



POLICY AND PROCEDURE

NO.302

Criminal Justice Agency

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Federal regulations, Chapter 1 of title 28, subparts A, B, & C and Massachusetts Law, Chapter 6, Sections 167 through 178 regulate the handling of Criminal Offender information between one Criminal Justice Agency/Agent and another Criminal Justice agency/agent. A "Criminal Justice Agency" is described as "those agencies at all levels of government which perform as their PRINCIPAL function activities relating to:

- A. Crime prevention, including research or sponsorship of research.
- B. The apprehension, prosecution, adjudication, incarceration or rehabilitation of criminal offenders.
- C. The collection, storage, dissemination or usage of criminal record information "and" which performs the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice.

If an organization, commission, bureau, unit, person, etc. does not fit into one of the above categories and requirements, then a civilian employee having access to records or a police officer cannot legally disseminate criminal offender information to such group or individual.

Requests for personal record checks of themselves by individuals should be referred to the Records Bureau for handling as the Criminal History Systems Board requires that special forms be signed, witnessed, filed and logged.

Both the Federal and State Law require that our department maintain a list of ALL (telephone, letter, verbal, radio, teletype, etc.) record check requests made by Criminal Justice Agencies OUTSIDE of our department.

Units making use of our criminal records for outside criminal justice agencies, especially during those hours when there is no one assigned to the Records Bureau, will be required to fill out a Records form which will be made available. This form is presently being used by the Records Bureau in compliance with the Rules and Regulations of the Criminal History Systems Board.

When used by other units in making record checks, it will only be necessary to insert the name of the offender being checked offender's DOB, date of request, name of individual making request and the criminal justice agency he represents (court, jail, probation, police, etc.) e.g. Police Officer John Doe of the Auburn Police Department. This form with the required entries will be left with the Records Bureau at the time of the check and Records Bureau personnel will later log and cross index the request as required by law.

Commanding officers will be responsible for carrying out this procedure. Records Bureau will log and maintain inquiries.

Per:

Edward P. Gardella
Chief of Police

EG:fl