to CCH information by means of your terminal limited to criminal justice agencies?

Yes _____ No _____

Comment:

2. Is CCH information obtained by this department only in situations required by your agency for purposes of fulfilling it's legal responsibilities?

Yes _____ No _____

Comment:

3. Does your department make CCH inquiries that are for non-official purposes or for the checking of records for persons or agencies outside the criminal justice community? (e.g., County Commissioners)

Yes _____ No _____

Comment:

- 4a. Do you furnish CCH information only to authorized employees of criminal justice agencies?

Yes _____ No _____

Comment:

- 4b. Is any person who has been convicted of a crime which would have resulted in a sentence to a federal or state penitentiary allowed to operate your department's terminal accessing CCH information or otherwise have access to CCH information within your department.

Yes _____ No _____ (If yes, is exemption on file with OSP?)

Comment:

5. Have you performed background checks on all persons with access to the terminal or CCH information?

Yes _____ No _____

Comment:

6. Does your department have a current (signed by current agency administrator) agreement in effect?

Yes _____ No _____

Comment:

- 7a. Are all terminals (with CCH accessing capability) located in a physically secure location not available to unauthorized persons?

Yes _____ No _____

Comment:

- 7b. Are terminals so placed that unauthorized persons may not observe the content of messages transmitted or received on the terminal?

Yes _____ No _____

Comment:

- 8a. Do you maintain the terminal responses from CCH in secure files?

Yes _____ No _____

Comment:

- 8b. Are the records destroyed by burning or shredding when they are no longer needed or pertinent?

Yes _____ No _____

Comment:

9. Are your radio transmissions of CCH records limited to essential details only, with information identifying individuals and offenses concealed insofar as possible?

Yes _____ No _____

Comment:

10. Does your department use the ORI of the requesting agency for all CCH inquiries at all times?

Yes _____ No _____

Comment:

11. What means does your department use to verify the validity of remote requests for CCH information such as received by phone or radio?

Comment:

12. How are other agencies, served by your terminal, advised of the results of their CCH inquiries?

Comment:

- 13a. Does your department maintain a log or record of CCH inquiries?

Yes _____ No _____

Comment:

- 13b. If there is such a record, is it periodically verified to ensure the validity of the requests processed for your department?

Yes _____ No _____ By whom is it reviewed? _____

Comment:

- 14a. What hours is the terminal manned?

Hours:

Comment:

- 14b. If manned less than 24 hours per day is the "sign on/off" procedure used as required?

Yes _____ No _____

Comment:

Final comments and observations:

Completed audit filed at LEDS and report mailed to agency administrator on _____

Signed: _____
Law Enforcement Data System

END